

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF NOVEMBER 3, 2021, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Secretary; Jake Butler, Assistant Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ann Chiampa, member; Deb Paul, Town Council Ex-officio; Jeff Penta, member; and Jason Knights, 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 J. Knights to vote for C. Davies open position.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of October 6, 2021, as presented.

J. Butler seconded the motion.

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

Member A. Sypek made a motion to approve the minutes of October 13, 2021, as presented.

J. Butler seconded the motion.

The motion was granted, 7-0-1 with A. Chiampa abstaining. The Chair voted in the affirmative.

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

1. Application for design review of a subdivision plan to subdivide 61 Rockingham Road – Map 13 Lot 6 Zoned C-II into two lots, R.C. Enterprise, LLC (Owner) and Freestone Holdings, LLC (Applicant)

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

J. Butler seconded the motion.

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

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that there is one extension request this evening. She said that this is from a previously approved site plan from for Three Akira Way that received a couple two-year extension in the past. She said that staff recommends approving the extension, as there are no changes to the regulations and the applicant has been renewing the restoration bond.

A. Sypek made a motion to grant the request for an extension to Section 7.06.d.1.i of the Site Plan Regulations, to allow an additional two years for the project to begin active and substantial development on the site per section 7.06.d, Three Akira Way formerly known as 10 Technology Drive, Map 28 Lot 31-1, Zoned I-II, Fairwind Properties, Inc. (Owner and Applicant) until December 4, 2023.

J. Butler seconded the motion.

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

III. Old Business -n/a

IV. New Plans/Public Hearings/Conceptual Discussions

A. Public hearing on an application for formal review of a site plan amendment for a change of use for equipment sales, rental and service, parking lot reconfiguration, outdoor display and storage areas, and associated site improvements, 2 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)

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 November 3, 2021.

J. Butler 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. Jason Hill, P.E., from TF Moran, Inc., 48 Constitution Drive, Bedford, NH, and Pete Detone, representative for BobCat of NH, addressed the Board. J. Hill told the Board that they are here to relocate the Bobcat of NH dealership that is currently located in Hudson at the intersection of Rebel Road, Tracy Lane and Route 102. He said that they want to relocate BobCat to two contiguous parcels, with the majority of the land in Hudson. He noted that one parcel had been occupied by Dubowik Excavation, which he is labeling the north parcel that is partially in Londonderry and Hudson. He commented that they want to convert the north parcel into a new equipment, sales and leasing office. He said that they want to improve the existing parking lot and storage area. He reviewed the pictures of the sites on the screen with the Board. He noted that the Hudson parcel will be used equipment and sales. He pointed out that they are proposing a new site interconnected driveway to facilitate truck access and circulation between the parcels keeping traffic off Route 102. He explained that on the southern site, which was formally used for contractor equipment, they are proposing to regrade and resurface that area and build a detention pond in Hudson. He remarked that the scope of work in Londonderry is limited to the change of use of the existing building, and to display new equipment along the frontage on Route 102. He mentioned that they have been dealing with the Hudson Planning Board and are working on the final details. He added that they met with the Conservation Commission in Hudson as well. He explained that they will need a variance from the Londonderry Zoning Board of Adjustment (ZBA) for the display of goods in front of the building as it is not permitted due to the size of the parcel. Chairman Rugg stated that this will be a condition of approval if the plan is approved this evening. J. Hill said that there is no increase in traffic. He reviewed the proposed landscaping in front of the outdoor display area with the Board. Chairman Rugg pointed out that this plan is in two towns and each town needs to grant approval of it. He asked if they have had a meeting with Hudson. J. Hill replied that they met once in September, noting it was continued because they were waiting on third party comments, which have been received and responded to. He went on stating they are on the Hudson Planning Board agenda for November 17, 2021.

Chairman Rugg opened up the discussion to the Board. Town Planner Mailloux said that the applicant is requesting one waiver to the site plan regulations as follows:

1. Section 4.03 for plan layout to provide signature block on the left side of the plan sheet rather than the right side as required by the regulations. Staff does not object to the waiver request as the plans also required signatures by the Hudson Planning Board, whose site plan regulations require signatures on the left side of the plan sheet.

