

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF MARCH 1, 2017 AT THE MOOSE HILL COUNCIL CHAMBERS

I. Call to Order

Members Present: Mary Wing Soares, Vice Chair; Rick Brideau, CNHA, Ex-Officio; Giovanni Verani, Ex-Officio; Jim Butler, Town Council Ex-Officio; Scott Benson, Assistant Secretary; Leitha Reilly, member; Al Sypek, member; Ted Combes (alternate member); Ann Chiampa (alternate member); Kyle D'Urso (alternate member)

Also Present:

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

Vice Chairperson Soares called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. She appointed alternate member A. Chiampa to vote for A. Rugg and T. Combes to vote for C. Davies.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member L. Reilly made a motion to approve the minutes of February 8, 2017, as presented. R. Brideau seconded the motion. The motion was granted, 8-0-0. The Vice Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS:

Town Planner Mailloux informed the Board that she had three projects for 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:

- Site Plan – proposed construction of a two story distribution facility and accompanying site improvements – 31 Jack's Bridge Road, Map 17 Lot 45-3, Zoned IND-1, Poultry Products Northeast, Inc. (Applicant)
- Subdivision Plan – proposed subdivision of Map 17 Lot 45-3 into two new lots, Map 17 Lot 45-3 and Map 17 Lot 45-6 – 31 Jack's Bridge Road, Map 17 Lot 45-3, Zoned IND-1, Poultry Products Northeast, Inc. (Applicant)
- Site Plan – change of use – 118 Rockingham Road, Map 16 Lot 82, Zoned C-II from a four bedroom residential home to a three bedroom residential home and a separate 583 SF professional office space with 996 SF of garage and storage area, JMJ Properties, LLC (Applicant)

Member A. Sypek made motion to find that all three projects are not of regional impact.

R. Brideau seconded the motion.

The motion was granted, 8-0-0.

- C. DISCUSSIONS WITH TOWN STAFF: Town Planner Mailloux reminded the Planning Board that it received an e-mail regarding the Penney Fence project which is in its read file. She informed the Board that Staff will be working with the applicant to make sure that the concerns are addressed.

Vice Chair Soares reminded the public of voting day on March 14, 2017.

The members discussed the elections of officers and CIP Committee and Heritage Liaison appointments.

Member A. Sypek made a motion to nominate the current slate of officers to their respective offices.

R. Brideau seconded the motion.

The motion was granted, 8-0-0.

R. Brideau and M. Soares were re-appointed to the CIP and Art Rugg was reappointed to the Heritage Committee by a consensus of the Board.

III. OLD BUSINESS:

A. Application acceptance and public hearing for formal review of a lot line adjustment & consolidation, West & Elwood Road, Map 5 Lot 40, Map 2 Lot 44, and Map 2 Lot 43, Zoned AR-1 – Belize Real Estate Holdings, LLC (Owner & Applicant – Map 2 Lot 44), Continental Paving, Inc. (Owner – Map 2 Lot 43), Wayland H. Elwood Realty Trust of 2008 (Owner, Map 5 Lot 40) – continued from the February 1, 2017 meeting

B. Application acceptance and public hearing for formal review of a subdivision of one lot into 18, 72 Elwood Road, Map 2 Lot 44, Zoned AR-1 – Belize Real Estate Holdings, LLC (Owner & Applicant) – continued from the February 1, 2017 meeting

Vice Chair Soares read the case into the record noting that the case was continued from the February 1, 2017 meeting. Town Planner Mailloux informed the Board that she received a request from the applicant to continue the hearing until April 5, 2017. She also noted that the 65 day timeframe has not begun as the application has not been accepted as complete.

Member A. Sypek made a motion to continue the hearing until April 5, 2017.

Member R. Brideau seconded the motion.

The motion was granted, 8-0-0. The Vice Chair voted in the affirmative, and noted this is the only public notice of the continuance to April 5, 2017.

