

LONDONDERRY ADMINISTRATIVE REVIEW COMMITTEE

MINUTES OF THE PUBLIC HEARING ON MARCH 1, 2012 IN THE ELWOOD CONFERENCE ROOM

ARC Members Present: Town Planner Cynthia May, ASLA; Asst. Director of Public Works John Trottier, P.E.; Senior Building Inspector/Zoning Officer/Health Officer Richard Canuel

Also Present: Jaye Trottier, Community Development Secretary; Mike Konan, Altid Enterprises, LLC; and Eric Mitchell, Eric C. Mitchell & Associates, Inc.

C. May called the meeting to order at 9:07 AM.

Public Hearings

A. Derry Plaza, LLC (Owner), Map 10 Lot 139 – Application Acceptance and Public Hearing for a proposed small addition in the back of the building at 10 Nashua Road, Zoned C-II.

J. Trottier stated there are three outstanding checklist items, all of which are waiver requests. Assuming the ARC grants the waivers, staff recommends the application be accepted as complete.

The waivers (that are applicable) were summarized as follows:

1. A waiver to Section 3.08.b of the regulations. The applicant has not provided a driveway sight distance plan/profile for the existing driveway. Planning Staff **recommends granting** the waiver, as no changes are proposed to the driveway, and this section of Route 102/Nashua Road does not present any sight distance impediments. Public Works Staff **does not recommend granting** the waiver impediments are unknown unless the plan/profile are provided.
2. A waiver to Section 4.14.e of the regulations. The applicant has not provided a landscape plan. Staff recommends **granting** the waiver, as no new landscaping areas are proposed as part of this project.
3. A waiver to Section 4.12 of the regulations. The applicant has not provided existing water, sewer utility information and pavement widths. Staff recommends **granting** the waiver, sufficient information is provided on the plan and no new improvements to these items are proposed as part of this project.

C. May stated that although Waiver #1 is not supported by Public Works staff, Planning staff supports it as Route 102 is an existing State Road and there is adequate site distance in both directions. R. Canuel agreed.

C. May made a motion to grant waiver request #1. R. Canuel seconded the motion. No discussion. Vote on the motion: 2-1-0 with J. Trottier in opposition. Waiver #1 was granted.

1 **C. May made a motion to grant waiver requests #2 and #3. J.**
2 **Trottier seconded the motion.** R. Canuel verified that the landscaping
3 along Route 102 will not be changed and that the parking spaces there will
4 only be restriped as parallel parking. **Vote on the motion: 3-0-0.** Waivers
5 #2 and #3 were granted.

6
7 **J. Trottier made a motion to accept application for Derry Plaza, LLC as**
8 **complete. C. May seconded the motion.** No discussion. **Vote on the**
9 **motion: 3-0-0.** The application was accepted as complete.

10
11 E. Mitchell explained that this small warehouse addition to the back of the
12 building on map and lot 10-139 would sit on approximately 1,080 square feet
13 of existing pavement. Changes will be minimal and will include the shifting
14 back and restriping of the existing parking along Route 102 which is currently
15 in the NH Department of Transportation (NHDOT) right of way. A previously
16 approved driveway permit is in the process of being amended by NHDOT and
17 is forthcoming. J. Trottier confirmed with E. Mitchell that NHDOT has no
18 other issues with the proposed changes. Two "Do Not Enter" signs will be
19 added to the site and wheel stops on the side facing Londonderry Road will be
20 moved to ensure adequate parking there. A letter was provided by M. Konan
21 confirming that the owners of the lot behind the building (who also own lot
22 10-139) do not object to the existing above ground propane tanks that are
23 partially located on that rear lot. If and when ownership of that rear lot
24 changes, E. Mitchell said an easement can be put in place or the tanks could
25 be moved completely within the bounds of 10-139.

26
27 J. Trottier summarized the design review items from the Staff
28 Recommendation letter. C. May noted that rationale for condition #9
29 involving the removal of all references to the hair salon and laundromat on
30 the plan is to clarify that specific retail uses are not differentiated on a
31 shopping center site. R. Canuel explained that Town regulations such as
32 parking would be different for those specific retail uses compared to the other
33 retail uses in the building, so removal of those references will simplify the site
34 plan moving forward.

35
36 C. May made M. Konan and E. Mitchell aware of the Zoning Board of
37 Adjustment cases that will need to be itemized on the plan. She also pointed
38 out that the only Design Review comment of note was from the Fire
39 Department which references an issue of egress. R. Canuel stated that
40 discussion of the issue would be more appropriate during the Building
41 Department review of the building permit application.

