

1 **LONDONDERRY ADMINISTRATIVE REVIEW**  
2 **COMMITTEE**  
3 **MINUTES OF THE PUBLIC HEARING ON SEPTEMBER 13, 2012 IN THE**  
4 **ELWOOD CONFERENCE ROOM**  
5

6 ARC Members Present: Town Planner Cynthia May, ASLA; Asst. Director of Public  
7 Works John Trottier, P.E.; Senior Building Inspector/Zoning Officer/Health Officer  
8 Richard Canuel  
9

10 Also Present: Jaye Trottier, Planning and Economic Development Secretary; Steve  
11 Hicks, Applicant; and Patrick Colburn of Keach-Nordstrom Associates  
12

13 C. May called the meeting to order at 9:03 AM.  
14

15 **Public Hearings**  
16

17 A. STJB, LLC (owner), Whittemore Insurance (applicant) Map 15, Lot 61-1 –  
18 Application Acceptance and Public Hearing for formal review of a minor site plan  
19 application to amend the previous Change of Use site plan to (1) incorporate  
20 changes made by the NH Department of Transportation (DOT) during the  
21 widening of Rte 28 (Rockingham Road) and Symmes Drive, specifically to  
22 overlay the existing paved surface and restripe the parking spaces, and (2)  
23 remove a dilapidated portion of the existing building at 172 Rockingham Road,  
24 Zoned MUC.  
25

26 C. May stated there are 4 outstanding checklist items, all of which have  
27 associated waiver requests. Assuming the Administrative Review Committee  
28 (ARC) grants the waivers, staff recommends the application be accepted as  
29 complete.  
30

31 The waivers were summarized as follows:

- 32 1. A waiver to Section 4.16 of the site plan regulations. The applicant has  
33 not provided an illumination plan. Staff recommends *granting* the  
34 waiver, as no new lighting is proposed as part of this project.
- 35 2. A waiver to Section 4.14.e of the site plan regulations. The applicant has  
36 not provided a landscape plan. Staff recommends *granting* the waiver,  
37 because site improvements are limited to incorporating DOT changes and  
38 the removal of a portion of the building.
- 39 3. A waiver to Section 4.18.b of the site plan regulations. The applicant has  
40 not provided utility clearance letters. Staff recommends *granting* the  
41 waiver, because site improvements are limited to incorporating DOT  
42 changes and the removal of a portion of the building.
- 43 4. A waiver to Section 4.15 of the site plan regulations. The applicant has  
44 not provided building elevations/renderings. Staff recommends *granting*  
45 the waiver, because site improvements are limited to incorporating DOT  
46 changes and the removal of a portion of the building.  
47  
48

1 **J. Trottier made a motion to approve the waivers for checklist items**  
2 **numbered 1-4 as outlined in Staff's recommendation memorandum**  
3 **dated September 13, 2012. R. Canuel seconded the motion.** No  
4 discussion. **Vote on the motion: 3-0-0.** The four waivers were granted.  
5

6 C. May stated that the application is accepted as complete and that there are no  
7 other waivers requested with this application.  
8

9 P. Colburn explained that when the State Department of Transportation (DOT)  
10 widened Route 28 and made improvements to the intersection with Symmes  
11 Drive, one of the Symmes Drive curb cuts was eliminated and replaced with a  
12 right in only access from Rte 28. When the applicant applied for building  
13 permits to alter the existing structure on the property, he made reference to  
14 overlaying and restriping the parking lot. He was informed that to do so, he  
15 would need to conform to the site plan approved in 2007. That would be  
16 impossible since the changes made by DOT brought the site out of compliance  
17 with that site plan. Based on discussion with staff, the proposed site plan  
18 amendment features the overlay of the parking area, the removal of the  
19 remaining piece of the Symmes Drive curb cut, the loaming and seeding of  
20 areas where pavement is to be removed, the restriping of 12 spaces and the  
21 construction of a 13th space, and the cutting out of pavement in the parking lot  
22 along Rte 28 to accommodate a small landscape island for a freestanding sign.  
23 One result of the plan will be an overall decrease in impervious surface on the  
24 lot. A full stormwater management report was therefore not required, however  
25 a detailed comparison of existing and proposed stormwater conditions will be  
26 provided for the record per staff's request. C. May made clear that the  
27 comparison is between *existing* and proposed conditions, as opposed to  
28 conditions set in the approved 2007 site plan. In addition, approximately 1,000  
29 square feet of the back portion of the existing building will be removed as it is  
30 run down and no longer serves a purpose to the applicant.  
31

