

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF June 5, 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; Scott Benson; Assistant Secretary; Chris Davies, Secretary; 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; 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.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member M. Soares made a motion to approve the minutes of May 8, 2019, as presented.

A. Sypek seconded the motion.

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

B. REGIONAL IMPACT DETERMINATIONS: L. Gandia informed the Board that she had two projects for their consideration.

1. Application for design review of a condominium conversion at 39 Mammoth Road, Map 1 Lot 52-2, Zoned AR-1, Jigsaw Builders, LLC (Owners & Applicants)
2. Application for design review of a site plan to construct a 24,684 sf warehouse addition, loading dock and associated site improvements, 14 north Wentworth Avenue, Map 14 Lot 44-25, Zoned IND-II, North River Londonderry, LLC (owner & applicant)

L. Gandia recommended that the Board find these projects are not developments of regional impact as they do not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

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

A. Sypek seconded the motion.

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

C. DISCUSSIONS WITH TOWN STAFF:

1. Portable storage discussion (continued from April 10, 2019)

Chairman Rugg said that he would like this discussion moved to the other section on the agenda if it was okay with the Board. The Board agreed.

III. Old Business/Continued Plans - N/A

IV. New Plans

A. Application for formal review of conditional use permit to allow the use of a motor vehicle station, limited service (gas station), a retail sales establishment (convenience store) and a financial institution with a drive thru as an accessory use at 174 & 178 Rockingham Road, Map 15 Lots 61 and 61-7, Zoned C-II and Route 28 POD, 2V Londonderry, LLC (Applicant) and The Reagan Family Trust (Owner)

Chairman Rugg read the case into the record.

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

L. Gandia reviewed the conditional use permit (CUP) with the Board noting the applicant is asking to allow a motor vehicle station with limited service and a financial institution with a drive-thru and a drive-thru window as an accessory use in the Route 28 Performance Overlay District (POD). She told the Board that these uses are permitted in the underlying C-II zone; however, they are only permitted by CUP in the POD. She said that in order for the Board to grant a CUP in the POD the applicant must demonstrate compliance with the following:

1. Section 6.3.11.e all performance criteria outlined in
2. Section 4.6.7.7 as applicable to the application having met the proposed use is consistent with the purpose and intent of the POD

3. Section 4.6.7.2 granting of the application would meet some public need or convenience
4. Granting of the application is in the public interest.
5. The property in question is reasonably suited for the use requested and the design of the site represents to the extent practical preservation of natural resources, open space and does not create a hazard to underground water resources.

She said that the applicant indicated that the development adheres to the above mentioned performance standards of Section 4.6.7.7; however, they also indicate that waivers will be sought from the front, side and rear setbacks to the properties. She said the conceptual plan the applicant has presented does not provide the front and side buffer areas that are required under Section 4.6.7.7.d. She told the Board that under the ordinance the Board may only grant a CUP if all the applicable performance criteria are met noting that procedurally the Board may grant waivers to the POD criteria under review of a full site plan submission, but for the purposes of approving Staff recommends that the appropriate documentation be provided by the applicant to demonstrate that all applicable criteria can be met for the proposed use.

Bob Duval, Engineer with TF Moran, Inc., 48 Constitution Dr, Bedford, NH, introduced himself to the Board. B. Duval went through the criteria with the Board step by step, noting that the proposed plan does require waivers from some dimensional standards as explained in the application. He said that they are seeking the waivers due to a couple of takings that have happened by New Hampshire Department of Transportation (NHDOT) in widening Route 28. He said that they are proposing to have a reduced front buffer, along with a slightly reduced rear and side buffer along Symmes Drive to accommodate the almost 60 feet of takings. He directed the Board to review the conceptual site plan that was submitted with the application. He reviewed the second criteria with the Board stating that he feels it meets the intent of the POD, as this plan is surrounded by commercial and industrial properties. He said that he feels this plan meets public need and convenience as well. He said that the fourth criteria is met as well as the site is suitable to the space and there will be no hazard to open resources. He told the Board that there has been discussion with Staff about not having a left hand turn onto Route 28 and the applicant has agreed that the left hand turn will be dropped from the application. He asked the Board if they had any questions for him at this time.

Chairman Rugg opened it up to questions from the Board. P. Commerford asked if the gas station would be selling diesel fuel. B. Duval said that they would not sell diesel. P. Commerford said that he is not comfortable with the entrance on Route 28, even though the applicant has stated that NHDOT approved it, and he thinks the entrance should be closer to the pumps themselves. B. Duval said that the entrance location is per NHDOT and has to be in that specific location. T. Combes asked Staff if the Board grants the waivers do the conditions of the CUP have to be met. L. Gandia said that in order for the Board to grant a CUP, the applicant must be able to demonstrate they can meet all the performance criteria, and Staff is

