

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF NOVEMBER 13, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Chris Davies, Secretary; Giovanni Verani, Ex-Officio – Town Manager; Al Sypek, member; Scott Benson, Assistant Secretary; Ted Combes, Town Council Ex-Officio; Jake Butler, member; Ann Chiampa (alternate member); Roger Fillio (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; Amy Kizak, GIS Manager/Comprehensive 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. Chairman Rugg appointed A. Chiampa to vote for M. Soares.

II. ADMINISTRATIVE BOARD WORK

- A. APPROVAL OF MINUTES: N/A
- B. REGIONAL IMPACT DETERMINATIONS: N/A
- C. DISCUSSIONS WITH TOWN STAFF: N/A

III. Old Business

- A. Application for formal review of a lot line adjustment and subdivision to adjust the lot line between 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner) and 55 Wilson Road, Map 18 Lot 24-5, Zoned AR-1, Douglas B. & Maria F. Jones (Owners) and subdivide the adjusted parcel to create 9 residential lots, 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner and Applicant) - continued from October 9, 2019 **Applicant has requested continuance to December 11, 2019.**

Chairman Rugg read the case into the record noting it has been continued from October 9, 2019 and the applicant has requested another continuance until December 11, 2019.

A. Sypek made a motion to continue the application for a lot line adjustment between 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner) and 55 Wilson Road, Map 18 Lot 24-5, Zoned AR-1, Douglas B. & Maria Jones

(Owners) AND subdivision to create 9 residential lots, 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner and Applicant) until November 13, 2019.

S. Benson seconded the motion.

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

Chairman Rugg noted that the plan is continued until December 11, 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 for an elderly housing development consisting of 28 single family units and 14 duplex units, and associated site improvements, 48 Old Nashua Road, Map 3 Lot 155, Zoned AR-1, DFC Development, LLC (Owner & Applicant) – continued from October 2, 2019 meeting

Chairman Rugg read the case into the record noting it was continued from the October 2, 2019 meeting. J. Trottier reviewed the background information from the month before regarding the DRC comments, engineering and waiver requests.

Doug MacGuire, from The Dubai Group, Inc., 84 Range Road, Windham, NH, addressed the Board. D. MacGuire told the Board that he met with both Staff and the third party engineering firm to go over the outstanding issues. He said that they resubmitted an application for formal review after the meeting. He told the Board that he has nine waiver requests and reviewed each one with the Board in detail. He noted that the first request is to Section 3.076g.3 of the Site Plan Regulations to allow drainage pipe cover to be less than three feet in three locations. He pointed out the second waiver request is from Section 4.01.c of the Site Plan Regulations to allow for a plan scale of 1"=60' to four plan sheets. He said the third waiver request is from Section 3.09.F.2 of the Subdivision Regulations related to sight distance profiles. He asked the Board for a waiver to only show one sight distance profile and not to every driveway. He told the Board the fourth waiver request is from Section 3.09.F.3 of the Subdivision Regulations to allow the driveway to be greater than 12 feet wide. He said the fifth waiver request is from Section 3.09R of the Roadway Design Standards to allow a roadway width of 24 feet where 28 feet is required. He told the Board that the applicant has met with the Fire Department and they are okay with this due to the size and length of the driveways. He said the sixth waiver request is from Section 3.09.R of the Roadway Design Standards to allow a roadway right-of-way of 40 feet where 50 feet is required, as he noted this type of request has been granted in other 55+ communities in town. He said the seventh waiver request is from Section 3.09.R of the Roadway Design Standards to allow for a reduction in speed from 35 mph to 25 mph as it is a private roadway. He said the eighth waiver request is from Section 3.07.g.2 of the Site Plan Regulations to allow a velocity of less than two feet per second in pipes, C2, C13, C14 and C15. He reviewed the four pipes in question on the plan with the Board. He said the ninth waiver request is from Section 3.07.c.1 of the Site Plan Regulations to allow for pipe C3 to be surcharged during the 25-year storm. J. Trottier told the Board

that staff supports granting all nine waiver requests. He said that Staff believes that an additional waiver is required, but has not been formally requested by the applicant. He noted that behind the proposed Units 11-15, the applicant has proposed to use an alternate CO district marker, flush-mounted with the ground, rather than the sign required by Section 5.06 of the Site Plan Regulations. He explained that Staff supports granting this waiver, with the condition that a detail be added to the plans for the proposed flush-mounted marker to be approved by the Conservation Commission and Town Staff. He pointed out that the proposed project includes 6,923 square feet of disturbance within the Conservation Overlay District which requires a Conditional Use Permit (CUP). He said the Conservation Commission recommended approval of the CUP provided that:

1. Plans show all conservation buffer boundaries
2. Conservation buffer signs to be installed before construction starts
3. Management plan and landscaping contract must both direct that there are to be no chemicals used or no turf grass planted in buffer and the management plan be reviewed annually.

