

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF JUNE 9, 2021, Via a Zoom remote meeting

I. CALL TO ORDER

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Al Sypek, Secretary; Ann Chiampa, member; Jake Butler, Assistant Secretary; Jeff Penta, member; Bruce Hallowell, Administrative Official Ex-officio; Deb Paul, Town Council Ex-officio; Roger Fillio; alternate member; Lynn Wiles, alternate member and Jason Knights, alternate member

Also Present: Town Planner Colleen Mailloux; Associate Planner Laura Gandia; John Trottier, Director of Public Works and Engineering; Jose' Lovell, Assistant Director of Public Works and Engineering; and Beth Morrison, Recording Secretary

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

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES: N/A

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

1. Application for design review of a site plan for proposed outdoor seating areas and modified landscape island for truck turning, Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-I, Vernco Apple, LLC (Owner & Applicant)

Member C. Davies made a motion to find this project is not of regional impact.

J. Butler seconded the motion.

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

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that the Loomis facility that was approved by the Board, has a fence around the perimeter of the site for security purposes. She explained that the detail of the fence initially did not include barbed wire at the top of the fence, and wanted to make sure that this was okay with the Board. The Board agreed that this type of fence was okay for this site.

III. Old Business

A. Application for formal review of a site plan amendment for the construction of a 3,900 SF garage/storage unit, impound lot and associated site improvements, Four Enterprise Drive, Map 15 Lot 62-1, Zoned C-II, Enterprise Drive Recovery, LLC (Owner) and Bauchman's Towing, Inc. (Applicant) – continued from the May 5, 2021 meeting

Chairman Rugg read the case into the record noting that it has been continued from the May 5, 2021, meeting. J. Trottier informed the Board that they accepted the application as complete at the May 5, 2021, meeting. He said that the applicant did address comments from the May 5, 2021, meeting. He reviewed the remaining design review comments with the Board. He explained that staff is not in support of granting the waiver request from Section 3.09k of the Site Plan Regulations to allow a gravel driveway surface rather than a paved surface as required by the regulations. He pointed out that staff does not support granting the waiver as the purpose of the requirement for a paved surface is to provide a hard, durable surface for vehicle circulation, truck deliveries, loading and unloading. He added that gravel is permitted for the outdoor storage area, but paved access should be provided for vehicle circulation and loading. Town Planner Mailloux reminded the Board that the applicant is requesting a conditional use permit (CUP) for 1,650 square feet of impact within the Conservation Overlay District for work associated with the construction of a stormwater management pond. The Conservation Commission recommended approval of the CUP.

Jason Lopez, P.E., from Keach-Nordstrom, Inc., 10 Commerce Park North, Suite 3, Bedford, NH, addressed the Board. Brian Bauchman, owner of Bauchman's Towing Inc., addressed the Board. J. Lopez told the Board that they reduced the shoulder on the edge of pavement and adjusted the elevation of the pavement, which allowed him to get the slope to 3:1 and eliminate the rip rap. He noted that the owner wanted to add a 25-foot concrete apron along the back of the building outside of the garage doors. He shared his screen and reviewed the proposal with the Board. He added that they widened the top of the berm to allow access to both the sediment forebay and the outlet structure. He commented that they removed the emergency spill way from the pond and provided an operation and maintenance manual for the stormwater. He noted that they obtained a utility clearance letter from Eversource, Liberty Utilities, Manchester Water Works (MWW) and are working with Bob Kerry, Environmental Engineer, for the sewer, both town and state. He mentioned that they have not been able to secure a Comcast utility letter to date, stating that Comcast will not issue a letter for the property as the building is not in place. He said that they submitted the Stormwater Prevention Plan (SWPP) for review and received the town storm water permit. He stated that they received an

email from the New Hampshire Department of Transportation (NHDOT) stating that an updated permit for Enterprise Drive and Route 28 is not required and they are sending a memo to the Department of Public Works and Engineering (DPW) stating this.