concerned as the applicant has not demonstrated they can meet all the criteria. B. Duval voiced his concern that the application has been before the town for several months and this is the first time he is hearing that the application does not meet all the criteria because of the waivers they are requesting. He said that the applicant would much rather know that this Board would entertain these proposed uses here before going through a full blown site plan with all the costs associated with it. Chairman Rugg asked if the Board does not grant the waivers, what will happen to the plan. B. Duval said that if he does not have a CUP granted, the applicant probably cannot move ahead at all. He said that the applicant could design a plan to take out the waiver requests, noting the plan would change in a substantial way, and then take their chances with the waivers later, but they cannot do anything if the uses will not be permitted. T. Combes said he thought this location was a good use for the proposed uses. C. Davies said that he likes the location for the proposed uses as well and asked what the waivers specifically entailed, such as what the front buffer would be on the plan. B. Duval reviewed the waiver requests for the buffers noting the front buffer should be 40 feet and they are requesting 30 feet, the side buffer should be 20 feet and they are requesting 15 feet, and the rear buffer should be 20 feet and they are requesting 10 feet. M. Soares asked if the applicant could flip where the gas station and bank are on the plan. B. Duval said that they really cannot do that because of the convenience to and from the signal at Symmes Drive. M. Soares asked if the drive-thru convenience store would be Dunkin Donuts. B. Duval said that it is not a brand type coffee chain, but smaller chain. Alex Vailas, from Manchester, NH introduced himself to the Board, stating that they would agree to work with Staff along with a landscape architect to help mitigate the buffer waiver requests. G. Verani said that he feels it is a great use for the location and feels that it would be a lot to ask of a developer to design a full set of plans for waivers when they don't know if a CUP would even be granted for the uses. S. Benson asked if there was enough parking spots. B. Duval said that there are 45 parking spots required and they are providing 52 total. S. Benson said he had no problem with the use. A. Sypek and J. Butler said they also were okay with the use. L. Gandia reiterated that the only way the Board can grant a CUP is if the applicant has demonstrated they have met all the performance criteria, which from a Staff's perspective they have not done; therefore, Staff has recommended to continue the hearing until July 10, 2019. She said that way the applicant has time to show they can meet all the performance criteria.

Chairman Rugg opened the discussion up to the public.

Mark Cooper, Owner of Reliable Equipment, 3 Symmes Drive, addressed the Board. M. Cooper said that his concerns are about traffic backing up as it might affect his business. He also has concerns because there was mention of another road entering with a shared driveway, as they were asked this by a former owner, but felt that this would not be a good idea given the location of the driveway.

Chairman Rugg brought it back to the Board as there was no further public comment. B. Duval said that the connection in the back with Reliable is not important to the applicant and they would drop this from the plan. Chairman Rugg said that it is important to work closely with abutters.

C. Davies made a motion to continue the application for formal review of conditional use permit to allow the use of a motor vehicle station, limited service (gas station), a retail sales establishment (convenience store) and a financial institution with a drive thru as an accessory use at 174 & 178 Rockingham Road, Map 15 Lots 61 and 61-7, Zoned C-II and RTE 28 POD, 2V Londonderry, LLC (Applicant) and The Reagan Family Trust (Owner) per Staff's recommendation memorandum to July 10, 2019.

T. Combes seconded the motion.

G. Verani asked if the Board could show the applicant by a way of hands if the Board is in fact interested in the use at this site. B. Duval asked if the Board could grant the CUP with the condition of the waivers being approved. M. Soares said that she felt the consensus of the Board was if the applicant should come back to the Board with the waivers, the waivers would be granted, but the Board needs to know the details before doing so. C. Davies asked Staff what the applicant would have to provide to show compliance. L. Gandia said the applicant would have to come back showing a plan that demonstrates compliance in meeting all the performance criteria in order for the CUP to be granted. T. Combes asked if this gave the applicant enough time. B. Duval stated that this was enough time to work with Staff.

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

Chairman Rugg noted that the plan is continued until July 10, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

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

Chairman Rugg read the case into the record. J. Trottier informed the Board that there is one outstanding checklist item for a waiver, but Staff recommends the Board accept the application as complete for acceptance purposes only.

M. Soares made a motion to grant the waiver for acceptance purposes only from the Staff recommendation memorandum dated June 5, 2019.

A. Sypek seconded the motion.

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

M. Soars made a motion to accept the application as complete per Staff's recommendation memorandum dated June 5, 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. J. Trottier reviewed with the Board that a CUP was granted by the Board to allow this residential use in the C-III District back on December 5, 2018. He said that the applicant is requesting another CUP associated with the buffer impact from the Conservation Overlay District (COD).

Doug Brodeur, Holden Engineering, 9 Constitution Drive, Bedford, NH introduced himself to the Board. D. Brodeur said that this application is for 2 multi-family buildings, where one has six two-bedroom units and the other has 4 two-bedroom units that will be serviced by private septic and wells. He said that he has received the septic permit and wetland crossing permit from the state. He said he expects the driveway permit soon. He told the Board that the Conservation Commission did not seem to be opposed to the project and the Heritage Commission asked for them to put in lilacs, which they will do.

Chairman Rugg opened it to questions from the Board. J. Trottier reviewed the outstanding design review items with the Board. He reviewed the CUP noting that it is requesting to allow the disturbance of 14,400 SF of buffer impact within the CO District. He said that the Conservation Commission recommended approval of the CUP subject to confirmation that the proposed septic system will not export nutrients to the Nesenkeag Brook. P. Commerford voiced his concern about the wells in the development possibly affecting surrounding properties. Leonard Vigeant, introduced himself to the Board. L. Vigeant said that he does not believe that these wells will affect the surrounding properties.

Chairman Rugg opened it up to questions from the public.

Julia Parkhurst, Acropolis Road, addressed the Board. J. Parkhurst said that she is an abutter and is concerned about the water and density of the project for such a small area. She also said she is concerned about the increased traffic onto Route 102, as it is already hard to take a turn out of Acropolis now onto Route 102. She said that she does not think this plan is a good fit for this piece of land and she objects.

