

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF APRIL 7, 2021, VIA A ZOOM REMOTE MEETING

I. CALL TO ORDER

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Ann Chiampa, member; Jake Butler, member; Jeff Penta, member; Bruce Hallowell, Administrative Official Ex-officio; Giovanni Verani, Ex-Officio – Town Manager; Deb Paul; Ex-Officio - Town Council Liaison; Lynn Wiles, alternate member; Jason Knights, alternate member; and Roger Fillio, alternate member

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

Chairman Rugg called the meeting to order at 7:00, and noted as Chair of the Londonderry Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. He started the meeting by taking roll call attendance. He said that when a member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under Right to Know Law. He appointed R. Fillio to vote for C. Davies and L. Wiles to vote for A. Sypek.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member J. Butler made a motion to approve the minutes of March 3, 2021, as presented.

D. Paul seconded the motion.

The motion was granted, 8-0-1, with A. Chiampa abstaining. The Chair voted in the affirmative.

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

1. Application for design review of a site plan for a proposed one story 3,736 SF bank and associated site improvements, Michels Way & Garden Lane, Map 10 Lot 52, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and Enterprise Bank (Applicant)
2. Application for formal review of a subdivision plan to subdivide Map 9 Lot 49, 114 Pillsbury Road and Mammoth Road, Zoned AR-1 into

two lots, Moose Hill Orchards (Owner) & Town of Londonderry (Applicant)

Member J. Butler made a motion to find both projects are not of developmental impact.

R. Fillio seconded the motion.

The motion was granted, 9-0-0, 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 told the Board that this is for 33 Londonderry Road site plan amendment (Map 10 Lot 87) that was previously approved noting the deadline to satisfy the conditions of approval is April 9, 2021. She stated that they requested an extension without a specific timeline, so staff is recommending a 90-day extension to satisfy the conditions of approval, which would give them until July 8, 2021.

Member R. Fillio made a motion to grant the extension request to meet the conditions of approval on a previously conditionally approved 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 July 8, 2021.

J. Butler seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg informed the Board that April 15, 2021 the Office of Strategic Initiatives (OSI) has a noon time training session, which he feels is very worthwhile for all Board members to take. He added that there is a right to know training session on April 15, 2021 as well.

III. Old Business – N/A

IV. New Plans/Public Hearings

A. Rezoning request to rezone 275 Nashua Road (Map 2 Lot 28-10-11) Mark Desrosiers (Owner & Applicant), 271 Nashua Road (Map 2 Lot 28-10), 269 Nashua Road (Map 2 Lot 28-10-2), 267 Nashua Road (Map 2 Lot 28-10-1), Wesley W. and William M. Tate (Owners & Applicants), from AR-1 (Agricultural-Residential-1) and RTE 102 POD (Route 102 Performance Overlay District) to C-II (Commercial II)

Chairman Rugg read the case into the record noting that was not held last month due to improper abutter notification. Patricia Panciocco, Esq., from Panciocco Law, One Club Acre Lane, Bedford, NH, addressed the Board. P. Panciocco explained that they would like the parcels in question to be rezoned to C-II because this is more consistent with how the parcels are presently used and how the area has been developed. She mentioned that a parcel directly across the street is zoned C-II as well. She stated that currently an AR-1 zone permits agriculture, forestry, water quality preservation, residential and public type buildings, such as town halls and churches. She noted that there are residential structures on two of these lots, but the applicant feels that the surrounding area has changed so much over time, the C-II zone fits better. Chairman Rugg asked what two lots have residential structures on them. P. Panciocco pointed out that the first two lots on the screen, specifically 275 Nashua Road and 271 Nashua Road, have residential structure on them. She said that the other two lots they are requesting to rezone are vacant and largely undeveloped. She pointed out that there is a power line easement that abuts the parcels owned by Public Service of New Hampshire (PSNH). She said that they contacted PSNH and that they would like to be rezoned as well, if the applicant's request is approved. She mentioned that one of the uses that is permitted is for elderly housing. Chairman Rugg interjected to let her know that the ordinance no longer exists. P. Panciocco went on to explain that the parcels in question are about 30 to 40 feet higher in elevation than the surrounding parcels and stated that you cannot see much from the abutting parcels due to the heavy tree cover. She mentioned that there are some enforcement issues, as the applicant has an antique car repair shop, which he would like to keep operating. She stated that if the parcels are rezoned, they would present a site plan to the Planning Department for this antique repair shop. Chairman Rugg asked what parcel has the automotive repair. P. Panciocco replied that it was 271 Nashua where he has a garage that he works out of. She commented that she believes it will be difficult for the applicant to get a variance for this if the rezoning request is denied. She said that for the most part there is vacant land across the street that is zoned C-II and is wet in nature and therefore probably undevelopable. She added that if you go further west over the town line, with the exception of the elderly housing, it has already been developed with commercial businesses. Chairman Rugg asked if there are any planned uses for the other parcels that they are requesting to be rezoned. P. Panciocco replied that she was not sure what the applicant would want, but guessed that the applicant would like to keep it commercial, maybe office space. Chairman Rugg asked if the applicant has spoken to any abutters. P. Panciocco replied that they spoke to the owner of the flea market and PSNH, but she does not know if the applicant spoke to anyone else.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux clarified that the darker color on the map is C-II and the lighter color is C-I, noting that currently the parcels are under the Performance Overlay District (POD) as well. She went on stating that the other commercial properties are encumbered by the POD, and the way this request was written was to rezone these parcels to C-II without the POD. She added that there is a residential neighborhood that abuts these parcels to the rear of the property as well. Chairman Rugg told the Board that

a few years ago they had a discussion related to the future of Route 102 and the bottom line was to leave it as it is and do more research. He noted that the POD is what gives the Board the ability to have more control of what could be developed here. A. Chiampa commented that she looked over all the properties along Route 102 all the way down to Parmenter Road noting that there are no C-II properties on either side of the road. She noted that there are C-I properties at the corner of Nashua Road and Parmenter Road, but no C-II properties east of the power lines. She said that the PSNH abutting property is zoned AR-1 as well. She mentioned that if these parcels were to go to C-II, she is worried about the Nesenkeag Brook across the street as well as the abutting property of the Avery Estates neighborhood. She noted that since the property is higher than the abutting properties, this could affect the wetlands in the area with drainage. Chairman Rugg pointed out that once the zoning is changed, it goes with the property, not the applicant. J. Butler commented that he does not really think that the properties west of these parcels are a problem, but he is concerned about the Avery Estates residential neighborhood. He said that C-I would be more restrictive than C-II, and he is in favor of this. J. Penta asked why the applicant did not want to pursue rezoning to C-I. Town Planner Mailloux stated that the current ongoing use would be permitted in C-II, but not C-I. P. Panciocco added that the applicant has an antique car refurbishing business, along with other minor car repairs and this is not permitted in a C-I zone. B. Hollowell said that preliminarily he does not have any issues of the change to C-II, as there are more business as you head towards Hudson. G. Verani remarked that he thinks that it would be better zoned to commercial and stated that the buffer would increase, as well as there being more restrictive control over the drainage. He pointed out that you can develop C-I in a C-II zone. P. Panciocco reviewed the topography of the site, noting that it is very steep around the perimeter of the parcels, and did not think this would be conducive to things such as a motel. She went on to note that the applicant is looking to come into compliance with the town related to the enforcement issue. She said that if this parcel was to be redeveloped, there would be a substantial buffer requirement. Town Planner Mailloux said that there would be a 50-foot buffer requirement between any C-I or C-II property and a residential property. D. Paul asked Town Planner Mailloux to elaborate on how this would affect the POD. Town Planner Mailloux replied that right now the property is zoned AR-1 with the POD and they are asking for C-II without the POD. She noted that the use they are requesting is not permitted in the POD; therefore, when they come in for site plan approval they would need a Conditional Use Permit (CUP), for a use in the POD that is not permitted in the underlying zone. D. Paul asked if the Board can place restrictions on this. Town Planner Mailloux replied that she would not recommend the Board do that. D. Paul asked if it was rezoned C-1, could the applicant go before the Zoning Board of Adjustment (ZBA). Town Planner Mailloux responded that the applicant could go before the ZBA for this. D. Paul mentioned that the only concern she has is that the rezoning would follow the property and not the applicant and there is no way to know what the future use would be. P. Panciocco asked if the applicant was willing to keep the POD in place, does that leave the Board more jurisdiction to control the property. Town Planner Mailloux replied that it would give the Board more jurisdiction, as the applicant would need to demonstrate that they meet the need for a CUP. P. Panciocco affirmed that she did

