

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF SEPTEMBER 9, 2020, VIA A ZOOM REMOTE MEETING**

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

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

Also Present: Town Planner 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 for S. Benson's vacant position.

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

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that there are two extension requests. She explained that the first request is from AmeriGas at 11 Liberty Drive that was conditionally approved on June 3, 2020. She said that the conditions of approval will expire on October 1, 2020, for which the applicant has requested a 90-day extension until December 30, 2020.

**A. Sypek made a motion to grant the 90-day extension request to meet the conditions of approval of a June 3, 2020, previously conditionally approved site plan application for the construction of an accessory outbuilding and associated site improvements, 11 Liberty Drive, Map 16 Lot 60-9, Zoned IND-III, AmeriGas Propane, LP (Owner & Applicant) until December 30, 2020.**

**G. Verani seconded the motion.**

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

Town Planner Mailloux informed the Board that the second request is for 244 Nashua Road Townhouses that was conditionally approved on June 5, 2019. She said that the deadline for them to meet the conditions of approval is September 28, 2020, for which they have requested a six-month extension. She stated that this will allow them to update the design and give the Board renderings. She noted the extension would be until March 27, 2021.

**A. Sypek made a motion to grant the 180-day extension request to meet the conditions of approval of a June 5, 2019, previously conditionally approved site plan for the construction of a two-building multifamily residential housing facility with a total of 10 two-bedroom units, 244 Nashua Road, Map 3 Lot 135, Zoned C-III, Londonderry Church of the Nazarene (Owner) and Leonard Vigeant (Applicant) until March 27, 2021.**

**G. Verani seconded the motion.**

**The motion was granted by a roll call vote, 6-0-0. 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 August 5, 2020

Chairman Rugg read the case into the record noting it was continued from August 5, 2020 and the application was accepted as complete at that time. A. Chiampa recused herself from this case. Ari Pollack, Esq. from Gallagher, Callahan & Gartrell, 214 North Main Street, Concord, NH addressed the Board. He added that Alex Vailas, owner of 2V LLC Londonderry, NH with him, as well as two of the project engineers Jeff Kevan and Bob Duval, from T.F. Moran, Inc. 48 Constitution Drive, Bedford, NH.

A. Pollack reviewed the presentation from August with the Board, stating that this is a one-story bank with a drive-thru and one-story gas service station/convenience store with cross easements for traffic, drainage and sewer connection. He told the Board that the applicant has received the New Hampshire Department of Transportation (NHDOT) driveway permit #05269-52 for the Rockingham Road driveway and the Town has received confirmation from NHDOT relative to the Symmes Drive permit #269-88-8 that they are renewing the current permit since "conditions in the area have not substantially changed." He noted that the applicant has the recommendation from the Conservation Commission in favor of a Conditional Use Permit (CUP) to impact 690 SF of wetlands and 9,793 SF of wetland



buffer. He explained that they have received the wetlands impact permit from New Hampshire Department of Environmental Services (NHDES) as well as an Alteration of Terrain (AOT) permit and lastly a sewer permit from NHDES for the sewer connections that are planned. He said they received a favorable recommendation from the Heritage Commission of site plan approval. He added that they received a storage permit from NHDES for the underground storage site. He clarified that there was an SU30 truck turning exhibit included in the July 20, 2020 submission, which Stantec stated is missing in their memo dated September 9, 2020. He concluded that they have reviewed staff's recommendations and have worked through the final issues to receive conditional approval.

Chairman Rugg opened up the discussion to staff at this point. J. Trottier read into the record the four waivers that the applicant is requesting noting that staff supports granting all four waivers:

1. Section 4.6.7.7.D.1.a of the Zoning Ordinance, Route 28 Performance Overlay District landscape performance standards to allow a front landscape buffer of 30' where 40' is required along Rockingham Road and Symmes Drive. Staff **supports** granting the waiver as the lot is constrained due to NHDOT takings along Route 28 and Symmes Drive for roadway expansion, and because the Applicant has provided the required street trees, perimeter shade trees and interior parking lot landscaping.
2. Section 4.6.7.7.D.2.a of the Zoning Ordinance, Route 28 Performance Overlay District landscape performance standards for the side buffer area. Staff **supports** granting the waiver as the lots are being developed as interconnected parcels with shared access and do not require the screening typically required between abutting parcels.
3. Section 4.14.b.1 of the Site Plan Regulations to not provide existing sewer system information (inverts and pipe data). Staff **supports** granting the waiver as the project is connecting to an existing sewer stub and does not require invert information for the design, and the Applicant has provided sufficient information for the existing sewer manhole.
4. Section 4.14.b.1 of the Site Plan Regulations to not provide existing drainage system information (inverts and pipe data). Staff **supports** granting the waiver as the project is not connecting to the existing municipal drainage system, and the Applicant has provided sufficient information for the existing system.

J. Trottier reviewed the design review items as outlined in the Planning Department memo dated September 9, 2020 which is attached hereto. Town Planner Mailloux told the Board that a CUP for the use was approved by the Board July 10, 2019. She noted that another CUP was submitted by the applicant for wetland and buffer impact, for which the Conservation Commission had a favorable recommendation subject to the applicant receiving the dredge and fill permit by NHDES, which the applicant has done. J. Trottier reviewed Stantec's traffic memo dated September 9,



2020, with the Board, which is attached hereto. He pointed out that there is quite a bit of discussion regarding the proximity of the driveway location near Symmes Drive and is looking to the Board for their input. Chairman Rugg asked about the flow of delivery vehicles at the site as he did not think this was discussed at the last meeting. He asked David DeBaie, traffic engineer from Stantec on his thoughts. D. DeBaie told the Board that they have discussed many things, especially the proximity of Symmes Drive to the existing intersection, which he feels is the crux of the discussion at this point and is a safety issue. He explained that they are recommending consideration be given to prohibiting a left turn from the development onto Symmes Drive, which would avoid much of the safety risk associated with this driveway proximity. He said the development will have the ability to have right turns out, right turns in and left turns into the driveway.

Chairman Rugg opened it up to questions from the Board at this time. A. Sypek asked for an explanation regarding the timing change at the traffic signal. He added that he thought some people will take a right turn into the development if they are going north and bypass the traffic light and intersection. Town Planner Mailloux responded that she was not concerned about the cut through as she thought that it would not save people time to try and cut through. B. Duval said that he does not feel that people would use the site for cut throughs as it would not save time. He discussed that the one second timing change is a very typical adjustment made to a traffic signal by maintenance as needed. He stated that when this might be needed is when it has not been adjusted in some time, as well as changes in traffic patterns over time. He noted that this is a minor adjustment and they are recommending it to improve the overall operations of the intersection. He pointed out that the applicant would do this in conjunction with NHDOT and would not be a cost to the Town. A. Sypek asked if it would make more sense to increase the amount of time people would have to get onto Route 28 when leaving during peak times and if there would be "Do Not Block" intersection signage there. B. Duval replied that the timing would take into account peak times and could be worked out with NHDOT. He said that he thought the "Do Not Block" signage had been discussed with the town and would be put in place. G. Verani asked for an understanding of how limiting left hand turns onto Symmes Drive would improve traffic flow and be safer. B. Duval offered his opinion, that he thinks G. Verani is right, stating that if you are restricting left hand turns, you are restricting people who work there and they might make an illegal turn. He commented that they do not want the left-hand turn restriction and reviewed the peak left hand turns of both Reliable and the proposed site. He added that he does not believe this would cause a safety issue. Town Planner Mailloux mentioned that the recommendation from Stantec regarding the left-hand turn prohibition is related to the proximity of the proposed driveway to all the other driveways. D. DeBaie stated that the fact that the proposed driveway is as close as it is does in fact present a safety issue giving the Board examples. He commented that this is an unusual intersection as it is five legged and unfamiliar to drivers. G. Verani asked why this is safer than dumping the traffic onto Route 28, go down to Tower Hill and turn around in the driveway to come back on Route 28 in the opposite direction. DeBaie responded that he believes for whatever purpose someone comes into the proposed development and wanted to make a left-hand turn, it would be too much trouble. G. Verani commented that they are making it