Richard Peterson, 22-24 Parmenter Road, addressed the Board. R. Peterson said he is concerned about the displacement of water levels and an increase in run-off as his property is very saturated already. Chairman Rugg told R. Peterson that the applicant is required to not add anymore run-off to another property. D. Brodeur reviewed the storm water management plan for the Board.

Chairman Rugg brought the discussion back to the Board as there was no further public input.

M. Soares made a motion to grant the applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated June 5, 2019 provided that they receive approval from NHDES Subsurface Systems Bureau for the proposed septic system.

A. Sypek seconded the motion.

P. Commerford asked if the applicant had approval for the proposed septic system. D. Brodeur said that they do. J. Trottier told P. Commerford that when the applicant re-submitted to the Planning Department, they most likely did not have the approval yet.

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

M. Soares made a motion to grant conditional approval of site plan to construct a two-building multifamily residential housing facility with a total of 10 two bedroom units, 244 Nashua Road, Map 3 Lot 135, Zoned C-III and Route 102 Performance Overlay District, Londonderry Church of the Nazarene (Owner) and Leonard Vigeant (Applicant) in accordance with plans prepared by Holden Engineering & Surveying, Inc., dated February 12, 2019, last revised May 10, 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 June 5, 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/Hoyle, Tanner & Associates review memo dated June 5, 2019.
2. Utility clearance letters be provided in accordance with Checklist Item XI.5.

3. 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.
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 be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

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

Chairman Rugg read the case into the record. C. Davies recused himself from this application. Chairman Rugg appointed A. Chiampa to vote for C. Davies. S. Benson left the room at this point. J. Trottier told the Board that there were no outstanding checklist items and Staff recommends the application be accepted as complete.

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

A. Sypek seconded the motion.

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

Chairman Rugg noted that the 65-day time clock had started. S. Benson came back to the Board at this point. Jeff Kevan, TF Moran, Inc., 48 Constitution Drive, Bedford, NH addressed the Board. J. Kevan told the Board that this is a lot line adjustment, where an 18 acre parcel would have a relocation of the lot line to reduce the acreage to 10 and then the remaining 8 acres would be conveyed to the neighboring parcel, Map 13, 24-1. He said that the 18 acre parcel is in Current Use and the 10 acres will remain in Current Use. He said the neighboring lot will go from 12 acres to 20 acres

with the additional 8 acres. He stated that there is no proposed development. He told the Board that they provided topography and wetlands to show that it is buildable. He said that they have provided a plan to show that the 10 acre parcel could have a driveway to it, even though the land is proposed to remain in Current Use. He reviewed the waiver requests with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the waiver requests with the Board noting the first waiver request if from Section 4.17A.23 to not require topography, wetland or HISS data on Map 13, Lot 24-1, stating that Staff supports this waiver as there is currently an existing dwelling on the parcel and the parcel is increasing in size. He said that second waiver request is from Section 4.17A.32.iii to not require HISS mapping on Map 13, Lot 24-2 and Staff supports this waiver request as sufficient HISS mapping is provided to demonstrate that the parcel meets the minimum soils based lot sizing requirements. He said the third waiver request if from Section 3.09.F.2 of the Subdivision Regulations and Checklist Item III.34 to not certify proper sight distance in meeting the requirements of Exhibit D2 and Staff does not support this waiver request. He reviewed the design review comments with the Board.

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

Chairman Rugg brought it back to the Board.

M. Soares made a motion to approve the applicant's request for waivers 1 and 2 as noted in the Staff recommendation memorandum dated June 5, 2019.

S. Benson 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 3 against Staff recommendation memorandum dated June 5, 2019.

S. Benson seconded the motion.

The motion was granted, 5-2-0. The Chair voted in the affirmative.

M. Soares made a motion to grant conditional approval subdivision plan for a lot line adjustment between 26 Perkins Road (Map 13 Lot 24-4, Zoned AR-1) and 32 Perkins Road (Map 13 Lot 24-1, Zoned AR-1), Leigh & Marcia Currier and Richard & Deborah Currier (Owners), and Reginald A. Ronzello, Jr. & Christine C. Ronzello (Owners) and Reginald & Christine Ronzello (Applicants) in accordance with plans prepared by TFMoran, Inc., dated February 11, 2019, last revised May 10, 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 June 5, 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 any outstanding DRC comments.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. There is an existing structure on Lot 13-24-4 that is located within the building setback. The structure shall either be removed, a variance obtained from the ZBA to allow the structure to remain, or documentation be provided to confirm that the structure is a lawfully pre-existing non-conforming structure and appropriate notes be provide on the plan.
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 Subdivision Regulations.
5. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
6. The Applicant shall note all general and subsequent conditions on the plans.
7. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

PLEASE NOTE – If these conditions are not met within 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. 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.
2. 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.

