

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF June 3, 2020, Via a Zoom remote meeting**

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

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Al Sypek, Secretary; Giovanni Verani, Ex-Officio – Town Manager; Jake Butler, member; Deb Paul, Town Council Ex-Officio; and Ann Chiampa (alternate member)

Also Present: Town Planner Colleen Mailloux; John Trottier, P.E., Assistant Director of Public Works & Engineering; Associate Planner Laura Gandia; Beth Morrison, Recording Secretary; Brian Johnson, Division Chief of Fire Prevention and Drew Caron, Director of Cable Services

Chairman Rugg called the meeting to order at 7:00, and noted as Chair of the Londonderry Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. He started the meeting by taking roll call attendance. He said that when a member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under Right to Know Law. Member A. Sypek had technical difficulties at the beginning of the meeting and was unable to use his audio until the Brewster Road discussion in the meeting. He told the Board that they had a site walk at Brewster Road before this meeting and himself, C. Davies, A. Sypek, J. Butler and A. Chiampa were in attendance. He appointed A. Chiampa to vote for M. Soares open position at this time.

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

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

**Member C. Davies made a motion to approve the minutes of May 6, 2020, as presented.**

**D. Paul seconded the motion.**

**The motion was granted, 6-0-0, by a roll call vote. The Chair voted in the affirmative.**

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

1. Application for design review of a lot line adjustment between 33 Londonderry Road, Map 10 Lot 87 (Zoned C-II) and 23 Londonderry Road, Map 10 Lot 148 (Zoned C-II), 33 Londonderry Road, LLC and Lionel Labonte Rev Trust (Owners) and Advanced Machining Technologies (Applicant)

2. Application for design review of a site plan for parking lot upgrades and associated site improvements, 33 Londonderry Road, Map 10 Lot 87 (Zoned C-II), 33 Londonderry Road, LLC (Owner) and Advanced Machining Technologies (Applicant)

**Member C. Davies made a motion to find that these projects are not of developmental impact.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0, by a roll call vote. The Chair voted in the affirmative.**

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux explained there was also a request for a Building permit request on a Class VI road - 37 Brewster Road, Map 13 Lot 123, Zoned Ar-1, Scott & Darlene Ratte (Owners & Applicants) that was continued from last time in order for a site walk to be done. Chairman Rugg told the Board that there was a site walk with himself, C. Davies, J. Butler, A. Chiampa and A. Sypek. J. Butler asked if he speak freely about a topic that he would like to address. Chairman Rugg responded in the affirmative. J. Butler pointed out that the week following the last Planning Board meeting the headline in the Times read "Building permit denied until Brewster Road gets improved," which he states was not the case at all, as the Board did not deny this. He commented that he would like to see clarification in the next issue of the Times regarding this, as it was not correct. Chairman Rugg asked J. Butler to stick to the topic at hand this evening and have this discussion after the meeting. Town Planner Mailloux stated that the memo from last month is consistent with what Staff will recommend, noting nothing has changed since last meeting. She pointed out that there are members of the Fire Department in the meeting who can answer questions if needed. She suggested that the Planning Board make a recommendation to the Town Council so the owners can move forward with the next steps.

Scott and Darlene Ratte, owners of 34 Brewster Road and 37 Brewster Road addressed the Board. S. Ratte said that he wanted to clarify that they did not go to the Times to say that the Planning Board denied it. He asked what the procedures are, such as if the Town Council can grant an exception to the fire code or if this will end up at the state Fire Marshall's office. Chairman Rugg answered that the Town Council is the governing body for the town and can overrule the Planning Board. Town Planner Mailloux said that she expected to work with the Town Attorney for the questions that S. Ratte emailed her this week prior to the Town Council meeting.

Brian Johnson, Division Chief of Fire Prevention, reviewed the National Fire Protection Association (NFPA) code with the Board, noting that the NFPA 1 states all structures that are built shall be provided with a fire department access road, the

