

LONDONDERRY, NH PLANNING BOARD **MINUTES OF THE MEETING OF APRIL 6, 2016 AT THE MOOSE HILL** **COUNCIL CHAMBERS**

Members Present: Art Rugg, Planning Board Chair; Mary Soares; Chris Davies; Giovanni Verani, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Scott Benson; Jim Butler; Leitha Reilly; Al Sypek; Ann Chiampa (alternate member); and Ted Combes (alternate member).

Also Present:

Colleen Mailloux, Town Planner; John Vogl, GIS Manager/Comprehensive Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner (TEMP), Michael Ramsdell, Town Attorney

Chairman A. Rugg called the meeting to order at 7:04 PM and began with the Pledge of Allegiance.

ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES MARCH 9, 2016

Motion made by M. Soares and seconded by R. Brideau to approve the March 9, 2016 minutes as presented. Motion was granted, 6-0-3, with C. Davies, J. Butler and S. Benson abstaining. The Chair voted in the affirmative.

B. STONYFIELD FARM INC., 10 BURTON DRIVE, MAP 14, LOT 44-13

J. Trottier stated that in February 2016, Staff met with Stonyfield representatives regarding a proposed 480 square foot, 23 foot tall building addition and a 14 foot tall silo to be constructed on a 168 square foot pad. The addition and silo pad are to be located at the northerly portion of the existing facility on a paved surface. The Staff is requesting that the proposed improvements be handled administratively.

The consensus of the Board was that the matter can be handled administratively by Town staff.

C. 57 REAR PETTENGILL ROAD, MAP 28, LOT 17-2

J. Trottier stated the applicant requested that the Town Staff provide the Board with an update with its project. J. Trottier stated that Staff did meet with the applicant's representative at the beginning of March. The site plan was approved in October 2015, and the applicant is waiting for a lease to be signed by the appropriate parties. The applicant has no definite time as to when the lease agreement will be signed and do not have to come back to the Board for signature. Since October 2015, the applicant has tweaked the phasing line; therefore, the phase one building will be 24,000 square feet

less; however, the total build out will still be 299,000 square feet. There have been minor changes to the entrance, and changes to the loading docks and locations have occurred.

D. R.S. AUDLEY, INC., WHITE FARM ROAD PIT, MAP 7, LOT 105

Staff has met with Ryan Audley from RS Audley, Inc., 113 Route #3A, Bow, NH, who recently purchased Map 7, Lot 105 located on Gilcreast Road. R.S. Audley was awarded a contract with NH DOT for the widening of I-93. R.S. Audley intends to excavate material from the lot and ultimately reclaim the site with back fill from the I-93 project. R.S. Audley received conditional approval from the New Hampshire Department of Transportation (DOT) to operate a pit. Staff has confirmed with Town attorney that R.S. Audley's operation meets the exemption criteria per section 3.1.2.4 of the Zoning Ordinance. R.S. Audley submitted informational materials including the pit agreement and is currently preparing a plan to address the impending operation. Per the conditional approval from DOT to operate the pit, an approval from the Town is required prior to commencing work. Staff will draft an approval letter for the Chairman's signature. Pursuant to the Town's ordinance, R.S. Audley is exempt from the excavation requirements but R.S. Audley still needs to fulfill the restoration requirements and present a plan to the Town.

L. Reilly asked what was on the land and she was informed by J. Trottier that it was an approved 1987 five lot subdivision, White Farm Road. J. Trottier stated that the subdivision is no longer valid and nearly 30 years has lapsed since the approval. Since there will be mining of the soil, the land will not be suitable for how it was originally approved. A. Chiampa asked about wetland concerns, and J. Trottier stated that R.S. Audley will have to provide a current survey plan, property boundaries, wetlands delineations, flood plan elevations, etc. to the Town. A. Rugg stated that at some point in the future, the project manager for the I-93 project will appear in front of the Planning Board with an update. L. Reilly asked about fencing around the pit. J. Trottier stated that R.S. Audley will be constructing a berm (exact height is not known) and that abutters need to be notified. L. Reilly also asked about the spoils and the effect on water. J. Trottier stated that they will be above the water table and there is a state requirement to that effect. A question was asked about what is a spoil. Ryan Audley offered to address the Board.

R. Audley stated that the lot has been tested, and the native soil there tests for sand. He said that he is looking to harvest that material and replace in kind keeping the elevations constant, and staying above the water table. R. Audley stated that his company will post a bond with the Town, a restoration bond. He spoke retaining the services of a wetland scientist to delineate wetlands. He stated that he will fill with a combination of glacial till, humus, loam – all clean suitable soils.

Chairman Rugg asked Town staff if they had anything more to add and then asked the Board members for comments. L. Reilly asked if after the project

was complete if the lot was buildable. J. Trottier said that future development would have to go through soil survey and lot size calculations to make that determination.

The Chair will await receipt of the letter from J. Trottier for review and approval by the Board.

Public Hearings/Workshops/Conceptual Discussions

A. Public Hearing pursuant to RSA 231:158 to discuss tree removal in the public ROW of Adams Road, a state designated Scenic Road, associated with the construction of a new house and driveway at 43 Adams Road, Map 6, Lot 81-1, Zoned AR-I, Cross Apple Farm, LLC (Owner and Applicant).

Chairman Rugg introduced the case and indicated that there was a public hearing on this matter in October, 2015 where it was discussed that if the sight distance could not be met per Staff requirements, then the applicant would have to return to the Planning Board. Sight distance requirements were not met and the applicant is here for another hearing.

J. Trottier read into the record Staff recommendations as stated in his April 6, 2016 memo as follows:

The subdivision for 41 Adams Road was approved by the Planning Board on March 4, 2015. Adams Road is classified as a state scenic road. The approval was given with the understanding that if there were any sight distance issues with the new driveway, which would serve the new house at 43 Adams Road (created by the subdivision plan), the applicant would come back to the Planning Board to discuss the alternatives.

At the time of the original approval, the applicant stated that safe sight distance could be achieved by relocating some of the stones from the existing stone wall located to the east of the proposed driveway. The applicant moved a portion of the existing wall back from the edge of pavement in an attempt to achieve sight distance to the east. The applicant indicated that safe sight distance to the west could be achieved with the clearing of some existing brush.

After plan approval, the applicant approached Planning Staff and reported that a root of an existing tree is obstructing sight distance to the east of the newly constructed driveway. The applicant then returned to the Board on February 3, 2016 to discuss the removal of the tree. Staff recommended that because this was a safety issue, the tree impeding the required safe sight distance should be removed and 2 new native shade trees of at least 2 1/2 inch caliper should be planted behind the stone wall and on the applicant's lot.

The Board's decision was to leave the tree standing and remove 6 inches of root structure to achieve adequate sight distance in that direction.

During the February public hearing, no attempt was made to address the sight distance to the west. Some trees are still remaining obstructing the necessary sight distance to the west. As a result of this finding, the applicant is requesting a determination by the Planning Board as to the disposition of the trees, so that adequate sight distance may be achieved.

Richard Flier, 132 Pillsbury Road, Londonderry, NH, addressed the Board and thanked the Board for meeting again with him. He stated that the tree in question now was not in question during the full process. He stated that he had three meetings with the department at the site, and claimed that there was a clear unobstructed sight line in all directions when one puts their car in the required location to set the sight line, just before the tree. He stated that the tree in question is an unusual and beautiful red maple tree, has a different immune system, is healthier than other surrounding trees and has withstood everything that has been thrown on it including the road and the use of the road. At any given time when looking across the street at the U-Pick location at the Mack's farm, a Town treasure, he stated that you will see people walking, hitting golf balls, walking their dogs, and participating in many other activities. He stated that the tree in question has been there all along. He spoke of a dying stand of trees and this tree, one in that strip, is the best candidate to survive. He expressed frustration in the delay in obtaining the occupancy permit. He presented a letter to the Board from Michael Cross, Farm Manager Mack's Apple dated April 6, 2016 (Exhibit 1). He proceeded to say that he made a mistake originally - that his engineer just assumed that since his lot was subdivided from the entire parcel that the driveway should have been narrower, a residential exit. He stated that he had a second oversight because he was not paying attention. His contractor and driveway person in consultation with Mike Cross put hardtop on the entrance as it was. He stated that the entrance cuts across his property and is doing the same as Mike's family allowed. He is giving access to what the Town (the development rights), and what Mack's Farm own, for their farming. He stated his house comes after - there are two entities, and this is the only vital entrance. He stated this compounded his mistake. The whole process with the tree on the other side, he believed was already dealt with and waived. He tried in every way to get the Department to consider leaving the tree the way it is. He referenced Mack's letter from a safety point of view. He spoke of the value, contributed by Mack's family and Mike Cross' parents, of the property to the Town and its citizens. He addressed the mistake he made on the plan and his concerns with plowing, drainage, access of trucks and equipment, and requested that it be left alone. He stated that if you look at other house built up the road, there are several cases that have two driveways that turn into one, one large curb cut. He stated his house comes after the fact.

