

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF JANUARY 8, 2020, AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. CALL TO ORDER**

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

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

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

### **II. ADMINISTRATIVE BOARD WORK**

#### **A. APPROVAL OF MINUTES:**

**Member R. Brideau made a motion to approve the minutes of December 4, 2019, as presented.**

**T. Combes seconded the motion.**

**The motion was granted 6-0-3, with T. DeFrancesco, A. Sypek and J. Butler abstaining. The Chair voted in the affirmative.**

**Member R. Brideau made a motion to approve the minutes of December 11, 2019, as presented.**

**T. Combes seconded the motion.**

**The motion was granted 8-0-1 with T. DeFrancesco abstaining. The Chair voted in the affirmative.**

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

1. Application for design review of a subdivision plan to subdivide one residential lot into three lots, 44 Auburn Road, Map 16 Lot 55, Zoned AR-1, Richard & Kathleen Sargent (Owners) & Cedar Crest Development, LLC (Applicant)

2. Application for design review of a lot line adjustment between 28 Kelley Road, Map 12 Lot 34 (Zoned AR-1) and 40 Kelley Road, Map 12 Lot 39 (Zoned AR-1), Paul & Meredith Beal and Jean Gagnon (Owners) and Jean Gagnon (Applicant)
3. Application for design review of a subdivision plan to subdivide one residential lot into eight lots, 40 Kelley Road, Map 12 Lot 39, Zoned AR-1, Jean Gagnon (Owner & Applicant)

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

**R. Brideau seconded the motion.**

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

**C. DISCUSSIONS WITH TOWN STAFF:**

Chairman Rugg informed the Board that the Southern New Hampshire Planning Commission (SNHPC) has three openings for alternate members. He said that Brian Battaglia and Suzanne Brunelle have both requested reappointment.

**Member R. Brideau made a motion to recommend Brian Battaglia and Suzanne Brunelle for reappointment as alternate members to the Southern New Hampshire Planning Commission to the Town Council.**

**A. Sypek seconded the motion.**

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

**III. Old Business- N/A**

**IV. New Plans/Public Hearings**

- A. Application for an amendment to a conditionally approved site plan to relocate the fire access lane, and a waiver request to Section 6.01.c of the Londonderry Site Plan Regulations to allow the issuance of a certificate of occupancy prior to the placement of the final wearing course, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant)

Chairman Rugg read the case into the record. J. Trottier informed the Board that there are no outstanding checklist items and recommends the application be accepted as complete.

**A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated January 8, 2020.**

**R. Brideau seconded the motion.**

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

Chairman Rugg noted that the 65-day time clock had started. J. Trottier reviewed some background information for this application noting that the project was conditionally approved by the Planning Board on August 1, 2018. He said the site plan was signed on October 19, 2018 and is currently under construction. He explained that during construction, it was determined that the building was not laid out in accordance with the approved site plan, resulting in the need for a Conditional Use Permit (CUP) for work within the Conservation Overlay District, which was approved by the Planning Board on September 4, 2019. He told the Board that the applicant has requested a waiver from Section 6.01c of the Site Plan Regulations requesting that the project be allowed a certificate of occupancy (CO) prior to placement of the pavement wearing course on the site. He said that because regulations require that all site improvements be completed prior to the issuance of the CO (with the exception of landscaping which may be bonded for), this waiver is being requested. He commented that there is a condition of the waiver, for which the applicant will establish an escrow account for the installation of the pavement wearing course and permanent pavement markings. He added that requests such as this have been rare since the adoption of the revised Site Plan Regulations in 2001. He said the requirement for all improvements to be completed is an important part of the approval and construction review process, and since the requirement was added to the regulations, it has nearly eliminated incomplete site improvements and greatly reduced issues of enforcement for the completion of improvements on approved site plans. He told the Board that Staff supports granting this waiver request. He explained that in addition to the above requested waiver, the applicant is requesting an amendment to the site plan relating to the location of the fire access lane. He said that the approved plan indicated a fire access lane to be located off Wentworth Avenue, on the westerly side of the building, but during construction it was determined that due to a conflict with the building footings, the fire access lane could not be constructed as approved. He stated that the applicant discussed several potential configurations with Staff and is seeking Planning Board approval to construct the access lane in front of the structure and relocate the approved vegetation from the front of the structure.

