

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF April 4, 2012 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**

4
5 Members Present: Mary Soares; Laura El-Azem; Chris Davies; Tom Freda, Ex-
6 Officio; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Dana Coons,
7 Scott Benson, alternate member; Leitha Reilly, alternate member; Maria Newman,
8 alternate member

9
10 Also Present: André Garron, AICP; Cynthia May, ASLA; John Trottier, P.E.; Libby
11 Canuel, Community Development Secretary

12
13 M. Soares called the meeting to order at 7 PM. She appointed S. Benson to vote
14 for Lynn Wiles and L. Reilly to vote for Art Rugg.

15
16 **Administrative Board Work**

17
18 A. Extension Request – Stonehenge Subdivision Phase II, Map 12 Lot 127 & Map
19 13 Lot 21-7

20
21 C. May referenced a letter dated March 16, 2012 from Thomas F. Quinn,
22 attorney for property owners Francis and Jean Milne, requesting a one year
23 extension of the subdivision plan for Phase II of the Stonehenge Subdivision.
24 She added that according to a follow up email she received today, the applicant
25 is hopeful about obtaining the financing needed to complete the project in the
26 near future.

27
28 **D. Coons made a motion to grant a one year extension to April 4, 2013.**
29 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
30 **0-0.** The extension for one year was granted.

31
32 B. Approval and Signing of Minutes – March 7, 2012; March 14, 2012; March 29,
33 2012

34
35 **D. Coons made a motion to approve and sign the minutes from the**
36 **March 7, 2012 meeting. R. Brideau seconded the motion.** No discussion.
37 **Vote on the motion: 7-0-2.** (C. Davies and J. Laferriere abstained because
38 they were absent from the March 7, 2012 meeting).

39
40 **D. Coons made a motion to approve and sign the minutes from the**
41 **March 14, 2012 meeting. R. Brideau seconded the motion.** No
42 discussion. **Vote on the motion: 8-0-1.** (J. Laferriere abstained because he
43 was absent from the March 14, 2012 meeting).

44
45 **D. Coons made a motion to approve and sign the minutes from the**
46 **March 29, 2012 meeting. R. Brideau seconded the motion.** No
47 discussion. **Vote on the motion: 6-0-3.** (D. Coons, L. El-Azem, and S.
48 Benson abstained because they were absent from the March 29, 2012 meeting).
49

1 Minutes for March 7, March 14, and March 29, 2012 were approved and will be
2 signed at the conclusion of the meeting.

3
4 D. Regional Impact Determinations – American Tire Distributors; Shops at
5 Londonderry; Elliot Health Systems Phase 4 & 5

6
7 C. May stated that American Tire Distributors is proposing a distribution and
8 warehouse use with associated site improvements on Map 17, Lot 45-3. She
9 said that staff recommends this project is not a development of regional impact,
10 as it does not meet any of the regional impact guidelines suggested by
11 Southern NH Planning Commission (SNHPC).

12
13 C. May stated that the proposed multi-tenant retail development for Shops at
14 Londonderry on Map 15, Lots 51 & 59 was previously determined not to be a
15 development of regional impact at the July 13, 2011 meeting.

16
17 C. May stated that Elliot Health Systems is proposing an amendment to the
18 conditionally approved site plan (April 9, 2009) to relocate the freestanding sign
19 from Buttrick Road to the Route 102 side of the property on Map 6, Lot 31. She
20 said that staff recommends this project is not a development of regional impact,
21 as it does not meet any of the regional impact guidelines suggested by
22 Southern NH Planning Commission (SNHPC).

23
24 **D. Coons made a motion to accept staff recommendations that the three**
25 **forementioned projects are determined not to be of regional impact**
26 **under RSA 36:56. R. Brideau seconded the motion. No discussion. Vote**
27 **on the motion: 9-0-0.**

28
29 D. Election of Officers

30
31 **R. Brideau made a motion to keep the current senior officers on the**
32 **Planning Board in place (A. Rugg, Chairman; M. Soares, Vice Chairman;**
33 **L. Wiles, Secretary; and L. El-Azem, Assistant Secretary). D. Coons**
34 **seconded the motion. Vote on the motion 9-0-0.**

35
36 E. Discussions with Town Staff

- 37
38 • Update on the Master Plan Comprehensive Update

39 A. Garron stated that on March 26, Brian Wright and Kara Wilbur of the
40 consultant team Town Planning and Urban Design Collaborative (TPUDC)
41 presented an overview of the project to the Town Council. It was
42 announced that on April 12, a workshop/pot luck dinner will be held at the
43 High School from 6 to 8 PM to solicit input from the community. From May
44 31 through June 5, a weeklong workshop known as Planapalooza will take
45 place that is designed to garner further comments and ideas from residents
46 about the direction the town should take over the next 10 to 20 years. The
47 event will begin and close at the Lions Hall, while TPUDC will be available in
48 the Moose Hill Council Chambers during the rest of the week. An article in
49 today's Union Leader summarizes the work done to date and announces all

1 of the aforementioned events. A. Garron stressed how vital resident
2 participation is in the development of a master plan, simply because it acts
3 as a guide for the future Londonderry. A separate means of requesting
4 public input, he continued, is through the telephone survey currently being
5 conducted by the UNH Survey Center. He asked that if residents receive a
6 call from UNH or from a number with an 862 prefix, that they please accept
7 the call and make their opinions known. Master Plan Steering Committee
8 Chair L. Reilly noted that as of 5:30 PM on April 3, statistics showed of the
9 66+% that elected to take the survey when called, 90% completed it,
10 resulting in 259 responses out of the 500 goal.

11 12 Public Hearings

13
14 A. Shops at Londonderry – Londonderry Land Development, LLC (Applicant), Jean
15 M. Gagnon (Owner), Map 15 Lots 51 & 59 – Application Acceptance and Public
16 Hearing for a two-lot subdivision of Map 15 Lot 51 and subsequent merger of
17 new Lot 51 with Lot 59, Route 28 (Rockingham Road), Vista Ridge Drive and
18 Perkins Road, Zoned MUC.

19
20 J. Trottier stated there are eight outstanding checklist items, all of which are
21 waiver requests. Assuming the Board grants the waivers, staff recommends the
22 application be accepted as complete. J. Trottier read the waivers into the
23 record from the Staff Recommendation memo:

- 24
25 *1. The applicant has requested a waiver to Section 4.01.C of the*
26 *regulations requiring the topographic plan scale to be 1" = 40', where*
27 *the plan is presented at 1" = 50' scale. Staff recommends **granting***
28 *the waiver because the topographic information shown on the*
29 *associated site plan is at a scale of 1"=40'.*
- 30 *2. The applicant has requested a waiver to Section 3.08 of the*
31 *Subdivision Regulations and item X.3 of the checklist requiring a*
32 *drainage report. Staff recommends **granting** the waiver because the*
33 *drainage report was submitted with the associated site plan.*
- 34 *3. The applicant has requested a waiver to Section 3.09.F.2 of the*
35 *regulations and Item VII.3.a.11 of the checklist requiring that*
36 *driveway locations be shown for each lot. Staff recommends*
37 ***granting** the waiver because the driveway locations were submitted*
38 *with the associated site plan.*
- 39 *4. The applicant has requested a waiver to Section 3.07, 4.16.B.2 and*
40 *4.18.B of the regulations and Item VII.2.b and X.7 of the checklist*
41 *requiring utility clearance letters or proposed sewer service*
42 *information. Staff recommends **granting** the waiver because the*
43 *utility clearance letters and sewer service information was submitted*
44 *with the associated site plan.*
- 45 *5. The applicant has requested a waiver to Sections 3.06, 4.16.B.4 and*
46 *4.18.B of the regulations and item VII.2. d and X.7 of the checklist*
47 *requiring the provision of utility clearance letter or proposed water*
48 *service information. Staff recommends **granting** the waiver because*

1 the utility clearance letters and water service information was
2 submitted with the associated site plan.