D. Application for formal 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)

Chairman Rugg read the case into the record. C. Davies came back to the Board at this time. M. Soares stepped out of the room at this point. Chairman Rugg appointed A. Chiampa to vote for M. Soares until she returns. J. Trottier told the Board that there were 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 June 5

C. Davies seconded the motion.

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

Chairman Rugg noted that the 65-day time clock had started. Jeff Lewis and Ian MacGregor, from Northpoint Engineering, 119 Storrs St Suite 201, Concord, NH, Bill Frazella, from Northpoint Construction, 22 Hampshire Dr, Hudson, NH and from Mu-Shied, 9 Ricker Ave, Londonderry, NH introduced themselves to the Board. J. Lewis stated that the plan is for an addition to an existing site that is surrounded by industrial uses on all sides. M. Soares came back to the Board at this point. J. Lewis stated that they are proposing an addition on the north side of the site, where there is currently a second driveway entrance and staff parking area. He said they would remove the parking area and relocate the driveway about 60 feet to the north. He said they currently have 40 employees who work at this facility from 7 a.m. to 4:30 p.m. and with the addition they may be able to accommodate an additional 20 employees. He noted that the addition will be 2/3 manufacturing and 1/3 small office component. He explained that there is a small wetland that needs to be filled in order

to put the parking lot in for which they have a wetland permit and saw the Conservation Commission. He said that the existing site has no storm water management and they now have the opportunity to provide some. He reviewed the two waiver requests they are requesting with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the waiver requests with the Board noting that the first waiver request is from Section 3.08.b.8 to not require 365 feet sight distance for the relocated driveway and Staff supports this request as the proposed driveway location provides improved sight distance over the existing location. He said the second waiver request is from Section 3.10.g.3 to allow only 20 proposed shade trees instead of 22 shade trees with two of the proposed shade trees being located in landscape bump-outs at the north end of the parking area and not in the interior parking area and Staff supports this request because with the existing trees being preserved and additional trees proposed, the applicant is providing the required number of trees, and the proposed landscape layout complies with the spirit of the site plan regulations. J. Trottier reviewed the design review items with the Board. A. Chiampa noted that the new building seems exposed to Harvey Road and asked if any planting could be done. J. Lewis said that there is a steep slope there, which is about 14 feet, and a fence will remain but it will be more exposed. M. Soares asked if the blue stripe could be put all around the building. B. Frazella stated that could be done.

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

Chairman Rugg brought the discussion back to the Board.

M. Soares made a motion to grant the applicant's request for the above waivers as outlined in the Staff Recommendation Memorandum dated June 5, 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 site plan for the construction of a 9,560 SF manufacturing addition, parking lot expansion, and associated site improvements, 9 Ricker Avenue, Map 28 Lot 22-28, Zoned IND-II, Idlewild Realty, LLC (Owner & Applicant) in accordance with plans prepared by Northpoint Engineering, LLC, Inc., dated March 22, 2019, last revised May 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 June 5, 2019.

A. Sypek seconded the motion.

J. Lewis asked if he could speak at this point. He said he did not understand what the conditions would be. M. Soares said that Staff would give him a list of conditions. J. Lewis said that he had not received any conditions yet and felt that J. Trottier skimmed through them and caught him off guard. He said that he thought they had addressed all the design review comments. He said he had a drainage analysis done and walked away from meeting with J. Trottier thinking that they provided them with exactly what was wanted. J. Trottier explained that initially they had provided drainage analysis and it was requested that the applicant provide additional information on the existing flow since the first review contained blurred plans and information provided at the end of the report with no explanation except for the reference in the appendix. J. Lewis said that after the meeting, the decision was agreed to not to analyze the off-site drainage flowing through the site. J. Trottier noted that in the subsequent report it was noted to have 0 flow in the pipe, which cannot be the case. J. Lewis said that in his opinion, they either do an off-site analysis or they do not and does not understand what he needs to provide. He said that he does not understand the comment regarding the rip-rap of the slope as it is completely against everything that he does everywhere else in the state of New Hampshire. He also asked who the town is, in the comment regarding addressing the town. J. Trottier said that would be the Planning Board. J. Trottier told J. Lewis that he advises him to have a geo-tech design the slope. J. Lewis said that is not a requirement or regulation. J. Trottier explained that he has examples in town where the slope failed where a geo-tech did not design the slope. J. Lewis reiterated again that the town regulations do not speak to this and would encourage the town to add this to ward off any further confusion. M. Soares stated that the applicant can accept the conditions or continue the case and work with Staff. J. Lewis said that he felt it would be nice to have the conditions read out in entirety. M. Soares noted that it has always been the practice of the Board to hand the conditions of approval once agreed upon and have never handed it over before agreement. S. Benson asked if reading the conditions tonight would give the applicant the appropriate time or would continuing the case be more appropriate. M. Soares asked J. Trottier if he would give the comments to the applicant if the case was continued. J. Trottier said that he would. M. Soares withdrew her first motion and A. Sypek withdrew his second. Chairman Rugg noted that the conditions have to be met before the plan is signed. J. Lewis said this would be helpful.

M. Soares made a motion to grant conditional approval of site plan for the construction of a 9,560 SF manufacturing addition, parking lot expansion, and associated site improvements, 9 Ricker Avenue, Map 28 Lot 22-28, Zoned IND-II, Idlewild Realty, LLC (Owner & Applicant) in accordance with plans prepared by Northpoint Engineering, LLC, Inc., dated March 22, 2019, last revised May 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 June 5, 2019.

A. Sypek seconded the motion.

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

V. Other - Portable storage discussion (continued from April 10, 2019)

Chairman Rugg stated that Richard Canuel could not be here tonight. M. Soares asked if there was only one allowable request for an extension, meaning a portable storage unit could be on someone's property for 24 months. Chairman Rugg noted it was a six month extension and the most a resident could have it was for one year. A. Chiampa voiced her concern regarding the 40 foot length of such a storage unit. M. Soares asked what the standard size of a portable storage unit was. Marc Fortin, Fortin Realty, addressed the Board. M. Fortin said that the most common portable structure is 20 feet long and that he does not think 40 feet is common. T. Combes asked how big a dumpster is that some residents have used. M. Fortin said he thought they were 25-30 feet long. A. Sypek voiced his concern regarding the language in the ordinance stating that he would like it reviewed to be more specific. G. Verani said that he felt the Board should wait until Richard Canuel can be at the meeting. Chairman Rugg said he thought that was the best idea as well.

