LONDONDERRY, NH PLANNING BOARD

2 MINUTES OF THE MEETING OF May 4, 2011 AT THE MOOSE HILL COUNCIL CHAMBERS

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- 5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Tom
- 6 Freda, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio;
- 7 Dana Coons, alternate member; Scott Benson, alternate member; Leitha Reilly,
- 8 alternate member

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

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13 A. Rugg called the meeting to order at 7 PM. He appointed D. Coons to vote for C. Tilgner and S. Benson to vote for C. Davies.

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Administrative Board Work

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18 A. Voluntary Merger – Nutfield YMCA – Map 15, Lots 25 & 26

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J. Trottier explained that these two lots abut one another on Rockingham Road and are both owned by the YMCA. They would like to merge the lots since lot 15-26 is where the actual YMCA building sits and Lot 15-25 is where the swimming pools are located.

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D. Coons made a motion to grant the merger. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Voluntary merger granted.

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B. Extension Request – Albird Subdivision, 16-58 – Request additional 1 year on conditional approval (to 5/7/12).

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J. Trottier referenced a letter from property owner Virginia St. Cyr, requesting a one year extension of the subdivision plans that will expire on May 7, 2011 due to current economic conditions.

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D. Coons made a motion to grant a one year extension to May 7, 2012. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Extension for one year was granted.

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C. Approval & Signing of Minutes – April 6 & 13, 2011

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D. Coons made a motion to approve and sign the minutes from the April 6, 2011 meeting. R. Brideau seconded the motion. No discussion. Vote on the motion: 8-0-1. (L. Wiles abstained because he was absent at the April 6, 2011 meeting).

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D. Coons made a motion to approve and sign the minutes from the April 13, 2011 meeting. R. Brideau seconded the motion. No discussion. Vote

on the motion: 7-0-2. (M. Soares & J. Laferriere abstained because they were absent from the April 13, 2011 meeting).

Minutes for April 6 and April 13 were approved and would be signed at the conclusion of the meeting.

D. Discussions with Town Staff

A. Garron provided the Board with copies of census information for Rockingham County and the most popular cities in NH, including Londonderry. The packet included a map showing which communities witnessed the most significant increase in population. Londonderry only grew 3.8% since 2000 census, which moves it from the ninth largest community in NH to tenth. Rockingham and Hillsborough counties are responsible for over 54% of employment in the State and A. Garron does not expect that to decline over the next few years.

A. Garron updated the Board on the status of the Economic Development Administration grant application that was being sought to build the sewer pump station for the Pettengill Road area. The Town did not receive the grant but A. Garron met with the Regional Director Willy Taylor shortly after receiving the news. W. Taylor said that Londonderry's application was very close to being accepted and provided some insight about possible changes to the application. A. Garron said staff will be considering that input as they prepare to submit for the June 10 deadline for the next grant round.

New Plans

A. RHP Investments LLC, Map 6, Lot 33A – Application Acceptance and Public Hearing for a Site Plan for a change of use (former fire station to office/storage use).

J. Trottier stated there were no checklist items and that staff recommends the application be accepted as complete.

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. Application accepted as complete.

A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

Elmer Pease from P.D. Associates said he had no issues with any of the conditions outlined in the staff recommendation memo for conditional approval.

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

1. The applicant is requesting a waiver to Sections 3.03 and 4.14.a. The applicant has not provided existing and proposed grading as required by the regulations. Staff recommends **granting** the waiver, as the project proposes no changes to existing grading (this recommendation

assumes that proposed precedent condition 2 is addressed in such a way as to not require additional paving).

2. The applicant is requesting a waiver to Sections 3.09 and 4.14.e. The applicant has not provided a landscape plan as required by the regulations. Staff recommends **granting** the waiver, as no changes are proposed to the existing landscaping for the change of use.

3. The applicant is requesting a waiver to Sections 3.13 and 4.16. The applicant has not provided an illumination plan as required by the regulations. Staff recommends **granting** the waiver, as no lighting is proposed as part of the project.