Chairman Rugg opened up the discussion to questions from the Board. Town Planner Mailloux told the Board that the town attorney's guidance and the criteria for granting a waiver from the site plan regulations are as follows: a waiver should be granted when application of the regulations results in a particular and peculiar practical difficulty or exceptional undue hardship or if an alternate site planning design can meet the site plan regulations. C. Davies asked what area would need to be paved to provide for the circulation of vehicles. J. Lopez replied that to be precise he would need to run the turning radius of his truck, but he denoted an area on the screen in blue that would need to be paved. J. Trottier agreed with what J. Lopez delineated on the screen. J. Butler stated that he does not have an issue granting the waiver as they put in concrete which would help as well. He noted the large expense of asphalt. A. Chiampa asked if the vehicles on the site now, would be stored there after the building is completed. B. Bauchman replied that the vehicles that are there now are all trailers and would be parked out in the back where the gravel is proposed. A. Chiampa asked if there was a motor home there now. B. Bauchman replied that it is and it would end up in the paved area in the front. A. Chiampa asked why they are asking for the waiver specifically as she does not see any reason other than expense to not put in asphalt. She expressed her opinion, that she believes they should put in asphalt as it is required in the regulations and she does not believe there any physical reasons to prevent it. B. Bauchman replied it was due to the expense. D. Paul mentioned that she is not sure if this she has a conflict, as the owner's business has run a one-time classified ad in her newspaper. Chairman Rugg responded that it is up to her, but would probably be best to recuse herself. Town Planner Mailloux informed the Board that by statute if a member is debating whether or not to recuse themselves, a poll can be requested of the Board to offer guidance to the member. Chairman Rugg polled the Board. A. Chiampa asked when the classified ad was in the paper. D. Paul replied that it was just in the paper the other day. B. Bauchman asked what the classified ad was about. D. Paul replied that it was for a car auction. C. Davies, A. Sypek, A. Chiampa, B. Hallowell and Chairman Rugg were in favor of recusal. D. Paul recused herself from this case. R. Fillio stated that he thought the gravel would be better than the pavement to allow the water to soak back into the ground. He said that he supports the waiver. L. Wiles expressed his opinion, that at this time he supports the waiver request and if the gravel becomes an issue in the future, the applicant can deal with it then. J. Knights commented that he supports the waiver request. Chairman Rugg remarked that he sides with staff on the waiver request and noted that the gravel might cause dust to be kicked up and cause a problem. B. Hallowell said that he has experience with trucks and hot top, stating that asphalt gets chewed up quickly with trucks turning, so he supports the waiver request as the gravel will be less upkeep for the applicant. R. Fillio noted that he walked the Rail Trail recently and the berm between the applicant's property and the Rail Trail is about six to eight feet tall, so he does not think dust would be an issue. J. Butler asked the difference between this case and Larson Trucking. Town Planner Mailloux

replied that Larson trucking has a paved surface where the vehicles travel, but the outdoor storage area has gravel.

Chairman Rugg opened the discussion up to the public and there were none.

C. Davies made a motion to deny the applicant's request for the above waiver per Staff's Recommendation Memorandum dated June 9, 2021.

A. Sypek seconded the motion.

The motion was denied, 3-4-0, by a roll call vote.

C. Davies made a motion to approve the applicant's request for the above waiver per Staff's Recommendation Memorandum dated June 9, 2021, due to the expenditure issue related to asphalt.

B. Hallowell seconded the motion.

The motion was granted, 4-3-0, by a roll call vote.

