

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JULY 2, 2014 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**

4
5 Members Present: Art Rugg; Lynn Wiles; Laura El-Azem; Chris Davies; Rick
6 Brideau, CNHA, Ex-Officio; Scott Benson; Leitha Reilly, alternate member; Maria
7 Newman, alternate member; and Al Sypek, alternate member

8
9 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic
10 Development Department Manager; John R. Trottier, P.E., Assistant Director of
11 Public Works and Engineering; and Jaye Trottier, Associate Planner

12
13 A. Rugg called the meeting to order at 7:00 PM. He appointed M. Newman to vote
14 for M. Soares.

15
16 A. Rugg announced that after three years on the Board, M. Newman will be
17 vacating her alternate position after this meeting. He thanked her for her service.

18
19 **Administrative Board Work**

20
21 A. Approval of Minutes – June 4 and 11, 2014

22
23 **L. Wiles made a motion to approve and sign the minutes from the June**
24 **4, 2014 meeting. S. Benson seconded the motion. No discussion. Vote**
25 **on the motion: 6-0-1.**

26 (M. Newman abstained as she was absent from the June 4, 2014 meeting).

27
28 **L. Wiles made a motion to approve and sign the minutes from the June**
29 **11, 2014 meeting. L. El-Azem seconded the motion. No discussion. Vote**
30 **on the motion: 6-0-1.**

31 (S. Benson abstained as he was absent from the June 11, 2014 meeting).

32
33 Minutes for June 4 and June 11, 2014 were approved and were signed at the
34 conclusion of the meeting.

35
36 B. Voluntary Merger – Aranco Realty, Inc. (Owner and Applicant), Map 16 Lots 66,
37 73, and 75, Zoned C-II.

38
39 C. May explained that this voluntary merger of Lots 66, 73 and 75 on Map 16
40 was one the conditions of final approval for this site plan. Aside from needing
41 the Chair's signature, she said, no further action is needed from the Planning
42 Board. The Chair signed the merger document.

43
44 C. Plans to Sign – Aranco Realty, Inc. (Owner and Applicant), Map 16 Lots 66, 73,
45 and 75 - Site plan for the redevelopment of 137, 131 and 129 Rockingham
46 Road as a Travel Center with associated improvements, Zoned C-II
47 [Conditionally Approved February 12, 2014].
48

1 J. R. Trottier stated that all precedent conditions for approval have been met
2 and that Staff recommends signing the plans.

3
4 **L. Wiles made a motion to authorize the Chair and Secretary to sign**
5 **the plans. R. Brideau seconded the motion.** No discussion. **Vote on the**
6 **motion: 7-0-0.** The plans were signed at the conclusion of the meeting.

7
8 D. Extension Request – Nevins Retirement Cooperative Association Site Plan
9 Amendment, Map 7 Lot 122, 2 Wesley Drive, Zoned R-III [Conditionally
10 Approved June 5, 2013].

11
12 C. May referenced the letter from Attorney Morgan Hollis, representative of the
13 Nevins Retirement Cooperative Association, requesting a 60-day extension
14 of the site plan amendment that will expire on July 30, 2014. A. Rugg
15 acknowledged that additional time is needed to allow the matter to go back
16 before the Town Council so that all conditions of approval can be fulfilled.

17
18 **L. Wiles made a motion to grant a 60-day extension to October 3,**
19 **2014. R. Brideau seconded the motion.** No discussion. **Vote on the**
20 **motion: 7-0-0.** The extension for 60 days was granted.

21
22 E. Regional Impact Determinations – School House Square Site and Subdivision
23 Plans, Map 12 Lots 57 & 60; Pinkerton Hills Subdivision Plan, Map 9 Lot 78;
24 Prologis Distribution Center Phases I & II Site Plans Map 14 Lot 49; Prologis
25 Distribution Center Subdivision Plan, Map 14 Lot 49 & 49-1; and Milton CAT
26 Facility Site Plan and associated Lot Line Adjustment Plan, Map 28 Lots 17-3,
27 17-4, & 20-5.