3 6. The applicant has requested a waiver to Sections 3.05 and 4.16.B.7
4 and 4.18.B of the regulations and item VII.2.g and X.7 of the
5 checklist requiring a utility clearance letter and indication of the
6 proposed utility service information. Staff recommends **granting** the
7 waiver because the utility clearance letters and utility service
8 information was submitted with the associated site plan.

9 7. The applicant has requested a waiver to Sections 4.17.A.27.ii, iii and
10 iv for the Subdivision Regulations and Item VI.28.b, c, and d of the
11 Subdivision Application Checklist to provide existing pipe type, size
12 and inverts of the existing sewer system, drainage system and
13 existing utilities. Staff recommends **granting** the waiver, because
14 sufficient information is provided in order to determine pipe lengths
15 and slopes.

16 8. The applicant has requested a waiver to Section 4.12.c.9 of the
17 regulations and Items V.9 and VI.9 of the checklist to include cross
18 easements between the new lots for access, drainage, utilities, and
19 maintenance. Staff recommends **granting** the waiver to this
20 requirement **for acceptance only**, because the cross access
21 easements will be provided as a condition of the subdivision plan
22 approval in association with the final site plan.

23
24 **D. Coons made a motion to grant the eight waivers based on the**
25 **applicant’s letter and staff recommendation. R. Brideau seconded the**
26 **motion.** No discussion. **Vote on the motion: 9-0-0.** The eight waivers were
27 granted.

28
29 **D. Coons made a motion to accept the application as complete. R.**
30 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
31 The application was accepted as complete.

32
33 Michael DiGuiseppe, applicant and developer, complimented staff on their
34 professionalism over the past year while he has worked with them on the
35 proposed shopping center. Project engineer Brad Mezquita from Tighe and
36 Bond explained that lots 51 (27.6 acres) and 59 (.34 acres) will be merged,
37 followed by a subdivision of the nearly 28 acre parcel in two. This will result in
38 the new lots 51 (11.8 acres) and 51-9 (16.04 acres). A minor right of way
39 realignment along Vista Ridge will take place in conjunction with the separate
40 site plan.

41
42 J. Trottier summarized the design review items from the Public Works
43 Department memorandum.

44
45 M. Soares asked for Board input. C. Davies inquired about the rationale for
46 dividing the lots as they are proposed. B. Mezquita replied that in part, it was
47 due to the Town’s site plan regulations as well as financing issues on the part of
48 the applicant. J. Laferriere asked if impacts on the stormwater drainage in the

1 area were clear at this point. J. Trottier responded that as a work in progress,
2 the issue has been addressed and agreed to conceptually and will continue to
3 be refined and finalized through the process. He also explained flowage rights
4 that will be granted by the applicant to the Town.

5
6 M. Soares asked for public input.

7
8 Bill Sibley of Vista Ridge condominiums asked if the natural drainage from
9 Perkins Road which goes under Vista Ridge Drive and out to Route 28 would be
10 affected by the development. J. Trottier replied that the wetland and drainage
11 will not be impacted.

12
13 There was no further public comment.

14
15 **D. Coons made a motion to conditionally approve the subdivision plan**
16 **with the following conditions:**

17
18 "Applicant", herein, refers to the property owner, business owner, or
19 organization submitting this application and to his/its agents, successors, and
20 assigns.

21
22 **PRECEDENT CONDITIONS**

23
24 All of the precedent conditions below must be met by the applicant, at the
25 expense of the applicant, prior to certification of the plans by the Planning
26 Board. Certification of the plans is required prior to commencement of any site
27 work, any construction on the site or issuance of a building permit.

- 28
29 1. The easement plan indicates the existing drainage easements across the
30 lots will be abandoned, but it is unknown how the existing flow from the
31 Town's drainage system or the upstream abutting lots will now be
32 addressed per section 4.12.C.9 of the regulations. The Town's drainage
33 system and upstream abutting lots currently have flows to the existing
34 detention basin located upon the subject lots via the existing easements.
35 In addition, portions of the Town's existing drainage system are currently
36 located within portions of the drainage easements to be abandoned. It is
37 our understanding that some of the easements would change under the
38 proposed site plan, but no information is provided on the plans or in the
39 notes on the plans. The Applicant shall provide additional information that
40 addresses the current drainage flows on the plan to explain/clarify the
41 proposed changes to the easements meeting approval of the Town.
42
- 43 2. The Applicant shall provide the Owner's signatures on the subdivision plans
44 and all applicable sheets.
- 45
46 3. The project is located along a significant portion of Vista Ridge Drive and
47 the Applicant is proposing improvements to the roadway to serve the new
48 lots as part of the off-site improvements for the separate site plan
49 application.
50

- 1 4. The Applicant shall confirm the Assessor's DRC comments have been
2 addressed with the Assessor.
- 3
- 4 5. Note all waivers granted on the plan.
- 5
- 6 6. The Applicant shall provide a digital (electronic) copy of the complete final
7 plan sent to the Town at the time of signature by the Board in accordance
8 with Section 2.06.N of the regulations.
- 9
- 10 7. The applicant shall provide a check for \$25 (made payable to the
11 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
12 became effective on recording of all plans and documents at the registry on
13 July 1, 2008.
- 14 8. The applicant shall note all general and subsequent conditions on the plans
15 (*must be on a sheet to be recorded, or a separate document to be recorded*
16 *with the subdivision plans*), per the new requirements of RSA 676:3.
- 17
- 18 9. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 19
- 20 10. Financial guaranty if necessary.
- 21
- 22 11. Final engineering review

23
24 PLEASE NOTE - Once these precedent conditions are met and the plans are
25 certified the approval is considered final. If these conditions are not met within
26 2 years to the day of the meeting at which the Planning Board grants
27 conditional approval the board's approval will be considered to have lapsed and
28 re-submission of the application will be required. See RSA 674:39 on vesting.

29
30 GENERAL AND SUBSEQUENT CONDITIONS

31
32 All of the conditions below are attached to this approval.

- 33
- 34 1. No construction or site work for the subdivision may be undertaken until the
35 pre-construction meeting with Town staff has taken place, filing of an
36 NPDES-EPA Permit and the site restoration financial guaranty is in place
37 with the Town (as applicable). Please contact the Department of Public
38 Works to arrange for this meeting.
- 39 2. The project must be built and executed exactly as specified in the approved
40 application package unless modifications are approved by the Planning
41 Department & Department of Public Works, or if staff deems applicable, the
42 Planning Board.
- 43 3. All of the documentation submitted in the application package by the
44 applicant and any requirements imposed by other agencies are part of this
45 approval unless otherwise updated, revised, clarified in some manner, or
46 superseded in full or in part. In the case of conflicting information between
47 documents, the most recent documentation and this notice herein shall
48 generally be determining.

4. All required Traffic, Police, and Fire impact fees must be paid prior to the issuance of a Certificate of Occupancy for the newly created lot.
5. 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.