He told the Board that they are requesting a zoning exception from Residential Phasing requirements to allow more than 15 building permits to be issued per year and Staff supports granting this as well.

Chairman Rugg opened it up to the Board. A. Chiampa said that there is a letter from a concerned neighbor regarding water, traffic and safety. P. Commerford said that he reached out to the Environmental Protection Agency (EPA) regarding the septic plan and stated they are okay with this design, recommend pumping them out every six months and also stated having a maintenance plan is crucial for this. He asked about the maintenance plan. D. MacGuire told the Board that the Home Owners Association (HOA) would be in charge of the maintenance and scheduling. He noted that every unit will have their own tank and offered some suggestions regarding how this will be handled by the HOA. He explained that the individual tanks will help to find the source of a problem if they encounter one. P. Commerford said that in his opinion, the maintenance plan should be drafted now before a system is agreed upon. He voiced his concern regarding this development having one well, as he believes this will create a water problem. He also added that he believes traffic is going to be an issue, as this is already a heavy trafficked area. G. Verani asked about the overall road length. D. MacGuire told the Board that the cul-de-sac in total is about 1500 feet. A. Sypek asked at what percentage the HOA will take over the ownership of the development due to the concerns regarding the maintenance of the septic system. G. Verani said that the builder will be responsible for this until the HOA is created. D. MacGuire told the Board that he has submitted condominium documents, which will be in place upon the Board's approval. J. Butler asked about the price of the units. D. MacGuire said that he believes the price will be lower than the larger 55+ communities in town, but did not have an exact price. R. Fillio asked about the conservation medallions during construction. D. MacGuire answered that they will be using the regular conservation signage in some places and other places using medallions to help delineate the buffer. He said that they will put in temporary markers during construction, not the medallions.

Chairman Rugg opened it up to the public.

Mike Speltz, 18 Sugar Plum Lane, resident and member of Conservation Commission addressed the Board. M. Speltz told the Board that something similar was done at the Nevins development and feels that this situation will be the same. He said that he felt the houses on the buffer line will assume they have a backyard and does not feel like this is a good idea. He asked about how the landscaping company will handle this and turf grass. He said he would not recommend the medallions and told the Board that the Conservation Commission recommended the applicant reduce the number of homes, such as the houses on the buffer line, to be able to give each homeowner a backyard. He added that he thinks the site plan regulations should be amended on cul-de-sacs.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin asked about the single well servicing the site and if they received approval. D. MacGuire said they do not have final approval yet, but are working on it. R. Breslin told the Board that he believes the town is not sure where they stand with water, as there have been two water studies completed this year. He asked if this site could be serviced by public water. Chairman Rugg told him that would be a question for Pennichuck. He asked about the leach fields for the site. D. MacGuire reviewed the leach fields on the plan with the Board. He explained that the septic systems in a 55+ community are low use. R. Breslin asked how many people could live in the two bedroom. Chairman Rugg noted that there is no official limit on the number of people.

Chairman Rugg brought the discussion back to the Board as there was no further public input. R. Fillio asked about how the landscaping will be handled. D. MacGuire told him that the orange fence they are putting up during construction will allow for better delineation of the buffer for the future and no residents will be mowing the lawn on their own. C. Davies asked if things could be shifted regarding the proximity of two of the units in relation to the buffer. D. MacGuire explained how they have constraints that will not allow for this.

A. Sypek made a motion to approve the applicant's request for the waivers 1-9 as outlined in the Staff recommendation memorandum dated November 13, 2019, with waiver no. 9 to include pipes C1, C2 and C15.

T. Combes seconded the motion.

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

A. Sypek made a motion to approve a waiver to Section 5.06 of the Site Plan Regulations to allow an alternate CO district marker as outlined in the Staff recommendation memorandum dated November 13, 2019, with the condition that the applicant obtained Conservation Commission's approval.