inconvenient so someone will not do that. B. Duval replied that was correct. G. Verani asked if there was a safer spot for the driveway. D. DeBaie answered that all the traffic engineers wanted the driveway to be moved as far away as possible from Route 28, which was done; however, given the proximity of the intersection there still is a safety risk. G. Verani asked if the lot would be deemed undevelopable because it is not safe to access it. D. DeBaie replied that there needs to be some compromise and the few trips affected by the no left-hand turn will reduce the safety concern there. D. Paul expressed her concern about this for a couple of reasons. She stated the first concern is the back driveway onto Symmes Drive, which seems very dangerous and the second is that she believes people will use this as a cut through. She said that she is concerned about the neighborhoods in the area as they have been impacted by an increase in traffic. She commented that she believes people will go down Perkins Road onto Stonehenge Road, which already has an intersection that has failed. R. Fillio mentioned that he does not believe people will cut through. Chairman Rugg asked for the process of deliveries. Jeff Kevan reviewed the truck turning exhibit with the Board. Chairman Rugg said he thought deliveries should be during off peak hours. J. Kevan replied that they would schedule deliveries off peak. G. Verani asked if J. Trottier was an advocate for restricting traffic down Perkins Road when Vista Ridge was developed. J. Trottier responded that the idea was to stop people from taking a left off Rockingham Road and going up Perkins Road. G. Verani said that he remembers right where the Subway is and Twins Smoke Shop that there was on rendition which was bought by the developers to bull head and force the traffic coming from Stonehenge Road and Perkins Road through Vista Ridge, as this was thought to be a better intersection than it is out Perkins Road. J. Trottier agreed. D. Paul said that she is not concerned about Vista Ridge, but rather people going onto Perkins Road, which she believes cannot handle the traffic. She commented that she felt this location was a great area for a bank as well as the convenience store. She expressed her concern about this area again. G. Verani mentioned that he appreciated her concerns, but felt that this was how they wanted it. Chairman Rugg noted that this was labeled a transient orientated development area in the master plan for the motoring traffic. A. Pollack stated that they are a permitted use under the ordinance and most of the comments have been related to the existing conditions around the neighborhood and other driveways, etc. He said that he was not sure if they can micromanage the driveway during a discussion like this.

Chairman Rugg opened up the discussion to the public. Town Planner Mailloux read comments from Jake Butler, a member of the Planning Board, whom recused himself from this hearing and spoke as a resident, into the record (Exhibit A). She told the Board that there were materials and video submitted by Reliable Equipment (Exhibit B).

Mark Cooper, from Reliable Equipment, addressed the Board. M. Cooper told the Board that the videos he presented to the Board are post COVID time. He said that he still affirms there is a traffic safety issue. He asked if there was a resolve to issue Coca-Cola's attorney brought up with the traffic study. Town Planner Mailloux said that Jason Plourde from VHB had brought up at the last meeting regarding how the analysis was conducted. B. Duval explained that they queue calculation for the

southbound left turn during the off-peak hours, shows that the volume in the peak hour exceeds the capacity of the movement so that the queue is theoretically infinite, which is a limitation of the program. He said that this happens in almost all the traffic studies that they perform. He noted that the way to resolve this issue is to use other factor simulation tools such as hand calculations to make sure the queue was correct. He reviewed the videos noting that the queue collapses every cycle and traffic moves freely. M. Cooper mentioned that he feels that there has not been a true post COVID scenario with traffic. B. Duval commented that he looked at the volumes that were counted by Reliable and those counts tracked very closely to the counts that they tracked pre-COVID.

Chairman Rugg brought the discussion back to the Board. J. Trottier asked A. Vailas to explain his meeting with the other abutters. A. Vailas told him that he met with Coca-Cola to discuss some of their concerns related to traffic and some minor misunderstandings that were clarified. He noted that it was a good discussion where phone numbers and email addresses were exchanged to keep the discussion moving forward.

