

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF November 4, 2020, Via a Zoom remote meeting**

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

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Al Sypek; Secretary; Jake Butler, member; Ann Chiampa, member; Giovanni Verani, Ex-Officio – Town Manager; Jeff Penta, member; Lynn Wiles, alternate member; and Jason Knights, alternate member

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

Chairman Rugg called the meeting to order at 7:00, 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.

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

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

**Member C. Davies made a motion to approve the minutes of October 7, 2020, as presented.**

**A. Chiampa seconded the motion.**

**The motion was granted, 5-0-2, with A. Sypek and J. Penta abstaining. The Chair voted in the affirmative.**

**Member C. Davies made a motion to approve the minutes of October 14, 2020, as presented.**

**A. Chiampa seconded the motion.**

**The motion was granted, 4-0-3, with C. Davies, J. Butler and J. Penta abstaining. The Chair voted in the affirmative.**

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

1. Application for a site plan amendment for the construction of a 3,900 SF garage/storage unit, impound lot and associated site improvements, Four

Enterprise Drive, Map 15 Lot 62-1, Zoned C-II, Enterprise Drive Recovery, LLC (Owner) and Bauchman's Towing, Inc. (Applicant)

**Member C. Davies made a motion to find that this project is not of developmental impact.**

**J. Butler seconded the motion.**

**The motion was granted, 7-0-0, 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 one extension request for them this evening. She stated that in February of 2018, the Board approved a subdivision of one lot into two at Seven Litchfield Road. She explained that the applicant is working with an abutter on obtaining an easement that is required for the subdivision, but it is taking longer than expected due to the pandemic. She commented that they asked for a 90-day extension, which would give them until February 6, 2021, which staff supports.

**Member C. Davies made a motion to request a continuance for the application for formal review of a subdivision of one lot into two, Seven Litchfield Road, Map 12, Lot 20, Zoned AR-1, Seven Litchfield Road Realty Trust, LLC (Owner & Applicant) until February 6, 2021 to meet the conditions of approval**

**J. Butler seconded the motion.**

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

**III. Old Business**

A. Application for formal review of a site plan for 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 October 7, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from October 7, 2020. J. Trottier told the Board that there is one outstanding checklist item for which the applicant has requested a waiver from Section 3.10.g.3 of the Site Plan Regulations and Item VII.2.b. of the checklist to provide proper internal parking lot landscaping. He noted that staff supports granting this waiver request.

**C. Davies made a motion to grant the waiver from Section 3.10.g.3 of the Site Plan Regulations and Checklist Item VII.2.b per Staff Recommendation Memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

Chairman Rugg noted that the 65-day time clock has started. Michael Malynowski, P.E. from Allen & Major Associates, Inc., 400 Harvey Road, Manchester, NH, addressed the Board. M. Malynowski reviewed the parcel noting it is located at 11 Ricker Avenue stating that currently the project is used as a commercial warehouse facility. He explained that they are proposing to add a 4,000 SF addition to the rear of the project. He added that they are extending access ways, as well as 11 loading docks to the site of the building with vehicle circulation around the back. He noted that they have added 18 additional parking spaces for the employees. He stated that they have obtained Alteration of Terrain (AOT) permit approval for drainage and erosion control. He said that they are providing landscaping around the perimeter and are maintaining current buffers along Harvey Road. He mentioned that drainage is provided by underground detention in several locations and pointed out that all the stormwater from the proposed parking area will be treated prior to being discharged. He said that there would be new lighting and reviewed the utilities on site.

Chairman Rugg asked for questions from the Board. J. Trottier reviewed some outstanding design review items with the Board. C. Davies asked if the detention was underground. J. Trottier replied that was correct. C. Davies asked if J. Trottier was okay with this. J. Trottier replied he was. A. Chiampa asked if the Rail Trail would be going along the New Hampshire Department of Transportation (NHDOT) property that is just west of the applicant's property. Town Planner Mailloux responded that the route of the Rail Trail was still being determined. Chairman Rugg asked for the building renderings to be shown on the screen. M. Malynowski reviewed the renderings with the Board.

Chairman Rugg asked for public input and there was none.

**C. Davies made a motion to grant conditional approval of the Glenbervie Site plan in accordance with plans prepared by Allen and Major Associates, Inc., dated January 16, 2020, last revised October**

**12, 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 November 4, 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 November 4, 2020.
2. Owner's signature shall be provided on the plan.
3. All applicable permits (NHDES Alteration of Terrain, FAA and Londonderry Stormwater Discharge Permit) be obtained, approval numbers noted on the plan and copies provided for the Town's files.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

### **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.

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 October 7, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from the October 7, 2020, meeting and the applicant has requested a continuance again. Town Planner Mailloux informed the Board that the applicant has requested to withdraw the application without prejudice.

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 October 7, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from the October 7, 2020, meeting and the applicant has requested a continuance again.

**C. Davies 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) until December 9, 2020.**

**J. Butler seconded the motion.**

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

Chairman Rugg noted that the application is continued until December 9, 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 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) – continued from the October 7, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from the October 7, 2020, meeting. J. Trottier mentioned that the Board accepted this project as complete on October 7, 2020, and there are no waivers that are being requested. Town Planner Mailloux commented that David DeBaie, traffic engineer from Stantec is here, but has a conflict with time and asked if the Board would discuss both the subdivision and site plan associated with this project together to address any outstanding traffic concerns before he needs to leave the meeting. Chairman Rugg read the site plan into the record at this time, noting the Board would discuss the projects together, but vote separately on them.

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 stated that they provided a conceptual sketch from S. Pernaw on his thoughts on what could be done at the intersection of Harvey Road, Burton Drive and Aviation Park Drive in regard to providing left turn pockets to address the existing situation. He commented that he spoke to Town Planner Mailloux regarding the landscaping plan, noting they added the six to eight foot earth berm in the back left corner, as well as plantings along the northerly property line. He said that the plantings are arbor vitae and bristle cone pine to create a buffer. He mentioned that they reviewed Eversource's recommended planting list, and thought those species were more suitable for residential, but they swapped out the trees that will not achieve a height higher than 30 feet, to address the avigation easement. He added that they received the New Hampshire Department of Environmental Services (NHDES) sewer connection permit. He explained that there are some new rules that are associated with the AOT permits, which require a wildlife assessment habitat noting this was just submitted to the respective boards. He said that they have a WebEx meeting on November 17, 2020, with the wetland's bureau and NH Fish & Game regarding mitigation. He remarked that there will be a legal opinion from Greg Smith, Esq. from McLane Middleton regarding the conditions of the original subdivision wetlands permit that the Board has discussed at the prior meeting. He stated that they have been in discussion with the Manchester Airport noting that the airport is on board with the two proposed buildings with the stipulation that there be \_\_\_\_ lights on the roof and other locations the FAA designates. He noted that they are going back to the Heritage Commission regarding the building elevations and the ground signs. S. Pernaw reviewed the traffic reports from the last meeting for the new Board members. He noted that the traffic impact is 2% to the north and 1% to the south. He mentioned that he did the requested sketch that Stantec requested with what long range improvements might look like at the intersection of Harvey Road and Aviation Park Drive. He went on noting they found that there is enough left-hand turning traffic today to justify left hand turn pockets. He added that this is not a need the proposed development is creating, but rather an existing need. He said that they have included a concept plan that includes about 1000 feet of work on Harvey Road to construct the left-hand turn pockets. D. DeBaie said that the traffic study is important because it gives us an understanding of the traffic issues within the vicinity of the project. He pointed out that that there have been problems identified in two adjacent intersections, Harvey Road/ Pettengill Road and Litchfield Road, that are not problems as a result of the proposed project, but rather the project is here in the midst of all this. He commented that because of the pandemic fewer people are driving, as more people are working from home, and the conditions at these intersections may be different so he is recommending traffic count data in 2021. He said that this should not hold up the proposed project, but rather identify this as a need for the Town. S. Pernaw remarked that the traffic counts that were done for the study were conducted before the pandemic. D. DeBaie mentioned that while that is correct, he is saying that while that does a great job at identifying what the impact is, there is not a good understanding of what the existing conditions are when a project is proposed. He said that the traffic