J. Trottier read the precedent conditions into the record from the Staff Recommendation memo. He stated that staff recommends conditional approval of the application with the Notice of Decision to read as indicated in the staff recommendation dated May 4, 2011.

A. Garron noted that relative to condition #3 above, the applicant has submitted a septic design to the Building Division for review and approval.

A. Rugg asked for comments from the Board. There were none. A. Rugg asked for public comment. There was none.

D. Coons made a motion to grant the three waivers as requested by the applicant in his letter dated April 11, 2011 and based on staff recommendation. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. All three waivers are granted.

D. Coons made a motion that the Planning Board conditionally approve the site plan with the following conditions:

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

PRECEDENT CONDITIONS

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

1. The locus plan on sheets 1 and 2 include incorrect street names ("Apple Blossom" should be "Cross Road" and "Old Nashua" does not extend north of Rt. 102, it is "Young Road" in this location). The applicant shall update and correct the locus plans to ensure they accurately represent the existing conditions.

2. The applicant shall revise parking space 3 to ensure that the entirety of the space is located on existing pavement, unless it is the intent of the

applicant to provide additional pavement in this location (which would require drainage to be accounted for).

3. The applicant shall provide a Septic Design for the new system required for the project meeting the approval of the Building Division, and note the approval number on the plans.

4. The applicant shall coordinate with DPW on the submission of the updated NHDOT driveway permit is required for the project based on response from NHDOT. The applicant shall note the approval number on the plan and indicate any modifications to the plans if required by NHDOT

5. Note all waivers granted on the plan.

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

7. Financial guaranty if necessary.

8. Final engineering review

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

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

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

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

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

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

6. The submitted traffic impact analysis indicates that there will be an increase of 5 new PM peak hour trips generated by the change in use. The applicant will be subject to a Traffic Impact Fee of \$5,435, based on the Rt. 102 Central Corridor (based on \$1,087 per new PM peak hour trip). All required Traffic impact fees must be paid prior to the issuance of a Certificate of Occupancy.

7. 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 site plan was conditionally approved

 B. Londonderry Freezer Warehouse, LLC, Map 15, Lots 124 & 22 – Application Acceptance and Public Hearing for a Site Plan and Conditional Use Permit to construct an 82,000 square foot warehouse/office addition.

J. Trottier stated that there were no checklist items, and staff recommended the application be accepted as complete.

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. Application accepted as complete.

A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

Katie Weiss and Robert Baskerville from Bedford Design Consultants presented on behalf of Londonderry Freezer Warehouse. Since the last meeting with the Board,

the Town Council has approved a rezoning of the lots to Industrial-I. A permit has been obtained from the NH Department of Transportation to widen the driveway to 28 feet to meet the current standard width of tractor trailer trucks. All other DOT permits have been acquired. K. Weiss reviewed circulation around the building, parking spaces, a retaining wall, fire access, drainage, and treatment of stormwater runoff. An Alteration of Terrain permit has been issued by the NH Department of Environmental Services. The Heritage Commission has given their approval of the plan.

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J. Trottier read the 2 waivers and the Conditional Use Permit into the record from the Staff Recommendation memo:

1. The applicant is requesting a waiver to Section 4.01.c. The applicant has not provided plans at a 1"=40' scale as required by the regulations. Staff recommends **granting** the waiver, as only the site overview plan is at a 1"=50' scale (which allows the entirety of the project to be shown on one sheet), and all other sheets are provided at the required scale.

2. The applicant is requesting a waiver to Section 3.11.g.1. The applicant has not provided 10% interior parking lot landscaping as required by the regulations. Staff recommends **granting** the waiver, as the parking area is set far back from Rockingham Road, and is well screened by the perimeter landscaping provided on the site.

