

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF October 7, 2020, Via a Zoom remote meeting

I. CALL TO ORDER

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Jake Butler, member; Ann Chiampa, member; Giovanni Verani, Ex-Officio – Town Manager; Lynn Wiles, alternate member; Roger Fillio, alternate 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 R. Fillio to vote for J. Penta and L. Wiles to vote for A. Sypek. G. Verani arrived at 7:18 p.m. to the meeting.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member C. Davies made a motion to approve the minutes of September 2, 2020, as presented.

J. Butler seconded the motion.

The motion was granted, 5-0-2, with C. Davies and L. Wiles and abstaining. The Chair voted in the affirmative.

Member C. Davies made a motion to approve the minutes of September 9, 2020, as presented.

J. Butler seconded the motion.

The motion was granted, 4-0-3, with C. Davies, J. Butler and L. Wiles abstaining. 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 for the construction of an elderly housing development with 45 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, Zoned LMDR, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, Zoned LMDR, N.H. Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner)
2. Application for design review for a lot line adjustment between 48 Perkins Road, Map 16 Lot 1, Zoned AR-1, and 52 Perkins Road, Map 16 Lot 2, Zoned AR-1, Perkins Farm, LLC (Owner & Applicant)

A. Chiampa asked if the application with a boundary line with Derry would be of regional impact. Town Planner Mailloux replied that just because it has property in Derry, does not automatically make it a project of regional impact. She added that they are coordinating with Derry for this project.

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

A. Chiampa seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that she had an update on the temporary outdoor dining in town. She pointed out that originally, they are set to expire on October 31, 2020, but local restaurants have reached out to consider an extension. She commented that she discussed this request with the Fire Chief and they agreed it would be prudent to allow the restaurants who would like an extension to be granted one. She said that they are considering an additional six-month period until the spring for the extension. She added that they will be requiring the restaurants who currently have approval for outdoor dining to come in and meet with Planning, Building and Fire Department staff, especially if they have a tent. She stated that they will need information regarding snow load and if a tent can manage it. She mentioned that the guidance from the state Fire Marshall is now allowing for sides to be put up for the tents, which would trigger additional code review from the Fire Department. She asked if the Board is okay with staff handling these requests administratively for another six-month period and will reevaluate again in the spring. A. Chiampa asked if any of the restaurants are exceeding their original capacity with the outdoor dining. Town Planner Mailloux replied that there are some restaurants contemplating putting up plexiglass dividers to eliminate the need for social distancing. She said that if they do indeed put up plexiglass and are in fact occupying all the tables inside, they will have to remove the outdoor dining, as they would not meet the parking requirements for indoor and outdoor spaces. The Boards consensus was for staff to continue to handle this administratively.

III. Old Business

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) – continued from the September 2, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from September 2, 2020 and that the applicant has requested another continuance until November 4, 2020.

J. Butler 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)

C. Davies seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the application is continued until November 4, 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) continued from the September 2, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from the September 2, 2020, meeting. J. Trottier told the Board that there are three outstanding checklist items:

1. The applicant has not provided a boundary or existing conditions plan for Lot 148 as required by Sections 3.03A, 4.12B and 4.12C of the Subdivision Regulations and Checklist Items III.12, III.13, III.28 and III.29. The applicant has requested a **waiver** to this requirement. Staff **does not support** the waiver request as there is no plan of record at Rockingham County Registry of Deeds that indicates that existing lot boundary. A current boundary plan is necessary to confirm the existing boundary and ensure that there is a complete and correct legally recorded boundary plan for the adjusted parcel.

2. The applicant has not provided sight distance plans and profiles for the existing driveways for each lot per Section 3.09F of the Subdivision Regulations and Checklist Item III.34. The applicant has requested a **waiver** to this requirement. Staff **does not support** the waiver request and recommends that the required sight distance plans be provided so that it can be verified that each property has safe driveway sight distance in accordance with the regulations.
3. The applicant has not provided a wetland certification per Sections 3.11 and 4.12.C.15 of the regulations and Checklist Item III.23 of the checklist.