review is pointing to the value of having counts done, not saying that they would need to redo a traffic impact study. He reiterated that the project is not responsible for the existing conditions, but it would be useful to have the data that correlates to the existing 2021 conditions.

Chairman Rugg opened it up to questions from the Board. C. Davies asked if there had been any more information on reviewing restrictions on the state traffic going south towards Litchfield Road. Chairman Rugg replied that they had not heard anything yet. J. Trotter commented that this information had been discussed at the Traffic Safety Committee's meeting in October where they had looked limiting trucks taking a right-turn only at Aviation Park Drive. He asked S. Smith if they can encourage Loomis to have their drivers only take a right-hand turn. S. Smith replied that his conversation with Loomis has indicated that 90% of their traffic would go right and if the Town were to restrict left-hand movements at Harvey Road, obviously Loomis would abide by the rules. C. Davies commented that this would be an enforcement issue after this point to make sure the trucks are abiding by the rules. J. Knights added that as a resident who lives on Hall Road, which is a no through trucks road, he sees about five 18-wheelers go down this road a day. Chairman Rugg said that this is more of an enforcement issue. G. Verani asked if the signage is a condition of approval. Town Planner Mailloux replied that staff has recommended a note be added to the plan that truck traffic leaving the site shall turn north on Harvey Road, and appropriate signage be indicated on the plan to the satisfaction of Planning and Engineering Staff. She said that she is not tying any condition to the Traffic Safety Committee decision to this plan, as that is a separate item. G. Verani asked why the Board looks at different plans differently in regard to traffic, giving an example of a plan where traffic was deemed a problem, but the previous applicant needed to take care of it and this project the Town will take care of it. Chairman Rugg said that each application/site is different and no two properties are the same and it is very evident with this situation that the bulk of the traffic is already existing. Town Planner Mailloux commented that they look at the incremental impact of a particular site and find a way that the applicant can reasonably mitigate their contribution. She noted that they asked the applicant to create a conceptual design for future improvements that might be the Town's responsibility, but is their way of mitigating their incremental impact. She gave examples of MacGregor Cut and Lorden Commons. G. Verani gave an example of Symmes Drive, where it was already determined that the traffic pattern was already at failure, but there was no obligation on the Town's part and the plan was continued. E. Blatchford reviewed the landscaping waivers the applicant is requesting with the Board for both the subdivision and site plan.

J. Trottier reviewed the design review comments for both the subdivision and site plan. the waivers that the applicant has requested. He noted that staff supports granting the requested landscape waivers on each lot as they are being made in order to accommodate vehicle maneuvering for trucks associated with the proposed trucking terminal and warehouse uses. He said that the applicant has provided supplemental landscaping elsewhere on site to provide additional landscape vegetation that will not interfere with vehicle movement and is providing a berm for screening of the parking and loading areas from abutting residential properties. He



added that it should be further noted that this lot is indicated within an aviation easement held by the Manchester Airport Authority and its location in the flight path restricts the height of vegetation that can be planted on site. Town Planner Mailloux added that easements and legal documents should be provided for review prior to recording for the subdivision plan. She added that the site plan requires a Conditional Use Permit (CUP) for 4,645 SF of wetland impact and 4,513 SF of buffer impact in the Conservation Overlay District. She told the Board that the Conservation Commission recommended approval of the CUP subject to confirming that there has been no previous CUP approved by the Town that restricted further impact in the CO district on the property. She said that staff has confirmed that the Planning Board has not previously authorized a CUP on this property before. She stated that the project requires a dredge and fill permit, noting there are previous NHDES conditions that are being worked out for them to be able to obtain the permit. She commented that if there are any modification of the site or alteration as the result of the wetland permit, this could potentially come back to the Board if there is an alteration to the site design in response to the wetland permit, but at this point staff is comfortable recommending conditional approval. She clarified that there are five waivers to sections of the Site Plan Regulations being requested for Lot 29-11 and four waivers to sections of the Site Plan Regulations being requested for lot 29-20, which are outlined in the staff recommendation memorandum.

Chairman Rugg opened it up to questions from the Board. J. Butler asked for clarification on the landscaping plans. Town Planner Mailloux reviewed the landscaping plans with the Board. J. Butler voiced his opinion, that this will add traffic heading south on Harvey Road to Litchfield, and asked why this plan seems different than a previous one regarding the Town's responsibility for traffic. Chairman Rugg reiterated that these are two different plans with two different situations and have to look at each one separately. Town Planner Mailloux commented the Symmes Drive left-turn restriction was related to the that the physical geometry of the driveways out at this intersection. She said that while this project has a traffic volume concern, the Symmes Drive was the alignment of the driveways and potential for safety conflict. A. Chiampa mentioned that Map 14 Lot 27, is a residential use building, just like the one to the very northwest of the project and asked for screening here as well, like a berm or foliage. E. Blatchford replied that they have wetland and wetland buffer in this area, which they have been encouraged to stay out of. He noted that they have a six-foot security fence and they call for privacy slats to be installed in this section, which will create a solid visual buffer. A. Chiampa asked if there was any above ground greenery. E. Blatchford responded that there is some in the lower left-hand corner noting that the Conservation Commission has asked for this area to revegetate naturally. S. Smith added that this area is very dense. A. Chiampa asked for them to look at putting in plantings along the green area near the parking lot for that property in question.

Chairman Rugg opened it up for public input and there was none.

**C. Davies made a motion to grant conditional approval of a subdivision plan to subdivide 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) in accordance with plans prepared by Hayner/Swanson, Inc. dated July 10, 2020, last revised October 12, 2020 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated October 7, 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 November 4, 2020.

2. The Applicant shall provide the Owner's signature(s) on the plans.

3. Required permits and permit approval numbers shall be noted on the plan.

4. The proposed easement deeds, protective covenants and/or legal documents for the subdivision shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.

5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.

6. The Applicant shall provide checks for all associated recording and LCHIP fees made payable to the Rockingham County Registry of Deeds.

7. The Applicant shall note all general and subsequent conditions on the plans.

8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional approval.

9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.



