

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF SEPTEMBER 6, 2017 AT THE MOOSE HILL COUNCIL CHAMBERS

I. Call to Order

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Chris Davies, Secretary; Leitha Reilly, member; Al Sypek, member; Scott Benson, Assistant Secretary; Jim Butler, Town Council Ex-Officio; Ann Chiampa (alternate member); Roger Fillio (alternate member); Peter Commerford (alternate member)

Also Present: Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner; 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.

II. ADMINISTRATIVE BOARD WORK

Member M. Soares made a motion to continue the application for formal review of a site plan for the redevelopment of a 492 SF music studio and construction of 13,200 SF two story commercial building with associated parking and other site improvements, 114 Rockingham Road, Map 16 Lot 86, Zoned C-II, Ramp Holdings, LLC (Owner & Applicant) until October 11, 2017

A. Sypek seconded the motion.

The motion passed, 6-0-0.

The Chair voted in the affirmative.

A. APPROVAL OF MINUTES:

Member M. Soares made a motion to approve the minutes of August 2, 2017, as presented.

A. Sypek seconded the motion.

The motion was granted 3-0-3, with members S. Benson, C. Davies and M. Soares abstaining.

The Chair voted in the affirmative.

Member M. Soares made a motion to approve the minutes of August 9, 2017, as presented.

A. Sypek seconded the motion.

The motion was granted 6-0-0.

The Chair voted in the affirmative.

- B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had two projects for its consideration. She described the projects as follows and noted that none of the projects meet the criteria set forth by the SNHPC for developments of regional impact:

Application for design review of a subdivision plan for a lot line adjustment Between 12 Maureen circle (Map 11 Lot 98-1, Zoned AR-1, Michael & Sara Loughlin Owners), 11 Harvey road (Map 11 Lot 99, Zoned AR-1, John & Susan Madden, Owners) and 13 Harvey Road (Map 11 Lot 99-1, Zoned AR-1, Michael & Sara Loughlin, Owners) and Michael Loughlin, Applicant

Application for a design review of a site plan for an affordable elderly 102 unit age restricted (62+) apartment complex consisting of two buildings and for a subdivision plan for a three lot interior subdivision of a 12.6 acre parcel – Steven Lewis (Applicant) and Town of Londonderry (Owner) – 30 Sanborn Road – Map 15 Lot 83-2, Zoned R-III

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

A. Sypek seconded the motion.

The motion was granted, 6-0-0.

The Chair voted in the affirmative.

- C. DISCUSSIONS WITH TOWN STAFF: Town Planner Mailloux informed the Board that the IT department from the Town will be helping any members having trouble with the Town email. A. Rugg stated that on September 14, 2017, at 7 p.m. in the Moose Hill Conference room the Governor's Advisory Commission is having a hearing on the highway plans for the next 10 years.

III. Old Business-

- A. Application for formal review of a site plan to construct Phase 1 of an elderly housing development, consisting of 21 housing units, a clubhouse and associated site improvements; Nashua Road/NH Route 102, Adams Road and Cross Road - Map 6 Lot 84 & Map 6 Lot 59-1, Zoned AR-1, Cross Farm Development, LLC (Owner & Applicant) – continued from August 2, 2017

Chairman Rugg read the case into record. L. Reilly and S. Benson recused themselves from this case. Chairman Rugg appointed A. Chiampa to vote for S. Benson and P. Commerford to vote for L. Reilly. J. Butler arrived on the Board at this time. A. Rugg stated there were 7 voting members now. J. Trottier stated there were no outstanding checklist items and recommended the Board accept the application as complete.

Member M. Soares made a motion to accept the application as complete.

A. Sypek seconded the motion.

The motion was granted, 7-0-0.

The Chair voted in the affirmative.

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

Morgan Hollis, attorney at Gottesman & Hollis, P.A., 39 E. Pearl Street, Nashua, NH representing Cross Farm Development addressed the Board. He informed the Board that they just received the comments from the Town's consultants. He noted that they were last before the Board on August 2, 2017, and had discussed the waivers. He also noted that they have been before the Conservation Commission as well. He stated they are here before the Board tonight asking for a hearing on the application, a vote on the waivers and on the conditional use permits (CUPs), for comments from the public, and for conditional approval from the Board. He stated that at this point they are asking for only 21 units. He stated they have been discussing access off Route 102 with New Hampshire Department of Transportation (NHDOT) and read into the minutes a recent email exchange, noted as Exhibit 1.

Joe Maynard, Benchmark Engineering, 1F Commons Dr. Suite 39, Londonderry, NH addressed the Board. He stated that this development consists primarily of two parcels that equal approximately 168 acres in size. He noted that a third parcel of land is part of the application, and there is a closing scheduled with the Town, state and developer, for access of route 102 that is 2.8 acres in size. He informed the Board they are requesting 21 units at this point along with the clubhouse. He stated that the buildings will be serviced by individual septic systems and Pennichuck water. He noted that there are two main roads they are proposing, one being Harvest Moon Road that will be constructed into the site from Route 102, and October Lane that will be constructed in an easterly direction and will have a majority of the units on it. He stated that Harvest Moon Road will be continued in the next phase and at this point they are requesting a waiver to create a hammerhead situation at the end. He stated there would be a short stub road, called Pumpkin Patch Way that will extend to the west from the intersection of these other two roads. He stated they are looking to construct Pumpkin Patch Way now as the clubhouse will be built in that corner. He stated they would put a jersey barrier at the end of this road, as it would be primarily for construction completed past the clubhouse. A. Rugg asked how long this was. J.

Maynard stated it was about 400 feet. He noted that this phase will have one entry and exit out onto Route 102. He stated that there are two applications at the state for this project, the first being the 21 units and the second application for a full build out of 200 units. He informed the Board about the two conditional use permits (CUPs) that are being requested with the first one dealing with construction of a detention pond, associated grading and the construction of a rain garden, and the second one is for construction of compensatory flood storage. He asked the Board if there were any questions so far into his presentation. A. Chiampa asked why Pumpkin Patch Way instead of continuing the name for the road October Lane. J. Maynard stated that that stretch of Pumpkin Patch Way ends in a cul-de-sac and for the next phase of the project there would be no start and stop for October Lane with no street numbers for 911. P. Commerford asked if they were going to leave trees up in the open space area right off of route 102. J. Maynard stated that they would. J. Maynard then went over the waivers with the Board in detail reading from his letter, which is Exhibit 2. He noted the first CUP as having a detention pond and rain garden, which would impact the Conservation Overlay District 25,000 SF, and the second CUP for compensatory storage within the Conservation Overlay buffer with an additional 14,000 SF of impact. A. Sypek noted that the waiver numbers on the staff memo did not match the numbers of the applicant. Town Planner Mailloux stated that they are the same waivers but in a different order than the applicant had presented.