S. Benson seconded the motion.

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

A. Sypek made a motion to approve the applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated November 13, 2019.

T. Combes seconded the motion.

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

A. Sypek made a motion to grant the exemption from the Phasing Requirements of Section 1.3.3 as permitted under Section 1.3.4 of the Zoning Ordinance as outlined in the Staff Recommendation memorandum dated November 13, 2019.

T. Combes seconded the motion.

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

A. Sypek made motion to grant conditional approval of the Meadows Site Plan, 48 Old Nashua Road, Map 3 Lot 155, DFC Development, LLC (Owner & Applicant) in accordance with plans prepared by the Dubay Group, dated May 18., 2018, last revised October 24, 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 November 13, 2019.

T. Combes seconded the motion.

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

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

PRECEDENT CONDITIONS

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

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Hoyle, Tanner & Associates review memo dated November 13, 2019.

2. All condominium documents associated with the project shall be approved prior to signature of the plan and shall incorporate appropriate provisions for age-

restrictions, landscape management plan and restriction on the use of chemicals or planting of turf grass in the CO buffer, maintenance of sight distance and restrictions on planting vegetation in the sight lines, be provided for review and approval and be recorded concurrently with the condominium plan.

3. The overall condominium site plan, showing the common area, limited common area and units, as described in the condominium documents be submitted to the Town for review and included in the final plan set for signature.

4. All required permits and approvals shall be obtained and noted on the plan.

5. The Applicant shall note all waivers and exemptions granted on the plan.

6. The Applicant shall note approved Conditional Use Permit on the plan.

7. If the waiver is approved, a detail for the flush-mounted CO district signage be added to the plan to be approved by the Conservation Commission and Town Staff.

8. 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.

9. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.

10. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.

11. 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. All condominium documents and plans associated with the project shall be recorded prior to requesting a pre-construction meeting with the Town.

3. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
4. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
5. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
6. 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.
7. 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.***
8. 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/Public Hearings – N/A

V. Other

A. Water Resource Management Plan Update

Emily DiFranco, senior scientist from Comprehensive Environmental Inc., addressed the Board. E. DiFranco told the Board that she had been working with town staff this last year on this plan. She explained that the plan illustrates where water

sources are in town, threats to the surface and ground water supplies and provides recommendations to the town. She noted that the first step was to describe and analyze town characteristics, such as land use, impervious cover, etc. She discussed the results with the Board while reviewing the maps in her presentation. She commented that the town has 10.3% impervious cover and said that over 10% impervious cover there will be water quality impacts to streams. She reviewed surface water inventory in town and also the bodies of water that have impairments noted by New Hampshire Department of Environmental Services (NHDES). She explained that there are nine communities that flow into the town's major watersheds, Derry, Chester, Auburn, Windham, Pelham, Hudson, Litchfield, Bedford, Manchester that impact water quality in Londonderry. She noted that all the water will flow west to the Merrimack River. She summarized a slide that illustrated watershed land use in town. She noted where the residents get their drinking water in town stating that some are on public water, from Manchester Water Works (MWW) or Pennichuck Water Works (PWW), public wells or private wells. She told the Board that the drinking water demand is average for a town of Londonderry's size. She informed the Board that Londonderry will need more water to keep up with the projected growth. She discussed the recommendations the study came up with such as to work with existing water suppliers, conduct a study to assess the Town's groundwater supply, develop water-shed based plans on impaired water bodies, continue to protect land from development, revise town regulations and conduct a septic system assessment. She mentioned that Scobie Pond is now a Class B pond and would take a lot of work to become a Class A pond for water supply.

Chairman Rugg opened it up to questions from the Board. Amy Kizak told the Board that the full plan is much denser and encouraged the Board to read the report. A. Chiampa asked if state land could be used for water. E. DiFranco said she did not know the answer and would get back to her. P. Commerford asked about impervious cover. E. DiFranco said that there are specific areas in town where impervious cover is over 10.3%, but not town wide. C. Davies asked what the end result of this study would be when it goes to the Town Council, as money will need to be spent. E. DiFranco told the Board that there was no cost analysis, as there is no current plan. Chairman Rugg said the Planning Board could take the lead on this and update or modify the subdivision and site plan regulations in relation to water quality. S. Benson asked about a septic system plan. E. DiFranco gave the Board some examples. G. Verani asked about recommendations for impervious cover. E. DiFranco recommended that any new developments in town, should direct impervious cover into the ground. J. Trottier told the Board that regulations currently require detention of storm water within detention basins, which may infiltrate storm water into the ground. G. Verani asked if she knew what percentage of water goes toward irrigating grass. E. DiFranco told him that they did not calculate that. G. Verani asked about alternative landscaping plans. E. DiFranco said that there are plants that use less water. J. Trottier said all of those things come with a price. G. Verani asked about fertilization. E. DiFranco said that it will run-off into the water bodies if someone is using too much. A. Sypek asked if a town could work with NHDES to limit the amount of ground water someone could