10. Final engineering review.

**PLEASE NOTE** – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

**GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

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

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

E. 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 noting it was continued from the October 7, 2020, meeting.

(See previous application for the subdivision plan for comments)

**C. Davies made a motion to approve the five waivers from Lot 29-11 and four waivers for Lot 29-20 from the landscaping requirements of the Site Plan Regulations in accordance with Staff's Recommendation Memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to approve the requested Conditional Use Permit for work within the Conservation Overlay District in accordance with Staff's recommendation memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to grant conditional approval of the RJ Kelley Site plan in accordance with plans prepared by Hayner Swanson, Inc., dated July 10, 2020, last revised October 12, 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 November 4, 2020.**

**G. Verani 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 November 4, 2020.
2. The Applicant shall address all appropriate items from the Stantec Traffic Memorandum dated October 7, 2020.
3. Owner's signature shall be provided on the plan.
4. A note shall be added to the plan that truck traffic leaving the site shall turn north on Harvey Road, and appropriate signage be indicated on the plan to the satisfaction of Planning and Engineering Staff.
5. All applicable permits (NHDES Alteration of Terrain, NHDES Dredge and Fill, FAA and Londonderry Stormwater Discharge Permits) be obtained, approval numbers noted on the plan and copies provided for the Town's 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 Subdivision Regulations.

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

8. Financial guarantees 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.

### **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.

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

A. Application for formal review of a lot line adjustment plan between 16 Harvey Road, Map 11 Lot 102, 12 Harvey Road, Map 11 Lot 102-4, and 20 Harvey Road, Map 11 Lot 102-6, Zoned AR-1, Deana Heuston, Sherry Innies & Scott Heitter and Richard & Carolyn Innies (Owners & Applicants)

Chairman Rugg read the case into the record. J. Trotter informed the Board that there are is one outstanding checklist item for which the applicant has requested a waiver from Section 3.11 of the Subdivision Regulations and Checklist Items III.22 and III.23 to indicate wetland limits on the plan and to provide a wetland scientist certification. He said that staff supports granting the waiver as a wetland scientist determined, and provided a certification on a 2006 reference plan currently on file at the Town Hall, that there were no wetlands/wetland soils present on the site.

**C. Davies made a motion to grant the waiver from Section 3.11 of the Subdivision Regulations and Checklist Items III.22 and III.23 per Staff's Recommendation Memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated November 4, 2020.**

**A. Chiampa seconded the motion.**

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

Chairman Rugg noted that the 65-day time clock has started. Nick Loring, P.E., from Benchmark Engineering, Inc., 1F Commons Drive, Suite 35, Londonderry, NH, addressed the Board. N. Loring reviewed the parcel with the Board noting this consist of three lots, totally 19.75 acres. He stated that the lot to the north, known as 20 Harvey Road, Map 11 Lot 102-6, is 3.7 acres with an existing dwelling and is used by RCI Septic Services. He went on noting the middle lot, known as 16 Harvey Road, Map 16 Lot 102, is 15 acres in size with an existing swelling and the southerly lot, 12 Harvey Road, Map 11 Lot 102-4, is 1.67 acres in size with an existing dwelling. He explained that the lot line adjustment with the Board, noting that the Map 16 Lot 102 will go down to about 11 acres after the adjustment. He added that there is no new proposed development. He said that they went before the Conservation Commission where they recommended approval of the plan. He said that they are requesting five waivers and reviewed them with the Board.

Chairman Rugg opened it up from questions from the Board. J. Trottier explained that the applicant is requesting three waivers and stated that staff supports granting all three. Town Planner Mailloux clarified that the topography is covered under a different waiver, so it is not required for this project. J. Trottier reviewed some precedent conditions that the applicant needs to correct.

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

**C. Davies made a motion to grant waivers 1-3 per Staff's Recommendation Memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to grant conditional approval of a lot line adjustment plan between 16 Harvey Road, Map 11 Lot 102, 12 Harvey Road, Map 11 Lot 102-4, and 20 Harvey Road, Map 11 Lot 102-6, Zoned AR-1, Deana Heuston, Sherry Innis & Scott Heitter and Richard & Carolyn Innis (Owners & Applicants) in accordance with plans prepared by Benchmark Engineering, Inc. dated March 30, 2020, last revised September 16, 2020 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated November 4, 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. Any outstanding DRC comments shall be addressed.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. The existing and proposed area of each lot should be reviewed and corrected for rounding (i.e. Lot 102-04 is currently 1.67 acres, 0.22 acres is being added, but proposed area is labeled at 1.88 acres).
4. If appropriate, a road widening easement be provided over Map 11 Lot 102-4 to the satisfaction of Staff.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide checks for recording fees made out to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plans.
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 two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

### **GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in



part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

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

B. Application for formal 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)

Chairman Rugg read the case into the record. J. Trottier informed the Board that there is one outstanding checklist item for which the applicant has requested a waiver from Section 3.09F of the Subdivision Regulations and Checklist Item III.34 that require a sight distance plan and profile be provided for each driveway. He noted that the applicant has provided a sight distance plan and profile for Map 16, Lot 2, and is requesting a waiver for Map 16, Lot 1. He said that staff supports granting this waiver because an existing plan is on file which demonstrates that proper sight distance can be achieved on the parcel for a through-connection associated with the Wallace-Farm development.

**C. Davies made a motion to grant the request for a waiver of Section 3.09F and Checklist Item III.34 per staff's recommendation memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

Chairman Rugg noted that the 65-day time clock has started. Karl Dubay, P.E., from the Dubay Group, 136 Harvey Road, Building B101, Londonderry, NH, addressed the Board. K. Dubay reviewed the parcels in question with the Board, noting that parcel, Map 16 Lot 1, will go from 19 acres to 21 acres by taking two acres from Map 16 Lot 2. He commented that this is more of an administrative subdivision and reviewed the waiver requests with the Board.

Chairman Rugg opened it up from questions from the Board. J. Trottier explained that the applicant is requesting two waivers and stated that staff supports granting

both the waivers. He reviewed the precedent conditions as well. L. Wiles asked if this project was part of the Wallace Farms project. Town Planner Mailloux confirmed that the rear larger parcel is part of Wallace Farms. L. Wiles asked if the applicant would have to go through the formal process, if they wanted to develop the parcel in the future. Town Planner Mailloux replied they would have to go through the formal process and receive Planning Board for approval.

Chairman Rugg opened it up for public input and there was none.

**C. Davies made a motion to approve waivers 1 and 2 as outlined in Staff's Recommendation Memorandum dated November 4, 2020**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to grant conditional approval 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) in accordance with plans prepared by The DuBay Group, Inc. dated September 17, 2020, last revised October 15 2020 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated November 4, 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 any outstanding DRC comments.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. The side setback on the northerly side of Map 16, Lot 1 shall be shown and labeled on the plans.

4. Sheets 1 and 3 shall be recorded in the Rockingham County Registry of Deeds and Note m on sheet 1 be updated accordingly.
5. A well easement shall be provided for recording.
6. Conservation Overlay District signage shall be indicated on the plan.
7. Required permits and permit approval numbers shall be noted on the plan.
8. The proposed easement deeds shall be submitted for review and approval by the Town and shall be recorded concurrently with the final plan.
9. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
10. The Applicant shall provide checks for recording fees for the plans, easements and well easement made out to the Rockingham County Registry of Deeds.
11. The Applicant shall note all general and subsequent conditions on the plans.
12. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
13. Final engineering review.

