

# LONDONDERRY ADMINISTRATIVE REVIEW COMMITTEE

## MINUTES OF THE PUBLIC HEARING TUESDAY, JUNE 1, 2010 AT THE ELWOOD CONFERENCE ROOM

ARC Members Present: Tim Thompson, AICP; John Trottier, P.E.; Richard Canuel, Inspector, Building/Health/Zoning

Also Present: Cathy Dirsra, Planning Department Secretary ; Jodie Levandowski, Planning Division Intern; Jack Szemplinski, Benchmark Engineering

T. Thompson called the meeting to order at 9:03 AM.

### Public Hearings

A. Wire Belt Company of America, Map 28, Lot 31-30 – Application Acceptance and Public Hearing for a Minor Site Plan to construct an outdoor patio area, drainage and landscaping improvements.

T. Thompson said that there are 7 outstanding checklist items, all of which are waiver requests (waivers 1-7 below). Assuming the ARC grants the waivers, staff recommends the application be accepted as complete.

J. Trottier said that while the applicant has requested 16 waivers, many are not applicable to this application. The remaining waivers that are applicable are summarized below:

1. The applicant is requesting a waiver to Section 3.02 of the regulations. The applicant has not provided all required monuments to be set. Staff recommends granting the waiver, as no new boundary survey has been completed for this project, and the area of disturbance is minor in relation to the size of the parcel.
2. The applicant is requesting a waiver to Section 3.08.b of the regulations. The applicant has not provided a driveway sight distance plan/profile for the existing driveway. Staff recommends granting the waiver, as no changes are proposed to the driveway, and this section of Harvey Road does not present any sight distance impediments.
3. The applicant is requesting a waiver to Section 3.14 and 4.17 of the regulations. The applicant has not submitted a traffic impact analysis. Staff recommends granting the waiver, as the project proposes no changes to the size of the facility or the number of employees, thereby not impacting traffic generation for the facility.
4. The applicant is requesting a waiver to Sections 4.12.a, 4.12.b, and 4.12.c of the regulations. The applicant has not provided a boundary survey for the project. Staff recommends granting the waiver, as there are plans on file with the Town indicating the parcel boundary, and are included as references to this plan.
5. The applicant is requesting a waiver to Sections 4.14.a.19 of the regulations. The applicant has not provided all existing drainage

1 information on the plans. Staff recommends granting the waiver, as the  
2 areas impacted by the project have been identified and are part of as-  
3 built plans.

4 6. The applicant is requesting a waiver to Section 4.14.e of the regulations.  
5 The applicant has not provided a landscape plan. Staff recommends  
6 granting the waiver, as no new landscaping areas are proposed as part  
7 of this project.

8 7. The applicant is requesting a waiver to Section 4.16 of the regulations.  
9 The applicant has not provided an illumination plan. Staff recommends  
10 granting the waiver, as no new lighting is proposed as part of this  
11 project.

12 8. The applicant is requesting a waiver Exhibit 3 of the regulations. The  
13 applicant has not provided the full application fee based on the size of  
14 the entire parcel. Staff recommends granting the waiver, as it is  
15 consistent with past practices of allowing for a fee reduction for smaller  
16 projects on large parcels, and basing the fee on the area of impact.

17  
18 **J. Trottier made a motion to grant the 8 waiver requests, based on**  
19 **the letter from the applicant and the staff recommendation. R. Canuel**  
20 **seconded the motion. No discussion. Vote on the motion: 3-0-0. Waivers**  
21 **granted.**

22  
23 **J. Trottier made a motion to accept application as complete. R. Canuel**  
24 **seconded the motion. No discussion. Vote on the motion: 3-0-0.**  
25 **Application accepted as complete.**

26  
27 Jack Szemplinski, Benchmark Engineering, said that the existing industrial  
28 building is 35,000 s.f. in size. They are proposing to construct a patio and  
29 gazebo, for use mainly by employees. They have reviewed former drainage  
30 reports and re-surveyed the property. They feel that they have met all the  
31 requirements for the site.

32  
33 J. Trottier read the Staff Recommendations memo into the record.

34  
35 T. Thompson said that based upon the information available to date the Staff  
36 recommends conditional approval, and suggested eliminating precedent  
37 condition #1.

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39 The hearing was opened to the public, but there was no public comment.

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41 **R. Canuel made a motion to conditionally approve the plan with the**  
42 **following conditions:**

43  
44 "Applicant", herein, refers to the property owner, business owner, or  
45 organization submitting this application and to his/its agents, successors, and  
46 assigns.