The applicant is requesting a Conditional Use Permit to reduce the number of required parking spaces. Such deviations are permitted by CUP, provided the applicant meets 2 of the 3 criteria from Section 3.10.11.2 of the Zoning Ordinance. Staff recommends **granting** the Conditional Use Permit, as the applicant has demonstrated that the deviation is consistent with the purpose and intent of the Parking section of the ordinance; and demonstrated through examination of the parking at Highwood Cold Storage (a like facility owned by the same company) that the actual parking demand for the property is significantly different from the requirements of the ordinance (and there have been no documented parking shortages at either location).

J. Trottier summarized the comments from the DPW Review Memo.

J. Trottier stated that staff recommends conditional approval of the application with the Notice of Decision to read as indicated in the staff recommendation dated May 4, 2011.

A. Garron noted that the recent update to the traffic impact fee schedule in the Rte. 28 corridor will not apply to this plan since it was submitted before the new criteria was adopted.

A. Rugg asked for comment from the Board. There was none. He then asked for public comment. Sean Strong, 221 Rockingham Road, said he was present to be in support of the applicant.

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A. Garron stated that the applicant was willing to work with the Town for several years while he decided whether to locate in Londonderry or Hooksett. He thanked the owner for choosing to expand on their existing facility in town.

D. Coons made a motion to grant Conditional Use Permit based on staff's recommendation and the applicant's letter dated January 14, 2011. R. Brideau seconded the motion. No Discussion. Vote on the motion: 9-0-0. Conditional Use Permit granted.

D. Coons made a motion to grant the 2 waivers based on staff's recommendation and the applicant's letters dated January 18, 2011 & March 18, 2011. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Both waivers are granted.

D. Coons made a motion that the Planning Board conditionally approve the site plan with the following conditions:

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address the following on the grading plans:

a. The Applicant's proposed grading design at pond B1 on sheet 11 does not appear to provide the proper slope (maximum 3H:1V) for the minimum top of embankment width of four feet indicated on the plan. The Applicant shall review and revise to provide a proper embankment in compliance with the Town's requirements.

b. It appears the outlet structures at ponds B1, B2 and P3 need to be relocated further within the ponds to comply with Exhibit D108 and maintain the top grate above the proposed grading to properly function. The Applicant shall review and revise as necessary.

c. The pipe outlet invert at the headwall at pond P1 from the P3 outlet structure on sheet 10 and invert pipe outlet invert at the headwall at pond P1 from DMH#6 on sheet 9 is missing. In addition, a rim elevation for DMH #8 is missing on sheet 10. The Applicant shall review and revise the design accordingly.

d. The Applicant shall include a signature for the professional engineer's stamp on the plans.

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- 2. The Applicant shall address the following relative to the project drainage report:
 - a. The 50-year pond routing analysis for ponds P2 and P3 were missing from the submitted report. The Applicant shall update the report to include the calculations.
 - b. The revised calculations submitted indicate a reduction in the project area from pre to post development of approximately 0.40 acres (11.77 ac. pre to 11.36 ac. post). The Applicant shall revise the post development area to be consistent with the existing area and previous submissions. The Applicant shall verify compliance with the regulations (no increase in runoff).
 - c. The revised outlet structure at pond B2 does not appear to comply with Exhibit D108 and be constructible with the top grate at elevation 294.15 and the 15" outlet pipe invert at elevation 293.00. The Applicant shall review and provide an outlet structure in compliance with the regulations. In addition, the Applicant shall review and update outlet structures at B1 as necessary.
 - d. The 15" outlet pipe inverts at pond P3 are not consistent with the inverts shown on the grading plan. The Applicant shall revise the analysis and/or plans to be consistent.
 - e. The Applicant shall update the pond B1 weir calculations to indicate the proper height for the third weir that extends to the top grate (0.78 vs. 0.83). In addition, the Applicant shall update the pond P3 weir calculations to indicate the proper height for the weir that extends to the top grate (0.40 vs. 1.40).
 - f. The outlet weir configurations as proposed at B1 and B2 provide for complicated, unconventional geometry. The outlet structure weir calculations indicate the width of the weir outlets decrease with height at pond B1 and B2 that does not comply with the Town's standard detail (increase in width with height). In addition, the performance and maintenance requirements of the weir geometry as proposed is unknown and unproven. The Applicant shall revise the outlet structure weir design consistent with the Town's standard detail in accordance with the regulations.
 - g. The revised post development areas of subcatchments S100, S110, S115, S125, S50, S85, S90 and S70, do not match the areas shown on the post development plan. The Applicant shall review and update the report and plans, as necessary, to be consistent.
- 3. The Applicant shall verify the proper pipe length between SMH #1 and #2 noted on sewer profile B on sheet 13 and update as necessary.
- 4. The Applicant shall update the notes on the cover sheet to include the Zoning Board of Adjustment information in accordance with section 4.11 of the regulations.