**PLEASE NOTE** – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

#### **GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
2. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.

C. Waiver request to Section 6.01.c of the Londonderry Site Plan Regulations to allow the issuance of a certificate of occupancy prior to the placement of

the final wearing course, 15 Pillsbury Road & Gilcreast Road a/k/a Catesby Lane, Map 10 Lot 41, Zoned PUD-1, Stabile Companies, Inc. (Owner & Applicant)

Chairman Rugg read the case into the record. J. Trottier informed the Board this project was conditionally approved by the Planning Board on August 1, 2018, and received final approval on November 20, 2019, and was subsequently recorded in the Rockingham County Registry of Deeds. He explained that they are requesting a waiver to Section 6.01c of the Site Plan Regulations which requires that all site improvements be completed prior to issuance of a Certificate of Occupancy (CO). He stated that the applicant has requested that the project be allowed COs prior to placement of the final wearing course of pavement on Catesby Lane. He noted that the applicant has indicated in their request that all other components of the road and infrastructure will be complete, however due to ongoing construction of the residences on Catesby Lane and heavy equipment and construction traffic on Catesby Lane, the final wearing course will be placed after completion of the 28 homes. He stated that staff supports granting the waiver request due to the anticipated construction scheduling, and winter conditions that restrict the placement of the wearing course, and have included recommended conditions of approval that a financial guarantee be provided for the installation of the pavement wearing course and permanent pavement markings. He added that requests such as this have been rare since the adoption of the revised Site Plan Regulations in 2001. G. Verani recused himself from this case.

Chairman Rugg opened it up to questions from the Board. C. Davies asked if the financial guarantee would be a bond. J. Trottier replied that was correct. L. Wiles asked if they would take any measures for water main breaks or sewer manhole covers. J. Trottier responded that they would.

Chairman Rugg opened it up for public input and there was none.

**C. Davies made a motion to approve the applicant's request for the above waiver with the following conditions:**

**1. Appropriate financial guarantee is provided prior to the issuance of a CO to the satisfaction of the Department of Public Works to ensure installation of the wearing course of pavement and final pavement markings.**

**2. All other required improvements shall be completed prior to the issuance of a CO, except for landscaping as permitted by the regulations.**

**J. Butler seconded the motion.**

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

D. Application for formal review of a site plan for Phases 4,5 & 6 of the Cross Farm Development, an elderly housing development. Phases 4, 5 & 6 include 79 dwelling units and associated site improvements, 200 Nashua Road, Map 6, Lot 59-1, Zoned AR-1, Cross Farm Development, LLC (Owner & Applicant)

Chairman Rugg read the case into the record stating that they wish to continue the application until December 2, 2020.

**C. Davies made a motion to continue the application for formal review of a site plan for Phases 4,5 & 6 of the Cross Farm Development, an elderly housing development. Phases 4, 5 & 6 include 79 dwelling units and associated site improvements, 200 Nashua Road, Map 6, Lot 59-1, Zoned AR-1, Cross Farm Development, LLC (Owner &Applicant) December 2, 2020.**

**A. Chiampa 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 December 2, 2020, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

## **V. Other**

A. Request for recommendation on issuance of a building permit in accordance with RSA 674:41 – 15 Dianna Road, Map 3 Lot 138A-1, Zoned AR-1, Cindy Bianchi (Owner) and Louie Ascolillo (Applicant)

G. Verani came back to the Board for this request. Town Planner Mailloux informed the Board that in February of 2008, the Zoning Board of Adjustment (ZBA) approved a variance from the Londonderry Zoning Ordinance to allow for a house with no frontage on a Class V or better road, where 150 feet is required. She went on noting that in accordance with that variance, in May of 2010, the Planning Board granted final approval of a subdivision plan that created 15 Dianna Road, Map 3, Lot 138A-1, a lot with no frontage on a Class V road. She added that the access to the parcel is via a public Right of Way which is an unimproved section of Dianna Road. She explained that the property owner is requesting that a building permit for a 4-bedroom single-family residence be issued on the property and noted that the proposed house will be located approximately 300 feet from the town-maintained portion of Dianna Road. She said the statute also requires that notice of the limits of municipal responsibility and liability be recorded in the registry of deeds and noted a sample of the standard agreement and release used by the Town of Londonderry in the past is attached for reference. She noted that the agreement affirms that the Town is not responsible for maintenance nor for liability for damages from the use of the road, and releases the Town from any claim for any loss or damage, including those incurred through failure to provide municipal



emergency services as a result of the condition of the roadway. She stated that staff recommends that the Planning Board make a recommendation to the Town Council that, should a building permit be authorized for 15 Dianna Road, Map 3, Lot 138A-1, the issuance of the permit be subject to the following conditions:

1. Access to the lot be constructed to meet NFPA 1141 standard, including:
  - a. Minimum clear width of 12 feet for each lane of travel, excluding shoulders.
  - b. Turnarounds to be constructed at a maximum of 1,200-foot intervals (if needed).
  - c. Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck.
  - d. The maximum slope of the road should not exceed 6%.
2. A survey should be performed by a licensed land surveyor to field locate the existing road right of way. All improvements must take place within the right of way.
3. Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for disturbance (if any) to wetlands or wetland buffers as a result of the required roadway improvements.
4. The standard Class VI Release and Agreement be signed and recorded at the Rockingham County Registry of Deeds.
5. Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.

Chairman Rugg opened it up to questions from the Board. C. Davies asked if the 2008 variance is still valid. Town Planner Mailloux replied that the ZBA variance allowed for the creation of the lot without frontage, but under state statute a building permit cannot be issued unless there is frontage on a Class V or better road, so it needs to come before the Planning Board and then to the Town Council to issue the permit. A. Sypek commented that unless the roadway is up to National Fire Protection Association (NFPA) standards, he cannot support this. A. Chiampa agreed with A. Sypek. G. Verani asked if this was a lot of record. Town Planner Mailloux replied that was correct. G. Verani commented that he thought someone could build on a lot of record. Town Planner Mailloux responded that you can, but the Building Department cannot issue a building permit by state statute unless the road providing access has a Class V road or better without the Town Council authorizing issuance of the permit. G. Verani asked if the applicant would have to do improvements. J. Trottier replied that the applicant has to do improvements, such as a 24-foot wide road, which is outlined in the staff recommendation memorandum. He noted that the applicant's plan is only showing a 20-foot wide driveway and that is not what staff support. L. Ascolillo replied that this was a technical error and acknowledged that the driveway would be 24-foot wide. L. Wiles asked what the applicant's understanding of the Town's maintenance for the roadway. L. Ascolillo replied that he understands that the Town will have no



maintenance of the road, which will be a waiver that he signs. L. Wiles asked about trash pickup. J. Trottier responded that the applicant will have to have his trash barrel at Dianna Road. Chairman Rugg asked for Brian Johnson, Division Chief of Fire Prevention to give any input at this time. B Johnson told the Board that he told the applicant to reach out to the Department of Public Works and Engineering for help with the road construction and he would get the exact weight of the fire truck for the applicant. He said that they use the ladder truck or the tanker truck for weight because it might be the only truck that is available. Chairman Rugg asked if he was in support of this. B. Johnson answered that as long as the driveway is 24-feet wide and supports the weight of a fire truck, he is okay with it. Chairman Rugg noted that was the recommendation.