- D. Application acceptance and Public Hearing of a proposed 83 lot conservation subdivision, Lorden Commons Phases 2, 3 and 4 - 17 Old Derry Road, Map 16, Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant) – continued from the January 4, 2017 and February 8, 2017 meeting

Vice Chair Soares read the case into the record noting that the case was continued from the February 1, 2017 meeting. Town Planner Mailloux informed the Board that she received a request from the applicant to continue the hearing until April 5, 2017 to provide for more time to address the Board's concerns regarding water and hydrological analyses. She reminded the Board that the applicant waived the 65 day time frame. She added that the applicant is looking at the possibility of bringing municipal water to the site.

Member A. Sypek made a motion to continue the hearing until April 5, 2017.

Member R. Brideau seconded the motion.

The motion was granted, 8-0-0. The Vice Chair voted in the affirmative, and noted this is the only public notice of the continuance to April 5, 2017.

IV. New Plans/Conceptual/Non-binding Discussions

- A. Application acceptance and public hearing for formal review of a subdivision plan of one lot into two, 9 Harvey Road, Map 11 Lot 98, Zoned AR-1, Victory Baptist Church (Owner & Applicant)

Vice Chair Soares read the case into the record. J. Trottier stated that there are no outstanding checklist items and recommended that the application be accepted as complete.

Member A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated March 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 8-0-0. Vice Chair Soares noted that this starts the 65 day time frame in which the Board has to render a decision.

Brian Haynes, LLS Survey Manager, S.E.C. & Associates, 138 Newton Road, Suite 33A, Plaistow, New Hampshire 03865 addressed the Board. He described the project as a two lot subdivision on 9 Harvey Road. He noted that the 4.85 acre parcel consists of 182.59 feet of frontage on Harvey Road and 50 feet of frontage on Maureen Circle with a single family dwelling on the Harvey Road portion of the lot. J. Butler arrived. He explained that his proposal is to divide the property into two residential lots (lot 11-98 consisting of 1.86 acres and lot 11-98-1 consisting of 3.24 acres) while utilizing the frontage on Maureen Circle. He informed the Board that a variance was granted to create a lot with less than the required amount of frontage on Maureen Circle. He described the wetlands on the property, the driveway access off the cul-de-sac on Maureen Circle, and the drainage design including the installation of a driveway culvert. He also noted that the current driveway on Harvey Road will be relocated to the south to meet the sight distance requirements. He stated that he received New Hampshire Department of Environmental Services (NHDES) Subdivision approval. He explained the one waiver that he is seeking from the subdivision regulation section 4.01.C which involves the plan scale. He stated that he provided a 1"=50' to allow the boundary plan to be shown on one sheet. He concluded his presentation and welcomed any questions.

J. Trottier described the waiver and outlined the design review comments as outlined in the Staff Recommendation Memorandum dated March 1, 2017. He added that Staff supports the granting of that waiver.

Vice Chair Soares asked the Board for questions. L. Reilly asked who owned the abutting lots north of the property. J. Trottier stated those are residential homes.

Vice Chair asked for public input and there was none.

L. Reilly made a motion to approve the Applicant's request for the above waiver to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated March 1, 2017

R. Brideau seconded the motion.

The motion was granted, 9-0-0.

Member A. Sypek made a motion to grant conditional approval of the subdivision of 9 Harvey Road from one lot into two, Map11 Lot 98, Victory Baptist Church (Owner & Applicant) in accordance with plans prepared by S.E.C. & Associates, Inc. dated August 10, 2016, last revised January 6, 2017 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 March 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 9-0-0.

"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/Tighe & Bond review memo dated March 1, 2017.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. Access, utility and drainage easements shall reviewed and approved by the Town.
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 a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Third-party review fees shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering 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.
3. **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.
4. 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.
5. Prior to issuance of a certificate of occupancy, all site improvements shall be completed.