unobstructed access road shall not have a width less than 20-feet, unobstructed vertical clearance of not less than 13-feet, a turning radius, turn arounds on roads longer than 150-feet or a cul-de-sac at the end, etc. He said the Fire Department has requested the minimum of 20-feet for this road. J. Butler asked B. Johnson who the NFPA is. B. Johnson answered that the NFPA stands for the National Fire Protection Association, which write codes that are updated every three years. He said it is up to the states to adopt this code. J. Butler asked if this code was legislation or more of a guideline. B. Johnson commented that there are standards and there are codes, noting a standard is more of a guideline versus a standard, such as the NFPA 1. J. Butler asked if there are any NFPA codes or standards the Town does not follow. B. Johnson replied that is correct. Chairman Rugg said that the difference between this and other cases, was the Town's adoption of the fire code in 2019, which is actually the law now. J. Butler asked for the particular statute. B. Johnson said that it would be SAFC6000 is where the codes are adopted, what the process is for exceptions, variances and appeals. J. Butler asked if there is an exemption to this code. B. Johnson said that the town gets their authority from the state Fire Marshall, and the Fire Department can allow alternatives that provide a degree of safety equivalent or higher, but the Fire Marshall can grant an exception. He said that if a homeowner does not want to make any improvements this would go to the state Fire Marshall's office for an exception. C. Davies asked B. Johnson if the 20-foot wide road was part of the NFPA code the state adopted. B. Johnson stated that yes, that is right out of NFPA 1 fire code. C. Davies asked if the 20-foot would meet the requirement of the state. B. Johnson said that is where an exception or variance would come into play if the Fire Chief accepts it. C. Davies asked if J. Trottier knew the length of the road up to the landing. J. Trottier replied that he does not recall this information off the top of his head. Town Planner Mailloux said that it is about 2500 feet to the parcel, which is just slightly beyond the boat launch. C. Davies asked if a fire truck could turn around at the end of the road. B. Johnson stated that he believes it is too narrow and they do not typically use a resident's driveway as a turn around. C. Davies asked if a hammerhead would work. B. Johnson replied that a hammerhead or cul-de-sac would work. C. Davies asked for a count on the utility poles that would be affected. S. Ratte said there are two telephone poles. C. Davies asked the cost to relocating a utility pole. J. Trottier responded that it is hard to give a ball park because there might be other work that needs to be done once they relocate it. C. Davies mentioned that J. Butler measured the road during the site walk noting it to be about 15 feet wide, so there is about 5 feet short of meeting the 20-feet, which the Fire Chief might accept. J. Butler said that before the boat launch is 15-feet and a little further down the road in front of the building that says William Ross, it does widen to 21-feet through to Derry. C. Davies expressed his opinion, that he believes there is a duty from the Town to fix this part of the road up to the landing, as it is a public access road and a safety issue. He commented that this stipulation should be a condition of the Planning Board's recommendation to the Town Council. Town Planner Mailloux asked for clarification, stating that the Town and Town Council improve the road up to the landing. C. Davies replied that was correct. A. Sypek asked what the Town's right-of-way was on this road. J. Trottier said that because it is a Class VI road, he does not know this information. A. Sypek asked how the Board could find this out. J. Trottier responded that a survey would need to be done. A. Sypek expressed his

opinion, that he believes the Town's right-of-way should be figured out first, before they can move forward with anything else. J. Butler remarked that he does not believe the Board should deny this and he would like to find a reasonable solution for the property owner. He suggested recommending this to the Town Council with the stipulation that the land owner bring the edge of the road back 5-feet and put down appropriate hard packed material that can withstand a fire truck on their portion of Brewster Road. G. Verani asked why C. Davies thought it was the Town's responsibility to improve the road up to the boat launch. C. Davies replied due to the 1995 Selectman's decision to make this an emergency access way and the Town has encouraged people to use Scobie Pond. G. Verani pointed out that there are several other roads in town like this and if a resident chooses to drive down a public way for fishing, it does not seem balanced in his mind. He said that he believes the Town should step up to the plate to improve these roads. D. Paul stated that the Times said the Planning Department denied the request, not the Planning Board, and felt she needed to clarify this. She asked how many Class VI roads are in Londonderry. Town Planner Mailloux said that she believes there are about ten in town. D. Paul asked when in the process is the Fire Chief's asked if he would approve the 20-foot width of the road, as this is a key point in her opinion. C. Davies said he thought it would be when this comes before the Town Council. D. Paul said that she thinks what the Fire Chief has to say might be beneficial to the home owners. A. Chiampa said that she agrees with A. Sypek about finding out the Town's right-of-way first and pointed out that this Class VI road only has one exit opposed to the other Class VI roads in town. She stated that the fact that this road does not have two exits, makes it different than any other Class VI roads. She asked about the 13-foot high comment from B. Johnson. B. Johnson answered that it regarding telephone wires or trees has to be at least 13-feet high for a fire truck to fit. A. Chiampa asked about the grade of the road. J. Trottier said that he believes the Fire Department has a maximum grade of 6% for a roadway and did not think it would impede the fire truck. B. Johnson said that the driveway would further determine the grade for the fire trucks and explained why. A. Sypek stated that ultimately, no matter what the Planning Board, Town Council and Fire Chief think, this application will most likely go before the state Fire Marshalls office for a solution. B. Johnson said that leaving the road as it is does not give the Fire Department an alternative. He said that there are rocks in the roadway and ruts and a fire truck does not do well off-road. He stated that the home owner would need to present the Fire Department with an acceptable alternative. A. Sypek said that the standard roadway in town is 24-feet, but with sprinklers the roadway could be 20-feet. B. Johnson said that he cannot speak for the Fire Chief. Chairman Rugg said that there are many issues to consider with a Class VI road and believes this should go to Town Council. A. Chiampa asked if the Town improves the road, would they take on more liability. Town Planner Mailloux responded that this would be a question for the Town Attorney. J. Trottier said that since this is a Class VI road, the Town is not authorized to spend money on it. Town Planner Mailloux pointed out that the only exception to this was the 1995 emergency access provision where the Town can perform maintenance. She commented that the Town Council might consider making the road a Class V town-maintained road up to the boat launch. A. Chiampa asked who put the gravel down recently. S. Ratte answered that the Town put down the gravel. A. Chiampa asked how often the Town would do this. S. Ratte