R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. The plan was conditionally approved.

B. Shops at Londonderry – Londonderry Land Development, LLC (Applicant), Jean M. Gagnon (Owner), Map 15 Lots 51 & 59 – Application Acceptance and Public Hearing for a proposed multi-tenant retail development with associated site improvements, Vista Ridge Drive, Zoned MUC.

J. Trottier stated there are two outstanding checklist items, both of which are waiver requests. Assuming the Board grants the waivers, staff recommends the application be accepted as complete. J. Trottier read the waivers into the record from the Staff Recommendation memo:

1. *The applicant has requested a waiver to Section 3.12 and 4.15 of the Site Plan Regulations and Item IX of the Site Plan Application & Checklist requiring the submission of building elevations for the separate bank and restaurant uses proposed. Staff supports granting the waiver for acceptance only. The applicant shall provide the building elevations at the time the restaurant and the bank are proposed to be constructed, for review and approval of the Heritage Commission.*
2. *The Applicant has requested a waiver to Sections 4.14.a.19. and b.1 of Site Plan Regulations and Item VI.1.s and VI.2.a of the checklist requiring the provision of existing pipe lengths and slopes of the existing drainage system and existing sewer system per. Staff supports granting the waiver because sufficient information is provided in order to determine pipe lengths and slopes.*

D. Coons made a motion to grant the two waivers based on the applicant’s letter and staff recommendation. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. The two waivers were granted.

D. Coons made a motion to accept the application as complete. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. The application was accepted as complete.

Project engineer Brad Mezquita from Tighe and Bond explained that a retail development is proposed for the buildable portion of the lots, including two large buildings, one on the northeast corner and the other on the southeast end. A restaurant and bank are planned on separate parts of the western side along Vista Ridge Drive. Three access ways will lead onto the site, two from the

1 northern portion of Vista Ridge Drive and the other on the southeast end to
2 provide an entryway to the rear of the larger buildings.
3

4 Because the elevation between Vista Ridge and the lowest part of the lot
5 changes anywhere from 40 to 70 feet, the development will be terraced into the
6 hillside, making the buildings sit lower than Vista Ridge Drive. A retaining wall
7 along the rear will shield the wetland and Conservation Overlay District buffer.
8 The parking lot will consist of 574 spaces and the site will be serviced by
9 municipal water and sewer. The sewer connection permit is currently under
10 review by the Town. Landscaping will occur throughout the site, in part to
11 provide screening from both the rear and south ends of the site. The Heritage
12 Commission has given their approval of the conceptual designs of the two large
13 buildings. Their endorsement will be sought for the restaurant and bank since
14 both became part of the project after the fact.
15

16 B. Mezquita then reviewed the wetland area and existing stormwater drainage
17 on the eastern side of the lot mentioned by an abutter during the subdivision
18 discussion (see above). Stormwater management for the developed portion
19 continues to be reviewed extensively by staff as well as the Departments of
20 Transportation (NH DOT) and Environmental Services (NH DES). A closed
21 stormwater system will be used which will discharge toward the rear of the
22 buildings where two stormwater ponds and a rain garden will treat runoff before
23 continuing to the wetland. The system will also accommodate the drainage
24 currently coming from the Vista Ridge development into the site. Wetland
25 impacts will total approximately 9,000 square feet and the Town's Conservation
26 Commission recommended approval to NH DES of the applicant's Dredge and
27 Fill permit. The Commission did not recommend approval, however, of the
28 applicant's Conditional Use Permit for stormwater management work to be done
29 within the wetland buffer. An Alternation of Terrain permit is forthcoming. Two
30 dam permits, one for a stormwater pond and the other related to an existing
31 wetland berm, are being sought as well.
32

33 Giles Ham of Vanasse and Associates, Inc. stated that improvements made by
34 the State to Route 28 have provided sufficient capacity to accommodate the
35 project, leaving him to focus on off-site improvements related to traffic on the
36 Vista Ridge portion of the project. The first 1,000 feet of Vista Ridge Drive
37 coming off of Route 28 will be widened in order to provide two lanes of traffic
38 coming down the hill as well as an additional exclusive left turn lane for traffic
39 coming onto the site from Rte. 28. NH DOT and the Town have both approved
40 these changes and the Town has filed for what in this instance is a driveway
41 permit modification.
42

43 C. May read five of the nine additional waivers into the record from the Staff
44 Recommendation memo:
45

- 46 1. *The applicant has requested a waiver to Section 3.11.g.1.ii of the Site*
47 *Plan Regulations requiring the provision of eight percent (8%)*
48 *minimum interior landscaping for parking area located on the side of*
49 *buildings. Staff supports **granting** the waiver because the parking*

1 fields on the building sides are smaller areas, and the interior
 2 landscape areas provided in front exceeds the minimum requirement.

3 2. The applicant has requested a waiver to Section 3.11.g.1.iii of the Site
 4 Plan Regulations requiring the provision of five percent (5%) minimum
 5 interior landscaping for parking area located at the rear of buildings.
 6 Staff supports **granting** the waiver because the parking fields behind
 7 the buildings are linear and not visible from the public Right-of-Way,
 8 and are screened by a large wooded wetland area on the east side of
 9 the development.

10 3. The applicant has requested a waiver to Section 3.11.g.3 of the Site
 11 Plan Regulations requiring the provision of a minimum of one (1)
 12 deciduous tree per every 15 parking spaces as part of the internal
 13 parking lot landscaping. Staff supports **granting** the waiver because
 14 the waiver is for a deficit of one tree in the rear, but overall they have
 15 provided 43 trees where only 38 are required, as demonstrated in the
 16 chart on Sheet C-5.

17 4. The applicant has requested a waiver to Section 3.11.g.5 of the Site
 18 Plan Regulations requiring the provision of a minimum of one (1)
 19 deciduous tree per every 20 parking spaces and one tree per each 50
 20 feet of parking lot perimeter where screening is required. The
 21 applicant has provided 31 trees where 73 are required. Staff supports
 22 **granting** the waiver, because the parking lot is from 10 feet up to 27
 23 feet lower than Vista Ridge Drive beyond the main entrance, and trees
 24 will not be visible from the street.

25 5. The applicant has requested a waiver to Sections 3.11.g.6 & 7 of the
 26 Site Plan Regulations to provide screening of the parking lots located
 27 along the front and side of buildings with a minimum vertical opacity of
 28 more than 50%. The applicant has provided 30% along the section of
 29 Vista Ridge Drive between the first two curb cuts. Staff supports
 30 **granting** the waiver, because there is a significant drainage swale
 31 along the frontage and not appropriate for most trees or shrubs. There
 32 are 5 trees proposed along the street. Only a small section of the
 33 parking lot is visible from the street where the bank will take up the
 34 remainder of that space before the driveway.

35 J. Trottier read the remaining four waivers into the record:

36 6. The applicant has requested a waiver to Section 3.07.H of the Site Plan
 37 Regulations which requires the provision of manhole and catch basin
 38 depths not to exceed 18 feet in height. Staff supports **granting** the
 39 waiver, because of significant grade changes from the top of the
 40 retaining walls to outlet structures.