Kevin Anderson, P.E., from Meridian Land Services, 31 Old Nashua Road, #2, Amherst, NH addressed the Board. K. Anderson commented that the fire access road should be able to maintain a fire apparatus within 150 feet of any point along the building. He commented that they are presenting a fire access lane coming off the existing driveway to the front of the building, largely because it is already constructed. He explained that in order to accomplish this, they are going to have to move some vegetation that was to be located in front of the building, specifically two birch trees and two lilac trees. He said they are proposing to relocate these

trees to the west in a vicinity where some vegetation was removed. He said that he believes the new proposed fire access lane has been endorsed by the Fire Department. Town Planner Mailloux pointed out that the landscaping plan as currently proposed (dated 12/19/19) does not comply with the perimeter parking lot shade tree requirements, stating the plantings on the easterly side of the parking lot should be installed per the originally approved site plan. She said that the current proposal is not consistent with other approved site plans in the area, and Staff recommends that there may be other reasonable alternatives for the fire access lane. She added that a possible alternative might include a minor shift westerly of the approved fire access lane, which would be more in line with the originally approved plan, and with other existing sites in the area.

Chairman Rugg opened it up to the Board for questions. A. Chiampa asked how many feet the footings are in the way of the fire lane. K. Anderson said that the footings are 12 feet by 12 feet so it would require a substantial amount of movement and incur a substantial amount of cost to the applicant. A. Chiampa asked J. Trottier about the footings. J. Trottier said that the top of the foundation ends up being about two feet above the finished grade of the fire access road, which means a vehicle would drive up the access road and run into the footing. A. Chiampa voiced her concern that they are eliminating the landscaping in front of the building by putting the fire access lane there. K. Anderson said this is true and that is why they are before the Board to hear the concerns and receive feedback. A. Sypek asked Town Planner Mailloux about the vegetation that was left out of the new plan. Town Planner Mailloux said that there is a condition of approval stating that perimeter parking lot landscaping in the easterly parking lot edge shall be provided per the original site plan approval. Chairman Rugg said that he would like to see more plantings in the front, as that is what the public would be viewing, versus a fire lane. He noted that this is the second time this site plan has been amended, which in his opinion means that there is a problem and should be addressed/fixed.

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

**A. Sypek made a motion to approve the applicant's request for the above waiver to Section 6.01.c of the Londonderry Site Plan Regulations with conditions as outlined in Staff's recommendation memorandum dated January 8, 2020.**

**T. Combes seconded the motion.**

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

**A. Sypek made a motion to grant conditional approval of an amendment to the previously approved UTS Site Plan, signed on October 19, 2018, to relocate the fire access lane, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDR Properties, II, LLC (Owner & Applicant) in accordance with plans prepared by Meridian Land Services, Inc., dated December 19, 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 January 8, 2020.**

**R. Brideau seconded the motion.**

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

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

### **PRECEDENT CONDITIONS**

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

1. Perimeter parking lot landscaping in the easterly parking lot edge shall be provided per the original site plan approval.
2. The Owner's signature shall be provided on the plans.
3. All required permits and approvals shall be obtained and noted 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 Site Plan Regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

### **GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.



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

2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board and in accordance with the previously approved site plan signed on October 19, 2018.

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

4. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans).

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

B. Application for formal review of a condominium conversion at 53 Chase Road, Map 1 Lot 74, Zoned AR-1, Tyler Builders, Inc. (Owner & Applicant)

Chairman Rugg read the case into the record. J. Trottier told the Board that there are no outstanding checklist items and recommends the Board accept the application as complete.

**A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated January 8, 2020.**

**R. Brideau seconded the motion.**

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

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

Eric Mitchell, from Eric C. Mitchell & Associates, Inc., 106 South River Road, Bedford, NH, addressed the Board. E. Mitchell reviewed the project with the Board, noting the lot is on 1.85 acres with an existing duplex being converted to a condominium. He said that they have received state subdivision approval for the condominium. He told the Board that they are requesting two waivers and reviewed those with the Board.