A. Rugg asked J. Trottier about the waiver requests. J. Trottier described the waivers and outlined the design review comments as outlined in the Staff Recommendation Memorandum dated September 6, 2017. He outlined the waivers that staff supports and the waivers that staff do not support. Town Planner Mailloux pointed out that one of the waiver request is a zoning request regarding 40 building permits to be issued per year where 15 are allowed. A. Rugg asked about the traffic study. J. Trottier explained that the applicant and staff had met with NHDOT for the 200 unit application and the applicant performed the turn lane warrants and speed study, but now the applicant had re-submitted an application to address just 21 units and he has not seen anything that was submitted to NHDOT for the 21 units. A. Rugg stated that was a work in progress with NHDOT. J. Trottier stated yes it was.

Chairman Rugg asked the Board for questions. P. Commerford voiced concern regarding someone sliding down the hill into the pond as he thought it was a 10 foot drop and would like a guardrail put up. J. Maynard stated that with that detention pond it is 10 feet in depth, but the slide slopes that are associated with this are no different than any other side slope in town where a 3:1 requirement would be needed. He stated that the applicant is proposing putting in stone pillars with fence posts as there are in Hickory Woods. P. Commerford asked about the traffic study that was done, as he is concerned about the traffic on Route 102 and views it as a potential problem. J. Maynard deferred the traffic questions to Kim Hazarvartian, traffic engineer, from Transportation Engineering, Planning and Policy, 93 Stiles Road, Suite 201, Salem, NH, for the project. K. Hazarvartian stated he did trip generation for both development sizes, the 200 units versus the 21 units. He noted that the trip generation for the 21 units in the peak hours is 4-6 vehicle trips. He stated that the number of vehicles being added by this development would be considered small. He pointed out that for the 200 units the trip generation would be 65 vehicle trips. He

stated his company had produced a traffic analysis for NHDOT including a speed study. He stated that the average speeds were 54 mph to 56 mph, which are close to the posted speed limit. He stated that the 85% percentile speed, the speed exceeded by 15% of the vehicles on the road were 59 mph in one direction and 64 mph in the other direction. He stated that to ensure safety, regardless of how many units there are, the main thing to look at is sight distance. He noted that the NHDOT likes to see 400 feet of sight distance and pointed out that the sight distance for this project is well over the 400 feet. He stated with the 200 units, he looked at turn lanes and stated the NHDOT is looking this over right now. He explained that in order to put in a traffic signal they would have to meet warrants and have certain volumes out there, and right now there is not enough for a signal with the 200 units, so definitely not enough with the 21 units. P. Commerford stated in his opinion, he thought the sight distance was more of a problem because people speed up as they can see farther. He also stated that last time an accident report was compiled from the police department, with a high number of accidents happening at roads that flank the subdivision. He pointed out that it is possible for a 55+ community to have less reaction time when driving and may promote more accidents. A. Rugg asked what would be needed to reduce the speed. K. Hazarvartian stated that one of the primary determinants in setting the speed limit based on a speed study would be what the 85% percentile speed is and noted in this case it was 59 mph to 64 mph. He stated that speed limits are not usually set lower than the 85% speed because an enforcement problem happens. He noted that the NHDOT has not mentioned changing the speed limit in their discussions. A. Chiampa asked if the traffic study took into account numbers for new development. K. Hazarvartian stated they look at the build out. J. Butler asked if NHDOT was going to be the one regulating what would happen on Route 102. J. Maynard stated that with the 21 unit application the traffic study states that nothing has to be done to Route 102 right now, but upon full build out with 200 homes the only warrant that was met in the traffic study was a right turn lane to be mandated into the site. J. Butler explained that he is looking at the whole project, not just the 21 units, and if NHDOT is requiring a left hand turn lane, to do that now. K. Hazarvartian stated that the state is deliberating on this right now. C. Davies asked when the NHDOT might render a decision. J. Maynard stated that in his discussion with District 5 it can be a 6 month process. He noted that the applicant is required to do whatever NHDOT says to do to route 102. C. Davies asked if NHDOT says no left hand turn is required, does the Town have any leverage to oppose this. Town Planner Mailloux stated that it is a state road and ultimately NHDOT's decision. C. Davies asked about the impact to the Conservation Overlay district with the clubhouse. J. Maynard stated that the clubhouse itself does not go into the Conservation Overlay buffer. He noted that the grading for the detention pond at the entrance will affect the buffer and the rain garden, behind the clubhouse, is in the buffer as well. C. Davies asked what the purpose of the rain garden is. J. Maynard stated that the rain garden will help promote ground water infiltration for the run off coming from the road to act like a detention pond. C. Davies asked if it could be located anywhere else. J. Maynard stated it cannot as it needs to be at the lowest most portion of the site. A. Rugg stated at this point he would like to hear from the Conservation Commission.

Marge Badois, Chair of the Conservation Commission, addressed the Board and stated that the Commission's contention is that there are 4 criteria for granting the conditional use and that this request does not meet that. She stated it was more a matter of convenience and necessity. She noted that first criteria is that the proposed construction is essential to the productive use of the land, not within the CO district, and the final criteria is that economic advantage is not the sole reason for the proposed construction. She stated the Commission feels that if the clubhouse were located somewhere else, all the detention and grading could be outside the CO district.

Jack Szemplinski, Benchmark Engineering, 1F Commons Dr. Suite 39, Londonderry, NH addressed the Board. He stated that he has been before the Conservation Commission on 4 occasions on why the detention pond is located where it is. He explained that 102 is like a big dam and the culverts that were installed are not adequate, and when there is a big storm water backs up at the bottom of the site and floods the entire wetland. He noted that for the detention pond to be effective it has to be at the lowest most portion of the site. He stated they looked at replacing the culverts on 102, but that would increase water run off downstream, which is not allowed. He stated that at the last Conservation meeting, he proposed making the parking area that is closest to the buffer with permeable pavement to help bring water directly to the wetland. He stated that all the water for this particular site drains to this one culvert and that this site is fairly flat. He explained that if the clubhouse is moved, the water is still going to drain to this area, and the detention pond will still have to be created there. A. Rugg asked if the rain garden could be moved. J. Szemplinski stated that it cannot because it is dictated by the water table. M. Badois stated that the rain garden sounds like an attractive option, but is there another option to keep the construction out of the CO district. J. Szemplinski stated that there might be one way to use the wetland as the detention pond, but did not think that the state would allow it. J. Butler asked if some parking spaces could be moved to help move the rain garden. J. Szemplinski stated that he could put a small retaining wall at the end of the parking lot, which would reduce or eliminate any kind of grading in the CO district. He noted that he understands when the Commission is looking at this site, because it is such a huge site, not being able to accept that the detention pond must be where it is, but it has to be at the lowest point. P. Commerford asked if he moved the clubhouse to opposite side of Harvest Moon Road, you could make the detention pond elongated and narrower, preventing need to be into the CO district. J. Szemplinski stated he could make the detention pond long and skinny, but would still be in CO district. P. Commerford asked if it was possible to do a tiered pond. J. Szemplinski stated that would be much less effective. C. Davies asked what is around the clubhouse. J. Szemplinski stated a multi-use court, bocce court and putting green. He stated that the bocce court can be created with pervious ground cover and they want to satisfy the Commission and reduce the impact. M. Badois asked if we are trying to make the land conform to the development or make the development conform to the land. J. Szemplinski stated that he was out of ideas when it came to the drainage. J. Butler asked if the courts were moved could the problem be solved. John Kalantzakos, Cross Farm Development, addressed the Board stating that all the courts are going to be permeable and had addressed this with the Commission. J. Szemplinski stated that none of the improvements is in the

