

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

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

Members Present: Art Rugg, Chair; Jake Butler, Assistant Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ann Chiampa, member; Deb Paul, Town Council Ex-officio; Jeff Penta, member; Lynn Wiles, member, Bruce Hallowell – Administrative Official - Ex-officio; and Jason Knights, alternate member

Also Present: Town Planner Colleen Mailloux; Associate Planner Laura Gandia; John Trottier, Director of Engineering and Environmental Services; 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 A. Sypek.

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

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

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

**J. Knights seconded the motion.**

**The motion was granted, 8-0-1, with L. Wiles abstaining. The Chair voted in the affirmative.**

**Member J. Butler made a motion to approve the minutes of November 10, 2021, as presented.**

**D. Paul seconded the motion.**

**The motion was granted, 7-0-2, with J. Penta and G. Verani abstaining. The Chair voted in the affirmative.**

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

**1. Planned Unit Development (PUD) modification of Section 2.4.4, Business Sign Design Standards, to allow four wall signs where only two are permitted, Michels Way & Garden Lane, Map 10 Lot 52, Zoned C-I & PUD,**

Woodmont Commons Planned Unit Development, Demoulas Super Markets, Inc (Owner) and Enterprise Bank (Applicant)

2. Application for a Conditional Use Permit (CUP) for 612 SF of temporary wetland impact for equipment access and work pad placement and 5,629 SF of temporary buffer impact for access and wire installation for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant)

3. Phasing amendment for a previously approved site plan for a 42-unit elderly housing development, Map 3 Lot 155, 48 Old Nashua Road, Zoned AR-1, DFC Development, LLC (Owner & Applicant)

**Member J. Butler made a motion to find these three projects are not of regional impact.**

**L. Wiles seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that there are two extension request this evening. She started with the first request that is from a previously approved site plan from Londonderry Fish & Game (Map 8 Lots 12 & 13). She explained that they are finalizing some conditions of approval and they have requested a six-month extension until June 2, 2022. She said that staff recommends granting the extension.

**J. Butler made a motion to grant the extension request to meet the conditions of approval on a previously approved site plan for the construction of a 5,000 SF clubhouse and associated site improvements, 5 Lund Street (Litchfield), Map 8 Lots 12 & 13, Zoned AR-1, Londonderry Fish & Game (Owner & Applicant) to June 2, 2022.**

**L. Wiles seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

She went on to the second extension request that this is from a previously approved site plan from Woodmont Medical Office Site Plan (Map 10 Lot 41). She stated that they would like an extension to resolve final comments and conditions of approval. She noted that they did not request a time frame, but would also recommend a six-month extension until June 2, 2022. She said that staff recommends approving the extension.

**J. Butler made a motion to grant the extension request to meet the conditions of approval on a previously approved site plan amendment for Block 2 of Woodmont Commons to construct a 19,792 SF two story medical office building and associated site improvements, Map 10 Lot 41, Pillsbury Road & Michels Way, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and LD 2020 LLC (Applicant) to June 2, 2022.**

**B. Hallowell seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

John Trottier, Director of Engineering and Environmental Services, updated the Board on the Braeburn abutter drainage situation. J. Trottier told the Board that it is a work in progress, noting a survey of Mr. Taralli's property has been done by Eric Mitchell. He added that Eric Mitchell has come up with a possible remedy for the run-off by enlarging the size of the detention pond and creating a detention swale from the Braeburn properties through Mr. Taralli's property to the roadside swale on Sherwood Drive.