- 28
29 • C. May stated that 381 Mammoth Road, LLC is proposing a 27-unit
30 single family detached housing development known as School House
31 Square on Map 12, Lots 57 and 60, which has an associated lot line
32 adjustment. A variance was granted by the Zoning Board to permit the
33 requested density. She said that Staff recommends this project is not a
34 development of regional impact, as it does not meet any of the regional
35 impact guidelines suggested by Southern NH Planning Commission
36 (SNHPC).

37
38 **L. Wiles made a motion to accept Staff’s recommendation that**
39 **this project is determined not to be of regional impact under RSA**
40 **36:56. R. Brideau seconded the motion.** No discussion. **Vote on**
41 **the motion: 7-0-0.**

- 42
43 • C. May stated that Pinkerton Hills Development Corporation is proposing
44 a six lot subdivision on Map 9, Lot 78. She said that Staff recommends
45 this project is not a development of regional impact, as it does not meet
46 any of the regional impact guidelines suggested by Southern NH
47 Planning Commission (SNHPC), given its location and scope.

48
49 **L. Wiles made a motion to accept Staff’s recommendation that**
50 **this project is determined not to be of regional impact under RSA**

1 **36:56. R. Brideau seconded the motion.** No discussion. **Vote on**
2 **the motion: 7-0-0.**

- 3
- 4 • C. May stated that this project proposed by Prologis regarding a
5 distribution center on Map 14, Lot 49 might be considered by the Board
6 to be a development of regional impact because it meets at least one of
7 the criteria expressed in the regional impact guidelines suggested by
8 Southern NH Planning Commission (SNHPC). The associated subdivision
9 plan includes a land swap with the parcel to the west which abuts the
10 Manchester line. The proposed development property line is 1,200 feet
11 away from the municipal boundary between Londonderry and
12 Manchester. Additionally, the Prologis site may generate more than 500
13 vehicle trips per day into adjacent communities via the Airport Access
14 Road and following the full build-out of Pettengill Road. This will not be
15 confirmed until the forthcoming traffic study is submitted, but it is
16 anticipated that impacts to any single community will be minimized since
17 traffic will be dispersed over a wide network of roadways and the
18 majority will not follow the typical peak AM and PM patterns.

19

20 Even if the Board finds that the project is not a development of regional
21 impact, Staff recommended that the Town send notification to the City of
22 Manchester Planning Board and SNHPC. C. May added that because of
23 the recent increase in interest and activity in the Pettengill Road area,
24 Staff intends to notify SNHPC by separate letter, to allow the
25 Commission the opportunity to provide input on the cumulative impacts
26 of current and proposed development.

27

28 A brief discussion ensued about the possibility of SNHPC determining
29 notice should be sent to other abutting communities. In view of the
30 applicant's own accelerated development schedule, it was decided the
31 Board would act proactively and notify not only Manchester but
32 Merrimack, Litchfield, and Bedford as well. A. Rugg suggested the notice
33 explain that the Board is acting beyond statutory requirements in giving
34 those communities the opportunity to comment on the project.

35

36 **L. Wiles made a motion that the Board determine this project to**
37 **be of regional impact under RSA 36:56. R. Brideau seconded the**
38 **motion.** No discussion. **Vote on the motion: 7-0-0.**

- 39
- 40 • C. May stated that Milton CAT is proposing a warehouse facility with
41 service and office space on Map 28, Lots 17-3, 17-4, and 20-5. This
42 project also has an associated lot line adjustment. She said that Staff
43 recommends this project is not a development of regional impact, as it
44 does not meet any of the regional impact guidelines suggested by
45 Southern NH Planning Commission (SNHPC). While this project's level of
46 development and location do not meet that threshold, she noted that as
47 with the Prologis project, a letter will be sent to SNHPC about cumulative
48 impacts of current and proposed development in the overall Pettengill
49 Road area, in the event they would like to offer input.
- 50