**A. Sypek made a motion to approve the applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated September 9, 2020**

**G. Verani seconded the motion.**

**The motion was granted by a roll call vote, 4-1-0. The Chair voted in the affirmative.**

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**A. Sypek made a motion to approve the applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated September 9, 2020.**

**G. Verani seconded the motion.**

**The motion was granted by a roll call vote, 4-1-0. The Chair voted in the affirmative.**

**A. Sypek made a motion to grant conditional approval of a site plan for a gas station and convenience store with drive through, and a bank with drive through, 174 and 178 Rockingham Road, Map 15, Lots 61 and 61-7, Zoned C-II and Route 28 Performance Overlay District, 2V Londonderry, LLW (Owner and Applicant) in accordance with plans prepared TF Moran, Inc., dated August 27, 2019, last revised July 23, 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 9, 2020, with the following additional conditions:**



- 1. A note added to the plan that fueling deliveries be during off peak hours**
- 2. There will be no left hand turn out of proposed driveway**

**R. Fillio seconded the motion.**

**The motion was granted by a roll call vote, 3-2-0. The Chair voted in the affirmative.**

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

### **PRECEDENT CONDITIONS**

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

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo and traffic memo dated September 9, 2020.
2. Safety measures (i.e. operational restrictions, "do not block" signage and pavement markings) shall be shown on the plans per the Planning Board discussion, to the satisfaction of Staff.
3. If approved, the waivers requested shall be noted as such on the plan.
4. The Applicant shall provide the Owner's signature(s) on the plans.
5. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
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 Site Plan Regulations.
7. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

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

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

4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.

6. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other**



***improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.***

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

#### **IV. Conceptual Discussions**

A. Conceptual review and non-binding discussion of site plan for the construction of a proposed one story 40,521 SF trucking terminal and a proposed one story 50,000 SF warehouse building and associated site improvements, Five Aviation Park Drive, Map 14 Lots 29-11 and 29-20, Zoned IND-II, R.J. Kelly Company, Inc. (Applicant) and BURNDY, LLC (Owner)

Chairman Rugg read the case into the record noting this is for discussion purposes only this evening. A. Chiampa came back to the Board at this time. Shawn Smith, from RJ Kelly addressed the Board. S. Smith told the Board that Loomis, which currently has a facility on Mammoth Road, is looking to make a regional hub in Londonderry for the surrounding market space. He noted that the current facility is under 20,000 SF and is not big enough for Loomis to be able to do this, so they would like to build a new one and stay in Londonderry. Earle Blatchford, P.E., from Hayner/Swanson Inc., 3 Congress Street, Nashua, NH addressed the Board. E. Blatchford reviewed the existing site with the Board, noting is about 13 acres. He pointed out that there is an avigation easement over the property. He went over the existing conditions plan with the Board, noting that the soils are moderately to poorly drained on the site. He explained that there are four separate wetland areas on the site, stating the first wetland area is along the westerly property line that is over half an acre with a 50-foot buffer. He stated that the second wetland area is on the easterly side and has a 50-foot buffer. He commented that the third wetland area is an upland pocket, about 14,000 SF, less than half an acre with no buffer associated with it. He said the fourth wetland area is the existing stormwater basin, which over time has taken characteristics of a jurisdictional wetland. He discussed that the proposal is to construct a common access driveway at the existing curb cut to serve the two proposed buildings. He mentioned that the Loomis building would be 40,500 SF and the second is a 42,000 SF warehouse building. He informed the Board that currently the site is served by Manchester Water Works (MWW), has sanitary sewer and natural gas. He reviewed the stormwater management system, lighting design and landscaping with the Board. He told the Board that they have an AOT application in with NHDES as well as a minor wetland application. He said that they will have a CUP for the buffer impacts. He commented that they met with the Conservation Commission in July and August. He noted that the original submittal to the Conservation Commission in July brought up concerns about the buffer impacts, so they have modified the design and reduce the buffer impacts by about 85%. He said that the Conservation Commission was much happier with the revised plan. He said that they are scheduled to meet with the Heritage Commission. He pointed out that this would most likely be a two-phased plan. He concluded stating that they will be submitting a formal application by next Thursday to be on the



October 7, 2020, meeting.