VI. Adjournment

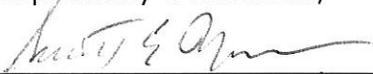
Member M. Soares made a motion to adjourn the meeting at approximately 9:35 p.m. Seconded by T. Combes

The motion was granted, 8-0-0.

The meeting adjourned at approximately 9:35 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Scott E. Bencan
Title: Assistant Secretary

These minutes were accepted and approved on July 10, 2019, by a motion made by M. Soares and seconded by R. Bideau.

STAFF RECOMMENDATION

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

Date: June 5, 2019

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

- Completeness: There is one outstanding checklist items for which the Applicant has requested a waiver for acceptance purposes only. If the Board grants the waiver as requested, Staff recommends the application be accepted as complete.
 1. Checklist Item XI.5 – Utility clearance letters should be provided.

Board Action Required: **Motion to waive the outstanding checklist items for acceptance purposes only as outlined in Staff’s recommendation memorandum dated June 5, 2019.**

Board Action Required: **Motion to accept the application complete per the Staff Recommendation memorandum dated June 5, 2019.**

- Conditional Use Permit: A Conditional Use Permit was granted by the Planning Board to allow a residential use in the C-III District at its December 5, 2018 hearing.
- Conditional Use Permit: A Conditional Use Permit is requested to allow disturbance of 14,400 square feet of buffer impact within the Conservation Overlay District.

The Conservation Commission has recommended approval of the Conditional Use Permit subject to confirmation that the proposed septic system will not export nutrients to Nesenkeag Brook.

Board Action Required: **Motion to grant the Applicant’s request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated June 5, 2019 provided that they receive approval from NHDES Subsurface Systems Bureau for the proposed septic system.**

- 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 construct a two-building multifamily residential housing facility with a total of 10 two bedroom units, 244 Nashua Road, Map 3 Lot 135, Zoned C-III and Route 102 Performance Overlay District, Londonderry Church of the Nazarene (Owner) and Leonard Vigeant (Applicant) in accordance with plans prepared by Holden Engineering & Surveying, Inc., dated February 12, 2019, last**

revised May 10, 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 June 5, 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/Hoyle, Tanner & Associates review memo dated June 5, 2019.
2. Utility clearance letters be provided in accordance with Checklist Item XI.5.
3. 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.
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.

MEMORANDUM

To: Planning Board

Date: June 4, 2019

From: Planning and Economic Development
Department of Public Works & Engineering
Hoyle, Tanner & Associates, Inc.

Re: Multi-Family Residential Site Plan
244 Nashua Road
Map 3, Lot 135

Owner: Londonderry Church of the Nazarene
Applicant: Leonard Vigeant

Holden Engineering & Surveying, Inc. submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Hoyle, Tanner and Associates, Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. The Applicant has not provided utility clearance letters for all of the indicated utilities on the plans per Londonderry Site Plan Regulations (LSPR) sections 3.04. and 4.18.b. and item XI.5. of the checklist. We recommend that the Applicant provide utility clearance letters in accordance with the regulations. The Applicant has provided a "will serve" letter from Eversource. The Applicant has requested a **waiver** of these items for acceptance purposes only.

Design Review Items:

1. The Applicant has not provided copies of all required permits as required by checklist item XII. The Applicant indicates the New Hampshire Department of Transportation (NHDOT) Drive Permit, and the Conditional Use Permit (CUP) related to buffer disturbance are pending. When received, copies of all permits should be submitted for the Planning Department file. The Applicant has shown over 100,000 square feet of disturbance, but has indicated that the New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain Permit (AoT) is N/A.
2. The Applicant has noted where the CO signs shall be provided; however, the sign symbol (which looks like the bollard symbol in the legend) should be updated and added to the legend. We also suggest that the Applicant clarify the intent to (or not to) provide CO signs on the immediate edge of wetland along the boundary of the wetland abutting Nashua Road. (The current submittal, Sheet 8 shows four signs with a note "Do not disturb CO District".)
3. The Applicant has provided match lines for the road and building area on the sheets split between multiple sheets in accordance with item III.6. of the Checklist requirement; however, match lines should be added in the vicinity of the stormwater management area.
4. The Applicant should provide documentation that necessary approvals have been obtained from the NHDOT since the proposed driveway is on a State road (NH Route 102) in accordance with LSPR section 3.08.b.2. (The Applicant has noted that the NHDOT Drive Permit is pending.)
5. The Applicant has indicated that 11.8 cubic yards of additional flood storage is provided; however, storage calculations were not provided. The Applicant has indicated that the volume was calculated using an electronic method and that they are unable to provide calculations. The Applicant has provided a sketch plan showing the cut and fill estimates.
6. The Applicant should provide an owner's signature on the *Existing Conditions* plan as required by item V.13. of the checklist.

7. We recommend that the Applicant clarify/address the following on the **Drainage & Grading Plan**:
 - a. The Applicant should provide structure labels on Sheet 8.
 - b. The Applicant has shown an access path to the top of the basin to allow for maintenance; however, the outlet swale and spillway are not reachable from this path. Since the only access to the outlet swale and spillway would involve potential impacts to the Conservation Overlay District, we suggest that the Applicant show or describe the intent to maintain those elements.