41 7. The applicant has requested a waiver to Section 3.07.G.3 of the Site
 42 Plan Regulations requiring a minimum of 3 feet of cover over pipes.
 43 There are three catch basins, and five locations off site where the
 44 minimum cover is not provided. The applicant has provided RCP pipe.
 45 In addition, the applicant is proposing a 6" underdrain within the Rain
 46 Garden. Staff supports **granting** the waiver due to required placement

1 *and utility crossings and the applicant is proposing to use reinforced*
 2 *concrete pipe in these locations.*

3 8. *The applicant has requested a waiver to Section 3.07.G.2 of the*
 4 *regulations regarding minimum and maximum permitted pipe*
 5 *velocities. The drainage report indicates seven pipes will have velocities*
 6 *in excess of 10 fps. In addition, the table indicates the minimum*
 7 *velocity of 2 fps is not achieved (1.85 fps) in one location (CB 22 to*
 8 *CB21). Staff supports **granting** the waiver, because of insufficient*
 9 *flows to achieve the minimum velocity and due to the proposed site*
 10 *grades and limiting the depth of the proposed piping that impacts the*
 11 *maximum velocity.*

12 9. *The applicant has requested a waiver to the typical roadway section in*
 13 *Exhibits D5 and R-101 of the Subdivision Regulations. They are*
 14 *proposing to alter the existing Vista Ridge Drive roadway embankment*
 15 *within the Town's existing roadway slope easement from a typical cut*
 16 *section to an embankment sloping downward similar to a fill type*
 17 *section. The proposed grading design provided for a 3H:1V slope with*
 18 *guardrail in lieu of the 4H:1V embankment slope required for this type*
 19 *of roadway section as indicated in Exhibit D5 of the Subdivision*
 20 *Regulations and Town's typical roadway section Exhibit R-101. Staff*
 21 *supports **granting** the waiver in order to limit the required side slope*
 22 *of the roadway and the Applicant is proposing guardrail to be installed*
 23 *along portions of Vista Ridge Drive where required.*

24 C. May continued with the applicant's four Conditional Use Permit requests:

25 1. *The Applicant indicates several retaining walls are to be constructed*
 26 *within the building setbacks of the property adjacent to abutting lot*
 27 *60-2, along Vista Ridge Drive and along Rockingham Road with the*
 28 *wall heights varying up to twenty (20) feet. In addition, the site*
 29 *plan indicates the proposed restaurant will be within the 60 foot*
 30 *front setback along Vista Ridge Drive. The Applicant is requesting a*
 31 *Conditional Use Permit to section 2.4.5.1 of the Zoning Ordinance to*
 32 *construct these structures in the setbacks under this application.*
 33 *Staff recommends **granting** the Conditional Use Permit because*
 34 *the there is only a small corner of the building that will end up in*
 35 *the setback after the first 10 feet of frontage is dedicated for future*
 36 *roadway improvements on Vista Ridge Drive. The retaining walls*
 37 *within the setbacks only occur along the common boundary of the*
 38 *development subdivision.*

39 2. *The Applicant's design does not provide landscaping to enclose the*
 40 *proposed lot per section 2.4.5.3.1 of the Zoning Ordinance. The*
 41 *Applicant is requesting a Conditional Use Permit to section 2.4.5.3.1*
 42 *of the Zoning Ordinance for the proposed common driveway. Staff*
 43 *recommends **granting** the Conditional Use Permit because the area*
 44 *of concern is the location of the common driveway and boundary*
 45 *between the newly subdivided lots separating the development, and*
 46 *the applicant has provided adequate landscaping along either side of*
 47 *the driveway within the available green space.*

- 1 3. *The Applicant's design does not provide the minimum required*
 2 *parking in accordance with section 3.10.10 of the Zoning Ordinance*
 3 *and identified on sheet C-2A. The applicant is requesting a*
 4 *Conditional Use Permit to reduce the number of proposed parking*
 5 *spaces under this application. Staff recommends **granting** the*
 6 *Conditional Use Permit because the applicant has demonstrated that*
 7 *the spaces provided adequately addresses the parking needs for this*
 8 *use based on the number of parking spaces utilized in similarly*
 9 *owned developments. Parking will be shared between both lots as*
 10 *part of the single shopping center development.*

- 11 4. *The Applicant is proposing improvements within the Conservation*
 12 *Overlay District (COD) that will require a Conditional Use Permit*
 13 *approval by the Planning Board. The Conservation Commission*
 14 *does not recommend approval of the Conditional Use Permit*
 15 *because they found that it didn't meet the intent of the COD. The*
 16 *Commission did, however, note in their notice that the plan*
 17 *proposes to minimize the impact of the development, and the*
 18 *applicant designed a created wetland area adjacent to the existing*
 19 *wetland that would have a similar equivalent functional value to the*
 20 *wetlands and buffers being disturbed. Staff recommends **granting***
 21 *the Conditional Use Permit for the reasons stated, and because the*
 22 *two small impacts are in the outer half of the buffer. The application*
 23 *has received a wetland permit from NHDES.*

24
 25 J. Trottier summarized Design Review Items, Board Action Items, and Board
 26 Informational Items from the Staff Recommendation memo.

27
 28 M. Soares asked for Board input. S. Benson expressed concerned about the
 29 drainage and natural runoff but was confident all issues would be addressed
 30 through staff's due diligence. J. Laferriere questioned the reduction of
 31 landscaping as noted in the first two of the nine additional waivers along with
 32 the reduction in parking spaces (from 598 to 574), considering Londonderry's
 33 specific requirements for both. A. Garron explained that the regulations also
 34 provide Board with the flexibility to reduce parking if evidence can demonstrate
 35 its adequacy on similar projects elsewhere. L. Reilly asked staff about the
 36 possibility and subsequent complications of a driveway coming off of any future
 37 development on map 15, lot 62-2 onto Vista Ridge Drive since it would then be
 38 very close to the most northerly proposed access for this project. A. Garron
 39 agreed that it would be a very limiting factor for such a development on that
 40 lot. D. Coons suggested the addition of at least a walkway between the site
 41 and lot 62-2 in the event it is developed. He also recommended that painted
 42 medians for the entrances off of Rte. 28 as well as the first entrance on Vista
 43 Ridge Drive be a raised to avoid drivers taking a left turn in and out where the
 44 intent is for a right in/right out access only. The following issues were also
 45 clarified by the applicant when questioned by various Board members:

- 46 o The total number of parking spaces includes the anticipated needs
 47 for both the bank and restaurant in addition to the retail buildings;
 48

- 1 o No parking spaces will be lost to snow storage (i.e. sufficient space
- 2 will be provided elsewhere on the site);
- 3 o Snow storage will not block sight lines or hinder visibility;
- 4 o The lack of landscaping enclosing the lot referred to in Design
- 5 Review item #3 only applies to the edge adjacent to the entrance
- 6 drive;
- 7 o Blasting could be required at some point, however preliminary
- 8 geotechnical analysis does not indicate a need thus far;
- 9 o Visual impact on the residents within Vista Ridge condominiums
- 10 will be minimized by the elevation distance such that they will
- 11 overlook the lighting poles;
- 12 o Tenants will be required to instruct delivery trucks to use Route 28
- 13 to enter the site (as opposed to Perkins Road), and the right out
- 14 only design of the exit will inhibit access to Perkins when leaving
- 15 the site

16
17 M. Soares asked for public comment.