not believe the applicant would have an objection to amending the application to keep the POD. R. Fillio said that he was in favor of rezoning the property to C-II. L. Wiles asked about the staff memo, specifically the non-conforming use and the variance request for a home occupation when an automotive repair shop cannot be a home occupation. Town Planner Mailloux replied that the commercial auto repair is the non-conforming use in the AR-1 zone with the POD, which is why there is a code enforcement issue. She went on noting that a home occupation is typically allowed by a special exception, but the home occupation specifically excludes automotive facilities, so procedurally the applicant would be asking for a variance on a special exception. She mentioned that staff met with the applicant to discuss all the options that were available, and this is the path they wanted to pursue. L. Wiles asked if it was zoned AR-I when the subdivision was created. Town Planner Mailloux replied that it was her understanding that it has been AR-1 with the POD for quite some time. L. Wiles voiced his opinion, that he is not inclined to support a zoning change for nonconformance enforcement issues.

Chairman Rugg opened it up the public.

Raymond Blethen, 18 Rossini Road, addressed the Board. R. Blethen said he has a lot of concerns with this rezoning, stating that is unknown what the future of the property will be. He commented that the Tate family have been great neighbors to the Avery Estates neighborhood, but noted that the property has changed a lot over the last 10 years. He reviewed the parcels on the screen with the Board, noting that 271 Nashua Road and 275 Nashua are on top of a hill and the hill creates a huge buffer between the current commercial zone of the flea market. He added that if 267 Nashua Road and 269 Nashua Road were rezoned, that buffer would be lost and would create a major noise factor. He noted that the woods are not as thick, especially in the winter time and you can see the buildings from his house. He strongly suggested that 267 and 269 Nashua road parcels not be considered for rezoning to C-II. He mentioned that he chose not to live in Hudson for a reason, as he believes that Londonderry has better zoning and residential areas. He said that across the street it is all wetlands and does not believe that could be developed. He said that he believes that the applicant should work with staff and obtain a variance for the special exception for a home occupation, so that the applicant can continue his antique car business.

Marge Badois, 189 Litchfield Road and the Chair of Conservation Commission, addressed the Board. M. Badois told the Board that directly across the street from the parcels in question is the Nesenkeag Brook and marsh, at 1070 acres, which is the largest watershed in Londonderry. She pointed out that 64% of Nesenkeag marsh is in Londonderry and the remainder is in Litchfield. She added that within the Nesenkeag marsh is Lithia Springs, which is probably Londonderry's most notable water source. She remarked that in light of all the PFAS water problems in town, water is a priority and should be kept a priority. She commented that the properties in question sit on a hill and would drain directly into the watershed. She said that anything from an automotive repair shop that would leak out and get into the subsurface water would cause a problem. She concluded that she is not in favor of the rezoning.

Mike Dolan, 7 Rossini Road, addressed the Board. M. Dolan commented that the motivation for the rezoning request emanated from a code enforcement violation, not what would be beneficial for the town. He mentioned that the presentation seemed to focus primarily on properties to the west of the properties in question, but there is a significant residential area to the east. He remarked that he believes something such as a gas station or motel, which can be in a C-II zone, would impact the property values of the residential properties to the east. He concluded that he is opposed to the rezoning to C-II.

Julie Christenson-Collins, 23 Rossini Road, addressed the Board. J. Christenson-Collins told the Board that she lives in Avery Estates and echoed what the previous abutters have stated. She said that she would ask the Board not to grant the rezoning request. She commented that the potential of putting a commercial business on the property would affect the character of the neighborhood, produce more noise, lack of privacy, decrease property values, and affect the natural surroundings such as the wetland. She added that she does not believe there is any benefit to the town to rezone the parcels due to a code enforcement issue.

David Egan, 29 Burbank Road, addressed the Board. D. Egan informed the Board that he moved to Londonderry from Hudson because they wanted a more rural setting. He stated that he is worried that property values would be affected by this and is opposed to the rezoning.

Roxane Ruppel, 30 Burbank Road, addressed the Board. R. Ruppel said that she echoes the concerns of the previous abutters. She mentioned that there might have been a time about 20 years ago when she moved to the neighborhood when there was tree cover, but currently she can see the collection of older cars on the property. She commented that anyone walking down Burbank Road can see the collection of cars and the trailers that are there as well. She remarked that she is opposed to the rezoning as well.

Jonathan French, 10 Burbank Road, addressed the Board. J. French said that he just moved here and he directly abuts one of the parcels in question. He noted that he currently can hear the cars going up the hill and it would dramatically affect the neighborhood property values. He stated that he does not support this as it is directly in his back yard.

Chairman Rugg brought the discussion back to the Board, as there was no further public input. He commented that the Board received good input from the abutters and it appears that the two most eastern lots should remain AR-I, which would maintain the status quo. He went on to state that the other two parcels could be rezoned C-II with the POD, and that would give the Board the most control with site plan review. He added that the Board can leave things the way they are and have the applicant pursue a variance as well. P. Panciocco informed the Board that the proposal of not rezoning the two most eastern lots would be acceptable to the applicant. She commented that it is not the purpose of someone's property to solely serve as a buffer to another property, and understands the desire to remain

private, but hopes the Board can maintain a balance. She stated that the site plan process is rigorous and the applicant has an obligation to keep run-off on their own property, as well as toxins. J. Butler asked what the process would be for the Tate's to go before the ZBA. Town Planner Mailloux replied that it would be a variance to special exception criteria. Laura Gandia commented that the ZBA has granted some exceptions to the criteria of a special exception and denied some. Town Planner Mailloux stated that if this goes to the ZBA as a home occupation, it does not have the benefit of site plan review. J. Butler asked if the ZBA denied them, could they come back to the Board. Town Planner Mailloux replied that is an option, but procedurally not the best. A. Chiampa asked for the GIS map to be shown, specifically the joint property owned by Avery Estates, and asked if this has a lot of wetlands. Town Planner Mailloux responded that this is wet. R. Fillio asked if the Board would have more control on buffer requirements and landscaping if they allowed it to be rezoned to C-II. Town Planner Mailloux replied not necessarily with just C-II, but with C-II and the POD the Board would. Town Planner Mailloux stated that for C-I and C-II, the applicant would have to meet the site plan regulations, but there are no specific exceptions besides a 50-foot buffer from a residential district where there is a building or parking lot proposed within 200 feet of that district. She added that the POD has additional front landscape buffers as well as side and rear landscape requirements and the use needs to meet the criteria of a CUP. G. Verani asked for the buffer between AR-1 to AR-1. Town Planner Mailloux replied that there is no buffer. B. Hollowell asked if there was water, gas and sewer to Avery Estates. J. Trottier replied that the water goes from Tavern Hill to Burbank Road, no natural gas or public sewer. B. Hollowell noted that his opinion changed from the beginning, where he would not rezone parcels 267 and 269 Nashua Road, but allow 271 and 275 Nashua Road to C-II. Chairman Rugg asked if he was in favor of retaining the POD. B. Hollowell replied that he would be in favor of retaining the POD as well.

B. Hollowell made a motion to recommend to Town Council to rezone 271 Nashua Road, Map 2 Lot 28-10 and 275 Nashua Road, Map 2 Lot 28-11 from AR-1 and Route 102 POD to C-II and Route 102 POD.

Member R. Fillio seconded the motion.

The motion was granted, 7-2-0, by a roll call vote. The Chair voted in the affirmative.