8. We recommend that the Applicant clarify/address the following details related to the **stormwater/drainage plans**:
 - a. The Applicant has added an overflow spillway and detail; however, the Applicant should provide a complete typical section at the detention basin as required by checklist item X.12.
 - b. Typical Treatment Swale Section: The "D min." dimension leader should be corrected to show the intent for both ends of the dimension leader. (The upper end of the leader stops randomly in the middle of the 4" topsoil depiction.)
 - c. The Applicant should adjust the "Bottom Elev. (F)" in Section A-A of the Outlet Structure Detail to match the table elevation of 279.50' in the detail.
 - d. The Applicant should confirm that all notes indicated in Env-Wq 1504.16 (Alteration of Terrain requirements) are noted on the plans.

9. We recommend that the Applicant clarify/address the following details related to the **Erosion & Sediment Control Plan**:
 - a. The Applicant should review the intent to provide erosion control measures perpendicular to the contour lines. The Applicant should consider reconfiguring the measure to more closely match the proposed grading such that the risk of rilling is minimized from water running along the measure.
 - b. The Applicant should add the proposed erosion control measure symbols to the plan legend.
 - c. The Applicant should review the need for erosion control measures to be installed in the southern temporary diversion swale. We note that this is often found useful to minimize large amounts of sediment reducing capacity in the temporary sedimentation basin.

10. We recommend that the Applicant clarify/address the following related to **Site Layout and Design** Plan Sheet 6, *Site Layout & Materials Plan*:
 - a. The Applicant has noted the intent for a second parking space for each unit to be provided outside of the garage. We note that the areas provided are less than 20 feet long (parking space size required by LSPR 3.09.c.1.). We recommend the plan be revised in compliance with the Regulations.

11. In accordance with LSPR 4.14.c.4. the Applicant has included guardrail details, including end unit platform, within the construction detail drawings; however, the guardrail end terminal detail provided is noted as being a G-2 unit which is believed to be in error. The Applicant should revise the detail accordingly.

12. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of the Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.
 - c. Please verify the comments of the Fire Department have been adequately addressed with the Fire Department.

Board Action Items:

1. The Applicant is requesting one (1) waiver to the Site Plan Regulations as noted in the waiver request letter dated June 4, 2019. The Board will need to consider the waiver under this application.
2. The Applicant is proposing improvements within the Conservation Overlay District that will require a Conditional Use Permit (CUP) approval by the Planning Board. The Board will need to consider the Conditional Use Permit as part of the review.

Board Information Items:

1. The Applicant has received one CUP approval to allow Multi-family Housing in the C-III District that was approved on December 5, 2018.
2. The Applicant's proposed driveway exceeds the maximum 24 feet per section 3.08.b.6 of the regulations. We understand the Planning Board can specifically approve an exception to the driveway width not to exceed 36 feet. By approval of this plan, the Board is granting an exception under Section 3.08.b.6 to allow a 28 foot wide driveway.

STAFF RECOMMENDATION

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

Date: June 5, 2019

Application: Application for formal review of a site plan for the construction of a 9,560 SF manufacturing addition, parking lot expansion, and associated site improvements, 9 Ricker Avenue, Map 28 Lot 22-28, Zoned IND-II, Idlewild Realty, LLC (Owner & Applicant)

- **Completeness:** There are no outstanding checklist items and Staff recommends the Board accept the application as complete.

Board Action Required: Motion to accept the application complete per the Staff Recommendation memorandum dated June 5, 2019.

- **Waivers:** The Applicant is requesting two waivers for this project:
 1. Waiver from Section 3.08.b.8 to not require 365 feet sight distance for the relocated driveway. Staff **supports** this request as the proposed driveway location provides improved sight distance over the existing location.
 2. Waiver from section 3.10.g.3 to allow only 20 proposed shade trees instead of 22 shade trees with two of the proposed shade trees being located in landscape bump-outs at the north end of the parking area and not in the interior parking area. Staff **supports** this request because with the existing trees being preserved and additional trees proposed, the Applicant is providing the required number of trees, and the proposed landscape layout complies with the spirit of the site plan regulations.

Board Action Required: Motion to grant the Applicant's request for the above waivers as outlined in the Staff Recommendation Memorandum dated June 5, 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 for the construction of a 9,560 SF manufacturing addition, parking lot expansion, and associated site improvements, 9 Ricker Avenue, Map 28 Lot 22-28, Zoned IND-II, Idlewild Realty, LLC (Owner & Applicant) in accordance with plans prepared by Northpoint Engineering, LLC, Inc., dated March 22, 2019, last revised May 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 June 5, 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 June 5, 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. Executed easement shall be presented to the Town for its review and approval.
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** from 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: June 5, 2019

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

- Completeness: There are no outstanding checklist items and 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 June 5, 2019.

- Waivers: The Applicant has requested the following three waivers to the Subdivision Regulations:
 1. The Applicant has requested a waiver from Section 4.17A.23 to not require topography, wetland or HISS data on Map 13, Lot 24-1. Staff supports this waiver as there is currently an existing dwelling on the parcel and the parcel is increasing in size.
 2. The Applicant has requested a waiver from Section 4.17A.32.iii to not require HISS mapping on Map 13, Lot 24-2. Staff **supports** this waiver request as sufficient HISS mapping is provided to demonstrate that the parcel meets the minimum soils based lot sizing requirements.
 3. The Applicant has submitted a waiver request from Section 3.09.F.2 of the Subdivision Regulations and Checklist Item III.34 to not certify proper sight distance in meeting the requirements of Exhibit D2. Staff **does not support** this waiver request.

