

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF APRIL 10, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Rick Brideau, Ex-Officio – Town Employee; Chris Davies, Secretary; 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 A. Sypek.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. DISCUSSIONS WITH TOWN STAFF: Correction of scrivener's error LZO 7.6.B.3 regarding signage

Associate Planner Gandia read the memo to the Board regarding to the scrivener's error relating to signage (See Exhibit 1 memo to Planning Board dated April 10, 2019). Town Staff will correct the error in Section 7.6.B.3.

III. Old Business/Continued Plans

A. Application for formal review of a site plan to redevelop the existing automotive use, removal of the existing building and construction of a 20,950 SF two-story automotive service building and associated site improvements including site access and parking, 33 Nashua Road, Map 7, Lot 073 3, Map 7 Lot 073 6, Map 7 Lot 073 9, Map 7 Lot 073 10, Zoned C-I & C-II, Five M's Real Estate Holdings, LLC, Five M's Office Properties Holdings, LLC And Five M's Autobody Holdings, LLC (Owners) and Ford of Londonderry (Applicant) – continued from the March 13, 2019 meeting

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

R. Brideau motion to accept the application as complete per Staff's recommendation memorandum dated April 10, 2019.

S. Benson 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.

Amy Sanders, from Fuss & O'Neil introduced herself to the Board. A. Sanders said the proposed plan is to take the existing service center is located in the main building, and relocate it to a separate building. She reviewed the existing conditions with the Board, noting the total lot area is 7.5 acres. She said that the first Lot 073 3 is the dealership building with the service center that has access off Palmer Drive and Gilcreast Road. She noted the second Lot 073 6 to be the existing office building lot with paved parking and green space, stating that this lot is where most of the development they are proposing this evening would occur. She said that Lot 073 9 is the autobody lot where there is a building, paved parking, car storage and a wetland that will not be impacted. She said the last lot 073 10 is the remaining portion of the auto body lot, car storage and the Hannaford driveway. She reviewed the storm water management system and easements with the Board. She said that the light fixtures that are surrounding the property on Gilcreast Road, Route 102 and Palmer Drive would all be taken down so new lighting could be installed. She said that there is an existing curb cut, which lines up with the existing service center off Gilcreast Road, that would be closed and shifted over to the east about 125 feet to better align with the new service center building. She said that there is some gravel that has extended into the CO District boundary that will be removed and CO District boundary signage will be installed along the wetland buffer. She informed the Board that they went before the Zoning Board of Adjustment (ZBA) for variances and the variances were granted with a condition of approval being that Lot 073 3 and Lot 073 6 be merged. She said the variances that were obtained were to reduce the front setback for a retaining wall, crossing the property line for a retaining wall, reduction of overall green space, reduction of perimeter green space and for various signage on the proposed building and the new building. She told the Board they are proposing adding a new service center, which will be a two story building with a footprint of 17,165 SF. She said that access to the service center would come off Gilcreast Road where customers would drive into the service center and be greeted by someone inside the building. She pointed out that there are additional service bays along the south side of the building that would be for shorter service stays. She pointed out that a curb cut on Palmer Drive would be reduced from 60 feet to 36 feet wide and a curb cut on Gilcreast Road would be reduced from 57 feet to 36 feet. She said that for Lot 073 3 and Lot 073 6, which will be merged, 98 parking spaces are required and they are proposing 112 spaces. She noted the overall parking for the site requires a 164 spaces and they are requesting a waiver to reduce that number to 119 spaces. She said snow storage would be within the car storage areas further down onto the auto body lot. She said that currently on Palmer Drive there is an existing concrete pork chop island to direct cars to turn right only which will have the pavement markings updated to be current with New Hampshire Department of Transportation (NHDOT)