Conservation Overlay district, only the detention pond and grading associated with it. P. Commerford asked if the courts were moved would the rain garden still have to be built. J. Szemplinski stated it would. P. Commerford asked if underground tubes could be used. J. Szemplinski stated that is not allowed in town. P. Commerford asked if the detention pond could be under the courts. J. Maynard stated that the town does not support that.

M. Soares asked about data to put a blinking light at the intersection. K. Hazarvartian stated that there are warrants for a yellow light such as it is busier or more complicated than other areas along the road, and would be a NHDOT call. M. Soares stated that in her opinion, she would like a sidewalk on one side of the road. J. Maynard stated that he has been involved for many years with this developer and has met many people who live at the Nevins and asked about the sidewalks. He noted that they said they like to walk in groups with flat grade of the street and stated they wished they did not have sidewalks. He stated when Hickory Woods was created with this developer, the road was 28 feet wide and very easy for the residents to walk on the side of the road. R. Fillio asked if they still were discussing marking the old town pump. J. Maynard stated that he would try and locate it with a metal detector and try to mark it with a sign. A. Sypek asked if an HOA would be created to maintain the road. J. Maynard stated that an HOA would be established and be turned over at full build out. J. Butler asked if the Fire Department had weighed in on the hammerhead at the end of Pumpkin Patch Way. J. Trottier stated that they have not and would need clarification.

Dave Debaie, Stantec, addressed the Board. He stated that Stantec has been involved with the traffic analysis and talking to NHDOT. He stated that there are high speeds on Route 102 and it has great sight distance. He stated that speeds can get up to 75 mph and can be the highest speed on any non-interstate roadway in town, which represents a very special condition. He stated that with the 200 units, the left hand turn lane would be warranted, but not for the 21 units. M. Soares asked if the Town has any right to put up signs on the road. D. Debaie stated they would need NHDOT permission.

Chairman Rugg opened it up for public comment.

Carl Wimmer, 4 Apollo Road, addressed the Board in opposition to the application. He stated that looking at the map, stapled to the agenda, and it looks like the people of Adams Road do not want the exit there because they do not want the traffic coming out of the subdivision. He stated where he lives on Apollo Road there are 30-40 homes and they deal with all the traffic on Route 102 already, so he feels as if they should not have to deal with more traffic from the development. He asked if the Board knew why the old town pump was closed and told them it was closed due to E.coli. He wondered if there would be an issue with all the new septic tanks and water for this development. He would like there to be an Adams Road exit so people can have a choice.

Julia Parkhurst, 11 Apollo Road, addressed the Board in opposition to the application. She stated that she echoed the previous abutter's sentiments. She stated she also

believes that the NHDOT assessment was flawed for two reasons because it was done in the summer with no school in session and many people on vacation, as it was the last 2 weeks in July. She noted that she feels this plan is too ambitious for the land where it is supposed to be built, it is simply too big.

Peter Curro, 105 Adams Road, addressed the Board in opposition of the application. He stated that he had a question regarding the procedure of obtaining the land from the state for access off Route 102. He wanted to know how the Town got in the position with the state to transfer their money to purchase land to a developer for a development that has not been approved. A. Rugg stated that this was not part of the discussion being had tonight and should be asked of the Town Council. J. Butler stated that he agreed with A. Rugg and it does need to be brought up to the Town Council. J. Butler stated that there was pressure from Adams Road, Acropolis and Cross Road about the amount of traffic the subdivision will produce. C. Davies stated that the Planning Board got involved when there was concern about Adams Road and Cross Road with traffic, so the Board asked the developer to go look at buying the state property as an alternate for those exits, which precipitated the discussion with the Town Council. P. Curro stated he was here to talk about water. He asked Colleen to bring up a map for the Board, which is Exhibit 4. He stated that these two parcels of land are loaded with small ponds and he feels that this parcel supplies his water to his individual well. He stated that 90% of residents in town are on individual well water. He asked if 90% of residents are on well water, can you develop every parcel of land and leave nothing open. A. Rugg stated that the Planning Board does not have any power to regulate water. P. Curro asked if the wetland to the west of this parcel, called Ralston Tract, is going to be affected by this development. P. Curro asked if his well would dry up in a few years. He stated that he felt the development does not fit where it is being proposed.

DJ McLaughlin, 15 Apollo Road, addressed the Board in opposition of the application. He echoed some of the concerns about water usage and traffic, with the only egress being on Route 102. He asked if there would be parking allowed on the roads with no sidewalks. J. Kalantzakos stated that there would be no overnight parking. He stated that with 28 foot roads, with cars parking during the day, it does not leave a lot of space for pedestrian and vehicle traffic without sidewalks.

Mike Speltz, 18 Sugarplum Lane, addressed the board in opposition of the application. He stated that he wanted to disclose that he lives at a home that the developer built. He stated that there are sidewalks at Sugarplum and ends in a ramp to use a wheelchair, and they like the sidewalks and use them. He stated that if the Board should decide to grant the waiver on sidewalks that it is done supporting pedestrians and automobiles. He stated that as a member of the Conservation Commission the argument that seems to be had is where to intercept the storm water. He stated that it could be done with tiered detention. He stated that since there are 180 acres, he feels that they should not have to go into the buffer and feels that they are "trying to put 10 pounds into a 5 pound bag." He also wanted to make sure that the Board was aware of the case of the Nevins that went before the Zoning Board regarding the lack of backyards in relation to the buffer and to make sure this development would not be built like that. J. Kalantzakos addressed the Board stating that the developer

was now going to be placing the signs for the CO district on the lawns and the potential buyers would be well aware of their backyard size. M. Speltz asked Town Planner Mailloux if granting of the waiver for senior housing development would mean that everyone must be over 55. Town Planner Mailloux stated that the wording of the zoning ordinance is that the Planning Board shall grant an exemption for residential phasing, if the developer agrees to record through the homeowners association documents that the condition is 100% 55+. M. Speltz informed the Board that as a member of the Conservation Commission, should the Board disagree with the Commission's recommendation that this project does not meet the two criteria that M. Badois talked about earlier, to include putting in the retaining wall, recreation courts all be pervious surface underneath and using permeable pavement in the parking area.

