

## **LONDONDERRY, NH PLANNING BOARD** **MINUTES OF THE MEETING OF JUNE 1, 2016 AT THE MOOSE HILL** **COUNCIL CHAMBERS**

Members Present: Mary Soares, Acting Chair; Chris Davies, Secretary; Rick Brideau, CNHA, Ex-Officio; Giovanni Verani, Ex-Officio; Scott Benson; Leitha Reilly; Al Sypek; Ann Chiampa (alternate member); Ted Combes (alternate member)

Also Present:

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

Acting Chair Soares called the meeting to order at 7:00 PM, and began with the Pledge of Allegiance. Acting Chair Soares appointed alternate member, Ted Combes, to vote for Chairman Rugg.

### **ADMINISTRATIVE BOARD WORK**

#### A. APPROVAL OF MINUTES

Member A. Sypek made a motion to approve the minutes of May 11, 2016 as presented. T. Combes seconded the motion. The motion was granted, 8-0-0. **The Chair voted in the affirmative.**

#### B. REGIONAL IMPACT DETERMINATIONS

1. Subdivision plan: 8 Alexander Road (Map 12 Lot 5, Zoned AR-1) Holm Family Revocable Trust of 2005 (Owner)
2. Lot line adjustment: 97 High Range Road (Map 5 Lot 30-3, Zoned AR-1) & 99 High Range Road (Map 5 Lot 30, Zoned AR-1) George T. Benson (Owner)
3. Subdivision plan 570 Mammoth Road (Map 17 Lot 7, Zoned IND-II) Remi O. Fortin Trust (Owner)
4. Site plan: 21 Buttrick Road (Map 6 Lot 28-1, Zoned C-I) Barbara G. Mullen Revocable Trust (Owner)

C. Mailloux gave a brief description of the above projects and recommended that the projects are not developments of regional impact, as they do not meet any of the regional impact criteria provided in the guidelines prepared by Southern NH Planning Commission (SNHPC).

**A. Sypek made a motion to accept Staff's determination that all four projects are not developments of regional impact.**

**L. Reilly seconded the motion.**

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

- C. Building Permit Request on a Class VI Road – Susan Carl (Owner) – Map 17 Lot 42A, 38 Jack’s Bridge Road / Page Road, Zoned AR-1 (continued from May 4, 2016)

Member Giovanni Verani recused himself from the discussion due to a conflict. C. Mailloux stated that at the last meeting, the Board initially reviewed the request for a building permit, and requested additional information from Town Staff in order to make provide comments to Town Council. She reminded the Board members that they are being asked to review and comment on this request for areas of concerns or interest regarding the request for a building permit. She stated that the Town Council ultimately makes the determination as to grant the request, and the Board is not making a recommendation. She informed the Board that Town Staff and various individuals from public works, and emergency personnel met and identified certain items for discussion. Acting Chair read an e-mail from Giovanni Verani whose property is on the same road as the subject property with various questions regarding the road (improvements and maintenance), and the permit process. C. Mailloux reviewed the staff memorandum which identified areas of concerns that she would encourage the Board to raise as consideration to the Town Council, and those areas are as follows:

- The Fire Department recommends that access to the lot be constructed to meet NFPA 1141 standard, including:
  - Minimum clear width of 12 feet for each lane of travel, excluding shoulders (24 foot wide travel way).
  - Turnarounds to be constructed at a maximum of 1,200 foot intervals.
  - Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck (not necessary to be a paved road).
  - The maximum slope of the road should not exceed 6%.
- A survey should be performed by a licensed land surveyor to locate the existing road right of way. All improvements must take place within the right of way. Where the existing right of way is not sufficient for the construction of required turnarounds, easements may be required from abutting property owners.
- Wetlands within the area of impact should be delineated by a certified wetland scientist. Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for any disturbance to wetlands or wetland buffers.
- An additional provision regarding property owner liability for damage to Town vehicles and equipment be added to the recorded waiver of municipal liability. Draft language has been provided by Town Counsel and has been included in the attached draft waiver/release.
- Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.
- A residential sprinkler system should be installed in the proposed structure.
- It should be noted that there may be ledge in the area of the proposed road

- improvements that may require blasting.
- The property should be assigned a Page Road street address.