Chairman Rugg stated that completeness cannot be met and the Board can deny the plan, continue the plan until it is complete or the applicant can withdraw the plan. Michael Malynowski, P. E. from Allen & Major Associates, Inc., 400 Harvey Road, Suite D, Manchester, NH addressed the Board. M. Malynowski told the Board that there was a land taking by New Hampshire Department of Transportation (NHDOT) on this property and there is a recorded deed on file for this. He shared his screen with the Board noting there is a deed on file that is referenced on the plan that calls out the boundary on the rear of the parcel. He commented that they are requesting this waiver because as part of the lot line adjustment application they have taken very close precautions to make sure that two lots they are changing are identical. He mentioned that the lot that is currently on record as 3.91 acres at 23 Londonderry Road will remain unchanged and that is why they requested the waiver to not provide a full boundary plan as there are no other improvements being proposed. He pointed out that both driveways are existing, specifically the one at 33 Londonderry Road, as this is an active commercial property. He stated that they feel it is inappropriate to ask for sight distance on an existing driveway. He asked for the Board's input on how they should proceed. Chairman Rugg pointed out that right now staff is not comfortable with this and he would like them to be comfortable with it. He voiced his opinion, that he would like the applicant to work with staff first and then come back to the Board when the issues have been resolved. Town Planner Mailloux expressed her concern with granting a waiver to the town requirements to provide a boundary plan, even though there is a recorded deed by NHDOT, when there is no plan recorded at the registry. J. Trottier added that the requirement of a boundary plan is fundamental responsibility of the Planning Board.

Chairman Rugg opened the discussion up to questions from the Board. C. Davies and J. Butler expressed their opinion that they agree with staff at this point. A. Chiampa asked for clarification as she only sees one driveway on the plan, not two. J. Trottier replied that is exactly why staff is requesting this boundary plan, as the second driveway is not on it. G. Verani, D. Paul and R. Fillio also agreed with the staff. L. Wiles asked if there was a boundary plan in place before NHDOT did the land taking. M. Malynowski replied that there was and it is noted as D-22630 and noted the deed that was recorded after the land taking shows the land taking, as well as the adjusted area. L. Wiles asked if this information affects this discussion at all. J. Trottier replied that NHDOT records a deed at the registry after a land

taking, not a plan. L. Wiles stated that he agrees with staff. Chairman Rugg said that he believes the application should be continued and asked how long the applicant would like to work with staff on the issues. R. Fillio suggested the continuance be until December 2, 2020. C. Davies added that the applicant can withdraw and come back to the Board with a fresh application. M. Malynowski stated he would like to continue until November 4, 2020, so he can discuss this with both property owners and see how they would like to proceed. Town Planner Mailloux informed the applicant that the deadline is October 15, 2020, for the November 2, 2020, meeting.

C. Davies made a motion to continue the application to November 4, 2020, so that the applicant can provide the required checklist items for a complete application in accordance with the Subdivision Regulations.

J. Butler seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the application is continued until November 4, 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) - continued from the September 2, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from the September 2, 2020, meeting. Michael Malynowski, P. E. from Allen & Major Associates, Inc., 400 Harvey Road, Suite D, Manchester, NH addressed the Board. M. Malynowski stated that he would like this to be continued until the November 4, 2020, meeting as well given the previous discussion on the lot line adjustment.

C. Davies made a motion to continue the application to November 4, 2020, so that the applicant can provide the required checklist item for a complete application in accordance with the Subdivision Regulations.

J. Butler seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the application is continued until November 4, 2020, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

IV. New Plans/Public Hearings

A. Application for formal review of a subdivision plan of one lot into two, Five Aviation Park Drive, Map 14 Lot 29-11, Zoned IND-II, R.J. Kelly Company, Inc. (Applicant) and BURNDY, LLC (Owner)

Chairman Rugg read the case into the record noting it was continued from the September 2, 2020, meeting. J. Trottier stated there are no outstanding checklist items and the application should be accepted as complete.

C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated October 7, 2020.