said once a year, maybe twice. G. Verani asked if Town Planner Mailloux suggested the Board recommend the road be upgraded to a Class V road up to the boat launch to the Town Council. Town Planner Mailloux said that the Board could make this a part of their recommendation, but the Town Council will be looking at what the tax impact would be on the residents of the town. G. Verani said that there are a number of roads in town that have been upgraded to Class V, but are not maintained by the Town. Chairman Rugg answered that he was correct and gave examples. Town Planner Mailloux said that the recommendations of Staff and the Department of Engineering and Public Works (DPW) is that if a road is to be accepted as a public road, it should be built to a town design standard. G. Verani said that in this application the home owner might just have to improve from the boat ramp to their property. J. Butler asked for clarification on what G. Verani said about a Class V road. G. Verani replied that he was not suggesting the Town make the road a Class V road and bring the road up to town standards, but rather the town take on maintenance. Town Planner Mailloux voiced her opinion, that accepting the road in its current state as a Class V Road would be a bad precedent to set. J. Butler asked if the Town Council approves this would the home owner be held up from their building permit. Town Planner Mailloux said that how this language is written they would not get a building permit until the town does their part. J. Butler strongly voiced his opinion that he does not think that the home owner should be held up getting their building permit because the Town has not done their part of the agreement.

**Member C. Davies made a motion to recommend to the Town Council, approval of the building permit with the following conditions:**

- 1. Access to the lot be constructed in accordance with 2015 NFPA 1 Fire Code, subject to approval by the Londonderry Fire Chief:
  - a. Minimum width of 20 feet;**
  - b. Turnarounds to be constructed at a maximum of 1,200 foot intervals;**
  - c. Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck;**
  - d. The maximum slope of the road shall not exceed 6%;****
- 2. A survey should be performed by a licensed land surveyor to field locate the existing road right of way. All improvements must take place within the right of way. Where the existing right of way is not sufficient for the construction of required turnarounds, easements may be required from abutting property owners;**
- 3. Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for any disturbance to the wetlands or wetland buffers as a result of the required roadway improvements;**
- 4. The Standard Class VI Release and Agreement shall be signed by the property owners and recorded at the Rockingham County Registry of Deeds;**
- 5. Appropriate stormwater management and erosion controls shall be designed and installed to the satisfaction of the Department of**

**Public Works and Engineering;**

- 6. A residential sprinkler system shall be installed in the proposed structure as recommended or required by the Fire Department;**
- 7. The Town of Londonderry shall be responsible for improving the condition of the road in accordance with 2015 NFPA 1 Fire Code from the Derry Town Line up to and including the Scobie Pond boat launch, and the property owner shall be responsible for improving the remainder of the road in accordance with 2015 NFPA 1 Fire Code.**

**J. Butler seconded the motion.**

**The motion was granted 5-2-0, by a roll call vote. The Chair voted in the affirmative.**

**J. Butler made an amendment the Planning Board recommend to the Town Council that the building permit be issued not subject to the improvements of the section of Scobie pond up to the boat landing. C. Davies seconded the amendment. The amendment fails, 1-6-0, by a roll call vote.**

Town Planner Mailloux informed the Board that there are three requests for an extension tonight. She told the Board the first request for an extension was from Edgewood/Baldwin at Woodmont Commons and they are requesting an additional 180-day extension, which would be December 4, 2020. She said that Staff supports granting this extension.