1 **L. Wiles made a motion to accept Staff’s recommendation that**
2 **this project is determined not to be of regional impact under RSA**
3 **36:56. R. Brideau seconded the motion. No discussion. Vote on**
4 **the motion:**
5 **7-0-0.**

6
7 F. Discussions with Town Staff

- 8
9 • Workplace Systems Pump House, Map 15 Lot 235

10
11 C. May explained that Workplace Systems, who recently received final
12 approval of a lot line adjustment plan involving Lot 235, approached
13 Staff about the need to provide a new pump house for the existing well
14 on their property. Staff is requesting that the Board allow the matter to
15 be handled administratively. A. Rugg conveyed a request that the pump
16 house design reflect the character of the community as much as
17 possible. There were no objections from the Board to Staff’s request to
18 handle the issue administratively.

19
20 **Public Hearings/Workshops/Conceptual Discussions**

21 A. 9 Alexander LLC (Applicant & Owner, 9 Alexander Road, Map 12 Lot 4, Zoned
22 AR-I), and John and Susan Merck (Applicant & Owner, 3 Alexander Road, Map
23 12 Lot 4-4, Zoned AR-I) - Application Acceptance and Public Hearing for formal
24 review of a subdivision plan to adjust the lot line between Lots 12-4 and 12-4-
25 4 at 9 and 3 Alexander Road.

26
27 A. Rugg explained if the Board found the application to be complete, the public
28 hearing would commence, as would the 65 day time frame for the Board to
29 render a decision under RSA 676:4.

30
31 J. R. Trottier stated that there were no checklist items, and that Staff
32 recommended the application be accepted as complete.

33
34 **L. Wiles made a motion to accept the application as complete. R.**
35 **Brideau seconded the motion. No discussion. Vote on the motion:**
36 **7-0-0. The application was accepted as complete.**

37
38 Peter Zohdi of Edward N. Herbert Assoc. Inc. explained that this lot line
39 adjustment would transfer 2.47 acres of land from Lot 4 to Lot 4-4. All HISS
40 soil mapping was performed according to the Town’s regulations.

41
42 A. Rugg asked for Staff input.

43
44 J. R. Trottier summarized the engineering review letter (see Attachment #1).

45
46 J. R. Trottier read into the record the waiver request from the Staff
47 Recommendation memo:

- 48
49 1. The Applicant is requesting a waiver to Section 4.01.c of the Subdivision
50 Regulations and item III.2.g of the Subdivision Application Checklist to

1 allow plan scales of 1"=50' where a maximum of 1"=40' is required for
2 sheet 2. Staff recommends **granting** the waiver because it permits
3 viewing the parcel in its entirety on a single sheet, and is consistent with
4 the plan scale on sheet 1.
5

6 A. Rugg asked for comments and questions from the Board. There were none.
7

8 A. Rugg asked for public input. There was none.
9

10 **L. Wiles made a motion to approve the applicant's request for the**
11 **Waiver as outlined in Staff's Recommendation Memorandum Dated**
12 **July 2, 2014. R. Brideau seconded the motion.** No discussion. **Vote on**
13 **the motion: 7-0-0.** The waiver was granted.
14

15 **L. Wiles made a motion to grant final approval to a subdivision plan to**
16 **adjust the lot line between Lots 12-4 and 12-4-4 at 9 and 3 Alexander**
17 **Road, Zoned AR-I, in accordance with the plans prepared by Edward N.**
18 **Herbert Associates, Inc., dated April 2014, last revised June 10, 2014,**
19 **subject to all of the Precedent Conditions prior to plan signature, and**
20 **the General and Subsequent Conditions of approval as outlined in**
21 **Staff's Recommendations Memorandum dated July 2, 2014. R. Brideau**
22 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**
23