32 J. Trottier reviewed the precedent conditions outlined in the staff  
33 recommendation memo (see motion below). C. May began a review of  
34 outstanding Design Review comments, starting with those of the Building  
35 Department. R. Canuel confirmed with P. Colburn work to be done by the  
36 applicant and work already done by the State. P. Colburn noted that the  
37 walkway across the driveway is not marked and there are tip downs existing on  
38 both sides, but they are not concrete. R. Canuel said he would contact DOT  
39 about completing their improvements by marking the crosswalk and installing  
40 detectable warning pads, especially since the site will see increased pedestrian  
41 traffic because it is surrounded by a bus terminal, the NH Park and Ride, and a  
42 residential area. He suggested the applicant then follow up with DOT. If  
43 nothing can be accomplished, R. Canuel suggested removing the associated note  
44 from the plan entirely. Per the Sewer Department comments, J. Colburn will  
45 submit for the file sewer design flows and calculations for anticipated flows.  
46

47 No members of the public were present to comment.  
48

49 **J. Trottier made a motion to conditionally approve the plan with the**  
50 **following conditions:**

1  
2 "Applicant", herein, refers to the property owner, business owner, or organization  
3 submitting this application and to his/its agents, successors, and assigns.

4  
5 **PRECEDENT CONDITIONS**

6  
7 All of the precedent conditions below must be met by the applicant, at the expense  
8 of the applicant, prior to certification of the plans by the Planning Board.  
9 Certification of the plans is required prior to commencement of any site work, any  
10 construction on the site or issuance of a building permit.

- 11  
12 1. The submitted Stormwater Management letter dated August 27, 2012 does  
13 not meet the approval of the Department of Public Works & Engineering  
14 (DPW). The applicant shall compare the proposed 2012 conditions of the site  
15 to the 2007 pre-development conditions of the site. The applicant shall also  
16 reference the February 15, 2007 Stormwater Management Drainage Analysis  
17 as prepared by KNA. The Stormwater Management letter shall also include,  
18 at a minimum, a plan illustrating the 2007 pre-development conditions and  
19 the proposed 2012 conditions. The applicant shall revise the letter as  
20 necessary, meeting the approval of DPW.  
21  
22 2. The Applicant shall contact the New Hampshire Department of Transportation  
23 (NHDOT) to clarify whether a revised driveway permit is required for the  
24 proposed changes (one-way in) and the work contemplated on the existing  
25 sidewalk on Rockingham Road. All appropriate details (handicap tip down)  
26 should be provided in the plan set for proper construction.  
27  
28 3. The Applicant shall clarify the following on Sheets 1, 2 and 3:  
29 a. The existing conditions and removals plan (sheet 1) indicates areas  
30 of pavement to be removed. It is assumed these areas will be  
31 loamed and seeded, please clarify.  
32 b. The site layout, grading & utilities plan (sheet 2) indicates what  
33 appears to be pavement markings south of the proposed 2  
34 employee spaces. The Applicant shall clarify and provide  
35 appropriate pavement making details. It is recommended that a  
36 "Do not enter" sign be placed at the driveway to Rockingham Road.  
37 c. The driveway and parking lot section detail (sheet 3) shall be  
38 revised to indicate 4" Hot Bituminous Pavement (1.5" and 2.5") in  
39 accordance with the Town of Londonderry standards.  
40  
41 4. The Applicant shall address all DRC Comments as applicable.  
42  
43 5. The applicant shall address the following relative to the project notes (on all  
44 applicable sheets):  
45 a. Notes regarding the zoning of the parcel are unclear. The applicant  
46 shall revise the notes regarding zoning of the parcel (all applicable  
47 sheets to read as follows: "The parcel is less than 3 acres and  
48 therefore subject to the requirements of the underlying zoning  
49 district (C-II)."