18
19 Bill Sibley, Vista Ridge Road, voiced concern (as did others) about a lack of
20 sidewalks or other measures being proposed to ensure the safety of the Vista
21 Ridge condominium residents, particularly children who walk Vista Ridge Drive
22 to reach their bus stop on Perkins Road. He noted the dangers of speeding
23 cars that use Vista Ridge Drive as a cutoff between Perkins Road and Rte. 28,
24 along with trucks that will be instructed to come up Vista Ridge Drive to access
25 the back of the building. He also disagreed with the notion that trucks will be
26 discouraged from using Perkins Road to access the site. M. DiGuiseppe stated
27 he will be meeting with School Administration staff to discuss relocating the
28 school bus stop. Traffic signs and lighting were also of concern to B. Sibley.
29 Additionally, he and Jean Bonus of Crestview Circle suggested that a lack of
30 buffer between the retail establishment and the condos will reduce the value of
31 the latter. B. Sibley questioned the applicant's assertion that trees will not
32 grow at a certain angle because trees have been successful on the steeper
33 slope where the condos are located.

34
35 A discussion ensued about the lack of a traffic light or pedestrian signal at the
36 proposed crosswalk across Vista Ridge Drive in front of the complex. G. Ham
37 explained that a traffic light is not warranted there because it did not meet the
38 volume criteria, adding that a pedestrian signal in situations like that have
39 shown to be more problematic than effective. A three-way stop and/or speed
40 bumps were suggested as well, although G. Ham insisted on the adequate
41 safety of the design as proposed, indicating that neither staff nor the Town's
42 consultant have opposed it. Sheri Fortier, Crestview Circle, noted that a three-
43 way stop could back traffic up on Vista Ridge Drive. M. DiGuiseppe offered to
44 discuss the issue further with J. Trottier.

45
46 Jan McLaughlin, 14 Crestview Circle, stated that traffic is already significant
47 enough on Crestview Circle that seasonal speed bumps have been installed.
48 She added that guardrails there already hinder pedestrians from being able to
49 stay off the road. Sufficient drainage measures and parking were also
50 concerns of hers and she asked if signage will be posted along Vista Drive to

1 keep the road free of cars. S. Fortier added that the overflow parking for the
2 Vista Ridge condos could be used during such times as the holiday season. D.
3 Coons suggested that if residents of Vista Ridge plan to walk to the retail
4 stores, another crosswalk be added between the two sites.
5

6 Lee Jeffers, 16 Vista Ridge Drive, reiterated the concerns that trucks will use
7 Perkins Road to access the designated truck entrance and that sidewalks are
8 needed. M. DiGuiseppe noted that the majority of truck deliveries occur before
9 9 AM when pedestrians and other vehicles are scarce, although M. Soares
10 countered that students would be out well before then. He added that truck
11 drivers would naturally not find Perkins Road to be a practical access.
12

13 Dave Maloney, 2 Crestview Circle, cited the added traffic difficulties that will
14 occur if lot 62-2 is developed. He asked about the change in the wetland since
15 the conceptual plan was presented. B. Mezquita replied that the area in
16 question is the aforementioned portion that will be filled with endorsement
17 from the Town and approval from NH DES. M. Soares added that another
18 wetland was created to mitigate that loss. D. Maloney asked if the hours of
19 truck deliveries could be restricted. Danny Mendoza, Crestview Circle,
20 suggested removing the rear entrance entirely to avoid the safety issues being
21 posed. A. Garron explained that the back entrance is intended for emergency
22 fire vehicle access. M. DiGuiseppe added that the suggestion of a gate at that
23 entrance is not likely to be acceptable to the Fire Department. J. Laferriere
24 asked if the Fire Department's determination is based on specific regulations or
25 is more of a judgment. J. Trottier said the issues would be addressed to the
26 Fire Chief. D. Mendoza also challenged the traffic analysis determination that
27 only the northern portion of Vista Ridge Drive would need widening when it is
28 likely that drivers will use the whole length of the road to access the retail site
29 as well as Perkins Road. G. Ham explained that widening was limited to
30 discourage regular use of the remainder of the road. D. Mendoza then posed
31 the detrimental effects that blasting could have on the area. M. DiGuiseppe
32 explained that surveying is done prior to blasting to identify any vulnerable
33 areas and assess whether further damage has occurred after blasting is
34 complete.
35

36 Hal Line, 12 Vista Ridge, asked if the traffic analysis demonstrates a
37 reasonable amount of traffic generated by the development. G. Ham
38 responded that approximately 400 customers are anticipated to be entering
39 and leaving via Rte. 28 during peak hours as opposed to 30-40 currently. The
40 analysis, he added, also showed that Vista Ridge is not used very frequently as
41 a cut through to Perkins Road. H. Line asserted that the restaurant, because
42 of its later business hours, will generate increased traffic during non-peak
43 times. Later in the meeting, M. Soares conveyed to staff a question from an
44 audience member asking why traffic studies were not done in the early
45 morning hours when students would be walking the road. A. Garron said he
46 would address the issue with the Town's traffic consultant. In general, H. Line
47 expressed opposition to the overdevelopment of the site as evidenced in his
48 opinion by the number of waivers being sought. He advised the use of
49 downcast lighting to minimize effects on Vista Ridge residents. A. Garron
50 noted that the Town requires such lighting be used. H. Line also questioned

1 why he was not notified personally of the meeting but only through the Vista
2 Ridge condo association. A. Garron explained that by State statute, only the
3 associations of condominium buildings require notification, then it is their
4 responsibility to pass the information along to members of the association.
5

6 Jeff T (?), Crestview Circle, asked if a right turn only lane would be added to
7 Rte. 28 to accommodate traffic heading east and trying to access Vista Ridge
8 Drive. J. Trottier replied that NH DOT (who oversees Rte. 28 and the
9 development around it) did not require one. He then asked what restrictions
10 the Town places on business hours. C. May said there are none but added that
11 the Board could impose a restriction on how late a business stays open or how
12 long their non-emergency lights remains on. M. DiGuiseppe estimated that the
13 retail stores would stay open as late as 10 PM (with lighting staying on an hour
14 or so later for employees), and the restaurant could conceivably stay open until
15 2 AM, depending on liquor license laws. Lastly, when asked if specific tenants
16 have been identified yet, M. DiGuiseppe replied that he could not say at this
17 point.
18

19 There was no additional input from direct abutters but later in the meeting,
20 Ann Chiampa, 28 Wedgewood, asked if the rear of the buildings would be
21 shielded from Perkins Road by the retaining wall or other measures. A. Garron
22 said no man made measures would do so but that the tree stand in the
23 wetland should provide a visual shield based on the elevations involved.
24

25 Considering the number of issues and questions raised by the Board and
26 abutters, M. Soares entertained a motion to continue the public hearing and
27 allow the applicant to do further research. **D. Coons made a motion to**
28 **continue the public hearing to May 9, 2012 at 7pm. R. Brideau**
29 **seconded the motion.** No discussion. **Vote on the motion: 9-0-0.** The
30 hearing will be continued to May 9, 2012 at 7PM. M. Soares said this will be
31 the only public notice.
32

33 C. Clark Farm Industrial Center – BC Construction (Applicant), Evans Family LTD
34 Partnership (Owner), Map 17 Lot 45-3 – Application Acceptance and Public
35 Hearing for a two-lot subdivision, Jack’s Bridge Road and Clark Road, Zoned I-
36 I.
37

38 J. Trottier stated there are three outstanding checklist items, all of which are
39 waiver requests. Assuming the Board grants the waivers, staff recommends
40 the application be accepted as complete. He read the waivers into the record
41 from the Staff Recommendation memo:
42

- 43 1. *The applicant has requested a waiver to Sections 3.05, 3.06, 3.07*
44 *and 4.18B of the Subdivision Regulations and Item X.7 of the*
45 *Subdivision Application Checklist. The applicant has not provided*
46 *utility clearance letters because there is no construction related to*
47 *the subdivision application. Staff recommends **granting** the waiver,*
48 *because the utility clearances were provided with the associated site*
49 *plan application.*

2. *The applicant has requested a waiver to Item X.4 of the checklist to provide a traffic report. Staff recommends **granting** the waiver, because the traffic report was submitted with the associated site plan application.*
3. *The applicant has requested a waiver to Items VII.2.b, d, f & g of the checklist to provide utility services to serve the Lot 45-3. Staff recommends **granting** the waiver because there is no development proposed for Lot 45-3 at this time.*

D. Coons made a motion to grant the three waivers based on the applicant’s letter and staff recommendation. R. Brideau seconded the motion. No discussion. **Vote on the motion: 9-0-0.** All three waivers were granted.