**Member C. Davies made a motion to grant the 90-day extension request to Edgewood (Map 10 Lot 42, 52 & 54-1) to fulfil the conditions of approval until December 4, 2020.**

**J. Butler seconded the motion.**

**The motion was granted, 5-0-1, with D. Paul abstaining by a roll call vote. The Chair voted in the affirmative.**

Town Planner Mailloux explained that the second request for an extension was from Nashua Road Townhouses (Map 3 Lot 135) for a 90-day extension to meet the conditions of approval, which would be September 28, 2020.

**Member C. Davies made a motion to grant the 90-day extension request to Nashua Road Townhouses (Map 3 Lot 135) to fulfil the conditions of approval until September 28, 2020.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0, by a roll call vote. The Chair voted in the affirmative.**

Town Planner Mailloux explained that the third request for an extension was from The Meadows (Map 3 Lot 155) to fulfill the conditions of approval to September 8, 2020. She said that Staff recommends granting the extension.

**Member C. Davies made a motion to grant the 90-day extension request to The Meadows (Map 3 Lot 155) to fulfil the conditions of approval until September 28, 2020.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0, by a roll call vote. The Chair voted in the affirmative.**

### **III. Old Business**

A. Application for formal review of a site plan for a gas station and convenience store with drive through, and a bank with a drive through, 174 Rockingham Road (Map 15 Lot 61, Zoned C-II & RTE 28 POD) and 178 Rockingham Road (Map 15 Lot 61-7, Zoned C-II & RTE 28 POD), 2V Londonderry, LLC (Owners and Applicant) - continued from May 6, 2020

Chairman Rugg read the case into the record noting it was continued from the April 15, 2020, meeting and the May 6, 2020. He told the Board that the applicant has requested another continuance until July 1, 2020.

**C. Davies made a motion to continue the application for formal review of a site plan for a gas station and convenience store with drive through, and a bank with a drive through, 174 Rockingham Road (Map 15 Lot 61, Zoned C-II & RTE 28 POD) and 178 Rockingham Road (Map 15 Lot 61-7, Zoned C-II & RTE 28 POD), 2V Londonderry, LLC (Owners and Applicant) until July 1, 2020.**

**D. Paul seconded the motion.**

**The motion was granted, 6-0-0, by a roll call vote. The Chair voted in the affirmative.**

Chairman Rugg noted that the application is continued until July 1, 2020, at 7 p.m., noting the meeting might be remote and this would be the only formal public notice.

### **IV. New Plans/Public Hearings**

A. Application for formal review of a site plan for the construction of an accessory outbuilding and associated site improvements, 11 Liberty Drive, Map 16 Lot 60-9, Zoned IND-II, AmeriGas Propane, LP (Owner & Applicant)

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

**A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated June 3, 2020.**

**J. Butler seconded the motion.**

**The motion was granted, 7-0-0, by a roll call vote. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock had started. Michael Malynowski, P.E. from Allen Major & Associates, 400 Harvey Road, Manchester, NH addressed the Board. M. Malynowski told the Board that the current parcel is zoned Ind-II and is four acres. He explained that they are looking to construct an accessory loading dock in the back of the current office building. He reviewed the site plans with the Board. He said they are proposing to add a new building approximately 2,000 SF where an old building is now, which will be torn down. He noted that the area is currently used as a propane filling facility servicing both commercial and residential. He noted that a full survey was done as there have been some compliance issues and have met all those requirements. He stated that the current 32 parking spaces will remain. He noted that the loading dock will allow them to do their operations in a covered area and frees up some space for the owner. He said that they are providing additional storm water measures to compensate for the roof of the new loading dock and will not be adding any additional run-off. He noted there is a new swale to mitigate the parking lot in the front. He said that there are no others improvements being proposed at this time. He said that the existing sewer and water will remain. He commented that the loading dock will have minimal power extending to it. He told the Board that they presented to the Conservation Commission and they did not have any objections as they are not disturbing anything. He noted that the conservation buffer signs will be placed on the property to demarcate the current buffer.

Chairman Rugg opened it up to the Board for questions. He said that the Heritage Commission had no objections at their meeting. J. Trottier reviewed the outstanding design review items with the Board. He noted that the applicant is not requesting any waivers.