1                   b. The asterisk footnote regarding minimum lot size and dimensions  
2                   shall be removed from all applicable sheets.

- 3  
4           6. Note all waivers granted for this site on the plan.  
5  
6           7. The Applicant shall present the proposed sign to the Heritage Commission  
7           prior to submitting an application for a sign permit from the Building  
8           Department.  
9  
10          8. The Applicant shall provide a digital (electronic) copy of the complete final  
11          plan sent to the Town at the time of signature by the Board in accordance  
12          with Section 2.05.n of the regulations.  
13  
14          9. Financial guaranty if necessary.  
15  
16          10. Final engineering review.

17  
18    **PLEASE NOTE -** Once these precedent conditions are met and the plans are  
19    certified the approval is considered final. If these conditions are not met within 120  
20    days to the day of the meeting at which the Planning Board grants conditional  
21    approval the board's approval will be considered to have lapsed and re-submission  
22    of the application will be required. See RSA 674:39 on vesting.

23  
24    **GENERAL AND SUBSEQUENT CONDITIONS**

25  
26    All of the conditions below are attached to this approval.

- 27  
28          1. No construction or site work for the amended site plan may be undertaken  
29          until the pre-construction meeting with Town staff has taken place, filing of  
30          an NPDES-EPA Permit and the site restoration financial guaranty is in place  
31          with the Town. Contact the Department of Public Works to arrange for this  
32          meeting.  
33  
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          Division & Department of Public Works, or if staff deems applicable, the  
37          Planning Board.  
38  
39          3. All of the documentation submitted in the application package by the  
40          applicant and any requirements imposed by other agencies are part of this  
41          approval unless otherwise updated, revised, clarified in some manner, or  
42          superseded in full or in part. In the case of conflicting information between  
43          documents, the most recent documentation and this notice herein shall  
44          generally be determining.  
45  
46          4. All site improvements must be completed prior to the issuance of a certificate  
47          of occupancy. In accordance with Section 6.01.d of the Site Plan  
48          Regulations, in circumstances that prevent landscaping to be completed (due  
49          to weather conditions or other unique circumstance), the Building Division  
50          may issue a certificate of occupancy prior to the completion of landscaping

1 improvements, if agreed upon by the Planning Division & Public Works  
2 Department, when a financial guaranty (see forms available from the Public  
3 Works Department) and agreement to complete improvements are placed  
4 with the Town. The landscaping shall be completed within 6 months from the  
5 issuance of the certificate of occupancy, or the Town shall utilize the financial  
6 guaranty to contract out the work to complete the improvements as  
7 stipulated in the agreement to complete landscaping improvements. No  
8 other improvements shall be permitted to use a financial guaranty for their  
9 completion for purposes of receiving a certificate of occupancy.

- 10
- 11 5. As built site plans must to be submitted to the Public Works Department prior  
12 to the release of the applicant's financial guaranty.  
13
- 14 6. It is the responsibility of the applicant to obtain all other local, state, and  
15 federal permits, licenses, and approvals which may be required as part of  
16 this project (that were not received prior to certification of the plans).  
17 Contact the Building Division at extension 115 regarding building permits.  
18

19 **R. Canuel seconded the motion. No discussion. Vote on the motion:**  
20 **3-0-0.**

21

22 The application was conditionally approved. C. May noted that the conditional  
23 approval is valid for 120 days.  
24

25 **Other Business**

26

27 There was no other business  
28

29 **Adjournment:**

30

31 **J. Trottier made a motion to adjourn. R. Canuel seconded the motion.**  
32 **Vote on the motion: 3-0-0.**

33

34 The meeting adjourned at 9:25 AM.  
35  
36

37 These minutes were prepared by Jaye Trottier, Planning and Economic  
38 Development Department Secretary.  
39

40 Respectfully Submitted,  
41  
42  
43

44 Cynthia A. May, ASLA  
45 Town Planner