

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF SEPTEMBER 1, 2021, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ann Chiampa, member; Deb Paul, Town Council Ex-officio; Jeff Penta, member; Roger Fillio, alternate member; Jason Knights, alternate member; and Lynn Wiles, alternate member

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

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed R. Fillio to vote for J. Butler and L. Wiles to vote for C. Davies.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of August 4, 2021, as presented.

R. Fillio seconded the motion.

The motion was granted, 5-0-3, with A. Sypek, L. Wiles and J. Penta abstaining. The Chair voted in the affirmative

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

1. Application for design of site plan amendment for paving and parking lot reconfiguration and the addition of an outdoor display and storage areas, Two Rebel Road & 345 Derry Road, Map 101 Lots 18 & 19, Zoned Business District B, Hudson, and 307 Nashua Road, Londonderry, Map 2 Lot 34A, Zoned C-II & RTE 102 POD, BobCat of New Hampshire (Applicant) and Mal-Mar, LLC (Owner)

Member A. Sypek made a motion to find this project is not of regional impact.

D. Paul seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

C. Discussion with Town Staff:

Chairman Rugg informed the Board that next week they will be having a workshop meeting with someone from New Hampshire Department of Environmental Services (NHDES) related to the ground water model ordinance. He note that there will be a Capital Improvement Plan (CIP) discussion as well.

III. Old Business -n/a

IV. New Plans/Public Hearings/Conceptual Discussions

A. Application for formal 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-1, Vernco Apple, LLC (Owner & Applicant)

Chairman Rugg read the case into the record. Town Planner Mailloux informed the Board that there are no outstanding checklist items and staff recommend the application be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated September 1, 2021.

L. Wiles seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Michael Malyowski, P.E., from Allen Major & Associates, Inc., 400 Harvey Road, Manchester, NH, addressed the Board. M. Malyowski informed the Board that they are here tonight to convert temporary outdoor seating that was once permitted under the executive order the applicant has applied for a permanent site plan amendment to include the outdoor seating. He noted that the outdoor seating includes areas in front of Luciano's, Coffee Berries, Troy Kitchen and Game Changers. He reviewed the plan of outdoor seating with the Board. Chairman Rugg asked the dimensions of the outdoor seating areas. M. Malyowski went over each outdoor seating request, starting with Luciano's noting it is 45-feet by 12.5-feet, Coffee Berries is 15-feet by 12.5-feet, at Game Changers it is 32-feet by 4.3-feet and another 25-feet by 4.3-feet, as well as another 25-feet by 2-feet and lastly for a future tenant next to Game Changers 25-feet by 5-feet. He commented that based on the current parking regulations they are required to have 732 parking spaces and currently on-site they have 753 parking spaces. He added that as part of the project, they will have a net decrease of three parking spaces, which will accommodate a wider turn sweep in front of the island next to Game Changers. He said that they are providing additional landscaping, relocation of the fire hydrant to help provide a larger turning area. He pointed out that because they are increasing the square footage of the plaza they were asked to do a traffic study. He said that based on the added square

feet there is a 0.7% increase in the normal traffic that would be on site. He discussed the two waivers they are requesting with the Board noting they are pertaining to the width of the sidewalk area specifically in front of Game Changers and the future tenant space.

Chairman Rugg opened up the discussion to the Board. D. Paul recused herself from the discussion at this point. Town Planner Mailloux commented that the applicant is requesting one waiver to the Site Plan Regulations as follows:

1. Section 3.08.C.iv and Section 3.08.c.v of the Site Plan Regulations to allow a sidewalk adjacent to a building that is less than 6' in width. Staff supports granting the waiver in the locations requested because a minimum of 4' clear of street furniture is maintained in all areas and the locations with less than 6' are near the end of the building and would be unlikely to experience significant pedestrian usage.

