

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF DECEMBER 7, 2022, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

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

Also Present: Kellie Caron, Assistant Town Manager/Director of PED; John Trottier, Director of Public Works and Engineering; Laura Gandia, Associate Planner; 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 A. Sypek and T. Combes to vote for J. Penta.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member J. Butler made a motion to approve the minutes of November 2, 2022, as presented.

B. Hallowell seconded the motion.

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

Member J. Butler made a motion to approve the minutes of November 9, 2022, as presented.

B. Hallowell seconded the motion.

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

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

1. Application for design review of a site plan for the proposed development of a 264 dwelling unit multi-family residential development with associated parking and amenities, Michels Way (Map 10 Lot 41, Zoned AR-1 &

Woodmont Planned Unit Development (PUD)), Pillsbury Realty Development, LLC (Owner) and WP East Acquisitions, LLC (Applicant)

2. Application for design review of a minor site plan for a change of use to add a service establishment (barber shop) and a cigar lounge as uses, 80 Perkins Road, Map 15 Lot 55, Zoned Mixed Use Commercial (MUC), KAK Real Estate Holdings, LLC (Owner & Applicant)

Member J. Butler made a motion that these projects are not of developmental impact.

T. Combes seconded the motion.

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

C. Discussion with Town Staff:

Town Planner Caron informed the Board that there is one extension request from a recently approved site plan for Three Enterprise Drive (Map 15 Lot 62-3) for six months. She noted that they are working on the conditions of approval and have requested an 120-day extension. Chairman Rugg asked for the date 120 days from now. K. Caron replied that it would be March 1, 2023.

J. Butler made a motion to grant the extension request to meet the conditions of approval for a conditionally approved site plan for the construction of a 7,200 SF warehouse and wholesale building and associated site improvements, Three Enterprise Drive, Map 15 Lot 62-3, Zoned C-II, 3 Enterprise Drive, LLC (Owner & Applicant) to March 1, 2023.

T. Combes seconded the motion.

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

III. Old Business – N/A

IV. New Plans

A. Public hearing on an application for formal review of a site plan for the construction of a proposed 5,984 SF warehouse/repair/office building for commercial snow and landscape management and associated site improvements, Two Kitty Hawk Landing, Map 17 Lot 5, Zoned IND-I, Outdoor Pride Landscaping, Inc (Applicant) and SWCE Holdings, LLC (Owner)

J. Trottier informed the Board that the applicant is requesting a waiver to the requirement to provide a utility clearance letter for electric service per item XI.5.a of the checklist. He said that staff supports the granting of the waiver for

acceptance purposes only.

J. Butler made a motion to grant the waiver of checklist item XI.5.a for acceptance purposes only and accept the application as complete per Staff Recommendation Memorandum dated December 7, 2022.

T. Combes seconded the motion.

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

Chairman Rugg informed the applicant that the 65-day time clock has started. Jason Hill, P.E., from TF Moran, Inc., 48 Constitution Drive, Bedford, NH, as well as Mark Aquilino the owner of Outdoor Pride addressed the Board. M. Aquilino started off the discussion by telling the Board that this has been a family business since 1988. He said that they found this site in Londonderry as they are a growing business. J. Hill commented that this is a landscaping and snow removal business that does not have a retail component. He noted that they are limited in their current location in Manchester and want to grow so that is why they are moving. He pointed out that they were before the Board for a conceptual discussion last Spring. He mentioned that they have been before Conservation Commission and the Heritage Commission. He reviewed the site with the Board. He explained that the site was prepared for an SW Cole project that never was completed. He said that they are proposing a 1,664 SF office with an attached 3,423 SF warehouse/maintenance shop with fleet parking in the one-acre yard area on the east side of the site with covered storage bins, as well as brine tanks for snow removal. He added that they have parking in the front for office staff, as there is no retail on site, and the remaining portion of the yard area as a knit packed gravel surface to store equipment, such as plow blades, front loaders, skid steers, etc. He mentioned that they use packed gravel because some of the equipment will chew up the pavement. He stated that they have the existing curb cut off Kitty Hawk Lane, and they are proposing to widen it to 32-feet wide to accommodate trucks. He reviewed the landscape plan with the Board, pointed out that they are putting up a dense evergreen screen along the residential border. He noted that there was a detention pond that was built on the opposing parcel on Kitty Hawk Lane, which was designed to handle the runoff of the project. He added that they are proposing a roadway maintenance easement because there is an exiting roadside swale that will be maintained via the easement. He reviewed the traffic and architectural renderings with the Board. Chairman Rugg asked about signage. J. Hill replied that they only have a sign on the front of the building proposed right now, so he would come back to the Board, as they do not have any free standing signage at this point.

J. Trottier reviewed the remaining design review items with the Board. He specifically pointed out that proposed access drive off Kitty Hawk Lane has a dimension of 20-feet, which does not comply with the regulations of a 240foot maximum, but stated that the Board can grant an exception up to 36-feet. He added that the applicant did perform a traffic analysis, but noted that they are

concerned with what the traffic impact will be at the intersection of Kitty Hawk/Grenier Field Road. He went on stating that when they are settled into Two Kitty Hawk Landing, staff is asking them to perform a traffic analysis to support their trip generation memo that they performed. K. Caron discussed that the applicant's narrative states that they are intending to have outdoor storage of materials is intended and a significant portion of the area will be a gravel surface. She went on stating that per regulations outside storage shall be visually screened and in addition where a principal or accessory use of a lot is not enclosed in a building the Planning Board shall determine the parking/loading area of such use. She asked the Board to discuss parking with the the applicant to determine if it is sufficient. J. Trottier asked J. Hill to elaborate on the screening as well. J. Hill replied that they have evergreen trees and low-lying shrubbery to help screen this area. He added that they do not want to put plantings in the easement. He explained the parking to the Board noting that there are six office employees, 28 +/- fleet employees and 10 fleet spaces, which would total of 44 parking spaces. He said that the rear parking spaces are for bigger trucks. He said that they have two parking areas, the front and internal parking to meet the projected demands. He noted that the parking is all paved. A. Chiampa asked what the brine storage tanks would be constructed of, as well as the dumpster and landscape materials. M. Aquilino replied that the screen will have slats in it, which will almost look like a privacy fence and the storage facility will match the building exactly. He said that the tanks are built with high density plastic to match the building, noting a charcoal color. A. Chiampa asked if the dumpster would blend in. M. Aquilino replied that it would. A. Chiampa asked if the six spaces to the north were in the original conceptual plan. J. Hill replied that they were not. He added that they have a green giant *abore vitae* to be planted in front of the brine storage tanks for screening. D. Paul asked if they will clean the trucks at the site because she is worried about chemicals seeping into the ground with the gravel. J. Hill replied that the cleaning of the trucks will occur in the warehouse as it has a floor drain system. He said that there is a holding tank that drains to the sewer. D. Paul asked if any of the trucks would be parked on the gravel. J. Hill replied that equipment would be parked on the gravel, such as loaders. He noted that Caterpillar stores their trucks on the gravel and they designed it similar. D. Paul voiced her concern regarding water and water contamination. L. Wiles asked for the height of the storage tank. J. Hill replied it was 18-foot maximum. L. Wiles asked about the storage bins. J. Hill replied that they will be substantially lower than the building. G. Verani asked about the traffic escrow, when the traffic study should be done, and what the recourse would be if the results are different than the applicant's original study. J. Trottier replied that the traffic count is to get a better understanding of what is happening out there. K. Caron added that they have to conduct a traffic study within a year of opening. G. Verani asked what if anything the applicant is leaving themselves open to. K. Caron replied that traffic count is to verify that the information they provided is correct. G. Verani asked if the applicant was okay with this. J. Hill replied that he does not see an issue with traffic. G. Verani asked what the escrow amount is. J. Hill replied that he is not sure at this point. T. Combes clarified that the diameter of the tanks is 12-feet. B. Hallowell asked what the ramifications to the applicant would be if the traffic study is off. J. Trottier replied that this is not about the numbers, but more of a discussion on what the current traffic is like out there. B.

Hallowell expressed his opinion that he believes this is a low impact project for traffic. J. Trottier replied that they are not disputing that. B. Hallowell asked if this has been done before. J. Trottier replied that this was done for Wallace Farm. B. Hallowell asked if they also had an escrow. J. Trottier replied that is correct. (A. Sypek arrived at the meeting at 7:43 p.m.) J. Butler asked if the landscaping is adequate. K. Caron replied that it is adequate.

Chairman Rugg asked for public input 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 conditional approval of site plan for the construction of a proposed 5,984 SF warehouse/repair/office building for commercial snow and landscape management and associated site improvements, Two Kitty Hawk Landing, Map 17 Lot 5, Zoned IND-I, Outdoor Pride Landscaping, Inc (Applicant) and SWCE Holdings, LLC (Owner) in accordance with plans prepared by TFMoran, Inc., dated March 11, 2022 last revised November 4, 2022 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 December 7, 2022.

B. Hallowell seconded the motion.

The motion was granted, 9-0-0. 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 as indicated on this plan.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/Stantec review memo dated December 7, 2022.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.