standards, and an updated right turn only sign. She stated that on Gilcrest Road the right turn pavement markings would be removed, and they would restripe the broken white line separating the two east bound lanes, as well as adding signage to demonstrate a left turn and straight in the left lane, and a right turn and straight in the right lane. She reviewed the four waivers that are being requested with the Board. Joseph Walsh, from O'Sullivan Architect, Reading MA introduced himself to the Board. J. Walsh reviewed the proposed architecture with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the design review items with the Board. He reviewed the four waiver requests with the Board. He said that the first waiver request is to Section 3.09.D.9, which Staff supports granting the waiver because the applicant has demonstrated that the proposed parking is sufficient to meet the requirements of the site, and, should additional parking be required in the future, existing vehicle display area can be converted to employee and customer parking, if warranted. He said the second waiver to Section 3.09.C.1, which Staff supports this waiver as it is limited to the existing site configuration and the new improvement proposed will meet Town standards. He said the third waiver request is to Section 4.01.c, which Staff supports this waiver as the plans are legible at the scale presented and the fourth waiver request to Section 3.08.b.3, which Staff supports granting the waiver as the existing driveway is being relocated further away from the Route 102 intersection, resulting in an improvement over the current condition. A. Chiampa said in her opinion she thought they were adding more of a modern feel to the dealership building that does not really relate to the character of commercial buildings in Londonderry. P. Commerford asked about the size of the detention pond. A. Sanders said that the detention pond was adequate and complied with town regulation of adding no run-off to any abutting sites. C. Davies asked why the curb cut reductions are not to 24 feet. A. Sanders stated that the 36 feet was to accommodate larger truck turning movements. S. Benson shared his experiences with parking at the site and expressed concern over the reduction of parking. R. Fillio explained that they are going to have more parking than they do now, even though the number is less.

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

Chairman Rugg brought it back to the Board.

R. Brideau made a motion to approve the applicant's request for 4 waivers as outlined in the Staff Recommendation Memorandum dated April 10, 2019.

T. Combes seconded the motion.

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

R. Brideau made a motion to grant conditional approval of site plan to redevelop the existing automotive use, removal of an existing building and construction of a 20,950 SF two-story automotive service building and associated site improvements including site access and parking,

33 Nashua Road, Map 7, Lot 073 3, Map 7 Lot 073 6, Map 7 Lot 073 9, Map 7 Lot 073 10, Zoned C-I & C-II, Five M's Real Estate Holdings, LLC, Five M's Office Properties Holdings, LLC And Five M's Autobody Holdings, LLC (Owners) and Ford of Londonderry (Applicant) in accordance with plans prepared by Fuss & O'Neill, dated January 4, 2018, last revised March 15, 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 10, 2019.

T. Combes seconded the motion.

The motion was granted, 8-1-0. 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 10, 2019.
2. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
3. A Notice of Lot Merger shall be filed at the Rockingham County Registry of Deeds and a note shall be added to the plan referencing the merger and the recording information.
4. The Owner's signature shall be provided on the plans.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
6. Third-party review fees shall be paid within 30 days of conditional site plan approval.
7. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.

8. Final engineering review.

PLEASE NOTE - Once these precedent conditions are met and the plans are certified, the approval is considered final. If these conditions are not met within **120 days** to the day of the meeting at which the Planning Board grants conditional 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 site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.

2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.

3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

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

6. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within

6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**

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

IV. New Plans

A. Public Hearing pursuant to RSA 231:158 for removal and trimming of trees by Eversource Energy along Adams Road, a state designated scenic road

Chairman Rugg read the case into the record.

Rick Sullivan, Arborist for Eversource introduced himself to the Board. R. Sullivan informed the Board that there are eight trees in the right-of-way on Adams Road that Eversource would like to take down to be able to better service their customers in the area. He said that he is here tonight seeking the Board's approval for this. Chairman Rugg asked if all the trees were marked. R. Sullivan stated that they were. J. Trottier informed R. Sullivan that the flagging is falling off trees #6, 7, and 8. R. Sullivan informed the Board that trees # 7 and 8 are right around the five inch diameter, which per the statute if they are under five inches a hearing is not needed, but they were added because it would be beneficial to remove them rather than trimming them. He said that there is an oak tree (#4) that they would consider not removing if the Board did not want them to. J. Trottier said that he would recommend removing tree #4 now.

Chairman Rugg opened it up to questions from the Board. J. Butler asked if they would be stumping the trees as well since these trees are on a scenic road. R. Sullivan stated that they usually do not stump trees but could do this as it is a scenic road. J. Butler asked if there was any consideration on tree replacement as well. R. Sullivan said that replacement trees were a possibility also and could look into a good area to put them. R. Fillio said that he would like tree replacement as well. G. Verani said he would like the stump removal, but did not think Eversource should have to replace trees for this. S. Benson said the stumps should be removed as well. P. Commerford and A. Chiampa agreed with the removal of the stumps.