J. Lopez asked about a waiver for the Comcast clearance letter. Chairman Rugg responded stating that it could be a condition of approval. Town Planner Mailloux stated that it was accepted for acceptance purposes only and would be a condition of approval that the clearance letter be obtained. J. Lopez pleaded with the Board that he has been told he would not be able to obtain a letter from Comcast, so he will not be able to comply with that condition. He went on noting that the woman he spoke to at Comcast said that when the building is constructed, they will send a team out to perform a site survey to let the applicant know what needs to be done, but not before then. J. Trottier gave the Board some background as to why they request letters from utilities. Chairman Rugg told J. Lopez to talk to someone in upper level management at Comcast. J. Lopez asked if B. Bauchman had any luck with Comcast. B. Bauchman replied that he has not and asked if Comcast could be eliminated from this site, as he has it across the street. J. Trottier replied that it would eliminate the need for the condition of approval if he is not going to pursue Comcast. Town Planner Mailloux commented that by adding a note to the plan that the site will not be served by a cable utility, this would eliminate a waiver for the utility clearance letter. B. Bauchman asked what would happen in the future if he wanted to pursue getting cable utilities on the site. Town Planner Mailloux answered that in the future if he was to do this, it would not be a site plan amendment or change, but instead tonight making it clear that the Board is approving a site that does not have cable utilities provided to it. J. Butler asked what a utility clearance letter is for. J. Trottier responded that the letter confirms that the utility will provide service to the site.

C. Davies made a motion to grant the applicant's request for a conditional use permit per Staff's Recommendation Memorandum dated June 9, 2021.

J. Butler seconded the motion.

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

C. Davies made a motion to grant conditional approval of the site plan for the construction of a 3,900 square foot garage/storage unit, impound lot and associated site improvements in accordance with plans prepared by Keach-Nordstrom Associates, Inc, dated June 24, 2020, last revised May 12, 2021, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated June 9, 2021 with precedent condition note number 2 to be amended to read substantially as follows:

J. Butler seconded the motion.

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

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

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated June 9, 2021.

2. A note shall be added to the plan, to the satisfaction of staff, to indicate that cable service is not available at this site at this time.

3. The revision date on the cover sheet shall be updated consistent with the revision block.

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

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

6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.

7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Public Works to arrange the pre-construction meeting.

2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.

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

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

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

6. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the Planning Board. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete

improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. ***No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.***

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

IV. New Plans/Public Hearings/Conceptual Discussions -N/A

V. Other

A. Municipal Water Regulation Discussion

Town Planner Mailloux explained that they spoke to the town attorney to confirm that the town can enact a requirement requiring an extension to connect to municipal water. She said that the town attorney's advice was as long as it is a reasonable requirement and not asking an applicant to extend a mile of water utility. She pointed out that Merrimack, Salem and Hooksett do not have any provisions on extending water, but Bedford and Derry both do in their subdivision regulations. She stated that in Bedford it is based on the number of lots in the subdivision and the overall distance from the nearest water main. She pointed out that the measurement of the distance of the availability of the water main is based on a public water supply that is within a public right-of-way. She noted that in Bedford's site plan regulations require that non-residential or multi-family residential sites shall be expected to connect to public water where it is available, but it does not specify a distance. She went on noting that in Derry they require any subdivision occurring within 1,000-feet of an existing water main shall extend the public water system to provide fire hydrants to within 500-feet of any proposed lot within the development for fire protection purposes. She pointed out that in Bedford the public water providers are MWW and Pennichuck. She said that Derry has its own water department.

Chairman Rugg opened up the discussion to the Board. C. Davies commented that the Bedford regulations are the most comprehensive in his opinion. He added that it would be interesting to do an analysis of what the Board has approved in the last couple of years and what the impact would have been. Town Planner Mailloux mentioned that the GIS manager could review the last five years and see how many developments would have been required to connect. A. Sypek reminded the Board that the Public Utilities Commission (PUC) would ultimately have to approve this. J. Butler stated that he would like a study to see how this would have affected developments over the last five years or so. He commented that he would be more favorable of focusing on the fire aspect, and he would like to leave it up to the resident if they would like to hook up to water, as the cost of housing is so high. J. Trottier agreed that this would increase the cost of the development of the lots in the future. He reviewed the Lorden Commons subdivision and the water issues that