Chairman Rugg opened it up to questions from the Board. J Trottier reviewed the two waiver requests with the Board. He noted that the first request is from Section 3.02.A.2, which requires that monuments be set at all, angles and inflection points. He explained that Staff supports granting the waiver in the one location where requested because it is located within a wetland, and due to the size of the wetland an offset monument is not appropriate. He pointed out that the second request is from Section 3.09.F.2 Sight Distance to allow an existing driveway with less than the required 250 feet all season and safe stopping sight distance. He said that Staff does not support granting this waiver request. R. Fillio asked if the driveway could be changed to accommodate the sight distance. E. Mitchell told him that the driveway does meet the American Association of State Highway and Transportation Officials (AASHTO) requirements for safe stopping distance, but not the Town's standards. G. Verani asked if the driveway is existing. E. Mitchell said the driveway has been there since 1992 and there might not have been a sight distance requirement by the Town then. G. Verani asked what the sight distance should be. E. Mitchell said that the Town's requirement is that the driver needs to see an object that is six inches high at the edge of pavement at the driveway, but the AASHTO requirement is two feet. Town Planner Mailloux pointed out that Staff has consistently made a recommendation of not granting a waiver on an existing driveway sight distance related to safety, but the Board can make their own determination. R. Brideau asked if the driveway could have been changed when the new units were being built. E. Mitchell said it could have perhaps been done, but was not looked at during that time when the house was being built as a duplex. He said that the owner pulled a permit to build a duplex and the driveway was fine per the Town standards, but now since it will be a change of ownership to a condominium, the standards change. R. Brideau asked if the driveways were re-paved. E. Mitchell responded affirmatively. T. Combes asked if they had new septic and well placed. E. Mitchell said that he is not sure about the well, but a new septic was put in. T. DeFrancesco asked Staff if the property could work with just the north driveway. J. Trottier said that would work. R. Brideau said it would be a shared driveway between the two condominium owners. T. DeFrancesco said that there are others in town that have one curb cut like this one. E. Mitchell stated that he does not believe that this is a safety issue, as they do meet the current AASHTO standard. A. Chiampa asked if one driveway would be possible to solve the issue. E. Mitchell said that he believes it is a worthy waiver request given the reasons he has stated before.

Chairman Rugg opened it up to questions from the public.

Debbie Fredette, 49 Chase Road, addressed the Board. D. Fredette commented that she used to be a former bus driver in Londonderry and understands the concerns regarding the driveway. She asked why she did not receive an abutter notice before the duplex was built. Town Planner Mailloux told her that a conversion from a single family to a duplex does not require the Planning Board, but instead a building permit, which does not need abutter notification. She said that now since there is a change of ownership with a condominium conversion, the state of New Hampshire recognizes this as a subdivision and therefore needs to come before the Planning Board.

Chairman Rugg brought the discussion back to the Board, as there was no further public input. R. Fillio asked what the cost would be to make the driveway a circle instead of a horseshoe. E. Mitchell said that he did not have an opinion on the cost, but felt that a horseshoe driveway is more conducive to a condominium complex as they can come and go as they please. A. Sypek asked about parking. E. Mitchell reviewed the parking spots on the plan with the Board. T. DeFrancesco stated that he believes the Board should try to have old non-conforming sites, conform to the current standards. G. Verani respectively disagreed with T. DeFrancesco. T. Combes asked about the Fire Department comments. Town Planner Mailloux said the Fire Department had no issues. T. Combes asked A. Sypek his opinion. A. Sypek said that there would be no issue with a fire truck and ambulance in the driveway. J. Butler asked about cutting back vegetation. J. Trottier told him that the obstruction is the road itself, not the vegetation.

**R. Brideau made a motion to approve the applicant's request for waiver 1 above, per Staff's Recommendation Memorandum dated January 8, 2020.**

**T. Combes seconded the motion.**

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

**R. Brideau made a motion to deny the applicant's request for waiver 2 above, per Staff's Recommendation Memorandum dated January 8, 2020.**

**T. DeFrancesco seconded the motion.**

**The motion was denied, 4-5-0.**

**R. Brideau made a motion to approve the applicant's request for waiver 2 above, per Staff's Recommendation Memorandum dated January 8, 2020.**

**T. Combs seconded the motion.**

**The motion was granted, 5-4-0. The Chair voted in the affirmative.**

**R. Brideau made a motion to grant conditional approval of the condominium conversion plan for 53 Chase Road, Map 1 Lot 74, Zoned AR-1, Tyler Builders, Inc. (Owner & Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc. dated October 28, 2019, last revised December 19, 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 January 8, 2020.**



**T. Combes seconded the motion.**

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

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

**PRECEDENT CONDITIONS**

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

1. The Applicant shall address any outstanding DRC comments.
2. The three existing trees between the two driveways should be noted as to be removed.
3. The Owners' signature shall be provided on the plans.
4. A final copy of the condominium declaration shall be provided for review and approval by the Town for recording at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
5. All project permit and approval numbers shall be noted on the plan.
6. 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.
7. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
8. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
9. Final planning 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.

**V. Other – N/A**

**VI. Adjournment**

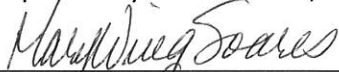
**Member R. Brideau made a motion to adjourn the meeting at approximately 8: 00 p.m. Seconded by T. Combes**

**The motion was granted, 9-0-0.**

**The meeting adjourned at approximately 8:00 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

  
Name: Mary Wing Soares  
Title: Vice Chairman

These minutes were accepted and approved on February 5, 2020, by a motion made by Mary W. Soares and seconded by Richard Brideau.