Kevin Leonard, Northpoint Engineering addressed the Board stating this is the third public hearing for the scenic road process which requires permission to

remove any trees. He stated that he went through the planning board process, technical review, and staff review last winter, and referenced the plan that was being shown on the board was the approved plan from March of last year. He stated that at a public hearing in March, there was a discussion about the stone wall to the east that obstructed the sight line, and he sought permission from the Board to move the rocks that were on that wall to achieve all seasons sight distance. Fast-forwarding to this winter, he stated that Mr. Flier's contractor performed that work, and it was later discovered that there was a tree root in the sight line and they came in front of the Board in February to talk about that (pictures were provided showing the resulting improvements that were done by removing that root to achieve the sight line - See Photos 6 and 7). The root was trimmed and a rock was moved. Pictures 9 and 10 showed the current trees in question, a large 40 inch tree and a smaller 10 inch tree. Promise Land Survey certified that the sight line was achieved between the driveway and the approaching car in the distance in the photo. Chairman Rugg asked how far back the picture was taken from the edge of the road. K. Leonard stated that he is standing about 10 feet back but may not be at the proper height. K. Leonard stated that this does not impact the ability to achieve the sight line, and it shows up on the plan that was originally approved. He stated that the sight line on the profile is shown on the west, and following the removal of the root, the builder started the process for a certificate of occupancy which triggered the Department of Public Works to go out and look at the driveway. At that time, he stated that J. Trottier advised them that the trees to the west were in the sight line and needed to be removed which was different from the way he felt they were guided in the process and in the previous public hearing - those items never came up and if they did, he would have asked for permission to do that work because he needed permission to touch anything in that corridor. All of this has led to frustration for R. Flier. K. Leonard questioned the Board as to what needs to get done to satisfy the Town so R. Flier can occupy the building.

Chairman Rugg stated that you have to meet the regulations of Town Staff satisfying that the sight lines are met in all directions. K. Leonard agreed, and commented on miscommunication or misguidance he received a year ago and a month ago. He stated that he always provided the sight lines, and these trees in question were always on the plan. He stated that if those trees needed to be removed, then Staff should have raised that fact a year ago and he would have asked for permission then. He stated that now it comes after the fact, and he is back for a third time to talk about it.

Chairman Rugg stated that Staff goes out once to check the conditions of the plan. The sight line condition on the plan should be met when Staff checks it. R. Flier stated that Town/J. Trottier came three times when his contractor and engineer were at the sight when it was requested all three times that the full measurement of the sight line be done. R. Flier stated that he was never told to tear down that tree. R. Flier stated that J. Trottier was satisfied and that he did not write anything to him, and he would not have tried to obtain a building permit if both sides were not addressed. R. Flier stated that he addressed it and addressed it in person. R. Flier stated that the Department's report differs 100% than his report.

J. Trottier responded that the first time he went out there he spoke to K. Leonard about the trees to the west. At that time, J. Trottier stated that he said to K. Leonard that those trees had to be removed, and K. Leonard asked if that was a desire. J. Trottier stated that he told him that it was not a desire.

K. Leonard replied that he did not disagree with J. Trottier that they met out there and that his understanding until he received J. Trottier's letter denying the driveway permit, was that they were trying to find sight lines. He commented that when they were out there that day, J. Trottier did say that he would like to see those trees removed and K. Leonard asked him is that a desire not a requirement. K. Leonard stated that was his impression of what J. Trottier was asking. K. Leonard said that J. Trottier knew he was going back to the Board to deal with the root, and if it was a requirement and not a desire then why did J. Trottier not mention it at that time. K. Leonard stated that he looked at the minutes from the other meeting and this issue never came up. He expressed frustration at being in front of the Board again and wanted to resolve it.

J. Bulter asked referencing the plan, if these sight lines were the ones presented to K. Leonard. K. Leonard responded yes. J. Bulter then asked if in those sight lines if you can see those trees. J. Bulter said that you do not have to get permission. He said that if you take a look at the drawing it shows that those trees are in the sight line. You have to make sure that the sight line is clear before you get an occupancy permit. K. Leonard responded that he does not have permission to take those trees down. J. Bulter asked again if this was his plan and if those trees were in the sight line and K. Leonard responded yes to both.

Chairman Rugg asked for any additional Staff comments and there was none. He asked the Board for questions and/or comments. C. Davies stated that there was a lot of discussion about the easterly side and little discussion about the westerly side. He stated there was a miscommunication, and if you look at the picture there is a blind spot there. A car, motorcycle, or person would be totally invisible behind that tree signifying safety issues. A. Chiampa stated the tree is in the site line up to the edge of the pavement, and felt that the tree needs to be removed for safety reasons.

T. Combes stated that there appears to be a huge miscommunication between the Town and the engineer. R. Brideau agreed with C. Davies and pointed out the blind spot that exists with the tree.

J. Bulter stated that there was no miscommunication. He stated that the plans were submitted, and that K. Leonard agreed that the trees are in the sight line. He stated he is not going to give a waiver and have something bad happen to a family, or have someone get injured/killed. He commented on the blind spot and noted that the house is beautiful but unfortunately, he cannot allow the tree to remain.

M. Soares agreed with J. Bulter that the original plans were conditionally approved with the provision that the sight lines would be intact and with that approval, she stated that the applicant had permission to cut down those trees. She stated that the applicant did know that he had to cut the tree down because he came in front of the Board seeking not to cut it down, and instead to only cut a

root portion off of the tree.

L. Reilly agreed with the points already stated. She stated that the Board looks to Town Staff to offer guidance and help with the regulations.

A. Sypek referenced March, 2015 and the discussion about the stone wall and tree removal, and the instructions to the applicant to meet the 250 foot sight line distance. There was no miscommunication. From a public safety point of view, he stated that you need to have an unobstructed sight distance.

Chairman Rugg asked J. Trottier if there were any other trees in question. Chairman Rugg wanted to make clear what needs to be done. J. Trottier confirmed with K. Leonard that they are still working on the stone wall to get it out of the sight triangle. J. Trottier stated there are three obstructions at this time. Chairman Rugg stated that there are two trees to the west that have to be removed, and there is a stone on the west that may cause a problem (reference was made to photo 9). J. Trottier stated that there will need to be certification that the sight lines are met.

J. Czyzowski, Department of Public Works and Engineering, stated that the sight distance cannot be engineered at this meeting – that it has to be done in the field by a surveyor or engineer who will determine the profile of every obstruction within the sight line being only one component of the requirement. He noted under the regulations that anything from the sight line to the edge of pavement that obstructs any sight distance shall be removed along with the requirement of 18 inches of separation. He stressed that all determinations need to be made in the field including possibly obstructions by stones, stone walls, and any blind spots. He also expressed concern over the dangers of snow piles which will increase obstructions and the danger associated with them. He concluded that from a safety issue, the Town cannot grant the waivers.

Michael Ramsdell, Esq., Town Attorney, at the request of A. Sypek spoke and stated that the Board was doing the right thing and it was going well.