Chairman Rugg opened it up for public input and there was none.

**C. Davies made a motion to recommend the issuance of a building permit for 15 Dianna Road, Map 3 Lot 138A-1, with the issuance of the permit being subject to the conditions outlined in Staff's recommendation memorandum dated November 4, 2020.**

**J. Butler seconded the motion.**

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

## **VI. Adjournment**


**Member C. Davies made a motion to adjourn the meeting at approximately 9:40 p.m. Seconded by J. Butler.**

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

**The meeting adjourned at approximately 9:40 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

  
Name: A. Sypek  
Title: Secretary

These minutes were accepted and approved on December 2, 2020, by a motion made by A. Sypek and seconded by J. Butler.

## **STAFF RECOMMENDATION**

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

**Date:** November 4, 2020

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**Application:** Application acceptance and public hearing 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)

- **Completeness:** There is one outstanding checklist item for which the Applicant has requested a waiver from Section 3.10.g.3 of the Site Plan Regulations and Item VII.2.b of the checklist to provide proper internal parking lot landscaping. Staff ***supports*** this waiver as the waiver is limited to the internal parking lot landscaping in proximity to the proposed loading dock and due to the industrial nature of the site and on-site truck turning movements, it is not practicable to comply with the internal parking lot landscape requirements, and the applicant has provided supplemental landscaping on the perimeter of the parking lot.

**Board Action Required:** Motion to grant the waiver from Section 3.10.g.3 of the Site Plan Regulations and Checklist Item VII.2.b per Staff Recommendation Memorandum dated November 4, 2020.

**Board Action Required:** Motion to accept the application as complete per Staff's Recommendation Memorandum dated November 4, 2020.

- **Background:** The west parking lot expansion and northwest detention pond were previously approved in a site plan signed by the Planning Board in April 2006 and has a vested approval. Though the parking lot expansion and detention pond are shown on this plan, those elements are not under review and do not require additional action by the Planning Board.
- **Waivers:** There are no additional waivers required for this application.
- **Recommendation:** Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

**Board Action Required:** Motion to grant conditional approval of the Glebervie Site plan in accordance with plans prepared by Allen and Major Associates, Inc., dated January 16, 2020, last revised October 12, 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 November 4, 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 November 4, 2020.
2. Owner's signature shall be provided on the plan.
3. All applicable permits (NHDES Alteration of Terrain, FAA and Londonderry Stormwater Discharge Permit) be obtained, approval numbers noted on the plan and copies provided for the Town's files.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

**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.

## **STAFF RECOMMENDATION**

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

**Date:** November 4, 2020

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**Application:** Application Acceptance and Public hearing for formal review for a subdivision 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)

- **Completeness:** The Planning Board accepted this application as complete on October 7, 2020.
- **Waivers:** No waivers are being requested for this project.
- **Recommendation:** Based on the information received to date, Staff recommends that a conditional approval be granted with a Notice of Decision to read substantially as follows:

**Board Action Required:** **Motion to grant conditional approval of a subdivision plan to subdivide 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) in accordance with plans prepared by Hayner/Swanson, Inc. dated July 10, 2020, last revised October 12, 2020 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated October 7, 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 November 4, 2020.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.

4. The proposed easement deeds, protective covenants and/or legal documents for the subdivision shall be reviewed for approval by the Town and shall be recorded concurrently with the final plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide checks for all associated recording and LCHIP fees made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

**PLEASE NOTE** – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

**GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
2. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.



## STAFF RECOMMENDATION

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

**Date:** November 4, 2020

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**Application:** Application Acceptance and Public Hearing for formal review for 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).

- Completeness: The application was accepted as complete on October 7, 2020.
- Waivers: The Applicant has requested the following waivers from the Site Plan Regulations:
  1. A waiver from Section 2.04.b.4 to calculate the submittal fee based on the area of disturbance rather than the area of the entire property. The Site Plan Regulations require an application fee of \$0.005 per square foot area of the subject parcel upon which the development is proposed (\$2,990). The Applicant is requesting to pay an application fee of \$0.005 per square foot of the disturbed area (\$2,240.75). ***This waiver was approved on October 7, 2020.***
  2. Five waivers from the following sections of the Site Plan Regulations relative to landscape requirements for Lot 29-11:
    - a. Section 3.10.g.1.i to allow 0% overall interior of a front parking area where 10% is required;
    - b. Section 3.10.g.1.ii to allow 2.6% overall interior of a side parking area where 8% is required;
    - c. Section 3.10.g.1.iii to allow 0% overall interior of a rear parking area where 5% is required;
    - d. Section 3.10.g.1.3 to allow 7 interior shade trees where 11 are required; and
    - e. Section 3.10.g.1.5 to allow 15 perimeter shade trees where 52 are required.
  3. Four waivers from the following sections of the Site Plan Regulations relative to landscape requirements for Lot 29-20:
    - a. Section 3.10.g.1.i to allow 1.6% overall interior of a front parking area where 10% is required;
    - b. Section 3.10.g.1.iii to allow 0% overall interior of a rear parking area where 5% is required;
    - c. Section 3.10.g.1.3 to allow 0 interior shade trees where three are required;

- d. Section 3.10.g.1.5 to allow 5 perimeter trade trees where 10 are required.

Staff supports the requested landscape waivers on each lot as they are being made in order to accommodate vehicle maneuvering for trucks associated with the proposed trucking terminal and warehouse uses. The Applicant has provided supplemental landscaping elsewhere on site to provide additional landscape vegetation that will not interfere with vehicle movement and is providing a berm to provide screening of the parking and loading areas from abutting residential properties. It should be further noted that this lot is located within an aviation easement held by the Manchester Airport Authority and its location in the flight path restricts the height of vegetation that can be planted on site.

**Board Action Required: Motion to approve the above referenced waivers from the landscaping requirements of the Site Plan Regulations in accordance with Staff's Recommendation Memorandum dated November 4, 2020.**

- **Conditional Use Permit:** The project requires a Conditional Use Permit for 4,645 square feet of wetland impact and 4,513 square feet of buffer impact in the Conservation Overlay District.

The Conservation Commission recommended approval of the Conditional Use Permit, subject to confirming that there has been no previous Conditional Use Permit approved by the Town that restricted future impact in the CO district on the property. Staff has confirmed that the Planning Board has not previously authorized a Conditional Use Permit on this property.

**Board Action Required: Motion to approve the requested Conditional Use Permit for work within the Conservation Overlay District in accordance with Staff's recommendation memorandum dated November 4, 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 RJ Kelley Site plan in accordance with plans prepared by Hayner Swanson, Inc., dated July 10, 2020, last revised October 12, 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 November 4, 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 November 4, 2020.
2. The Applicant shall address all appropriate items from the Stantec Traffic Memorandum dated October 7, 2020.
3. Owner's signature shall be provided on the plan.
4. A note shall be added to the plan that truck traffic leaving the site shall turn north on Harvey Road, and appropriate signage be indicated on the plan to the satisfaction of Planning and Engineering Staff.
5. All applicable permits (NHDES Alteration of Terrain, NHDES Dredge and Fill, FAA and Londonderry Stormwater Discharge Permits) be obtained, approval numbers noted on the plan and copies provided for the Town's 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 Subdivision Regulations.
7. Third-party review fees shall be paid within 30 days of conditional site plan approval.
8. Financial guarantees 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.

**GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

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



## MEMORANDUM

To: Planning Board

Date: November 4, 2020

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

Re: Proposed Site Plan for  
Warehouse/Distribution Facility  
Map 14 Lots 29-11 and 29-20  
5 Aviation Park Drive

Owners: Burndy, LLC  
Applicant: R.J. Kelly Company, Inc.

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This project is continued from the October 7, 2020 Planning Board meeting at which the Planning Board accepted the application. The Applicant submitted revised plans and information and we offer the following comments:

### **Design Review Items:**

1. The Applicant's proposed landscape design does not provide the required landscape configuration and/or plantings in accordance with section 3.10.g of the Site Plan Regulations for lot 29-11. Specifically, the Applicant's design does not provide:
  - A. Interior front parking landscaping per section 3.10.g.1.i;
  - B. Overall interior side parking per section 3.10.g.1.ii;
  - C. Rear parking landscaping per section 3.10.1.iii;
  - D. Minimum number of interior shade trees per section 3.10.g.1.3;
  - E. Minimum perimeter shade trees per section 3.10.g.1.5.

The Applicant has submitted a written **waiver request** to the Lot 29-11 landscape requirements for Planning Board consideration.

2. The Applicant's proposed landscape design does not provide the required landscape configuration and/or plantings in accordance with section 3.10.g of the Site Plan Regulations for lot 29-20. Specifically, the Applicant's design does not provide:
  - A. Interior front parking landscaping per section 3.10.g.1.i;
  - B. Rear parking landscaping per section 3.10.1.iii;
  - C. Minimum number of interior shade trees per section 3.10.g.1.3;
  - D. Minimum perimeter shade trees per section 3.10.g.1.5.

The Applicant has submitted a written **waiver request** to the Lot 29-20 landscape requirements for Planning Board consideration.

3. The Applicant has not provided a utility clearance letter to indicate electric service can be provided in accordance with section 3.04 and 4.18.B of the Site Plan Regulations. The Applicant shall provide the utility clearance letter in accordance with the regulations.
4. The Applicant indicates the NHDES Alteration of Terrain, NHDES Wetlands Permit, NHDES Sewer Discharge Permit, Federal Aviation Administration Permit and Londonderry Sewer Discharge Permit have been submitted on the checklist. In addition, it appears a Town of Londonderry Stormwater Permit is needed for the proposed development. The Applicant should submit for and obtain all project permits, indicate the permit approval numbers on the Master Site Plan Permits Index 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.



5. The revised driveway design includes a guardrail opening for access to the existing headwall on the east side of the driveway for maintenance. However, this access location is not provided within the Town's existing drainage easement and thus proper access is not provided. We note the location of the existing drainage easement is absent from the revised grading plans and recommend all existing easements be shown on the grading plans. We recommend the Applicant arrange a meeting with the Department of Public Works to discuss the proposed access to the existing roadway stormwater system for maintenance. Please update the design acceptable to the Department of Public Works.
6. We recommend the Applicant clarify/address the following on the **Master Site Plan, Site Grading, Utilities, and Layout Plans**:
  - A. The revised design includes an updated access drive to the sediment forebay area for maintenance adjacent to HW3. The grading of this drive is steeper than the other access drive and a concern with potential erosion. What measures will be implemented to minimize erosion potential? In addition, we note the riprap at HW3 is not properly labeled on the plan and should be revised accordingly. The Applicant should verify that the revised drive is acceptable to the Department of Public Works.
  - B. The revised design indicates a portion of the Town's existing guardrail along Aviation Park Drive is removed and the proposed site driveway guardrail would connect to the Town's existing guardrail along Aviation Park Drive as noted on sheet 3. We recommend the Applicant verify the design is acceptable to the Department of Public Works.
7. We recommend the Applicant clarify/address the following on the **Construction Details**:
  - A. The retaining wall section profile on sheet 11 indicates a portion of the proposed walls will exceed 6 feet that typically requires a pedestrian guardrail. We recommend the Applicant review the proposed wall design with the Building Department to ensure that appropriate guardrail is provided.
8. We recommend the Applicant address the following relative to the **Project Drainage Report**:
  - A. The Applicant's revised predevelopment calculations indicate subcatchment 5 is in SF versus Acres and is inconsistent with the prior submissions and other calculations using Acres. Please update the subcatchment 5 calculations to be consistent with the analysis.
  - B. The Applicant's revised predevelopment calculations include Subcatchment 7 located along the southwesterly portion of the site, but this subcatchment is not consistently labeled under the post development condition similar to the other revised and relabeled post development subcatchments per section 3.07.b.3 of the Site Plan Regulations and as previously requested. Please update the post development analysis to properly address this subcatchment in compliance with the regulations.
  - C. The Applicant post development analysis is absent of the runoff flow related to predevelopment subcatchment 7 (labeled as #28 on the post development plan) that contributes to new CB 28. We would anticipate the similar flow (versus less flow under the submitted post development analysis) to this location. Please review and revise the post development analysis to properly account for the existing runoff contributing to the site and verify compliance is achieved – no increase in runoff.
  - D. The submitted post development drainage area plan is absent of the delineation and location of new subcatchment "DRAIN" noted in the Applicant's response letter and revised post development calculations in accordance with section 3.07.b.8 of the regulations. We note the submitted post development plan identifies 27 new subcatchments that are related to the runoff to the stormwater components, but is not

consistent with the revised and submitted analysis and new "DRAIN" subcatchment. The Applicant should provide a post development drainage area plan that is consistent with the subcatchments utilized in the latest submitted analysis. Since the limits of the new "DRAIN" subcatchment are unclear and unknown, we could not properly review the submitted post development calculations.

- E. The revised stormwater basin routing calculations at Pond SWA appear to indicate storage below the noted weir plate invert of 306.90 that is typically not allowed by the Town. Please update the calculations to eliminate storage below the weir plate invert. In addition, please update the detail on sheet 12 to indicate the same top grate elevation consistent with the analysis.
  - F. The Applicant noted that CB32 was eliminated under this latest submission in the response letter and this is observed on the plans, but the submitted storm drain design still includes this structure in the hydraulic analysis and pipe sizing. In addition, several of the pipe lengths, slopes, and downstream structures in the submitted storm drain design are inconsistent with revised plans. We recommend the Applicant provide an updated storm drain design table in the report that is consistent with the latest design shown on the plans.
  - G. The revised report includes an operation and maintenance (O&M) manual for the site that represents the stormwater management systems, but the information does not properly and consistently address the oil/water separator maintenance in the description consistent with maintenance described on sheet 14. It appears that the description in the O&M manual is for the work related to the sewer pump station that should also be part of the project O&M as typically requested by the Town. The associated I&M BMP Maintenance Plan should be updated to identify these facilities. As requested previously, we recommend the post development operation and maintenance manual information be updated in the report to properly include the oil/water separator maintenance and include the O&M for the sewer pump station. In addition, we recommend the stormwater maintenance plan be placed in the plan set as typically requested by the Town.
9. We recommend the Applicant address the traffic review comments noted in Stantec's October 7, 2020 memo relative to the project traffic report.
10. 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 Sewer Division have been adequately addressed with the Sewer Division.
  - d. Please verify the comments of Tax Collector have been adequately addressed with the Tax Collector.