Chairman Rugg opened up the discussion for questions from the Board. Town Planner Mailloux suggested that the Board give comments/inputs on traffic as well as the Conservation Overlay District. A. Sypek asked if the vegetation would meet FAA requirements. E. Blatchford replied that was correct. G. Verani said he would be interested in the traffic pattern on Harvey Road, going right and left, as the Hall Road intersection is a mess. He said that they should also be looking at improving the intersection with the future development. E. Blatchford answered that Harvey Road, Hall Road and Litchfield Road intersection is part of the traffic study. J. Trottier asked if it was a minor or major traffic study. E. Blatchford replied that he believes it is a major study. J. Trottier asked if traffic counts were obtained. E. Blatchford asked S. Smith if he recalled. S. Smith said that the study was done last fall that was based on the existing facility. J. Trottier commented that he would take a look at the traffic report again to make sure that the counts were performed at the intersection G. Verani is concerned about. Town Planner Mailloux suggested that Steven Pernaw, traffic engineer, should be at the meeting. D. Paul asked about how many trucks would be there and what time they go in and out. She asked the applicant to go look at Grenier to be a good neighbor. She mentioned that there seems to be a parking situation in this area as well. S. Smith clarified that this is not corporate headquarters, but a regional hub, and would have answers to the questions at the next meeting from the traffic engineer. D. Paul asked if one building would be office jobs and the other would be warehouse. S. Smith replied that it would be mostly warehouse with a small office at the Loomis facility. He mentioned that the Loomis facility, given the nature of their business, does keep some things to themselves, but he knows they do anticipate some larger trucks, but the typical armored trucks are no longer than 25-feet long. He said that there would be a parking space for operators and a space for the truck itself. D. Paul asked if there was an issue with dredge and fill permits in the past. Town Planner Mailloux told the Board that they are working with NHDES and the Conservation Commission on this particular issue. She explained that back in the mid-1990s when the subdivision was approved and the road was constructed the NHDES issued dredge and fill permit had a condition that there would be no future dredge and fill permits issued at the site. She stated that she is not sure if this is legally enforceable and they are working to resolve the issue. E. Blatchford pointed out that this language was amended for 3 Aviation Park Drive, as they had a dredge and fill permit for about 9,000 SF that was granted in 2010, and it is up to the state's discretion. He said that he would anticipate a similar outcome for their project. A. Chiampa asked how many trips in an out a day would they be expecting from Loomis and if the trucks would head toward I-93. S. Smith responded that this would be in the traffic report and he would get that information back to the Board. R. Fillio asked if they would be closing their other facility. S. Smith replied that was correct. Chairman Rugg echoed that traffic is a big issue in town and should be addressed.

## **V. Other**

### **A. 2020 (FY 2022-2027) Capital Improvements Plan work session**



Chairman Rugg informed the Board that there has been nothing proposed on the town side. Town Planner Mailloux told the Board that Amy Kizak, GIS manager, lead the CIP process this year. She explained that there were no town projects submitted this year and the school is in the process of updating their facilities master plan. She commented that the CIP has recommending carrying forward the school projects a year out keeping everything the same. She stated that a public hearing will be held in October where the Planning Board would adopt a CIP for planning and budget purposes. Peter Curro, Business Manager, addressed the Board noting that the School Board had adopted a ten-year plan with an outside company called Trident. P. Curro said that once this gets started, the architect along with Trident will review the status of each of the school buildings, their intended use with any recommended improvements. He noted that they are considering enrollment, projected enrollment. He said that this will all be part of the ten-year plan and then the Board would have to approve this. He said that he hopes by the end of next year the ten-year plan would be almost complete.

Chairman Rugg opened the discussion to questions from the Board. G. Verani asked if they are considering any changes that might have come about with the pandemic. P. Curro replied that all ideas will be on the table. A. Chiampa stated that she has a concern if the school Board would address the general public's interest in full day kindergarten. P. Curro responded that this has been put on hold given the pandemic, but believed the consulting firm would be given the task of coming up with two distinct paths for the district to look at, specifically full day versus part time kindergarten. A. Chiampa commented that she is concerned about this with the money crunch right now. P. Curro pointed out that Londonderry is one of the last larger districts to not have full day kindergarten. R. Fillio asked if they are looking to update technology. P. Curro replied that this would be included in the analysis by the consulting firm. R. Fillio voiced his opinion, that he believes full day kindergarten should be a priority. P. Curro stated that the fact that the district is putting the CIP on hold, does not mean that there are no needs, but instead pausing and bringing in professionals to address the needs. D. Paul asked how much this would cost. P. Curro responded that the proposed contract cost is \$150,000. D. Paul asked if there would be an additional cost at a later date. P. Curro replied that was correct and reviewed the process with D. Paul. Chairman Rugg said that there is a remote public hearing on October 14, 2020.