Ray Breslin, Three Gary Drive, addressed the Board in opposition of the application. He stated that his concern is water and protecting the water. He noted that he felt there should be protection of water in town in the master plan. He felt as if there were projects being approved by the town that are not meeting the criteria set forth in the master plan.

Sandra Lagueux, 2 Fiddlers Ridge Road, addressed the Board in opposition of the application. She stated that she did not want this to become the Apollo and Acropolis Roads neighborhood against the Adams Road neighborhood and to try and solve this problem as a group. She echoed the comments regarding the speed problem on Route 102 that she felt needed to be addressed. She felt that Adams Road in her opinion could not take on any more traffic, as it does not have shoulders, sight distances and lane width. She agreed that this appears to be too ambitious of a project for this particular land. She stated that she felt the Town should stand firm on the regulations.

John Kalantzakos, addressed the Board. He stated that he felt the project was not too ambitious and that this particular project could have had 500 houses on it given the size of the land. He disagreed with the comments that this project is trying to jam in houses and maximizing density. He stated that the developer is an in town developer and strives to make highest quality developments. He also stated that he has taken a left hand turn out of Hickory Woods many times with no problems.

M. Soares made a motion to approve the Applicant's request for the above waivers 4a, 5, 6, 7, 8, 9, 11, 12, 13, and 14 as outlined in Staff's recommendation memorandum dated September 6, 2017.

A. Sypek seconded the motion.

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

M. Soares made a motion to deny the Applicant's request for waiver 10, Section 3.5.4.g.1 of the Zoning Ordinance to not provide paved sidewalks within the development.

A. Sypek seconded the motion.

The motion was granted, 4-3-0.

M. Soares made a motion to grant the exemption from the Phasing Requirements of Section 1.3.3 as permitted under Section 1.3.4 of the Zoning Ordinance as outlined in the Staff Recommendation memorandum dated September 6, 2017.

C. Davies seconded the motion.

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

M. Soares made a motion to approve the Applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated September 6, 2017.

C. Davies seconded the motion.

The motion failed, 0-7-0.

M. Soares made a motion to deny the Applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated September 6, 2017.

C. Davies seconded the motion.

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

M. Soares made a motion to continue the public hearing on an application for formal review of a site plan to construct Phase 1 of an elderly housing development, consisting of 21 housing units, a clubhouse and associated site improvements; Nashua Road/NH Route 102, Adams Road and Cross Road - Map 6 Lot 84 & Map 6 Lot 59-1, Zoned AR-1, Cross Farm Development, LLC, (Owner and Applicant) until October 11, 2017.

C. Davies seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative and announced that the Cross Farm Development, LLC site plan is continued to October 11, 2017, in the Town Hall and this is the only legal public notice.

IV. New Plans/Conceptual/Non-binding Discussions

A. Application for a formal review of a subdivision plan for a lot line adjustment between 97 High Range Road (Map 5 Lot 30-3, Zoned AR-1) and 99 High Range Road (Map 5 Lot 30, Zoned AR-1), George T. Benson (Owner & Applicant)

Chairman Rugg read the case into record. L. Reilly came back to the Board at this time. Chairman Rugg noted that S. Benson had left the meeting. Chairman Rugg appointed A. Chiampa to vote for S. Benson. A. Rugg stated there were 7 voting members now. J. Trottier stated there was one outstanding checklist item for which the applicant has submitted a waiver request for acceptance purposes only. He stated that Staff support this waiver request for acceptance purposes only.

Member M. Soares made a motion to approve the waiver request for acceptance purposes only as outlined in the Staff Recommendation Memorandum dated September 6, 2017.

C. Davies seconded the motion.

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

M. Soares made a motion to accept the application as complete as outlined in the Staff Recommendation Memorandum dated September 6, 2017.

C. Davies seconded the motion.

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

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

Greg Jeffrey, from Jeffrey Land Survey, LLC presented for the applicant, George Benson. He stated the application is for a lot line adjustment for which Mr. Benson is the owner of both. He noted that Mr. Benson wants to adjust the lot lines, so that the lot that he resides at would have more of the property.

J. Trottier stated that the applicant requested a waiver to the subdivision regulations for sight distance and Staff does not support the granting of the waiver. C. Davies asked if sight distance for the existing driveway(s) could not be obtained would the applicant be compelled to do them or would it be considered a pre-existing condition. J. Trottier stated that his recommendation would be that the improvements be done and if there was not an agreement made, the applicant would come back to the Board. C. Davies asked what the consequences are if the Board denies the waiver. J. Trottier stated the applicant would have to survey the land and work with staff regarding the recommendations. G. Jeffrey stated that in the application he noted that it is an undue burden to spend money on a survey, a roadway survey and engineering work for a sight profile on a 43-year-old pre-existing driveway. He noted that it is an undue hardship on the applicant.

Chairman Rugg asked for public input and there was none.

M. Soares made a motion to deny the Applicant's request for the above waiver as outlined in Staff's recommendation memorandum dated September 6, 2017.

C. Davies seconded the motion.

The motion failed, 0-7-0.

Member M. Soares made a motion to grant the applicant's request for a waiver to section 3.09.F.2 and checklist item III.34 to not certify proper sight distance in meeting the requirements of Exhibit D2.

C. Davies seconded the motion.

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

M. Soares made a motion to grant conditional approval of the Lot Line Adjustment Plan for Map 5 Lots 30-3 and 30, 97 and 99 High Range Road, George Benson (Owner/Applicant) in accordance with plans prepared by Jeffrey Land Survey, LLC, dated December 21, 2016, with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated September 6, 2017, with the exception of precedent condition #1.

C. Davies seconded the motion.

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

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

PRECEDENT CONDITIONS

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

1. A copy of the executed well release form be provided to the Town.
2. Wetland buffer placards be indicated on the plans.
3. The Owner's signatures shall be provided on the plans.

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 Section 2.05.n of the Subdivision Regulations.

5. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.

6. 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).

7. 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 a formal review of a minor site plan and a conditional use permit for a change of use to a child care facility, Two Young Road (Map 6 Lot 64, Zoned C-I & Route 102 POD) 2017 Young Road, LLC (Owner) and The Learning Tree Early Education Center (Applicant)

Chairman Rugg read the case into record. J. Butler recused himself from this case. A. Rugg stated there were 6 voting members now. J. Trottier stated there were two outstanding checklist item for which the applicant has submitted waiver requests. He stated that if the Board waives these items, Staff recommends the application be accepted as complete. He stated that Staff supports the requested waivers because the existing conditions of the site are consistent with the approved site plan on file for the property, there will be no increase in impervious area on the site from the 1983 approved site plan, the applicant is proposing to remove existing impervious area from the property, and there are no exterior alterations proposed that require

soil calculations or changes in the management of stormwater on the site. Chairman Rugg stepped out for the voting section of this case.