Chairman Rugg asked for public input and there was none. R. Flier stated that he has done his best and will respect the Board's decision based on safety. He asked that the Board consider the driveway width as well because he cannot get the building permit, and he cannot take another delay. He stated that for 30 years, the entrance with the existing driveway width was used by the farm without incident with the tree there. He stated that he is allowing the farm to continue to use the driveway, and he hoped that the Board would consider the safety issue concerning the width of the driveway. He agreed to take down the tree if required but will do his best to uphold the scenic nature and the good that that particular area provides to the Town. He had a request from Moose Hill Orchards about the driveway width. He admitted his mistake in putting in the plan that the driveway was narrow, for residential use. He asked the Board to make that decision as well. He maintained that it will be a safety issue to narrow the driveway.

Chairman Rugg stated that there are certain things that they have to do especially when it comes to public safety and welfare.

M. Soares spoke of the problem of the driveway being too wide and asked J. Trottier for input. J. Trottier stated that the Department of Public Works is working with R. Flier on the width of that driveway. M. Soares asked if that will

hold up the certificate of occupancy once the trees are removed. The question was asked if the driveway can stay the width it is. J. Trottier said the department will work with him. M. Soares asked if the stone wall and trees are the last issue. J. Trottier reminded her of what J. Czyzowski said about going to the field before a certificate of occupancy is given. C. Davies reminded everyone that the requirements have to be met. A. Chiampa referenced Mike Cross' letter to the Board and his concern about reducing the width of the driveway. M. Soares asked if the Department was asking R. Flier to reduce the width of the driveway.

J. Czyzowski stated that when he went to the site he noticed that that the driveway was constructed wider than what was on the plan, and built in the wrong location, not what was stated on the plan (was much closer to the west and shifted to the west a few feet). He stated the driveway is 5 feet wider than the requirement. He stated that this is something the Town has the standards for, 12 feet wide and five foot radius, and if the Board wishes to leave the driveway as constructed right now in its present location, then the Department will have to check the sight distances because the profile of the road will be shifted. He stated that the Department of Public Works does not object to existing location from where it is constructed right now, if the proper sight distances are met, and if the Board wishes to waive the width of the driveway because it is already constructed (but is constructed in a location not per plan), the Department does not object. A. Sypek asked that since this is a public hearing on the removal of a tree would the Board have to address the issue of the driveway width after this public hearing. Chairman Rugg stated that if the directive comes from a motion from the Board that would go well with it. L. Reilly stated that it is not the purview of the Planning Board to make a motion to remove the tree, and the Board should motion according to the Town's regulation which was already done by conditionally approving this plan. M. Soares agreed that the plan stated that all obstructions in the right of way had to be removed. Chairman Rugg stated that this is a hearing on the scenic road. K. Leonard disagreed and stated that a year ago in March there was a parallel scenic road hearing with the Planning Board meeting and the meeting minutes specifically stated that if he has to touch anything other than stones, he would need to come back to the Board as a condition of approval (which is why he was here a month ago because he was trying to perform work on a tree). He believed the Board was incorrect because a year ago he did not have permission to remove anything but stones. Chairman Rugg stated the discussion tonight was about trees which is in the purview of a scenic road public hearing.

M. Soares made a motion for the approval of the removal of trees or any other items that would cause obstruction in the 250 feet all season sight distance requirement for the newly constructed driveway providing access to 43 Adams Road, noting and approving that this driveway is larger in width than what the regulations allow, and location is different from what is shown on the plan.

Motion seconded by S. Benson.

Chairman Rugg asked for discussion and stated that the driveway will remain as is and the sight distances will still have to be met.

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

R. Flier offered fire wood to the Board.

Chairman Rugg introduced Colleen Mailloux as the new Town Planner and extended a welcome to her.

B. Application Acceptance and Public Hearing for formal review of a lot line adjustment between Tax Map 2 Lot 36 at 5 Continental Drive and Tax Map 2 Lot 36-6 at 1 Continental Drive, Zoned Ind-I and Ind-II, Continental Paving, Inc. (Applicant and Owner). [Continued from March 2, 2016 per Applicant request]

Chairman Rugg introduced the case. J. Trottier stated that there are no outstanding checklist items. Staff recommended the application be accepted as complete.

M. Soares made a motion that the Planning Board accept the application as complete per Staff's Recommendation Memo dated April 6, 2016.

R. Brideau seconded the motion.

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

Chairman Rugg stated that this starts the public hearing and the 65 day time frame to render a decision on the plan.

Earle D. Blatchford, Hayner/Swanson, Three Congress Street, Nashua, NH presented for the applicant, and asked if he should combine his presentation for the lot line adjustment and site plan. Continental Paving wants to put a small addition on its office building at One Continental Drive. The existing width of the building is 30 ½ feet, and Continental wants to extend it 24 feet on the northerly end of the existing residential style building (small scale) on industrial property. He stated that the addition would encroach into the side lot line so he met with Staff to determine the cleanest way to address it, and concluded it was a lot line relocation. Continental Paving owns both lots, Lot 36 and Lot 36-6, and wants to take a section along the entrance driveway, 60 feet wide and 400 feet long, to move the lot line to the northerly side of the driveway. Just under 26,000 square feet will be transferred from Lot 36-6 to Lot 36. The existing office is a colonial style building and the addition will match the existing building exactly with color, materials and style.

He noted that on the lot line plan, there is a request for three (3) waivers to the Subdivision Plan Regulations. He reviewed the following three waiver requests:

1. Section 4.05 requiring a benchmark for every 5 acres. Because there is no construction associated with this plan and there is one benchmark shown that will support the future site improvements, Staff supported granting the waiver.
2. Section 4.12.B requiring that the boundary be shown for the entire parcel of

any lot that is the subject of a subdivision. The plan shows the boundary of the parcel gaining the additional lot area. The applicant's waiver request is related to showing the entire boundary of the larger approximately 68 acre parcel. Staff supported granting the waiver because this is a lot of record as referenced by the current application and there is a boundary plan on file for Lot 36.

3. Section 4.17 requiring a topographic plan with HISS mapping. Staff supported granting the waiver because there is no construction proposed with this plan, and Lot 36-6 is a lot of record as referenced by the current application.

Earle Blatchford noted on the site plan that there is a request for four (4) waivers to the Site Plan Regulations. E. Blatchford reviewed the four waivers and Staff responded as follows:

1. Section 2.04.b.4 and Exhibit 3 requiring the submission of an application fee calculated on the entire area of the parcel. A fee based on a quarter acre disturbed area was appropriate.
2. Section 4.01.c requiring plan scale to be no greater than 1"= 40'.
3. Section 4.05 requiring a benchmark for every 5 acres.
4. Section 4.14.a.1 requiring the provision of existing topography for the entire parcel of almost 12 acres for a tiny addition.

Chairman Rugg asked the Staff for comments. J. Trottier stated that E. Blatchford summarized the plans well. Continental is gaining approximately 26,000 square feet to the north in order for them to put on a 1300 square foot addition. After J. Trottier spoke of the 3 waivers for the lot line adjustment, he referenced some of the minor precedent conditions.

Chairman Rugg asked if there was any other input from Town Staff and there was none. He asked for questions/comments from the Board. Chairman Rugg asked about the original plans which prohibited trucks turning left. E. Blatchford stated that he was out at the site recently and the sign was still there. J. Trottier stated that Town Staff will work with the applicant to ensure that it is still enforced and in place. Chairman Rugg asked for public input and there was none.

M. Soares made a motion to approve the applicant's request for the three (3) waivers as outlined in Staff's Recommendation Memo dated April 6, 2016.

R. Brideau seconded the motion.

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

M. Soares made a motion to Grant Final Approval to the Lot Line Adjustment between Tax Map 2 Lot 36 at 5 Continental Drive and Tax Map 2 Lot 36-6 at 1 Continental Drive, Zoned Ind-I and

Ind-II, Continental Paving, Inc. (Applicant and Owner), in accordance with the plans prepared by Hayner-Swanson, Inc., dated January 29, 2016, with the precedent conditions to be fulfilled within two (2) years of the approval and prior to plan signature, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff memo, dated April 6, 2016.