they had. A. Chiampa asked if the cistern just covered Phase 1 of Lorden Commons. J. Trottier replied that is correct. A. Chiampa asked how the water is brought to the cistern. J. Trottier responded that the Fire Department is responsible to maintain it. A. Chiampa asked about sprinkler systems. J. Trottier said that it is his understanding that the sprinkler systems are basically like a cistern that is up in the attic of the house. Town Planner Mailloux added that the current regulations require that there be fire suppression available either through a cistern, hydrants or sprinklers within residential homes. She said that they would work with the Fire Department and see what they would like, a cistern or sprinklers. J. Penta asked if developers are looking for easy access to public water or private wells. J. Trottier replied that it is dependent upon what is available and what it will cost them. B. Hallowell clarified that the Fire Department is not responsible for the cistern at Lorden Commons as this is a private development with an association that is responsible for the upkeep. He reviewed the difference between a cistern and a hydrant with the Board, noting that a hydrant already has pressure in it but a cistern does not. He said that in his opinion, it would make sense for future developments in town that have access to public water, within a reasonable amount of distance, to bring it to their proposed subdivision. He pointed out that from a fire fighter's standpoint, a hydrant is more effective than a cistern. He added that fire sprinklers are to help get the resident out of the house, not to put the fire out. He said that as Londonderry builds more houses, it will create more of a pull from the local aquifer, which is a problem along with the PFOAs in the water now. D. Paul asked how long it takes to get water from a cistern. B. Hallowell replied that it might be 10 to 15 minutes until water is coming out of the cistern. D. Paul commented that she believes they need to create some sort of hybrid model and think about what Derry is doing. She noted that the fire hydrants cost was roughly \$40,000 from Pennichuck that town residents would have to pay for. She said that fire hydrants should be in new developments as the houses are so close together. J. Butler asked what D. Paul meant regarding a private/public or hybrid water model. D. Paul replied that Pennichuck would be the public portion and then private would mean creating a water department in town. She expressed her frustration with Pennichuck buying water from MWW cheap and then selling it to the residents at a higher cost, as well as Pennichuck not paying the town anything. Town Planner Mailloux mentioned that D. Paul's idea is greater than the Board's purview, but the Board can focus on updating the regulations. D. Paul stated that she would like new developments to have to put in fire hydrants going forward. R. Fillio commented that years back his neighborhood was given the choice to connect to Pennichuck noting it was \$600 for the initial connection and then the residents would have metered water. L. Wiles stated that he has three items that the Board should be thinking about such as fire protection, protecting the aquifer or providing good quality water to residents. He said that the regulation will have to be tailored to what the Board's long-term goal is regarding water. J. Knight commented that he has a contaminated well now and in order to make his drinking water safe, he now has to incur financial cost. He said that he is in favor of the water study and it is important for fire safety as well. A. Chiampa asked what the distance from a fire hydrant to a building is to get the best results. B. Hallowell replied that there are different sized water mains in town and noted that the fire hydrants are color coded to provide the fire department with the flow rate of the hydrant. He said the

distance between fire hydrants is usually about 1000-feet and the supply line in a fire truck is 1000-feet. D. Paul asked what the next steps would be for the Board to look at the aquifers in town and the ordinances that serve as water protection. Town Planner Mailloux replied that if the Board wants information on aquifer protection, staff could come back with draft language on an aquifer protection district. She said that she would look for direction from the Board on the priority of the water issues. D. Paul asked if the Board could control the placement of the fire hydrants in new developments, so the hydrants might be able to help other neighborhoods surrounding the new development. Town Planner Mailloux responded that Brian Johnson is the Fire Prevention Chief and looks at where the hydrants should be placed to get the best coverage for the development. Chairman Rugg noted that the aquifer district had been discussed before with the Conservation Commission and thought that some mapping might have been started. He said that hooking onto water is more of an eminent concern that could be controlled by the Board with regulations versus an aquifer district ordinance, which would take longer to implement. He stated that he believes the Board would like to see some type of hybrid between Bedford and Derry's regulations. Town Planner Mailloux told the Board that she would come back with some draft language and look at developments over the last few years and do an analysis. She suggested that the Board take a poll at the next work session on what staff can focus on next, such as chickens and signs. J. Butler voiced his opinion that water is more important than chickens and signs. D. Paul asked if it would be helpful to look at past developments or not. Town Planner Mailloux replied that it will be helpful to see if the past developments would have been affected by the new water draft regulations or not.