4. Third-party review fees shall be paid within 30 days of conditional site plan approval.
5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
6. 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, as indicated on this plan, 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. 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 & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

B. Public hearing on an application for formal review of a site plan amendment for the construction of a proposed 6,000 SF convenience store with drive through, and gas station with 16 fueling stations and 3 diesel fueling stations, 174 Rockingham Road, Map 15 Lot 61, Zoned C-II and RTE 28 Performance Overlay District and 178 Rockingham Road, Map 15 Lot 61-7, Zoned C-II and RTE 28 POD, 2V Londonderry, LLC & 2V Londonderry West, LLC (Owners) and New Sunset Realty (Applicant)

J. Trottier stated that the application was complete.

J. Butler made a motion to accept the application as complete per Staff's Recommendation Memorandum dated December 7, 2022.

T. Combes 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. He pointed out that David DeBaie, traffic engineer from Stantec is here as well. Jeff Kevan, P.E. and Robert Duval, from TF Moran, Inc., 48 Constitution Drive, Bedford, NH, as well as Ari Pollack, Esq. from Gallagher, Callahan & Gartell, Concord, NH and Patrick McCulloch from Nouria Energy, addressed the Board. Jeff Kevan passed out an Exhibit 1, to the Board, which is attached hereto. He started off the discussion noting they were here before for a different project that was conditionally approved for a gas station/convenience store and a bank on two separate lots that would be merged. He noted that on Exhibit 1 they are illustrating what was previously approved on the top portion and what they are proposing today on the lower portion. He pointed out that they received a Conditional Use Permit (CUP) from the Board as well. He explained that they are proposing a 6,000 SF convenience store, which is larger than the previous project as there are places to sit inside, with eight

fueling pump stations with 16 fueling spaces and three diesel pumps, where the bank used to be. He said that required parking is 48 spaces and they have 25 regular parking spaces, 16 fueling spots, diesel spots and truck parking spots for a total of 51 parking spaces. He mentioned that they are proposing the same off-site improvements when they were before the Board with the previously approved project. He remarked that there will be painting on the driveway to not block the driveway on Symmes Drive, as well as a sign prohibited left hand turns out of the site. He reviewed the truck circulation with the Board. He noted that the edges of pavement are the same as was presented with the previously approved site plan with the addition of rumble strips. He explained the drainage to the Board. He said that the utilities are similar to before, noting they eliminated a water service off Rockingham Road as they no longer have the bank. He discussed the landscaping plan noting that it is exactly the same as the previously approved site plan. He commented that the lighting is also the same as the previously approved site plan. He mentioned that they have requested waivers for this project, starting with reducing the landscape buffer, because the lot is constrained due to the New Hampshire Department of Transportation (NH DOT) land takings on both Symmes Drive and Rockingham Road. He went on to the second waiver noting it deals with drainage and explained why they are proposing this to the Board. He said that the last waiver is to not provide all sewer and drainage information on Rockingham Road because they are connecting to an existing sewer stub, which does not require invert information.

Robert Duval, P.E., LEED AP – President, Chief Engineer, from TF Moran, Inc. addressed the Board. He pointed out that most significant change in the project is that there is now truck fueling, with a larger store and more pumps. He summarized that weekday peak a.m. is 522 trips, weekday peak p.m. is 440 trips and the peak for a Saturday is 477 trips. He explained that due to the nature of the use the majority of the trips are pass-by trips, which means that the trips are already on NH28. He went on noting that if you look at just new trips there is only 125 trips in the morning peak a.m., 108 trips in the peak p.m. and 114 trips for peak Saturday mid-day trips. He remarked that this is 2 new trips or less per minutes during the peak hours. He noted where the traffic study was done, such as Symmes/NH 28 intersection, and at the Symmes Drive/bus station intersection and the two driveways. He mentioned that trucks are not permitted to enter the site at Symmes Drive. He said that all trucks that wish to turn into the site must go down Symmes Drive to NH28 and make a right turn into the site, and all NH 28 traffic has to enter on Symmes Drive. He added that there are no exiting left-hand turns at Symmes Drive, noting that all access must turn right, as well as no exiting left turns at the NH28 access. He commented that the lane warrant analysis showed that a left turn lane is recommended, as it was for the previously approved site plan. He added that right turns do not meet warrants at this point. He remarked that the impacts from this study are quite low, however, they are proposing mitigation in terms of timing, optimization at the NH 28/Symmes Drive signal. He summarized that there are minimal impacts even in future years. He stated that all site drives have a level of service A. He commented that queues and delays along NH28 and Vista Ridge are essentially unchanged as the overall levels are a C or better with plenty of reserve capacity. He said that Symmes Drive approach also

operates effectively in all scenarios and can be improved by timing mitigation in future years as shown in the study. He noted that all traffic at Symmes Drive operates at a level of service of A with a maximum internal queue of about a car length leaving the site. He mentioned that NH 28 entering traffic operates a service level of B or better in all scenarios with queues of less than one car length for all exiting and entering traffic. He added that the average queue including the longer length of trucks is less than a truck length or 25-feet. He said that NH28 has a robust cross section, building a left turn pocket and right turn pocket there. John Selle, architect with Phase Zero Design, 35 Pond Park Road, #16, Hingham, MA, addressed the Board. J. Selle reviewed the proposed architectural renderings with the Board. A. Pollack noted that the signage would require zoning relief. Chairman Rugg interjected that the Heritage Commission picked that up. A. Pollack commented that the applicant is aware that they are showing images on the plan that will require variance relief. He added that they will approach the Zoning Board of Adjustment (ZBA) if they are successful on site plan review. He said that if they are not successful in front of the ZBA for the sign variances then they will tone down the signage package to comply with the sign regulations. He pointed out that they are not asking the Planning Board to approve variances, as they cannot. He mentioned that the Planning Board could add a condition that zoning relief needs to be subject to the zoning application.

Chairman Rugg opened the discussion up to Board. J. Trottier reviewed the waivers with the Board as follows:

1. The Applicant is requesting a waiver from section 4.6.7.7.D.1.a of the Route 28 Performance Overlay District to allow the front landscaped buffer to be reduced from 40 feet to 30 feet. Staff supports granting the waiver as the lot is constrained due to NHDOT takings along Route 28 and Symmes Drive for roadway expansion, and because the Applicant has provided the required street trees, perimeter shade trees and interior parking lot landscaping.
2. The Applicant is requesting a waiver from section 3.08.g.3 of the site plan regulations to allow a drainage pipe with less than 3 feet of cover. Staff supports granting the waiver, said pipe is to be class V concrete pipe.
3. The Applicant is requesting a waiver from section 4.14.b.1 of the site plan regulations to no provide existing sewer and drainage information (inverts & pipe data) on a portion of the existing sanitary sewer system in Rockingham Road. Staff supports granting the waiver as the project is connecting to an existing sewer stub and does not require invert information for the design, and the Applicant has provided sufficient information for the existing sewer manhole.

He went on noting the remaining design review items with the Board. He noted that The applicant has not indicated that the two (2) project NHDOT Driveway Permits (Site drive to Route 28 and Symmes Drive at Route 28 traffic signal), the New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AOT), NHDES Underground Storage Tank (UST) Permit, and that Town of

Londonderry Sewer Discharge Permit, have been submitted for the project. In addition, the indicated Town of Londonderry Stormwater Discharge Permit was obtained for the previous design. He added that an updated permit is required to be obtained consistent with the current design. He stated that the Stantec traffic review memo dated December 7, 2022 has comments not addressed at this time relating to trips to the site from the east and west and queue storage at the drive-up window that has potential to queue back and block access to the entire site. He summarized that they had a scoping meeting with NHDOT in 2022, at which time he believes the application was submitted to NHDOT, but the town does not have a copy of this and a permit has not been issued. He reiterated that they do not have the AOT permit, the underground storage tank permit or the Sewer discharge permits as well. He concluded that the signage plan provided does not comply with the regulations and requires relief from the ZBA and staff is not recommending conditional approval of this plan at this time. He asked David DeBaie, from Stantec to discuss the traffic.