B. Application for formal review of a site plan for a change of use for a dog day care center and a nano-brewer, 298-302 Rockingham Road, Map 17 Lot 24, Zoned C-II, Remi O. Fortin (Owner & Applicant)

Vice Chair Soares read the case into the record. J. Trottier informed the Board that there are four outstanding checklist items and an associated waiver request. He reviewed the four outstanding checklist items and the waiver requests as outlined in the Staff Recommendation Memorandum dated March 1, 2017. He noted that Staff supports the granting of waivers 1, 2 and 4 but not waiver 3 as this requirement is normally not waived and provides for standard language used in all plans. He recommended that if the Board approves waiver requests for 1, 2 and 4 and denies waiver request for 3 then the Staff would recommend that the application be accepted as complete.

Member A. Sypek made a motion to approve waivers 1, 2 and 4 as outlined in the Staff Recommendation Memorandum dated March 1, 2017.

R. Brideau seconded the motion.

Motion was granted, 9-0-0.

Member A. Sypek made a motion to deny waiver 3 as outlined in the Staff Recommendation Memorandum dated March 1, 2017 and to require that Standard Notes q, r, s and t be added to the plan set.

L. Reilly seconded the motion for discussion purposes.

L. Reilly asked for further clarification about what notes q,r,s and t are. J. Trottier responded those notes are four general standard notes on the plan and it is rarely requested that these notes are not included on the plan. He pointed to note t and its importance which provides that all improvements specified on the site plans shall be constructed, completed, inspected and approved by the Town of Londonderry prior to the issuance of a certificate of occupancy.

Motion was granted, 9-0-0.

L. Reilly made a motion to accept the application as complete as outlined in the Staff Recommendation Memorandum dated March 1, 2017, with the condition that Standard Notes q, r, s and t be added to the plan.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. Vice Chair Soares noted that this starts the 65 day time frame in which the Board has to render a decision.

Michael Hammer, Meridian Land Services, Inc., 31 Old Nashua Road #2, Amherst, NH presented for the applicant. He stated that the building on the 18 acre property is a vacant and a commercial rental. He stated that as part of this process and the changing of tenants, adequate parking and septic capacity was reviewed noting that the last site plan dates back to 1980s. He added that the waiver for the topographical study is being requested because they are basically changing tenants and not affecting certain portions of the property. He pointed out areas on the plan that will be affected. He noted that the building on the left will consist of the dog day care center and the building on the right will consist of the nano-brewery. He stated that he is working with the NHDES and was granted a water permit for the microbrewery. He noted that he has a new septic design to accommodate for the particulars of the brewing process. He discussed the driveway permit and stated that the only comments he received from the New Hampshire Department of Transportation was the necessity for thermal paint for

the stop bar. He also commented on the adequacy of parking and the need to restripe, for Town and ADA compliance. He concluded his presentation by adding that he is simply changing the tenants and seeking to comply with the regulations.

J. Trottier described the one waiver request to the site plan regulation as described in the Staff Recommendation Memorandum dated March 1, 2017 regarding property monuments. He indicated that Staff supports this waiver request. He then reviewed the design review items as described in the Staff Recommendation Memorandum dated March 1, 2017.