She commented that though this property is in the Performance Overlay District (PO), due to the size of the parcel, it is governed by the general C-II criteria, which does require that there not be any display or storage in front of the building. She mentioned that they will be going before the ZBA in November and if the Board

grants conditional approval this evening, then the approval will be conditioned upon the applicant receiving the variance from the ZBA. She added that they are planting low shrubs in front of the outdoor display area, trying to balance the visibility of the equipment and screening. She noted that they are working with the New Hampshire Department of Transportation (NHDOT) to update the existing driveway permit. She explained that the town did not have third party engineering review of this project, as most of the work is being done in Hudson. A. Chiampa asked for the size of the equipment that would be displayed outdoors. J. Hill replied that it will be skid steers. A. Chiampa asked how many pieces of equipment they plan to have outdoors. B. Detone replied that it could be anywhere from a half a dozen to a dozen. D. Paul asked if the parking calculation is correct. Town Planner Mailloux responded that they have sufficient parking based on the town's regulations. D. Paul asked if the equipment in the outdoor display area will have oil or other fluid in them. B. Detone replied that new equipment is partially filled. D. Paul voiced her concern that she has a problem with the potential for fluids to leak out of the equipment into the groundwater. J. Hill reviewed where the new equipment would come onto the site and how any fluid would be collected into a closed drainage system, which has oil and gas traps to remove this before it could get into the detention pond. D. Paul asked how this applies to gravel instead of asphalt. J. Hill replied that the gravel will be compacted. D. Paul asked if the gravel is impervious. J. Hill answered that the compacted gravel will not allow infiltration, as it is an impervious surface. D. Paul reiterated that she has concerns about any fluids leaking into the groundwater. J. Hill mentioned that Hudson is making sure that they comply with state and local requirements. D. Paul asked about traffic, as this is a concerning area. J. Hill answered that they anticipate the proposed activity on the site will be consistent to what is currently there, which is roughly 25 to 30 customers per day that is distributed throughout the day. D. Paul asked if they are open Saturday or Sunday. B. Detone replied that they are closed on Saturday and Sunday and normal business hours are Monday through Friday 7:30 a.m. to 4:30 p.m. J. Hill mentioned that they provided a trip generation report that evaluated the existing and relocated facilities if more information is needed. D. Paul asked about signage. B. Detone replied that they are not looking for any additional signs. He added that they are working with Libby in the Building Department on the sign. J. Penta asked for clarification on why they chose packed gravel. J. Hill replied that it was not necessary to finish that area with asphalt, as no heavy trucks would be traveling over it. A. Sypek asked if staff is comfortable with the packed gravel. J. Lovell replied that this is a common practice and would meet all state requirements. J. Butler asked if they will have gas tanks on site. J. Hill replied that they are proposing a waste oil tank and diesel tank on the Hudson parcel. J. Butler asked if Hudson has similar requirements regarding drainage. Town Planner Mailloux responded that they are similar and since the drainage is going towards Hudson, it seemed like the best practice to have them review this. J. Butler voiced his opinion, that packed gravel is a good choice given the equipment that would be stored on it.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board as there was no public input. Town Planner Mailloux mentioned that because of the timing, the applicant

did not go to the Heritage Commission yet, but they will be going in November. She added that they have included a recommendation that any comments the Heritage Commission has be incorporated into the conditions of approval.

A. Sypek made a motion to grant the waiver to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated November 3, 2021

J. Butler 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 a site plan amendment for a change of use for equipment sales, rental and service, parking lot reconfiguration, outdoor display and storage areas, and associated site improvements, 2 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) in accordance with plans prepared by TF Moran, Inc., dated July 26, 2021, last revised September 24, 2021 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated November 3, 2021

J. Penta 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. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
2. All planning and engineering comments of Town of Hudson and its third-party engineering review firm shall be addressed.