Eric Mitchell, from Eric Mitchell and Associates, Inc., 106 South River Road, Bedford, NH addressed the Board. E. Mitchell reported that the detention pond was designed and constructed according to standard engineering practices, which was reviewed by Stantec, noting that they also concurred that the design was acceptable. He stated that since construction Mr. Taralli has indicated that there has been significant changes to the water coming across both his property and his neighbor's property. He said that he has met with Mr. Taralli both on site and over the phone. He explained that they are proposing to increase the size of the detention pond, as this will slow down the rate of water that comes out, and to construct a swale down the edge of Mr. Taralli's property that will flow to a wetland in the front of his house and a culvert underneath the street. He mentioned that they have considered putting an underdrain in around Mr. Taralli's pool, as the ground is saturated there. He said that the developer will hire another engineer to review the proposal he has submitted and go over this with Mr. Taralli. He noted that the developer is going to start increasing the size of the detention pond by next week. J. Trottier added that increasing the size of the detention pond is on the Braeburn property, not on Mr. Taralli's property. J. Butler asked how much the pond will increase. E. Mitchell replied that he does not have the information on the volume, but the size of the bottom is at least 33% bigger. J. Butler asked if there are now two third-party engineering reviews for this project. J. Trottier responded that was correct. L. Wiles asked for J. Trottier's opinion. J. Trottier replied that he has looked at the plan and has questions about the proposed weir, as it is not a conventional weir. D. Paul asked what a weir is. J. Trottier explained that an outlet structure is a rectangular concrete structure that has a vertical weir, which can vary in size and width. D. Paul asked if the weirs get clogged and need to be cleaned. J. Trottier replied that they only allow vertical weirs in Londonderry, as they tend to

clog less. D. Paul asked if E. Mitchell has spoken to Mr. Taralli. E. Mitchell reviewed all the times that he has spoken to Mr. Taralli with the Board. D. Paul asked if they would be doing any mitigation work to Mr. Taralli's property. E. Mitchell replied that he did not see areas where the ground was eroded from water damage. He added that the ground is wet with moss, but stated that he believes the moss has been there for some time. He mentioned that the area around the swimming pool is very spongy and wet, but he does not believe this is from surface water from anything they are doing at Braeburn, but rather ground water as it was a very wet summer. A. Chiampa asked for the depth of the detention pond. E. Mitchell replied that it would be close to six feet completely full. A. Chiampa asked for the length and width. J. Trottier explained that a detention pond is not like a swimming pool with set measurements. A. Chiampa asked where the location of the detention pond is on the plan. J. Trottier showed A. Chiampa where the detention pond is on the plan. J. Butler asked for the impact the swale on Mr. Taralli's property would have. E. Mitchell replied that he believes that three trees might have to come down and the swale would have to be lined with a geotextile fabric erosion blanket, so it will protect it and keep it from eroding, as his property is flat. He said that he will work with Mr. Taralli to make sure that if there are trees he would like to keep, they might be able to help him with that. J. Butler asked if they will replace any trees or relocate them. E. Mitchell responded that this is all in discussion with Mr. Taralli. J. Butler commented that it sounds as if there are steps moving in the right direction, but it will take some time. E. Mitchell stated that by starting to widen the pond, it will help with the amount of water flowing on his property. Chairman Rugg encourage E. Mitchell to work with Mr. Taralli and staff to remedy this situation.

Ken Taralli, 9 Sherwood Road, addressed the Board. K. Taralli started by stating his displeasure that he was only presented one plan from E. Mitchell, as his impression from the last meeting was that there would be multiple plans presented. He voiced his opinion, that he believes E. Mitchell is digging in his heels stating that the water has to go on the east side of the detention pond and south downhill to his property. He mentioned that at the last meeting, Chairman Rugg stated that the water should be self-contained within the development and no water should escape outside of the development, but the plan presented is for the water to flow out of the development onto his property. He added that this is confusing to him. Chairman Rugg restated that Mr. Taralli needs to work with staff, Eric Mitchell and the third party engineers on this to see what can be done, as he is not an engineer. K. Taralli said that he believes Chairman Rugg should be careful what he states at meetings, as he took his word on this. Chairman Rugg explained that there should be no run-off from a development onto an abutting property, but in this case, it did occur and J. Trottier, E. Mitchell and others are trying to rectify the situation. K. Taralli commented that when he spoke to E. Mitchell on the phone and asked for multiple plans, E. Mitchell asked him for ideas and this surprised him, as E. Mitchell has been doing this for forty years. He told the Board that he likes the idea of widening the detention pond and asked if the weir could be raised. Chairman Rugg reiterated that this is going to be worked out with J. Trottier and E. Mitchell, or if he really has concerns, he can go before the Town Council. K. Taralli pointed out that the swale is not taken all the way out to the road, but to the left of his leach field where there are wetlands, and he feels the swale should go straight to the street where there is

