

# **LONDONDERRY, NH PLANNING BOARD**

## **MINUTES OF THE MEETING OF SEPTEMBER 7, 2016 AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. Call to Order**

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice-Chair; Rick Brideau, CNHA, Ex-Officio; Leitha Reilly, member; Al Sypek, member; Ann Chiampa (alternate member)

Also Present:

Colleen Mailloux, Town Planner; Laura Gandia, Associate Planner (TEMP)

Chairman Rugg called the meeting to order at 7:00 PM and appointed alternate member Ann Chiampa to vote for member Scott Benson, and began with the Pledge of Allegiance.

### **II. ADMINISTRATIVE BOARD WORK**

#### **A. APPROVAL OF MINUTES**

Member M. Soares made a motion to approve the minutes of August 10, 2016, as presented. R. Brideau seconded the motion. The motion was granted, 6-0-0. **The Chair voted in the affirmative.**

#### **B. REGIONAL IMPACT DETERMINATIONS:**

1. Bradley Tree & Landscaping - Site Plan, 47 Rockingham Road, Map 13, Lot 64, Zoned C-II, Garrett M. Liddell (Owner) and Bradley Tree & Landscaping, LLC (Applicant)
2. Lorden Commons - Subdivision Plan, Phases 2, 3 and 4, 17 Old Derry Road, Map 16, Lot 38, Zoned AR-1, Lorden Commons, LLC (Owner) and Chinburg Properties, Inc. (Applicant)
3. Sunset Drive Condominium Conversion - Four Sunset Drive, Map 2 Lot 38, Zoned AR-1, Ronald Crecco (Owner)

Town Planner 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).

**M. Soares motion to accept Staff's determination that all three projects are not developments of regional impact.**

**R. Brideau seconded the motion.**

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

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner C. Mailloux informed the Board that 68 Hall Road, Map 14 Lot 33, Zoned AR-1, is a one acre tax deeded property for which the Town has a possible buyer, Mr. Taylor. She stated that she is bringing this matter before the Board for its comments and input, and eventually the Town Manager and/or the Town Council will finalized any transaction. Chairman Rugg asked for comments and input for the Board, and the Board learned that the Buyer is seeking to build a single family home on the existing lot of record. The Board did not have any concerns regarding this purchase and was happy to see the property go back on the tax records.

Chairman Rugg asked if there were any other items to discuss. M. Soares reminded the Board of voting day next Wednesday.

**III. NEW PLANS**

A. Application acceptance and Public Hearing for formal review of a site plan to construct a 6,000 square foot office and warehouse facility and associated site improvements, 4 Enterprise Drive, Map 15, Lot 62-1, Zoned C-II, JBAJ Investment Properties, LLC (Owner) and M Gendron and Son Construction (Applicant)

Chairman Rugg read the case into the record and asked for Staff input. C. Mailloux stated that there were no outstanding checklist items and recommended that application be accepted as complete.

**M. Soares made a motion that the Planning Board accept the application as complete per Staff's Recommendation memorandum dated September 7, 2016.**

**R. Brideau seconded the motion.**

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

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

Town Planner C. Mailloux explained that the applicant is requesting a conditional use permit to allow a permitted use in the Conservation Overlay District. A treatment swale and detention pond required for stormwater mitigation will be constructed within the 50 foot buffer associated with wetlands onsite. The improvements will impact 1,650 square feet of wetland buffer. The Conservation Commission has reviewed the CUP and made a favorable recommendation. She

stated that Staff supports the granting of the Conditional Use Permit because the application meets the criteria as outlined in Section 2.6.3.4.1.

**M. Soares made a motion to approve applicant's request for a Conditional Use Permit as outlined in Staff's Recommendation Memorandum dated September 7, 2016.**

**R. Brideau seconded the motion.**

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

Bernie Temple, Eric Mitchell & Associates, 106 South River Road, Bedford, New Hampshire, presented for the applicant. He explained that 4 Enterprise Drive is a 3 ½ vacant wooded lot, and they are seeking to build a 6,000 square foot building with four units (500 square feet in each unit) along with office and warehouse space. He stated that ample parking is provided – the regulations provide for 14 spaces and they are requesting 20 spaces. He described the drainage on the site. He stated that they met with the Heritage and Conservation Commission regarding the plans and the Conditional Use Permit. He noted that the Conservation Commission gave a favorable recommendation provided they meet certain conditions which they agreed to. He also noted that the Heritage Commission recommended neutral colors (green roof) which they agreed to as well as additional plantings along the rail trail. Chairman Rugg asked if the applicant had any conversation with the Heritage Commission about signage. B. Temple stated that he did, and the Commission recommended changes. Chairman Rugg asked if the applicant went back to the Heritage Commission with those changes and B. Temple said he had further discussions with the Town but not with the Heritage Commission. Chairman Rugg suggested that the applicant bring those revised changes to the Heritage Commission.

Chairman Rugg asked for Staff input. C. Mailloux stated that no waivers were requested, and outlined the remaining technical review items as noted in the Stantec memo dated September 7, 2016 (See attached memo).