24 B. Peter J King Irrevocable Trust; Peter J. King, James M. Winston and Martin F.
25 Loughlin, Trustees (Owner) and Prologis (Applicant), Map 14 Lot 49 –
26 Application Acceptance and Public Hearing for formal review of a Phase I site
27 plan to allow clearing and grubbing for a Proposed Distribution Center at 4
28 Pettengill Road, Zoned GB.
29

30 J. R. Trottier stated that there were no checklist items, and that Staff
31 recommended the application be accepted as complete.
32

33 **L. Wiles made a motion to accept the application as complete. R.**
34 **Brideau seconded the motion.** No discussion. **Vote on the motion:**
35 **7-0-0. The application was accepted as complete.**
36

37 Engineer Chris Rice of TFMoran explained the applicant's goal of being able to
38 perform site preparation via this Phase I site plan while the Phase II plan is
39 going through the approval process. This will enable the applicant and end
40 user to adhere to their aggressive development time table. The Phase I plan
41 simply demonstrates the limits of clearing and grubbing to be performed, along
42 with minor grading that will ensure storm water is contained on site. A bond
43 will be posted with the Town in the event the project ceases so that the site
44 can be restored to a stabilized condition. A waiver has been requested from all
45 site plan regulations related to site development since they do not apply to this
46 type of site preparation plan.
47

48 A. Rugg asked for Staff input.
49

50 J. R. Trottier read the waiver request into the record from the Staff
51 Recommendation memo:

1
2 1. The applicant has requested a waiver from all the Site Plan Regulations
3 for all requirements related specifically to site development. Staff
4 supports **granting** the waiver because this will focus the review on the
5 requirements addressing the limited site activity requested, including
6 clearing the site, removing stumps and debris, and grading the site just
7 enough to ensure that stormwater is contained on site after the clearing.
8 Because the Site Plan Checklist isn't set up to accommodate a minor
9 proposal such as this, Staff has provided a list of requirements in the
10 recommendation to be completed prior to plan signature and any activity
11 on site.

12
13 J. R. Trottier summarized the engineering review letter (see Attachment #2).

14
15 A. Rugg asked for comments and questions from the Board.

16
17 L. Reilly confirmed with Staff that they agree with the applicant's assertion that
18 the site can be reestablished if for some reason the project does not proceed
19 past Phase I.

20
21 A. Rugg asked for public input. There was none.

22
23 **L. Wiles made a motion to approve the applicant's request for the**
24 **Waiver as outlined in Staff's Recommendation Memorandum Dated**
25 **July 2, 2014. R. Brideau seconded the motion. No discussion. Vote on**
26 **the motion: 7-0-0. The waiver was granted.**

27
28 C. May noted that if the Board is inclined to vote on a motion of final approval,
29 the words "removal of top soil" should be added to the list of actions involved
30 with Phase I, e.g. clearing, grubbing, etc.

31
32 **L. Wiles made a motion to Grant Final Approval to the Phase I Site Plan**
33 **for Prologis (Applicant), Map 14 Lot 49, to allow clearing, grubbing,**
34 **removal of top soil, and minor site grading at 4 Pettengill Road, in**
35 **accordance with the plans prepared by TF Moran, Inc., dated June 12,**
36 **2014, with the precedent conditions to be fulfilled within 120 days of**
37 **the approval and prior to plan signature, and the general and**
38 **subsequent conditions of approval to be fulfilled as noted in the Staff**
39 **memo, dated July 2, 2014. R. Brideau seconded the motion. No**
40 **discussion. Vote on the motion: 7-0-0.**

41
42 **Other Business**

43
44 A. Planning Board Plan Signature Policy [Continued from the June 11, 2014
45 meeting].