42
43 E. Mitchell asked J. Trottier if the requisite financial guaranty would be
44 necessary. J. Trottier replied that while no restoration guaranty would be
45 required, the condition is related to the placement of a monument on the
46 site. E. Mitchell replied that he will reset the pin and forward a letter stating
47 as such prior to plan signature. In that event, J. Trottier said the financial
48 guaranty would not be necessary.

49

1 Condition #10 in the Staff Recommendation requires that the applicant
2 appear before the Planning Board (and Heritage Commission) for any
3 changes to or addition of signage. C. May clarified that as long as the
4 additional signage (i.e. the directional signs) complies with Town regulations
5 per the Building Department, the applicant will only need to go before the
6 Heritage Commission for their approval.

7
8 The hearing was opened to the public. There was no public comment.

9
10 **J. Trottier made a motion to conditionally approve the plan with the**
11 **following conditions:**

12
13 "Applicant", herein, refers to the property owner, business owner, or
14 organization submitting this application and to his/its agents, successors, and
15 assigns.

16
17 **PRECEDENT CONDITIONS**

18
19 All of the precedent conditions below must be met by the applicant, at the
20 expense of the applicant, prior to certification of the plans by the Planning
21 Board. Certification of the plans is required prior to commencement of any
22 site work, any construction on the site or issuance of a building permit.

- 23
24 1. The Applicant shall provide appropriate stamp (NH Professional
25 Engineer) on the Trip Generation and Stormwater Management Letters.
26
27 2. The Applicant shall provide the following in the plan set, in
28 accordance with the checklist:
29 a) Name of provider for sanitary sewer and water supply.
30 b) Note identifying which plans are on file at the Town of Londonderry
31 Community Development office.
32 c) Include a plan index.
33 d) Note SCS soils type.
34 e) Wetland delineation
35
36 3. The Applicant shall add the Planning Board signature block to the
37 plan, provide the Owners signature and check spelling of 'Burlington' in
38 the Owners signature block.
39
40 4. The Applicant shall address all DRC Comments as applicable.
41
42 5. Note all waivers granted and list all ZBA actions for this site on the
43 plan.
44
45 6. The Applicant shall provide details in the plan set of the proposed
46 pavement markings, clarify if the existing markings are to be obliterated,
47 and provide detail of pavement restoration in the vicinity of the proposed
48 addition. The seven propane tanks associated with the property appear
49 to be located on abutting Lot 153. The applicant shall provide

1 documentation that this encumbrance is acceptable to abutting Lot 153
2 owners.

3
4 7. The Applicant shall contact the New Hampshire Department of
5 Transportation (NHDOT) to clarify whether a revised driveway permit is
6 required for this proposed addition.

7
8 8. This may be an existing non-conforming lot of record, but the
9 applicant shall amend Note# 4 to list all required zoning information for
10 the Commercial II zoning district. Indicate area of parcel, minimums and
11 maximums as applicable for clarity, existing and proposed use of the
12 parcel. Also note that the proposed addition does not change the green
13 area provided.

14
15 9. The Applicant shall amend Note #12 regarding parking to remove all
16 references to the hair salon and laundromat.

17
18 10. The Application does not include any proposed signage (freestanding
19 or wall signs) at this time, and therefore will be required to come back to
20 the Planning Board (and Heritage Commission) for an additional public
21 hearing for the signage design.

22
23 11. The Applicant shall add notes q, r, s, and t to the plan, in accordance
24 with Section IV.1. of the Site Plan application checklist.

25
26 12. The Applicant shall revise the Locus Map to be at 1" = 2,500' in
27 accordance with the regulations.

28
29 13. The Applicant shall add a note to the plan indicating any new lighting
30 shall be in conformance with the Town of Londonderry Site Plan
31 regulations.

32
33 14. The Applicant shall provide a digital (electronic) copy of the complete
34 final plan sent to the Town at the time of signature by the Board in
35 accordance with Section 2.05.n of the regulations.

36
37 15. Financial guaranty if necessary.

38
39 16. Final engineering review.

40
41 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
42 certified the approval is considered final. If these conditions are not met
43 within 120 days to the day of the meeting at which the Planning Board grants
44 conditional approval the board's approval will be considered to have lapsed
45 and re-submission of the application will be required. See RSA 674:39 on
46 vesting.

47
48 **GENERAL AND SUBSEQUENT CONDITIONS**

49
50 All of the conditions below are attached to this approval.

1
2 **1. No construction or site work for the amended site plan may be**
3 **undertaken until the pre-construction meeting with Town staff**
4 **has taken place, filing of an NPDES-EPA Permit and the site**
5 **restoration financial guaranty is in place with the Town.** Contact
6 the Department of Public Works to arrange for this meeting.