Acting Chair Soares sought questions from the Board. A. Chiampa asked about stone walls in the area and their maintenance during construction. J. Trottier informed her that there are stone walls in that area, and C. Mailloux stated that this is an item to be added to the list of concerns for Town Council. C. Davies questioned the 1200 foot turn arounds near the existing barn. C. Mailloux stated that an easement from abutting property owners may be necessary if there is not sufficient existing right-of-way. L. Reilly asked if the whole road would need to be upgraded according to the memo reviewed by C. Mailloux. C. Mailloux stated according to the fire department's concerns that the whole road from the Lucas intersection, Class VI portion, may need to be upgraded. It was later clarified that improvements would be from the end of the existing privately maintained road – approximate location of the barn. She further commented that it is in the best interests of the property owners to work out an agreement on maintenance which is beyond the purview of the Town. She informed the Board that the requirements suggested by the fire department do not change the status of the road from a Class VI road. C. Mailloux reminded the Board again that its job is to identify issues and concerns for Town Council. L. Reilly stated that she understands the owner's concerns of being able to use their property, and the job that is placed before the Board at this meeting. L. Reilly also expressed concerns of whether the widths suggested are feasible. A. Sypek and the fire chief's slideshow of pictures of the area was shown.

Brian Johnson, Division Chief of Fire Prevention, addressed the Board and explained to the Board that his comments are based on what the fire department would require for access to the site. He informed the Board that the State of New Hampshire has adopted NFPA (National Fire Protection Association) 1 and NFPA 101. He reviewed NFPA 1 (any buildings that are constructed or renovated will be built to NFPA 1 standards) and NFPA 1's references to other codes and standards such as NFPA 1141. He summarized NFPA 1141, fire protection infrastructure for land development and urban areas, and its application on land use changes and land development. He commented on the means of access on publicly or privately owned roads, and also discussed length of cul-de-sacs and turn arounds for 1200 feet. He pointed to language in NFPA 1141 regarding the width of the roadway, construction materials (he stated that construction has to support the tower truck), minimum of 12 feet width for each way of travel, and drainage requirements. He told the Board that the State Fire Marshall is the only one who can make exceptions to this code, and there are not many exceptions to road requirements. T. Combes asked how well fire trucks have handled similar roads. Chief Johnson stated that fire trucks got stuck in the mud on Page Road, and the old roads are not designed to handle the weight of the new fire trucks, and public works would ultimately be responsible for the design of the road. L. Reilly asked who is responsible for building the road, and was informed by C. Mailloux that in order to get a building permit on this lot that Jack's Bridge Road needs to be meet standards that are acceptable to the fire department, and it is up to the property owners to figure out how to deal with certain matters. L. Reilly noted the difference between the road being built and maintained. Chief Johnson pointed to adding language to the release. C. Mailloux stated that the waiver has language

that the road be maintained to reflect current standards, and this waiver is recorded at the registry of deeds. She added that the release could be enforced as to maintenance. C. Davies asked G. Verani about his agreement signed with the Town. G. Verani stated that the agreement was signed 14 years ago, and could not remember the particulars of the agreement but did not believe it was a maintenance agreement. Acting Chair Soares asked for public input.

Peter Carl, owner of the land in question, presented the Board with a packet of pictures labelled as Exhibit 1. He informed the Board that he and wife owned the property for approximately 16 years. He reviewed changes to the area such as the closing of Jack's Bridge Road 10 years ago (he stated he was present for those hearings, spoke, and he expressed his concerns over access). He stated that he was informed at that time that he would still have access via Jack's Bridge Road, and was surprised to learn that is not the case. He was also surprised over the change of the name to Page Road. He was disappointed over the current situation of the land on which he pays taxes. He reviewed changes on Page Road with erection of multiple buildings, and stated he felt trapped over the use of his property. He stated he maintains an office in Town and pays taxes on his land. He was disappointed with all of the discussions taking place because he felt that none of it was focusing on how to help him use his land; rather, it was focused more on regulations, how to improve the road, how to make it right for the Town, and the Veranis' rights with no discussions on his rights. He wanted to know what he can do with his property. He felt that his rights and privileges are being taken away from him beginning with Harvey Industries and the events 10 years ago. He recalled Charlie Evans calling him and advising him not to sell his property. He informed the Board that he measured 996 feet from the end of Page Road at the beginning of Jack's Bridge up to his property. He stated the pictures gave an overall view of Page Road from the beginning up to the old Jack's Bridge Road. He welcomed questions from the Board.