B. Hollowell asked the acreage of the two parcels recommended to be rezoned. Town Planner Mailloux replied about five and half acres. B. Hollowell stated that for all intents and purposes, this is land locking parcels from being developed into any significant C-II usage and allows the current owner to conduct his business. Town Planner Mailloux replied that was correct. A. Chiampa asked if there was a problem with the Board creating this motion without the owner present. Town Planner Mailloux answered that if the applicant does not want to do this, they can come back with something different, as they do not have to pursue this with the Town Council. L. Wiles stated that he does not support a zoning change for an enforcement issue. A. Chiampa stated that she agrees with L. Wiles objection as

well concern about the wetlands.

B. Application for formal review of a site plan for an elderly housing development with 44 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, N.H. Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner)

Chairman Rugg read the case into the record. J. Trottier told the Board that there are outstanding checklist items and staff is recommending the application be continued to allow the applicant to address the outstanding items.

J. Butler made a motion to find that the application is not complete and to continue the application to May 12, 2021 in order to allow the applicant time to provide the outstanding items.

Member B. Hallowell seconded the motion.

The motion passed, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the application is continued until May 12, 2021, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

C. Application for formal review of a lot line adjustment plan between Map 16 Lot 38-126 and Map 16 Lot 38-127, 44 & 46 Clover Lane, Zoned AR-1, Chinburg Properties, Inc. (Applicant) and Lorden Commons, LLC (Owner)

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

J. Butler made a motion to accept the application as complete per Staff's Recommendation Memorandum dated April 7, 2021.

R. Fillio seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Jason Lopez, P.E., from Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3 Bedford, NH and Paul Kerrigan, representative for Chinburg Properties and Lorden Commons, LLC addressed the Board. J. Lopez reviewed the proposal with the Board. He noted that when it came to the development of parcel, Map 16 Lot 38-127, they found there was a front setback and side setback on Calla Road that

caused a 25-foot wide building envelope. He stated that they would like to do a lot line adjustment between parcels, Map 16 Lot 38-126 and Map 16 Lot 38-127, by moving the lot line seven and a half feet to the south. He went on to note that this would provide a buildable envelope for parcel, Map 16 Lot 38-127, from 25-feet to 32.5-feet. He added that this would reduce the building envelope from 40-feet to 32.5-feet on parcel, Map 16 Lot 38-126.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux stated that this is a simple lot line adjustment. The Board's consensus was that they have no issues with the lot line adjustment.

Chairman Rugg asked for public input and there was none.

J. Butler made a motion to grant conditional approval for a lot line adjustment between 44 Clover Lane, Map 16, Lot 38-126, Zoned AR-1, and 46 Clover Lane, Map 16, Lot 38-127, Zoned AR-1 in accordance with plans prepared by Keach Nordstrom Associates, dated July 30, 2020, last revised February 11, 2021 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 April 7, 2021.

B. Hallowell seconded the motion.

The motion was granted, 9-0-0, 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 Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
4. The Applicant shall provide checks for recording fees made out to the Rockingham County Registry of Deeds.

5. The Applicant shall note all general and subsequent conditions on the plans.
6. Financial guarantee 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 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.

D. Application for formal review of a subdivision plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant)

Chairman Rugg read the case into the record. G. Verani and B. Hallowell recused themselves from this case. J. Trottier informed the Board that there are no outstanding checklist items and recommends that the Board accept the application as complete.

J. Butler made a motion to accept the application as complete per Staff's Recommendation Memorandum dated April 7, 2021.

R. Fillio 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. Eric Mitchell, P.E., from Eric C. Mitchell & Associates, 38 South River Road, Bedford, NH, addressed the Board. E. Mitchell reviewed the proposal with the Board, noting it is a proposed eight lot subdivision. He stated that they asked for waivers to the radius of the

road, length of the cul-de-sac and drainage. He commented that the drainage from the entrance of the site will go down Walnut Drive into the Fire Pond, where it currently goes. He noted that they have improvements to the outlet structure at Fire Pond. He commented that the wetland permit has been approved.

Chairman Rugg opened it up to questions from the Board. J. Trottier told the Board that they are requesting five waivers. He reviewed the following five waivers:

1. Section 3.09R to allow for a reduction of the centerline radius. Staff **supports** granting the waiver as the radius as the design exceeds AASHTO specifications for minimum radius on a low volume road.
2. Section 3.09R to allow the proposed road to be greater than the 1,200 linear feet. Staff **supports** granting the waiver, as the proposed length of 1,300 feet allows the cul de sac to be constructed in a flat area and not on a slope, and because the waiver is acceptable to the Fire Department.
3. Section 3.08 (G-2) to allow for the velocity in pipes associated with CB7, CB8, and CB8A, Pond 1 Outlet and Pond 2 Outlet to be less than 2 feet per second. Staff **supports** granting this waiver as the contributing area does not generate enough flow to meet the minimum velocity.
4. Section 3.08 (G-3) to allow for less than 3 feet of cover from the top of pipe to finish grade for CB8A & CB8B. Staff **supports** granting the waiver as the depth of cover is limited by the existing drainage system, and recommends that Class V concrete pipe be provided where the cover is less than the minimum required.
5. Section 3.09 (K) to allow for less than 4:1 fill slope and less than 3:1 cut slope within the 50 foot right of way. Staff **supports** granting the waiver as the existing Right of Way limits the area for grading as the applicant was unable to secure an easement from the abutting property owner to provide grading per the Regulations.

He reviewed the outstanding design review comments with the Board. J. Butler asked if water can be brought into the neighborhood. J. Trottier replied that the developer would have to discuss this with the utilities. He noted that Pennichuck is located at Schoolhouse. E. Mitchell commented that he is not familiar with the project that is downhill between this site and Mammoth Road, but does not think there are any easements as they are all house lots with open space. J. Trottier stated that was correct and it Pennichuk might not have enough pressure to get up the hill. Chairman Rugg asked if the stone walls would be used on the proposed house lots for landscaping. E. Mitchell replied that they could be used, but he is not familiar with any on the site. Chairman Rugg said that this would be up to the owner of the lot.

Chairman Rugg asked for public input.

Bruce Hallowell, 10 Phillips Brook Lane, addressed the Board. B. Hallowell asked if the property owners of Schoolhouse were notified as abutters as this is has a home owners association (HOA). Town Planner Mailloux told him that with an HOA the board of directors is often notified. B. Hallowell stated that he is on the board of directors for the HOA. He mentioned that he is not necessarily concerned, but wanted to make sure that the members of his neighborhood were notified. Town Planner Mailloux told him that Schoolhouse Condominium Association was on the abutters list with an address of P.O. Box 179. B. Hallowell asked the date it was sent out. Town Planner Mailloux replied that one notification would have been sent when they originally submitted their design review submission and then with the formal application submission. L. Gandia commented that it would have been sent out on or before March 26, 2021 by certified letter. Chairman Rugg asked if the certification came back. Town Planner responded that she would have to pull the file. B. Hallowell asked what types of houses and if the applicant has any intentions of extending Kelley Road. E. Mitchell replied the houses would be 4-bedroom houses with two car garages and there is no anticipation of doing anything with Kelley Road. He noted that it is a class VI road with two abutters and they did not want people walking up and down Kelley Road. B. Hallowell asked if the utilities would be private water, septic systems and propane. E. Mitchell replied that was correct and all the houses will have a fire sprinkler system. Town Planner Mailloux informed B. Hallowell that a certified mailing was sent and signed for. B. Hallowell echoed J. Butlers comments on bringing public water into the development, as it is surrounded by developments with public water. L. Wiles mentioned that there are stone walls shown on sheet three and note 17 on sheet one talks about reusing the stone walls on site. A. Chiampa asked if Kelley Road was a town owned Class VI Road and accessible to the public. E. Mitchell replied that correct. There was no further public input.

J. Butler made a motion to approve the requested waivers in accordance with Staff's recommendation memorandum dated April 7, 2021.