use. E. DiFranco responded that she thought the town would need a study to go off of before broaching the topic. J. Butler asked if using permeable pavement would help ground water. E. DiFranco said that if you can get water back into the ground, they should. J. Trottier reviewed some sites that currently have permeable pavement and the risks associated with using it. R. Fillio said that there are some permeable surfaces in the town forest and maintenance is hard.

Chairman Rugg opened it up to the public.

Mike Speltz, 18 Sugar Plum Lane, resident and member of Conservation Commission. M. Speltz gave his thanks to Comprehensive Inc. for their detailed report. He reviewed the three water studies that have taken place in the town with the Board. He passed on the sentiments of the Conservation Commission that they want the recommendations to be put in place versus end up in a book on a shelf. He suggested creating a working group with town staff, Planning Board, Conservation Commission and Town Council to come up with an implementation plan on what to do and how to fund it. He said that acting on the recommendations could potentially save millions.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin expressed gratitude for the people who helped coordinate and conduct the study. He liked M. Speltz's idea of forming a working group as the next step. He said that NHDES and Southern New Hampshire Planning Commission (SNHPC) might be able to help with getting some monies in the future to help with these recommendations. He suggested that there needs to be education to the younger generation on various topics, such as how to not waste water. He suggested a ground water protection ordinance for starters and also having a rain barrel outside your home to collect water to use to water your lawn. He commented that there should be a review of the Regional Water District. He voiced his concern regarding the need for fire protection. He thanked the Board for allowing him to speak.

Chairman Rugg thanked Emily DiFranco for her very thorough presentation.

VI. Adjournment

T. Combes made a motion to adjourn the meeting at approximately 9:20 p.m. Seconded by S. Benson.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 9:20 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: C.R. DAWAR

Title: Secretary

These minutes were accepted and approved on December 4, 2019, by a motion made by C. Davies 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: November 13, 2019

Application: Application for formal review of a site plan for an elderly housing development consisting of 28 single units and 14 duplex units, and associated site improvements, 48 Old Nashua Road, Map 3 Lot 155, Zoned AR-1, DFC Development, LLC (Owner & Applicant)

- Completeness: Staff accepted the application as complete on October 2, 2019.
- Waivers: The applicant is requesting nine waivers as outlined below:
 1. A waiver from Section 3.076g.3 of the Site Plan Regulations to allow drainage pipe cover less than three feet in three locations. Due to site constraints, Staff **supports** this waiver as these pipes are proposed to be Class V reinforced concrete.
 2. A waiver from Section 4.01.c of the Site Plan Regulations to allow for a plan scale of 1"=60' for four plan sheets; Existing Conditions Plan, Project Overview Plan, Lighting Plan and Erosion Control Plan. Staff **support** this waiver as the plans are legible at the scale presented.
 3. A waiver from Section 3.09.F.2 of the Subdivision Regulations which requires a sight distance profile be provided for each driveway. Staff **supports** this waiver as the Applicant has provided representative sight distance profiles at critical locations sufficient to demonstrate that the driveway sight distance will meet town standard. Staff has recommended that the conditions of approval include language be incorporated into the Condominium Documents for the project that require that driveway sight distance be checked before installing any landscaping.
 4. A waiver from Section 3.09.F.3 of the Subdivision Regulations to allow a residential driveway width greater than 12'. The applicant is proposing 20' wide driveways for the single-family units and a 28' wide driveway for the duplex units. Staff **supports** this waiver as the streets within this development will be private.
 5. A waiver from Section 3.09R of the Roadway Design Standards and Table 1 of the Subdivision Regulations to allow a design speed of 25MPH where a design speed of 35MPH is required. Staff **supports** granting this waiver as the streets are private and designed only for local use by the residents.
 6. A waiver from Section 3.09.R of the Roadway Design Standards and Table 1 of the Subdivision Regulations to allow a roadway width of 24 feet where 28 feet is required. Staff **supports** granting the waiver because the proposed road is a

private road, the plans calls for on-street parking, and the Fire Department has determined that the 24 foot wide road is sufficient to provide emergency access to the site.