He was asked by A. Chiampa about his measurements. He informed her that he took two measurements. He measured one from the edge of the barn, 889 feet to his property, and measured from the edge of the property pass the barn where Jack's Bridge would connect to Page Road, 100 feet beyond the barn. He stated that the Veranis changed the access to Jack's Bridge Road with the barn which altered the road. He stated that prior to the building of the barn, the road would go straight now the road veers off to the left. M. Soares asked Town staff about the other requirements being placed upon the Carls, and other abutting property owners. J. Trottier stated that he believes the Verani's agreement requires a 20 ft. wide road. M. Soares stated that the purpose of the meeting tonight is to identify issues and concerns for Town Council who will make the final decision. She stated that a discussion with the neighbors would be helpful. P. Carl stated that he offered to sell his property to the Veranis, and that conversations with the Veranis would be useless. He also expressed frustrations that the Veranis can build, and he has stricter regulations than the Veranis. L. Reilly asked P. Carl about his concerns over the standards being different and higher from the existing part of Page Road. He responded that he thought he would have to improve his portion but now he is being told to improve all of Page Road when he only owns a portion of the land off the road. Chief Johnson stated he is not saying who is responsible for it but it needs to be done per standards to allow access to fire and



emergency personnel. L. Reilly asked for clarification in the language presented to Town Council. P. Carl stated that there have been times when people from the Verani family stopped him when he tried to access his property telling him he has no access and questioning him why he was there when it is private property. He felt that he has no rights to the property and the road. M. Soares asked if Jack's Bridge could be reopened, and J. Trottier stated that since the road was discontinued the land reverts back to the abutters to the center line of the road, and the Town no longer owns that property. J. Trottier stated that the current road is maintained nicely. The Board asked questions about where the improvements should start, and P. Carl was confused as to what was being asked of him. M. Soares stated that the Board is prepared to pass information to Town Council, and informed P. Carl that the Town Council hearing would be the next step in the process. G. Verani addressed the Board stating that he never met P. Carl, and that when he went in for a building permit he was asked to improve Page Road to Town specifications. He believes that P. Carl should improve the road from the barn to his property, and maintenance should be everyone's responsibility. C. Mailloux summarized the items for Town Council's consideration in addition to the ones outlined in the memo as the preservation of stone walls, clarification of where the improvements should begin (the Board agreed that those improvements should begin at the barn at the Jack's Bridge Road portion for the new construction), and the installation of the residential sprinkler system if the access to the road is not to NFPA standard. The fire department would not require sprinkler system if the road was 24 feet wide but further discussions are necessary with the building inspector before a final decision is made.

Bob Merrill, 569 Mammoth Road, addressed the Board. He stated that at some point the Town may consider getting together with landowners in that area and landowners of the land along I-93 for long range planning with a focus on extending Bryant Road for access.

#### **D. Committee Appointments – Master Plan Implementation Advisory Committee**

C. Mailloux stated that Tammy Siekmann is seeking appointment as at-large member. A. Sypek made a motion to accept Tammy Seikmann as an at-large member for the Master Implementation Advisory Committee. L. Reilly seconded the motion. Motion was granted, 8-0-0. The Chair voted in the affirmative.

**E. DISCUSSIONS WITH TOWN STAFF** – There were none.

#### **NEW PLANS**

- A.** Application and Acceptance of a Site Plan for 57 Harvey Road (Map 14 Lot 44-8, Zoned IND-II) for the construction of 10,820 SF pavement to create 24 new parking spaces, 4 new box truck parking spaces and a new internal access way, 57 Harvey Road, LLC (Owner) and Green Mountain Messenger (Applicant)

Acting 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.

**R. Brideau made a motion to accept the application as complete per Staff's Recommendation memorandum dated June 1, 2016.**

**L. Reilly seconded the motion.**

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

The Chair noted that this starts the 65 day time frame to render a decision on the application.