R. Fillio seconded the motion.

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

J. Butler made a motion to grant conditional approval of the subdivision plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc, dated November 26, 2019 last revised February 17, 2021 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 7, 2021.

R. Fillio 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 April 7, 2021.

2. The waivers, if granted, shall be noted on the plan.

3. Class V concrete pipe used where the waiver has been granted for minimum depth of cover.

4. All required permit numbers shall be noted on the plan.

5. Slope, drainage and sight distance easements, and flowage rights, shall be revised acceptable to the Town and executed documents be provided for recording concurrently with the final plan.

6. The Owner's signatures shall be provided on the plans.

7. 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.

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

9. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).

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

11. 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. No construction or site work for the subdivision 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 appropriate 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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.

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.

E. Application for formal review of a site plan amendment for modification of the building footprints in a previously approved elderly housing development, Map 3 Lot 155, 48 Old Nashua Road, Zoned AR-1, DFC Development, LLC (Owner & Applicant)

G. Verani and B. Hallowell came back to the Board. Chairman Rugg read the case into the record. J. Trottier informed the Board that there are no outstanding checklist items and recommends that the Board accept the application as complete.

J. Butler made a motion to accept the application as complete per Staff's Recommendation Memorandum dated April 7, 2021.

R. Fillio seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Doug MacGuire, P.E., from the Dubai Group, 84 Range Road, Windham, NH addressed the Board. D. MacGuire told the Board that the owner upon working with his architect on the final design plans of the individual units, needs an additional two feet of depth to accommodate the kitchen transition into the living room. He noted that the overall footprint of some of the units would increase. He shared his screen with the Board of the approved development and pointed out that there will be no adjustment in size of any of the units that are close to the wetland buffer area. He pointed out nine units on the screen that will not be adjusted. He mentioned that the single units went from 1,750 SF to 1,934 SF and duplex units went from 1,500 SF to 1,670 SF.

Chairman Rugg opened it up to questions from the Board. A. Chiampa asked about the first unit and how close it is to the lot line. D. MacGuire replied that it has expanded by two feet, but noted that there is still separation from the property line setback.

Chairman Rugg asked for public input. Town Planner Mailloux said that she spoke to Philip Lampro, 52 Old Nashua Road, who has concerns regarding the proximity of the project to his property, as he has burn piles that he would like screening for. D. MacGuire replied that the project is sitting down lower than his property and from a natural grade he will have some buffering. He shared the landscaping plan with the Board on his screen. Chairman Rugg asked if they could plant some shrubs there. D. MacGuire replied that they could and he would talk to the landscape architect. There was no further public input.

J. Butler made a motion to grant conditional approval of the site plan amendment to the Hannafin Farm Site Plan, Map 3 Lot 155, 48 Old Nashua Road, DFC Development LLC (Owner & Applicant) in accordance with a plan prepared by The Dubai Group, Inc., dated May 18, 2018, last revised February 2, 2021 with the following conditions of approval to be fulfilled as noted:

1. All general and subsequent conditions of approval must be met in accordance with the November 13, 2019 Planning Board Notice of Decision.

2. Note A on Sheet 1 should be updated to indicate that the purpose of this plan is to modify the building footprints of Units 1-9, 16-21, 25-27 and 29-42 shown on the approved Hannafin Farms Site Plan dated July 22, 2020.

3. Additional landscaping be provided to provide a buffer between proposed Unit 1 and the abutting property at 52 Old Nashua Road.

4. Final engineering review.

R. Fillio seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

F. Application for formal review of a subdivision plan to subdivide Map 9 Lot 49, 114 Pillsbury Road and Mammoth Road, Zoned AR-1 into two lots, Moose Hill Orchards (Owner) & Town of Londonderry (Applicant)

Chairman Rugg read the case into the record. B. Hollowell recused himself. J. Trottier informed the Board that there are outstanding checklist items and reviewed them with the Board as follows:

1. Checklist Item VII.2.d and Section 3.06B to show proposed wells or municipal water service.
2. Checklist Item VII.2.b and Section 3.07B to show proposed sanitary sewer system.

He stated that staff ***supports*** granting the checklist waivers as proposed Lot 49 will be placed under a conservation restriction, and Lot 49-1 is not currently proposed for development. He pointed out that staff has recommended that appropriate notes be added to the plan indicating that prior to development, proposed utility systems be designed in accordance with applicable regulations.

J. Butler made a motion to grant checklist waivers 1 and 2 per Staff's recommendation memorandum dated April 7, 2021.

A. Chiampa seconded the motion.

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

J. Butler made a motion to accept the application as complete per Staff's recommendation memorandum April 7, 2021.

R. Fillio seconded the motion.

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

Chairman Rugg noted that the 65-day time clock has started. Eric Mitchell, P.E., from Eric C. Mitchell & Associates, 38 South River Road, Bedford, NH, addressed the Board. E. Mitchell reviewed the proposal with the Board. He noted Moose Hill Orchards owns the 28-acre parcel where and they are proposing to divide it into two lots, one for five acres to be sold to the Town and the remaining 23 acres to be

placed in conservation. He said that they are requesting waivers and reviewed those with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the four waivers with the Board as follows:

1. Section 3.04A to provide 2" contours over the entirety of the parcels. Staff **supports** granting the waiver as topography has been provided over a portion of Lot 49-1, and the remainder lot 49 will be placed under conservation restriction.
2. Section 3.10 to provide HISS mapping over the entirety of the parcels. Staff **supports** granting the waiver, as Lot 49 will be placed under a conservation restriction, and recommends that sufficient HISS mapping be provided to demonstrate that proposed Lot 49-1 meets minimum lot sizing requirements by soil type.
3. Section 3.11 requiring a wetland delineation be provided on Map 9, Lot 49 which is being placed under conservation restriction. Staff **supports** granting the waiver as a wetland delineation has been provided for Map 9, Lot 49-1.
4. Section 4.01.C requiring plan scale greater than 1"=40'. Staff **supports** granting the waiver as the plans are legible at the plan scale presented, and because the scale allows the entirety of the plan to be shown on one sheet.

He reviewed some outstanding design review checklist items. A. Chiampa asked the difference between a conservation easement and conservation restriction. Mike Speltz, 118 Sugarplum Lane and alternate member of Conservation Commission, addressed the Board. M. Speltz informed the Board that the guts of a conservation restriction are typically similar to what you would see in a conservation easement. He went on to note that in each case it would prohibit any kind of commercial, residential or industrial development of the land and limit the use of the land to forestry, agriculture or recreation. He added that the difference is with an easement there is a third-party involved who has rights to enforce the easement, and noted in this case the third-party would be the New Hampshire Department of Environmental Services (NHDES). A. Chiampa asked if it would be passive recreation. M. Speltz replied that was correct. He clarified that there is small part of one of the ball fields that encroaches on the property and playing baseball would be considered active recreation. He stated that they will negotiate an agreement with Londonderry Athletic Fields Association (LAFA) that when it comes time to rebuild that field, they will remove this out of the encroachment area. L. Wiles asked about rewording note 5 and have it split in two, as it deals with two different topics. Town Planner Mailloux replied that it would be corrected. L. Wiles asked about notes 9-11 given that no building is proposed. Town Planner Mailloux replied that those are standard notes to a plan.

Chairman Rugg asked for public input and there was none.

J. Butler made a motion to approve the requested waivers in accordance with Staff's recommendation memorandum dated April 7, 2021.

R. Fillio seconded the motion.

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

J. Butler made a motion to grant conditional approval of the subdivision plan of parcel at 114 Pillsbury Road and Mammoth Road, Map 9 Lot 49, Zoned AR-1, Moose Hill Orchards, Inc (Owner) Town of Londonderry (Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc, dated March 5, 2021 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 7, 2021.