She reviewed the remaining design review items with the Board. A. Chiampa asked the applicant about the Fire Department's comment in the response letter stating "any addition that contains combustible materials shall be sprinkled." M. Malynowski responded that the Fire Department had an issue in front of Game Changers and the future tenant space, as it is covered, for the furniture used for outdoor seating be non-combustible. He added that all the furniture used in that space will be metal. He pointed out that there is an elevated deck that is made out of combustible material so the property owner has agreed to sprinkle this space. A. Chiampa mentioned that she noticed there were some outdoor heaters on the site and asked if they will be allowed. Town Planner Mailloux replied that the outdoor heaters are not going to be allowed by the Fire Department. A. Chiampa asked if the applicant considered using jersey barriers instead of the planters like the Police Department had suggested. M. Malynowski replied that there is a curb there now that does provide some protection now, noting that it is difficult to mount the jersey barriers on covered walkways. Town Planner Mailloux informed the Board that procedurally the design review comments that A. Chiampa is discussing may be related to a previous version of a plan and have been addressed by the applicant already. A. Chiampa stated that she is concerned about the amount of seating that was squeezed in front of Game Changers. M. Malynowski pointed out that Game Changers is actually two tenant spaces. A. Chiampa asked if they had a known tenant to occupy the empty space at this point. M. Malynowski replied that he is not sure of a tenant at this point, but the property owner has requested outdoor seating in this area. J. Penta asked what dates the applicant is requesting for the seasonal outdoor seating. A. Chiampa stated that she thought the Town Council extended the dates for the seating. Town Planner Mailloux clarified that the tenants are not proposing to have seasonal restrictions, but year round approval with the site plan. George Vernett, manager of Vernett, LLC, addressed the Board. G. Vernett said that the site plan would be for year round seating, but realistically given the location it would be weather related, as he does not believe people would be sitting outside in the winter. J. Penta asked if there has been any issues related to traffic in the past year with the outdoor seating. M. Malynowski replied that he is not aware of any. J. Penta stated that he supports granting the waiver, but asked

about ADA accessibility. Town Planner Mailoux replied that they do provided ADA accessibility. L. Wiles and A. Sypek voiced their support of the plan and had no additional questions. G. Verani commented that he is in support of the plan, as it helps local business in town. J. Knights and R. Fillio echoed G. Verani's comment.

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

Chairman Rugg brought the discussion back to the Board.

A. Sypek made a motion to grant the Applicant's request for a waiver in accordance with Staff's Recommendation Memorandum dated September 1, 2021.

J. Penta seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

A. Sypek made a motion to grant conditional approval of a site plan amendment for outdoor seating areas and modified landscape island for truck turning, 4 Orchard View Drive, Map 7, Lot 40-2, Zoned C-1, Verenco Apple LLC (Owner & Applicant) in accordance with plans prepared by Allen & Major Associates, Inc., dated May 10, 2021 last revised August 2, 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 September 1, 2021.

R. Fillio seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

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

1. Owner's signature shall be provided on the plan.

2. 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.

3. Financial guarantees be provided to the satisfaction of the Engineering & Environmental Services Department.
4. Final planning 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 Engineering & Environmental Services Department 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 & Engineering & Environmental Services Department, 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 & Engineering & Environmental Services Department, when a financial guaranty (see forms available from the Engineering & Environmental

Services 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 Engineering & Environmental Services Department prior to the release of the applicant's financial guaranty.

B. Application for formal review of a site plan amendment for the construction of a building addition and other associated site improvements, Three Mohawk Drive, Map 6 Lot 35-19, Zoned C-1 and RTE 102 POD, Daigle Pool Service Co., Inc. (Applicant) and Jeneco Realty, LLC (Owner)

Chairman Rugg read the case into the record. D. Paul came back to the Board for this application. Town Planner Mailloux informed the Board that there are no outstanding checklist items and staff recommends the application be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated September 1, 2021.

