

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF SEPTEMBER 2, 2020, VIA A ZOOM REMOTE MEETING

I. CALL TO ORDER

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

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, 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. He appointed A. Chiampa to vote for M. Soares vacant position and R. Fillio to vote for S. Benson's open position.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of August 5, 2020, as presented.

J. Butler seconded the motion.

The motion was granted, 6-0-1, with J. Butler abstaining. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve the minutes of August 12, 2020, as presented.

J. Butler seconded the motion.

The motion was granted, 4-0-3, with A. Sypek, G. Verani and R. Fillio abstaining. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had no projects for their consideration this evening.

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that the public hearing for the elderly housing will be on October 14, 2020, instead of September 9, 2020. She commented that the governor has allowed restaurants to open back to 100% occupancy, which would be one criterion where the temporary outdoor seating issued to restaurants in town in the spring would cease; however, with social distancing and other restrictions, restaurants cannot open to 100% occupancy so Staff has recommended that the temporary outdoor seating to continue until October 31, 2020. She explained that they received a request from 244 Nashua Road Townhouses, asking to consider allowing a change to have three duplex buildings, but the same number of overall units, with some green space in-between them versus the conditionally approved plan that was for two duplex buildings with one having six units and the other with four units. She said that the applicant is shrinking the size of the units and adding green space. She noted that this is more than what they would normally see during this time of wrapping up conditions of approval and wanted to present this to the Board to see if the Board is okay with the staff working with the applicant administratively or if the Board would like them to come back before them. Chairman Rugg asked if they submitted any renderings or new drawings. Town Planner Mailloux replied that they did not. A. Sypek and J. Butler did not have any objections. G. Verani asked if it changes ownership in any way. Town Planner Mailloux told him that they are all under one ownership and they would have to come back before the Board if they were seeking condominium approval. G. Verani replied that he was okay with it being handled administratively. D. Paul and A. Chiampa stated that they did not object either. Chairman Rugg mentioned that as long as the design stays the same, he is okay with it, but would like to see some renderings. Town Planner Mailloux commented that she would reach out to the applicant and get renderings for the Board to view.

Chairman Rugg asked if there was an update for the Water Resource Management Plan. Town Planner Mailloux responded that there are a number of water studies that have been completed this year and staff is working on compiling a matrix of recommendations at the moment . She noted that she is working with staff right now and would have more of an update in October.

Chairman Rugg told the Board that the Town Council will be meeting on September 14, 2020, to interview the remaining candidates for the Planning Board.

III. Old Business N/A

IV. New Plans/Public Hearings

A. Application for formal review of a site plan for the construction of a 61,400 SF warehouse addition, loading area and associated site improvements, 11 Ricker Avenue, Map 28 Lot 22-29, Zoned IND-II, Glenbervie, Inc. (Owner & Applicant)

Chairman Rugg read the case into the record noting the applicant has requested a continuance until October 7, 2020.

A. Sypek made a motion to continue the application for formal review of a site plan for the construction of a 61,400 SF warehouse addition, loading area and associated site improvements, 11 Ricker Avenue, Map 28 Lot 22-29, Zoned IND-II, Glenbervie, Inc. (Owner & Applicant)

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 application is continued until October 7, 2020, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

B. Application for formal 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)

Chairman Rugg read the case into the record noting the applicant has requested a continuance until October 7, 2020.

A. Sypek made a motion to continue the application for formal 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)

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 application is continued until October 7, 2020, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

C. Application for formal 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)

Chairman Rugg read the case into the record noting the applicant has requested a

continuance until October 7, 2020.

A. Sypek made a motion to continue the application for formal 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)

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 application is continued until October 7, 2020, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

D. Application for formal review of a site plan amendment for a paved access drive around the existing building, Three Aviation Park Drive, Map 14 Lot 29-10, Zoned IND-II, Kake Preserve (Owner & Applicant)

Chairman Rugg read the case into the record. J. Trottier said that the applicant is requesting a waiver to the checklist and staff is recommending approval with a note to correct the discrepancy prior to plan signature.

A. Sypek made a motion to grant the applicant's waiver request to Section 4.12 and Checklist Item V.

J. Butler seconded the motion.

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

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated September 2, 2020.

J. Butler seconded the motion.

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

Jeff Lewis, P.E. from Northpoint Engineering, 119 Storrs Street, Suite 201, Concord, NH, addressed the Board. J. Lewis reviewed the site with the Board noting the plan that was approved back in 2010. He explained that the plan was approved as a ten-unit 42,000 SF light industrial building with driveway access of Aviation Park Drive to be developed in two phases. He noted that the first phase was a driveway entrance, parking lot, one 40,000 SF building with a paved area in the back for loading and storage. He said that the second phase was going to be for a 2,200 SF