3. A variance be obtained from the Zoning Board of Adjustment to allow outdoor storage between the building and the street frontage and the approval shall be noted on the plan.
4. The landscaping plan be updated to address any comments by the Heritage Commission. The area proposed for storage of used machinery will be visible from Route 102 immediately behind the proposed outdoor display area of new inventory. Should the Planning Board require additional screening of the display and storage area, the plan should be updated accordingly.
5. The Owner's signature shall be provided on the plans.
6. Utility clearance letters shall be provided.
7. A complete, stamped final drainage report, inclusive of the pipe summary table, shall be submitted.
8. Existing Conditions Plan, Sheet S-1, Note 7 identifies NET&T and PSNH easements which do not appear to be shown on the plan. The plan should be updated to indicate the limits of the easements.
9. The plans should be updated to clarify the intent to the remove the gravel encroachment into the 50' residential buffer setback, and to ensure appropriate site preparation for the trees proposed to be planted in that area.
10. 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 Site Plan Regulations.
11. Financial guarantees be provided to the satisfaction of the Department of Engineering and Environmental Services.
12. Final planning and 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. 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 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 Engineering & Environmental Services 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 Engineering & Environmental Services 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. Site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. 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 & Department of Engineering & Environmental Services when a financial guaranty (see forms available from the Department of Engineering & Environmental Services) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. ***No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.***

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

B. Public hearing for non-binding review and discussion in accordance with RSA 674:54 and the Town of Londonderry & Manchester Airport Authority Intermunicipal Agreement for review of the construction of a new 1,536 SF modular office and two new covered carports, 12 Pettengill Road & Harvey Road, Map 14 Lot 45-1, Zoned Gateway Business (GB) and Airport Overlay District (AD), Manchester Airport Authority (Owner) & Enterprise Rent-A-Car (Applicant)

Chairman Rugg read the case into the record. Town Planner Mailloux informed the Board that in accordance with the Intermunicipal Agreement between the Town of Londonderry and the City of Manchester, aeronautical facilities are exempt from the Town of Londonderry's land use regulations. She stated that upon notification by the Airport of the proposed construction of an aeronautical facility or government land use, the Planning Board may hold a public hearing and offer non-binding review and comment on the project.

David Brouillet, P.E. from McFarland Johnson, 53 Regional Drive, Concord, NH and Betty Marcinkevich, Property Development/Facilities Manager, at Enterprise Holdings, 10 Navigator Road, Londonderry, NH addressed the Board. D. Brouillet started off with some background on the site, noting it was developed in 2006 with the original intent to serve as a parking facility for the airport. He said that this is now leased for Enterprise operations. He noted that they currently have an existing trailer that they use as office space with the majority of the site being used for storage and parking vehicles. He added that this site is used as a holding facility for vehicles coming in to be transferred before they are sold. He explained that the new modular office building would be located on the opposite side of the plan, as well as two temporary carport structures that would be used for inclement weather. He said that they met with staff earlier in the year and they had comments requesting an updated boundary plan and an as-built plan. He commented that part of the site is within the overlay approach of the runway, and there is a restriction area that has been satisfied with the FAA determination. He said that the building is lower than the light poles that are currently in the parking lot. He mentioned that there are existing water and sewer that run through an easement. He added that the wetlands were re-delineated when the as-built plan was updated.

Chairman Rugg opened the discussion to the Board. J. Lovell reviewed the engineering comments with the Board. He said that they should provide a drainage report and traffic impact analysis. He said that a sewer discharge permit is going to be required and may be more complicated than anticipated. D. Brouillet stated that he is working with Robert Kerry, Environmental Engineer in the Department of Public Works and Engineering. D. Brouillet asked if a confirmation that the plan was built in accordance to the permit that was issued would suffice for a drainage analysis. J. Lovell replied that if it was built by an approved engineer at that time in 2007 that is fine. J. Knights asked if the trailer would be gone. D. Brouillet replied that it would. J. Knights asked if customers would be coming to this site. B. Marcinkevich replied that this is not for customers. D. Paul asked if there could be some shrubbery around the building. B. Marcinkevich replied that they might be able to have some standing planters.

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

C. Public hearing on an application for a Conditional Use Permit (CUP) for 385,734 SF of wetland impact and 648,330 SF of buffer impacts for work within the Conservation Overlay District for the proposed replacement existing utility pole structures within the existing transmission line right of way, Public Service Company of New Hampshire d/b/a Eversource Energy

(Applicant)

Chairman Rugg read the case into the record. Town Planner Mailloux stated that staff recommends the application be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated November 3, 2021.