Chairman Rugg opened it up to questions from the public and there were none.

Chairman Rugg brought it back to the Board.

R. Brideau made a motion to approval the removal of eight trees, trimming and grinding of the stumps along Adams Road per the request filed by Eversource Energy dated March 18, 2018 in

accordance with Staff's recommendation memorandum dated April 10, 2019

T. Combes seconded the motion.

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

B. Application for formal review of a site plan to construct a 12,500 square foot manufacturing addition, a 900 square foot office addition, parking lot expansion and associated site improvements, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II and Airport Overlay District, 11 Industrial Drive, LLC (Owner) and UNI-CAST, Inc. (Applicant)

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.

R. Brideau motion to accept the application as complete per Staff's recommendation memorandum dated April 10, 2019.

T. Combes seconded the motion.

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

S. Benson stepped out of the room at this time. Chairman Rugg noted that the 65-day time clock had started.

Jeremy Belanger, engineer from TFMoran, 48 Constitution Drive, Bedford, NH and Henri Fine, UNI-CAST President, 11 Industrial Drive, Londonderry, NH introduced themselves to the Board. S. Benson returned to the room at this point. J. Belanger reviewed the current conditions of the site with the Board. He said that the two existing curb cuts will remain unchanged on the property. He explained that there was a previous approval of this project in October of 2007, but because of economic downturn, the project was never started. He said that the company is doing well again and is here tonight with some slight modifications to the old plan. He pointed out that looking at the north side of the building there is a 9,633 SF manufacturing addition, a 900 SF office addition and to the south there is a 2,712 SF manufacturing addition, which will house the heat treatment oven. He informed the Board that in January, he received a variance from the ZBA to allow a portion of the addition to encroach into the setback. He said that the project is to improve the existing operation efficiency and accommodate future growth and expansion of the business. He told the Board that they have reconfigured the northern parking and added a smaller parking lot to the west. He stated that the current number of employees would remain the same and the arrival time of staff is outside the normal A.M. and P.M. peak times due to the three different shifts schedules. He reviewed the storm water management system with the Board. He said that they are proposing additional landscaping along Industrial Drive to screen the new parking area. He reviewed the

FAA permit required and the New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AOT) permit to the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the design review items with the Board. A. Chiampa asked if there needs to be separate handicap parking for the employees' entrance and the general public entrance. R. Canuel, Chief Building Inspector/Senior Code Enforcement Officer, stated that it does not need to be separate, as long as there is handicap access to the building.

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

Chairman Rugg brought it back to the Board.

R. Brideau made a motion to grant conditional approval of the site plan to construct a 12,500 square foot manufacturing addition, a 3,600 square foot office addition, parking lot expansion and associated site improvements, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II and Airport Overlay District, 11 Industrial Drive, LLC (Owner) and UNI-CAST, Inc. (Applicant) in accordance with plans prepared by TF Moran, Inc., dated January 18, 2019, last revised March 21, 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 10, 2019.

T. Combes 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 memo dated April 10, 2019.
2. All required permits and approvals shall be obtained and noted on the plan.
3. The Owner's signature shall be provided on the plans.

4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.

5. Third-party review fees shall be paid within 30 days of conditional site plan approval.

6. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.

7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.

3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. 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.