## **STAFF RECOMMENDATION**

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

**Date:** January 8, 2020

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**Application:** Application for an amendment to an approved site plan to relocate the fire access lane, and a waiver request to Section 6.01.c of the Londonderry Site Plan Regulations to allow the issuance of a certificate of occupancy prior to the placement of the final wearing course, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant)

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

**Board Action Required:** **Motion to accept the application as complete per Staff's Recommendation Memorandum dated January 8, 2020.**

- **Background:** This project was conditionally approved by the Planning Board on August 1, 2018. The site plan was signed on October 19, 2018 and is currently under construction. During construction, it was determined that the building was not laid out in accordance with the approved site plan, resulting in the need for a Conditional Use Permit for work within the Conservation Overlay District, which was approved by the Planning Board on September 4, 2019.
- **Waiver:** The Applicant has requested a waiver from Section 6.01c of the Site Plan Regulations. The Applicant requests that the project be allowed a certificate of occupancy (CO) prior to placement of the pavement wearing course on the site. Because the regulations require that all site improvements be completed prior to the issuance of the CO (with the exception of landscaping which may be bonded for), this waiver is being requested. As a condition of the waiver, the Applicant will establish an escrow account for the installation of the pavement wearing course and permanent pavement markings.

Requests such as this have been rare since the adoption of the revised Site Plan Regulations in 2001. The requirement for all improvements to be completed is an important part of the approval and construction review process, and since the requirement was added to the regulations, it has nearly eliminated incomplete site improvements and greatly reduced issues of enforcement for the completion of improvements on approved site plans.

Staff supports waiver requests only in limited circumstances, when the consequences and circumstances of the project outweigh the risks inherent to the issuance of a Certificate of Occupancy.

**Recommendation:** Based on the information available, Staff recommends that the Planning Board **grant** the waiver with the following conditions:

1. Appropriate financial guarantee is provided prior to the issuance of a CO to the satisfaction of the Department of Public Works to ensure installation of the wearing course of pavement and final pavement markings.
2. All other required improvements shall be completed prior to the issuance of a CO, except for landscaping as permitted by the regulations.

**Board Action Required: Motion to approve the Applicant's request for the above waiver to Section 6.01.c of the Londonderry Site Plan Regulations with conditions as outlined in Staff's recommendation memorandum dated January 8, 2020.**

- **Site Plan Amendment:** In addition to the above requested waiver, the Applicant is requesting an amendment to the site plan relating to the location of the fire access lane. The approved plan indicated a fire access lane to be located off Wentworth Avenue, on the westerly side of the building. During construction, it was determined that, due to a conflict with the building footings, the fire access lane could not be constructed as approved. The Applicant discussed several potential configurations with Staff, including 1) a fire access lane location similar to the original approval, but shifted westerly to accommodate the building footings and 2) a fire access lane to the rear of the building, which would require a Conditional Use Permit for encroachment into the CO district. The Applicant is seeking Planning Board approval to construct the access lane in front of the structure and relocate the approved vegetation from the front of the structure.

It should be noted that the landscaping plan as currently proposed (plan dated 12/19/19) does not comply with the perimeter parking lot shade tree requirements of the Site Plan Regulations, and the plantings on the easterly side of the parking lot should be installed per the originally approved site plan.

The current proposal is not consistent with other approved site plans in the area, and Staff recommends that there may be other reasonable alternatives for the fire access lane, including a minor shift westerly of the approved fire access lane, that would be more in line with the originally approved plan, and with other existing sites in the area.

Should the Planning Board determine that the proposed fire lane configuration is acceptable, the following draft motion, along with precedent and subsequent conditions, is provided:

**Board Action Required: Motion to grant conditional approval of an amendment to the previously approved UTS Site Plan, signed on October 19, 2018, to relocate the fire access lane, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant) in accordance with plans prepared by Meridian Land Services, Inc., dated December 19, 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 January 8, 2020.**

“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. Perimeter parking lot landscaping in the easterly parking lot edge shall be provided per the original site plan approval.
2. The Owner’s signature shall be provided on the plans.
3. All required permits and approvals shall be obtained and noted 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 Site Plan Regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

### **GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. **No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public



Works, or, if Staff deems applicable, the Planning Board and in accordance with the previously approved site plan signed on October 19, 2018.

3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans).
5. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.