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

**C. Davies made a motion to grant conditional approval of the AmeriGas Site plan in accordance with plans prepared by Allen and Major Associates, Inc., dated September 23, 2019, last revised May 6, 2020, 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 3, 2020.**

**J. Butler seconded the motion.**

**The motion was granted, 7-0-0, by a roll call vote. The Chair voted in the affirmative.**

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

**PRECEDENT CONDITIONS**

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated June 3, 2020.

2. The Applicant shall address all engineering review comments relating to the traffic impact analysis from the Stantec Traffic Impact Memorandum dated December 18, 2019.

3. 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.

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

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

6. 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.

**GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

**1. No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit**

**(if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.

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

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

4. 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.

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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the Planning Board. 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.

## **V. Other**

A. Temporary Outdoor seating update -Town Planner Mailloux told the Board that they have received 14 applications and have approved 11 through the administrative site plan process. She said that the applications that have been approved are: Moonlight Meadery, Stumble Inn, Poor Boys, Twin Smoke Shop, Renegade's Pub, Coach Stop, 99 Restaurant, Bacon Barn, Long Blue Cat, 603

Brewery and La Caretta. She said that there are three additional applications: Game Changers, Pipe Dream Brewery and Red Arrow Diner that have been approved by the Fire Chief and not through the administrative review process, as there would have been a change to the site plans that would have been necessary. She said that Game Changers and Red Arrow Diner would have had a problem with the ADA compliance of a four-foot sidewalk with the arrangement of their tables. She noted that Pipe Dream Brewery would have had an issue with parking calculations, as they would not be able to meet the site plan regulations. She reviewed what the letter of approval states. She said that she anticipates another application would be submitted by Luciano's this week.

Town Planner Mailloux told the Board that the Town received a request to allow a temporary outdoor event at the airport on parking Lot C. She said that because this is an airport project which falls under the inter-municipal agreement and is a temporary use, this would require a non-binding review and comment. She noted that they are looking at having some events later this month, so the timing for the July 1, 2020, meeting did not seem to benefit this application. She said that the Board is having a special meeting on Tuesday June 16, 2020, which is a public hearing with a legal notice and abutters being notified. She said that she would like input from the Police Department, Fire Department, etc. A. Chiampa asked where parking lot C is at the airport. Town Planner Mailloux reviewed the airport parking noting which parking lot is C. She said that she needs to make sure that by using this parking lot there will not be any affects to the airport safety. J. Butler asked if the meeting would be virtual or in-person. Town Planner Mailloux said that she believes it would be a virtual meeting.

## VI. Adjournment

**Member A. Sypek made a motion to adjourn the meeting at approximately 8:55 p.m. Seconded by D. Paul.**

**The motion was granted by a unanimous roll call vote, 7-0-0.**

**The meeting adjourned at approximately 8:55 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Alban J. Sypek  
Title: Secretary

These minutes were accepted and approved on July 1, 2020, by a motion made by C. Davies and seconded by R. Broudeau.

## STAFF RECOMMENDATION

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

**Date:** June 3, 2020

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**Application:** Application Acceptance and Public Hearing for formal review of a site plan for the construction of an accessory outbuilding and associated site improvements, 11 Liberty Drive, Map 16 Lot 60-9, Zoned IND-II, AmeriGas Propane, LP (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 June 3, 2020.**

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

**Board Action Required: Motion to grant conditional approval of the AmeriGas Site plan in accordance with plans prepared by Allen and Major Associates, Inc., dated September 23, 2019, last revised May 6, 2020, 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 3, 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. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated June 3, 2020.

2. The Applicant shall address all engineering review comments relating to the traffic impact analysis from the Stantec Traffic Impact Memorandum dated December 18, 2019.
3. 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.
4. Third-party review fees shall be paid within 30 days of conditional site plan approval.
5. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
6. 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.

**GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

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

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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the Planning Board. 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 3, 2020

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

Re: Site Plan – AmeriGas Facility  
Tax Map 16 Lot 60-9  
11 Liberty Drive  
Londonderry, NH

Applicant: AmeriGas Propane LP

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Allen and Major Associates, Inc. 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. We recommend the Applicant update the project plan set to include the driveway sight distance plan and profile for each driveway, per Exhibit D3 of the regulations, to clarify and demonstrate the existing driveways provide the necessary sight distance in accordance with the regulations and as typically requested by the Town.
2. The indicated right of way along Auburn Road is less than 25 feet from the centerline of the existing roadway pavement. We understand the Town typically requests a minimum 25 feet be provided along existing roads for future widening. We recommend the Applicant discuss this issue with the Town.
3. It appears that an existing culvert across Liberty Drive near the southerly side of the site driveway entrance appears to encroach upon the lot based upon the Town's existing drainage information. However, an easement for the existing culvert outlet does not appear to be shown. We understand that the Town typically requests easements be provided for future maintenance and repair of the Town's existing drainage system. We recommend the Applicant discuss this issue with the Department of Public Works. Please update acceptable to the Town.
4. We recommend the Applicant clarify/address the following on the **Existing Conditions Plan:**
  - a. Please label the status (class) of the existing roadways per section 4.12.C.6 ii. of the regulations and item V.5.b of the checklist.
  - b. Please provide the Owner's signature on the cover sheet and existing conditions plan per section 4.12.C.16 of the regulations and per item V.13 of the checklist.
  - c. We recommend the Applicant review the site plan that was approved in 1995 and verify/indicate the existing drainage system that connects to the existing catch basins shown across Liberty Drive per section 4.14a.19 of the regulations and item VI.s of the checklist.
5. We recommend the Applicant clarify/address the following on the **Layout & Materials (Site) Plan:**
  - a. Please update the site plan notes to include the Tax Map and Lot Number.

- b. Please clarify/indicate that a stop bar is provided for the proposed stop sign shown for the driveway.
  - c. We recommend the Applicant review and confirm that the proposed Conservation Overlay District signs shown that are not placed along the limits of District are acceptable to the Town. Please review and update accordingly acceptable to the Town.
  - d. Please relocate the Planning Board signature block on the plan in compliance with section 4.03 of the regulations.
6. We recommend the Applicant clarify/address the following on the **Construction Details**:
- a. Please update the drain trench detail to indicate a minimum of 12" bedding is required in ledge per Exhibit D101.
  - b. The proposed outlet structure device does not provide a vertical slotted weir to the top of the wall structure consistent with Exhibit D108 and does not include the elevations/dimensions table per Exhibit D108 of the Town's standard details. In addition, the detail does not address or provide any information on the weir thickness or how the proposed weir wall will be constructed to provide a solid and watertight connection to the structure. We recommend the Applicant arrange a meeting with the Department of Public Works to discuss the proposed outlet device. Please update acceptable to the Department of Public Works.
7. We recommend the Applicant address the following relative to the **Project Drainage Report**:
- a. The Applicant has not provided a pipe summary table of the proposed design in the project Stormwater Management Report per section 3.07.b.4 of the regulations and the checklist. The Applicant shall provide the necessary information in the report in compliance with the regulations.
  - b. The Applicant has not provided a swale summary table of the proposed design in the project Stormwater Management Report per section 3.07.b.6 of the regulations and the checklist. The Applicant shall provide the necessary information in the report in compliance with the regulations.
  - c. A summary table relative to the impact to each abutter, as typically required by the Town per section 3.07.A of the regulations, was not provided. We recommend the report be updated as necessary to address each abutter.
  - d. The post development analysis for the proposed Pond 5P -15: pipe shall be revise to the proper outlet device (vertical slotted weir). Please update and verify compliance is achieved - no increase in runoff.
  - e. The watershed map of the existing conditions does not include all of the site impacts relative to the swales at the site per section 3.07.b.7 of the regulations and item XI.2.g of the checklist. Please revise the plan and associated calculations in the report accordingly.
  - f. The watershed map of the proposed conditions for the site does not include all of the proposed site impacts relative to the swales at the site per section 3.07.b.8 of the regulations and item XI.2.h of the checklist. In addition, it appears the proposed stairs are not addressed in the calculations. Please revise the plan and associated calculations in the report accordingly.
  - g. Please update the riprap calculations for the proposed pipe outlet for the site to the required 25-year design storm per section 3.07.b.12 of the regulations and item XI.2.i of the checklist.

- h. Please update the operation and maintenance manual notes for the stormwater management systems 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. In addition, we recommend the operation and maintenance manual notes and forms be included in the project plan set as typically requested by the Town.
  
- 8. We recommend the Applicant address Stantec's Traffic Impact Memorandum dated December 18, 2019 relative to the previously submitted traffic report.
  
- 9. We recommend the Applicant verify the project DRC comments from the Planning Department have been adequately addressed with the Planning Department.