R. Brideau seconded the motion.

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

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

PRECEDENT CONDITIONS

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

1. The Applicant shall provide the Owner's signature on the plans.
2. The Applicant shall note all waivers granted on the plan.
3. The Applicant shall provide copies of required easements, deeds, protective covenants and any other legal documents if applicable.
4. The Applicant shall provide a digital (electronic) copy of the complete final plan to the Town prior to plan signature by the Board in accordance with Section 2.05.n of the regulations.
5. The Applicant shall provide a check for \$25 (made payable to the *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that became effective on recording of all plans and documents at the registry on July 1, 2008.
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 lot consolidation plans)**, per the new requirements of RSA 676:3.
7. Final engineering review.

PLEASE NOTE - If these conditions are not met within two (2) years to the day 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.

C. Application Acceptance and Public Hearing for formal review of a site plan amendment to construct a 2-story office addition, Tax Map 2 Lot 36-6 at 1 Continental Drive and West Road, Zoned Ind-I and Ind-II, Continental Paving, Inc. (Applicant and Owner). *[Continued to from March 2, 2016 per Applicant request]*

Chairman Rugg introduced the hearing. J. Trottier stated that there are no outstanding checklist items and Staff recommended that the application be accepted as complete.

M. Soares made motion that the Planning Board accept the application as complete per Staff's Recommendation memo dated April 6, 2016.

R. Brideau seconded the motion.

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

Chairman Rugg stated that this starts the 65 day timeframe to render a decision on the plan. J. Trottier responded to the applicant's request for four (4) waivers to the Site Plan Regulations as follows:

1. Section 2.04.b.4 and Exhibit 3 requiring the submission of an application fee calculated on the entire area of the parcel. Staff supported granting the waiver because the applicant submitted a fee based on the area limited to the site plan amendment and it is

consistent with past Board practice of allowing a reduced fee based on the area of disturbance for projects located on large parcels.

2. Section 4.01.c requiring plan scale to be no greater than 1" = 40'. Staff supported granting the waiver to permit the plan to show the entire parcel on a single sheet at 1" = 50' scale and the proposed improvements are clear at the scale presented.

3. Section 4.05 requiring a benchmark for every 5 acres. Because this is a small amendment to a plan of record and there is one benchmark shown that will support the future addition construction, Staff supported granting the waiver.

4. Section 4.14.a.1 requiring the provision of existing topography for the entire parcel. Staff supported granting the waiver because proposed site improvements are limited to the area around the building addition and adjacent parking lot where topography has been provided. The waiver is for the remainder of the lot which is an existing lot of record as referenced on the plan.

J. Trottier noted that there are minimal precedent conditions: owner's signature, revising the title block, providing electronic digital copy of complete plan set, any financial guaranties if necessary, and final engineering review.

Chairman Rugg asked if Town Staff had any other comments or input and asked for public input for the site plan. There was none.

M. Soares made a motion to approve the applicant's request for the four (4) waivers as outlined in Staff's Recommendation Memo dated April 6, 2016.

R. Brideau seconded the motion.

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

M. Soares made a motion to grant final approval to the Site Plan Amendment to construct a 2-story office addition, Tax Map 2 Lot 36-6 at 1 Continental Drive and West Road, Zoned Ind-I and Ind-II, Continental Paving, Inc. (Applicant and Owner), in accordance with the plans prepared by Hayner-Swanson, Inc., dated February 5, 2016, and last revised March 3, 2016, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memo, dated April 6, 2016.

R. Brideau seconded the motion.

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

"Applicant", herein, refers to the property owner, business owner, or organization

submitting this application and to his/its agents, successors, and assigns.

PRECEDENT CONDITIONS

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

8. The Applicant shall provide the Owner's signature on the plans.
9. The Applicant shall revise the title blocks to state that this is a Site Plan Amendment.
10. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.
11. Outside consultant's fees shall be paid within 30 days of conditional site plan approval.
12. Financial guaranty where necessary.
13. Final engineering review

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit and the site restoration financial guaranty is in place with the Town.** Contact the Department of Public Works to arrange for this meeting.
2. The Lot Line Adjustment Plan approved by the Planning Board on April 6, 2016 shall be signed by the Planning Board and recorded at the Rockingham County Registry of Deeds prior to requesting a Pre-Construction Meeting with Staff.
3. The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Division & Department of Public Works, or if staff deems applicable, the Planning Board.

4. 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.
5. All site improvements and off-site improvements must be completed prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within six (6) months from the issuance of the certificate of occupancy, or the Town utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy without prior Planning Board approval.**
6. As built site plans must be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
7. It is the responsibility of the Applicant to obtain all 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.

D.Public Hearing for review of a "Compliance Alternative" to the PUD Master Plan related to sign requirements for Annie's Hallmark and the NH Liquor and Wine Outlet at the Market Basket Shopping Center - Robert D. and Stephen R. Lievens, c/o NAA Associates, Joanne Joyce (Owner), 5 Garden Lane, Tax Map 10 Lot 54-1, Zoned Woodmont Commons PUD, DSM Realty (Applicant).

Chairman Rugg introduced the hearing.

John Matthews, DSM Realty, 875 East Street, Tewksbury, MA and Andrew Davis, NH Liquor Commission, Director of Real Estate and Leasing introduced themselves to the Board, and presented for the applicant. J. Vogl addressed the Board stating as part of the Woodmont Commons PUD Master Plan, Section 2.2.1 there is a provision that allows the Planning Board to grant an

alternative standard when it meets the intent of the Planning and Design Principles of the PUD Master Plan. DSM Realty, the owner's agent, has submitted a request to the Board to consider an alternative to the sign regulations within the Master Plan, for Annie's Hallmark and the NH Liquor and Wine Outlet. J. Matthews stated that those stores are looking to open this current spring and the process for making a determination includes a review of the applicant's documentation describing the proposed alternative, and how it complies with the intent of the PUD Master Plan, followed by a public hearing.

J. Vogl commented that outside of the PUD, a request like this would go to the Zoning Board but because they located and contained within the Woodmont Commons PUD, the Planning Board has jurisdiction. Annie's Hallmark Store is under construction and put in a request for three signs that conflicts with the Woodmont Commons PUD; therefore, they are seeking a compliance alternative. Chairman Rugg stated there will be three signs and J. Vogl confirmed.

J. Matthews stated that Annie's Hallmark has been a tenant for at least six years. He described Annie's two distinct entrances and its requirement to have two separate entrances because it sells licensed products. He noted that the new store is going to look like the old store with Annie's sign central and they are not exceeding the allowed square footage and are keeping with the intent of the regulations. He stated that the signage is hollow signage, solid letters with the light behind them. Chairman Rugg asked for any additional comments from the Staff and comments from the Board. He stated that Heritage Commission reviewed this and J. Vogl stated that the Commission gave it a favorable impression. C. Davies asked if the PUD regulation required that it has to be in one sign or just a total square footage. J. Vogl stated that there is one sign per tenant, and they are within the total square footage. L. Reilly stated that if the Heritage Commission was ok with it, then she was as well. Chairman Rugg asked if there was any input from the public and there was none.

Chairman Rugg asked for input for the Liquor Commission sign. J. Vogl stated that the Code Enforcement Officer rendered an opinion that these signs are exempt per the state RSAs. A. Davis stated that they do enjoy statutory exemptions but they do try to be a good neighbor and vet the plans. He noted that the one sign with square footage compliance, is part of the post and beam entrance of the NH Liquor Commission brand. It was his understanding that the Heritage Commission supports it. *(Please note that the NH Liquor and Wine Outlet is covered under RSA 674:54 as a Governmental Land Use, and as such, the Board may only make non-binding recommendations regarding the signage for their storefront.)*

M. Soares made a motion to grant the applicant's request for approval of the Compliance Alternative for signage standards for Annie's Hallmark and the NH Liquor and Wine Outlet, in accordance with the drawings presented to the Board and as outlined in Staff's Recommendation Memo dated April 6, 2016, with the following conditions:

1. The Planning Board approval applies to the subject storefronts for the current signs proposed, as well as any future sign amendments for these storefronts, with Building Department approval of applicable sign permits, so long as the proposed sign amendments continue to meet the requirement of the PUD Master Plan; and
2. The Planning Board Approval does not extend to any other storefront on this property.