George Fredette, SFC Engineering Partnership, One Industrial Drive, Windham, New Hampshire, addressed the Board. He informed the Board that he was in front of them on December 9, 2015 for a concept plan. He reviewed with the Board his plan, and stated as shown on the existing conditions page of his plan, that the parcel is a 2.2 acres site with a 1,500 SF building constructed in 1981 serviced by Manchester Water. He stated that Green Mountain Messenger is a courier service based out of Vermont servicing banking and pharmaceutical with pick up and drop off at the airport. His proposal is for improvements to the parking operations. He stated that the site is encumbered by the Conservation Overlay District, and there is an existing encroachment that the building inspector determined is exempt from the regulation. He noted that on the site development plan, there is no change to the building exterior and the proposal is to increase the parking facility at the site, and to improve the internal circulation at the site. He stated that the proposal is a 360 degree loop around the facility resulting in the ease of moving vehicles through the property, and that the fire department supports the proposal because it provides better emergency access especially with the fire hydrant in the northwest corner on the property. He explained the request for a conditional use permit for the encroachment into the Conservation Overlay for access. He went to conservation commission and received a recommendation for approval. He added that he is also seeking additional parking spaces, and that Green Mountain Messenger has 25 vehicles that enter and exit the property intermittently (additional parking spaces for anticipated growth). He stated that Green Mountain is meeting all of the ordinance requirements. He pointed to sheet four, grading plan, the additional paved area where the storm water facilities are being accommodated with a detention pond being constructed along with a level spreader, and on sheet 5, landscaping plan, there is compliance with the regulations (elderberry and blueberry plants are noted on the plans). He mentioned that the Heritage Committee requested a purple lilac bush which they will plant. He addressed the two waiver requests involving the surveyor stamp (original plan of land has a surveyor stamp), and lighting. He concluded his presentation.

Acting Chair Soares asked for input from the Town Staff. J. Trottier reviewed the design review items, and noted that Town Staff supports the two waiver requests

(1. Section 4.12(c)(1) requiring a surveyors certification stamped and signed by a licensed land surveyor and 2. Section 4.16(d) requiring an illumination plan), and supports the request for a conditional use permit which was supported by the Conservation Committee. The conditional use permit would allow a permitted use in the Conservation Overlay District. The internal access way will have 5,965 SF of buffer impact (626 SF impervious, 5,339 SF for grading associated with the access drive). A. Chiampa commented that she was pleased with the landscaping especially with the red maples.

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

**Chris Davies made a motion to approve Applicant's request for waivers as outlined in Staff's Recommendation Memo dated June 1, 2016.**

**Rick Brideau seconded the motion.**

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

**Member L. Reilly made a motion to approve Applicant's request for a Conditional Use Permit as outlined in Staff's Recommendation Memorandum dated June 1, 2016.**

**Giovanni Verani seconded the motion.**

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

**Member C. Davies made a motion to approve a site plan to construct a new internal access way, construct new parking spaces and associated site improvements at 57 Harvey Road, Tax Map 14, Lot 44-8, Zoned IND-II, 57 Harvey Road, LLC (Owner), Green Mountain Messenger (Applicant), in accordance with plans prepared by SFC Engineering dated April 1, 2016 and last revised May 6, 2016 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 Memo, dated June 1, 2016.**

**Rick Brideau seconded the motion.**

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

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

### **PRECEDENT CONDITIONS**

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development/Public Works & Engineering/Tighe and Bond review memos dated May 2, 2016.
2. The Applicant shall provide the Owner's Signature on the plans.
3. The Applicant shall note all waivers granted on the plan.
4. The Applicant shall note the approved Conditional Use Permit on the plan.
5. 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.
6. Outside consultant's fees shall be paid within 30 days of approval of the plan.
7. Financial guaranty if 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 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 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 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.

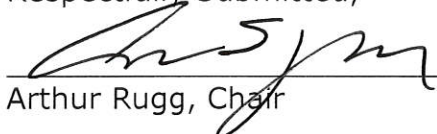
**ADJOURNMENT:**

**L. Reilly made a motion to adjourn the meeting at 8:20 p.m. Seconded by R. Brideau. Motion was granted, 8-0-0. The Chair voted in the affirmative.**

The meeting adjourned at 8:20 PM.

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

Respectfully Submitted,

  
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Arthur Rugg, Chair

These minutes were accepted and approved on June 8, 2016 by a motion made by Al Sypek and seconded by Rick Brideau.