a culvert. He went on noting that there is erosion in the current culvert and there are cables that are exposed in the ditch and something should be done about it. He mentioned that he wants this all on the record, so when he comes back to the Board in a week or two, he can ask to see if these issues are being taken care of. He stated that he has an issue with the water around the pool, noting that this water is not coming from the detention pond, as that flows to the east, but rather coming down from the slope and collecting behind the stone wall, as this is the lowest spot on his property. Chairman Rugg explained that the Planning Board does not have enforcement authority, but can change regulations to help prevent a situation like this in the future. D. Paul asked if they clear cut the lot. J. Trottier replied that they did not. D. Paul spoke about how trees drink water and maybe that was an issue as well. K. Taralli said that there is terrain that has not been touched on his property from the stone wall behind his pool up 100 yards, but after that the terrain has been removed. J. Trottier commented that this is the staging area for the Braeburn parcel. D. Paul asked when the next update would be. J. Trottier responded that he can update them at the next meeting in January. K. Taralli asked if they can start work on the pond between now and January. Town Planner Mailloux noted that she heard E. Mitchell state that the developer would start widening the pond either this week or next week. K. Taralli asked if any pre-approval was needed for this. J. Trottier replied that he is okay with the developer enlarging the pond at their own risk, but has concerns about the configuration of the outlet vertical weir. K. Taralli expressed his frustration that he believed the original plan was deceitful in sending the water south down the slope and not securing drainage rights.

### **III. Old Business -n/a**

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

A. Public hearing on a phasing amendment for a previously approved site plan for a 42-unit elderly housing development, Map 3 Lot 155, 48 Old Nashua Road, Zoned AR-1, DFC Development, LLC (Owner & Applicant)

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

**J. Butler made a motion to accept the application as complete per Staff Recommendation Memorandum dated December 1, 2021.**

**J. Penta seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. Jake Dorf, from the Dubai Group, Inc. 136 Harvey Road, Bldg B101, Londonderry, NH, addressed the Board. J. Dorf told the Board that they would like a phasing amendment and waiver request. He reviewed the proposal with the Board noting that they would like to

complete the project in three phases. He said that phase one has started.

Chairman Rugg opened up the discussion to the Board. J. Trottier gave the Board some background information, noting that the Hanafin Farms site plan received final approval on July 22, 2020, and was subsequently amended and received Planning Board approval for the amendment on July 21, 2021. He said that the project is currently under construction and at the time the plan was approved, there was no proposed phasing plan. He pointed out that in accordance with the Town of Londonderry Site Plan Regulations, prior to a certificate of occupancy being issued for a project, all site improvements shown on the plan must be completed. He explained that the proposed phasing plan, if approved by the Planning Board, would allow for the project to be completed in phases, and for certificates of occupancy to be issued for units within Phase 1 when the work associated with that Phase is complete, while construction continues on the overall site. He went on stating that they are requesting a waiver from Section 6.01 of the Site Plan regulations to allow for a Certificate of Occupancy (CO) without the pavement wearing course being placed. He added that Section 6.01c of the Site Plan Regulations requires that all site improvements be completed prior to issuance of a CO, but the applicant has requested that the project be allowed COs prior to placement of the final wearing course of pavement. He said that the applicant has indicated in its request that all other components of the road and infrastructure will be complete; however, due to ongoing construction of the residences in the development, and heavy equipment and construction traffic, the final wearing course will be placed after completion of Phase 3. He mentioned that staff supports the waiver request due to the anticipated construction scheduling that restricts the placement of the wearing course, and have included recommended conditions of approval that a financial guarantee be provided for the installation of the pavement wearing course and permanent pavement markings. He added that this has been done for Cross Farm, Hickory Woods and School House projects in the past. L. Wiles said that he is concerned about the potential hazards man holes might pose without the wearing course. J. Trottier replied that he had a discussion with the developer yesterday about this and all structures should be placed flush, which would help mitigate this. B. Hollowell asked if the residents that move in during Phase 1 have financial insurance that the development will be completed. J. Trottier responded that they will receive a bond or letter of credit in the amount it would take the Town to hire a contractor/paving company to pave the road for that reason.

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.