R. Fillio seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Nick Loring, P.E., from Benchmark LLC, 1F Commons Drive, Unit 35, Londonderry, NH, addressed the Board. N. Loring reviewed the parcel location with the Board on the screen, noting it is a one acre lot in the C-1 zone that has frontage on two streets, Mohawk Drive, where they have access and along the rear on Route 102. He informed the Board that there was an existing site plan approved in 1983, that denoted a 4,200 SF commercial building, on site septic and well and a small wetland along the back of the property along Route 102. He added that the wetland is less than half an acre so there is no conservation buffer associated with this wetland. He discussed the proposal with the Board stating that they would like to add a 29-foot by 54-foot addition off the rear of the building that will primarily be used for storage space. He went on noting that they are proposing an outside storage area at the rear that will be screened with a privacy fence. He commented that they have to cut down some trees for sight distance. He commented that they have one waiver request that is related to sight distance. He said that they are requesting this in the westerly direction only, going towards Dunkin Donuts leaving from the site driveway. He mentioned that they meet the sight distance in the easterly direction. He stated that town requirements for sight distance is 365-feet and they can provide 280-feet. He said that the driveway is in the approved location from the 1983 site plan. He pointed out that they were able to obtain a sight distance easement from

Dunkin Donuts that increased their line of sight slightly. He went on noting that the easement prevents Dunkin Donuts from putting any larger landscaping signs or things that would obstruct the view from the site driveway. He reviewed the American Association of State Highway and Transportation Officials (AASHTO) sight distance requirements for a 30 mph road, noting is 200-feet and they are providing 280-feet. He noted that they are looking to get what is currently stored outside now under cover.

Chairman Rugg opened up the discussion to the Board. J. Lovell told the Board that they are requesting one waiver to the Site Plan Regulations as follows:

1. Section 3.08.b.8 of the Site Plan Regulations to not provide the required sight distance of 365 feet in the westerly direction for the existing driveway. Staff **supports** granting the waiver because the provided sight distance of 280' exceeds the AASHTO stopping sight distance for a 25 mph design speed (155'), because the configuration of Mohawk Drive and the 90 degree curve limits the speeds in that area, and because the Applicant has worked with the abutting property owner to obtain an easement to maximize the driveway sight distance.

Town Planner Mailloux reviewed the remaining design review items with the Board. Chairman Rugg asked what they are looking to store outside. N. Loring responded that it is mostly pool supplies, such as piping. Don Daigle, owner of Daigle Pool, addressed the Board noting that there would be drainage piping stored outside as it is a bulky item, as well as some smaller items. Chairman Rugg asked if anything needed to be sheltered from the weather. D. Daigle replied that it did not. R. Fillio commented that he agreed with the proposal and liked that the outdoor storage area would be screened appropriately. J. Knights agreed with R. Fillio. L. Wiles asked if there was going to be retail activity at the store. D. Daigle responded that there would be retail activity in the showroom. A. Chiampa asked if the outdoor storage area is on the leach field. D. Daigle replied that it is noting they are not covering the entire leach field. A. Chiampa asked if there was a new loading area with the proposed addition. D. Daigle answered that there will be a garage door entrance to the loading area of the addition. A. Chiampa asked if the existing garage door on the current building will still be used. D. Daigle answered that they are still going to use the existing garage door. A. Chiampa asked when the sight distance easement was granted. Town Planner Mailloux replied that nothing has been recorded yet. N. Loring agreed and stated that they just met with the owner and they have agreed to an easement.

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

Chairman Rugg brought the discussion back to the Board.

A. Sypek made a motion to approve the Applicant's request for a waiver to Section 3.08.b.8 of the Site Plan regulations as outlined in the Staff recommendation memorandum dated September 1, 2021.

D. Paul seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

A. Sypek made a motion to grant conditional approval of site plan amendment for the construction of a building addition and other associated site improvements, Three Mohawk Drive, Map 6 Lot 35-19, Zoned C-1 and RTE 102 POD, Daigle Pool Service Co., Inc. (Applicant) and Jeneco Realty, LLC (Owner) in accordance with plans prepared by Benchmark Engineering, Inc., dated June 3, 2021, last revised July 28, 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 September 1, 2021.

R. Fillio seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Engineering & Environmental Services Department/Stantec review memo dated September 1, 2021.