R. Fillio seconded the motion.

The motion was granted, 8-0-0, 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 waivers, if granted, shall be noted on the plan.
2. Note 1 on Sheet 1 shall be revised to read that Lot 49 shall be transferred to the Town of Londonderry and placed in conservation. Proposed Map 9, Lot 49 be labeled on the plans as a parcel to be placed in conservation, as acceptable to Staff.
3. Note 5 on Sheet 1 shall be revised to state that Lot 49 will have conservation restrictions placed on it.
4. Sufficient HISS mapping be provided to demonstrate that Lot 49-1 meets minimum lot sizing requirements per Section 3.10.C

5. A note be added to the plan stating that, prior to development of Lot 49-1, appropriate utility plans and stormwater management plans be provided for review and approval by the Town of Londonderry.

6. Prior to plan signature, the ballfield encroachment on the proposed Map 49 shall be addressed to the satisfaction of Town Staff.

7. Prior to plan signature, the existing encroachment into the front building setback shall be reviewed by the Zoning Administrator and any zoning violation shall be resolved to the satisfaction of Town Staff.

8. The Owner's signatures shall be provided on the plans.

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 LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.

11. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).

12. Final planning 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.

V. Other

R. Fillio made a motion to recommend Jake Butler and Bruce Hallowell to the Capital Improvement Committee (CIP) committee.

L. Wiles seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

J. Butler made a motion to make Art Rugg the liaison to the Heritage Commission.

B. Hallowell seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg told the Board that he sent an email from Kay Webber to the entire Planning Board to pass along the information. He noted that G. Verani replied to the email and emailed the entire Planning Board, which constitutes a meeting that would be considered an illegal meeting. He added that the email will be attached to the minutes and will become public. He mentioned that if the Board would like to discuss the contents of the email, it can be set up for a public meeting. G. Verani commented that he believes the email forwarded by Chairman Rugg was an opinion to not like a blue roof and recognized he made a mistake in hitting reply all. A. Chiampa voiced her opinion, that she appreciates that there is community involvement from residents in town. L. Wiles mentioned that he is still unable to receive any town email and therefore it was not a reply to the whole Board.

Chairman Rugg mentioned that he talked with Town Planner Mailloux about when meetings can resume in person. He said that he thinks that they might be able to get back to public meetings in June/July. Town Planner Mailloux commented that if any Board members have concerns, send an email to either her or Art.

VI. Adjournment

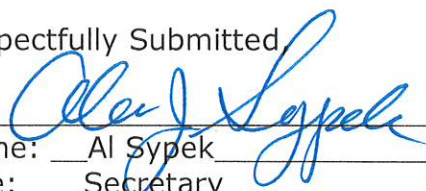
Member J. Butler made a motion to adjourn the meeting at approximately 10:00 p.m. Seconded by R. Fillio .

The motion was granted by a unanimous roll call vote, 9-0-0.

The meeting adjourned at approximately 10:00 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted


Name: Al Sypek
Title: Secretary

Planning Board Meeting

Wednesday 04/07/2021 - APPROVED

These minutes were accepted and approved on May 5, 2021, by a motion made by C. Davies and seconded by J. Butler.

STAFF RECOMMENDATION

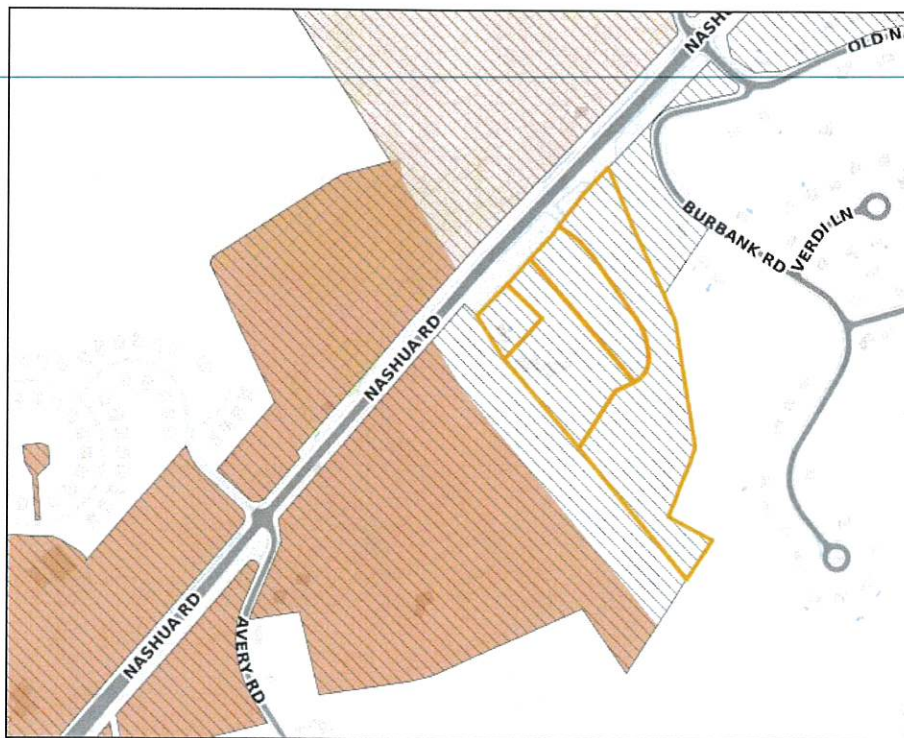
To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
Re: Rezoning Request

Date: March 3, 2021

Rezoning request to rezone 275 Nashua Road (Map 2 Lot 28-10-11) Mark Desrosiers (Owner & Applicant), 271 Nashua Road (Map 2 Lot 28-10), 269 Nashua Road (Map 2 Lot 28-10-2), 267 Nashua Road (Map 2 Lot 28-10-1), Wesley W. and William M. Tate (Owners & Applicants), from AR-1 (Agricultural-Residential-1) and RTE 102 POD (Route 102 Performance Overlay District) to C-II (Commercial II).

Review Comments:

The Applicants are requesting rezoning of four adjacent properties (identified above) from Agricultural-Residential-1 (AR-1) and Route 102 Performance Overlay District (Route 102 POD) to Commercial II (C-II). Please see the attached rezoning request.



Map 2, Lot 28-11 is a 1.15 acre developed parcel with a single-family residence. The lot is accessed by a common driveway from Route 102 on the abutting Eversource parcel.

Map 2, Lot 28-10 is a 4.55 acre lot with an existing single-family residence and several garages. The lot is also accessed by the common driveway from Route 102 on the abutting Eversource parcel and also has access from Route 102 via a driveway over the abutting parcel to the east. This parcel was the subject of a complaint to the Building and Code Enforcement Department for a commercial business being operated without proper Zoning and Site Plan approvals.

Map 2, Lot 28-10-2 is a 2.91 acre parcel which is undeveloped. Access to this parcel is via a driveway on the abutting Lot 28-10-1.

Map 2, Lot 28-10-1 is a 9.37 acre parcel. A driveway on this lot provides access to both Lots 28-10-2 and 28-10. A portion of this lot is used for outdoor storage associated with the single-family residence and the commercial business which operates substantially on Lot 28-10.

The subject parcels are all zoned AR-1 and Route 102 POD. The properties to the north across Nashua Road are zoned C-I and C-II and Route 102 POD. The property directly to the west, owned by Eversource, is zoned AR-1 and Route 102 POD and is part of the electric utility transmission corridor. To the south is a residentially zoned neighborhood (Burbank Road).



Additional Information:

As noted above, Code Enforcement action began on this project in August 2020 (see enforcement letter attached) upon receipt of a complaint of a commercial automotive repair operation being conducted on the property. Though the Route 102 POD is a commercial zone, the single-family residential use of the parcel is an existing non-conforming use. Automotive repair is not a permitted use in the Route 102 POD.

The Applicant was advised that, in order to correct the zoning violation, a variance could be sought from the ZBA from the Home Occupation Criteria in order to allow the automotive repair facility as a Home Occupation. Alternatively, the Applicant could file a rezoning request to re-zone the property to a district which would allow the commercial use, and then seek site plan approval for a commercial operation.

At this time the Applicant is requesting that the parcels be rezoned to C-II to more fully blend with the commercial nature of the corridor and to coincide with the current uses on some of the parcels.