Vice Chair Soares asked the Board members if they had any questions. L. Reilly noted the well on the plan and asked about municipal water. J. Trottier stated that there is not municipal water on the property. She asked about the details of the brewery. Jane Fortin Keefe, property manager, addressed the Board. She stated that at the nano-brewery, customers are served a two oz. sample and given a growler to fill and take home. She stated that you can sit at the bar for a sampling and she anticipates the hours of operation from noon to 6:00 p.m. She added that the dog day care will have more hours with dogs staying overnight; however, there will not be an apartment on site. L. Reilly added that there is more parking on the site than necessary. J. Trottier noted that the parking needs to be updated to current standards and six spaces could be obliterated. He added that 23 spaces are required and there are 54 spaces. L. Reilly asked if there was significant buffer to surrounding properties. J. Trottier stated yes with the least amount of buffer in the east near the gravel area. A. Chiampa asked about the setbacks. Town Planner Mailloux stated there is a 50 feet landscape buffer which is required to be dimensioned on the plan. A. Chiampa asked if there will be food served, and J. Keefe responded not at this time. M. Hammer spoke about Staff Recommendation no. 5 regarding drainage. He noted that they are not proposing any changes. He discussed the drainage design and the asphalt and drainage noting that he cannot give a pre and post condition since he does not know the conditions in the 1980s. He referenced a conversation with Kevin Anderson, Meridian Land Services, and J. Trottier on Tuesday and the lack of survey data and the low precision contour data. He added that his engineer informed him that he cannot certify that there has been no net change because he is unsure of what the pre-existing conditions were. He added that he cannot make a pre and post comparison. He stated that he would like to work with Staff on this item and he does not think it can be resolved to the satisfaction of the regulation. He stated that the existing condition is what is there now as it has been there for over twenty years. J. Trottier stated that you can compare the approved site plan 1980 with today's existing conditions noting the runoff coefficient difference between gravel and the forested area. M. Hammer stated that the 1980 site plan does not show adequate topography at the top of the hill making it impossible to know the direction of the flow. J. Trottier stated that this issue can be satisfactorily addressed with the engineers. He offered as another option that the matter be continued. L. Reilly added that there are two professional who believe that this matter can and should be addressed.

Vice Chair Soares asked for public input and there was none.

M. Hammer asked about the sidewalk and J. Trottier recommended that wheel stops be provided.

Member A. Sypek made a motion to grant the applicant's waiver request from Sections 3.02 and 4.012c.4ii and Item V.3.b of the checklist to provide proposed property monuments.

R. Brideau seconded the motion.

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

Member A. Sypek made a motion to grant conditional approval of the change of use site plan for 298-302 Rockingham Road, Map 17 Lot 24, Fortin Realty Company, LLC (Owner and Applicant), in accordance with site plans prepared by Meridian Land Services, Inc., dated August 5, 2016, last revised January 9, 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 March 1, 2017.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Vice 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/Stantec review memo dated March 1, 2017.
2. Standard Notes q, r, s and t shall be provided on the plan.
3. Any existing exterior lighting be identified on the plan and note added to the plan stating that no new exterior lighting is proposed.

4. The Stormwater Management statement be updated to the satisfaction of the Department of Public Works and Engineering to reflect the current existing condition of the site.
5. The 50' buffer zone to the abutting residential-zoned properties shall be shown on the plan.
6. The existing gravel yard area be dimensioned and area noted on the plan, and a note added to the plan that any future expansion or development of such shall require site plan approval by the Planning Board.
7. 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.
8. The Applicant shall note all waivers and modifications granted on the plan.
9. 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.
10. Third-party review fees shall be paid within 30 days of conditional site plan approval.
11. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
12. Final engineering 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. **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. 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.
5. Site improvements must be completed in accordance with the approved phasing plan prior to the issuance of a certificate of occupancy

L. Reilly asked if there was any way to inform the public about continuances. Town Planner stated that a case is not officially continued until a motion is made and voted on by the Board. She added that the Planning Staff works with the public to inform them of the possibility of a continuance especially on the higher profile cases.

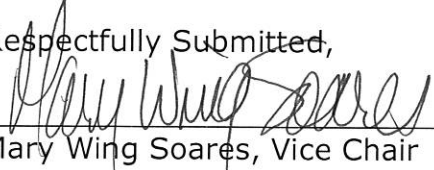
R. Brideau made a motion to adjourn the meeting at approximately 7:50 p.m. Seconded by A. Sypek.

Motion was granted, 9-0-0.

The meeting adjourned at approximately 7:50 PM.

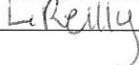
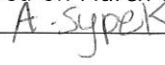
These minutes were prepared by Associate Planner Laura Gandia.

Respectfully Submitted,



Mary Wing Soares, Vice Chair

These minutes were accepted and approved on March 8, 2017 by a motion made by

 and seconded by .