

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF FEBRUARY 6, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Chris Davies, Secretary; Al Sypek, member; Giovanni Verani, Ex-Officio – Town Manager; Ted Combes, Town Council Ex-Officio; Jake Butler, member and Roger Fillio (alternate member)

Also Present: John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Colleen Mailloux, Town Planner; 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 informed the Board that at the most recent Town Council meeting, the Council accepted Leitha Reilly's resignation from the Planning Board as an alternate member and appointed Ann Chiampa as an alternate to the Planning Board. He appointed R. Fillio to vote for S. Benson.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member M. Soares made a motion to approve the minutes of January 9, 2019, as presented.

A. Sypek seconded the motion.

The motion was granted 6-0-2, with C. Davies and G. Verani abstaining. The Chair voted in the affirmative.

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

1. Application for design review of a site plan to construct a 2,712 SF manufacturing addition on the south side of the building, a 900 SF office addition, a 9,633 SF manufacturing addition on the north side of the building, a parking lot expansion and associated site improvements, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II and Airport Overlay District, 11 Industrial Drive, LLC (Owner) and UNI-CAST, Inc. (Applicant)
2. Application for design review of a site plan to construct a phased senior living facility to consist of six interconnected buildings containing 253 independent living units and 40 assisted living units (totaling 375,410

SF), parking and associated facilities, Pillsbury Road and Michels Way, Map 10 Lot 41-1 Zoned AR-1, Woodmont Commons Planned Unit Development, Edgewood Retirement Community (Applicant) & Pillsbury Development (Owner)

Town Planner Mailloux recommended that the Board find that these projects are not developments of regional impact as they does not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

M. Soares made a motion to find that both the projects are not of regional impact.

A. Sypek seconded the motion.

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

C. DISCUSSIONS WITH TOWN STAFF: N/A

D. LOT MERGER REQUEST: Lot Merger request: 14 Page Road (Map 17 Lot 45-4) and 280 Rockingham Road (Map 17 Lot 45), Zoned IND-I, Evans Family Limited Partnership (Owner)

M. Soares made a motion to authorize the Chair to sign the lot merger request.

T. Combes seconded the motion.

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

III. Old Business/Continued Plans- N/A

A. Application for formal review of a site plan for the redevelopment of a retail site to replace an existing bank with a 3,200 SF bank, 5,100 SF urgent care facility, 4,000 SF retail space, and associated site improvements 42 Nashua Road and Garden Lane, Map 7 Lot 68-1, Zoned C-I, NH Six Realty Trust (Owner & Applicant) – continued from December 12, 2018 & January 9, 2019 meetings

Chairman Rugg read the case into record noting that this was continued from December 12, 2018 and January 9, 2019, meetings.

Carl Dubay, from the Dubay Group, Inc., 84 Range Rd, Windham, NH addressed the Board. C. Dubay said that he had addressed the design review comments, specifically phasing the site for construction purposes. He stated that they have split the plans up into seven different phasing items. He noted that the challenge is to rebuild the site while keeping Citizens Bank up and running throughout the rebuild. He explained that they have submitted site plans for each phase as well as grading and utilities plans. He noted that they were able to make all the aisles 24

feet wide along with 20 feet deep parking spaces. He said that on the Convenient MD side there would be eight foot sidewalks and the Citizens Bank side the sidewalks would be six feet wide.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed some design review comments with the Board and recommended conditional approval from the Board. T. Combes asked what the applicant proposed for snow removal on the site. C. Dubay stated that if they ran out of room on the site, the snow would be trucked off site. M. Soares asked if there would only be one drive through lane at the bank. C. Dubay stated that was correct. M. Soares asked if Citizens Bank would be changing their business strategy to encourage people to come in, as the drive through lanes decreased. Samantha Bergner, leasing manager for Citizens Bank, addressed the Board. S. Bergner said that the new model for the bank is encouraging people to use ATMs more than tellers, and to use the tellers as more of an advisory model for financial transactions. G. Verani asked where the ambulance parking would be. C. Dubay reviewed where the ambulance would park on the plan with the Board. Town Planner Mailloux informed the Board that both Fire Chiefs have reviewed and signed off on the ambulance parking space.

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

M. Soares made a motion to grant conditional approval of the Site Redevelopment Plan for 42 Nashua Road, Map 7 Lot 68-1, NH Six Realty Trust (Owner & Applicant) in accordance with plans prepared by the Dubai Group, Inc., dated August 1, 2018, last revised January 17, 2019 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 February 6, 2019.

R. Fillio seconded the motion.

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

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

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the

Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering review memo dated February 6, 2019.