## **VI. Adjournment**

**Member A. Sypek made a motion to adjourn the meeting at approximately 9:34 p.m. Seconded by A. Chiampa.**

**The motion was granted by a unanimous roll call vote, 6-0-0.**


**The meeting adjourned at approximately 9:34 PM.**

These minutes were prepared by Beth Morrison.

Planning Board Meeting

Wednesday 09/09/2020 - APPROVED

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, 4-0-3.



## STAFF RECOMMENDATION

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

**Date:** September 9, 2020

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**Application:** 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 (Owner and Applicant)

- Completeness: The application was accepted as complete on August 5, 2020
- Waivers: The applicant is requesting four waivers as outlined below:
  1. The Applicant has requested a waiver from Section 4.6.7.7.D.1.a of the Zoning Ordinance, Route 28 Performance Overlay District landscape performance standards to allow a front landscape buffer of 30' where 40' is required along Rockingham Road and Symmes Drive. Staff **supports** granting the waiver as the lot is constrained due to NHDOT takings along Route 28 and Symmes Drive for roadway expansion, and because the Applicant has provided the required street trees, perimeter shade trees and interior parking lot landscaping.
  2. The Applicant has requested a waiver from Section 4.6.7.7.D.2.a of the Zoning Ordinance, Route 28 Performance Overlay District landscape performance standards for the side buffer area. Staff **supports** granting the waiver as the lots are being developed as interconnected parcels with shared access and do not require the screening typically required between abutting parcels.
  3. The Applicant has requested a waiver from Section 4.14.b.1 of the Site Plan Regulations to not provide existing sewer system information (inverts and pipe data). Staff **supports** granting the waiver as the project is connecting to an existing sewer stub and does not require invert information for the design, and the Applicant has provided sufficient information for the existing sewer manhole.
  4. The Applicant has requested a waiver from Section 4.14.b.1 of the Site Plan Regulations to not provide existing drainage system information (inverts and pipe data). Staff **supports** granting the waiver as the project is not connecting to the existing municipal drainage system, and the Applicant has provided sufficient information for the existing system.
- Conditional Use Permit: A Conditional Use Permit for the proposed use in the Route 28 Performance Overlay District was approved by the Planning Board on July 10, 2019.

The project requires an additional Conditional Use Permit for 690 square feet of wetland impact and 9,793 square feet of buffer impact in the Conservation Overlay District.

The Conservation Commission recommended approval of the Conditional Use Permit, subject to approval of a Dredge and Fill Permit for the wetland impact indicated on the plan. The Applicant subsequently has obtained a Dredge and Fill Permit from NHDES.

As the Applicant has obtained the Dredge and Fill Permit from NHDES as recommended by the Conservation Commission, and because the Applicant demonstrated compliance with the criteria of Section 2.6.3.4 of the Zoning Ordinance, Staff recommends the Board approve the request for a CUP.

**Board Action Required: Motion to approve the Applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated September 9, 2020**

- **Recommendation:**

If, after discussion of the traffic information presented, the Board has additional questions or concerns regarding the project, the Board should make a motion to continue the Application to the October 15, 2020 Planning Board meeting.

**-OR-**

If, after discussion of the traffic information presented, the Board is comfortable that the concerns raised have been adequately addressed, 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 a site plan for a gas station and convenience store with drive through, and a bank with drive through, 174 and 178 Rockingham Road, Map 15, Lots 61 and 61-7, Zoned C-II and Route 28 Performance Overlay District, 2V Londonderry, LLW (Owner and Applicant) in accordance with plans prepared TF Moran, Inc., dated August 27, 2019, last revised July 23, 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 9, 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 and traffic memo dated September 9, 2020.
2. Safety measures (i.e. operational restrictions, "do not block" signage and pavement markings) shall be shown on the plans per the Planning Board discussion, to the satisfaction of Staff.
3. If approved, the waivers requested shall be noted as such on the plan.
4. The Applicant shall provide the Owner's signature(s) on the plans.
5. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
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 Site Plan Regulations.
7. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
8. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

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

3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.