VI. Adjournment


Member J. Butler made a motion to adjourn the meeting at approximately 9:11 p.m. Seconded by A. Chiampa .

The motion was granted by a unanimous roll call vote, 8-0-0.

The meeting adjourned at approximately 9:11 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Al Sypek
Title: Secretary

These minutes were accepted and approved on July 7, 2021, by a motion made by A. Sypek and seconded by L. Wiles.

STAFF RECOMMENDATION

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

Date: June 9, 2021

Application: Application for formal review of a site plan for the construction of a 3,900 SF garage/storage unit, impound lot and associated site improvements, Four Enterprise Drive, Map 15 Lot 62-1, Zoned C-II, Enterprise Drive Recovery, LLC (Owner) and Bauchman's Towing, Inc. (Applicant)

- Completeness: The Planning Board accepted this application as complete on May 5, 2021.
- Waivers: On May 5, the Planning Board granted a waiver from Section 3.04.b, c & d of the Site Plan Regulations and Checklist Items XI.5.b, c & d to provide utility clearance letters for electricity and cable television for acceptance purposes only and from Section 3.10.g.3 of the Site Plan Regulations for internal parking lot landscaping.

The Applicant has requested the following additional waiver of the Site Plan Regulations:

1. The Applicant has requested a waiver from Section 3.09k of the Site Plan Regulations to allow a gravel driveway surface rather than a paved surface as required by the regulations. Staff ***does not support*** granting the waiver as the purpose of the requirement for a paved surface is to provide a hard, durable surface for vehicle circulation, truck deliveries, loading and unloading. Gravel is permitted for the outdoor storage area, but paved access should be provided for vehicle circulation and loading.

Board Action Required: **Motion to deny the applicant's request for the above waiver per Staff's Recommendation Memorandum dated June 9, 2021.**

- Conditional Use Permit: The applicant is requesting a conditional use permit for 1,650 square feet of impact within the Conservation Overlay District for work associated with the construction of a stormwater management pond. The Conservation Commission recommended approval of the CUP.

The criteria for a Conditional Use Permit are outlined in Section 4.6.1.4 of the Zoning Ordinance:

- a. The proposed construction is essential to the productive use of land not within the CO District.
- b. Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
- c. There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.

d. Economic advantage is not the sole reason for the proposed location of the construction.

As the Applicant has demonstrated compliance with the criteria of Section 4.6.1.4 of the Zoning Ordinance, Staff recommends the Board approve the request for a CUP.

Board Action Required: Motion to grant the applicant's request for a conditional use permit per Staff's Recommendation Memorandum dated June 9, 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 site plan for the construction of a 3,900 square foot garage/storage unit, impound lot and associated site improvements in accordance with plans prepared by Keach-Nordstrom Associates, Inc, dated June 24, 2020, last revised May 12, 2021, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated June 9, 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 June 9, 2021.
2. Utility clearance letters shall be provided.
3. The revision date on the cover sheet shall be updated consistent with the revision block.
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.

6. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**

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

MEMORANDUM

To: Planning Board

Date: June 9, 2021

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

Re: Tax Map 15 Lot 62-1
Garage and Storage Site Plan
4 Enterprise Drive

Owners: Enterprise Dr. Recovery, LLC
Applicant: Bauchman's Towing, Inc.