Board Action Required: Motion to approve the Applicant's request for waiver 1 and 2 above, per Staff's Recommendation Memorandum dated June 5, 2019.

Motion to deny the Applicant's request for waiver 3 above, per Staff's Recommendation Memorandum dated June 5, 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 subdivision plan for a lot line adjustment between 26 Perkins Road (Map 13 Lot 24-4, Zoned AR-1) and 32 Perkins Road (Map 13 Lot 24-1, Zoned AR-1), Leigh & Marcia Currier and Richard & Deborah Currier (Owners), and Reginald A. Ronzello, Jr. & Christine C. Ronzello (Owners) and Reginald & Christine Ronzello (Applicants) in accordance with plans prepared by TFMoran, Inc., dated February 11, 2019, last revised May 10, 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 June 5, 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 any outstanding DRC comments.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. There is an existing structure on Lot 13-24-4 that is located within the building setback. The structure shall either be removed, a variance obtained from the ZBA to allow the structure to remain, or documentation be provided to confirm that the structure is a lawfully pre-existing non-conforming structure and appropriate notes be provide on the plan.
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 Subdivision Regulations.
5. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
6. The Applicant shall note all general and subsequent conditions on the plans.
7. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.

9. Final engineering review.

PLEASE NOTE – If these conditions are not met within 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. 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.
2. 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.

MEMORANDUM

To: Planning Board

Date: June 5, 2019

From: Planning and Economic Development
Department of Public Works & Engineering
Stantec Consulting Services, Inc.

Re: Map 28– Lot 22-28
Site Plan – MuShield Expansion Tax
9 Ricker Avenue

Owners: Idlewood Realty LLC
Applicant: Idlewood Realty LLC

Northpoint engineering, LLC. submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The project proposes to remove an existing driveway and construct a new driveway in a different location that does not meet the minimum sight distance requirements per section 3.08.b.8 of Site Plan Regulations. We note that the sight line information indicated for both the existing and proposed new driveway on sheet 8 is shown within the right of way limits of Ricker Avenue, which indicates the new driveway would provide a longer sight line than the existing, but less than the minimum required by the regulations. A 365-foot sight line (per section 3.08.b.8 of the regulations) is also shown from the proposed driveway location that passes through the existing building on abutting lot 22-26. The Applicant has submitted a **waiver request** for the proposed sight distance for the new driveway location.
2. The Applicant's landscape design does not provide the minimum shade trees per section 3.10.g.3 of the regulations. The Applicant has submitted a **waiver request** for this requirement.
3. The Applicant's response letter indicates an FAA permit has been submitted, but the submitted checklist does not identify this permit as submitted. The Applicant should obtain all project permits, indicate the permit approval numbers in note 15 on the Site Plan, and provide copies of all permits for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
4. The Applicant's revised detention basin design does not provide the minimum 12" freeboard above the 50-year storm elevation in accordance with section 3.07.g.3 of the regulations. Please revise the detention basin design and storm water analysis as necessary to provide the minimum 12" freeboard above the 50-year elevation in compliance with the regulations.
5. The Applicant's revised detention basin outlet structure location and design does not provide proper cover over the proposed outlet pipe in accordance with Exhibit D108 and section 3.07.g.3 of the regulations. Please update the design accordingly.
6. The Applicant should provide the Owner's signature on the cover sheet, existing conditions, site plan, and landscape plan in accordance with the regulations.
7. The Applicant should provide a certification on all the driveway sight distance plans per exhibit D3 of the regulations. Please update the plans accordingly.

1. We recommend the Applicant clarify/address the following on the **Existing Conditions and Removals Plans**:
 - a. Please indicate and label the existing sewer service location on the existing conditions plan.
 - b. Please label the missing sewer service invert at the manhole in Ricker Avenue on the plans.
 - c. We recommend that the Applicant label the encroachment area along the westerly driveway as "Allowed per license agreement" and note the book and page of the license agreement consistent with information provided with this submission.
 - d. The removals plan does not indicate the pipe stub shown on the existing conditions plan at CB A. Please update this plan and all other plans accordingly to be consistent.

8. We recommend the Applicant clarify/address the following on the **Site Plan and Grading, Drainage, and Utility Plans**:
 - a. The Applicant should provide a note on the site plan that no outside storage is proposed consistent with information noted in the response letter provided with this submission.
 - b. A monument is missing on the site plan along Ricker Avenue at the end of right of way tangent per section 4.12.c.4 and item V.3 of the checklist. This monument is removed under the removals plan. Please update to provide an appropriate monument in this location in accordance with the regulations.
 - c. We recommend that distances along the lot line and Ricker Avenue from the lot corner with lot 22-29 at Ricker Avenue be provided to the location of the proposed easement along the existing drainage system crossing the site to properly locate the proposed easement. The Applicant should review and update the easement information for completeness.
 - d. Please review and update note 12 that references water service provided by Pennichuck Water, which is incorrect based upon the submitted water utility letter provided with this submission.
 - e. Please revise the pavement sawcut for the proposed water service on sheet 4 to a diamond shape consistent with the Town's permanent pavement patch detail R105 provided on sheet 11.
 - f. It appears that clearing is needed to install the relocated fence along Harvey Road, but the plans does not appear to address the clearing. Please review and update accordingly.
 - g. The revised design submission includes a proposed fire hydrant. Please verify the proposed hydrant location meets the approval of the Fire Department as required by the regulations. In addition, please include a hydrant construction detail in the plan set.
 - h. The revised grading plan does not indicate a driveway low point located a minimum of ten (10) feet from the roadway edge of pavement is provided as typically required by the Town. The Applicant should provide additional spot elevations to clarify a driveway low point is provided acceptable to the Department of Public Works. In addition, please update the typical driveway detail on sheet 10 to indicate a low point at 10 feet.
 - i. The Applicant is proposing grading steeper than 3H:1V especially along Harvey Road. It is our understanding the Town recommends slope steeper than 3H:1V be riprap. We recommend the Applicant update the proposed grading design acceptable to the Town.