David DeBaie, Senior traffic engineer with Stantec, addressed the Board. D. DeBaie started off the discussion noting that they are not done working with the applicant's traffic engineer, specifically how traffic will get into and out of the site driveways. He noted that the applicant's traffic engineer has made assumptions such as trips to the site from the east are assumed to either turn right onto Symmes Drive or turn right onto the NH28 driveway and conversely, all trips from the west turn left into the site via the NH28 driveway and no trips turn left onto Symmes. He told the Board that he asked their traffic engineer for what the basis is for these differing assumptions other than all trucks would be using the NH28 driveway and did not receive an adequate response. He pointed out that the latest memo from today, states that he is requesting their traffic engineer to please provide the factual basis for the differing eastbound and westbound entering trip distribution to the site access drives. He added that they are also concerned about queuing, specifically with the drive-up window. He noted that they have stated that the queue storage at the drive-up window is 10 vehicles, but considering the 100-foot by 60-foot building and the position of the order kiosk and pick-up window, a 10 vehicle queue could not possibly be accommodated. Chairman Rugg asked if they are still working with the engineers. D. DeBaie replied that he is still working with the applicant's engineers. A. Pollack asked about the Stantec memo dated today as he has not seen this yet. J. Trottier explained the process to the Board, noting the design review process where staff can have a back and forth dialogue with the applicant, but once the applicant submits a formal application, the back and forth dialogue stops between staff and the applicant. He noted that the applicant will receive the memos at the Planning Board meeting, but not before with a formal submission. Chairman Rugg mentioned that it appears there is more work to be done before coming back to this Board. He emphasized the need to work with staff and abutters. K. Caron stressed that staff makes it clear to the applicant on what happens when submitting a formal application. She emphasized that it would not be prudent for this Board to approve a site plan without having a clear understanding of the signage first. J. Butler asked if the traffic study had all the same assumptions as the previously approved site plan. R. Duval replied that they did all new counts for this study and did some existing counts at the Shell station down the street as

well. He commented that essentially all the assumptions are similar with the previously approved site plan, but the only changes were related to the truck traffic. He explained that they took account of trucks and truck routing, which was not done in the original study. He added that choice of driveway assumptions were the same and the method of analysis is based on NHDOT practice. J. Butler asked about if the assumption that all traffic heading eastbound will go in through the NH28 entrance is the same comment from the previously approved site plan. R. Duval replied that he believes this is correct. He mentioned that they did receive a comment from Stantec to take another look at this, but he believes it to be basically true. He expressed his opinion, that most people will turn into a site at the first driveway. He said that is why they noted that 90% of vehicles will use the first entrance and 10% will use the second. He remarked that in response to the Stantec traffic comment, he replied that they could rerun the analysis using the 90%/10% split, but he does not believe this would materially change their results. He added that he asked staff to let them know if they would like to see this analysis, but he never heard back, but ran the analysis anyway. Chairman Rugg reiterated that they did not hear back as this was a formal submission and all dialogue stops. R. Duval pointed out that they were not submitting information at the last minute, but had not heard back. J. Butler asked for clarification on the formal submission process. Chairman Rugg explained the formal submission process, reiterating that dialogue stops. A. Pollack pointed out that recommendations are not requirements and it was a choice of the applicant to submit formal. He went on noting that there were reasons to submit a formal application such as this was a site that was approved for a similar use not long ago and not that much has changed. He summarized that they went before the Heritage Commission, applied for the CUP, which he noted was granted without conditions. He said that he heard Chairman Rugg's request to work with staff, which he believes they did. He remarked that if the process is a recommendation but is enforced as a requirement, then maybe it should be changed to a requirement. He stated that this current process is almost setting up a situation where this interaction is not productive as the applicant does not have access to materials that are prepared, but are not handed to the applicant until they finish their presentation. Chairman Rugg again said that this is the process all applicants follow. A. Pollack commented that he does not believe they are being singled out, but instead he is pointing out a flaw in the process. Chairman Rugg said that they will look at the process. J. Butler noted that there are 14 items left due to design review. A. Pollack mentioned that he did not believe they submitted a design review submission for this project this time. J. Kevan interjected that they did submit a design review application. J. Butler asked if these 14 items for design review were never answered. J. Kevan replied that he does not want to get into a back and forth on who did what. He described that permits are typically a condition of approval and they usually do not have them when before the Board for a project, but would have them for the plan signature. He went on stating that they usually wait to get the owner's signature on the final plans that will be signed. He said that they thought they answered everything straight forward, but staff believes differently. He asked for clarification regarding the drive-up window queueing because he thought the regulation was to have 10 spaces and is not a calculation. J. Trottier replied that the regulation is to have 10 spaces, but there is some concern brought forward by Stantec on the access to the site. J. Kevan stated that

he is not sure who the food service provider will be, as this has not been finalized, but they comply with the regulations. J. Trottier emphasized that this is why they recommend an applicant stay in design review to discuss all the concerns and come up with solutions before coming to the Planning Board. K. Caron remarked that there is a regulation of 10 spaces, however, if there are additional concerns related to queuing of traffic, she will defer to the traffic engineer. J. Kevan commented that he thought since they satisfied the regulation there was no other concern. J. Butler asked why there is a difference with traffic from the previously approved site plan to this one. J. Trottier replied that the configuration of the site is different, so how they queue around the building would be different. J. Butler expressed his opinion that he the only difference is the orientation of the building. J. Trottier replied that is incorrect, as the building is bigger. J. Butler remarked that if the building is bigger than this should help with queueing. J. Trottier stated that there is concern regarding access to the site. J. Butler mentioned that he is not an engineer, but it looks to him to be an almost identical site from the previously approved site plan, so he does not understand why there is so much controversy regarding the traffic. B. Hallowell asked if they are using the traffic analysis based on store usage, as the word assumption has been used this evening. J. Kevan replied that trip generation is based on an ITE manual and explained that to the Board. He said that it is based on number of pumps, etc. He said that the question is regarding if cars would use the first driveway or are they going to go down and sit in a signal. He said that staff would like this ratio to change. He said that it did not make a substantial difference. B. Hallowell asked if they run their traffic analysis based upon an extrapolation of their store usage, as it appears to be an assumption at this point. J. Kevan replied that trip generation is based on the ITE manual, which they used this for their site. He said that they assumed all cars going west to east on Rockingham Road would use the first driveway and not go the signal and turn. He pointed out that staff wanted them to change the ratio, which they did to the 90% using the first driveway and 10% going down to the signal, which did not make a substantial difference. B. Hallowell asked if they are anticipating 100 more trips coming in for this proposed project versus the previously approved site plan. J. Kevan replied that it not compared to the previously approved site plan, but rather roughly 100 new trips during the peak hours that are not already on the road before. B. Hallowell asked for the original traffic number from the previously approved site plan. R. Duval replied that he is not going to guess, but he compared this project's use to a no-build condition at the site. B. Hallowell voiced his opinion that he understands the pain with the queueing spaces for the drive-up window, as this is going to be determined by what goes in there. T. Combes asked about the signage and why it does not comply. Chairman Rugg replied that it specifies the number and size of signs and they have exceeded what is allowed in the zoning ordinance, so they will need to go before the ZBA for variance relief. J. Kevan mentioned that the signage would have to conform to the regulations unless they get relief from the ZBA. A. Pollack asked if T. Combes was asking what in the current sign depiction on the plan does not conform. T. Combes replied that is correct. A. Pollack explained that the height of the sign, the number of wall signs, and the fact that the Nouria circular sign above the door is higher than the roofline. He reiterated that they either obtain the relief for the signs from the ZBA or they would apply for a sign permit that is different than what is shown. J. Kevan noted that the

uniqueness of the lot is that it is a corner lot, so they are allowed to split the signage in two and asking for an additional sign. G. Verani agreed with A. Pollack regarding the difference between recommendations and requirements. J. Knights asked if the trucks are weighed differently when determining traffic. R. Duval replied that the trucks are considered in the algorithms that create the analysis and explained this process to the Board. A. Sypek expressed his opinion that he cannot vote on a plan that does not comply with the regulations and would like to wait until they go before the ZBA. L. Wiles asked if there would be no truck access taking left turns onto Symmes Drive. J. Kevan replied that the sign reads: "No left turns," so no vehicles are supposed to turn left out of the driveway onto Symmes Drive. L. Wiles asked if this was a reasonable expectation and asked why this was done. J. Kevan replied that this was a request worked out with the previously approved site plan because of the amount of activity with the bus station across the street. L. Wiles mentioned that he does not see how a truck could leave the site and make a left turn back onto Symmes Drive. J. Kevan replied that they have run a truck through the site. L. Wiles said that he believed there were no left turns out of the site onto Rockingham Road. J. Kevan responded that there are only right hand turns, so the truck would have to go out to the signal to go east. L. Wiles asked how a truck would get to the Rockingham Road signal. J. Kevan replied that the truck would go to Symmes Drive and take a right. L. Wiles voiced his opinion that people will turn left and this is going to be a problem. He asked about pedestrian access to the site, specifically from Vista Ridge with a project being proposed there now. J. Kevan replied that a sidewalk would take up a lot of landscape area if they did this on Symmes Drive and did not see a practical way of accomplishing this. A. Pollack remarked that last time they were here for the previously approved site plan, they were stuck with trying to make some accommodation and NHDOT not wanting them to do any sidewalks. He noted that this was not part of that approval and by removing the bank, they believe that this will generate less traffic. L. Wiles added that there is going to be a need in the future and asked how this should be handled. A. Pollack replied that this would go through NHDOT. R. Fillio asked how they calculate traffic. J. Kevan replied that the amount of traffic is based on actual counts of similar facilities that translate to the site. He acknowledge that the only assumption at this point is how many people will turn into the first driveway versus going down to the intersection and using that to turn to get in. He added that they will work with staff on this issue. D. Paul mentioned that she was the one that brought up the sidewalk previously. She asked about fire hydrants. J. Kevan replied that they did relocate the fire hydrant. D. Paul asked if they would need anything else for exception for the ZBA. A. Pollack replied that they would not need anything besides variances for the signage. D. Paul asked what time of year the traffic studies were performed. J. Kevan replied that there is a seasonal adjustment and a COVID adjustment, noting it was performed in June of this year. D. Paul asked for the duration of the traffic study. R. Duval explained the process noting the standard practice is to take counts from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. on a weekday and from 11 a.m. to 1 p.m. on a Saturday. D. Paul asked if it was the beginning or end of June as it would affect this. R. Duval replied that the study was done Tuesday, June 28, 2022, and Saturday, June 25, 2022. D. Paul commented that most people are on vacation and school is not in during that time and this would affect the traffic count. J. Kevan