V. Other

A. Portable storage discussion

Chairman Rugg opened up the discussion. Mark Fortin, 574 Mammoth Road, introduced himself to the Board. M. Fortin passed out a memo he wrote to the Board regarding bullet points for his presentation tonight. He said that the memo was also his proposed amendments to the current ordinance regarding portable storage structures. He said that the Town Council wanted to know how other towns around Londonderry deal with portable storage structures and to his knowledge other towns deal with them as another out building conforming to the zoning setbacks. R. Brideau and M. Fortin discussed the taxability of these structures. R. Brideau commented that an out building is taxable. M. Fortin said that many businesses need semi-permanent storage and prefer these units over a shed. T. Combes pointed out that the current ordinance only allows someone to have such a unit for 6 months and this appears to be a problem for some, as they might sign a one year lease. Chairman Rugg said that the length of time in the ordinance was specific as residents did not like a neighbor having this structure for a long period of time and there were complaints. M. Fortin said that he found there were six complaints in the calendar year for these structures which is low percentage for a Town of approximately 26,000 residents. S. Benson said that it is his opinion that there are other options, such as storage areas for rent and he would not want to look out his window of his house and see a portable storage structure in his neighbor's yard for an extended period of time. M. Fortin said that the storage areas for rent are double the cost of the portable structure. S. Benson said that if someone wants permanent storage they could get the permits to build a permanent structure. M. Fortin stated that sheds degrade over time and a portable storage unit is built much better, as nothing gets in the container. Town Planner Mailloux informed the Board that they had a packet of language that had been discussed with Richard Canuel, Senior Code Enforcement Officer, regarding changes to the ordinance. She said that Staff does not support the removal of the six month restriction in the ordinance in the residential district. She did say there is some modification to the commercial and industrial sites that Staff would support. R. Canuel said that he is trying to reach a compromise between the residential neighborhoods and the businesses here in town. He said that some language that is proposed to be adjusted in the ordinance is in regards to the size of the unit, to allow a unit of up to 40 feet versus the 20 feet that is now allowed. He stated that it is his recommendation to retain the six month restriction of time on these units, as the language allows for an extension of the six months at the discretion of the Building Department with good reason. He said that a building permit has never been issued to install one of these units and the permit requirement should be removed from the ordinance. He said that even though the number of call complaints is not a lot, the permanent code enforcement officer on staff has issued notices to more than 18 properties with portable storage structures that are noncompliant. He stated that he recommends amending the ordinance for commercial and industrial use for more of an extended period of time with Planning Board approval as part of the site plan. P. Commerford asked what the course of enforcement was for these structures. R. Canuel said that a notice would be generated in the form of a letter, phone call or face-to-face meeting and if this is not addressed it becomes a notice of violation, which if not addressed becomes legal enforcement. G. Verani asked if a business wanted to extend the six month period for the portable structure, would that require a full blown site plan. Town

Planner Mailloux said that could be done under administrative review, unless there were extenuating circumstances. C. Davies suggested having these structures in the side or rear yard instead of in the front yard. M. Fortin said that had been discussed at the Town Council meeting and makes sense. S. Benson said in his opinion, he would like to keep the permit requirement for these structures. He said that he feels the Building Department some latitude, as a home with a lot of acreage will probably not generate complaints versus a tiny subdivision. He said he did not understand why this structure could not be taxed.

Chairman Rugg opened it up to questions from the Board.

Tony DeFrancesco, One Cheshire Court, addressed the Board. T. DeFrancesco thanked the Board for taking this problem on as he felt the ordinance is insufficient and needs to be rewritten. He said he thinks there should be permits for these structures, as sheds need a permit. He agreed with some of S. Benson's comments. He said that he thought the verbiage regarding the six month period needed to be addressed. G. Verani asked T. DeFrancesco what would constitute a larger parcel. T. DeFrancesco said he thinks it would depend on the terrain of the parcel and would depend upon the visibility of the structure.

Trixie LaFave, a Londonderry resident addressed the Board. T. LaFave said she is a resident and business owner and thought this would be unfair to put restrictions on what someone can do with their property.

Ben Fontaine, Londonderry Baptist Church, addressed the Board. B. Fontaine said that the church has had a portable structure for seven years. He said the reason they have one is because the shed they had was broken into and many things were stolen from them. He said the portable structure has never been broken into and it is 500 feet from the road where no neighbors can see it. He would like to be able to keep this structure as they own it.

Chairman Rugg brought the discussion back to the Board. R. Canuel said that he would collaborate with Town Planner Mailloux and add new language in and come back to the Board.

B. Commercial zoning discussions

Town Planner Mailloux said she is looking for direction from the Board regarding the proposed changes to zoning after the public information session. She reviewed the comments that were heard at the public information session with the Board noting that the public wants to keep C-I and C-II and not combine them into a Commercial Performance Zone (CPZ). She said that the public said it felt like the town was trying a one size fits all solution and that is not the impression she wants residents

to have. C. Davies said he wants to keep C-I and C-II the way they are now after listening to the public and take a look at the Performance Overlay District (POD). R. Brideau and S. Benson agreed with C. Davies. Town Planner Mailloux said that she had direction and would come back to the Board in a couple months.