C. Davies made a motion to grant waivers 1 and 2 per Staff's recommendation memorandum dated September 6, 2017.

A. Sypek seconded the motion.

The motion was granted, 5-0-0.

C. Davies made a motion to accept the application as complete as outlined in the Staff Recommendation Memorandum dated September 6, 2017.

A. Sypek seconded the motion.

The motion was granted, 5-0-0.

Vice Chair Soares noted that the 65-day time clock had started.

Town Planner Mailloux informed the Board that there was a conditional use permit request as well. She stated that the information the applicant has presented is sufficient to demonstrate that they will comply with the zoning ordinance for a conditional use permit in the performance overlay district and recommends approval.

Nicole Lamarche, presented to the Board for the applicant. She stated there were hoping to open up a day care center in the performance overlay district. She noted that the existing exterior will remain the same with improvements such as painting being done on the inside. She stated that there would be four classrooms inside as well. M. Soares asked where the Learning Tree was currently. N. Lamarche stated it was a new organization.

Chairman Rugg asked for public input and there was none.

M. Soares made a motion to approve the Conditional Use Permit to allow a daycare use in the Route 102 Performance Overlay Zone as the Applicant has met the criteria of Section 2.6.1.6.F of the Zoning Ordinance.

A. Sypek seconded the motion.

The motion was granted, 6-0-0. The Chair voted in the affirmative.

M. Soares made a motion to grant conditional approval of the Minor Site Plan for a change of use to allow a daycare center – Map 6 Lot 64, 2 Young Road, 2017 Young Road LLC (Owners), The Learning Tree Early Education Center (Applicant), in accordance with plans prepared

by Promised Land Survey, LLC, last revised August 10, 2017, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated September 6, 2017.

A. Sypek seconded the motion.

The motion was granted, 6-0-0. 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 note all waivers granted on the plan.
2. The Applicant shall note approved Conditional Use Permit on the plan.
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 Section 2.05.n of the Subdivision Regulations.

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. 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.
2. 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.

3. 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.

4. Site improvements must be completed prior to the issuance of a certificate of occupancy.

V. Other Business -N/A

VI. Adjournment


Member M. Soares made a motion to adjourn the meeting at approximately 10:45 p.m. Seconded by A. Sypek.

Motion was granted, 6-0-0.

The meeting adjourned at approximately 10:45 PM.

These minutes were prepared by Beth Morrison, recording secretary.

Respectfully Submitted,

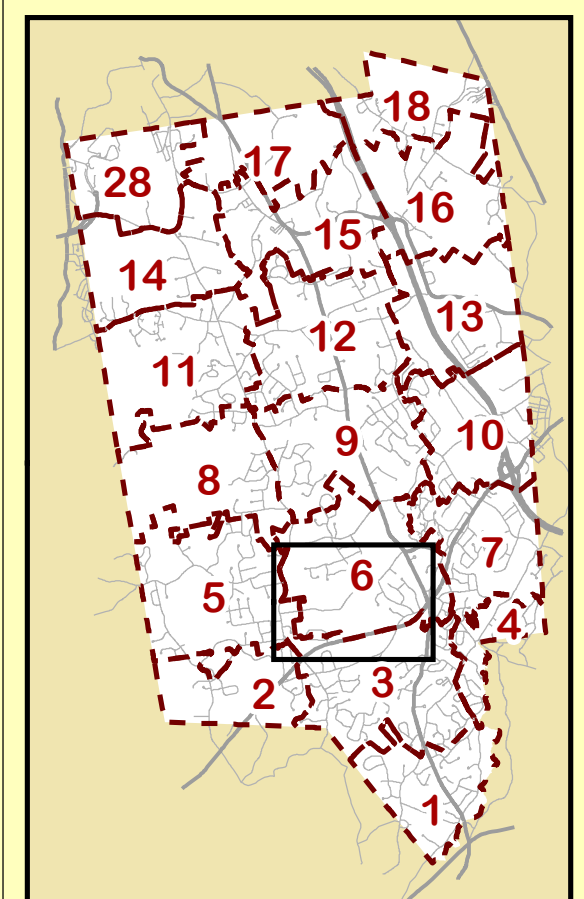

Chris Davies, Secretary

These minutes were accepted and approved on October 4, 2017 by a motion made by L. Reilly and seconded by R. Bridea.