R. Brideau seconded the motion.

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

E.Application Acceptance and Public Hearing for formal review of a site plan to construct a self-storage facility at 7 Planeview Drive, Tax Map 14 Lot 13-4, Zoned IND-II, Russell F. and Francine Wilmarth Revocable Trust (Owner) and Planeview Self Storage LLC (Applicant).

Chairman Rugg introduced the case, J. Trottier stated that there are no outstanding checklist items, and Staff recommended the application be accepted as complete.

M. Soares made a motion that the Planning Board accept the application as Complete per Staff's Recommendation Memo dated April 6, 2016.

R. Brideau seconded the motion.

The motion passed 8-0-0. The Chair voted in the affirmative. (C. Davies was not present when the vote was taken)

Chairman Rugg stated that this starts the 65 day timeframe to render a decision on the plan. He excused himself and M. Soares took over the meeting briefly until his return.

Paul Scarpetti, Sierra Homes, Inc., 180 Londonderry Turnpike #1, Hooksett, NH and Earl Sandford, Sandford Surveying and Engineering, 597 New Boston Road, Bedford, NH introduced themselves to the Board, and presented for the applicant who is seeking to develop the property as a self-storage facility. E. Sandford stated that the property is right off the airport, and that Planeview Drive is a short cul-de-sac road to an undeveloped parcel approximately 9 acres. He stated that the property has two railroad tracks to the north of it with a trail for biking and walking with a 12 feet drop down as shown on the plan with massive wetlands off to the right with large setbacks (they are not within those setbacks). The applicant attempted to screen that trail as it was a concern. E. Sandford reviewed the history of the land noting less than three years ago, the applicant started the process for developing this parcel with an office building and obtained a dredge and fill approval. He pointed out the dark

portion on the plan as wetland that needed to be filled to make the lot viable and three tongues of wetlands that come through this property (one under half an acre that is not subject to 50 foot conservation overlay and one over half acre which has 50 foot buffer that went through process of approval including meeting with conservation, dredge and fill and fish and game). He noted the ending result is nine acres, 3.758 acres were put into conservation land to mitigate the impact both to the wetlands and to potential rabbits and endangered species that may be in the area. The permit was obtained about three years ago and there has been major shifting to minimize the impact to the wetlands. He pointed out on the plan the darkened area is the wetland impact, the shaded is pavement, and the three large buildings are part of your typical self-storage, low profile, with a nice detached office building, a depot station type design. He stated there are nine acres with 3-4 for conservation, two acres for buildings and pavement, and the remaining acres to mitigate the impervious areas (ponds and treatment swales) with the site undergoing the alteration of terrain process. He also pointed out there is a spot for RV and boat storage along with a corridor for larger trucks and trailers. He noted that the Conservation Commission suggested that he find a way for the 50 ft south of building A not to be paved as the Commission preferred it to be grass. Unfortunately, grass would not be feasible for the typical usage of the unit and for getting the trucks back and forth. He noted that these sites produce very low traffic, 48 trips, 24 people coming through the gate on an average day. He added that this is about the 5th iteration to adjust things to make it work with the land. With this project, there are seven acres remaining green.

Chairman Rugg asked for a rendering to review and stated that the Heritage Commission reviewed this as well. Chairman Rugg asked for Staff input. J. Trottier stated that the applicant is requesting the following three (3) waivers to the Site Plan Regulations and commented as follows:

1. Section 3.11.g.3 requiring 1 shade tree for every 15 parking spaces. Staff supported granting the waiver because the use is permitted in the industrial district, and is situated at the end of a cul-de-sac with little visual impact from the street. The applicant has provided a reasonable mix of evergreen trees along the perimeter of the lot, in particular in locations to screen the use from the rail trail.
2. Section 3.11.g.5 requiring one shade tree for every 20 feet of parking lot perimeter. Staff supported granting the waiver because the use is permitted in the industrial district, and is situated at the end of a cul-de-sac with little visual impact from the street. The applicant has provided a reasonable mix of evergreen trees along the perimeter of the lot, in particular in locations to screen the use from the rail trail.
3. Section 4.01.c requiring that the existing conditions plan be at a scale of 1" = 40', and the applicant has submitted the plan at 1" = 50'. Staff supported granting the waiver because the existing conditions plan can be shown on a single sheet at this scale and remain legible.

J. Trottier also mentioned there are some design review items as

follows:

1. The applicant's sight distance plan provided with this submission indicates a sight line across the adjacent lot (Map 14, Lot 13) is necessary to achieve the required sight distance. Staff noted that an additional sight distance easement is indicated on the abutting lot, but no information was included relative to the new easement shown under this submission including the abutter's acceptance. In addition, the sight distance improvements are not indicated on the plan and profile to achieve the sight distance. Staff recommended the necessary improvements be indicated on the plans and the required professional endorsements for the Sight Line Certification be provided along with the sight distance easement information.
2. The applicant indicates the NHDES Alteration of Terrain Permit application was submitted. Staff noted that the NHDES Subsurface Sewage Disposal Permit application does not appear to have been submitted. Staff recommended that the applicant submit for and obtain all project permits, indicate the permit approval numbers in note 16 on Sheet 2 of 12 and provide copies of all permits for the Planning Division files per section 4.13 of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
3. The applicant is proposing a 4'x8' "lit from above sign" on the south-west side of the property, adjacent to the Town's Right of Way on Planeview Drive. However, the applicant did not provide any photometrics for the proposed sign to clarify compliance is achieved. Staff noted that the sign detail does not include any lighting information. Staff recommended the applicant update the Lighting Plan and sign detail, as necessary, to clarify compliance and acceptable to the Planning Division.
4. Staff recommended that the applicant provide the Owner's signature on all applicable plans in accordance with the regulations.
5. An electric and telecom easement plan was included in the project submission that indicates easements are proposed on abutting lot 13 to serve this site. Staff recommended that the applicant provide a reference on the site plan regarding the easement plan. Staff recommended this easement plan be recorded at the Rockingham County Registry of Deeds prior to approval of the site plan by the Planning Board. The note on the site plan should indicate the recording information accordingly and the utility plan updated accordingly.
6. Staff recommended the applicant address the following relative the submitted **Site/Utility/Grading Plan**:
 - a. The applicant has updated the proposed water service to the site and includes revised Utility Notes shown on

- the Utility Plans. The plan indicates repurposing of an existing corporation within the existing Planeview Drive pavement, which does not appear to be clearly shown. Staff recommended the applicant discuss the proposed work with the Department of Public Works and Engineering and confirm the proposed work within the Right of Way, and that the proposed impacts would be acceptable.
- b. The applicant's revised plan does not appear to indicate that the proposed fence line is to be located one foot from the Area of Development Restriction as noted in their response letter. Staff recommended the applicant clarify the offset from the proposed fence line along the Area of Development Restriction to prevent any disturbance within the restricted area. Please update the Site Plan and Construction Details accordingly.
 - c. The applicant's revised design indicates a new access road on the east side of the site from the paved storage area towards the Stormwater Basin and Treatment Swale. However, the revised plans do not address if the access road is to be paved, gravel or other surface since there was no detail provided in the updated plan set. Staff recommended updating the plans to identify the surface material of the access road and update the construction details and drainage report accordingly.
 - d. The revised and proposed water service and sewer service connections at the proposed office building do not provide the minimum ten foot of horizontal separation as required by NHDES. Staff recommended revising the plans to achieve ten foot minimum separation between sewer and water services, as shown on the Parallel Installation detail on Sheet 12 and per NHDES.
 - e. The applicant's revised plan indicates a Limit of Construction boundary throughout the proposed site. However, on the south side of the site, Staff noted that the boundary does not include the area that will be disturbed to install the proposed fence. Staff recommended updating the Limit of Construction boundary throughout the site to show accurate limits of the proposed disturbance. Staff recommended indicating and labelling a limit of work and pavement patch location for the electric service installation within the existing parking lot on the adjacent property at Map 14 Lot 13 for proper construction. Staff noted that the applicant's updated easement plan in this submission includes the notation of "Blanket Easement To Follow Lines As Laid."