C. SNHPC candidate interviews

Chairman Rugg informed the Board that P. Commerford applied to fill the alternate candidate position for the Southern New Hampshire Planning Commission (SNHPC).

R. Brideau made a motion to recommend Peter Commerford for the alternate candidate position for the SNHPC to the Town Council.

The motion was seconded by S. Benson

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

VI. Adjournment

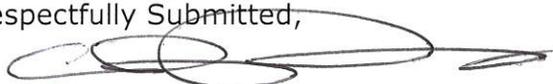
Member R. Brideau made a motion to adjourn the meeting at approximately 9:45 p.m. Seconded by T. Combes

The motion was granted, 9-0-0.

The meeting adjourned at approximately 9:45 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. Soares and seconded by R. Brideau.

STAFF RECOMMENDATION

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

Date: April 10, 2019

Application: Application for formal review of a site plan to redevelop the existing automotive use, removal of an existing building and construction of a 20,950 SF two-story automotive service building and associated site improvements including site access and parking, 33 Nashua Road, Map 7, Lot 073 3, Map 7 Lot 073 6, Map 7 Lot 073 9, Map 7 Lot 073 10, Zoned C-I & C-II, Five M's Real Estate Holdings, LLC, Five M's Office Properties Holdings, LLC And Five M's Autobody Holdings, LLC (Owners) and Ford of Londonderry (Applicant)

- Completeness: There are no outstanding checklist items.

Board Action Required: **Motion to accept the application complete per the Staff Recommendation memorandum dated April 10, 2019.**

- Waivers: The Applicant is requesting the following four (4) waivers
 1. Section 3.09.D.9-Required Parking. The Applicant is seeking to reduce the total number of required parking spaces from 164 to 119. Staff **supports** granting the waiver because the Applicant has demonstrated that the proposed parking is sufficient to meet the requirements of the site, and, should additional parking be required in the future, existing vehicle display area can be converted to employee and customer parking, if warranted.
 2. Section 3.09.C.1 – Parking Stall and Aisle Width Dimension. The Applicant is seeking to retain some of the existing parking stalls and access aisles that currently do not meet the minimum required dimension. Staff **supports** this waiver as it is limited to the existing site configuration and the new improvement proposed will meet Town standards.
 3. Section 4.01.c-Plan Scale Requirements. The Applicant is seeking a waiver to allow overview plans and circulation plans at a scale of 1"=50', where 1"=40' is required. Staff **supports** this waiver as the plans are legible at the scale presented.
 4. Section 3.08.b.3-Driveways. The Applicant is seeking a waiver to allow a driveway separation of less than 200 feet. Staff **supports** granting the waiver as the existing driveway is being relocated further away from the Route 102 intersection, resulting in an improvement over the current condition.

Board Action Required: **Motion to grant the Applicants' request for 4 waivers as outlined in the Staff Recommendation Memorandum dated April 10, 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 site plan to redevelop the existing automotive use, removal of an existing building and construction of a 20,950 SF two-story automotive service building and associated site improvements including site access and parking, 33 Nashua Road, Map 7, Lot 073 3, Map 7 Lot 073 6, Map 7 Lot 073 9, Map 7 Lot 073 10, Zoned C-I & C-II, Five M's Real Estate Holdings, LLC, Five M's Office Properties Holdings, LLC And Five M's Autobody Holdings, LLC (Owners) and Ford of Londonderry (Applicant) in accordance with plans prepared by Fuss & O'Neill, dated January 4, 2018, last revised March 15, 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 10, 2019.

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2. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
3. A Notice of Lot Merger shall be filed at the Rockingham County Registry of Deeds and a note shall be added to the plan referencing the merger and the recording information.
4. The Owner's signature shall be provided on the plans.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
6. Third-party review fees shall be paid within 30 days of conditional site plan approval.
7. Financial guarantees be provided to the satisfaction of the Department of Public Works

and Engineering.