2. Any outstanding comments from the DRC Memorandum dated July 20, 2021 shall be addressed.

3. If required by the Board, additional screening of the proposed outdoor storage be provided, to the satisfaction of Staff.

4. All waivers shall be noted on the plan.

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

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

7. Financial guarantees be provided to the satisfaction of the Engineering & Environmental Services Department.

8. 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 Engineering & Environmental Services Department 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 & Engineering & Environmental Services Department, 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 & Engineering & Environmental Services Department, when a financial guaranty (see forms available from the Engineering & Environmental

Services 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 Engineering & Environmental Services Department prior to the release of the applicant's financial guaranty.

V. Other

A. Chiampa told the Board that she would like some information on outdoor seating regulations on what the town thinks is appropriate. Chairman Rugg stated that he thought looking into other towns, such as Manchester, to see what their regulations are would be a good idea. He asked Staff to do some research for the Board on outdoor seating. Town Planner Mailoux mentioned that this is a very unique plaza and situation with the dining on the sidewalk in relation to other locations in Londonderry. She asked if there were concerns about parking calculations or how outdoor seating should be screened or protected. A. Chiampa replied that she is concerned about having guidelines for screening and protecting outdoor seating to go by.

VI. Adjournment

Member A. Sypek made a motion to adjourn the meeting at approximately 7: 50 p.m. Seconded by J. Penta.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 7:50 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Al Sypek
Title: Secretary

These minutes were accepted and approved on October 6, 2021, by a motion made by A. Sypek and seconded by J. Butler.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
José Lovell, PE, Town Engineer

Date: September 1, 2021

Application: Application for formal review of a site plan for proposed outdoor seating areas and modified landscape island for truck turning, 4 Orchard View Drive, Map 7, Lot 40-2, Zoned C-1, Vernco Apple 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 September 1, 2021.

- **Waivers:** The applicant is requesting one waiver to the Site Plan Regulations as follows:
 1. Section 3.08.C.iv and Section 3.08.c.v of the Site Plan Regulations to allow a sidewalk adjacent to a building that is less than 6' in width. Staff supports granting the waiver in the locations requested because a minimum of 4' clear of street furniture is maintained in all areas and the locations with less than 6' are near the end of the building and would be unlikely to experience significant pedestrian usage.

Board Action Required: Motion to grant the Applicant's request for a waiver in accordance with Staff's Recommendation Memorandum dated September 1, 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 a site plan amendment for outdoor seating areas and modified landscape island for truck turning, 4 Orchard View Drive, Map 7, Lot 40-2, Zoned C-1, Vernco Apple LLC (Owner & Applicant) in accordance with plans prepared by Allen & Major Associates, Inc., dated May 10, 2021 last revised August 2, 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 September 1, 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. Owner's signature shall be provided on the plan.
2. 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.
3. Financial guarantees be provided to the satisfaction of the Engineering & Environmental Services Department.
4. Final planning 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 Engineering & Environmental Services Department 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 & Engineering & Environmental Services Department, 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 & Engineering & Environmental Services Department, when a financial guaranty (see forms available from the Engineering & Environmental Services 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 Engineering & Environmental Services Department prior to the release of the applicant's financial guaranty.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
José Lovell, PE, Town Engineer

Date: September 1, 2021

Application: Application for formal review of a site plan amendment for the construction of a building addition and associated site improvements, 3 Mohawk Drive, Map 6 Lot 35-19, Zoned C-I and RTE 102 POD, Daigle Pool Service Co., Inc. (Applicant) and Jennco Realty, LLC (Owner)

- **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 dated September 1, 2021.

- **Waivers:** The applicant is requesting one waiver of the Site Plan Regulations as follows:
 1. Section 3.08.b.8 of the Site Plan Regulations to not provide the required sight distance of 365 feet in the westerly direction for the existing driveway. Staff **supports** granting the waiver because the provided sight distance of 280' exceeds the AASHTO stopping sight distance for a 25 mph design speed (155'), because the configuration of Mohawk Drive and the 90 degree curve limits the speeds in that area, and because the Applicant has worked with the abutting property owner to obtain an easement to maximize the driveway sight distance.