**J. Butler made a motion to grant the applicant's request for a waiver from section 6.01 of the Site Plan regulations per Staff's Recommendation Memorandum dated December 1, 2021 with the following conditions:**

**1. Appropriate financial guarantee is provided prior to the issuance of a CO to the satisfaction of the Department of Public Works to**

**ensure installation of the wearing course of pavement and final pavement markings.**

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

**J. Knights seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

**J. Butler made a motion approve the applicant's requests for a phasing plan as site plan amendment to the Hanafin Farms, Map 3 Lot 155, 48 Old Nashua Road, Zoned Ar-1, DFC Development, LLC (Owner & Applicant) in accordance with a plan prepared by The Dubai Group, Inc., dated October 28, 2021 with the following conditions to be fulfilled as noted:**

**1. All conditions of approval from the July 22, 2020, and July 21, 2021, approvals of this site plan must be met.**

**2. Prior to plan signature, a detail for the temporary emergency turnaround should be provided on the plan.**

**3. Prior to plan signature, the Fire Department shall review and approve the temporary emergency turnaround.**

**4. Prior to plan signature, general note #8 shall be updated to include language indicating that bonding of the landscaping items is allowed out of season only.**

**5. Prior to issuance of a Certificate of Occupancy, a full as-built drawing should be submitted to Engineering for review and approval.**

**6. Prior to issuance of a Certificate of Occupancy, operational approval for the water system shall be provided.**

**7. Prior to issuance of a Certificate of Occupancy, operational approval for the septic systems should be provided.**

**J. Penta seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

B. Public hearing on a Planned Unit Development (PUD) modification of Section 2.4.4, Business Sign Design Standards, to allow four wall signs where only two are permitted, Michels Way & Garden Lane, Map 10 Lot 52, Zoned

C-I & PUD, Woodmont Commons Planned Unit Development, Demoulas Super Markets, Inc (Owner) and Enterprise Bank (Applicant)

Chairman Rugg read the case into the record. D. Paul recused herself from this case. Town Planner Mailloux informed the Board that there are no outstanding checklist items and the application should be accepted as complete.

**J. Butler made a motion to accept the application as complete per Staff Recommendation Memorandum dated December 1, 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 had started. Cliff Conti, from Classic Signs, Inc., 13 Columbia Drive, #16, Amherst, NH, addressed the Board. C. Conti told the Board that their sign proposal is based off Enterprise Bank's Andover branch. He pointed out that the building can be seen on all sides, and could possibly look unoccupied if there was not a sign on it. He said that they are under the square footage. He reviewed the pictures from his presentation with the Board. He said that they are requesting four signs where they can have two signs. He noted that the Heritage Commission approved the signs that they are proposing.

Chairman Rugg opened the discussion to the Board. Town Planner Mailloux gave the Board some background noting that the Enterprise Bank site plan received final approval on September 15, 2021, and as part of the Woodmont Commons Planned Unit Development, the project is governed by the Woodmont Commons Planned Unit Development Master Plan. She said that Section 2.4.4.A.2 Business Sign Standards of the PUD Master Plan provides "All businesses are permitted one Wall Sign on the façade, unless the building is on a corner lot, in which case one sign on each street is allowed." She explained that in accordance with the PUD Master Plan, the applicant is permitted to have two wall signs totaling 250 square feet (SF) in size. She went on noting that the applicant is seeking this modification to split the total allowed signage into four signs due to its unique location on a pad site in front of the Market Basket shopping center. She said that the soffit signs are pretty small, 15 SF in total. She noted that the Heritage Commission recommended the request and staff does as well given the unique location of the building. A. Chiampa complimented the sign representative on his work and design.

Chairman Rugg opened the discussion up to the public and there was none. Chairman Rugg brought the discussion back to the Board as there was no public input.

**J. Butler made a motion to grant the Applicant's request for a PUD modification to allow four wall signs where only two are allowed per Staff's Recommendation Memorandum dated December 1, 2021 and in accordance with the application and sign renderings dated November 10, 2021.**

**B. Hallowell seconded the motion.**

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

C. Public hearing on an application for a Conditional Use Permit (CUP) for 612 SF of temporary wetland impact for equipment access and work pad placement and 5,629 SF of temporary buffer impact for access and wire installation for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant)

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

**J. Butler made a motion to accept the application as complete per Staff Recommendation Memorandum dated December 1, 2021.**

**J. Knights seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. Conor Madison, from GZA, and Kurt Nelson, from Eversource, addressed the Board. K. Nelson noted that Elise Ward and Kelly Merritt are also here from Eversource. C. Madison reviewed the plan on the screen with the Board. He noted that they will also be filing a wetland permit with the state. He said that they are not replacing any transmission poles, but rather replacing static wire with optical ground wire. He said that they are not expanding the right-of-way, poles, etc. He reviewed the uniqueness of this particular area. He said that the trench will be three feet wide by three feet deep. He pointed out that they will be crossing the wetland for 612 SF of temporary impact and will use clean timber matting and erosion controls. He said that they have to coordinate with the Natural Heritage Bureau and New Hampshire Fish & Game. He said that they are hoping to start in the spring of 2022.