J. Penta 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. Jessica Hunt, Associate, Project Manager, Stantec Consulting Services, Inc., 30 Park Drive, Topsham, ME, and Ashley Ruprecht, Angus Strachan and Kelly Merritt from Eversource addressed the Commission as well. J. Hunt reviewed the project with the Board noting it spans from Hudson to Londonderry with 249 poles to be replaced, with 22 poles in wetlands and 68 poles in the Conservation Overlay (CO) district. She said that they provided maps to the Board and she would be happy to answer any specific questions about the maps. She said that the work in the wetlands is temporary with timber matting that is removed once construction is complete. She explained that the pole replacement is all in-kind, stating that there are no new structures being proposed. A. Ruprecht stated that they are utilizing existing access where possible to minimize impacts, placing timber matting in the wetlands when needed and restoring the wetlands with seed and mulch. Town Planner Mailloux reviewed the Conservation Commission's approval of the Conditional Use Permit (CUP). She pointed out that this is not a site plan application before the Board, just the CUP for the work within the CO District.

Chairman Rugg opened up the discussion to the Board. A. Chiampa asked if they are taking down poles with three wires on them now and replacing them with a structure with two legs. A. Ruprecht replied that they are doing in-kind replacement, so if the pole they remove has two poles it should be replaced with two poles. D. Paul asked if the material and height would change. A. Ruprecht replied the material is changing from laminated wood to steel and heights might be increased/decreased up to ten feet from the current height, which is due to national electric safety code standards. A. Chiampa asked how tall the poles will be. A. Ruprecht replied that it depends on the location, but in general they will be approximately 10-feet taller than what is there now. A. Strachan stated that most poles are about 55-feet approximately, but they vary based on terrain. A. Chiampa asked what the tallest pole would be. A. Strachan replied that there a couple poles that are 120-feet in total length and are embedded about 18-feet into the ground. J. Penta asked how old the existing poles. A. Ruprecht replied that they date back in the early 2000s. She added that the poles in question upon inspection were shown to have significant defects from woodpecker damage and being exposed to the elements over time. J. Penta asked the average lifespan of the new poles. A. Ruprecht replied on average roughly 50 years to 70 years. A. Sypek asked if the height increase is due to leakage. A. Ruprecht replied that it is not due to leakage,

but an update in the national electric safety code standards. G. Verani voiced his opinion that since the power lines are easements over citizen's property, Eversource's customer service relationship manager should contact the property owners to be a resource if they have any concerns. A. Ruprecht replied that they have a dedicated person, Elise Ward, that will be the point of contact and works with property owners to answer any concerns or questions they have about the project. J. Knights asked how long they anticipate the project to take. A. Ruprecht replied that they anticipate the project to take about a year, starting this winter. J. Butler asked what their standard plan for restoration would be. A. Ruprecht responded that in wetlands, they remove the timber matting, rake, seed and mulch to stabilize. She went on stating that in the wetland buffer they have gravel roads that allow them to have access and those would be left in place. She noted that Stantec is there for construction monitoring as well. She added that they follow the New Hampshire Department of Environmental Services (NHDES) manual for utility maintenance. J. Butler echoed the comment of G. Verani in reaching out the homeowner and have good communication. Chairman Rugg asked what the base of the poles are. A. Ruprecht replied that the foundation is drilled with a caisson and there is gravel around it.

Chairman Rugg opened up the discussion to the public.