Staff also recommended the applicant address/clarify the following on the **Construction Details** for the project:

- a. The applicant has provided two separate typical underdrain details in the plan set. Staff recommended that the applicant remove one detail, and provide one detail that is acceptable to the Town.
- b. The applicant proposes a level spreader to be installed at the outlet of the Proposed Treatment Swale. Staff noted that the construction detail indicates that the level spreaders are to be constructed using hand placed 6" stone and it is unclear how a level lip would be provided. The Department of Public Works typically requires level spreaders to be constructed using a permanent level lip structure. Staff recommended the applicant update the level spreader acceptable to the Department of Public Works.
- c. The applicant's revised outlet structure provided with this submission includes a vertical slotted weir plate that does not appear to be open at the top consistent with the Town's Typical Detail Exhibit D108. In addition, the outlet structure includes (3) 32" wide weirs on 3 sides of the outlet structure. Staff recommended revisions acceptable to the Department of Public Works.

Staff recommended the applicant address the following relative to the revised Project Drainage Report:

1. The report does not indicate the impacts to all abutting lots as typically required by the Town. Staff recommended updating the summary table in the report narrative that indicates the pre- and post-development impacts to each abutting lot and indicate no increase in runoff in accordance with the regulations is achieved as typically required by the Town.
2. The project design includes impacts to abutting lot 13, but the pre and post development analysis does not include these impacts or the on-site impacts related to the utilities. Staff recommended reviewing and revising the pre- and post-development analysis to include these project impacts and verify compliance with the regulations is achieved (no increase in runoff).
3. The 25-year post development calculations indicate the flow along the treatment swale TS1 indicates the average elevation (1.30') exceeds the indicated channel depth (1.00') and thus is not properly designed for the required design storm of the regulations. Staff recommended revising the design to provide a design that is proper and adequate for the required design storm, and confirming the revised design complies with the regulations (no increase in runoff).
4. Staff recommended reviewing and updating the swale summary table to indicate the proper units for Q in the 2 and 25-year event and the V for the 25-year event.

Staff recommended that the applicant verify the DRC Comments for the project are adequately addressed.

Staff also noted that the applicant has requested a Conditional Use Permit and responded as follows:

The applicant has requested a Conditional Use Permit to allow a permitted use in the Conservation Overlay District. The request is to allow 7,533 square feet (0.17 acres) of impact to the Conservation Overlay District (COD) wetland buffer associated with the construction of the driveway to access the site and a portion of the southerly driveway. The Conservation Commission requested and NHDES required that the Applicant place 3.8 of the 9.4 acre site in a permanent non-disturbance conservation easement as mitigation. Staff recommended granting the Conditional Use Permit because the application meets the criteria as outlined in Section 2.6.3.4.1 of the zoning ordinance.

J. Vogl commented on the rail trail and the view shed preservation, and noted the applicant had gone to great length to protect those views.

C. Davies pointed out the nondisturbance area is the DES mitigation area, and noted the conditional use for the construction of the driveway and his concerns for wetland impact and the conversation overlay. J. Trottier stated that it goes away once it is filled. G. Verani asked for clarification of the waiver for shade tree, and asked how many trees are there. E. Sandford showed the new trees on the map as approved on the site plan, the trail and its protection, and the buffer of the view shed. L. Reilly asked about DES and its role. Chairman Rugg asked for input from the public.

M. Speltz, 18 Sugar Plum Lane, alternate member of the Conversation Committee, who was not present at the conservation meeting when this plan was discussed, addressed the Board. He stated that this is a good example of trying to put 10 lbs in a 5 pound bag where the applicant comes in with a number of waivers and a conditional use permit to get more development on a small parcel than what is allowed under the regulations if you adhere to them strictly. He recognized that the applicant has gone to great lengths to accommodate but the point is that the Town should not lead applicants down the primrose path thinking they can squeeze 10 lbs into a 5 pound bag. He stated that the Town ought to adhere to its ordinances.

There was no other public input.

M. Soares asked about the bays and the grass on both sides, and was informed that there are symmetrical bays on both sides.

M. Soares made a motion to approve the applicant's request

for the three (3) waivers to the Site Plan Regulations as outlined in Staff's Recommendation Memo dated April 6, 2016.

R. Brideau seconded the motion.

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

M. Soares noted for the record that it is a nine acre parcel with only two acres used for the actual operation, and disagreed that the Town is trying to put 10 lbs into a 5 pound bag.

J. Vogl pointed out that on the deed, the open space in the back has a direct connection to other preserves and open space.

M. Soares made a motion to grant the applicant's request for the Conditional Use Permit as outlined in Staff's Recommendation Memo Dated April 6, 2016.

R. Brideau seconded the motion.

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

M. Soares made a motion to grant Final Approval of a Site Plan to construct a self-storage facility at 7 Planeview Drive, Tax Map 14 Lot 13-4, Zoned IND-II, Russell F. and Francine Wilmarth Revocable Trust (Owner) and Planeview Self Storage LLC (Applicant) in accordance with the plans prepared by Sanford Surveying and Engineering, Inc., dated August 10, 2015, and last revised March 4, 2016, with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature, and the general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memo, dated April 6, 2016.

R. Brideau seconded the motion.

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

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

PRECEDENT CONDITIONS

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

1.The Applicant shall address all appropriate items from the Planning & Economic Development/Public Works & Engineering/Stantec review memo dated April 6, 2016.

2.The Applicant shall make the following changes to the Landscape Plan:

- A. Remove the line regarding the requirement for conifer trees.
- B. Change the white pines (*Pinus Strobus*) to white spruce (*Picea Glauca*) because white pines do not retain their lower branches and are ineffective as screen trees.

3.The Applicant shall note all Waivers and the Conditional Use Permit approved by the Londonderry Planning Board on the plan.

4.The Applicant shall provide the Owner's signature on the plans.

5.The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.

6.Outside consultant's fees shall be paid within 30 days of conditional site plan approval.

7.Financial guaranty where necessary.

8.Final engineering review

PLEASE NOTE - Once these precedent conditions are met and the plans are certified the approval is considered final. If these conditions are not met within **120 days** to the day of the meeting at which the Planning Board grants final 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 site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit and the site restoration financial guaranty is in place with the Town. Contact the Department of Public Works to arrange for this meeting. The pre-construction meeting will be a joint meeting with the City of Manchester in order to coordinate all construction activities and ensure that the requirements of both communities are met.

2.The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Division & 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.All site improvements and off-site improvements must be completed prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within six (6) months from the issuance of the certificate of occupancy, or the Town utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy without prior Planning Board approval.**

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

6.It is the responsibility of the Applicant to obtain all 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.

OTHER BUSINESS:

A. Regional Growth Management Activity Report

J. Vogl asked to make a more formal introduction of Collen Mailloux. He stated that Colleen Mailloux comes to the Town from Amherst where she was the Community Development Director and introduced her. The Board welcomed her.

J. Vogl stated that in January 2015 the Town of Londonderry let the Growth Management Ordinance lapse and at that time, the Planning Board asked Town Staff to continue running the GMO exercise to keep the Board apprised as to where the Town was in the grand scheme of growth. The Census Report stated that 278 building permits were issued for Londonderry which is higher than the building department's reports of 205 permits. J. Vogl noted that number is higher than what the Town has seen in recent years. J. Vogl presented a quick breakdown is follows:

- 57 non-age restricted single family units (Mill Pond, Lorden Commons and others – these contain previously approved plans),
- 37 age restricted single family units (Hickory Woods)
- 6 two-family units (3 buildings)
- 100 multi-family units including Wallace Farms (96 units; 50% workforce) and Trail Haven Estates (4 units elderly)
- 3 Accessory Dwelling Units
- 2 Mobile Homes

- * *An additional 58 units of Assisted Living were permitted (All American Assisted Living) during this period*

He stated that Londonderry has historically had two GMOs, one adopted in 2002 (Section 1.4) and one adopted in 1998 (Section 1304). The 2002 version required compliance with 2 of the 3 listed criteria for a determination of unsustainable growth. The 1998 version required compliance with all 3. He reviewed the criteria:

The first condition: The present year number of building permits authorized by the Building Department exceeds the average rate of dwelling unit authorizations in Londonderry over the six preceding calendar years. The answer is yes.