**Board Action Items:**

- 1. The Applicant has submitted written waiver requests for five (5) requirements of the Site Plan Regulations for lot 29-11 as noted in the letter dated September 17, 2020 and updated

October 15, 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 four (4) requirements of the Site Plan Regulations for lot 29-20 as noted in the letter dated September 17, 2020 and updated October 15, 2020. The Board will need to consider each of the waiver requests as part of the project review.
3. The Applicant has submitted written waiver requests for the fee requirements of the Site Plan Regulations for the project as noted in the letter dated September 17, 2020 and updated October 15, 2020. The Board granted this waiver at the October 7, 2020 meeting.
4. 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 Aviation Park Drive is dimensioned as 30 feet and does not comply with section 3.08.b.6 of the Site Plan Regulations (24-foot maximum). We understand the Planning Board can grant an exception to 36 feet.



**Stantec**

**Stantec Consulting Services Inc.**

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Auburn NH 03032

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**MEMORANDUM**

To: Ms. Colleen Mailloux, AICP  
Community Development Department

Date: October 7, 2020

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

Re: Proposed Industrial Development  
5 Aviation Park Drive

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

Owner: Burndy, LLC  
Applicant: R.J. Kelley Co., Inc.  
Project No. 179450266

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Stantec has received and reviewed the September 17, 2020 Response to Comments Memorandum prepared by Stephen G. Pernaw & Company, Inc for the 5 Aviation Park Drive Development. This memorandum is in response to Stantec comments contained in a September 2, 2020 memorandum and a further discussion during a virtual meeting on September 15, 2020 including Town of Londonderry staff, the project proponent, project engineers and project traffic engineer and a Stantec traffic engineer. We offer the following comments:

1. The trip generation estimate is appropriate for the anticipated increase in employees and fleet size.
2. The future conditions analysis showing a 1 percent annual background growth, consistent with most NHDOT traffic projections provides a sufficiently conservative estimate of future traffic conditions.
3. The auxiliary lane warrant analysis indicates that a left turn lane is warranted under existing conditions along Harvey Road into both Aviation Park Drive and Burton Drive. A left turn lane may prevent rear end collisions in both directions on Harvey Road at Aviation Park Drive and Burton Drive. We note that intersection improvements were previously constructed along Burton Drive and Aviation Park Drive at the Harvey Road intersection by a previous Applicant. Considering that this project will contribute traffic at this intersection that warrants improvements, we recommend the Applicant discuss a conceptual intersection improvement plan with the Town.
4. The supplemental analysis at the Harvey Road and Pettengill Road signalized intersection, applying a 1 percent background growth to the 2019 existing traffic volume conditions, indicates an overall intersection Level of Service D with a volume to capacity ratio less than 1.0 during the morning peak hour and a Level of Service C with a volume to capacity ratio of 0.91 during the evening, which is acceptable. The effect of the COVID-19 induced commuter trip reduction, with many people working from home, is not represented by this analysis. However, the left turns from Harvey Road are expected to experience the greatest delay and improvements to the intersection will be needed in the future based upon the growth. It is not expected that this development would undertake design or improvements because the traffic conditions are not the result of this development's proposed trips, but the development will contribute to the intersection. We recommend that the Town consider conducting a follow up 24 hour traffic count in 2021 to review the status of the traffic volume levels that could lead to possible alternative intersection improvement plan concepts in the future by the Town and/or others.
5. The unsignalized intersection of High Range Road and Litchfield Road, based on 2019 traffic volumes, will operate with still greater delays in 2031 with or without the project and with one percent annual growth. The warranting of a traffic signal at this location has been determined based on the 2019 traffic volumes. We recommend that in 2021 the Town consider conducting a 24-hour traffic count at this intersection to check the actual traffic volume levels for future consideration of the warranting of a traffic signal and/or other intersection improvements by the Town.

## STAFF RECOMMENDATION

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

**Date:** November 4, 2020

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**Application:** Application for formal review of a lot line adjustment plan between 16 Harvey Road, Map 11 Lot 102, 12 Harvey Road, Map 11 Lot 102-4, and 20 Harvey Road, Map 11 Lot 102-6, Zoned AR-1, Deana Heuston, Sherry Innis & Scott Heitter and Richard & Carolyn Innis (Owners & Applicants)

- **Completeness:** There is one outstanding checklist item for which the Applicant has requested a waiver:
  1. Section 3.11 of the Subdivision Regulations and Checklist Items III.22 and III.23 to indicated wetland limits on the plan and to provide a wetland scientist certification. Staff **supports** granting the waiver as a wetland scientist determined, and provided a certification on a 2006 reference plan currently on file in the Town Hall, that there were no wetlands/wetland soils present on the site.

**Board Action Required:** **Motion to grant the waiver from Section 3.11 of the Subdivision Regulations and Checklist Items III.22 and III.23 per Staff's Recommendation Memorandum dated November 4, 2020.**

**Board Action Required:** **Motion to accept the application as complete per Staff's Recommendation Memorandum dated November 4, 2020.**

- **Waivers:** There are three additional waivers being requested for this project:
  1. Sections 3.10 and 4.17 of the Subdivision Regulations to not provide HISS and Topographic data over the entirety of the parcels. Staff **supports** granting this waiver as sufficient HISS and topographic data has been provided to demonstrate that the lot being reduced in size complies with the lot sizing requirements of the Zoning Ordinance.
  2. Section 4.05 of the Subdivision Regulations which requires that 1 benchmark be provided per 5 acres. The total lot area is 19.72 acres, which would require 3 benchmarks, 2 are provided. Staff **supports** granting the waiver as there is no development planned for the current project and the benchmarks provided establish sufficient reference points for the current proposal.
  3. Section 4.01 of the Subdivision Regulations to provide a plan scale of 1" = 60' rather than 1" = 40' as required. Staff **supports** granting this waiver as the scale allows the entire project to be shown on one sheet and the plans are legible at the scale presented.

**Board Action Required: Motion to grant waivers 1-3 per Staff's Recommendation Memorandum dated November 4, 2020.**

- **Recommendation:** Based on the information received 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 a lot line adjustment plan between 16 Harvey Road, Map 11 Lot 102, 12 Harvey Road, Map 11 Lot 102-4, and 20 Harvey Road, Map 11 Lot 102-6, Zoned AR-1, Deana Heuston, Sherry Innie & Scott Heitter and Richard & Carolyn Innie (Owners & Applicants) in accordance with plans prepared by Benchmark Engineering, Inc. dated March 30, 2020, last revised September 16, 2020 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated November 4, 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. Any outstanding DRC comments shall be addressed.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. The existing and proposed area of each lot should be reviewed and corrected for rounding (i.e. Lot 102-04 is currently 1.67 acres, 0.22 acres is being added, but proposed area is labeled at 1.88 acres).
4. If appropriate, a road widening easement be provided over Map 11 Lot 102-4 to the satisfaction of Staff.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide checks for recording fees made out to the Rockingham County Registry of Deeds.