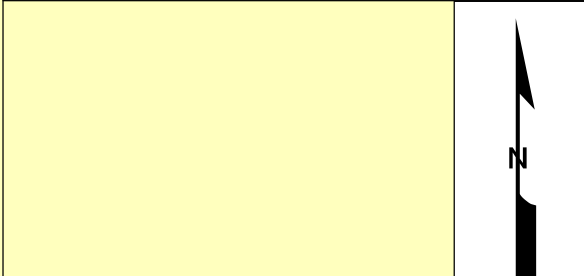


Proposed Cross
Farm 55+ Housing
Community

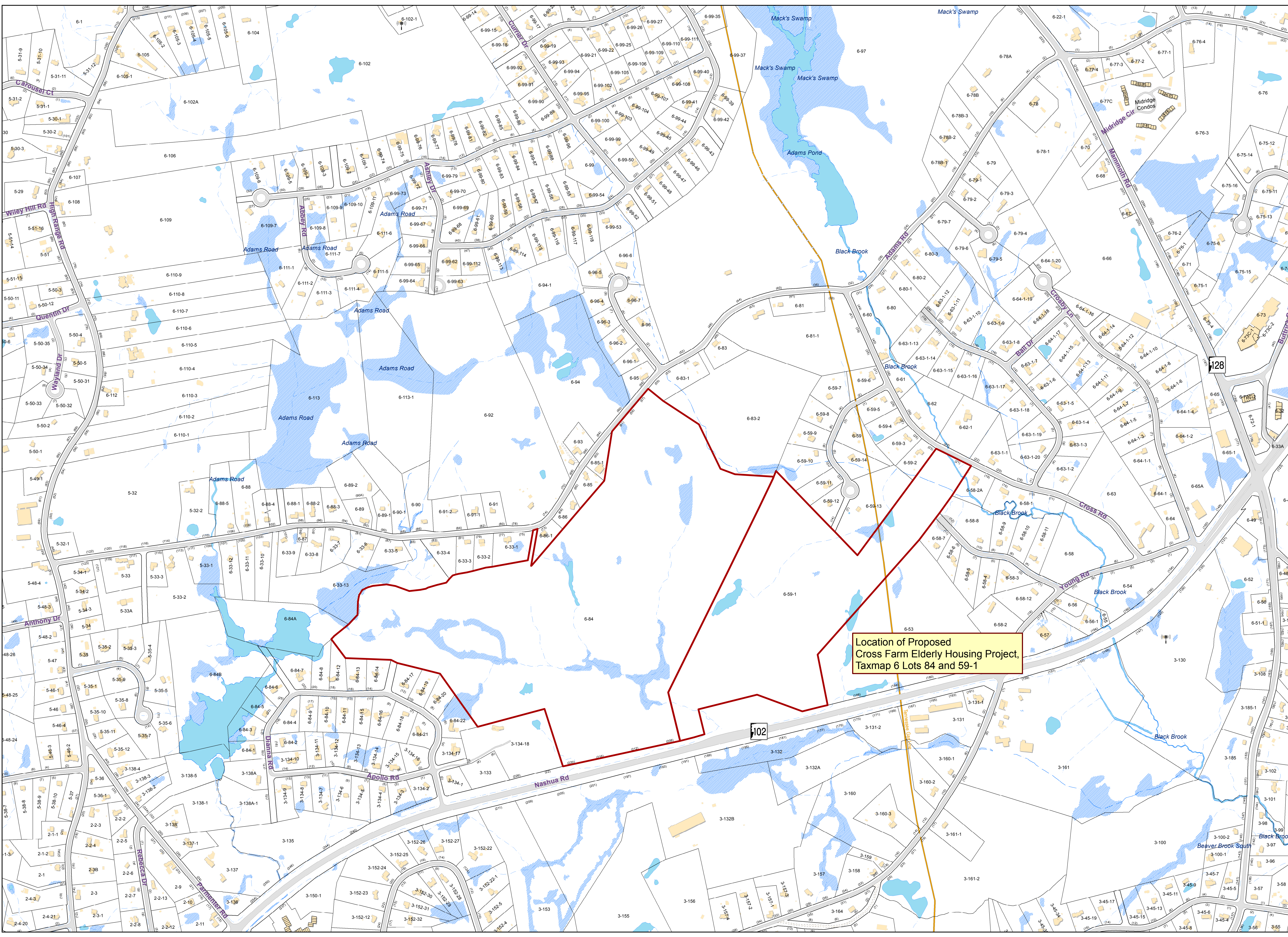
- Parcel Dimension
- Parcel ID
- Parcel Address
- Parcel Frontage
- Tax Map Divisions
- Paved Roads
- Unpaved Roads
- Buildings
- Outbuildings or other structures
- Utility Easements
- Power Transmission Lines
- Natural Gas Lines
- Ponds
- Wetlands
- Towers
- Named Streams
- Un-named Streams



400 0 400 Feet
1 inch = 333 feet



Source:
Parcel lines are current as of April 1, 2017
and were mapped using aerial photo interpretation,
AutoCAD engineering files or recorded deeds as
reference. Base features were mapped by
Infotech, LLC from aerial photography captured in
Spring, 2010. Regular updates to both parcels
and landbase features are performed as new
development or lot adjustments are approved.
These maps have been prepared for assessment
purposes only and are not intended for legal
description or conveyance.



Location of Proposed
Cross Farm Elderly Housing Project,
Taxmap 6 Lots 84 and 59-1











U.S. Fish and Wildlife Service
National Wetlands Inventory

Wetlands



July 26, 2017

Wetlands

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Lake
-  Other
-  Riverine

This map is for general reference only. The U.S. Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

STAFF RECOMMENDATION

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

Date: September 6, 2017

Application: Application Acceptance and Public Hearing for formal review of a site plan for a proposed Elderly Housing, Route 102, Adams Road and Cross Road; Map 6, Lots 84 & 59-1; Cross Farm Development LLC (Owner/Applicant)

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

Board Action Required: **Motion to Accept the Application as Complete per Staff's recommendation memorandum dated September 6, 2017.**

- Waivers: The Applicant has requested the following fourteen waivers to the Site Plan Regulations:
 1. The Applicant has requested a waiver from Section 3.06 of the Site Plan Regulations to not provide sanitary sewer design as required by the regulations. Staff **does not support** this waiver as the plans indicate several septic systems within 25 feet of roadway underdrains and less than 35 feet from catch basins, which is not in compliance with NHDES setback requirements. The proposed density of the development limits flexibility in terms of where septic systems can reasonably be located, and as the proposed locations will change due to setback conflicts, Staff believes additional information is needed prior to supporting this waiver request.
 2. The Applicant has requested a waiver from Section 3.07.g.3 of the Site Plan Regulations to allow drainage pipes with less than 3' of cover for CB1, CB2, CB14 and DMH2. Staff **does not support** granting the waiver at this time as the design indicates that a waiver may be required in additional locations which were not addressed in the waiver request, one drainage structure (ES4) is exposed with no cover, and it appears that the design intent is not consistent with the waivers requested. Staff believes that further clarification of the requested waiver is needed prior to supporting this waiver request.
 3. The Applicant has requested a waiver from Section 3.07.g.2 of the Site Plan Regulations to allow drainage pipe velocities less than 2 feet per second from CB13 to CB12. Staff **does not support** granting the waiver at this time as the design indicates that a waiver may be required in additional locations which were not addressed in the waiver request, it appears that a waiver is also required from CB1 to CB2 which was not requested by the Applicant.
 4. The Applicant has requested a waiver from Sections 3.09.D and 3.09.R of the Roadway Design Standards which require a proper cul de sac terminus at the end of Harvest Moon Road and Pumpkin Patch Way. Staff **supports** granting the

waiver for the terminus of Harvest Moon Road, where the Applicant has provided a temporary hammerhead which Staff believes is acceptable for this Phase (Waiver 4a). Staff **does not support** granting this waiver at the terminus of Pumpkin Patch Way, as there has been no provision for a temporary turnaround (Waiver 4b), which would pose potential concerns for vehicle maneuvering, fire access and winter maintenance.

5. The Applicant has requested a waiver from Section 3.09.R of the Roadway Design Standards and Table 1 of the Subdivision Regulations to provide a minimum roadway design speed of 25 MPH where a roadway design speed of 35MPH is required. Staff **supports** granting this waiver as the streets are private and designed only for local use by the residents.
6. The Applicant has requested a waiver from Section 3.09.R.5 of the Roadway Design Standards and Exhibit D3 of the Subdivision Regulations, to provide a minimum sight distance of 280 feet where a minimum sight distance of 365 feet for the internal roadway intersection is required. Staff **supports** granting this waiver as the reduced sight distance for these private streets will meet AASHTO standards for a 25MPH design speed.
7. The Applicant has requested a waiver from Section 3.09.F.2 of the Roadway Design Standards and Exhibit D2 of the Subdivision regulations, to provide a driveway sight distance of 175 feet where a minimum driveway sight distance of 250 feet is required. Staff **supports** granting this waiver as the reduced sight distance for these driveways located on private streets will meet AASHTO standards for the 25MPH design speed.
8. The Applicant has requested a waiver from Section 3.09R of the Roadway Design Standards and Table 1 of the Subdivision Regulations, to provide a roadway right of way of 40 feet where 50 feet is required. Staff **supports** granting this waiver as the propose streets are private streets and service a 55+ community.
9. The Applicant has requested a waiver from Section 3.09.F.3 of the Roadway Design Standards and the Town's driveway standards to allow residential driveways to be 22 feet wide for the entire length from the garage to the street. Staff **supports** granting this waiver because the streets within this development will be private.
10. The Applicant has requested a waiver from Section 3.5.4.g.1 of the Zoning Ordinance to not provide paved sidewalks within the development. Staff **supports** granting this waiver as the Applicant has indicated that sidewalks are not used in similar developments and because the reduced speeds throughout the development are conducive to pedestrian access without dedicated sidewalks.