The second condition: A percentage increase in housing units over the preceding calendar year equal to [or greater than] the rate of increase in housing units for that preceding year summed across the six municipalities which abut Londonderry (Auburn, Derry, Hudson, Litchfield, Manchester, and Windham). It asks the question, is Londonderry growing faster than abutting communities and the answer is yes.

J. Vogl concluded his analysis by stating that given these findings, if the GMO was in effect today, it is likely that a permit limitation would be justified. In the GMO ordinance, there is a question that looks at the fiscal and infrastructure impact of the residential growth. He stated that to look at the impact to schools, to public service facilities, and the tax rate to answer criteria C, an extensive review is necessary which was not performed at this time; however, information presented through CIP and from the school district was insightful. He felt that facilities are adequate given the improvements that have been made (police station, fire station, town hall) and noted that the school district reported that in the coming future that there may be stresses at the elementary level in the north part of Town. Presently services are adequate for this year and it is difficult to say that the Town is stressed for condition C. J. Vogl presented the report to the board for informational purposes only.

Chairman Rugg thanked J. Vogl for his efforts. J. Vogl stated that projects that were once dormant are now being activated. Chairman Rugg stated that the Town has been very diligent in keeping up with the infrastructure. Chairman Rugg asked for these numbers to go the school, Town Council, and department heads for a closer look for when there is a CIP meeting. J. Vogl also commented on the

types of permits being approved, the ratio of elderly to non-age restrictive.

Chairman Rugg stated that the Town also will be seeing more commercial and industrial development. C. Davies stated it would be nice to have more information on item C. L. Reilly commented that the school board is very close to capacity for Londonderry standards which is different from the state standards. Under state standards the Town could take another 120-130 more students. C. Davies responded that the standards we have make us Londonderry. L. Reilly stated that a buyer has an expectation of the school and class sizes when moving into the Town. She referenced the school district website where there is a facilities report. C. Davies asked about the discrepancies between the US Census report and the Town's report. J. Vogl thought that there may be some carry over and stated that the Town looks at the real numbers so it is consistent across the board with other communities. T. Combes asked if there were any building permits issued this year. J. Vogl did not have that number with him. T. Combes asked about the effect of Woodmont Common project. J. Vogl stated that any permits from that project will be added into the mix and reviewed per the development agreement. He also noted that the Town has been logging fiscal impact statements for some of the larger projects allowing for a review of the project revenues versus the actual revenues. T. Combes asked about student capacity for the Town, and referenced the state and Town standards. L. Reilly spoke of the distribution of students and the location of students in Town, and how the distribution and ages of those children can be spread out making it hard to plan. She stated that Peter Curro is working extensively with the Town to see what is coming into Town. J. Vogl spoke of the geography of where some of the development is occurring. The next five years will be interesting and the Town need to pay close attention to it. L. Reilly stated that the Town and School work well and closely together. J. Vogl stated that he believes Mr. Curro would come before the Board if requested. L. Reilly asked about the Grand Estates and J. Vogl stated that they may appear in the 2016 records.

M. Speltz, 18 Sugar Plum Lane, Londonderry, addressed the Board, and thought that the report should be sent to Town Council to address CIP concerns. He also commented on the suspension of the impact fees.

Chairman Rugg stated that the development agreements are being performed, and hopes to see control there. He asked J. Vogl to pass the information to the schools and Town Council with a nice cover letter.

MASTER PLAN IMPLEMENTATION CHARTER

J. Vogl stated that this is a follow-up from the March 9, 2016 meeting. The committee has been renamed the Master Plan Implementation Advisory Committee and there is an updated charter which redefines the membership with a limited scope. According to the charter, the membership is as follows: one (1) representative from the Planning Board who is the defacto chair. Chairman Rugg stated this will be Ted Combes; one (1) representative from Trailways; one (1)

representative from the Budget Committee; one (1) representative from Town Council; one (1) representative from Conservation Commission; one (1) representative from Heritage Commission; and three (3) at- large members. There shall also be two (2) alternate member positions available. The Planning Board has responsibility of appointing the at-large and alternate members.

J. Vogl stated that the Town has heard that there is a lot of interest but only two people, Dottie Grover and Ray Breslin, have stepped forward, and submitted paper work at the Town Manager's Office. Chairman Rugg stated that Mary Tetreau is very interested and e-mailed him, and he received an e-mail from both Tim & Tammy Siekmann who are interested. He stated that Tim could be the budget committee representative. J. Vogl read items 6 and 7 from the charter which define the scope of the committee: 6. The committee shall regularly review the Master Plan, recommend setting or resetting priorities to the Planning Board, identify the most efficient strategies for implementation, and document responsible parties to complete goals for consideration by the Planning Board and 7. The Committee shall meet quarterly with the Planning Board to provide recommendations to the Planning Board for Action.

A question was asked as whether the boards or committees were responsible for nominating a participant. J. Vogl stated that it is an appointment that the committees will have to make. Chairman Rugg stated that the Heritage Commission has appointed Marti Srugis, and assumes that Mike Speltz would be a representative. Joe Green has indicated that he would be the Town Council representative. Discussion ensued about televising the meetings and it was agreed that the meeting would be televised. T. Combes asked when will there be direction for the committee. Chairman Rugg stated that will happen in another meeting with consultation with Staff.

Motion was made by A. Sypek to approve that the Board accept the revised charter as of 4/2016 for the Master Plan Implementation Advisory Committee and accept the request of Dottie Grover and Ray Breslin as at-large members.

M. Soares seconded the motion.

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

ADJOURNMENT:

M. Soares made a motion to adjourn the meeting at 9:25 p.m.

R. Brideau seconded the motion.

Motion was granted: 9-0-0.

The meeting adjourned at 9:35 PM.

These minutes were prepared by Associate Planner (TEMP) Laura Gandia.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Chris Davies', written over a horizontal line.

Chris Davies, Secretary

Minutes were approved on 5/4/16 by a motion made by M. Soares and seconded by R. Brideau.



moose hill
orchards inc.



4/6/16

To: Londonderry Planning Board

Re: Driveway 43 Adams Road

Dear Mr. Chairperson and members of the board,

My name is Michael Cross and I am the Farm Manager for Mack's Apples. I am writing to you today regarding the driveway for the newly constructed home at 43 Adams Road (the Flier residence). This driveway also serves as the access to the agricultural land behind Mr. Flier's home. Some of this land is owned by Mr. Flier and leased by Mack's Apples and the balance is owned by Mack's Apples. I understand that there is some concern about the width of the pavement of the driveway where it meets Adams Road. The width of the newly paved area now represents the approximate width of the pre-existing entrance to the agricultural land prior to the construction of Mr. Flier's new home. This entrance has been used by the farm for many years as access for employees and equipment at all times of the year. We need access during the winter for pruning, spring and summer for planting and care of the crops, and fall for harvesting the crops.

Prior to Mr. Flier purchasing the property the farm had cleared brush and weeds on both sides of this entrance during the summer to improve visibility for vehicles and equipment entering and exiting the property. The farm has agreed to continue this practice in the future. As a resident of Londonderry (30 Cross Road) and manager of Mack's Apples I would support granting Mr. Flier a waiver to the Londonderry driveway regulations regarding the width of pavement within the town's ROW. In this instance the extra width provides more room for vehicles and farm equipment to safely enter and exit the roadway. The extra pavement will also allow for better snow removal in the winter when visibility is further hampered by the snow banks. I personally plow this driveway and have firsthand experience. Thank you for considering my thoughts on this matter.