J. Butler seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Earle Blatchford, P.E., from Hayner/Swanson Inc., 3 Congress Street, Nashua, NH addressed the Board. E. Blatchford told the Board that Shawn Smith from R. J. Kelly Company, Inc., and Stephen Pernaw, traffic engineer from Stephen G. Pernaw & Co., 78 Berry Road, Loudon, NH is here tonight as well. E. Blatchford reviewed the existing site with the Board noting that it is 13.7 acres, zoned industrial and located at 5 Aviation Park Drive. He said that the site has 538 feet of frontage on Aviation Park Drive with an existing curb cut and driveway. He said that there is existing municipal sewer, water, natural gas, power and communications in the road at the front of the site. He reviewed the abutters to the site with the Board, noting there is one residential abutter and he has spoken to him about the project. He went on to review the topography, soils and wetlands with the Board. He noted that there is an existing public drainage easement that encompasses the storm water basin, as well as a drainage easement that runs along the back corner. He described that they are proposing a two-lot subdivision with Lot 29-11, which would be 8.41 acres, and Lot 29-20, which would be 5.582 acres. He mentioned that they are not asking for any waivers for the subdivision plan. He concluded his presentation and asked if the Board had any questions.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the remaining design review items with the Board. Town Planner Mailloux told the Board that Staff has drafted a motion for condition of approval, but the subdivision is associated with the site plan that still has some items to work out. She asked the Board for clarification on what the applicant would like to do with the subdivision knowing the site plan still has issues. E. Blatchford asked Shawn Smith for his

opinion. Shawn Smith stated that he would like to keep these two together and keep it simple.

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

C. Davies made a motion continue the application for formal review of a subdivision plan of one lot into two, Five Aviation Park Drive, Map 14 Lot 29-11, Zoned IND-II, R.J. Kelly Company, Inc. (Applicant) and BURNDY, LLC (Owner)

J. Butler seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the application is continued until November 4, 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 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. J. Trottier stated that there are no outstanding checklist items and recommended the application be accepted as complete.

C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated October 7, 2020.

J. Butler seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started. Earle Blatchford, P.E., from Hayner/Swanson Inc., 3 Congress Street, Nashua, NH addressed the Board. E. Blatchford told the Board that Shawn Smith from R. J. Kelly Company, Inc., and Stephen Pernaw, traffic engineer from Stephen G. Pernaw & Co., 78 Berry Road, Loudon, NH is here tonight as well. E. Blatchford informed the Board that they are proposing two buildings, one which would be 40,521 SF one-story trucking terminal for Loomis security and the second building would be 42,000 SF one-story warehouse building with no tenant yet. He noted that they reduced the square footage of the warehouse building per the Conservation Commission's recommendation for the Conditional Use Permit (CUP). He went on to note that there are security gates on the left side and right rear corner of the Loomis building

due to the nature of their business. He noted that they will have a sewer pump station that he is reviewing with Bob Kerry, Environmental Engineer. He mentioned that they have a closed drainage system to collect all the storm run-off from pavement and roof areas to be discharged behind the warehouse building. He explained that they have a minor wetland permit for a small area of 4650 SF of disturbance, as well as an Alteration of Terrain (AOT) permit application. He reviewed the lighting plan with the Board. He pointed out that FAA studies are required as there is an aviation easement over the property. He said that the comments from the Heritage Commission were regarding signage. He noted that they are proposing one monument sign, 100 SF to the left side of the entrance drive, where one panel will be for the Loomis and the other panel will be for the warehouse. He explained that they are requesting waivers from the Board for this project. He said that the first waiver they are requesting is from Section 2.04.b.4 regarding the submittal fee noting the applicant is requesting the submittal fee be based on the area of disturbance versus the area of the entire property. He continued noting the applicant is requesting five waivers in relation to the landscaping requirements for Lot 29-11 and four waivers in relation to the landscaping requirements for Lot 29-20. He concluded his presentation and asked if the Board had any questions.