7. A waiver from Section 3.09R of the Roadway Design Standards and Table 1 of the Subdivision Regulations to allow a roadway right of way of 40 feet where 50 feet is required. Staff ***supports*** granting this waiver as the proposed streets are private streets and service a 55+ community.
8. A waiver from Section 3.07.g.2 of the Site Plan Regulations to allow a velocity of less than 2 feet per second in pipes C2, C13, C14 and C15. Staff ***supports*** granting this waiver as sufficient cleansing velocities are achieved in the 10-year storm for three of the pipes, and in the fourth pipe there is insufficient flow to the pipe which makes it impossible to achieve the 2 feet per second requirement.
9. A waiver from Section 3.07.c.1 of the Site Plan Regulations to allow for pipe C3 to be surcharged during the 25 year storm. Staff ***supports*** granting this waiver as sufficient cleansing velocities are achieved and the system does not surcharge during a 10-year storm.

Board Action Required: Motion to approve the Applicant's request for the above waivers outlined in the Staff recommendation memorandum dated November 13, 2019.

Staff believes that an additional waiver is required, but has not been formally requested by the Applicant. Behind the proposed Units 11-15, the Applicant has proposed to use an alternate CO district marker, flush-mounted with the ground, rather than the sign required by Section 5.06 of the Site Plan Regulations. Staff ***supports*** granting this waiver, with the condition that a detail be added to the plans for the proposed flush-mounted marker to be approved by the Conservation Commission and Town Staff.

Board Action Required: Motion to approve a waiver to Section 5.06 of the Site Plan Regulations to allow an alternate CO district marker as outlined in the Staff recommendation memorandum dated November 13, 2019.

- **Conditional Use Permit:** The proposed project includes 6,923 square feet of disturbance within the Conservation Overlay District which requires a Conditional Use Permit.

The Conservation Commission has recommended approval of the Conditional Use Permit providing that:

1. Plans show all conservation buffer boundaries
2. Conservation buffer signs to be installed before construction starts

3. Management plan and landscaping contract must both direct that there are to be no chemicals used or no turf grass planted in buffer and the management plan be reviewed annually.

Staff have incorporated these requirements in the recommended conditions of approval for this project.

Board Action Required: Motion to approve the Applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated November 13, 2019.

- **Zoning Exemption Request:** The Applicant has requested an exemption from Residential Phasing requirements to allow more than 15 building permits to be issued per year.

Under Section 1.3.4 of the Ordinance: "the Planning Board shall grant exemption to the phasing requirements ... where the proposed project is for Elderly Housing and the owner of record shall enter an agreement, to be recorded in the RCRD, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older)."

Staff **supports** granting the exemption requested as it is consistent with the conditions of Section 1.3.4 of the Zoning Ordinance.

Board Action Required: Motion to grant the exemption from the Phasing Requirements of Section 1.3.3 as permitted under Section 1.3.4 of the Zoning Ordinance as outlined in the Staff Recommendation memorandum dated November 13, 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 the Meadows Site Plan, 48 Old Nashua Road, Map 3 Lot 155, DFC Development, LLC (Owner & Applicant) in accordance with plans prepared by the Dubay Group, dated May 18., 2018, last revised October 24, 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 November 13, 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 November 13, 2019.
2. All condominium documents associated with the project shall be approved prior to signature of the plan and shall incorporate appropriate provisions for age-restrictions, landscape management plan and restriction on the use of chemicals or planting of turf grass in the CO buffer, maintenance of sight distance and restrictions on planting vegetation in the sight lines, be provided for review and approval and be recorded concurrently with the condominium plan.
3. The overall condominium site plan, showing the common area, limited common area and units, as described in the condominium documents be submitted to the Town for review and included in the final plan set for signature.
4. All required permits and approvals shall be obtained and noted on the plan.
5. The Applicant shall note all waivers and exemptions granted on the plan.
6. The Applicant shall note approved Conditional Use Permit on the plan.
7. If the waiver is approved, a detail for the flush-mounted CO district signage be added to the plan to be approved by the Conservation Commission and Town Staff.
8. 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.
9. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
10. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
11. 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. All condominium documents and plans associated with the project shall be recorded prior to requesting a pre-construction meeting with the Town.
3. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
4. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
5. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
6. 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.
7. 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.**

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