2. The Applicant shall address all outstanding items in the Beta Group, Inc. traffic memo dated January 22, 2019 and provide a final, stamped traffic impact analysis for inclusion in the project file.
3. Utility clearance letters and the gas trench detail, for which checklist waivers were granted, shall be provided.
4. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
5. The Owner's signature shall be provided on the plans.
6. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
7. Third-party review fees shall be paid within 30 days of conditional site plan approval.
8. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

PLEASE NOTE - Once these precedent conditions are met and the plans are certified, the approval is considered final. If these conditions are not met within **120 days** to the day of the meeting at which the Planning Board grants conditional approval the board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless

otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access 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. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. ***No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.***

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

IV. New Plans -

A. Application for formal review of a condominium conversion of Six Litchfield Road, Map 12 Lot 68-2, Zoned AR-1, Scott & Kathy J. Canella (Owners & Applicants)

Chairman Rugg read the case into the record. J. Trottier stated there are no outstanding checklist items and staff recommends the application be accepted as complete.

M. Soares made a motion to accept the application as complete per Staff's recommendation memorandum dated February 6, 2019.

R. Fillio seconded the motion.

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

Chairman Rugg noted that the 65-day time clock had started.

Richard Maynard, engineer from Maynard & Paquette Engineering Associates, 23 E Pearl St, Nashua, NH addressed the Board. R. Maynard stated that the lot contains a duplex built in 1986 on 1.6 acres of land. He said the property is served by septic system and private well. He noted that the owner would like to convert the property into a condominium with no changes proposed to the site. He said that the septic is in good working order, there is parking for four vehicles in the existing driveway and the driveway has adequate sight distance. He stated that there is one waiver request that has been submitted tonight.

Chairman Rugg opened it up to questions from the Board. J. Trottier said that the applicant is requesting a waiver to Section 4 to waive requirements relating to sheet layout. He said that Staff supports granting the waiver because all necessary and required information is included on the sheets as presented. He reviewed some design review comments with the Board.

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

M. Soares made a motion to approve the Applicant's request for the above waiver to the Subdivision Plan Regulations as outlined in Staff's recommendation memorandum dated February 6, 2019.

A. Sypek seconded the motion.

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

M. Soares made a motion to grant conditional approval of the condominium conversion plan for 6 Litchfield Road, Map 12 Lot 68-2, Zoned AR-1, Scott & Kathy J. Canella (Owners & Applicants) in accordance with plans prepared by Maynard & Paquette Engineering Associates, LLC dated August 10, 2018, last revised December 3, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated February 6, 2019.

A. Sypek seconded the motion.

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

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address any outstanding DRC comments.
2. The Owners' signature shall be provided on the plans.
3. A final copy of the condominium declaration shall be provided for review and approval by the Town for recording at the Rockingham County Registry of Deeds, concurrent with the recording of the plans. The following comments shall be incorporated into the final submission:
 - a. Retitle the name by removing "Amended and restated" from the title of the declaration of condominium.
 - b. Please provide in the "whereas clause" section an explanation as to why a new declaration of condo is being filed.
 - c. Please provide a legal description by metes and bounds of the land submitted.
 - d. By-laws: Article III, part one please add in the Board of Directors shall have a fiduciary relationship to the members of the unit owners' association."
 - e. By-laws: Article IX, please specify the officers who may prepare, execute, certify and record amendments to the declaration on behalf of the association.
4. Profile B of the sight distance profile should be revised to be in accordance with Exhibit D2 of the Subdivision Regulations. The 1.5 foot minimum clearance for all season conditions should be measured from the sight line not the existing grade.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
8. Final planning review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. 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.

2. 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.

B. Application for formal review of a site plan to redevelop the existing automotive use, removal of the existing building and construction of a 20,950 SF two-story automotive service building and associated site improvements including site access and parking, 33 Nashua Road, Map 7, Lot 073 3, Map 7 Lot 073 6, Map 7 Lot 073 9, Map 7 Lot 073 10, Zoned C-I & C-II, Five M's Real Estate Holdings, LLC, Five M's Office Properties Holdings, LLC And Five M's Autobody Holdings, LLC (Owners) and Ford of Londonderry (Applicant) – continued to March 13, 2019

Chairman Rugg read the case into record.