Should the re-zoning to C-II be approved, any of the uses permitted in the C-II zone would be permitted on this property with site plan approval. The existing single-family residential uses could continue as existing non-conforming uses. If re-zoned to C-II, a residential buffer setback of 50-75 feet (based on building size) would apply if a building, parking lot, or driveway is located less than 200' from a residential district.

The proposed rezoning is consistent with the commercial uses along the immediate Route 102 corridor, however the other commercially zoned properties in this area of the corridor are subject to the Route 102 POD. The rezoning as requested would remove the Route 102 Overlay and rezone to C-II. Staff recommends that the Planning Board carefully review this request for re-zoning to determine if a C-II zoning designation is reasonable for these parcels.

Board Action Required

Should the Board find that the request is reasonable and consistent with the surrounding uses and the Master Plan, the Board may make a recommendation motion as follows:

Move to ***recommend*** to the Town Council approval of the rezoning of 275 Nashua Road (Map 2 Lot 28-10-11) Mark Desrosiers (Owner & Applicant), 271 Nashua Road (Map 2 Lot 28-10), 269 Nashua Road (Map 2 Lot 28-10-2), 267 Nashua Road (Map 2 Lot 28-10-1), Wesley W. and William M. Tate (Owners & Applicants), from AR-1 (Agricultural-Residential-1) and RTE 102 POD (Route 102 Performance Overlay District) to C-II (Commercial II).

Conversely the Board may make a motion to recommend that the Town Council deny the request for re-zoning, or the Board may suggest that the Applicant consider other avenues to address the enforcement issue, including seeking a variance from the ZBA.

STAFF RECOMMENDATION

To: Planning Board

Date: April 7, 2021

From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Director of PW&E

Application: Application for formal review of a site plan for an elderly housing development with 44 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, N.H. Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner)

- Completeness: There are outstanding checklist items and Staff recommends that the Application be continued to the May 12 Planning Board meeting in order to allow the Applicant time to provide the outstanding items.

Board Action Required: **Motion to continue the application to May 12, 2021.**

MEMORANDUM

To: Planning Board

Date: April 7, 2021

From: Planning and Economic Development
Department of Public Works & Engineering
Hoyle, Tanner & Associates, Inc.

Re: Sheffield Estates Condominium
Proposed Elderly Housing
Development
Tax Map 7, Lot 105 (Londonderry)
Tax Map 2, Lot 17-6 (Derry)

Owner: N.H. Sustainable Communities
Applicant: N.H. Sustainable Communities

Fieldstone Land Consultants, PLLC submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Hoyle, Tanner and Associates, Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. Site Plan Application Checklist - The Applicant has noted that several items are pending or "N/A". Applicant should provide copies of the Checklist elements per the Checklist.
 - a. The Applicant has noted that a CUP permit is "N/A" on Checklist item II.10. The Applicant should review whether a CUP is required for the proposed grading within the CO District associated with construction of Building 7's subsurface disposal system.
 - b. The Applicant has not included the minimum lot area or frontage requirements on the Master Site Plan Sheet as required by Checklist item IV.1.e.
 - c. The Applicant did not include the owner's signature on the Existing Conditions Plan as required by Checklist item V.13.
 - d. The Applicant did not include copies of required permits or copies of permit applications per Checklist items IV.1.n., XII.1., and XII.11. and has noted them as pending; however, we were unable to find a status listed on the NHDES website.

Design Review Items:

1. The Applicant has proposed an intersection that does not provide the 365 foot sight distance requirement for 3 or more unit drives, and has submitted a written **waiver request** from Londonderry Site Plan Regulations (LSPR) 3.08.b.8.'s requirement for consideration.
2. The Applicant has not provided sidewalks within the site as required by Londonderry Zoning Ordinance (LZO) 5.6.4.G.1 and LSPR 3.08.c. Applicant has provided a written **waiver request** from this requirement.
3. This project includes work within the Town of Derry. The Applicant should confirm with Derry their requirement for review and approval of this project. (The Applicant noted that there are no structures located in Derry; however, if the decks shown on the building plans are to be constructed, the decks on 15 units will be located in Derry.)

4. The Applicant noted that 2 sets of highlighted plans depicting revisions were not provided because the "changes to [sic] extensive to highlight". It is recommended that highlighted plans depicting the revisions be provided in accordance with the regulations with the next submittal.
 5. The Applicant should include the owner's signature on the title sheet, existing conditions sheet, and site plan sheet as required by the Londonderry Site Plan Regulations (LSPR) 4.03.C.
 6. The Applicant should correct the typographical/spelling errors on the Road Construction Notes and correct the text overwrites on the Plan and Profile sheet.
 7. The Applicant should add missing linetypes and symbols to the plan legends.
 8. The Applicant should provide an easement to the Town that includes property 25' from the centerline of Gilcreast Road to allow for future road widening.
-
9. The Applicant should provide copies of secured permits in accordance with LSPR 4.18.e. and provide the list of required permits and permit approval numbers on the plan set.
 10. All road names and street addressing should be confirmed with the Road Name Committee. Proposed condo parcel IDs should be confirmed with Assessing.
 11. We recommend that the Applicant address the following items related to the **Master Site Plan (2 of 22)**:
 - a. LSPR 4.04.K. requires bicycle parking spaces to be shown on the plan, yet the Applicant has noted that no outside bicycle parking spaces will be provided.
 - b. LSPR 4.04.R. requires waste container pad locations and screening to be shown on the plan. The Applicant has noted that none will be provided and that the residents will be responsible for their own trash removal. We recommend that this be discussed with Staff and plans revised to be acceptable to the Town.
 - c. The Applicant should provide the required green area as part of the required note, as outlined in the LZO per LSPR 4.11.h.
 - d. The Applicant should update the plan to include dimensions and construction layout information for the proposed cul-de-sac that matches the Town's requirements per LSR 3.09.Table 1.
 12. We recommend that the Applicant address the following items related to discrepancies between the **Master Site Plan (2 of 22), Condominium Site Plan (3 of 22), Condominium Floor Plans (4 through 7 of 22), Grading and Drainage Plan (10 of 22), Site Utility Plan (11 of 22), Site Lighting Plan (12 of 22), and Landscaping Plan (13 of 22)**:
 - a. Sheets 4 through 7 indicate that decks are proposed on each structure; however, the decks are not depicted on any of the plans showing site layout. This is important such that evaluations can be performed on elements that could be affected by the decks, such as drainage, building spacing, septic system construction, and landscaping.

13. We recommend that the Applicant address the following items related to the **Existing Conditions Plan (8 of 22)**:
 - a. The Applicant should include details as to the size of the monuments and pins to be set per LSPR 3.02.
14. We recommend that the Applicant address the following items related to the **Grading & Drainage Plan Sheet (10 of 22)**:
 - a. The Applicant should review the design of the swale located between buildings 7 and 8 to confirm that standing water will not be a problem. Additionally, the spot grades on the plan sheet should be coordinated with the drainage calculations. The drainage calculations indicate a 1.05' drop across the swale, while the spot grades on the plan indicate only a 0.1' drop across 165'.
 - b. The Applicant is proposing to discharge flow from a new pipe into the Town's right-of-way (FES 2, next to Castlerock Drive). The Applicant should revise the discharge location such that the outlet remains on the subject parcel.
 - c. The project abuts town-owned drainage features. The Applicant should provide an easement to the Town 10 feet wide along the drainage pipe and 20 feet around the drainage structures.
15. We recommend that the Applicant address the following items related to the **Site Utility Plan Sheet (11 of 22)**:
 - a. The Applicant has provided layout and details for proposed subsurface disposal systems; however, clarification should be provided on the grading intent for systems close to the Conservation Overlay District boundary where substantial grading appears to be required immediately adjacent to the boundary (the system for Building 7, where the system is labelled "original Grade El-232.2"; however, the grade per the topographic detail indicates a current elevation of 242.) We recommend that the Applicant explain how the "original" elevation was determined and review with Staff to determine whether a Conditional Use Permit is required for work within the CO district. Additionally, the plan should clearly show the proposed grading of the stockpile removal.
 - b. We recommend that the Applicant discuss with Staff the proposed water main within Gilcreast and South Roads and revise the design to be acceptable to the Town
16. We recommend that the Applicant address the following items related to the **Construction Details Sheet (18 of 22)**:
 - a. The Applicant should include a reference to the Town of Londonderry Typical Details for Site and Roadway Infrastructure.
 - b. The Applicant should clarify the intent for use of the "Curb Section @ Driveways" Cape Cod Berm detail. The updated detail should show how the base and wearing course pavement layers interact with the Curb.