8. Final engineering review.

PLEASE NOTE - Once these precedent conditions are met and the plans are certified, the approval is considered final. If these conditions are not met within **120 days** to the day of the meeting at which the Planning Board grants conditional 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 site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works

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

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

STAFF RECOMMENDATION

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

Date: April 10, 2019

Application: Application acceptance and public hearing for formal review of a site plan to construct a 12,500 square foot manufacturing addition, a 3,600 square foot office addition, parking lot expansion and associated site improvements, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II and Airport Overlay District, 11 Industrial Drive, LLC (Owner) and UNI-CAST, Inc. (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 10, 2019.*

- Waivers: There are no waivers 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 site plan to construct a 12,500 square foot manufacturing addition, a 3,600 square foot office addition, parking lot expansion and associated site improvements, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II and Airport Overlay District, 11 Industrial Drive, LLC (Owner) and UNI-CAST, Inc. (Applicant) in accordance with plans prepared by TF Moran, Inc., dated January 18, 2019, last revised March 21, 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 10, 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 10, 2019.

2. All required permits and approvals shall be obtained and noted on the plan.
3. The Owner's signature shall be provided on the plans.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Site Plan Regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

Why portable storage is needed.

Residential,

- Portable storage is an economical solution for many home owners for both long and short term.
 1. Some simply have a need for safe secure storage and prefer a secure container over other less secure options. Containers are built to strict ISO standards and high security features discourage crime. Containers can be moved to another location (unlikely for a shed).
 2. Others cannot afford an out building or would simply prefer to lease a unit.
 3. The ability to keep their belongings at home and not at a self-storage facility miles away from their home.
 4. Self-storage facilities are approximately 50% more expensive per sq ft.

Commercial, Industrial

- Some commercial businesses do have a need for semi-permanent on-site storage for a variety of reasons.
 1. They are a tenant and simply don't own the building
 2. There is not enough available building space on their property.
 3. The building cost is too great. Construction costs are at a 5-year high. Leasing temporary storage is often smarter than the capital expenditure of new construction.
 4. They receive nightly deliveries. Many are full truckloads and require similarly sized onsite storage.
 5. Stock fluctuations whether seasonal or for other reasons.
 6. Solves secure recordkeeping requirements.
 7. Some customers have loading docks and can utilize trailers, but many don't and require ground-level storage for ease of entry and worker safety.

Non-Profit

- Many non-profit organizations require temporary or semi-permanent storage at their site.
 - Flexible storage required to receive donations.
 - Cost-effective compared to alternatives and keeps organizations within budget.
 - Safe and secure on-site storage grounds maintenance

Schools, Government

- Utilized by municipal agencies.
- Used by schools and school organizations ranging from robotics clubs to athletic teams to safely store materials and equipment.

Misc.

- Local, community-involved companies that service Londonderry are being adversely affected by the current zoning ordinance.
 - Businesses in Londonderry are being adversely affected by the current zoning ordinance and need to have access to the tools they need to promote and grow and employ people in Londonderry.
 - They may not be able to afford an addition to their building and it may not be their property but they still employ people and pay taxes in Londonderry.
 - The town population is 26,126 and the **undocumented** complaints as per the building department is approximately 6 per year according to (Richard Canuel 3/13/2019 meeting) what this means is we have enacted a very aggressive ordinance to appease .02% of the population.
-

Actions required by surrounding towns for storage containers as of 3/8/2019

1. Amherst: Per Scott Tenney, if temporary use to build or remodel up to 30 days nothing required. If permanent use it is considered a shed, need permit for the size of unit following zoning setbacks.
2. Auburn: If temporary use apply for permit, if permanent use apply for building permit for size follow zoning setbacks.
3. Bedford: Per Karen Elmer, if temporary use nothing needed, if permanent must meet zoning setbacks no permit needed.
4. Derry: Per Bob Mackey, No permit required at all just need to follow zoning setbacks.
5. Hudson: Per Bruce Buttrick, can never be in front of the house, beside or in rear only. If temporary it can get a permit, if long term you need a building permit only if over 200 sq ft and follow setbacks.
6. Litchfield: Temporary use nothing needed, if permanent use and over 100 sq ft need a permit and follow zoning setbacks.
7. Manchester: If temporary doesn't need anything, if permanent need building permit and follow zoning setbacks.
8. Merrimack: If under 160 sq ft nothing needed, if over 160 sq ft need a building permit and follow setbacks.
9. Nashua: Per Kate Poirier, need permit if temporary, if permanent need building permit and follow zoning setbacks.
10. Salem: Per Ross Moldoff, Temporary use nothing needed, if permanent need building permit and follow zoning setbacks.
11. Windham: Per Brian Arsenault, Must be within zoning setbacks no permit needed.