9. The driveway sight distance plan on sheet 8 appears to indicate the proposed landscaping would impact the northerly sight lines. Please revise as necessary to eliminate the proposed landscaping for impacting the driveway sight lines.

10. We recommend the Applicant address the following relative the **Project Details**:
 - a. The typical outlet structure detail on sheet 11 does not provide the top grate elevation (A) and does not match the information noted in the drainage analysis. The Applicant shall

revise the detail and drainage analysis to be consistent and representative of the proposed design intent.

- b. A detail for the indicated nitrogen tank enclosure indicated on the site plan is missing from the details. Please update the details accordingly.
- c. A detail for the proposed fence relocation indicated on the site plan is missing from the details. Please update the details accordingly.
- d. Please update the sewer trench detail and sewer chimney detail to be consistent with the Town's typical details – Exhibit SW1 and SW5.
- e. Please verify the proposed water details are consistent with the requirements of Manchester Water Works, since it appears that the details are for Pennichuck Water and revise as necessary.
- f. Please clarify that the minimum 5-foot diameter catch basin shall be provided for the double grate catch basin as required by the Town. Please update the catch basin detail on sheet 11 accordingly.

11. We recommend the Applicant address the following relative to the **Project Drainage Report**:

- a. The Applicant has modified the design approach and eliminated the existing upstream flow (zero flow) within the existing drainage system that is not appropriate for this project. We had requested that the Applicant provide additional information on the existing flow since the prior submission review noted: *"We note that there are blurry plans and information provided at the end of the report, but there is no explanation except for a reference in the appendix "Excerpts from the Dexter Manufacturing Drainage Analysis". The submitted information notes that flow from the easterly side of Harvey Road flows through the site, but the Applicant does not explain how the information in the analysis was derived and thus it is unclear. For clarity, please provide legible plans and additional information to explain the referenced and included information. In addition, please provide information to support how the additional information is derived and used in the analysis."* Please update the design analysis to appropriately address the prior review comment and include the existing upstream flow in the existing drainage system that is impacted by the proposed project design and verify the proposed project design complies with the regulations – no increase in runoff.
- b. Under the revised post development analysis, the 2.70 CFS flow of post subcatchment 41 is indicated to flow to CB1, which now indicates some flow would bypass the basin and flow downstream that is not appropriate. Thus, the Applicant should provide a double grate catch basin (with a 5 ft. diameter structure) at this location. Please update the project plans and details accordingly.
- c. Post development subcatchment 60S calculation does not appear to properly include all of the proposed dumpster pad or address the associated woods clearing based upon the indicated size of the dumpster pad and clearing. Please update the calculation to be representative of the post development condition and verify compliance is achieved (no increase in runoff).
- d. The revised analysis at the detention basin – pond 3 does not properly indicate the proposed outlet device features including the vertical slotted weir as noted above in the details. Please update the post development outlet structure device #3 in pond 3P to be representative of the design intent and properly represented in the detail on sheet 11 of the project plans.
- e. Proposed HW 1 at elevation 252.08 and 18" pipe outlet from CB2 at elevation 252.30 would be completely submerged during the 25-year event with a detention basin peak elevation of 254.24 as noted in the revised and submitted drainage calculations. We recommend the

design be revised to eliminate or reduce the submergence of the pipe during the 25-year design storm as typically required by the Town. Please update the design acceptable to the Department of Public Works.

- f. Please update the post-development drainage area plans to include the areas for subcatchment 42 and revise the label for subcatchment 21 to be #20 consistent with the analysis.
- g. The report now includes an operation and maintenance manual for the stormwater management systems including a maintenance checklist as typically requested by the Town. We recommend the post development operation and maintenance manual information provided in the revised report and also be placed within the project plans set as typically requested by the Town, perhaps on a separate sheet. In addition, we recommend the project notes be updated to state copies of the operation and maintenance inspection reports shall be filed with the Town on an annual basis as typically requested by the Department of Public Works.

12. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of Fire Department have been adequately addressed with the Conservation Commission.
 - c. Please verify the comments of Conservation Commission have been adequately addressed with the Commission.

Board Action Items:

1. The Applicant has submitted a written waiver request for two (2) waiver to the Londonderry Site Plan Regulations as noted in a letter dated May 16, 2019. The Board will need to consider each of the waiver requests as part of the project review.

Board informational Items:

1. The Applicant proposed driveway is dimensioned at 26 feet and exceeds the maximum 24 feet per section 3.08.b.6 of the regulations. In addition, it appears that the modified existing southwesterly driveway is dimensioned as 33.5' and exceeds 24 feet. We understand the Planning Board can specifically approve an exception to the driveway width not to exceed 36 feet.