46
47 C. May presented revised amendments to Section 7.3 of the Planning Board
48 Rules of Procedure, Sections 2.05 and 7.06 of the Site Plan Regulations and
49 Section 2.06 of the Subdivision Regulations based on the discussion from the
50 June 11, 2014 meeting regarding a proposed modification to the Planning

1 Board plan signature policy (see Attachment #3). She said these adjustments
2 had been reviewed by the Town Attorney and met with his approval. Language
3 was further clarified in the Rules of Procedure following some discussion where
4 the word "two" was removed from the description of the Chair and Secretary's
5 designees. Designees will now simply be defined as those "who shall be
6 regular members of the Planning Board." This will enable any full member to
7 fill in for the Chair or Secretary if they are unavailable, rather than only those
8 who are designated annually in April.

9
10 C. May explained that amendments to any rules and regulations must be
11 discussed at a public hearing, which she said could take place at the August 13
12 meeting. A. Rugg noted that amendments to the Planning Board's Rules of
13 Procedure require two readings, this being the first and the public hearing on
14 August 13 being the second. Changes to the site plan and subdivision plan
15 regulations need only one reading, which will take place at the public hearing.

16
17 **Adjournment:**

18
19 **R. Brideau made a motion to adjourn the meeting. L. Wiles seconded the**
20 **motion. Vote on the motion: 7-0-0.**

21
22 The meeting adjourned at 7:44 PM.

23
24 These minutes prepared by Associate Planner Jaye Trottier

25
26 Respectfully Submitted,

27
28
29
30
31 Lynn Wiles, Secretary



21-0757-2
June 30, 2014

Cynthia May, Town Planner
268 B Mammoth Road
Londonderry, NH 03053

**Re: Plan Review #2
John & Susan Merck & 9 Alexander LLC
Map 12, Lot 4 & 4-4
Alexander Road
Londonderry, New Hampshire**

Dear Ms. May:

We have completed our second review of the above referenced project and offer the following summary.

Project Understanding:

- Proposed subdivision of Map 12, Lot 4, with the subdivided land being merged with Map 12, Lot 4-4. A High Intensity Soil Study was performed for the remainder of Map 12, Lot 4 to ensure this parcel will conform to the Town of Londonderry Regulations. The revised plans included the proposed layout for a residential drive to serve Map 12 Lot 4; the location for a septic system to serve Map 12 Lot 4; as well as proposed drainage infrastructure.

Information Reviewed:

- "Boundary Plan" Sheet 1 of 3 prepared by Edward N. Herbert Assoc., Inc., dated June 10, 2014.
- "Topographic/HISS Plan" Sheet 2 of 3 prepared by Edward N. Herbert Assoc., Inc., dated June 10, 2014.
- "Driveway Sight Line Plan/Profiles Map 12 Lot 4" Sheet 3 of 3 prepared by Edward N. Herbert Assoc., Inc., dated June 10, 2014.
- "Exhibit 5-B Londonderry Planning Board Lot Line Adjustment Application & Checklist" Formal Application, prepared by Edward N. Herbert Assoc., Inc., dated May 9, 2014.

The following is a summary of our comments based on the Design Review performed of the provided materials.



Plans

Topographic/HISS Plan

1. The location of the proposed waterline as noted in note #7 should be shown on the plans as well as the required setback from the septic system on Lot 4 (Parcel "B").
2. There appears to be an additional "Proposed CB" note pointing to the existing catch basin that should be removed.

Driveway Sight Line Plan/Profiles

1. The plan should be stamped by a professional engineer licensed in the State of New Hampshire.
2. The existing topography should be shown at all locations along the profiles within Alexander Road.
3. The proposed grading of the driveway beyond Station 1+13.53 should be shown to depict how it ties into the existing grade.
4. The applicant should include a Sight Line Plan and Profile for the existing driveway on Lot 4-4 (Parcel "A").

If you have any questions or need additional information please feel free to contact me at 603-433-8818 or jmpersechino@tighebond.com.