## MEMORANDUM

To: Planning Board

Date: September 9, 2020

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

Re: Map 15 Lots 61 and 61-7  
Proposed Site Development Plan  
Gas Station/Conv. Store & Bank  
174 & 178 Rockingham Road

Owners: 2V Londonderry LLC

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This project is continued from the May 6, 2020, June 3, 2020, and August 5, 2020 meetings. TF Moran, 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 under two design reviews, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

### **Checklist Items:**

1. There are no checklist items.

### **Design Review Items:**

1. The Applicant's design does not meet the Landscape Performance Standards for the front buffer area per section 4.6.7.7.D.1.a of the Route 28 Performance Overlay District. The Applicant has submitted a written **waiver request** to the landscape requirements for Planning Board consideration.
2. The Applicant's design does not meet the Landscape Performance Standards for the side buffer area per section 4.6.7.7.D.2.a of the Route 28 Performance Overlay District. The Applicant has submitted a written **waiver request** to the landscape requirements for Planning Board consideration.
3. The Applicant's existing conditions plan does not provide the existing sewer system information (inverts and pipe data) per section 4.14.b.1 of the Site Plan Regulations. The Applicant has submitted a written **waiver request** to the existing conditions plan requirements for Planning Board consideration.
4. The Applicant's existing conditions plan does not provide all the existing drainage system information (inverts and pipe data) per section 4.14.b.1 of the Site Plan Regulations. The Applicant has submitted a written **waiver request** to the existing conditions plan requirements for Planning Board consideration.
5. The Applicant's signature was not provided on the cover sheet, existing conditions plan and site plan in accordance with the regulations. Please update the plans accordingly.
6. The Applicant has not indicated that the two (2) project NHDOT Driveway Permits (Site drive to Route 28 and Symmes Drive at Route 28 traffic signal), NHDES Underground Storage Tank (UST) Permit, Town of Londonderry Sewer Discharge Permit, and Town of Londonderry Stormwater Discharge Permit have been obtained for the project. The updated cover sheet does not list the permit information as required by the regulations. The Applicant should obtain all project permits, indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.

7. Please update the typical shoulder widening detail on sheet 4A to label the 1' gravel shoulder.
8. The Applicant has revised the project stormwater system design, that is to be placed below the water table, to include underdrains below the lined stormwater system to address the groundwater concerns of the proposed stormwater system and depth below the water table. However, the revised drainage design information on sheet 5 does not include or address the layout or design information for the outlet piping of these new underdrains consistent with the revised stormwater system details provided on sheets 16 and 17. The Applicant shall review and revise the project plans to include the design information for proper construction accordingly.
9. We recommend the Applicant address the following relative to the **Project Drainage Report**:
  - a. The Applicant's revised design does not properly address the proposed roadway widening associated with the revised NH Route 28 driveway access shown on the submitted plans. We note the proposed pavement widening extends westerly beyond the site, but the associated gravel shoulder for the additional pavement impacts along the roadway at the westerly abutter and along the site are absent from the revised report analysis. Thus, it is unknown if compliance with the regulations is achieved (no increase in runoff) with the proposed roadway improvements. The Applicant shall review and revise the project drainage report accordingly and demonstrate compliance is achieved.
  - b. The revised post development calculations for subcatchment 2 indicate the subcatchment size has increased from the prior submission, but the delineation presented on the post development plan is unchanged and is not representative of the calculations provided. As noted previously, please correct the westerly limits of subcatchment 2, which should extend to the end of the dumpster pad location based upon the proposed grading. Please review and update the post development plan to indicate the subcatchment area consistent with the calculations. In addition, please revise the subcatchment area table on the plan to indicate all the subcatchments areas consistent with the units in the calculations (i.e. SF). The pre-development plan subcatchment table shall be revised to be consistent accordingly.
  - c. The post development drainage plan for subcatchment 3D-1 does not properly represent the proposed limits at Route 28 that would be draining to CB10 based upon the revised driveway design provided with this submission. Based upon the grading, the westerly portion of the indicated subcatchment at Route 28 cannot flow over the driveway high point to the on-site catch basin. In addition, it does not appear that any grass area contributes to this subcatchment based upon the grading design. Please review and revise the calculations to be representative the post development conditions accordingly and demonstrate compliance is achieved.
10. We recommend the Applicant address the traffic review comments noted in Stantec's September 9, 2020 memo relative to the traffic report and recent NHDOT submission.
11. 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.
  - c. Please verify the comments of Fire Department have been adequately addressed with the Fire Department (confirm hydrants approval).