remarked that this is why they have established seasonal adjustment factors. D. Paul asked if abutters were notified. A. Pollack replied that the abutters were notified by certified mail about this project. D. Paul reiterated that traffic is a concern for her and she would like to be proactive versus reactive. She recommended that the liners be upgraded to the new set of standards for the containment of oil tanks. J. Kevan replied that the tanks will be designed to NHDES standards. He said that they can talk to Nouria about this. A. Chiampa asked if a grease trap in the travel lane is typical. J. Trottier replied that it is there for access underground. A. Chiampa asked if this needs to be accessed. J. Trottier replied that it does and this is one of the comments they would like the applicant to address. A. Chiampa asked about a loading space next to the drive-up window. J. Kevan replied that they were asked to show a loading space on the plan, so they selected an area that was out of the way. A. Chiampa asked if cars or trucks can take a left turn out of Symmes Drive. J. Kevan replied that no car or truck can take a left hand turn out of Symmes Drive. A. Chiampa asked about a potential stacking issue, noting that the trucks can only leave at the exit point on Symmes Drive. J. Kevan replied that they have one truck space for queueing. A. Chiampa asked how many feet from the stop sign on Symmes Drive it is to take a left. J. Trottier replied that the stop sign is about 40-feet from the edge of pavement. A. Chiampa voiced her concern that she believes there could be issues here with traffic, the queueing of the drive-by window and congestion as cars enter from Symmes Drive. J. Kevan responded that they believe there is adequate spacing. A. Chiampa echoed the concern about pedestrians as this is close to the Rail Trail as well. D. Paul asked if the driveway permit is approved by NHDOT. J. Kevan replied that it was previously approved and noted that the new application is before NHDOT, and they are waiting to hear to back. D. Paul asked what would happen if they did not receive the permits. J. Kevan explained the process if they did not get permits to the Board. A. Pollack explained that they need to receive approval from both regulatory bodies and if they do not get the approval from NHDOT, they do not have a project. J. Knights asked if trucks can come into the site from Symmes Drive. J. Kevan replied that trucks can only access the site from the Rockingham Road driveway. J. Butler asked D. DeBaie to explain how a 10 vehicle queue could not be accommodated by the 100-foot by 60-foot building. D. DeBaie replied that a vehicle is about 20-feet and a 60-foot x 20-foot building would provide three spaces on the longer side of the building and one space along the shorter side of the building. J. Butler asked why this is an issue now when it was not an issue with the original approval. D. DeBaie replied that the main concern is how many people is it going to take to back up the queue with the drive-up kiosk before it is essentially blocked. He pointed out that he does not design drive-up windows and asked the applicant to supply calculations to help them understand how they came up with their answer. J. Butler asked if they applicant had calculations to this question. J. Kevan replied that the window has shifted and they shifted their stacking to line up with the window and placed the order board farther around the back, so they have six spaces, which is more than the previously approved site plan. J. Butler asked if D. DeBaie felt this was an appropriate response to the question. D. DeBaie replied that the applicant has not answered the question. J. Kevan reiterated that the regulations state they must have 10 parking spaces, of which they have provided. J. Butler asked if the regulations is for 10 spaces then why does D. DeBaie have a problem with it. D.

DeBaie explained that even though the regulation is 10 parking spaces there are other factors to consider and how this would affect the queue. J. Butler asked how to move forward with the application this evening with the precedent condition related to getting variances from the ZBA. Chairman Rugg disagreed with J. Butler on this. G. Verani asked if this was originally three lots. A. Pollack replied that is correct. G. Verani said that it is not unreasonable to think that NHDOT will reissue the permit. A. Pollack agreed. B. Hallowell asked if the town requires 10 parking spots for a drive thru. K. Caron replied that is correct. B. Hallowell asked if the town engineer can have an opinion that the 10 parking spots is not enough based upon the design flow of the site. K. Caron replied that there is no specific language stating what B. Hallowell just said; however, the entire site plan is sent out for review and part of that entails traffic. She went on that when reviewing traffic, it is not just as simple as the 10 parking spaces that are required, but it is relative to what is going on around those 10 spaces. B. Hallowell mentioned that staff makes a recommendation, but the Board can do whatever the Board sees fit. Chairman Rugg pointed out that the Board has to think every application through and have valid reasons as to why they might be going against staff, as they are the experts. B. Hallowell expressed his opinion that they need 10 spots and they have 10 spots, so that seems sufficient to him. Chairman Rugg reiterated that there needs to be good rational reason.

Chairman Rugg asked for public input.

Marc Cooper, owner of MKC enterprises, addressed the Board. M. Cooper told the Board that he has been made aware of traffic from the current occupants. He said that the previously approved site plan was not going to have diesel and no big trucks and now there is. He stated that traffic studies during COVID might need to be adjusted. He said that he is glad that there is a process and that it is safe for all.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin said that the real subject of concern is traffic. He added that they need to look at the future, as Symmes Drive goes to Jack's Bridge Drive, and there is proposed development there now. He commented that there is a traffic problem on Route 28 and in his opinion, it needs to be four lanes. He noted that he likes the project, but not the location.

Chairman Rugg brought the discussion back to the Board as there was no further public input. A. Chiampa thanked the applicant for working with the Heritage Commission. (A. Sypek left at 9:40 and returned at 9:42 pm.) R. Fillio said that there would only be 60% of use.

J. Butler made a motion to grant approval of the applicant's request for a waiver from section 4.6.7.7.D.1.a of the Route 28 Performance Overlay District to allow the front landscape buffer to be reduced from 40 feet to 30 feet.

B. Hallowell seconded the motion.

The motion was granted, 8-0-1, with A. Sypek abstaining as he was not in the room. The Chair voted in the affirmative.

J. Butler made a motion to grant approval of the applicant’s request for a waiver from section 3.08.g.3 of the site plan regulations to allow a drainage pipe with less than 3 feet of cover

B. Hollowell seconded the motion.

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

J. Butler made a motion to grant approval of the applicant’s request for a waiver from section 4.14.b.1 of the site plan regulations to not provide existing sewer and drainage information on a portion of the existing sanitary sewer system in Rockingham Road.

B. Hollowell seconded the motion.

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

J. Butler made a motion to continue the application until January 11, 2023, Planning Board meeting.

T. Combes seconded the motion.

B. Hollowell asked if the applicant can work with staff to resolve the issues as this is a formal submission. Chairman Rugg replied that the applicant can work with staff. K. Caron noted that the applicant will receive the memo with all the comments staff would like addressed. T. Combes asked if the applicant has enough time. A. Pollack replied that this is a tough question, as he has not read the memos yet. He went on that they will look at the memos and if there is not enough time, they will ask for another continuance. He reiterated that it is not their prerogative to go before the ZBA before site plan approval. K. Caron recommended that the applicant should remove the signage that is on the plan now and comply with the regulations so the Planning Board can approve it. B. Hollowell asked if the applicant can go to the ZBA after they have site plan approval with the signs conforming to the regulations. Chairman Rugg replied that is correct. J. Kevan pointed out that their intention was to show the intent of the signage and be up front. A. Pollack remarked that the intention was to be transparent knowing that they would need relief from the ZBA for the signage.

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

C. Public hearing an application for formal review of a site plan for the construction of a proposed 6,709 SF water tank (1.25 MG) and associated site improvements which includes a proposed 5,650 linear feet transmission water main beginning at the proposed water tank located at Seven Rear

Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Seven Rear Gordon Drive, Map 10 Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant)

J. Trottier stated that the application was complete.

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated December 7, 2022.

J. Butler 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. Trevor Yandow, P.E., from Meridian Land Services, Inc., P.O. Box 118, Milford, NH, as well as Mark Filion, John Boisvert, P.E. and Casey Harding, EIT, Devin Smith, civil engineer from Pennichuck.

T. Yandow gave an overview of the project to the Board. He said that the tank is located on Map 10 Lot 142 with access of Gordon Drive. He noted that the tank is 35-feet high and has a diameter of 93-feet. He explained that the access will be provided by a gravel drive for routine maintenance and upkeep. He pointed out that the site will be enclosed with a perimeter fence and will be gated. He mentioned that they are requesting waivers in regard to the scale of the plan in the plan set and monumentation to the site. He went on noting that Spring Road to the south of the site is a class VI Road with no definitive description of the right-of-way. He went on noting that they are seeking a CUP for buffer impacts to both projects. He added that the tank site is accessed through the CO District. He reviewed the transmission line with the Board on the screen. He noted that they discussed this with the Conservation Commission, stating that they did not have an issue with this even though the access is through the CO buffer. He commented that the booster station is located just north of Market Place Drive and on the west side of Michels Way. He noted that the booster is right near the outlet control structure that is already there for the stormwater pond that is there now that was developed as part of grading from Michels Way. He said that they will be a paved access way for maintenance and utility vehicles. He mentioned that the booster station was originally entirely in the 100-foot buffer, but the Conservation Commission did not want the booster in the buffer at all. He explained that they reworked the location and moved it slightly out of the buffer, but this is the best place for the building to be and they have tried to compromise. He said that they are proposing a curbed access way on the west side that drains to a catch basin that will capture all the run-off from the impervious surfaces and convey this to the existing pond for treatment. He stated that they have a CUP for the impacts associated with the buffer. He remarked that both the projects are to enhance the flow rate, redundancy and the safety of the existing water system in the town. M. Filion explained that the water system needs storage.