This project is continued from the May 5, 2021 Planning Board meeting. The Applicant submitted revised plans and information and we offer the following comments:

Design Review Items:

1. The Applicant has not provided a utility clearance letter for Telephone and Cable Television per sections 3.04. c and d of the Site Plan Regulation and items XI.5. c, and d of the checklist. The Applicant's response letter notes that coordination with Comcast has occurred, but a letter was not included in the submission. The Applicant has previously submitted a written **waiver request** for these requirements for Planning Board consideration.
2. The Applicant's design does not provide for a paved access lane to the indicated garage doors in accordance with section 3.09.K of the Site Plan Regulations. The Applicant has included a written **waiver request** for this requirement with the latest submission for Planning Board consideration.
3. The Applicant indicates the NHDES Sewer Discharge Permit, NHDOT Permit, and Londonderry Sewer Discharge Permit have been submitted on the checklist. In addition, it appears a Town of Londonderry Stormwater Permit is needed for the proposed development. The Applicant has noted the permits on the cover sheet as pending. The Applicant should obtain all project permits, indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
4. The Applicant's signature was not provided on the cover sheet, existing conditions plan, site plan and landscape plan with this latest submission per section 4.03 of the of the Site Plan Regulations. The Applicant's response letter notes the signatures will be provided with the final submission. In addition, the Applicant should remove the Planning Board signature block from the lighting plan per section 4.03.
5. We recommend the Applicant clarify/address and provide additional detail showing how the proposed outlet structure stainless steel weir plate will be mounted onto the concrete outlet structure for proper construction on sheet 9.
6. The Applicant has provided a Stormwater Operation and Maintenance Plan (O & M Plan) with the latest submission. We recommend the Applicant update the O & M Plan under the post development documentation section in the introduction to state that copies of the maintenance form, with the checklist and maintenance log shall be provided to the Londonderry Department of Public Works on an annual basis. In addition, a copy of the Annual Inspection and Reporting form, Long-Term Inspection & Maintenance Plan Checklist and Long-Term Inspection & Maintenance Log pages from the O & M Plan shall be added as a detail to the plan set as typically requested by the Department of Public Works.

7. 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 (confirm hydrants approval).

Board Action Items:

1. The Applicant has previously submitted a written waiver request to the Site Plan Regulations as noted in the letter dated April 15, 2021. The Board will need to consider the waiver request as part of the project review.
2. The Applicant has submitted a written waiver request to the Site Plan Regulations as noted in the letter dated May 12, 2021. The Board will need to consider the waiver request as part of the project review
3. The Applicant is proposing improvements within the Conservation Overlay District (COD) that will require Conditional Use Permit (CUP) approval by the Planning Board. The Board will need to consider the CUP request as part of the project review.

Board Information Items:

1. The Applicant is proposing to utilize a significant portion of the site development area as outside storage area that has a proposed gravel surface. Outside storage is subject to Planning Board approval per section 4.3.2.B of the Town's Zoning Ordinance.
2. The Applicant is proposing to utilize a significant portion of the site development area as outside storage area. We note that per Section 3.09.d.3 of the Site plan Regulations notes that "*Where a principal or accessory use of a lot is not enclosed in a building, the Planning Board shall determine the parking and loading area required to service such use in accordance with TABLE B of this section. Staff shall be designated to make the initial determination subject to final Planning Board approval*" We recommend the Applicant discuss the type of storage proposed and if additional parking is required with the Planning Board, and update the design, if necessary.
3. The Applicant's proposed access drive at Enterprise Drive is dimensioned at 32 feet and does not comply with section 3.08.b.6 of the regulations (24-foot maximum). We understand the Planning Board can grant an exception up to 36 feet. The Board will need to consider the exception as part of the project review.
4. The Applicant has obtained a variance from the Zoning Board of Adjustment relative to the buffer zone landscaping per Zoning Ordinance Section 4.3.3.B.2 on April 21, 2021.