Sean O'Loughlin, 31 Bancroft Road. S. O'Loughlin said that one of these wood structures is about 15-feet from his leach field and is concerned. A. Ruprecht replied that she would give him her business card and follow up after. She added that they do not want to place poles in the leach field either.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin asked if woodpecker damage is the reason for the poles being replaced. A. Ruprecht replied that woodpecker damage is one of the reasons, and is a serious issue across the wood poles, and that is why they are switching to the steel pole. R. Breslin stated that he understands that, but does not think he believes these structures are failing and asked again for the reason the poles are being replaced. He said that they are impacting wetlands and the town has a problem with water right now, which would be one more impact. A. Ruprecht reviewed the damage that can happen from the holes that are caused by woodpeckers. A. Sypek asked if they are replacing the poles to meet the new electrical code standards. A. Ruprecht replied that is not the reason. R. Breslin asked if the new poles are steel. A. Ruprecht replied that they are weathered steel, which over time will create a rusting affect. R. Breslin commented that typically a steel pole would have a concrete foundation. A. Strachan explained that they are doing a direct embed structures with caisson and compacting the gravel. J. Knight asked if there would be any blasting. A. Ruprecht replied that they do not anticipate any blasting. G. Verani gave his opinion, that he actually prefers the metal to the wood poles. A. Chiampa mentioned that she prefers the metal look as it is gray and blends into the sky. She asked if they can paint the structures to prevent the rust. A. Strachan replied that they do not paint them as it adds to the cost of the maintenance of the structures. A. Chiampa asked if it was really rust. A. Strachan replied that they are designed to rust and it protects the structure.

Linda Price, 12 Bancroft Road, asked if the circumference was the same. A. Strachan replied that it is slightly larger than the old poles. He said that it is about a three-foot diameter. L. Price asked if trees would be cut. A. Ruprecht replied that there is no tree clearing proposed.

Chairman Rugg brought the discussion back to the Board as there was no further public input.

A. Sypek made a motion to grant conditional approval of the Conditional Use Permit (CUP) for work within the Conservation Overlay District for the proposed replacement existing of utility pole structures within the existing transmission line right of way, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant) with the following conditions:

- 1. The Applicant shall submit information on the material being used to coat the bottom of the poles.**
- 2. When possible, work done in wetlands be done when the ground is frozen.**
- 3. Work near vernal pools not be done while the pools are active in order to reduce the impact on wildlife.**

J. Butler seconded the motion.

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

V. Other

Chairman Rugg informed the Board that L. Wiles has expressed interest in becoming a full voting member. He reviewed his experience, noting that he had previously been on the Planning Board for 10 years and has served as an alternate for one year now. He commented that the next senior alternate member is R. Fillio with four years of experience.

Member J. Penta made a motion to recommend Lynn Wiles as a full voting member of the Planning Board to the Town Council. The motion was seconded by J. Butler.

The motion was granted, 7-0-1, with D. Paul abstaining. The Chair voted in the affirmative.

VI. Adjournment

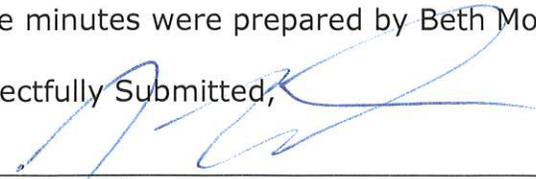
Member A. Sypek made a motion to adjourn the meeting at approximately 8:25 p.m. Seconded by J. Butler.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 8:25 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Jake Butler

Title: Asst. Secretary

These minutes were accepted and approved on December 1 , 2021, by a motion made by
JAKE and seconded by JASON.

STAFF RECOMMENDATION

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

Date: November 3, 2021

Application: Application for formal review of a site plan amendment for a change of use for equipment sales, rental and service, parking lot reconfiguration, outdoor display and storage areas, and associated site improvements, 2 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)

- 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 November 3, 2021.

- Waivers: The Applicant has requested the following waiver of the Site Plan Regulations:
 1. Section 4.03 for plan layout to provide signature block on the left side of the plan sheet rather than the right side as required by the regulations. Staff does not object to the waiver request as the plans also required signatures by the Hudson Planning Board, whose site plan regulations require signatures on the left side of the plan sheet.