D. Coons made a motion to accept the application as complete. R. Brideau seconded the motion. No discussion. **Vote on the motion: 9-0-0.** The application was accepted as complete.

Earle Blatchford of Hayner/Swanson, Inc. stated that the lot 45-3 is 43 acres with approximately 1,700 feet of frontage on Clark Road and 525 feet on Jack’s Bridge Road. The two roads are segregated by a gate to keep the residential uses on Clark Road separate from the industrial uses on Jack’s Bridge Road. Wetlands which exist on the northwesterly corner and along the southerly boundary of the lot have been flagged by a wetland scientist. Roughly .46 acres abutting Jack’s Bridge Road is being dedicated to the Town because of the public drainage and sight distance easements located there. The remainder of the lot would be subdivided, resulting in new lot 45-5 being 8.8 acres which will be developed (see site plan hearing below). Municipal water and sewer will service the site, along with natural gas, power, and communications, all coming from Jack’s Bridge Road. A cross access easement from the cul de sac of Jack’s Bridge Road will allow access not only to 45-5 but to future development on 45-3. A 30 foot wide drainage easement is proposed for the southwesterly corner of the new lot while a 20 foot wide drainage easement is planned for an area of Clark Road where a public drain outfall currently exists.

J. Trottier read the four waivers into the record from the Staff Recommendation memo:

1. *The applicant has requested a waiver to Section 4.01.C of the regulations requiring the plan scale to be 1" = 100', where the plan is presented at 1" = 150' scale for the Master Subdivision Plan sheet. Staff recommends **granting** the waiver because the subsequent sheet shows boundary and topographic information at 1" = 40', and the master subdivision plan sheet is intended to depict the entire proposal.*
2. *The applicant has requested a waiver to Section 3.02.C of the regulations to place Conservation Overlay District (COD) signs. Staff recommends **granting** the waiver because the lot to be developed per the associated site plan application is outside the Conservation*

1 *Overlay District. Further development of Lot 45-3 will require*
 2 *placement of COD signs.*

3 3. *The applicant has requested a waiver to Section 3.09.F of the*
 4 *regulations requiring driveway locations and sight distance plans for*
 5 *the proposed subdivision. Staff recommends **granting** the waiver*
 6 *because there is no development proposed for Lot 45-3 and a*
 7 *driveway design and sight distance plan was provided as part of the*
 8 *site plan application for the new lot.*

9 4. *The applicant has requested a waiver to Section 3.03.E requiring side*
 10 *lot lines to be no greater than 10 degrees from perpendicular to the*
 11 *Right-of-Way. Staff recommends **granting** the waiver because it*
 12 *complies with Section 3.03.D. of the regulation preserving future re-*
 13 *subdivision of tracts subdivided into larger parcels. Also, should*
 14 *Jack's Bridge Road be extended in the future, this configuration*
 15 *would disappear.*

16
 17 J. Trottier also summarized the Design Review, Board Action, and Board
 18 Information items from the DPW memorandum.

19
 20 M. Soares asked for input from the Board. There was none.

21
 22 M. Soares asked for public input. There was none.

23
 24 **D. Coons made a motion to grant the four waivers based on the**
 25 **applicant's letter and staff recommendation. R. Brideau seconded the**
 26 **motion.** No discussion. **Vote on the motion: 9-0-0.** The four waivers were
 27 granted.

28
 29 **D. Coons made a motion to conditionally approve the subdivision plan**
 30 **with the following conditions:**

31
 32 "Applicant", herein, refers to the property owner, business owner, or
 33 organization submitting this application and to his/its agents, successors, and
 34 assigns.

35
 36 **PRECEDENT CONDITIONS**

37
 38 All of the precedent conditions below must be met by the applicant, at the
 39 expense of the applicant, prior to certification of the plans by the Planning
 40 Board. Certification of the plans is required prior to commencement of any site
 41 work, any construction on the site or issuance of a building permit.

- 42
 43 1. The Applicant shall verify the DRC comments of the Planning and Economic
 44 Development Department are adequately addressed with the Department.
 45 In addition, The Applicant shall verify the DRC comments of the Heritage
 46 Commission are adequately addressed with the Commission.
 47
 48 2. Note all waivers granted on the plan.
 49

- 1 3. The Applicant shall provide a digital (electronic) copy of the complete final
2 plan sent to the Town at the time of signature by the Board in accordance
3 with Section 2.06.N of the regulations.
4
- 5 4. The applicant shall provide a check for \$25 (made payable to the
6 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
7 became effective on recording of all plans and documents at the registry on
8 July 1, 2008.
- 9 5. The applicant shall note all general and subsequent conditions on the plans
10 (*must be on a sheet to be recorded, or a separate document to be recorded*
11 *with the subdivision plans*), per the new requirements of RSA 676:3.
12
- 13 6. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 14
- 15 7. Financial guaranty if necessary.
- 16
- 17 8. Final engineering review
18

19 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
20 certified the approval is considered final. If these conditions are not met within
21 2 years to the day of the meeting at which the Planning Board grants
22 conditional approval the board's approval will be considered to have lapsed and
23 re-submission of the application will be required. See RSA 674:39 on vesting.
24

25 **GENERAL AND SUBSEQUENT CONDITIONS**
26

27 All of the conditions below are attached to this approval.
28

- 29 1. No construction or site work for the subdivision may be undertaken until the
30 pre-construction meeting with Town staff has taken place, filing of an
31 NPDES-EPA Permit and the site restoration financial guaranty is in place
32 with the Town (as applicable). The Applicant shall contact the Department
33 of Public Works to arrange for this meeting.
- 34 2. The project must be built and executed exactly as specified in the approved
35 application package unless modifications are approved by the Planning
36 Department & Department of Public Works, or if staff deems applicable, the
37 Planning Board.
- 38 3. All of the documentation submitted in the application package by the
39 applicant and any requirements imposed by other agencies are part of this
40 approval unless otherwise updated, revised, clarified in some manner, or
41 superseded in full or in part. In the case of conflicting information between
42 documents, the most recent documentation and this notice herein shall
43 generally be determining.
- 44 4. All required Police and Fire impact fees must be paid prior to the issuance of
45 a Certificate of Occupancy for the newly created lot.
- 46 5. It is the responsibility of the applicant to obtain all other local, state, and
47 federal permits, licenses, and approvals which may be required as part of

1 this project (that were not received prior to certification of the plans).
 2 Contact the Building Division at extension 115 regarding building permits.

3
 4 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
 5 **0-0.** The plan was conditionally approved.