17. We recommend that the Applicant address the following items related to the **Stormwater Management Details Sheet (21 of 22)**:
 - a. The Applicant should include the actual HGL for the open channels and swales per LSPR 3.07.c.2. (They have included the water depths, but have not equated the depths to the HGL elevation.)
18. We recommend that the Applicant address the following items related to the **Stormwater Management Report**:
 - a. Although the executive summary in the drainage report notes that the calculations were performed to account for frozen ground conditions, the Applicant has modeled two existing ponds with an "exfiltration" aspect. Since the Town does not allow infiltration to be considered as part of stormwater management calculations, the calculations should be revised to exclude the exfiltration aspect.
 - b. The Applicant has provided riprap calculations for the locations shown to include riprap. The Applicant should provide calculations demonstrating that outlet protection is not needed at the outlets where riprap is not shown.
 - c. The Applicant should correct the discrepancy related to CS-1/CS-3 on the HydroCAD routing diagram.
 - d. The Applicant should review the grading around building 8's subsurface disposal system. Per the current design, a drainage swale's flow is directed immediately adjacent to the subsurface disposal system. Although this swale receives minimal flow, "open drainage" is typically required to have 75 feet of separation to the system.
19. We recommend that the Applicant address the following items related to the **Short Traffic Analysis**:
 - a. Per LSPR 3.14.c.2: The description of the existing roadway shall include the location of existing driveways and description of pedestrian amenities.
 - b. The Sight Distance measurements in the analysis report notes the available sight distance at the eastern site drive, looking east, is 354'. Exhibit SD-1 of the plan set depicts 365' available sight distance. The Applicant should reconcile this discrepancy.
20. The Applicant should verify that all design review comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of the Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of the Fire Department have been adequately addressed with the Fire Department.
 - c. Please verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.
 - d. Please verify the comments of the Heritage Commission have been adequately addressed with the Heritage Commission.

Board Action Items:

1. The Applicant submitted written waiver requests to one (1) of the Site Plan Regulations (LSPR) 3.08.b.8. and one waiver from the Zoning Ordinance Section 5.6.4.g.1 requirements as noted in the submittal dated February 2021. The Board will need to consider each waiver request as part of the project review.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Director of PW&E

Date: April 7, 2021

Application: Application for formal review for a lot line adjustment between 44 Clover Lane, Map 16 Lot 38-126, Zoned AR-1, and 46 Clover Lane, Map 16 Lot 38-127, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, LLC (Applicant)

- Completeness: There are no outstanding checklist items, Staff recommends the application be accepted as complete.

Board Action Required: **Motion to accept the application as complete per Staff's Recommendation Memorandum dated April 7, 2021.**

- Waivers: There are no waivers requested for this project.
- 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 44 Clover Lane, Map 16, Lot 38-126, Zoned AR-1, and 46 Clover Lane, Map 16, Lot 38-127, Zoned AR-1 in accordance with plans prepared by Keach Nordstrom Associates, dated July 30, 2020, last revised February 11, 2021 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 April 7, 2021.**

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

4. The Applicant shall provide checks for recording fees made out to the Rockingham County Registry of Deeds.
5. The Applicant shall note all general and subsequent conditions on the plans.
6. Financial guarantee 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 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, Director of PW&E

Date: April 7, 2021

Application: Application for formal review of a subdivision plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant)

- Completeness: There are no outstanding checklist items and Staff recommends that the application be accepted as complete.

Board Action Required: **Motion to Accept the Application as Complete per Staff's recommendation memorandum April 7, 2021**

- Waivers: The Applicant is requesting five waivers to the Subdivision Regulations:
 1. Section 3.09R to allow for a reduction of the centerline radius. Staff **supports** granting the waiver as the radius as the design exceeds AASHTO specifications for minimum radius on a low volume road.
 2. Section 3.09R to allow the proposed road to be greater than the 1,200 linear feet. Staff **supports** granting the waiver, as the proposed length of 1,300 feet allows the cul de sac to be constructed in a flat area and not on a slope, and because the waiver is acceptable to the Fire Department.
 1. Section 3.08 (G-2) to allow for the velocity in pipes associated with CB7, CB8, and CB8A, Pond 1 Outlet and Pond 2 Outlet to be less than 2 feet per second. Staff **supports** granting this waiver as the contributing area does not generate enough flow to meet the minimum velocity.
 3. Section 3.08 (G-3) to allow for less than 3 feet of cover from the top of pipe to finish grade for CB8A & CB8B. Staff **supports** granting the waiver as the depth of cover is limited by the existing drainage system, and recommends that Class V concrete pipe be provided where the cover is less than the minimum required.
 4. Section 3.09 (K) to allow for less than 4:1 fill slope and less than 3:1 cut slope within the 50 foot right of way. Staff **supports** granting the waiver as the existing Right of Way limits the area for grading as the applicant was unable to secure an easement from the abutting property owner to provide grading per the Regulations.

Board Action Required: **Motion to approve the requested waivers in accordance with Staff's recommendation memorandum dated April 7, 2021.**

- 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 subdivision plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc, dated November 26, 2019 last revised February 17, 2021 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 7, 2021.**

“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 April 7, 2021.
2. The waivers, if granted, shall be noted on the plan.
3. Class V concrete pipe used where the waiver has been granted for minimum depth of cover.
4. All required permit numbers shall be noted on the plan.
5. Slope, drainage and sight distance easements, and flowage rights, shall be revised acceptable to the Town and executed documents be provided for recording concurrently with the final plan.
6. The Owner’s signatures shall be provided on the plans.
7. 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.

8. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
9. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
10. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
11. 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. **No construction or site work for the subdivision 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 appropriate 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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.
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.

MEMORANDUM

To: Planning Board

Date: April 7, 2021

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

Re: Map 12 Lot 39
Marcona Lane Subdivision
Hazelnut Lane and Kelly Road
Londonderry, NH

Owner/Applicant Jean M. Gagnon

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

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The Applicant proposes a roadway design that does not provide the minimum centerline radius for a 35 MPH roadway design for a crowned roadway of 510 feet per table 3-13b of AASHTO and in accordance with sections 3.01.C.8 and 3.09.R.2 of the Subdivision Regulations. The Applicant has submitted a written **waiver request** to the roadway design requirements for Planning Board consideration.
2. The Applicant proposes a roadway design length of approximately 1,300 feet that exceeds the maximum length of 1,200 feet per section 3.09.R, Table 1 of the Subdivision Regulations. The Applicant has submitted a written **waiver request** to the roadway design requirements for Planning Board consideration.
3. The Applicant's proposed stormwater design does not provide the minimum storm drain pipe cover per section 3.08.g.3 of the Subdivision Plan Regulations at CB8, CB8B and the existing CB on Walnut Drive with this latest submission. We understand the Town requests class V concrete pipe be provided where pipe cover is less than the minimum required. The Applicant has submitted a written **waiver request** to the stormwater design requirements for Planning Board consideration.
4. The Applicant's revised pipe summary table in the project stormwater calculations indicates three (3) locations within the proposed stormwater system with velocities to be less than 2 feet per second, which do not comply with Section 3.08.G.2 of the Subdivision Regulations. The Applicant has submitted a written **waiver request** to the stormwater design requirements for Planning Board consideration.
5. The Applicant's revised roadway grading design on sheet 8 and at cross section 0+50 for the proposed roadway cut side slope is revised to a riprap slope at 2H:1V adjacent to lot 3-70, and does not provide the required 3H:1V slope required by Section 3.09.K of the of the Subdivision Regulations and Exhibit R101. The Applicant has submitted a written **waiver request** to the roadways design requirements for Planning Board consideration.
6. The Applicant's revised roadway grading design on sheet 8 and at cross sections 2+50 to 3+25, indicate the proposed roadway fill side slope will be 3H:1V to 3.5V:1H adjacent to lot 3-69, and does not provide the required 4H:1V fill slope required by Section 3.09.K of the of the Subdivision

Regulations and Exhibit R101. The Applicant has submitted a written **waiver request** to the roadway design requirements for Planning Board consideration.