Chairman Rugg opened up the discussion to the Board. J. Trottier reviewed the waivers with the Board as follows:

1. The Applicant is requesting a waiver from section 4.01 of the site plan regulations to allow a scale of 1"=60' which does not comply with the requirements of 1"=40'. Staff supports the granting of this waiver as the scale fits and provides information at a legible scale.
2. The Applicant is requesting a waiver from section 4.12.a and 3.09.d of the site plan regulations to not provide labeling monuments and boundary of the southerly property /right-of-way line. Staff supports the granting of this waiver as there is a lack of information available to provide said data.

He reviewed the remaining design review items with the Board. K. Caron noted that she forgot to include the CUP in the memo, but stated that the Conservation Commission support the request and staff would recommend approval. Chairman Rugg asked if there was a CUP for both. K. Caron replied that is correct. J. Butler asked what the distance is from the proposed fence to the wood line at 28 Gordon Drive. J. Trottier replied it was approximately 200-feet. J. Butler asked how tall the tank is. T. Yandow replied it was 35-feet. A. Chiampa asked how wide the tank is. T. Yandow replied approximately 90-feet. J. Butler asked for the landscaping plan. T. Yandow reviewed the landscaping plan with the Board, noting that the trees are quite dense in this area. J. Butler voiced his concern when the leaves are off the trees and asked for the size of the trees they are proposing. T. Yandow replied that there is a legal issue to what size you can plant. He added that they discussed this with the Heritage Commission and will make the tank an earth tone as far as the color. He mentioned that there is 150-feet to 200-feet of existing landscape, which he believed would also support this. J. Butler remarked that he would rather see something dense along the fence line, like rows of arbore vitae, to make sure there is adequate coverage. M. Fillion said that this is something they will take into consideration. B. Hallowell asked if the tanks would look like the tanks on Josephine Drive. D. Smith replied that Manchester Water Works (MWW) has a three million and two million gallon water storage tank that B. Hallowell is referring to and they are proposing a 1.25 million gallon water storage tank, which will be quite a bit smaller. B. Hallowell asked if there would be additional capacity in the tank to handle the tomorrow's water crisis. J. Boisvert replied that the current water system was never built for storage and it is needed. He went on noting that the they were approached by Pillsbury to bring water to Woodmont Commons and they cannot do this would storage. He mentioned that there was a main break a couple of months ago and this will help with the resiliency of the current water system. He explained that the tank was sized for the existing water system as it is now plus the needs of Woodmont Commons. B. Hallowell asked if this was designed for full build out of Woodmont Commons. J. Boisvert replied it was for full buildout of Woodmont Commons. B. Hallowell asked if the tank will enhance capacity and service delivery of the current system before the full build out of Woodmont Commons. J. Boisvert replied that is correct, and noted that if Woodmont Commons did not exist, Pennichuck would still be building a tank. B. Hallowell asked if the tank would have a full amount of water in it when it is built. J. Boisvert replied that there is seasonal

demand that they have to consider as well, but the design is to have it at a full position. B. Hallowell asked where the closest storage system in town. J. Boisvert replied that they do not have one, as it relies on pumps, pressure and booster stations. B. Hallowell asked if the tank would allow for fire protection in the event of a water main break. J. Boisvert explained that if they lost the use of the booster station at Mountain Home Estates, there is no way right now to feed water to a high pressure zone. He went on stating that this system will allow them to feed from Derry or Manchester. B. Hallowell asked where the other booster stations are in town. J. Boisvert replied at Mountain Home Estates, one off Route 28, South Road, Stonehenge and Hickory Woods. B. Hallowell asked if this tank and booster station will have significant benefits to the general welfare of Londonderry and not just Woodmont Commons. J. Boisvert replied that is correct. B. Hallowell asked how this will help the Fire Department. J. Boisvert replied that now they will have two booster stations that can feed water into the high pressure zone, so it brings redundancy to allow Londonderry two sources to get water. B. Hallowell explained that if the Fire Department takes a hydrant in this area, they lose residual pressure and asked if this system improves it. J. Boisvert replied that is correct. G. Verani asked if they have easements. T. Yandow replied that they are currently working on this with Pillsbury. M. Filion added that they are working with the town on the sewer pump stations in town. G. Verani asked them to provide adequate screening. A. Sypek echoed the concerns about having dense trees for screening. R. Fillio asked if there was a two-hour draw down window if the fire trucks were using it. J. Boisvert explained the difference between the town and Woodmont if they needed to use it. R. Fillio asked if more water comes in when the water gets drained down. J. Boisvert replied that Mountain Homes pump station can feed water in from the north and if needed the South Road pump station would help fill it also. D. Paul expressed her concern that they should screen with a lot of trees because she does not believe it is a very dense forest out there. D. Paul asked if the tank pulled up water from the ground. M. Filion replied that it does not. D. Paul asked for the size of the pipes. T. Yandow replied the transmission line would be 16-inch pipe. D. Paul commented that there seems to be an inconsistency with the size of pipes, such as 8-inch pipe at the Mountain Home pump station versus 16-inch for the transmission line. J. Boisvert replied that there is a restriction at the Mountain Home pump station, but once there is storage and resiliency, the water needed to fight emergencies will come from the storage tank. He mentioned that the 16-inch line will come down from the transmission line and tie into the booster station, but it will also connect to a low pressure zone. D. Paul asked if they are going to upgrade pipes and where does this water come from to fill the tank. J. Boisvert replied there are two sources, one from Manchester and from Derry. He acknowledged that the 8-inch pipe D. Paul is speaking of is on their long-term area. He reiterated that the water tank, booster station and transmission line helps to improve the redundancy. D. Paul pointed out that Pennichuck could go to the Water Trust Fund and maybe run more pipes down Shasta Drive to help with the current water contamination in town. J. Boisvert remarked that the amount of money they would collect would not offset the property taxes that they need to pay on the water main they own. He said that with respect to contamination, even if the money would be paid for by the Water Trust Fund, they would still have to figure out the cost to existing rate payers. A. Chiampa asked if there was a monitoring well on the site. J. Boisvert

replied that there is a monitoring well on the site because there was a community well for the existing neighborhood that ran dry. He added that they installed this for construction purposes to monitor water levels and it will be removed when the water tank is built. A. Chiampa asked if there was any noise that emanates from the tank. J. Boisvert replied there is no noise. A. Chiampa asked if there was a gate on the property. J. Boisvert replied that they do not at this point, but they will be required to put a fence around the tank with a gate. A. Chiampa asked if the residents will still have access to this. J. Boisvert replied the residents can still access it. A. Chiampa asked for the direction of the construction. J. Boisvert replied it would be from Gordon Drive. A. Chiampa pointed out that this is a change from the original idea. J. Boisvert replied that is correct. He said that after it is built there will be a pick-up truck once a week and mowing of the grass. A. Chiampa asked about the spur off Gordon Drive and if this is owned by the town. J. Trottier replied that this was deeded to the town a while ago.

Chairman Rugg asked for public input.

Rachel Lessard and Michael Lessard, 38 Kitt Lane, addressed the Board. R. Lessard noted that the trees are not as dense and many are falling over. M. Lessard commented that he can see a good 200-feet to 300-feet through the forest. R. Lessard asked if the color of the tank was going to be earth tones and if there would be any blasting. M. Filion replied there would not be any blasting and it would be earth tones. R. Lessard asked what will happen to the current wells on the site. M. Filion replied that the wells would be decommissioned and they will not be digging up anything. R. Lessard asked if the tank goes on a concrete pad. M. Filion replied that is correct.

Joy O'Connor, from 18 Gordon Drive, addressed the Board. She echoed concerns regarding trees.

Chairman Rugg brought the discussion back to the Board as there was no further public input. A. Chiampa expressed her opinion that there should be more screening. B. Hallowell asked if Kitt Lane can get in on the water. J. Boisvert explained the process. B. Hallowell asked if building the tank would allow people to tap into the water line. J. Boisvert replied that there can be infill if they have a contaminated well. A. Chiampa asked if there will be clearing for staging while building. T. Yandow replied that they show the limits of clearing and that will be the staging area for construction. A. Chiampa asked if they can get in their equipment. T. Yandow replied that they can. J. Trottier illustrated where they will be getting in and out. D. Smith stated that they are working with a special company for this.

A. Sypek made a motion to grant approval of the applicant's two waivers as requested.

T. Combes seconded the motion.

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

A. Sypek made a motion to grant the applicant's request for a conditional use permit as recommended by the Conservation Commission.

T. Combes seconded the motion.

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

A. Sypek made a motion to grant conditional approval of site plan for the construction of a proposed 6,709 SF water tank (1.25 MG) and associated site improvements which includes a proposed 5,650 linear feet transmission water main beginning at the proposed water tank located at Seven Rear Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Seven Rear Gordon Drive, Map 10 Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant) in accordance with plans prepared by Meridian Land Services Inc., dated June 6, 2022 last revised November 17, 2022 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 December 7, 2022 with the additional condition that the applicant shall provide additional screening of dense arbor vitae, 8-10 feet in height, along the fencing from the northeast corner of the property to the southwest corner.