7
8 2. The project must be built and executed exactly as specified in the
9 approved application package unless modifications are approved by the
10 Planning Division & Department of Public Works, or if staff deems
11 applicable, the Planning Board.

12
13 3. All of the documentation submitted in the application package by the
14 applicant and any requirements imposed by other agencies are part of
15 this approval unless otherwise updated, revised, clarified in some
16 manner, or superseded in full or in part. In the case of conflicting
17 information between documents, the most recent documentation and this
18 notice herein shall generally be determining.

19
20 4. All site improvements must be completed prior to the issuance of a
21 certificate of occupancy. In accordance with Section 6.01.d of the Site
22 Plan Regulations, in circumstances that prevent landscaping to be
23 completed (due to weather conditions or other unique circumstance), the
24 Building Division may issue a certificate of occupancy prior to the
25 completion of landscaping improvements, if agreed upon by the Planning
26 Division & Public Works Department, when a financial guaranty (see
27 forms available from the Public Works Department) and agreement to
28 complete improvements are placed with the Town. The landscaping shall
29 be completed within 6 months from the issuance of the certificate of
30 occupancy, or the Town shall utilize the financial guaranty to contract out
31 the work to complete the improvements as stipulated in the agreement to
32 complete landscaping improvements. **No other improvements shall**
33 **be permitted to use a financial guaranty for their completion for**
34 **purposes of receiving a certificate of occupancy.**

35
36 5. As built site plans must to be submitted to the Public Works
37 Department prior to the release of the applicant's financial guaranty.

38
39 6. It is the responsibility of the applicant to obtain all other local, state,
40 and federal permits, licenses, and approvals which may be required as
41 part of this project (that were not received prior to certification of the
42 plans). Contact the Building Division at extension 115 regarding building
43 permits.

44
45 **C. May seconded the motion. No discussion. Vote on the motion: 3-**
46 **0-0.** The application was conditionally approved.

47
48 **Other Business**

49
50 There was no other business

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Adjournment:

**C. May made a motion to adjourn. J. Trottier seconded the motion.
Vote on the motion: 3-0-0.** The meeting adjourned at 9:27 AM.

These minutes prepared by Jaye Trottier, Community Development Secretary.

Respectfully Submitted,

Cynthia May, ASLA
Town Planner

From: [Cynthia May](#)
To: [Jaye Trottier](#)
Subject: RE: Approve: DRAFT ARC minutes from March 1, 2012
Date: Thursday, March 01, 2012 1:20:23 PM

I approve the ARC minutes from March 1, 2012.

Cynthia A. May, ASLA

Town Planner
Community Development Department
268 B Mammoth Road
Londonderry, NH 03053

(v) 603.432.1100 ext. 103

(f) 603.432.1128

cmay@londonderrynh.org

From: Jaye Trottier
Sent: Thursday, March 01, 2012 1:19 PM
To: Cynthia May
Subject: Approve: DRAFT ARC minutes from March 1, 2012

Jaye A. Trottier

Secretary

Zoning Board of Adjustment

Planning Board

Conservation Commission

Master Plan Steering Committee

Town of Londonderry

268B Mammoth Road

Londonderry, NH 03053

(603).432.1100 x134

(603).432.1128 (fax)

From: [John Trottier](#)
To: [Jaye Trottier](#)
Subject: RE: Approve: DRAFT ARC minutes from March 1, 2012
Date: Thursday, March 01, 2012 1:23:28 PM

John R. Trottier, PE
Assistant Director of Public Works &
Engineering
Town of Londonderry, NH
603-432-1100 ext 146
Fax 603-432-1128

jrtrottier@londonderrynh.org

From: Jaye Trottier
Sent: Thursday, March 01, 2012 1:19 PM
To: John Trottier
Subject: Approve: DRAFT ARC minutes from March 1, 2012

Jaye A. Trottier

Secretary

Zoning Board of Adjustment

Planning Board

Conservation Commission

Master Plan Steering Committee

Town of Londonderry

268B Mammoth Road

Londonderry, NH 03053

(603).432.1100 x134

(603).432.1128 (fax)

From: [Richard Canuel](#)
To: [Jaye Trottier](#)
Subject: RE: Approve: DRAFT ARC minutes from March 1, 2012
Date: Thursday, March 01, 2012 4:19:36 PM

approve

From: Jaye Trottier
Sent: Thursday, March 01, 2012 1:19 PM
To: Richard Canuel
Subject: Approve: DRAFT ARC minutes from March 1, 2012

Jaye A. Trottier

Secretary

Zoning Board of Adjustment

Planning Board

Conservation Commission

Master Plan Steering Committee

Town of Londonderry

268B Mammoth Road

Londonderry, NH 03053

(603).432.1100 x134

(603).432.1128 (fax)