Chairman Rugg opened up the discussion to the Board. Town Planner Mailloux explained that Eversource Energy seeks to do work within the Conservation Overlay District relating to replacement of existing optical ground wire along the existing Transmission Line Right of Way. She said that the wire is proposed to be installed in a 3 ft x 3 ft trench spanning between two utility pole structures. She added that the Conservation Commission has recommended approval of the CUP.

Chairman Rugg opened up the discussion to the public and there was none. Chairman Rugg brought the discussion back to the Board as there was no further public input.

**J. Butler made a motion to grant approval of the Conditional Use Permit (CUP) for 612 SF of temporary wetland impact for equipment access and work pad placement and 5,629 SF of temporary buffer impact for access and wire installation for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant).**

**B. Hallowell seconded the motion.**

**The motion was granted, 9-0-0. The Chair voted in the affirmative.**

**V. Other**

Chairman Rugg informed the Board there is no meeting next week on December 8, 2021. He said that they have a Vice Chair position open. He explained the way the Board moves positions, such as Secretary to Vice Chair, Assistant Secretary to Secretary, etc.

**Member J. Butler made a motion to recommend A. Sypek to Vice Chair, J. Butler to Secretary and L. Wiles to Assistant Secretary.**

**The motion was seconded by B. Hallowell**

**The motion was granted, 7-0-2, with J. Butler and L. Wiles abstaining. The Chair voted in the affirmative.**

D. Paul asked for a time frame on the sign ordinance. Town Planner Mailloux replied that she needs to get an RFP out for this scope of work and is working on it.

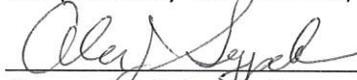
**VI. Adjournment**

**Member J. Butler made a motion to adjourn the meeting at approximately 8:11 p.m. Seconded by J. Penta.**

**The motion was granted, 9-0-0. The meeting adjourned at approximately 8:11 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

  
Name: Jake Butler  
Title: Secretary Vice Chair

These minutes were accepted and approved on January 5, 2022, by a motion made by A. Sypek and seconded by R. Fillid.

## STAFF RECOMMENDATION

**To:** Planning Board

**Date:** December 1, 2021

**From:** Colleen P. Mailloux, AICP, Town Planner

John R. Trottier, PE, Director of Engineering & Environmental Services

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**Application:** Phasing amendment for a previously approved site plan for a 42-unit elderly housing development, Map 3 Lot 155, 48 Old Nashua Road, Zoned AR-1, DFC Development, LLC (Owner & Applicant)

- Completeness: 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 December 1, 2021.*

- Background: The Hanafin Farms site plan received final approval on July 22, 2020 and was subsequently amended and received Planning Board approval for the amendment on July 21, 2021. The project is currently under construction. At the time that the plan was approved, there was no proposed phasing plan. In accordance with the Town of Londonderry Site Plan Regulations, prior to a certificate of occupancy being issued for a project, all site improvements shown on the plan must be completed.
- Project Summary: The proposed phasing plan, if approved by the Planning Board, would allow for the project to be completed in phases, and for certificates of occupancy to be issued for units within Phase 1 when the work associated with that Phase is complete, while construction continues on the overall site.
- Waiver: The Applicant is requesting a waiver from section 6.01 of the Site Plan regulations to allow for a Certificate of Occupancy without the pavement wearing course being placed. Section 6.01c of the Site Plan Regulations requires that all site improvements be completed prior to issuance of a Certificate of Occupancy (CO). The Applicant has requested that the project be allowed COs prior to placement of the final wearing course of pavement. The Applicant has indicated in its request that all other components of the road and infrastructure will be complete; however, due to ongoing construction of the residences in the development, and heavy equipment and construction traffic, the final wearing course will be placed after completion of Phase 3. Staff supports the waiver request due to the anticipated construction scheduling that restricts the placement of the wearing course, and have included recommended conditions of approval that a financial guarantee be provided for the installation of the pavement wearing course and permanent pavement markings.