7. The Applicant shall note all general and subsequent conditions on the plans.
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 two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

**GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
2. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.

## STAFF RECOMMENDATION

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

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**Date:** November 4, 2020

**Application:** Application for formal 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)

- Completeness: There is one outstanding checklist item for which the Applicant has requested a waiver. Section 3.09F of the Subdivision Regulations and Checklist Item III.34 requires that a sight distance plan and profile be provided for each driveway. The Applicant has provided a sight distance plan and profile for Map 16, Lot 2, and is requesting a waiver from the requirement to provide a sight distance plan and profile for Map 16, Lot 1. Staff **supports** the request for a waiver because an existing plan is on file which demonstrates that proper sight distance can be achieved on the parcel for a through-connection associated with the Wallace Farms development.

Board Action Required: **Motion to grant the request for a waiver of Section 3.09F and Checklist Item III.34 per staff's recommendation memorandum dated November 4, 2020.**

Board Action Required: **Motion to accept the application as complete per Staff's Recommendation Memorandum dated November 4, 2020.**

- Waivers: There are two additional waivers being requested for this project:
  1. Section 4.01.C of the Subdivision Regulations to allow plan sheets to be presented at a scale of 1" = 80', where a plan scale of 1"=40' is required. Staff **supports** granting the waiver as it allows the lots to be shown in their entirety on one sheet, the plans are legible at the scale presented, and additional plan sheets are provided at the required plan scale for additional clarity.
  2. Section 3.10.C of the Subdivision Regulations to waive the required HISS mapping for Map 16, Lot 1. Staff **supports** granting the waiver as Map 16, Lot 1 is an already conforming lot which is increasing in size, and HISS mapping for this parcel is on file with the Town as part of the Wallace Farm project. Sufficient HISS data is provided for the lot which is decreasing in size to demonstrate compliance with the lot sizing requirements by soil type.
- 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 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) in accordance with plans prepared by The DuBay Group, Inc. dated September 17, 2020, last revised October 15 2020 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated November 4, 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 any outstanding DRC comments.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. The side setback on the northerly side of Map 16, Lot 1 shall be shown and labeled on the plans.
4. Sheets 1 and 3 shall be recorded in the Rockingham County Registry of Deeds and Note m on sheet 1 be updated accordingly.
5. A well easement shall be provided for recording.
6. Conservation Overlay District signage shall be indicated on the plan.
7. Required permits and permit approval numbers shall be noted on the plan.
8. The proposed easement deeds shall be submitted for review and approval by the Town and shall be recorded concurrently with the final plan.
9. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
10. The Applicant shall provide checks for recording fees for the plans, easements and well easement made out to the Rockingham County Registry of Deeds.
11. The Applicant shall note all general and subsequent conditions on the plans.

12. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
13. Final engineering review.

**PLEASE NOTE** – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

**GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
2. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.

## STAFF RECOMMENDATION

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

**Date:** November 4, 2020

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**Application:** Waiver of Section 6.01c of the Londonderry Site Plan Regulations to allow issuance of a Certificate of Occupancy prior to placement of final wearing course, Gilcreast Road & Catesby Lane, Map 10, Lot 41, Zoned PUD-1, Stabile Companies, Inc (Owner & Applicant)

- **Background:** This project was conditionally approved by the Planning Board on August 1, 2018 and received final approval on November 20, 2019 and was subsequently recorded in the Rockingham County Registry of Deeds.
- **Waivers:** Section 6.01c of the Site Plan Regulations requires that all site improvements be completed prior to issuance of a Certificate of Occupancy (CO). The Applicant has requested that the project be allowed COs prior to placement of the final wearing course of pavement on Catesby Lane. The Applicant has indicated in their request that all other components of the road and infrastructure will be complete, however due to ongoing construction of the residences on Catesby Lane and heavy equipment and construction traffic on Catesby Lane, the final wearing course will be placed after completion of the 28 homes. Staff **supports** the waiver request due to the anticipated construction scheduling, and winter conditions that restrict the placement of the wearing course, and have included recommended conditions of approval that a financial guarantee be provided for the installation of the pavement wearing course and permanent pavement markings.

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

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

- **Recommendation:** Based on the information available, Staff recommends that the Planning Board **GRANT** the requested waiver with the following conditions:
  1. Appropriate financial guarantee is provided prior to the issuance of a CO to the satisfaction of the Department of Public Works to ensure installation of the wearing course of pavement and final pavement markings.
  2. All other required improvements shall be completed prior to the issuance of a CO, except for landscaping as permitted by the regulations.

**Board Action Required: Motion to approve the Applicant's request for the above waiver as outlined in Staff's recommendation memorandum dated November 4, 2020.**



## **STAFF MEMORANDUM**

**To:** Planning Board

**Date:** November 4, 2020

**From:** Colleen P. Mailloux, AICP, Town Planner  
John R. Trottier, PE, Assist. Dir. Of DPW  
Brian G. Johnson, Division Chief of Fire Prevention

**Re:** 15 Dianna Road, Map 3, Lot 138A-1

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### **Background:**

In February 2008, the ZBA approved a variance from the Londonderry Zoning Ordinance to allow for a house with no frontage on a Class V or better road, where 150' is required. In accordance with that variance, on May 2010, the Planning Board granted final approval of a subdivision plan that created 15 Dianna Road, Map 3, Lot 138A-1, a lot with no frontage on a Class V road. The access to the parcel is via a public Right of Way which is an unimproved section of Dianna Road. The 2010 Subdivision Plan is attached.

### **Project Summary:**

The property owner is requesting that a building permit for a 4-bedroom single-family residence be issued on the property. The proposed house will be located approximately 300'± from the town maintained portion of Dianna Road.

The statute RSA 674:41, governing the erection of buildings on streets, Paragraph I. states in part: "*... no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:*

*(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time...*"

The issuance of a building permit must be authorized by the Town Council after review by the Planning Board, according to 674:41 Paragraph I.(c)(1) "*The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof*".

The statute also requires that notice of the limits of municipal responsibility and liability be recorded in the registry of deeds. A sample of the standard agreement and release used by the Town of Londonderry in the past is attached. The agreement affirms that the Town is not responsible for maintenance nor for liability for damages from the use of the road, and releases the Town from any claim for any loss or damage, including those incurred through failure to provide municipal emergency services as a result of the condition of the roadway.

### **Recommendation:**

Staff recommends that the Planning Board make a recommendation to the Town Council that, should a building permit be authorized for 15 Dianna Road, Map 3, Lot 138A-1, the issuance of the permit be subject to the following conditions:

- Access to the lot be constructed to meet NFPA 1141 standard, including:

- Minimum clear width of 12 feet for each lane of travel, excluding shoulders.
  - Turnarounds to be constructed at a maximum of 1,200 foot intervals (if needed).
  - Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck.
  - The maximum slope of the road should not exceed 6%.
- A survey should be performed by a licensed land surveyor to field locate the existing road right of way. All improvements must take place within the right of way.
- Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for disturbance (if any) to wetlands or wetland buffers as a result of the required roadway improvements.
- The standard Class VI Release and Agreement be signed and recorded at the Rockingham County Registry of Deeds.
- Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.