Very truly yours,

TIGHE & BOND, INC.



Joseph Persechino, P.E.
Project Manager

\\Srv\Projects\L\L0757 Town Of Londonderry, NH\L07575-2_Lot Line Adjustment - Map 12 Lot 4 And 4-4\2107572-Lot Line Adjustment - Map 12 Lot 4 And 4-4_Review_#2.Doc



MEMORANDUM

To: Planning Board

Date: July 2, 2014

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

Re: Tax Map 14 Lot 49
Site Preparation Plan for
Prologis Distribution Center
51 Pettengill Road

Owner: Peter J. King Rev. Trust

T F Moran submitted a plan and information for the above-referenced project under a formal application. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plan and information and we offer the following comments:

Design Review Items:

1. The Applicant's submission does not include easement deeds, protective covenants or other legal documents that indicates the Owner of abutting Lot 49-1 (that is not labeled) has agreed to the proposed improvements indicated across abutting lot 49-1 shown on the plan per Section 2.05.a.9 and 4.18.i of the Site Plan Regulations. The submitted application form is marked Not Applicable (N/A). We recommend the Applicant provide written documentation from the abutter agreeing to the proposed improvements indicated on the abutting property for the Planning Department's file, or otherwise amend the plan to exclude this area until an agreement is formalized.
2. The Applicant has not provided technical reports or supporting documents prepared by a professional engineer relative to the proposed drainage design (i.e. drainage report) and how the runoff from the proposed site disturbance under this application would be addressed per Section 3.07 of the Site Plan Regulations. The Application form is marked N/A and notes "will be provided at time of site plan application". We note the approved FedEx site located easterly of the site includes a large detention basin adjacent to the project that discharges flow toward this site. We are concerned that provisions to address the runoff from FedEx are missing from this application submittal. We recommend that a letter or report prepared by a professional engineer be provided to address this phase of the project and how the runoff from FedEx is addressed for the Town's file.
3. The Application did not include off-site improvement plans that addresses access to this site area. It is unknown how access to this area would occur. We recommend the Applicant update the application submission to indicate and include site access information. This should include any access easements or agreements with abutting lot owners and associated access drive design information. In addition, please clarify/include in the application where access from a Class V or better roadway will be provided to access this location for emergency purposes, if needed.
4. The Applicant indicates the NHDES Alteration of Terrain permit has been submitted on the checklist. We recommend the Applicant obtain the permit and indicate the permit approval number on the plan and provide a copy of the permit to the Town for their files.

5. The project will require an EPA-NOI for the amount of proposed disturbance indicated. We recommend the plan note that the Contractor and Owner shall obtain an EPA-NOI approval prior to construction as typically requested by the Town.
6. It appears the site may contain wetlands but it is unknown if these wetlands are associated with a Conservation Overlay District. We note the limit of work shown is less than 50 feet from these areas. We recommend the Applicant clarify/label any wetlands on the plans and address if the Conservation Overlay District is applicable under this application.
7. The existing site boundary is unclear and we recommend the Applicant provide a certification on the improvement plan stating the proposed improvements are located within the existing boundary of the subject property that is endorsed by a licensed land surveyor. In addition, we recommend the following items related to the existing conditions plan under section 4.12.C of the regulations be provided:
 - A. Map and lot number of subject parcel (#9);
 - B. SCS soil information (#13);
 - C. As noted in Item #6 above (#14);
 - D. Wetland delineation and criteria (#15);
 - E. Owner's signature (#16);
 - F. Zoning District boundary (#24);
 - G. Abutting Land uses, such as conservation (#25)
8. The Applicant's submitted plan does not include the following items in accordance with Specifications for Site Plans and Documents - Section 4 of the Site Plan Regulations and recommend the plan be updated to include accordingly (or provided on a separate plan, such as a cover sheet):
 - 4.03 Planning Board Signature Block
 - 4.05 Benchmark Data
 - 4.07 Plan References
 - 4.08 Legend
 - 4.09 Vicinity Plan (We recommend a 1"=2,500' and tax map showing the entirety of the lot with abutters identified)
 - 4.11 Notes: a, b, d, m, n, o, p, q, r, s
9. The proposed grading appears incomplete and does not appear to indicate all of the proposed items noted in the construction sequence such as #6: Spread, shape and compact roadway subbase, and the location of ponds stated in note 7. Please label the proposed roadway and ponds to be constructed within the area of disturbance. In addition, please address the typical roadway section in note 6 of the construction sequence.
10. We recommend the Applicant update the improvement plan to address the following under section 4.14 of the regulations:
 - A. Please indicate the proposed tree lines (A.17);
 - B. Please provide a detail of the proposed swale for proper construction (C.11);
 - C. Please provide a typical section of the detention pond for proper construction (C.12);
 - D. Please provide erosion control details (C.23) or reference the Town's typical details;