Board Action Required: Motion to approve the Applicant's request for a waiver to Section 3.08.b.8 of the Site Plan regulations as outlined in the Staff recommendation memorandum dated September 1, 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 site plan amendment for the construction of a building addition and other associated site improvements, Three Mohawk Drive, Map 6 Lot 35-19, Zoned C-I and RTE 102 POD, Daigle Pool Service Co., Inc. (Applicant) and Jennco Realty, LLC (Owner) in accordance with plans prepared by Benchmark Engineering, Inc., dated June 3, 2021, last revised July 28, 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 September 1, 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/Engineering & Environmental Services Department/Stantec review memo dated September 1, 2021.
2. Any outstanding comments from the DRC Memorandum dated July 20, 2021 shall be addressed.
3. If required by the Board, additional screening of the proposed outdoor storage be provided, to the satisfaction of Staff.
4. All waivers shall be noted on the plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. Third-party review fees shall be paid within 30 days of conditional site plan approval.
7. Financial guarantees be provided to the satisfaction of the Engineering & Environmental Services Department.
8. 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 Engineering & Environmental Services Department 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 & Engineering & Environmental Services Department, 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 & Engineering & Environmental Services Department, when a financial guaranty (see forms available from the Engineering & Environmental Services 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 Engineering & Environmental Services Department prior to the release of the applicant's financial guaranty.

MEMORANDUM

To: Planning Board

Date: September 1, 2021

From: Planning and Economic Development
Engineering & Environmental Services Dept.
Stantec Consulting Services, Inc.

Re: Tax Map 6 Lot 35-19
Site Plan for Proposed Addition
Daigle Pool Servicing Co., Inc.
3 Mohawk Drive – Londonderry, NH

Owner: Jennco Realty LLC
Applicant: Daigle Pool Servicing Co., Inc.

Benchmark LLC 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's sight distance plan indicates a sight distance of 280 feet is provided in the westerly direction of the existing driveway, but does not provide the minimum sight distance of 365 feet, in accordance with section 3.08.b.8 of the regulations. The Applicant has obtained a sight distance easement from the abutter that increased the site distance to the noted 280 feet and has submitted a written waiver request for the sight distance in this direction for Planning Board consideration.
2. We recommend the Applicant update the vicinity plan on sheet 2 to a scale of 1" = 2,500 ft per Section 4.09 of the regulations. In addition, please update the legend on the cover sheet to include the line type for the soil line per section 4.08 of the regulations.
3. We recommend the Applicant clarify/address the following on the **Existing Conditions, Site Plan, and Grading & Utility Plans**:
 - a. On the existing conditions plan, please indicate the proposed monuments to be set per Section 4.12.c.4.ii of the regulations and update the legend accordingly to include the set monuments. In addition, please note the height of the existing building.
 - b. On the existing conditions plan, please label the electric line and revise this line type on the plan and legend to be easily distinguished from the setback line.
 - c. On the site plan, please indicate and label the location of proposed snow storage areas and provide a note to address removal of excess snow as typically requested by the Town.
 - d. On the grading plan, please indicate the height for the proposed addition as typically requested by the Town.
4. The revised site plan indicates outside storage will occur at the northeasterly corner of the site and partially within the green area setbacks that was not part of the approved site plan. Under section 4.3.2.B of the Zoning Ordinance, outside storage is subject to Planning Board approval and requires screening. We note that only a partial fence along the southern portion of the indicated storage area is provided, but the fence does not provide screening from arterial streets (Route 102) or abutters per the Ordinance.

5. We recommend the Applicant verify the DRC comments of Planning Department have been adequately addressed with the Planning Department as applicable.

Board Action Items:

1. The Applicant has submitted one (1) written waiver request to the Site Plan Regulations as noted in the letter dated August 11, 2021. The Board will need to consider the waiver request as part of the project review.