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**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 remove the following waivers from note on sheet 1, as they are not applicable to the project:
  - a. Section 3.09 – Landscaping
  - b. Section 3.10 – Soils Identification
  - c. Section 3.11 – Building Design
  - d. Section 3.13 – Lighting Standards
  - e. Section 3.14 – Traffic Impact Analysis (this section should be added to the waiver for Section 4.17 and should not appear twice)
  - f. Section 4.14 – Utilities
  - g. Section 4.15 – Building Renderings
2. Note 1.2 on Sheets 1 to 3 shall be expanded to indicate that the proposed improvements are “patio area, 13 - parking spaces south of building, and drainage improvements”.
3. Sheet 2 Existing Conditions Plan appears to reflect both the previously approved Site Plan and recently constructed trail network, the applicant shall clarify. The Planning Board signature block shall be removed from this sheet.
4. The applicant shall indicate the appropriate erosion control measures on Sheet 3 (Site Plan) and provide details, in the plan set, to be incorporated during construction at the existing catch basins, culvert inlets, grass lined swale, and emergency spillway. In addition the applicant shall clarify what appears to be an interpolated “303” contour that is labeled “301”.
5. The applicant shall indicate the surface treatment for the berm and emergency spillway (loam and seed, rip-rap, etc.) on Sheet 4 (Detail Sheet).
6. The applicant shall clarify the following in the Stormwater Management Report:
  - a. The secondary outlet device invert elevation is listed as 301.60 while the plan indicates the elevation as 301.80. The applicant shall clarify and revise as necessary.
  - b. The applicant shall clarify if there are any special surface treatments required for the emergency spillway to prevent potential erosion.
  - c. The applicant shall provide a stamped and signed report for the Town’s files.
7. Note all waivers granted on the plan.

- 1 8. The Applicant shall provide a digital (electronic) copy of the complete  
2 final plan sent to the Town at the time of signature by the Board in  
3 accordance with Section 2.05.n of the regulations.  
4
- 5 9. Financial guaranty if necessary.  
6
- 7 10. Final engineering review.  
8

9 **PLEASE NOTE -** Once these precedent conditions are met and the plans are  
10 certified the approval is considered final. If these conditions are not met  
11 within 120 days to the day of the meeting at which the Planning Board grants  
12 conditional approval the board's approval will be considered to have lapsed  
13 and re-submission of the application will be required. See RSA 674:39 on  
14 vesting.  
15

### 16 **GENERAL AND SUBSEQUENT CONDITIONS**

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18 All of the conditions below are attached to this approval.  
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- 20 1. **No construction or site work for the amended site plan may be**  
21 **undertaken until the pre-construction meeting with Town staff**  
22 **has taken place, filing of an NPDES-EPA Permit and the site**  
23 **restoration financial guaranty is in place with the Town.** Contact  
24 the Department of Public Works to arrange for this meeting.  
25
- 26 2. The project must be built and executed exactly as specified in the  
27 approved application package unless modifications are approved by the  
28 Planning Division & Department of Public Works, or if staff deems  
29 applicable, the Planning Board.  
30
- 31 3. All of the documentation submitted in the application package by the  
32 applicant and any requirements imposed by other agencies are part of  
33 this approval unless otherwise updated, revised, clarified in some  
34 manner, or superseded in full or in part. In the case of conflicting  
35 information between documents, the most recent documentation and  
36 this notice herein shall generally be determining.  
37
- 38 4. All site improvements must be completed prior to the issuance of a  
39 certificate of occupancy. In accordance with Section 6.01.d of the Site  
40 Plan Regulations, in circumstances that prevent landscaping to be  
41 completed (due to weather conditions or other unique circumstance), the  
42 Building Division may issue a certificate of occupancy prior to the  
43 completion of landscaping improvements, if agreed upon by the Planning  
44 Division & Public Works Department, when a financial guaranty (see  
45 forms available from the Public Works Department) and agreement to  
46 complete improvements are placed with the Town. The landscaping  
47 shall be completed within 6 months from the issuance of the certificate  
48 of occupancy, or the Town shall utilize the financial guaranty to contract  
49 out the work to complete the improvements as stipulated in the  
50 agreement to complete landscaping improvements. **No other**

1                    **improvements shall be permitted to use a financial guaranty for**  
2                    **their completion for purposes of receiving a certificate of**  
3                    **occupancy.**  
4

- 5                    5. As built site plans must to be submitted to the Public Works Department  
6                    prior to the release of the applicant's financial guaranty.  
7  
8                    6. It is the responsibility of the applicant to obtain all other local, state, and  
9                    federal permits, licenses, and approvals which may be required as part  
10                   of this project (that were not received prior to certification of the plans).  
11                   Contact the Building Division at extension 115 regarding building  
12                   permits.  
13

14                   **J. Trottier seconded the motion.** No discussion. **Vote on the motion: 3-**  
15                   **0-0.** The application is conditionally approved.  
16

17                   **Other Business**  
18

19                   None  
20

21                   **Adjournment:**  
22

23                   **J. Trottier made a motion to adjourn. R. Canuel seconded the motion.**  
24                   Meeting adjourned at 9:16 AM.  
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27                   These minutes prepared by Cathy Dirsra, Planning Department Secretary.  
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29                   Respectfully Submitted,  
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32  
33                   Timothy J. Thompson, AICP  
34                   Town Planner  
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