- d. Please verify the comments of Heritage Commission have been adequately addressed with the Commission.

**Board Action Items:**

1. The Applicant has submitted written waiver requests for two (2) requirements of the Zoning Ordinance as noted in the letter dated April 1, 2020. The Board will need to consider each of the waiver requests as part of the project review.
2. The Applicant has submitted written waiver requests for two (2) requirements of the Site Plan Regulations as noted in the letter dated April 1, 2020. The Board will need to consider each of the waiver requests as part of the project review.
3. The Applicant is proposing improvements within the Conservation Overlay District (COD) that will require a Conditional Use Permit (CUP) approval by the Planning Board. The Board will need to consider the Conditional Use Permit as part of the review.

**Board Information Items:**

1. The Applicant's proposed access drive at Symmes Drive is dimensioned as 30 feet and does not comply with section 3.08.b.6 of the Site Plan Regulations (24-foot maximum). In addition, the Applicant driveway at Route 28 is dimensioned at 34.3 feet and does not comply with section 3.08b.6 of the regulations. We understand the Planning Board can grant an exception up to 36 feet.
2. The Applicant has provided copies of the Proposed Easement Deeds that are currently under review by the Town.



Stantec Consulting Services Inc.  
5 Dartmouth Drive, Suite 200  
Auburn NH 03032  
Tel: (603) 669-8672  
Fax: (603) 669-7636

### MEMORANDUM

To: Ms. Colleen Mailloux, AICP  
Community Development Department

Date: September 9, 2020

Cc: Mr. John Trottier, P.E.  
Department of Public Works & Engineering

Re: Proposed Development 174, 178  
& 180 Rockingham Road (NH 28)  
Traffic Impact and Access Study  
Review

From: David J. DeBaie, PE, PTOE  
Michael Leach  
Stantec Consulting Services Inc.

Owner: 2V Londonderry LLC  
Project No. 179450084

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Stantec has received the July 28, 2020 Response to Comments letter prepared by TFM for 2V Londonderry LLC and submitted to the Town of Londonderry.

Stantec remaining comments / questions are:

1. The revised report recommends a traffic signal timing change of one (1) second from the mainline (Route 28) to Symmes Drive. Please confirm that NHDOT has reviewed and agreed to the proposed timing change.
2. Symmes Driveway Left Turn Prohibition – The Applicant's response of the Level of Service does not address safety concerns. The response relative to sight distance in this location is a misapplied measure as a method for determining adequate sight distance for a left turn at this five legged intersection. As stated previously, the proposed site driveway location results in unusually short spacing with the existing intersection of Symmes Drive with the Reliable Driveway and the Park and Ride Driveway. The proximity of the proposed site driveway to the existing driveways introduces concerns for movements that can be in conflict, especially left turns from the proposed site driveway. As noted previously, the northerly edge of the proposed driveway scales to be approximately 35 feet from the southerly edge of the adjacent existing Reliable Driveway at their intersection with the street lot line is a concern. Although the Town does not have any specific requirements for driveway separation from other abutting driveways, it does require a minimum of 50-foot separation from two on-site driveways per section 3.08.b.5 of the Site Plan Regulations. In general, industry standards for desirable driveway separations vary for commercial driveways with separations of 75 to 150 feet (edge to edge) depending on traffic volume and roadway design speed. Other considerations for limiting conflicts such as noted above, may be operational restrictions, such as prohibiting left turns, to mitigate risks associated with the driveway proximity to the existing intersection. We note that the Applicant has indicated that the volume of left turns is low, but the driveway proximity to the existing intersection is still a concern and should be addressed.
3. For the driveway at Route 28, the submitted SU-30 truck turning template is incorrect and shows a passenger car. Based upon the Applicant's correspondence, it appears they intended to provide both a passenger car and SU-30 truck turning templates. Please provide a proper turn template for the SU-30 truck to demonstrate the movements at the Route 28 driveway.