T. Combes seconded the motion.

The motion was granted, 9-0-0. 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 as indicated on this plan.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/HTA review memo dated December 7, 2022.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry

Site Plan regulations.

5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work, as indicated on this plan, 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. 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 & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

D. Public hearing on an application for formal review of a site plan for the construction of a proposed 1,200 SF booster station and associated site improvements which includes a proposed 5,650 linear feet transmission water main beginning at the proposed water tank located at Seven Rear Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Michels Way/Marketplace Drive, Map 10 Lot 41, Zoned Woodmont Commons PUD, Pennichuck East Utility, Inc. (Applicant) and Pillsbury Realty Development, LLC (Owner)

J. Trottier stated that the application was complete.

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated December 7, 2022.

T. Combes seconded the motion.

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

Please see above discussion for the previous application, as the applicant discussed both projects simultaneously.

A. Sypek made a motion to grant the applicant's request for a conditional use permit as recommended by the Conservation Commission.

T. Combes seconded the motion.

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

A. Sypek made a motion to grant conditional approval of site plan for the construction of a proposed 1,200 SF booster station and associated site improvements which includes a proposed 5,650 linear

feet transmission water main beginning at the proposed water tank located at Seven Rear Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Michels Way/Marketplace Drive, Map 10 Lot 41, Zoned Woodmont Commons PUD, Pennichuck East Utility, Inc. (Applicant) and Pillsbury Realty Development, LLC (Owner) in accordance with plans prepared by Meridian Land Services Inc., dated June 6, 2022 last revised November 17, 2022 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 December 7, 2022.

T. Combes seconded the motion.

The motion was granted, 9-0-0. 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 as indicated on this plan.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/HTA review memo dated December 7, 2022.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work, as indicated on this plan, 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. 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 & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering &

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

V. Other

VI. Adjournment

Member D. Paul made a motion to adjourn the meeting at approximately 11:18 p.m. Seconded by B. Hallowell.

The motion was granted, 9-0-0.

The meeting adjourned at approximately 11:18 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Jake Butler
Title: Secretary

These minutes were accepted and approved on January 4, 2023, by a motion made by J. Butler and seconded by T. Cambes.

STAFF RECOMMENDATION

To: Planning Board

Date: December 7, 2022

From: Kellie Caron, Asst. Town Manager/Director of Economic Development
John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application for formal review of a site plan for the construction of a proposed 5,984 SF warehouse/repair/office building for commercial snow and landscape management and associated site improvements, Two Kitty Hawk Landing, Map 17 Lot 5, Zoned IND-I, Outdoor Pride Landscaping, Inc (Applicant) and SWCE Holdings, LLC (Owner).

- Completeness: The applicant is requesting a waiver to the requirement to provide a utility clearance letter for electric service per item XI.5.a of the checklist. Staff supports this waiver for acceptance purposes only.

Board Action Required: Make a motion to grant the waiver of checklist item XI.5.a for acceptance purposes only and accept the application as complete per Staff Recommendation Memorandum dated December 7, 2022.

- Waivers: There are no additional waivers requested for this application.
- **Board Action Required: Motion to grant conditional approval of site plan for the construction of a proposed 5,984 SF warehouse/repair/office building for commercial snow and landscape management and associated site improvements, Two Kitty Hawk Landing, Map 17 Lot 5, Zoned IND-I, Outdoor Pride Landscaping, Inc (Applicant) and SWCE Holdings, LLC (Owner) in accordance with plans prepared by TFMoran, Inc., dated March 11, 2022 last revised November 4, 2022 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 December 7, 2022.**

“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 as indicated on this plan.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/Stantec review memo dated December 7, 2022.
2. Owner’s signature shall be provided on the plans.

3. The Applicant shall place escrow monies in an escrow to cover costs associated with performing a traffic impact analysis (TIA) which shall include:
 - a. Traffic counts that support the trip generation estimate
 - b. Traffic counts that indicate when the peak traffic periods occur at the intersection of Kitty Hawk Landing & Grenier Field Road
4. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.
5. Third-party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
7. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work, as indicated on this plan, 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. 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 & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

MEMORANDUM

To: Planning Board

Date: December 7, 2022

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

Re: Tax Map 17 Lot 5
Proposed Office, Warehouse and
Storage Site Plan for
Outdoor Pride Landscaping
2 Kitty Hawk Landing

Owners: SWCE Holdings, LLC
Applicant: Outdoor Pride Landscaping, LLC

TF Moran 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. The Applicant has not provided a utility clearance letter for electric service under this application per section 3.04 and 4.18.B of the Site Plan Regulation and item XI.5.a of the checklist. The Applicant has submitted a written **waiver request** for this requirement for Planning Board consideration.

Design Review Items:

1. The Applicant indicates a Londonderry Sewer Discharge Permit application has been submitted on the checklist. In addition, it appears a Town of Londonderry Stormwater Permit is needed for the proposed development. The Applicant should submit for and obtain all project permits, indicate the permit approval numbers in the permit table on the cover sheet and provide copies of all permits for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
2. The Applicant's latest updated submission includes proposed off-site improvements to the existing downstream detention basin on abutting lot 5-3 on sheet C-10. The changes include raising the existing detention pond embankment top of berm elevation and providing a 6-foot wide top of embankment. We recommend the Applicant verify the proposed changes to the existing detention basin are acceptable with the Department of Engineering and Environmental Services. If necessary, please update the design as acceptable to the Department.
3. The Applicant's site plan design on sheet C-3 proposes a roadway maintenance easement along Grenier Field Road and a drainage easement along the existing drainage pipe and swale along Kitty Hawk Landing. We recommend the Applicant discuss the proposed easements with the Department of Engineering and Environmental Services and update as acceptable with the Department.
4. We recommend the Applicant label the location of the snow storage areas in the updated operation and maintenance manual for the stormwater management system.
5. The Applicant has not provided construction detail drawings in this latest submission (i.e. sheets C-11 to C-15) per section 4.14.c of the Site Plan Regulations and item X of the checklist.

6. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of Department of Engineering and Environmental Services have been adequately addressed with the Department.
 - c. Please verify the comments of Sewer Division have been adequately addressed with the Sewer Division.

Board Action Items:

1. The Applicant has submitted one (1) written waiver request to the Site Plan Regulations as noted in the letter dated November 11, 2022. The Board will need to consider the waiver request as part of the project review.

Board Information Items:

1. The Applicant's proposed access drive at Kitty Hawk Landing is dimensioned at 28 feet and does not comply with section 3.08.b.6 of the regulations (24-foot maximum). We understand the Planning Board can grant an exception up to 36 feet.
2. The Applicant's submitted narrative states outside storage for materials and equipment is intended and that a significant portion of the area will be a gravel surface. Outside storage shall be visually screened per section 4.4.1.3.D.1 of the Zoning Ordinance. In addition, we note that Section 3.09.d.3 of the Site plan Regulations notes that "Where a principal or accessory use of a lot is not enclosed in a building, the Planning Board shall determine the parking and loading area required to service such use in accordance with TABLE B of this section. Staff shall be designated to make the initial determination subject to final Planning Board approval." It is our understanding that the Applicant will discuss the proposed design with the Planning Board.

STAFF RECOMMENDATION

To: Planning Board

Date: December 7, 2022

From: Kellie Caron, Asst. Town Manager/Director of Economic Development
John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application for formal review of a site plan amendment for the construction of a proposed 6,000 SF convenience store with drive through, and gas station with 16 fueling stations and 3 diesel fueling stations, 174 Rockingham Road, Map 15 Lot 61, Zoned C-II and RTE 28 Performance Overlay District and 178 Rockingham Road, Map 15 Lot 61-7, Zoned C-II and RTE 28 POD, 2V Londonderry, LLC & 2V Londonderry West, LLC (Owners) and New Sunset Realty (Applicant)

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

Board Action Required: **Make a motion to accept the application as complete per Staff Recommendation Memorandum dated December 7, 2022.**

- Waivers: There are three requests for this application.
 1. The Applicant is requesting a waiver from section 4.6.7.7.D.1.a of the Route 28 Performance Overlay District to allow the front landscaped buffer to be reduced from 40 feet to 30 feet. Staff **supports** granting the waiver as the lot is constrained due to NHDOT takings along Route 28 and Symmes Drive for roadway expansion, and because the Applicant has provided the required street trees, perimeter shade trees and interior parking lot landscaping.
 2. The Applicant is requesting a waiver from section 3.08.g.3 of the site plan regulations to allow a drainage pipe with less than 3 feet of cover. Staff supports granting the waiver, said pipe is to be class V concrete pipe.
 3. The Applicant is requesting a waiver from section 4.14.b.1 of the site plan regulations to not provide existing sewer and drainage information (inverts & pipe data) on a portion of the existing sanitary sewer system in Rockingham Road. Staff **supports** granting the waiver as the project is connecting to an existing sewer stub and does not require invert information for the design, and the Applicant has provided sufficient information for the existing sewer manhole.