- E. Please provide a proper professional endorsement (Professional Engineer) on the plan.
11. The Applicant shall update the plan title block to include the Map and Lot Number and Owner's name and address per section 4.02 of the regulations.

Board Action Items:

- 1. The Applicant is requesting one (1) waiver to the Site Plan Regulations as noted in his letter dated July 1, 2014. The Board will need to consider the waiver under this application.

Board Informational Items:

- 1. A separate subdivision application of Lot 49 on Map 14 has been submitted that is currently under design review.
- 2. A separate site plan application has been submitted for the Prologis Distribution Center located upon a portion of existing Lot 49 on Map 14 that is currently under design review.

SUBDIVISION REGULATIONS to SECTION 2.06

- K. Board Action:** The Board shall act to approve, conditionally approve, or disapprove an application within the timeframe consistent with NH RSA § 676:4, as most recently amended, unless it deems more time necessary, in which case the Board must either obtain a written consent from the Applicant for an extension of a specified period or obtain in writing from the Town Council an extension of time not to exceed ninety (90) days. The Board shall take action as follows:
1. If the Board grants approval of an application as submitted, the plan shall be signed and dated by the Chairman and Secretary [or their designee]; and the plan is made available for recording in the Registry of Deeds;
 2. If the Board disapproves of an application, the Board shall state the grounds for disapproval in writing; and
 3. If the Board grants conditional approval of an application, the conditions shall be stated in writing and the plan shall not be signed and released for recording until fulfillment of such conditions, except such conditions as relate to the use of the property after subdivision and/or development of the property.
- L. Compliance with Conditions of Approval.** In order to determine fulfillment of conditions of approval, the Board shall hold a public hearing with notice as required in Section 2.02 B to receive evidence of compliance or non-compliance. No public hearing is required for conditions which are: (a) minor plan changes compliance with which is administrative and does not involve discretionary judgment; (b) conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or (c) conditions with regard to the Applicant's possession of permits and approval granted by other Boards or agencies.
- M. Time Limits for Fulfilling Conditions:** ~~Conditional approval shall be null and void unless~~ All precedent conditions necessary for release and recording of the plan ~~are shall be~~ fulfilled within twenty-four (24) months of ~~conditional the Planning Board approval~~ approval, or it shall be deemed null and void. The Board may grant an extension, upon written request filed with the Board at least fourteen (14) days prior to expiration of ~~conditional~~ approval, stating the extenuating circumstances justifying an extension.
- N. Board Signature:** Prior to obtaining Board signature, the Applicant shall submit two (2) complete paper print plan sets and supporting documents as required in Section 4.19 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Londonderry's file. The Chairman and Secretary of the Board [or their designee] shall endorse a reproducible mylar, and four (4) paper copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Planning Department shall retain a reproducible and four (4) paper copies with supporting documents for Town of Londonderry records.