11. The Applicant has requested a waiver from Section 4.01c to allow a plan scale greater than 1"=40' for the Existing Conditions Plan. Staff **supports** granting this waiver as the plans are legible at the scale presented and the scale at which the plans are provided allow for the entire existing conditions to be shown on one sheet.
12. The Applicant has requested a waiver from Section 4.01c to allow a plan scale greater than 1"=40' for the Overall Boundary Plan. Staff **supports** granting this waiver as the plans are legible at the scale presented and the scale at which the plans are provided allow for the entire boundary to be shown on one sheet.
13. The Applicant has requested a waiver from Section 4.01c to allow a plan scale greater than 1"=40' for the future development phasing plan. Staff **supports** granting this waiver as the plans are legible at the scale presented and the scale at which the plans are provided allow for the entire overall phasing plan to be shown on one sheet.
14. The Applicant has requested a waiver from Section 6.01C of the Site Plan Regulations to allow issuance of a certificate of occupancy prior to completion of the wearing course of pavement. Staff **supports** this waiver for the wearing course only, and has included a recommended condition of approval that the wearing course be complete prior to commencing future Phases of this project.

Board Action Required: Motion to approve the Applicant's request for the above waivers 4b and 5 through 14 as outlined in the Staff recommendation memorandum dated September 6, 2017.

Staff recommends that the Planning Board defer action on waivers 1, 2, 3 and 4a outlined above until additional information is provided by the Applicant.

- **Zoning Exemption Request:** The Applicant has requested an exemption from Residential Phasing requirements to allow 40 building permits to be issued per year where 15 are allowed. Under Section 1.3.4, the Planning Board shall grant exemption to the phasing requirements of Section 1.3.3 where the proposed project is for Elderly Housing and the owner of record shall enter an agreement, to be recorded in the RCRD, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older).

Staff **supports** granting the exemption requested as it is consistent with the conditions of Section 1.3.4 of the Zoning Ordinance.

Board Action Required: Motion to grant the exemption from the Phasing Requirements of Section 1.3.3 as permitted under Section 1.3.4 of the Zoning Ordinance as outlined in the Staff Recommendation memorandum dated September 6, 2017.

- Conditional Use Permit: The Applicant has requested one (1) Conditional Use Permit:
 1. The Applicant has requested a Conditional Use Permit to allow work within the Conservation Overlay District. Two impact areas were identified, Area #1, 25,000 SF of buffer impact associated with the detention pond and rain garden adjacent to Route 102, and Area #2, 14,000 SF of buffer impact associated with the compensatory flood storage area to be constructed. The Conservation Commission reviewed this Application on several occasions. The Commission, at its meeting of July 25, 2017 voted to provide the following comments to the Planning Board:
 - a. The additional mitigation or storage area, just to the west of the land purchase abutting 102, we support (i.e. the 14,000 SF compensatory storage impact area)
 - b. We continue to believe that the impacts on the buffer caused by the clubhouse and associated amenities and detention pond are not necessary given the acreage available to the project.

The criteria for a Conditional Use Permit are outlined in Section 2.6.3.4 of the Zoning Ordinance:

- a. The proposed construction is essential to the productive use of land not within the CO District.
- b. Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
- c. There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.
- d. Economic advantage is not the sole reason for the proposed location of the construction.

If the Board finds that the Applicant has demonstrated compliance with the criteria of Section 2.6.3.4 of the Zoning Ordinance, Staff recommends the Board approve the request for a CUP.

Board Action Required: Motion to approve the Applicant's request for a Conditional Use Permit as outlined in the Staff Recommendation Memorandum dated September 6, 2017.

Staff recommends that the Planning Board continue further discussion of this application to October 11, 2017 Planning Board meeting. In addition to the design item waivers previously noted, there are outstanding issues associated with the site design, off-site improvement plans for extension of the water line, and permits for off-site improvements from NHDOT and NHDES.

From: [Morgan Hollis](#)
To: [Laura Gandia](#)
Cc: [Beth Morrison](#)
Subject: RE: E-mail
Date: Thursday, September 07, 2017 12:37:44 PM

Laura,

I have copied and pasted the email below. I read the portion beginning with "At this time... and going for the next few paragraphs, I think ending before the last paragraph, but I am sure the tape will reflect where I finished.

----- Forwarded Message -----

From: "Desfosses, Brian" <Brian.Desfosses@dot.nh.gov>
To: "'cmailoux@londonderry.nh.org'" <cmailoux@londonderry.nh.org>;
"'jtrottier@londonderry.nh.org'" <jtrottier@londonderry.nh.org>
Cc: "Radwanski, Richard" <Richard.Radwanski@dot.nh.gov>; "O'Donnell, William"
<William.O'Donnell@dot.nh.gov>; 'Joseph Maynard' <jm@benchmark-engineering.com>
Sent: Thursday, August 31, 2017 3:43 PM
Subject: Cross Farm Development, Route 102, Londonderry, NH

Hello John & Colleen,

I am writing to you today in an effort to explain the DOT driveway permit situation. As I understand things, there is a planning board meeting on Wednesday (9/6) and the applicant requested that we touch base with you relative to the driveway permit process. As you are likely aware, DOT scheduled a scoping meeting for this project on July 11, 2017 and at that meeting, DOT represented that it should be reviewing the larger proposal so that there is one review process, and all offsite improvements would be handled with one project proposal.

Since that time, the District 5 office responded to a number of requests by Cross Farm Development and Benchmark Engineering relative to reducing the scope of the driveway application submittal to allow for a smaller approval of a 21-lot subdivision. After reviewing the many complex factors regarding the existing pavement at the old Park n Ride, the underlying construction of the highway, the existing geometry of the area, and the proposal as a whole, DOT decided that it could review the limited (21-lot) proposal to allow for the developer to obtain a permit sooner and possibly begin construction in 2017.

At this point, I have received authorization from DOT Bureau of Right-of-Way for the Town of Londonderry to request a driveway permit on the behalf of Cross Farm Development. I have also received a driveway permit application signed by Rick Welch of Cross Farm Development (received August 28). I will need a driveway permit request signed by the Town of Londonderry in order to approve the driveway permit, as the memo I received from Right-of-Way allows for the Town of Londonderry and/or their representatives only.