Chairman Rugg opened it up to questions from the Board. J. Trottier advised the Board to make a motion to approve or deny the first waiver tonight, but not to act on any other waivers this evening so that Staff can review this in more detail with the applicant. He told the Board that there are numerous outstanding design review comments related to grading, layout, construction details, NHDES permit application and recommends the Board continue the case so the applicant can address the comments. J. Butler asked if there would be fencing around the Loomis building. E. Blatchford replied that there is six-foot security fencing around the building and noted where the two security gates are on the property. J. Butler remarked that asking to have 15 trees versus the 57 trees that is required is a large decrease and felt the applicant should work with staff on this. E. Blatchford responded that he would be happy to work with staff on this. S. Smith asked if there was a number that J. Butler would be happy with. Town Planner Mailloux mentioned that staff needs to look at the existing trees that are there now and what buffer has been preserved, so she is not sure that there will be an exact number to be offered tonight. A. Chiampa voiced her concern with the lack of foliage on the north and west side, stating it is pretty barren and would like more vegetation placed there and suggested bushes. Town Planner Mailloux agreed as the airport would not want any tall trees. E. Blatchford noted that he had spoken to the residential abutter and he would like a berm and some arborvitaes. S. Smith added that the intent was to allow the area to naturalize and would help accelerate this. G. Verani asked for clarification on what the applicant is looking for in regards to the interior landscaping. E. Blatchford replied that in order to try and satisfy the Conservation Commissions concerns they tightened up the parking area to get out of the buffer areas, which in turn decreased the internal landscaping. G. Verani commented that whatever someone plants in internal landscaping will dry up and get plowed over, so he is happy to have them screen the outside of the property. He added that there are landscaping plans that stay within a certain height, which

might be useful for the northerly and westerly borders. E. Blatchford remarked that he will work with the FAA to get the right height for the screening. J. Butler noted that the FAA has a list of trees that can be placed on the property and suggested the applicant look at this. D. Paul mentioned that the master plan has suggestions for green roofing or solar in this area and asked if the applicant had thought of this. She went on stating she believes the applicant needs more trees for screening, such as arborvitaes on a berm for the neighbor. She asked to see the lighting plan as well. S. Smith stated that solar roofs become economical when building is over 60,000 SF, therefore, it is not a viable alternative. He added that a green roof would increase loading and it would not work. E. Blatchford reviewed the lighting plan with the Board. L. Wiles asked if there would be impact to the stone wall. E. Blatchford reviewed what stone wall would be impacted with the Board. L. Wiles asked for a note on the plan regarding this.

Chairman Rugg opened it up to the public. Town Planner Mailloux read an email from the residential abutter (Exhibit 1) into the record. She read another email (Exhibit 2) into the record from the airport.

Stephen Pernaw, traffic engineer from Stephen G. Pernaw & Co., 78 Berry Road, Loudon, addressed the Board regarding the traffic study for the project. S. Pernaw told the Board that the bottom line was to do traffic counts at three areas, at Harvey Road/Aviation Park Drive, at Harvey Road/Pettengill, and High Range Road/Litchfield Road. He explained the data was collected in October of 2019 for the report and found that Harvey Road had about 1200 vehicles an hour during the 4:30 p.m. to 5:30 p.m. time period. He went on to note that Aviation Park Drive only had 65 cars during that period. He stated that the minority of the site traffic will head towards the High Range Road/Litchfield Road intersection. He said that the Loomis facility generated about 200 trips over the course of twenty-four hours. He added that the peak hours for Loomis do not coincide with Harvey Road. He pointed out that Loomis is only adding 10 people over two work shifts, 6 a.m. to 3 p.m. and 3 p.m. to 11 p.m. He said that the site might generate about 36 vehicles trips during the peak p.m. hour with 10 vehicles coming in and 26 vehicles coming out of the site. He reiterated that the majority, about 70%, will go to and from the north. He stated that the net change on Harvey Road is about a +2% increase north and a +1% increase south of Aviation Park Drive. He mentioned that the Harvey Road/Aviation Park Drive intersection would operate below capacity until 2031. He noted that the High Range Road/Litchfield Road intersection is capacity deficient now at the south bound approach with long delays and stacking. He explained that all the approaches at the High Range Road/Litchfield intersection become capacity deficient at 2031, and Stantec asked if the intersection would be a candidate for traffic signal control. He added that the answer to Stantec's question is yes, based on existing volumes in 2019 there is at least one of the traffic signal warrants is satisfied, which is an interesting finding. He pointed out that you cannot just simply add a signal to this intersection and keep the lanes the way they are today, stating it would need to be widened with lanes added. He informed the Board that they received submitted a response memorandum to Stantec's outstanding six comments on September 17, 2020, but has not heard back yet.