Michael Cross Farm Manager Mack's Apples

MEMORANDUM

To: Planning Board

Date: April 6, 2016

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

Re: Tax Map 14 Lot 13-4
Site Plan for Planeview
Self Storage Facility
7 Planeview Drive

Owner: Planeview Self Storage LLC

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

Checklist Items:

There are no checklist items.

Design Review Items:

1. The Applicant's landscape plan does not provide the required amount of internal parking lot landscaping in accordance with section 3.11.g.3 of the Site Plan Regulations. The Applicant has submitted a waiver request for this requirement.
2. The Applicant's landscape plan does not provide the required amount of perimeter shade trees in accordance with section 3.11.g.5 of the Site Plan Regulations. The Applicant has submitted a waiver request for this requirement.
3. The Existing Conditions Plan is presented at a scale of 1"=50' and does not comply with the maximum 1"=40 per section 4.01.c of the regulations. The Applicant has submitted a waiver request for this requirement.
4. The Applicant's sight distance plan provided with this submission indicates a sight line across the adjacent lot (Map 14, Lot 13) is necessary to achieve the required sight distance. We note that an additional sight distance easement is indicated on the abutting lot, but no information was included relative to the new easement shown under this submission including the abutter's acceptance. In addition, the sight distance improvements are not indicated on the plan and profile to achieve the sight distance. We recommend the necessary improvements be indicated on the plans and the required professional endorsements for the Sight Line Certification be provided along with the sight distance easement information.
5. The Applicant indicates the NHDES Alteration of Terrain Permit application has been submitted. We note that the NHDES Subsurface Sewage Disposal Permit application does not appear to have been submitted. We recommend that the Applicant submit for and obtain all project permits, indicate the permit approval numbers in note 16 on Sheet 2 of 12 and provide copies of all permits for the Planning Division files per section 4.13 of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
6. The Applicant is proposing a 4'x8' "lit from above sign" on the south-west side of the property, adjacent to the Town's Right of Way on Planeview Drive. However, the Applicant

did not provide any photometrics for the proposed sign to clarify compliance is achieved. We note that the sign detail does not include any lighting information. We recommend the Applicant update the Lighting Plan and sign detail, as necessary, to clarify compliance and acceptable to the Planning Division.

7. We recommend that the Applicant provide the Owner's signature on all applicable plans in accordance with the regulations.
8. An electric and telecom easement plan was included in the project submission that indicates easements are proposed on abutting lot 13 to serve this site. We recommend that the Applicant provide a reference on the site plan regarding the easement plan. We recommend this easement plan be recorded at the Rockingham County Registry of Deeds prior to approval of the site plan by the Planning Board. The note on the site plan should indicate the recording information accordingly and the utility plan updated accordingly.
9. We recommend the Applicant address the following relative the submitted **Site/Utility/Grading Plan**:
 - a. The Applicant has updated the proposed water service to the site and includes revised Utility Notes shown on the Utility Plans. The plan indicates repurposing of an existing corporation within the existing Planeview Drive pavement, which does not appear to be clearly shown. We recommend the Applicant discuss the proposed work with the Department of Public Works and Engineering and confirm the proposed work within the Right of Way, and that the proposed impacts would be acceptable.
 - b. The Applicant's revised plan does not appear to indicate that the proposed fence line is to be located one foot from the Area of Development Restriction as noted in their response letter. We recommend the Applicant clarify the offset from the proposed fence line along the Area of Development Restriction to prevent any disturbance within the restricted area. Please update the Site Plan and Construction Details accordingly.
 - c. The Applicant's revised design indicates a new Access Road on the east side of the site from the paved storage area towards the Stormwater Basin and Treatment Swale. However, the revised plans do not address if the Access Rd is to be paved, gravel or other surface since there was no detail provided in the updated plan set. Please update the plans to identify the surface material of the Access Rd and update the construction details and drainage report accordingly.
 - d. The revised and proposed water service and sewer service connections at the proposed office building do not provide the minimum ten foot of horizontal separation as required by NHDES. Please revise the plans to achieve ten foot minimum separation between sewer and water services, as shown on the Parallel Installation detail on Sheet 12 and per NHDES.
 - e. The Applicant's revised plan indicates a Limit of Construction boundary throughout the proposed site. However, on the south side of the site, we note that the boundary does not include the area that will be disturbed to install the proposed fence. Please update the Limit of Construction boundary throughout the site to show accurate limits of the proposed disturbance.
 - f. Please indicate and label a limit of work and pavement patch location for the electric service installation within the existing parking lot on the adjacent property at Map 14 Lot 13 for proper construction. We note that the Applicant's updated easement plan

- in this submission includes the notation of "Blanket Easement To Follow Lines As Laid." Please explain and clarify this easement language acceptable to the Town. In addition, please provide documentation that Eversource has agreed to the proposed easement location on Lot 13 and that the proposed off-site connection location shown, that is to serve this project, is acceptable for inclusion in the Planning Department's file.
- g. The locations of the flared end sections SA3, AB3, and BC3 at the detention basin do not appear to be shown in the proper location relative to the proposed contours. Please review, revise and update accordingly.
 - h. The Applicant's revised plans does not provide a fire service to the site or does not propose any hydrants on the property. In addition, we note that the proposed site will be gated and we understand that the Londonderry Fire Department typically requires access. We recommend that the Applicant verify that the fire service, hydrants, and access for the proposed site are acceptable to the Fire Department.
10. We recommend the Applicant address/clarify the following on the **Construction Details** for the project:
- a. The Applicant has provided two separate typical underdrain details in the plan set. We recommend that the Applicant remove one detail, and provide one detail that is acceptable to the Town.
 - b. The Applicant proposes a level spreader to be installed at the outlet of the Proposed Treatment Swale. We note that the construction detail indicates that the level spreaders are to be constructed using hand placed 6" stone and it is unclear how a level lip would be provided. The Department of Public Works typically requires level spreaders to be constructed using a permanent level lip structure. We recommend the Applicant update the level spreader acceptable to the Department of Public Works.
 - c. The Applicant's revised outlet structure provided with this submission includes a vertical slotted weir plate that does not appear to be open at the top consistent with the Town's Typical Detail Exhibit D108. In addition, the outlet structure includes (3) 32" wide weirs on 3 sides of the outlet structure. Please revise acceptable to the Department of Public Works.
11. We recommend the Applicant address the following relative to the revised **Project Drainage Report**:
- a. The report does not indicate the impacts to all abutting lots as typically required by the Town. Please update the summary table in the report narrative that indicates the pre- and post-development impacts to each abutting lot and indicate no increase in runoff in accordance with the regulations is achieved as typically required by the Town.
 - b. The project design includes impacts to abutting lot 13, but the pre and post development analysis does not include these impacts or the on-site impacts related to the utilities. Please review and revise the pre- and post-development analysis to include these project impacts and verify compliance with the regulations is achieved (no increase in runoff).
 - c. The 25-year post development calculations indicate the flow along the treatment swale TS1 indicates the average elevation (1.30') exceeds the indicated channel depth (1.00') and thus is not properly designed for the required design storm of the regulations. Please revise the design to provide a design that is proper and adequate

- for the required design storm. Please confirm the revised design complies with the regulations (no increase in runoff).
- d. Please review and update the swale summary table to indicate the proper units for Q in the 2 and 25-year event and the V for the 25-year event.
12. We recommend the Applicant verify the **DRC Comments** for the project are adequately addressed as applicable:
- a. We did not receive comments from the Fire Department with this submission. Please verify the comments of Fire Department have been adequately addressed with the Fire Department.
 - b. Please verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.
 - c. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.

Board Action Items:

- 1. The Applicant is requesting four (4) waivers to the Site Plan Regulations as noted in his letter dated March 15, 2016. The Board will need to consider each waiver under this application.
- 2. The Applicant is proposing improvements within the Conservation Overlay District (COD) that will require a Conditional Use Permit (CUP) approval by the Planning Board. The Board will need to consider the Conditional Use Permit as part of the review.