Chairman Rugg asked if the Board had any questions and there were none. He asked for public input and there was none.

**M. Soares made a motion to approve a site plan to construct a 6,000 square foot office and warehouse building and associated site improvements at 4 Enterprise Drive, Tax Map 15, Lot 62-1, Zoned C-II, JBAJ Investment Properties, LLC (Owner), M Gendron and Son Construction (Applicant), in accordance with plans prepared by Eric C. Mitchell & Associates, Inc. dated May 25, 2016 and last revised August 18, 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 September 7, 2016.**

**R. Brideau seconded the motion.**

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

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

**PRECEDENT CONDITIONS**

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development/Public Works & Engineering/Stantec review memos dated September 7, 2016 (See Attached).
2. The Applicant shall provide the Owner's Signature on the plans.
3. The Applicant shall note the approved Conditional Use Permit on the plan.
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. Outstanding third party review fees shall be paid within 30 days of conditional site plan approval.
6. Financial guaranty for proposed improvements to the satisfaction of the Department of Public Works.
7. 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.

#### **IV. ADJOURNMENT:**

**M. Soares made a motion to adjourn the meeting at 7:15 p.m. Seconded by R. Brideau. Motion was granted, 6-0-0. The Chair voted in the affirmative. The meeting adjourned at 7:15 PM.**

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

Respectfully Submitted,

  
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Arthur Rugg, Chairman

These minutes were accepted and approved on September 14, 2016 by a motion made by L. Reilly and seconded by R. Brideau.

## MEMORANDUM

To: Londonderry Planning Board

Date: September 7, 2016

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

Re: Map 15 Lot 62-1  
Proposed Office & Warehouse  
4 Enterprise Drive

Applicant: M. Gendron & Son Const.

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Eric C. Mitchell & Assoc. Inc. submitted plans and 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 that was reviewed and we offer the following comments:

### Checklist Items:

1. There are no checklist items.

### Design Review Items:

1. We understand that the Applicant has submitted information to the Sewer Division to obtain a Londonderry Sewer Discharge Permit under this site plan application. In addition, we understand that the Applicant is coordinating with the Londonderry Department of Public Works as necessary to update the Town's NHDOT permit for this project. The Applicant should indicate the permit approval numbers in the notes on the cover sheet and provide copies of all permits for the Planning Department files per section 4.13 of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
2. Please provide the Owner's signature on plans in compliance with the regulations.
3. We recommend the Applicant address the following on the **Site/Utility/Grading Plan**:
  - a. The grading shown for the 115 foot long 1.5 foot deep treatment swale does not appear to properly represent a 1.5 foot deep swale and minimum 2 foot wide embankment width consistent with the detail on sheet 12. Please review and revise the grading to properly represent the swale depth and embankment width for proper construction.
  - b. Please update the landscape retaining wall symbol along the southerly parking lot at the rear of the site to be consistent with the other landscape walls indicated on the plan. In addition, please provide spot elevations at the top and toe of this wall to indicate the design intent and for proper construction.
  - c. The grading along the northerly green area indicates proposed slopes of 2H:1V that the Town typically requests to be riprap. Please revise accordingly or as may be acceptable to the Department of Public Works.
4. It appears the proposed landscaping near the driveway on sheet 5 would impact the sight line shown on sheet 6. Please revise the landscaping plan as necessary to eliminate obstructing the driveway sight distance.

5. We recommend the Applicant clarify/address the following relative the **Construction Detail Drawings**:
  - a. Please update the typical pavement section on sheet 8 to indicate the minimum pavement thickness of 4" in accordance with section 3.08.b.4 of the regulations.
  - b. The outlet structure detail on sheet 12 indicates that the overflow spillway is at elevation 290.17 and does not provide the minimum 12 inches of freeboard above the 50-year pond elevation of the latest drainage report (elev.289.20). The Applicant should update the spillway elevation to provide the minimum 12 inches of freeboard above the 50-year detention basin elevation in compliance with the regulations.
6. Please provide a professional endorsement (stamp) on the sight distance plan – sheet 6.
7. We recommend the Applicant address the following relative to the revised **Project Drainage Report**:
  - a. The detention analysis indicates the outlet structure weir (#4 Device) does not provide a vertical slot to the top of the structure consistent with the detail provided in the plan set (sheet 12). The Applicant shall update the outlet structure weir device in the analysis consistent with the detail (and town standard) and verify compliance with the regulations is achieved – no increase in runoff.
8. We recommend the Applicant address the DRC comments as applicable:
  - a. Please provide information indicating that the DRC comments of the Fire Department are adequately addressed for the Planning Board's file.
  - b. Please provide information indicating that the DRC comments of the Planning Department are adequately addressed for the Planning Board's file.
  - c. Please provide information indicating that the DRC comments of the Conservation Commission are adequately addressed for the Planning Board's file.

**Board Action Items:**

1. 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.

**Board Informational Items:**

1. The Applicant has submitted draft easement documents that are currently under review by the Town.