Chairman Rugg asked David DeBaie, traffic engineer with Stantec to address the Board. D. DeBaie noted that they have been working with the applicant and the same six questions are still carried forward. He said that right now they are working with 2019 traffic counts and it would be useful for the Town to get some information after the pandemic is over, hopefully in 2021. He commented that this development will not cause problems for traffic, but they have found that there are problems at these intersections now. J. Trottier mentioned that the Board has Stantec's memo and it states that the trip generation estimate is appropriate, as well as the future conditions analysis. He remarked that they asked Stephen Pernaw to look at the left turn warrants when heading south or north on Harvey Road to see if a left turn lane is warranted either to Aviation Park Drive or Burton Drive. He said that the current condition warranted a left turn lane, noting that they are asking the applicant to come up with a conceptual intersection improvement plan. He noted that Stonyfield did this years ago with the development of this parcel. He stated that the recommendation from Stantec at the Harvey Road/Pettengill Road intersection is for the Town to do a follow up traffic count in 2021 to review the status of the traffic volume levels. He said that the unsignalized intersection of High Range Road/Litchfield Road is already failing and the Town should get out there and do traffic counts to understand what is happening at this part of town.

Chairman Rugg opened it up to questions from the Board. C. Davies asked if there was any time frame for the crash information from the Police Department. Town Planner Mailloux replied that she would follow up with the Police Department. C. Davies voiced his opinion, that he believes it will be hard to add more lanes to the High Range Road/Litchfield Road intersection as it is residential. S. Pernaw reviewed why the intersection would need more lanes added. D. DeBaie remarked that the applicant did a quick look, rather than a more exhaustive analysis, stating that there is more work that needs to be done at this particular intersection. J. Butler echoed what C. Davies said and asked if commercial traffic could be limited coming out of Aviation Park Drive. He noted that a 1% increase might be too much for the High Range Road/Litchfield Road intersection to handle. A. Chiampa agreed with J. Butler and suggested closing down Harvey Road to all commercial truck traffic south of both Burton Drive and Aviation Park Drive. D. Paul told the Board that the Town is looking to lower the speed on High Range Road to 30 mph and residents can only go north, no through trucks at the ____ intersection and only allowed to take a right out of Aviation Park Drive. She asked for a copy of the traffic study to share with the Traffic Safety Committee and the Town Council. Town Planner Mailloux replied that she would send D. Paul an electronic version of the traffic study. G. Verani said that he agrees with the other Board members but thought that there was a discrepancy with how the Town handles some applications. Chairman Rugg said that the applicant should work closely with Staff on the remaining issues.

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

C. Davies made a motion to approve the request for a waiver of the submittal fee requirements of Section 2.04.b.4 of the Site Plan Regulations (waiver #1 noted above).

D. Paul seconded the motion.

The motion was granted, 7-1-0, by a roll call vote. The Chair voted in the affirmative.

C. Davies made a motion to continue the application to November 4, 2020 to allow the Applicant additional time to address outstanding technical review items.

J. Butler seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the application is continued until November 4, 2020, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

V. Other

VI. Adjournment

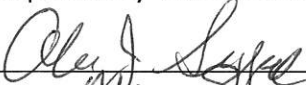
Member C. Davies made a motion to adjourn the meeting at approximately 9: 45 p.m. Seconded by J. Butler.

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

The meeting adjourned at approximately 9: 45 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Alan Opek
Title: Secretary

These minutes were accepted and approved on November 4, 2020, by a motion made by C. Davies and seconded by A. Champa.