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

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

**Board Action Required: Motion to grant the applicant's request for a waiver from section 6.01 of the Site Plan regulations per Staff's Recommendation Memorandum dated December 1, 2021 with the following conditions:**

- 1. Appropriate financial guarantee is provided prior to the issuance of a CO to the satisfaction of the Department of Public Works to ensure installation of the wearing course of pavement and final pavement markings.**
  - 2. All other required improvements shall be completed prior to the issuance of a CO, except for landscaping as permitted by the regulations.**
- **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 approve the applicant's requests for a phasing plan as site plan amendment to the Hanafin Farms, Map 3 Lot 155, 48 Old Nashua Road, Zoned Ar-1, DFC Development, LLC (Owner & Applicant) in accordance with a plan prepared by The Dubay Group, Inc., dated October 28, 2021 with the following conditions to be fulfilled as noted:**

1. All conditions of approval from the July 22, 2020 and July 21, 2021 approvals of this site plan must be met.
2. Prior to plan signature, a detail for the temporary emergency turnaround should be provided on the plan.
3. Prior to plan signature, the Fire Department shall review and approve the temporary emergency turnaround.
4. Prior to plan signature, general note #8 shall be updated to include language indicating that bonding of the landscaping items is allowed out of season only.
5. Prior to issuance of a Certificate of Occupancy, a full as-built drawing should be submitted to Engineering for review and approval.
6. Prior to issuance of a Certificate of Occupancy, operational approval for the water system shall be provided.
7. Prior to issuance of a Certificate of Occupancy, operational approval for the septic systems should be provided.

## STAFF RECOMMENDATION

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner

**Date:** December 1, 2021

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**Application:** Planned Unit Development (PUD) modification of Section 2.4.4, Business Sign Design Standards, to allow four wall signs where only two are permitted, Michels Way & Garden Lane, Map 10 Lot 52, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Demoulas Super Markets, Inc (Owner) and Enterprise Bank (Applicant)

- Completeness: 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 December 1, 2021.**

- Background: The Enterprise Bank site plan received final approval on September 15, 2021. As part of the Woodmont Commons Planned Unit Development, the project is governed by the Woodmont Commons Planned Unit Development Master Plan. Section 2.4.4.A.2 Business Sign Standards of the PUD Master Plan provides "All businesses are permitted one Wall Sign on the façade, unless the building is on a corner lot, in which case one sign on each street is allowed." In accordance with the PUD Master Plan, the Applicant is permitted to have two wall signs totaling 250 square feet (SF) in size. The Applicant is seeking this modification to split the total allowed signage into four signs due to its unique location on a pad site in front of the Market Basket shopping center. If approved, the building signage will include one 100 SF sign, one 82 SF sign, and two 15.5 SF signs, for a total sign area of 213 SF.

The Heritage Commission has recommended approval of this modification request.

Staff recommends the granting of this request due to the unique location of the building which is visible by the public on all four sides.

Board Action Required: **Motion to grant the Applicant's request for a PUD modification to allow four wall signs where only two are allowed per Staff's Recommendation Memorandum dated December 1, 2021 and in accordance with the application and sign renderings dated November 10, 2021.**

## STAFF RECOMMENDATION

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner

**Date:** December 1, 2021

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**Application:** Application for a Conditional Use Permit (CUP) for 612 SF of temporary wetland impact for equipment access and work pad placement and 5,629 SF of temporary buffer impact for access and wire installation for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), 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 December 1, 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 replacement of existing optical ground wire along the existing Transmission Line Right of Way. The wire is proposed to be installed in a 3 ft x 3 ft trench spanning between two utility pole structures. The Conservation Commission has recommended approval of the CUP.
- Recommendation: Based on the information available to date, Staff recommends that the Planning Board APPROVE the CUP with the Notice of Decision to read substantially as follows:

**Board Action Required: Motion to grant approval of the Conditional Use Permit (CUP) for 612 SF of temporary wetland impact for equipment access and work pad placement and 5,629 SF of temporary buffer impact for access and wire installation for work within the Conservation Overlay District for the proposed replacement of existing optical ground wire along the existing Transmission Line Right of Way (ROW), Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant).**