Board Action Required: Motion to grant the waiver to the Site Plan regulations as outlined in the Staff Recommendation Memorandum dated November 3, 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 a change of use for equipment sales, rental and service, parking lot reconfiguration, outdoor display and storage areas, and associated site improvements, 2 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) in accordance with plans prepared by TF Moran, Inc., dated July 26, 2021, last revised September 24, 2021 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated November 3, 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. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
2. All planning and engineering comments of Town of Hudson and its third-party engineering review firm shall be addressed.
3. A variance be obtained from the Zoning Board of Adjustment to allow outdoor storage between the building and the street frontage and the approval shall be noted on the plan.
4. The landscaping plan be updated to address any comments by the Heritage Commission. The area proposed for storage of used machinery will be visible from Route 102 immediately behind the proposed outdoor display area of new inventory. Should the Planning Board require additional screening of the display and storage area, the plan should be updated accordingly.
5. The Owner's signature shall be provided on the plans.
6. Utility clearance letters shall be provided.
7. A complete, stamped final drainage report, inclusive of the pipe summary table, shall be submitted.
8. Existing Conditions Plan, Sheet S-1, Note 7 identifies NET&T and PSNH easements which do not appear to be shown on the plan. The plan should be updated to indicate the limits of the easements.
9. The plans should be updated to clarify the intent to the remove the gravel encroachment into the 50' residential buffer setback, and to ensure appropriate site preparation for the trees proposed to be planted in that area.
10. 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 Site Plan Regulations.

11. Financial guarantees be provided to the satisfaction of the Department of Engineering and Environmental Services.
12. Final planning and 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. 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 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 Engineering & Environmental Services 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 Engineering & Environmental Services 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. Site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. 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 & Department of Engineering & Environmental Services when a financial guaranty (see forms available from the Department of Engineering &

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

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

STAFF RECOMMENDATION

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

Date: November 3, 2021

Application: **Non-binding review and discussion in accordance with RSA 674:54 and the Town of Londonderry & Manchester Airport Authority Intermunicipal Agreement for review of the construction of a new 1,536 SF modular office and two new covered carports, 12 Pettengill Road & Harvey Road, Map 14 Lot 45-1, Zoned Gateway Business (GB) and Airport Overlay District (AD), Manchester Airport Authority (Owner) & Enterprise Rent-A-Car (Applicant)**

In accordance with the Intermunicipal Agreement between the Town of Londonderry and the City of Manchester, aeronautical facilities are exempt from the Town of Londonderry's land use regulations. Upon notification by the Airport of the proposed construction of an aeronautical facility or government land use, the Planning Board may hold a public hearing and offer non-binding review and comment on the project.

- Staff's comments and recommendations: A review memorandum from the Planning and Engineering Departments, is attached hereto and is offered as part of non-binding comments relative to the Town of Londonderry's land use regulations. Staff recommends that the Planning Board offer any additional comments it may have regarding the proposed project.

STAFF RECOMMENDATION

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

Date: November 3, 2021

Application: Application for a Conditional Use Permit (CUP) for 385,734 SF of wetland impact and 648,330 SF of buffer impacts for work within the Conservation Overlay District for the proposed replacement existing utility pole structures within the existing transmission line right of way, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant)

- Completeness: Staff recommends the Conditional Use Permit application be accepted as complete.

Board Action Required: Motion to accept the application as complete per Staff's Recommendation Memorandum dated November 3, 2021.

- Conditional Use Permit: The applicant is requesting a Conditional Use Permit (CUP) per Londonderry Zoning Ordinance Section 4.6.1.4.A.1.

1. The Applicant has requested a Conditional Use Permit to allow a permitted use in the Conservation Overlay District. Eversource Energy seeks to do work within the Conservation Overlay District relating to structure replacement work for existing poles within the transmission line right-of-way. Existing wooden poles will be removed and replaced with new, weathered steel poles. The poles must be replaced due to environmental damage in order to maintain the safety and reliability of the electrical infrastructure. The project will replace 249 existing utility poles, of which 68 are located within the CO district, and 22 poles are located in wetlands. The total permanent impact within the CO district is 648,330 SF which includes gravel access road and work pad construction, and the total temporary impact within wetlands is 385,734 SF. The Conservation Commission has recommended approval of the CUP, with conditions which are incorporated below.

- Recommendation: Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** the CUP with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of the Conditional Use Permit (CUP) for work within the Conservation Overlay District for the proposed replacement existing of utility pole structures within the existing transmission line right of way, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant) with the following conditions:

1. The Applicant shall submit information on the material being used to coat the bottom of the poles.
2. When possible, work done in wetlands be done when the ground is frozen.
3. Work near vernal pools not be done while the pools are active in order to reduce the impact on wildlife.