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6 dated May 4, 2011. 7 8 The Applicant shall combine the 2 lots via voluntary merger (or obtain 7. Planning Board approval for a lot consolidation if a merger is not possible)

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8. Note all waivers and the Conditional Use Permit granted on the plan.

adequately addressed with the Sewer Division.

prior to the final approval of this application.

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

The Applicant shall verify the DRC comments of the Sewer Division are

All appropriate items from the Public Works & Engineering review memo

- 10. Outside consultant's fees shall be paid within 30 days of approval of plan.
- 11. Financial guaranty if necessary.
- 12. Final engineering review

PLEASE NOTE - Once these precedent conditions are met and the plans are certified the approval is considered final. If these conditions are not met within 6 months to the day of the meeting at which the Planning Board grants conditional approval the board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

- 1. No construction or site work for the amended site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit and the site restoration financial guaranty is in place with the Town. Contact the Department of Public Works to arrange for this meeting.
- 2. The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Division & Department of Public Works, or if staff deems applicable, the Planning Board.
- 3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

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- 4. All site improvements must be completed prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.
- 5. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
- 6. All required Traffic, Police, and Fire impact fees must be paid prior to the issuance of a Certificate of Occupancy. (It should be noted that this application was submitted for Design Review prior to the posting of the Rt. 28 Western Segment Impact Fee Methodology, and as such will be subject to the previous Traffic Impact Fee schedule for this project.)
- 7. 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 site plan was conditionally approved.
- K. Weiss asked if a special meeting could be held for signing of the plans and the lot merger. J. Trottier replied that once conditions of approval have been met, arrangements can be made.

Other Business

M. Soares asked if a third Planning Board meeting should be held each month to specifically address the Woodmont Commons PUD Master Plan since it has been taking up a significant portion of the second regular meeting of the month. D. Coons, R. Brideau, L. Reilly, S. Benson and J. Laferriere agreed. L. Wiles and L. El-Azem suggested instead adding the topic to the first meeting of the month as well as the second since the former have been shorter lately. L. El-Azem added that residents already have the added resource of biweekly meetings held by the developer at the orchard. A. Rugg replied that the Town Planner had previously noted an issue with notification deadlines if the first meeting of the month was utilized. A. Garron added that the first meetings of the month will most likely

1	become busier. There was further discussion and explanation about how the
2	overall master plan review is a guide for such things as allowed uses and overall
3	impacts while the level of detail that many people seem to be seeking will be
4	addressed at the ensuing site plan level. A. Garron noted that after the PUD
5	master plan is approved, the impacts of the PUD master plan will still be reviewed
6	as well as during the site plan process. But the details of the plan cannot be
7	scrutinized until the general rules are in place through approval of the master
8	plan. A. Garron added that the Town's Growth Management Ordinance will not be
9	supplanted by this master plan.
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11	A. Rugg asked for a volunteer to represent the Planning Board on the upcoming
12	Master Plan Steering Committee.
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14	Adjournment:

<u>Adjournment</u>:

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M. Soares made a motion to adjourn the meeting. D. Coons seconded the motion. No discussion. Vote on the motion: 9-0-0.

The meeting adjourned at 8:15 PM.

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

Respectfully Submitted,

Charles Tilgner, Secretary