6
 7 D. American Tire Distributors – BC Construction (Applicant), Evans Family LTD
 8 Partnership (Owner), Map 17 Lot 45-3 – Application Acceptance and Public
 9 Hearing for a proposed distribution and warehouse use with associated site
 10 improvements, Jack’s Bridge Road and Clark Road, Zoned I-I.

11
 12 J. Trottier stated that there are no checklist items, and staff recommended the
 13 application be accepted as complete.

14
 15 **D. Coons made a motion to accept the application as complete. R.**
 16 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
 17 The application was accepted as complete.

18
 19 Engineer Kevin Riggs, President and CEO of Cole, reiterated that new lot 45-5
 20 would be roughly 8.8 acres with access off of Jack’s Bridge Road for 125,000
 21 square foot of building, (120,575 sq. ft. of warehouse and 4,485 sq. ft. of
 22 office) for a tire distribution business. No access will be allowed from Clark
 23 Road. The entrance to the site will be off of an access easement stemming
 24 from the cul de sac on Jack’s Bridge Road. The Zoning Board of Adjustment
 25 granted a variance in February to allow the access road to be outside the
 26 property lines so as to provide an entrance for future development on 45-. At
 27 some point after any further development, easement could conceivably become
 28 a public right of way. K. Riggs reviewed access around the site, the self
 29 contained stormwater management system, and the landscape plan, particularly
 30 with regard to screening form the residential lots to the south. All utilities to
 31 the site are existing and off of Jack’s Bridge Road. He also provided views of
 32 the building and elevation designs. An Alteration of Terrain permit has been
 33 issued by the State and the Town’s Conservation and Heritage Commissions
 34 have both provided favorable comments. (The Heritage Commission will review
 35 signage for the site separately). The only outstanding issues are relatively
 36 minor and related to traffic. K. Riggs expects those will be quickly resolved. A.
 37 Garron noted later in the meeting that a traffic study done in 2005 for the
 38 abutting Harvey Industries development took into account potential
 39 developments on this lot as well as what is now the Penske site. The figures
 40 provided by the applicant fell within that 2005 estimate. K. Riggs also stated
 41 that residential abutters were contacted directly by Cole to address any
 42 concerns they might have.

43
 44 C. May read the three waivers into the record from the Staff Recommendation
 45 memo:

- 46
 47 1. *The applicant has requested a waiver to Section 3.11.g.3 of the Site*
 48 *Plan Regulations requiring one (1) deciduous tree per every 15 parking*
 49 *spaces. Staff supports **granting** the waiver because the parking lot for*

1 *this industrial site is relatively small and there are shade trees provided*
2 *along the perimeter of the lot with enough area set aside for snow*
3 *storage at the lower end.*

4 2. *The applicant has requested a waiver to Section 3.11.g.1.i of the Site*
5 *Plan Regulations requiring 10% interior landscaping in the front parking*
6 *area. Staff supports **granting** the waiver for the same reasons*
7 *previously stated.*

8 3. *The applicant has requested a waiver to Section 3.08.b.3 of the Site*
9 *Plan Regulations requiring 200 feet of separation from an existing*
10 *driveway on the same side of the roadway. Staff supports **granting***
11 *the waiver because the proposed point of access is situated in a*
12 *manner to potentially accommodate the future extension of Jack's*
13 *Bridge Road.*

14
15 C. May also stated the applicant is requesting a Conditional Use Permit (CUP) to
16 reduce the number of proposed parking spaces. Staff recommends granting the
17 CUP because the applicant has demonstrated that the spaces provided
18 adequately addresses the parking needs for this use based on the number of
19 parking spaces utilized in similar facilities around the country.

20
21 J. Trottier summarized the Design Review comments, Board Action items, and
22 Board Informational items from the DPW memorandum.

23
24 M. Soares asked for input from the Board. C. Davies asked how many parking
25 spaces are planned as well as how many employees will be on site. K. Riggs
26 said 101 spaces are required for this scenario and 46 will be provided. Typically
27 40 employees will work on two shifts. D. Coons asked what kinds of trucks
28 would be coming to the site. K. Riggs estimated two to five over the road
29 trucks and an additional 10 to 20 local trucks would visit the site daily. L. Reilly
30 and M. Newman thanked the applicant for being proactive with regard to the
31 residential abutters as well as excessive parking area.

32
33 M. Soares asked for public input. There was none.

34
35 **D. Coons made a motion to grant the three waivers based on the**
36 **applicant's letter and staff recommendation. R. Brideau seconded the**
37 **motion.** No discussion. **Vote on the motion: 9-0-0.** The three waivers
38 were granted.

39
40 A. Garron asked if the Board would be amenable to holding a special meeting to
41 sign the plans if conditional approval is granted and conditions are met at a
42 time prior to the May 2 meeting. The consensus was to have a special meeting
43 if needed.

44
45 **D. Coons made a motion to grant Conditional Use Permit. R. Brideau**
46 **seconded the motion.** No Discussion. **Vote on the motion: 9-0-0.** The
47 Conditional Use Permit was granted.
48

1 **D. Coons made a motion to conditionally approve the site plan with the**
2 **following conditions:**

3
4 "Applicant", herein, refers to the property owner, business owner, or
5 organization submitting this application and to his/its agents, successors, and
6 assigns.

7
8 **PRECEDENT CONDITIONS**

9
10 All of the precedent conditions below must be met by the applicant, at the
11 expense of the applicant, prior to certification of the plans by the Planning
12 Board. Certification of the plans is required prior to commencement of any site
13 work, any construction on the site or issuance of a building permit.

- 14
15 1. The Applicant indicates the NHDOT Driveway Permit, NHDES Alteration of
16 Terrain Permit and Londonderry Sewer Discharge permit applications have
17 been submitted for the project on the application checklist. We understand
18 the NHDES Alteration of Terrain Permit has been recently obtained. The
19 Applicant shall obtain all project permits, indicate the permit approval
20 numbers on sheet 3 and provide copies of all permits for the Planning
21 Division files per section 4.13 of the Site Plan Regulations and Item XII of
22 the Site Plan Application & Checklist.
23
- 24 2. The Applicant shall address the following relative to the project drainage
25 report:
- 26 A. The Applicant's riprap calculations do not provide the minimum lengths
27 or widths required by NHDES. It appears that the proper calculations are
28 not utilized. The Applicant shall review and update the plans and details
29 to indicate the proper widths and lengths consistent with the updated
30 calculations.
- 31 B. The Applicant's pipe summary table - table 3 - does not include the
32 depth of flow or Manning "n" per Section 3.07.b.4 of the regulations and
33 Item XI.2.d of the checklist. The Applicant shall update the report table
34 in accordance with the regulations.
- 35 C. The post development drainage area map indicates nine subcatchment
36 areas, but the analysis does not include calculations for all nine areas. We
37 note post subcatchment 1-7 will have pond areas (CN=100) and
38 subcatchment 1-2 has riprap areas, but it is unknown if these areas are
39 represented in the weighted CN values. The Applicant shall provide
40 calculations to substantiate how the weighted CN values were determined
41 and how the runoff values noted on the post development drainage area
42 map were determined for each subcatchment. In addition, The Applicant
43 shall review and update the predevelopment calculations as necessary to
44 clarify how the weighted CN values were determined and verify
45 compliance with the regulations (no increase in runoff) is achieved.
- 46 D. The revised detention pond volume calculations include volume
47 accumulating below the outlet structure invert of 350.00 in the analysis
48 that is typically not allowed by the Town. It is our understanding that the
49 Applicant's chosen pond design type is to maintain volume in the ponds
50 below the invert that is not is available as implied by the calculations.