SITE PLAN REGULATIONS AMENDMENTS to SECTION 2.05

- k. **Board Action:** The Board shall act to approve, conditionally approve, or disapprove an application within the timeframe consistent with NH RSA § 676:4, as most recently amended, unless it deems more time necessary, in which case the Board must either obtain a written consent from the Applicant for an extension of a specified period or obtain in writing from the Town Council an extension of time not to exceed ninety (90) days. The Board shall take action as follows:
1. If the Board grants approval of an application as submitted, the plan shall be signed and dated by the Chairman and Secretary [or their designees]; and the plan is made available for filing with the Planning Department and the building department may issue permits as appropriate;
 2. If the Board disapproves of an application, the Board shall state the grounds for disapproval in writing; and
 3. If the Board grants conditional approval of an application, the conditions shall be stated in writing and the plan shall not be signed and released for permit issuance until fulfillment of such conditions.
- l. **Compliance with Conditions of Approval:** In order to determine fulfillment of discretionary conditions of approval, the Board shall hold a public hearing with notice as required in Section 2.02b to receive evidence of compliance or non-compliance. No public hearing is required for conditions which are:
1. minor plan changes compliance with which is administrative and does not involve discretionary judgment;
 2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 3. conditions with regard to the Applicant's possession of permits and approval granted by other Boards or agencies.
- m. **Time Limits for Fulfilling Conditions:** See section 7.06
- n. **Board Signature:** Prior to obtaining Board signature, the Applicant shall submit two (2) complete paper print plan sets and supporting documents as required in Section 4.19 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Londonderry's file. The Chairman and Secretary of the Board [or their designees] shall endorse a reproducible mylar, and four (4) paper copies of the approved plan(s) meeting the conditions of approval upon receipt of an executed bond for all improvements, excluding buildings. The Planning Department shall retain a reproducible and four (4) paper copies with supporting documents for Town of Londonderry records.

SITE PLAN REGULATIONS AMENDMENTS to SECTION 7.06

7.06 ACTION of the BOARD:

a. Within the appropriate time frames as established by NH RSA § 676:4, the Board shall approve, conditionally approve, or disapprove the application. The reasons for disapproval of a plan shall be stated in the record of the Board. Approval of a plan shall be endorsed on the plan by the chairman and the secretary of the Board. The time to act may be extended in accordance with NH RSA §676:4f

b. ~~All conditional approvals are valid for a period of not more than 120 days, unless the Planning Board, at their discretion, chooses to extend the number of days required to meet precedent conditions.~~ All precedent conditions of approval must be met within ~~this an~~ 120-day period (or time period established by the Planning Board at time of ~~conditional~~ approval) or the approval shall be considered null and void. In cases where extenuating circumstances prevent the meeting of precedent conditions within 120 days, the applicant may request an extension, to be filed (in writing and with justification) with the Board no later than 14 days prior to the expiration date of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

c. All certified (signed by the Planning Board chair and secretary ~~for their designee~~) site plans must obtain a building permit within 1 year from the date the plan was signed. Failure to obtain a building permit within 1 year will render the approval null and void. In cases where extenuating circumstances prevent the receipt of a building permit within 1 year, the applicant may request an extension of not more than 1 additional year. Such request must be filed (in writing and with justification) with the Board no later than 14 days prior to expiration. The Planning Board shall then vote on whether or not to grant such extensions.

- 6.9. The Board makes any appropriate motions regarding conditional approval, denial, or continuance of the application.
- 6.10. The Chairman shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

7. DECISIONS

- 7.1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4**.
- 7.2. Notice of decision will be made available for public inspection at the Planning Department within 72 hours after the decision is made as required in **RSA 676:3**. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.
- 7.3. Plans approved for signature (and recording as appropriate) or conditionally approved as stated above, shall be signed by the Planning Board chair and Planning Board secretary or their designees, who shall be two regular members of the Planning Board. Designees shall be appointed annually at the same meeting in the month of April as the election of officers.