building addition and more parking. He reviewed the town's GIS aerial photo with the Board of the first phase. He commented that the property owner has experienced parking problems with a safety issue and has been trying to figure out a way to improve the site. He mentioned that the proposal is to forego the phase two building addition and instead try to have the driveway connection come around the current building to allow for better truck maneuvering around the building. He pointed out that they would like to build the first 20 parking spaces right now and build the other spaces if needed in the future. He told the Board that they were granted a variance from the Zoning Board of Adjustment (ZBA) to reduce the setback into the green space landscaping buffer along one property corner. He said that the owner is very motivated to commence this project.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the remaining design review comments with the Board. A. Sypek said that he can see this is a safety issue and feels comfortable as long as the precedent conditions are met. D. Paul asked if another driveway could be added at the other end instead of going around the whole building. J. Trottier said that this had been discussed possibly back in 2002 and perhaps there were sight distance issues. A. Chiampa asked why the bollards are being painted black instead of a lighter color that would be easier to see. J. Trottier replied that staff cannot dictate what color the bollards are painted.

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

Chairman Rugg brought the discussion back to the Board.

A. Sypek made a motion to grant conditional approval of the Kake Preserve site plan amendment in accordance with plans prepared by Northpoint Engineering, LLC, dated July 17, 2020, last revised August 13, 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 September 2, 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 September 2, 2020.
- 2.The discrepancies identified on the As-Built Plan Exhibit shall be corrected prior to plan signature to the satisfaction of Staff.
- 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 the Site Plan Regulations.
- 4.Outstanding third-party review fees, if any, 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

V. Other

VI. Adjournment

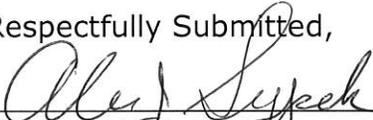
Member A. Sypek made a motion to adjourn the meeting at approximately 7:50 p.m. Seconded by J. Butler.

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

The meeting adjourned at approximately 7:50 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Al Sypek
Title: Secretary

These minutes were accepted and approved on October 7, 2020, by a motion made by c. DAVIES and seconded by J. BUTLER, 5-0-2.

STAFF RECOMMENDATION

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

Date: September 2, 2020

Application: Application acceptance and public hearing for formal review of a site plan amendment for a paved access drive around the existing building, Three Aviation Park Drive, Map 14 Lot 29-10, Zoned IND-II, Kake Preserve (Owner & Applicant)

- Completeness: There is one checklist item for which the Applicant has requested a waiver:
 1. Section 4.12 of the Site Plan Regulations and item V of the checklist – Existing Conditions Plan. The Applicant has provided a copy of the 2010 As-Built Plan for the property and has performed an on-site inspection to verify that the as-built plan is reflective of the current condition of the site, with some discrepancies as noted on the submitted As-Built Exhibit. Staff **supports** granting the waiver, and has included a recommended precedent condition of approval regarding restoration of the noted discrepancies to be corrected prior to plan signature.

Board Action Required: **Motion to grant the applicant’s waiver request to Section 4.12 and Checklist Item V.**

Board Action Required: **Motion to Accept the Application as Complete per Staff’s Recommendation Memorandum dated September 2, 2020.**

- 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 Kake Preserve site plan amendment in accordance with plans prepared by Northpoint Engineering, LLC, dated July 17, 2020, last revised August 13, 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 September 2, 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 September 2, 2020.
2. The discrepancies identified on the As-Built Plan Exhibit shall be corrected prior to plan signature to the satisfaction of Staff.
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 the Site Plan Regulations.
4. Outstanding third-party review fees, if any, 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: September 2, 2020

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

Re: Tax Map 14 Lot 29-10
Revised Phase 2 Site Plan
3 Aviation Park Drive

Applicant: Kake Preserve LLC

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

Checklist Items:

1. The revised project submission does not provide an existing conditions plan per section 4.12 of the Site Plan Regulations and item V of the checklist. The Applicant has provided an as-built exhibit from a field survey conducted in 2010 and is requesting a **waiver** to this requirement.

Design Review Items:

1. The Applicant has revised the site plan, sheet 1, with this submission to include dimensions for the proposed driveway width, with a portion of the proposed driveway dimensioned at 16 feet and less than the 20 foot minimum required by the Fire Department. The Applicant shall verify the proposed driveway width shown with this this submission meets the approval of the Fire Department. The Applicant shall provide documentation for inclusion in the project file.
2. The erosion control plan provided with this submission on sheet 2 does not provide proper erosion measures at the existing catch basin along Aviation Park Drive associated with the proposed site grading shown. In addition, a benchmark was absent from the revised plans per sections 4.05 and 4.14.a.18 of the regulations. Please update the plans accordingly.
3. Revised sheet 1 includes sign details and references a sign post detail, but the sign post detail is absent from the revised submission. Please update the plans to include the detail accordingly.
4. The Applicant should provide the lot Owner signatures on the plan per section 4.12.C.16 of the regulations.
5. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.

Board Action Items:

1. The Applicant is requesting one waiver to the regulations as noted in his letter dated August 13, 2020. The Board will need to consider the waiver request.