The District 5 office has not yet reviewed the engineering aspects of the proposal. I believe it will

take us on the order of 3-4 weeks or so to be able to issue a driveway permit, assuming the engineering is acceptable and the consultant responsive to review comments. That being said, I believe that they will have a driveway permit to access the development in the relatively near future.

While I cannot comment beyond this at this time, the DOT review of the 21-lot proposal will be just that, and any additional pavement areas that currently exist and are not necessary to serve 21 lots will need to be removed as part of the permit requirements. Once the 21-lot request is permitted, the developer can construct/remove whatever is approved for the limited-scope driveway entrance.

Cross Farm Development has further indicated that the larger-scope proposal will be introduced following this limited-scope approval. At that point, additional turning lanes, bypass shoulders, and similar geometric warrants will be evaluated and proposed as necessary by the developer.

I hope this brief summary is helpful to you in your review. Of course, our issuance of a driveway permit will be contingent upon the Town being in agreement with the proposal and our approach as explained herein. If you have additional questions, please feel free to reach out to me by email or phone at 223-3802.

Thank you.

Brian
Brian A. Desfosses, P.E.
Assistant District Engineer
NHDOT – District 5
Bedford, NH
ph. 603-666-3336

Morgan

Morgan A. Hollis, Esquire
Gottesman & Hollis P.A.
39 East Pearl Street
Nashua, NH 03060-3407
Direct Dial: 603-318-0455
Main Number: 603-889-5959 ext. 203
Facsimile: 603-886-0380
Email: mhollis@nh-lawyers.com

From: Laura Gandia [mailto:lgandia@londonderrynh.org]

Sent: Thursday, September 7, 2017 12:01 PM

To: Morgan Hollis <mhollis@nh-lawyers.com>
Cc: Beth Morrison <bmorrison@londonderrynh.org>
Subject: RE: E-mail

Hi Morgan –

Would you happen to have a copy of the-email you were reading from last night? I was going to have Beth include it as part of the minutes.

Thank you.

Laura J. Gandia
Associate Town Planner
Town of Londonderry
Planning & Economic Development
268B Mammoth Road
Londonderry, New Hampshire 03053
(603) 432-1100 X134
(603) 432-1128 (fax)

Confidentiality Notice: the information contained in this email and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not retain, copy or use this e-mail or any attachments for any purpose, nor disclose all or any part of the contents to any other person.

STAFF RECOMMENDATION

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

Date: September 6, 2017

Application: Application Acceptance and Public Hearing for formal review of a lot line adjustment plan between 97 and 99 High Range Road, Map 5, Lot 30-3 and Map 5, Lot 30, George T. Benson (Owner/Applicant).

- **Completeness:** There is one outstanding checklist item for which the Applicant has submitted a waiver request for acceptance purposes only. If the Planning Board grants the waiver, Staff recommends the application be accepted as complete.

1. The Applicant has submitted a waiver request from Checklist Item III.34 to not provide a sight distance plan and profile. Staff **supports** this waiver request for acceptance purposes only.

Board Action Required: Motion to approved the waiver for acceptance purposes only per Staff's recommendation memorandum dated September 6, 2017.

Board Action Required: Motion to Accept the Application as Complete per Staff's recommendation memorandum dated September 6, 2017.

- **Waivers:** The Applicant is requesting one waivers of the subdivision regulations:
 1. The Applicant has submitted a waiver request from Section 3.09.F.2 of the Subdivision Regulations and Checklist Item III.34 to not certify proper sight distance in meeting the requirements of Exhibit D2. Staff **does not support** this waiver request and has included a recommended condition of approval that sight distance plan and profile for both driveways be provided and certified prior to plan signature.

Board Action Required: Motion to deny the waiver request as outlined in the staff recommendation memorandum dated September 6, 2017.

- **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 Lot Line Adjustment Plan for Map 5 Lots 30-3 and 30, 97 and 99 High Range Road, George Benson (Owner/Applicant) in accordance with plans prepared by Jeffrey Land Survey, LLC, dated December 21, 2016, with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated September 6, 2017.

“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. Driveway sight distance plan and profiles for both driveways be provided, to be reviewed and approved by the Town Engineer.
2. A copy of the executed well release form be provided to the Town.
3. Wetland buffer placards be indicated on the plans.
4. The Owner’s signatures shall be provided on the plans.
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.

STAFF RECOMMENDATION

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

Date: September 6, 2017

Application: Application Acceptance and Public Hearing for formal review of a Minor Site Plan and Conditional Use Permit in the Route 102 Performance Overlay District for a change of use to a child care facility, 2 Young Road, Map 6 Lot 64, Zoned C-I and Route 102 POD, 2017 Young Road, LLC (Owner) and the Learning Tree Early Education Center (Applicant)

- Completeness: There are two outstanding checklist items for which the Applicant has requested waivers. Should the Board grant the waivers, Staff recommends the application be accepted a complete.
- Checklist Waivers: The following checklist waivers have been requested:
 1. Checklist Item V.12 and Section 3.17 of the Site Plan Regulations to provide SCS soil mapping for the site.
 2. Checklist Item XI.2 and Section 3.07 of the Site Plan Regulations to provide a Stormwater Management Report for the project.

Staff supports the requested waivers because the existing conditions of the site are consistent with the approved site plan on file for the property, there will be no increase in impervious area on the site from the 1983 approved site plan, the applicant is proposing to remove existing impervious area from they property, and there are no exterior alterations proposed that require soil calculations or changes in the management of stormwater on the site.

Board Action Required: Motion to grant waivers 1 and 2 per Staff's recommendation memorandum dated September 6, 2017.

Board Action Required: Motion to Accept the Application as Complete.

- Conditional Use Permit: The Applicant has requested one (1) Conditional Use Permit:
 1. The Applicant has requested a Conditional Use Permit to operate a daycare facility in the Route 102 Performance Overlay District. Daycare is permitted by conditional use in the Route 102 Performance Overlay District when the Applicant demonstrates that the use meets the criteria for a conditional use permit as outline in Section 2.6.1.6.F of the Zoning Ordinance. Staff believes that the information provided by the Applicant has demonstrated compliance with the criteria for a conditional use permit and recommends approval of the conditional use permit.

Board Action Required: Motion to approve the Conditional Use Permit to allow a daycare use in the Route 102 Performance Overlay Zone as the Applicant has met the criteria of Section 2.6.1.6.F of the Zoning Ordinance.

- **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 Minor Site Plan for a change of use to allow a daycare center – Map 6 Lot 64, 2 Young Road, 2017 Young Road LLC (Owners), The Learning Tree Early Education Center (Applicant), in accordance with plans prepared Promised Land Survey, LLC, last revised August 10, 2017, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated September 6, 2017:

“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 note all waivers granted on the plan.
2. The Applicant shall note approved Conditional Use Permit on the plan.
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 Section 2.05.n of the Subdivision Regulations.

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. 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.
2. 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.
3. 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.
4. Site improvements must be completed prior to the issuance of a certificate of occupancy.