The Applicant has not indicated that the two (2) project NHDOT Driveway Permits (Site drive to Route 28 and Symmes Drive at Route 28 traffic signal), NHDES Alteration of Terrain (AoT) NHDES Underground Storage Tank (UST) Permit, and that Town of Londonderry Sewer Discharge Permit, have been submitted for the project. In addition, the indicated Town of Londonderry Stormwater Discharge Permit was obtained for the previous design. An updated permit is required to be obtained consistent with the current design.

Additionally, the Stantec traffic review memo dated December 7, 2022 has comments not addressed at this time relating to trips to the site from the east and west and queue storage at the drive-up window that has potential to queue back and block access to the entire site.

Finally, the signage plan provided does not comply with the regulations and requires relief. No relief has been granted or applied for at this time. The proper relief for signage should be granted prior to approving it in the site plan set.

Staff recommends that the Planning Board continue further discussion of this application to the January 11, 2023 Planning Board meeting in order to allow the Applicant to address outstanding review items relating to traffic and other remaining comments.

MEMORANDUM

To: Planning Board

Date: December 7, 2022

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

Re: Map 15 Lots 61 and 61-7
Proposed Site Development Plan
Gas Station/Convenience Store
174 & 178 Rockingham Road

Owners: 2V Londonderry LLC

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

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The Applicant's design does not meet the Landscape Performance Standards for the front buffer area per section 4.6.7.7.D.1.a of the Route 28 Performance Overlay District. The Applicant has submitted a written **waiver request** to the landscape requirements for Planning Board consideration.
2. The Applicant's existing conditions plan does not provide the existing sewer system information (inverts and pipe data) or existing drain system information (inverts and pipe data) per section 4.14.b.1 of the Site Plan Regulations. The Applicant has submitted a written **waiver request** to the existing conditions plan requirements for Planning Board consideration.
3. The Applicant's proposed stormwater design does not provide the minimum three feet of cover over the proposed drain pipes in accordance with section 3.07.g.3 of the Site Plan Regulations. The Applicant has submitted a written **waiver request** to the pipe cover requirements in the particular locations for Planning Board consideration.
4. The Applicant's signature was not provided on the cover sheet, existing conditions plan and site plan in accordance with section 4.03.C of the regulations. Please update the plans accordingly.
5. The Applicant should update the plan title block to include the Applicant's address per section 4.02. j of the regulations and item III.2.j of the checklist. Please update all title blocks in the plan set accordingly.
6. The Applicant has not indicated that the two (2) project NHDOT Driveway Permits (Site drive to Route 28 and Symmes Drive at Route 28 traffic signal), NHDES Alteration of Terrain (AoT) NHDES Underground Storage Tank (UST) Permit, and that Town of Londonderry Sewer Discharge Permit, have been submitted for the project. In addition, the indicated Town of Londonderry Stormwater Discharge Permit was obtained for the previous design. An updated permit is required to be obtained consistent with the current design. The updated cover sheet does not list the permit information as required by the regulations. The Applicant should obtain all project permits, indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.

7. The revised driveways shown on the plans include rumble strips, but the driveway width including the rumble strips is not dimensioned. Please provide additional information to demonstrate the proposed driveways comply with section 3.08.b.6 of the Site Plan Regulations (24-foot maximum).
8. The Applicant's revised utility plan indicates a separate sewer line with a grease trap, which will serve the food service flow from the building, but the sewer profile for the separate sewer line was not included in the revised plan submission. In addition, a detail for the proposed grease trap was absent from the submission. Please update the design accordingly and as acceptable to the Sewer Division.
9. The revised utility plan does not indicate the site lights or the underground utility line that serves the proposed lights. In addition, please verify the proposed light pole placed over the underground stormwater system can be properly constructed without impacting the stormwater system. Please review and update the utility plan accordingly.
10. Please clarify the offset distance for the sight line on sheet 11 that is illegible.
11. We recommend the Applicant clarify/address the following on the **Construction Details**:
 - a. The Applicant's outlet structure for the stormwater system shown on sheet 17 is not the typical Town of Londonderry standard structure and does not provide a vertical slotted weir in accordance with section 3.07.h of the Site Plan Regulations. Please update the weir design accordingly acceptable to the Town.
 - b. Please update the sign details on sheet 22 to include a no left turn sign.
 - c. The project plan set does not include plans or details of the proposed fueling facilities. Please update the plan set accordingly acceptable to the Town.
12. We recommend the Applicant address the following relative to the **Project Drainage Report**:
 - a. The proposed outlet device of pond 1-P does not indicate or represent a vertical slotted weir as required by the regulations and consistent with the previous design. Please update the analysis accordingly in compliance with the regulations.
13. We recommend the Applicant address the traffic review comments noted in Stantec's December 7, 2022 memo relative to the traffic report.
14. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of the Sewer Division have been adequately addressed with the Sewer Division.
 - c. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
 - d. Please verify the comments of Fire Department have been adequately addressed with the Fire Department (confirm hydrants approval).
 - e. Please verify the comments of Heritage Commission have been adequately addressed with the Commission.

Board Action Items:

1. The Applicant has submitted written waiver requests for one requirement of the Zoning Ordinance as noted in the letter dated November 16, 2022. The Board will need to consider the waiver request as part of the project review.
2. The Applicant has submitted written waiver requests for two (2) requirements of the Site Plan Regulations as noted in the letter dated November 16, 2022. The Board will need to consider each of the waiver requests as part of the project review.

Board Information Items:

1. The Applicant received final site plan approval for a different site configuration in January 2021 at this location and began construction in Spring 2021 which ceased in August 2021.
2. The Applicant is still proposing improvements within the Conservation Overlay District (COD) for which the Planning Board has previously granted a Conditional Use Permit (CUP) approval.
3. The Applicant's revised stormwater design proposes to utilize a single constructed underground stormwater storage area. We note that the plan elevations imply the underground stormwater area is to be five to seven feet below the existing ground. We note that the submitted stormwater report includes the NRCS soil information that indicates the existing groundwater table at 18 to 37 inches (1.5 to 3 feet) with test pits confirming the water table depth. As presented, the proposed storm water system would be placed below the water table with an underdrain system which does not comply with the NHDES Stormwater design guidelines. It is our understanding that NHDES has previously approved a similar design for the site.



MEMORANDUM

To: Ms. Kellie Caron
Community Development Department

Date: December 7, 2022

Cc: Mr. John Trottier, P.E.
Engineering & Environmental Services Dept.

Re: Proposed Development at 174
& 178 Rockingham Road (NH 28)
Traffic Impact and Access Study
Review

From: David J. DeBaie, PE, PTOE
Michael Leach
Stantec Consulting Services Inc.

Owner: 2V Londonderry LLC
Project No. 179450084

Stantec has received the Nov.16, 2022 TFM responses to the Stantec comments dated Oct. 22, 2022 for 2V Londonderry LLC.

Stantec remaining comments / questions are:

1. (Stantec original comment 1) - Trips to the site from the east are assumed to either turn right onto Symmes Drive or turn right onto the NH28 driveway. Conversely, all trips from the west turn left into the site via the NH28 driveway and no trips turn left onto Symmes. What is the basis for these differing assumptions other than all trucks would be using the NH28 driveway?

The TFM response did not adequately address the comment.

Please provide the factual basis for the differing eastbound and westbound entering trip distribution to the site access drives. Per the TFM report, westbound cars will use both driveways - 70 percent to Symmes Drive access and 30 percent to NH28 Driveway; however, the shortest route to the pumps and drive-up window is via Symmes Drive. Per TFM report, all eastbound trips will use the NH28 driveway. This assumption does not seem to recognize the interference associated with driving in front of the store, the significant difference between the number of left turns at the NH28 Driveway versus the Symmes Drive despite the assurance of a safe left turn at the traffic signal, and the queue length /deceleration to the future left turn storage at NH28 Driveway versus the signalized left turn.

Once a rational determination of a conservative driveway distribution has been developed then updated analyses is recommended.

2. (Stantec original comment 3) - Queue storage at the drive-up window is stated as 10 vehicles. Considering the 100 foot by 60 foot building and the position of the order kiosk and pick-up window, a 10 vehicle queue could not possibly be accommodated. There is potential for a queue back from the order kiosk that might block access to the entire site. There is no queue calculation provided. What is the basis for the queue storage length?

The TFM response did not adequately address the comment.

A drive-up window queue calculation is required.