MEMORANDUM

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**Site Plan Review for Green Mountain Messenger Design Review #1**

**TO:** Ms. Colleen Mailloux  
Town of Londonderry

**FROM:** Joseph Persechino, P.E.  
Tighe & Bond, Inc.

**COPY:** John Trottier, P.E.  
Town of Londonderry  
John Vogl  
Town of Londonderry

**RE:** Map#: 14 Lot #: 44-8  
Site Plan Review for  
Green Mountain Messenger  
57 Harvey Road

**OWNER:** 57 Harvey Road, LLC

**APPLICANT:** Green Mountain Messenger

**ENGINEER:** SFC Engineering Partnership, Inc.

**DATE:** May 2, 2016

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Tighe & Bond, Inc. has completed our initial review of the above referenced project and offer the following comments:

**Project Understanding:**

- The project consists of expanding the parking lot and includes a drive aisle around the building for emergency and traffic flow access. The project also includes stormwater management upgrades.

**Information Reviewed:**

1. Site Plan Application Package by SFC Engineering Partnership, Inc., dated April 1, 2016
2. Site Development Plans by SFC Engineering Partnership, Inc., dated April 1, 2016.
3. Stormwater Management Report by SFC Engineering Partnership, Inc., dated March 18, 2016.

**Site Plan Application and Checklist Items:**

1. Checklist Item V.5.b. The Applicant should note the status of the Harvey Road;
2. Checklist Item V.14. The Owner should sign the plans;
3. Checklist Item V.15. All appropriate setbacks should be shown on the plan;



4. Checklist Item VI.1.t.1.vi. The minimum cover and location of all drain lines should be noted on the plans;
5. Checklist Item X.8.e. The Applicant should provide a detail for the flared end section.

**Design Review Items:**

1. The Applicant has submitted a **Waiver Request** from Section 4.12 c.1. of the Site Plan Regulations to not provide a Licensed Land Surveyor's stamp on the Existing Conditions Plan;
2. The Applicant should provide a Sight Distance Plan;
3. The Applicant should address the following comments relative to the Site Development Plan:
  - a. The Applicant should coordinate with the building department to ensure that appropriate signage is provided at the ADA accessible spaces on the east side of the building.
4. The Applicant should address the following comments relative to the Grading & Utility Plan:
  - a. The rip-rap waterway in the southwest corner of the proposed parking area should have rip-rap extending to the bottom of the forebay. Similarly, the rip-rap for the rip-rap spillway should extend to the bottom of the forebay and the detention pond;
  - b. The rip-rap apron at the outlet of the proposed detention pond does not match the size noted in the apron calculations provided in the Stormwater Management Report. The plan should be revised to show the appropriately sized apron. The apron should also be revised to be in line with the outlet pipe;
  - c. The silt sock should be shown around the proposed rip-rap apron at the outlet of the proposed detention pond;
  - d. As shown on the plans and in the details, the 18" outlet pipe from the outlet structure of the proposed detention pond is out of the ground. The outlet structure should be revised so the outlet pipe has appropriate cover.
5. The Applicant should address the following comments relative to the Construction Details:
  - a. The Silt Sock Installation Detail should indicate that the silt sock be staked at regular intervals to prevent washout.
6. The Applicant should address the following comments relative to the Drainage Details:
  - a. The  $d_{50}$  is noted as both 2" and 3" on the Outlet Apron Detail. This should be revised to match the sizing calculations in the Stormwater Management Report.
7. The Applicant should address the following comments relative to the Stormwater Management Report:



- a. The  $T_c$  values for Subcatchments 2P and 6P in the post-development model should be revised so they are not longer than the  $T_c$  values for Subcatchments 1E and 2E in the pre-development model;
- b. The overflow grate for the proposed detention pond is modeled as a 36" x 36" horizontal grate. This should be revised to match the overflow grate shown on the Double Weir Outlet Structure detail which is 36" x 48".

We recommend the applicant set up a meeting with the Planning Department, Department of Public Works and Zoning Officer, if required, to discuss the issues noted above. After the meeting, we recommend the applicant revise and resubmit drawings and any required supporting documentation along with an accompanying letter responding to the individual comments noted above.

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