1 The Applicant shall revise the pond routing analysis to eliminate all
2 volume below the outlet structure invert and verify the detention pond is
3 adequately sized and provides the minimum 12" freeboard above the 50-
4 year storm elevation as required by the regulations.

5 A. A post development drainage diagram was provided with the updated
6 report, but it is unclear how the flows from each subcatchment progress
7 to the pond in the analysis provided. Based upon the drainage area map,
8 the flow from post subcatchment 1-2 would not utilize the same piping
9 system as post subcatchment 1-4, but this does not appear to be
10 represented in the latest analysis information provided. The Applicant
11 shall carefully review and clarify how the post development analysis was
12 conducted and the relationship of the subcatchment flows and ponds to
13 the two points of analysis. The Applicant shall update the report
14 accordingly.

15 B. The Applicant shall provide a summary table comparing existing and
16 post development information to address each abutter and clarify the
17 requirements of the regulations are achieved per section 3.07.B of the
18 regulations. In addition, The Applicant shall update the narrative to
19 indicate the new lot number 45-5 (vs. 45-3).
20

21 3. The Applicant shall address the following on the cover sheet:

22 A. The Applicant shall provide a north arrow on the sheet for clarity.

23 B. The Applicant shall update note 2 to properly address the subject lot
24 area for the new lot consistent with the subdivision plan, which does not
25 include the dedication. Notes 9 and 10 shall be updated accordingly.
26 Also, The Applicant shall update the lot number to 45-5 (vs. 45-3) in the
27 title block on all plans as applicable.

28 C. The Applicant shall update note 12 consistent with the index.

29 D. The Applicant shall note the zoning cases on the plan.

30 E. The Applicant shall provide the Owner's signature on the plan and all
31 applicable sheets.

32 F. The Applicant shall provide a signature for the professional
33 endorsement on these sheets and all applicable sheets.

34 G. The Applicant shall update the Planning Board signature block to
35 remove the date lines. This shall apply to all signature blocks.
36

37 4. The Applicant shall note the height and number of stories for the proposed
38 building on sheet 3. In addition, please clarify the plan references on this
39 sheet.
40

41 5. The Applicant shall update note 4 on the existing conditions plan – sheet 4
42 consistent with note 5 on the cover sheet. In addition, The Applicant shall
43 update the "Existing Public Sewer Easement" noted on the plan noted on
44 the northerly side of Jacks Bridge Road accordingly.
45

46 6. The Applicant has updated the grading along the building on sheet 5, but it
47 appears the location of the proposed 368 contour is missing along the
48 southerly side of the building. The Applicant shall review and update. In
49 addition, the updated notes for the turf reinforcement mat state to "... tuck
50 the mat under the curb", but it appears there is no curb in these locations.

- 1 The Applicant shall clarify for proper construction. Also, The Applicant shall
2 clarify the text for the water line and sewer slope on the utility plan – sheet
3 6.
4
- 5 7. The Applicant shall provide a Planning Board signature block on sheet 7. In
6 addition, The Applicant shall carefully review and clarify the text on the
7 plan, such as the parking lot dimensions.
8
- 9 8. The Applicant shall update the storm profile #2 on sheet 9 to indicate the
10 invert in and out of the manhole. In addition, The Applicant shall label the
11 invert out in profile #3 on the sheet and clarify the catch basin sumps in
12 profile#1 on sheet 8. Also, The Applicant shall update the sanitary profile
13 on sheet 9 to note private sewer (vs. public sewer) consistent with the
14 notes and verify the sewer profile meets the approval of the Sewer Division.
15
- 16 9. The Applicant shall update the stop bar detail on sheet 10 to indicate an 18"
17 width and be white thermoplastic (vs. paint) as typically requested. In
18 addition, The Applicant shall provide a signature for the certification of the
19 driveway sight distance on sheet 12. Also, The Applicant shall include a
20 typical trench detail for the gas line and underground utilities (i.e. UGE,
21 UGT, and CATV) in the plan set for proper construction.
22
- 23 10. The Applicant shall update the index on the elevation and renderings plans
24 to include sheet 20 consistent with the updated plan set and cover sheet
25 index.
26
- 27 11. The Applicant shall verify the DRC comments as applicable:
28 A. The Applicant shall verify the DRC comments of the Planning and
29 Economic Development Department are adequately addressed with the
30 Department.
31 B. The Applicant shall verify the DRC comments of the Heritage
32 Commission are adequately addressed with the Commission.
33
- 34 12. The Applicant shall provide the Owner signature and the professional
35 engineer endorsement (stamp and signature) on all applicable plans.
36
- 37 13. Note all waivers and the Conditional Use Permit granted on the plan.
38
- 39 14. The Applicant shall provide a digital (electronic) copy of the complete final
40 plan sent to the Town at the time of signature by the Board in accordance
41 with Section 2.05.n of the regulations.
42
- 43 15. Outside consultant's fees shall be paid within 30 days of conditional site
44 plan approval.
45
- 46 16. Financial guaranty if necessary.
47
- 48 17. Final engineering review
49

1 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
2 certified the approval is considered final. If these conditions are not met within
3 **120 days** to the day of the meeting at which the Planning Board grants
4 conditional approval the board's approval will be considered to have lapsed and
5 re-submission of the application will be required. See RSA 674:39 on vesting.

6
7 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
8 **0-0.** The plan was conditionally approved.

9
10 D. Coons and T. Freda made note of the number of staff comments read into
11 the record for the above applications. A discussion followed about whether all
12 comments need to be read into the record since they are all documented and
13 presented to the Board electronically at meetings. A. Garron stated staff's
14 agreement that not all comments need to be stated. C. May suggested
15 summarizing staff comments. The consensus of the Board was for staff to
16 summarize comments, excepting those items that need a vote from the Board.

17
18 E. Elliot Health Systems Phase 4 & 5 – Tarrytown Real Estate Holdings, Inc.
19 Owner), Map 6 Lot 31 – Application Acceptance and Public Hearing for a
20 proposed amendment to the conditionally approved site plan (April 9, 2009) to
21 relocate the freestanding sign from Buttrick Road to the Route 102 side of the
22 property, 31 Buttrick Road, Zoned C-I in the Route 102 Overlay District.

23
24 C. May stated that the applicant went before the Heritage Commission recently
25 and although they agreed with the newly proposed location of the sign, they
26 were not supportive of the new sign design. They will meet again with the
27 Commission in May and if their support is obtained, the applicant has
28 requested to be placed on the June 13 agenda.

29
30 **D. Coons made a motion to continue the public hearing to June 13,**
31 **2012 at 7pm. R. Brideau seconded the motion.** No discussion. **Vote on**
32 **motion: 9-0-0.** The hearing will be continued to June 13, 2012 at 7PM.

33
34 **Other Business**

35
36 There was no other business.

37
38 **Adjournment:**

39
40 **D. Coons made a motion to adjourn the meeting. R. Brideau seconded the**
41 **motion. Vote on the motion: 9-0-0.** The meeting adjourned at 10:41 PM.

42
43 These minutes prepared by Jaye Trottier and Libby Canuel, Community
44 Development Department Secretaries.

45
46 Respectfully Submitted,

47
48
49
50 Lynn Wiles, Secretary