M. Soares made a motion to continue the application formal review of a site plan to redevelop the existing automotive use, removal of the existing building and construction of a 20,950 SF two-story automotive service building and associated site improvements including site access and parking, 33 Nashua Road, Map 7, Lot 073 3, Map 7 Lot 073 6, Map 7 Lot 073 9, Map 7 Lot 073 10, Zoned C-I & C-II, Five M's Real Estate Holdings, LLC, Five M's Office Properties Holdings, LLC And Five M's Autobody Holdings, LLC (Owners) and Ford of Londonderry (Applicant) – continued to March 13, 2019

R. Fillio seconded the motion.

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

Chairman Rugg noted that the plan is continued until March 19, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

V. Other - N/A

VI. Adjournment

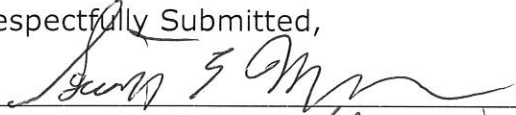
Member M. Soares made a motion to adjourn the meeting at approximately 7:40 p.m. Seconded by R. Fillio

The motion was granted, 8-0-0.

The meeting adjourned at approximately 7:40 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Chris Davies, Secretary (Assistant)

Scott Benson

These minutes were accepted and approved on March 6, 2019, by a motion made by

A. Sypek and seconded by T. Combs.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: February 6, 2019

Application: Application for formal review of a site plan for the redevelopment of a retail site to replace an existing bank and disconnected parking areas with a 3,200 SF bank, 5,100 SF urgent care facility, 4,000 SF retail space, and interconnected parking, 42 Nashua Road, Map 7 Lot 68-1, Zoned C-I, NH Six Realty Trust (Owner & Applicant)

- Completeness: The Planning Board accepted the Application as complete on December 12, 2018.
- Waivers: There are no additional waivers requested from this project, aside from the Checklist waivers granted for acceptance purposes only on December 12, 2018.
- Recommendation: Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: **Motion to grant conditional approval of the Site Redevelopment Plan for 42 Nashua Road, Map 7 Lot 68-1, NH Six Realty Trust (Owner & Applicant) in accordance with plans prepared by the Dubay Group, Inc., dated August 1, 2018, last revised January 17, 2019 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 February 6, 2019.**

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering review memo dated February 6, 2019.
2. The Applicant shall address all outstanding items in the Beta Group, Inc. traffic memo dated January 22, 2019 and provide a final, stamped traffic impact analysis for inclusion in the project file.

3. Utility clearance letters and the gas trench detail, for which checklist waivers were granted, shall be provided.
4. All required permits and approvals shall be obtained and noted on the plan. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
5. The Owner's signature shall be provided on the plans.
6. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
7. Third-party review fees shall be paid within 30 days of conditional site plan approval.
8. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
9. Final engineering review.

PLEASE NOTE - Once these precedent conditions are met and the plans are certified, the approval is considered final. If these conditions are not met within **120 days** to the day of the meeting at which the Planning Board grants conditional approval the board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. Fire department access shall be provided at the start of the project and maintained throughout construction. Fire department access 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. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: February 6, 2019

Application: Application for formal review of a condominium conversion of 6 Litchfield Road, Map 12 Lot 68-2, Zoned AR-1, Scott & Kathy J. Canella (Owners & Applicants)

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

Board Action Required: Motion to Accept the Application as Complete per Staff's Recommendation Memorandum dated February 6, 2019.

- Waivers: The Applicant has requested one waiver to the Subdivision Plan Regulations.
 1. Section 4 to waive requirements relating to sheet layout. Staff supports **granting** the waiver because all necessary and required information is included on the sheets as presented.

Board Action Required: Motion to approve the Applicant's request for the above waiver to the Subdivision Plan Regulations as outlined in Staff's recommendation memorandum dated February 6, 2019.

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

Board Action Required: Motion to grant conditional approval of the condominium conversion plan for 6 Litchfield Road, Map 12 Lot 68-2, Zoned AR-1, Scott & Kathy J. Canella (Owners & Applicants) in accordance with plans prepared by Maynard & Paquette Engineering Associates, LLC dated August 10, 2018, last revised December 3, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated February 6, 2019.

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1. The Applicant shall address any outstanding DRC comments.
2. The Owners' signature shall be provided on the plans.
3. A final copy of the condominium declaration shall be provided for review and approval by the Town for recording at the Rockingham County Registry of Deeds, concurrent with the recording of the plans. The following comments shall be incorporated into the final submission:
 - a. Retitle the name by removing "Amended and restated" from the title of the declaration of condominium.
 - b. Please provide in the "whereas clause" section an explanation as to why a new declaration of condo is being filed.
 - c. Please provide a legal description by metes and bounds of the land submitted.
 - d. By-laws: Article III, part one please add in the Board of Directors shall have a fiduciary relationship to the members of the unit owners' association."
 - e. By-laws: Article IX, please specify the officers who may prepare, execute, certify and record amendments to the declaration on behalf of the association.
4. Profile B of the sight distance profile should be revised to be in accordance with Exhibit D2 of the Subdivision Regulations. The 1.5 foot minimum clearance for all season conditions should be measured from the sight line not the existing grade.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
8. Final planning review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

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2. 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.