STAFF RECOMMENDATION

To: Planning Board

Date: December 7, 2022

From: Kellie Caron, Asst. Town Manager/Director of Economic Development
John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application for formal review of a site plan for the construction of a proposed 6,709 SF water tank (1.25 MG) and associated site improvements which includes a proposed 5,650 linear feet transmission water main beginning at the proposed water tank located at Seven Rear Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Seven Rear Gordon Drive, Map 10 Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant)

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

Board Action Required: **Make a motion to accept the application as complete per Staff Recommendation Memorandum dated December 7, 2022.**

- Waivers: There are two waivers requested for this application.
 1. The Applicant is requesting a waiver from section 4.01 of the site plan regulations to allow a scale of 1"=60' which does not comply with the requirements of 1"=40'. Staff **supports** the granting of this waiver as the scale fits and provides information at a legible scale.
 2. The Applicant is requesting a waiver from section 4.12.a and 3.09.d of the site plan regulations to not provide labeling monuments and boundary of the southerly property /right-of-way line. Staff **supports** the granting of this waiver as there is a lack of information available to provide said data.
- Board Action Required: **Motion to grant conditional approval of site plan for the construction of a proposed 6,709 SF water tank (1.25 MG) and associated site improvements which includes a proposed 5,650 linear feet transmission water main beginning at the proposed water tank located at Seven Rear Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Seven Rear Gordon Drive, Map 10 Lot 142, Zoned AR-1, Pennichuck East Utility, Inc. (Owner & Applicant) in accordance with plans prepared by Meridian Land Services Inc., dated June 6, 2022 last revised November 17, 2022 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 December 7, 2022.**

"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 as indicated on this plan.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/HTA review memo dated December 7, 2022.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.
4. Third-party review fees shall be paid within 30 days of conditional site plan approval.
5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
6. 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, as indicated on this plan, 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. 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 & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

MEMORANDUM

To: Planning Board
Date: December 7, 2022

From: Planning and Economic Development
Engineering & Environmental Services Division
Hoyle, Tanner & Associates, Inc.

Re: Water Tank and Distribution Main Site Plan
Gordon Drive/Spring Road/Michel's Way
Londonderry, New Hampshire
Tax Map 10, Lots 142, 42, 41

Owner: Pennichuck East Utility, Inc.
Applicant: Pennichuck East Utility, Inc.

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

Design Review Items:

Tank:

1. The Applicant has provided the Existing Conditions Plan at a scale of 1" = 60', which does not comply with the requirements in LSPR 4.01 of 1" = 40', but has requested a **waiver**.
2. Per LSPR requirements and required Checklist item V.3., the Applicant has indicated that they are unable to find records for the southerly property/right-of-way line, so therefore have not provided metes and bounds or details for this line. They have requested a **waiver** from LSPR 3.02 for showing and labeling monuments and LSPR 4.12.a. for not providing boundary of the entire lot with bearings and distances.
3. The Applicant should clarify Note 2 on sheet SP-4 which indicates two parking spaces are provided, the plan indicates one space.
4. The Applicant has not provided all riprap design calculations per LSPR 3.07.b.12.

Water Main Extension

1. The Applicant should provide topography on Sheets SP-5 and SP-6 of the plan set Two-foot interval contours should be added to Sheets SP-5 and SP-6 of the plan set per LSPR 4.01.c.
2. The Applicant has not provided separate Landscape Improvement Plans per LSPR 4.11.e. but does not plan to propose any landscaping along the transmission line.
3. The Applicant shall provide benchmark data on sheets SP-5 and SP-6 of the plan set per LSPR 4.05.
4. The Applicant should label the abutting land uses per LSPR 4.12.c.25.
5. The Applicant should show the description of all water valves near the proposed Booster Station per LSPR 4.14.b.3.iii.

1. We recommend that the Applicant address the following items related to the **Water Storage Tank Plans** and the **Water Main Extension Plans**:
 - a. The Applicant should provide copies of all permits to the Town when permits are received. Additionally, the Applicant should add relevant Permit approval numbers required by Checklist item IV.1.n. to the plans when available. (Also, the Applicant should verify that no State of New Hampshire Water Main Extension permitting will be required.)
 - b. The Applicant has not provided the certification block for the wetland scientist per Checklist item III.5., but has indicated that the certification is included on a reference plan.
2. We recommend that the Applicant address the following items related to the **Water Tank Plans**:
 - a. The Applicant should identify the proposed tank overflow location.
3. We recommend that the Applicant address the following items related to the **Grading and Drainage Plan** of the Water Storage Tank Plans (Sheet 6 of 13):
 - a. The Applicant should coordinate the proposed outlet structure design with the Engineering Division, as several elements of the detail provided deviates from the Town's typical weir design (Exhibit D108).
 - b. The Applicant has noted that MH1344's rim is to be lowered nearly two feet, however, the gradating depicted in the area would indicate that perhaps this manhole is to be buried. The Applicant should clarify the use of the manhole and intent to bury MH1344 or provide additional grading details. The Developed Drainage Area Plan in the Tank Drainage Report shows the structure at 467.29, which we believe to represent the existing condition. This clarification is important as it is within an area identified for snow storage.
4. We recommend that the Applicant address the following items related to the **Utility Plan** (Sheet 8 of 13):
 - a. The Applicant should show the location of the 4" water line leading to the former Birchville Pump House (as shown on the existing conditions plan).
5. We recommend that the Applicant address the following items related to the **Detail Sheet 2** of the Water Storage Tank Plans (Sheet 11 of 13):
 - a. The Applicant should review the detail provided to ensure that the proposed filter fabric and width of the crushed stone bed on the "Flared End Section with Stonefill Apron" detail conforms to the Town of Londonderry Typical Details for Site and Roadway Infrastructure.
 - b. The Applicant should ensure the sizing of the scour hole matches the sizing in the Tank Drainage Report calculations, or if more stringent, the "Typical Pipe End Section (Flared End)" detail from the Town of Londonderry Typical Details for Site and Roadway Infrastructure.
 - c. The Applicant should coordinate the names of the locations in the scour hole sizing table of the "Flared End Section with Stonefill Apron" detail with the names shown on the Site Plan and the Tank Drainage Report.

6. We recommend that the Applicant address the following items related to the **Detail Sheet 3** of the Water Storage Tank Plans (Sheet 12 of 13):
 - a. The Applicant should provide additional information in the notation regarding stabilization of the proposed surface over the water main in a cross-country situation in the "Standard Trench Section – Water Main" detail. Although the erosion control notes include the loam and seed requirements, the current trench detail does not specify a topsoil thickness or seed mixture.
7. We recommend that the Applicant address the following items related to the **Drainage Report**:
 - a. The Applicant should add the project location and hydraulic grade line for each node on the Proposed Channel Summary Table per LSPR 3.07.b.5.
 - b. The Applicant should ensure the riprap design calculations meet the requirements of the Typical Pipe End Section (Flared End) With Stonefill Apron detail from the Town of Londonderry Typical Details for Site and Roadway Infrastructure.
 - c. The Applicant should show more clear contour labels off site to validate the drainage boundaries.
 - d. The Applicant should clarify if there is a proposed sediment forebay as mentioned on page 5 of the Tank Drainage Report and shown in Detail 3 in the Water Storage Tank Plans. The sediment forebay is not shown on the plan set and is not included in the drainage calculations.
8. We recommend that the Applicant address the following items related to the **Water Main Extension Plans**:
 - a. The Applicant should add a plan note stating the edge of the Conservation Overlay District and No-Disturbance (No-cut) Zones shall be appropriately delineated in the field prior to construction.
 - b. The Applicant has not included grading on the plan set, but has indicated the intent to match existing grades. The Applicant should add the grading intent to the Typical Trench Detail so the intent to match existing is clear during construction. (This is important to ensure that a construction change to mound soil over the line does not occur and change drainage patterns.)
 - c. The Applicant should clearly show the location and method for connecting to the existing 12" water main on Michels Way.
9. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of the Planning Department have been adequately addressed with the Planning Department.
 - b. Please verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.
 - c. Please verify the comments from the Heritage Commission have been adequately addressed with the Heritage Commission.
 - d. Please verify the comments of the Fire Department have been adequately addressed with the Fire Department.

Board Action Items:

1. The Applicant has provided two waiver letters, requesting three (3) waivers to the Site Plan Regulations as noted in the waiver request letters dated November 17, 2022. The Board will need to consider the waivers under this application.

STAFF RECOMMENDATION

To: Planning Board

Date: December 7, 2022

From: Kellie Caron, Asst. Town Manager/Director of Economic Development
John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application for formal review of a site plan for the construction of a proposed 1,200 SF booster station and associated site improvements which includes a proposed 5,650 linear feet transmission water main beginning at the proposed water tank located at Seven Rear Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Michels Way/Marketplace Drive, Map 10 Lot 41, Zoned Woodmont Commons PUD, Pennichuck East Utility, Inc. (Applicant) and Pillsbury Realty Development, LLC (Owner)

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

Board Action Required: **Make a motion to accept the application as complete per Staff Recommendation Memorandum dated December 7, 2022.**

- Waivers: There are no waivers requested for this application.
- ***Board Action Required:*** **Motion to grant conditional approval of site plan for the construction of a proposed 1,200 SF booster station and associated site improvements which includes a proposed 5,650 linear feet transmission water main beginning at the proposed water tank located at Seven Rear Gordon Drive (Map 10 Lot 142) and ending at the proposed booster station located at Michels Way/Marketplace Drive (Map 10 Lot 41), Michels Way/Marketplace Drive, Map 10 Lot 41, Zoned Woodmont Commons PUD, Pennichuck East Utility, Inc. (Applicant) and Pillsbury Realty Development, LLC (Owner) in accordance with plans prepared by Meridian Land Services Inc., dated June 6, 2022 last revised November 17, 2022 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 December 7, 2022.**

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PRECEDENT CONDITIONS

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1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/HTA

review memo dated December 7, 2022.

2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.
4. Third-party review fees shall be paid within 30 days of conditional site plan approval.
5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
6. Final engineering review.

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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. 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 & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.