7. The Applicant indicates the NHDES Subdivision Application for the proposed project has been submitted. The Applicant should obtain all project permits, update note 6 on sheet 1 with the approval numbers, and provide copies of all permit approvals for the Planning Department's files.
8. The Applicant should provide the Owner's signature on the Cover Sheet & Subdivision Plans per section 4.02.c.16 of the regulations. In addition, we recommend the Applicant clarify the wetland information at lot 39-6 on sheet 6.
9. We recommend the Applicant address the following on the **Roadway Plan and Profile**:
 - a. The revised roadway design indicates a flared guardrail end section at the easterly end which does not provide for an EAGRT end section as typically required by the Town. Please update the design accordingly acceptable to the Department of Public Works. In addition, we note portions of the NHDOT standard sheet have been added to sheet 24, but the information is not complete and consistent with the NHDOT Standard sheet. We recommend the project plan set be updated to include the standard NHDOT guardrail and EAGRT end sections details as typically required by the Town and in accordance with the regulations.
 - b. The Applicant's revised design indicates the sum of all of the indicated wetland impacts totals to 4,588 SF, but the wetland permit notes only 3,883 Sf of approved impact. We recommend the Applicant obtain a revised permit consistent with the latest design impacts.
 - c. Please update sheet 8 to indicate/provide a match line at Walnut Drive that is missing.
 - d. Please update the profile information for HW7 and HW8 on sheet 9 to note the underdrain outlet inverts and update the underdrain notes to properly identify the underdrain outlet locations consistent with the latest design.
 - e. The revised design includes alteration of the existing outlet structure at the existing fire pond located on Walnut Drive. It is unclear if the proposed outlet structure construction would require temporary bypass measures to maintain current outlet flow and temporary impacts to the pond wetlands may occur during construction. We recommend confirmation be provided regarding the applicability of the NHDES Wetlands regulations for the proposed work at the fire pond, and that proper permits be obtained, as applicable.
10. We recommend the Applicant indicate the proposed right side grade line for cross section 6+00 on sheet 21.
11. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
 - c. Please verify the comments of Heritage Commission have been adequately addressed with the Heritage Commission

- d. Please verify the comments of Fire Department have been adequately addressed with the Fire Department.

Board Action Items:

1. The Applicant has submitted a written waiver request to five sections of the Subdivision Regulations as noted in the letter dated February 19, 2021. The Board will need to consider each of the waiver requests as part of the project review.

Board Information Items:

1. The Applicant has submitted draft copies of proposed easement deeds, protective covenants, or other legal documents that are currently under review by the Town.

STAFF RECOMMENDATION

To: Planning Board

Date: April 7, 2021

From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Director of PW&E

Application: Application for formal review of a site plan amendment for modifications of the building footprints in a previously approved elderly housing development; Map 3, Lot 155, 48 Old Nashua Road, Zoned AR-1, DFC Development, LLC (Owner & Applicant)

- Completeness: There are no outstanding checklist items. Staff recommends that the Application be accepted as complete.

Board Action Required: **Motion to Accept the Application as Complete per Staff's Recommendation Memorandum dated April 7, 2021.**

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

Board Action Required: **Motion to grant conditional approval of the site plan amendment to the Hannafin Farm Site Plan, Map 3 Lot 155, 48 Old Nashua Road, DFC Development LLC (Owner & Applicant) in accordance with a plan prepared by The Dubai Group, Inc., dated May 18, 2018, last revised February 2, 2021 with the following conditions of approval to be fulfilled as noted:**

1. All general and subsequent conditions of approval must be met in accordance with the November 13, 2019 Planning Board Notice of Decision.
2. Note A on Sheet 1 should be updated to indicate that the purpose of this plan is to modify the building footprints of Units 1-9, 16-21, 25-27 and 29-42 shown on the approved Hannafin Farms Site Plan dated July 22, 2020.
3. Final engineering review.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Director of PW&E

Date: April 7, 2021

Application: Application for formal review of a subdivision of one lot into two, Map 9, Lot 49 114 Pillsbury Road and Mammoth Road, Zoned AR-1, Moose Hill Orchards (Owner) and Town of Londonderry (Applicant)

- Completeness: There are two outstanding checklist items for which a waiver has been requested:
 1. Checklist Item VII.2.d and Section 3.06B to show proposed wells or municipal water service.
 2. Checklist Item VII.2.b and Section 3.07B to show proposed sanitary sewer system.

Staff **supports** granting the checklist waivers as proposed Lot 49 will be placed under a conservation restriction, and Lot 49-1 is not currently proposed for development. As a condition of approval Staff has recommended that appropriate notes be added to the plan indicating that prior to development, proposed utility systems be designed in accordance with applicable regulations.

Board Action Required: **Motion to grant checklist waivers 1 and 2 per Staff's recommendation memorandum dated April 7, 2021.**

Board Action Required: **Motion to Accept the Application as Complete per Staff's recommendation memorandum April 7, 2021**

- Waivers: The Applicant is requesting four additional waivers to the Subdivision Regulations:
 1. Section 3.04A to provide 2" contours over the entirety of the parcels. Staff **supports** granting the waiver as topography has been provided over a portion of Lot 49-1, and the remainder lot 49 will be placed under conservation restriction.
 2. Section 3.10 to provide HISS mapping over the entirety of the parcels. Staff **supports** granting the waiver, as Lot 49 will be placed under a conservation restriction, and recommends that sufficient HISS mapping be provided to demonstrate that proposed Lot 49-1 meets minimum lot sizing requirements by soil type.
 3. Section 3.11 requiring a wetland delineation be provided on Map 9, Lot 49 which is being placed under conservation restriction. Staff **supports** granting the waiver as a wetland delineation has been provided for Map 9, Lot 49-1.
 4. Section 4.01.C requiring plan scale greater than 1"=40'. Staff **supports** granting the waiver as the plans are legible at the plan scale presented, and because the scale allows the entirety of the plan to be shown on one sheet.

Board Action Required: **Motion to approve the requested waivers in accordance with Staff's recommendation memorandum dated April 7, 2021.**

- 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 subdivision plan of parcel at 114 Pillsbury Road and Mammoth Road, Map 9 Lot 49, Zoned AR-1, Moose Hill Orchards, Inc (Owner) Town of Londonderry (Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc, dated March 5, 2021 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 7, 2021.

“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 waivers, if granted, shall be noted on the plan.
2. Note 1 on Sheet 1 shall be revised to read that Lot 49 shall be transferred to the Town of Londonderry and placed in conservation. Proposed Map 9, Lot 49 be labeled on the plans as a parcel to be placed in conservation, as acceptable to Staff.
3. Note 5 on Sheet 1 shall be revised to state that Lot 49 will have conservation restrictions placed on it.
4. Sufficient HISS mapping be provided to demonstrate that Lot 49-1 meets minimum lot sizing requirements per Section 3.10.C
5. A note be added to the plan stating that, prior to development of Lot 49-1, appropriate utility plans and stormwater management plans be provided for review and approval by the Town of Londonderry.
6. Prior to plan signature, the ballfield encroachment on the proposed Map 49 shall be addressed to the satisfaction of Town Staff.

7. Prior to plan signature, the existing encroachment into the front building setback shall be reviewed by the Zoning Administrator and any zoning violation shall be resolved to the satisfaction of Town Staff.
8. The Owner's signatures shall be provided on the plans.
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 LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
11. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
12. Final planning 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.