

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF JUNE 2, 2010 AT THE MOOSE HILL COUNCIL CHAMBERS

Members Present: Art Rugg; Mary Soares; Charles Tilgner, P.E.; Laura El-Azem; Chris Davies; Scott Benson, alternate member; Dana Coons, alternate member; Rick Brideau, CNHA, Ex-Officio; George Herrmann, Ex-Officio

Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning Division Secretary; Jodie Levandowski, Planning Division Intern

A. Rugg called the meeting to order at 7:01 PM. A. Rugg appointed D. Coons to vote for L. Wiles.

Administrative Board Work

A. Plans to Sign - Barbato 2 Lot Subdivision, Map 3, Lot 138A

J. Trottier said all precedent conditions for approval have been met and the staff recommends signing the plans.

M. Soares made a motion to authorize the Chair and Secretary to sign the plans. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. A. Rugg said the plans will be signed at the conclusion of the meeting.

B. Extension Request – JPS Motors Site Plan, Map 13, Lot 64

T. Thompson referenced the letter from William Zolla, William Zolla Revocable Trust, requesting a one year extension of the site plans that will expire on August 1, 2010. He said that the project was tied up in court, but there has now been a negotiated settlement and they are again requesting a one year extension to August 1, 2011. T. Thompson said that staff is supportive of the request, as there have been no changes to ordinances or regulations impacting the project.

M. Soares made a motion to grant a one year extension to August 1, 2011. R. Brideau seconded the motion. No discussion. Vote on the motion: 9-0-0. Extension for one year was granted to August 1, 2011.

C. Extension Request – DiFava Site Plan, Map 15, Lot 62-3

T. Thompson referenced the letter from Todd Connors, Sublime Civil Consultants, requesting a 30 day extension of the site plans that will expire on June 2, 2010. He said that they have been working on finalizing the state permits and they are nearly ready to proceed with final plans. In the event that there are additional issues, staff recommended a six month extension.

1
2 **M. Soares made a motion to grant a six month extension to December**
3 **1, 2010. R. Brideau seconded the motion.** No discussion. **Vote on the**
4 **motion: 9-0-0.** Extension for six month extension was granted to December
5 1, 2010.

6
7 D. Approval and Signing of Minutes – May 12

8
9 **D. Coons made a motion to approve and sign the minutes from the**
10 **May 12 meeting. R. Brideau seconded the motion.** No discussion. **Vote**
11 **on the motion: 9-0-0.**

12
13 Minutes for May 12 are approved and will be signed at the conclusion of the
14 meeting.

15
16 E. Discussions with Town Staff

- 17
18 • Introduction of Summer Intern Jodie Levandowski

19
20 T. Thompson introduced Planning Division summer intern, Jodie
21 Levandowski. She started on June 1, 2010. She is a graduate of
22 Plymouth State University and she worked last summer with the
23 Manchester Planning Department. Jodie will be working on a variety
24 of projects including; helping with development of an impact fee
25 system for Pettengill Road, economic development work, and some
26 GIS work as well. He stated that Jodie also worked on a consultant
27 basis with Manchester, assisting in the rewrite of their site plan
28 regulations.

- 29
30 • Delahunty Nursery Site - Boutique Use for front portion of building

31
32 T. Thompson referenced an email from R. Canuel, building inspector,
33 relative to the Delahunty Nursery property (corner of Young Road
34 and Route 102). He said that they have re-established a variety of
35 different uses in that property. The property owner is looking at
36 establishment of a boutique in the front section of the building, which
37 technically is a change of use. He consulted with R. Canuel on this
38 and concluded that the parking requirements for a service
39 establishment, which is what this would be classified as, are less
40 intensive than for retail use. R. Canuel is comfortable in this being
41 handled administratively and not to require a site plan review. The
42 Board agreed that staff can handle this administratively by staff.
43 D. Coons asked if there was a chance they might decide to do
44 something else that may require a site plan. T. Thompson said that
45 any proposed change of use would be brought before the Planning
46 Board before anything would be allowed to move forward
47 administratively. He said that the current plans is for a
48 salon/boutique (hair, nails, etc), more of a service establishment
49 than a retail use. D. Coons asked if there was room for more than
50 one of these and if so, how would it affect parking. T. Thompson

1 explained that for a service establishment use, the parking
2 requirement is 1 per 300 s.f., where it's 1 per 200 s.f. for retail, so
3 it's actually a less intensive use from a parking and traffic standpoint.
4

5 A. Rugg clarified that the Nutfield Publishing site plan extension was denied
6 at the May 12 meeting because they had occupied the building for four years
7 without a Certificate of Occupancy (CO), which meant it was an illegal
8 operation. He stated that he had received a good number of phone calls and
9 emails inquiring as to why the Planning Board allowed them to stay there so
10 long. A. Rugg clarified that it's not within the Board's jurisdiction to do
11 enforcement, that is in the purview of the Town Council, being the governing
12 body by statute. He said that the how and why that they have been there
13 four years, is really not to do with the Paul's, but is to do with the Town.
14 Basically why has the Town allowed this to continue? A. Rugg said that when
15 people ask him this, his answer is that he doesn't really know. He said that at
16 this point we need to at least send a message to the Town Council to have
17 them review it.
18

19 **M. Soares made a motion that since the Londonderry Planning Board**
20 **strives for equal treatment of all applicants and is bound by the laws**
21 **and regulations as set forth by the State of New Hampshire and the**
22 **Londonderry Town Charter, the Londonderry Planning Board requests**
23 **that the Londonderry Town Council investigate the why and how that**
24 **Crowell's Corner LLC (or Nutfield Publishing) was allowed to occupy**
25 **and operate at 2 Litchfield Road for four (4) years without a**
26 **Certificate of Occupancy.**
27

28 **C. Tilgner seconded the motion.** A. Rugg said that L. Wiles could not
29 attend the meeting, but asked that a letter be read into the record.
30

31 Since the Londonderry Planning Board strives for equal treatment of all
32 applicants and is bound by the laws and regulations as set forth by the State
33 of New Hampshire and the Londonderry Town Charter, the Londonderry
34 Planning Board requests that the Londonderry Town Council investigate the
35 why and how that Crowell's Corner LLC (or Nutfield Publishing) was allowed
36 to occupy and operate at 2 Litchfield Road for four (4) years without a
37 Certificate of Occupancy.
38

39 L. El-Azem voiced her concern about procedural issues that cause people to
40 get caught in the middle due to a procedural mis-step. She was glad about
41 the motion being on the table and is sorry it was the Paul's who are caught
42 up in this because they do so much for the town and they help others to see
43 what a great place this is to live. She hopes that we can reach a point where
44 this won't happen again.
45

46 **Vote on the motion 9-0-0.** Motion carries and it will be sent to the Town
47 Council.
48

49 A. Rugg said he has a CD with the environmental impact statement on I-93 if
50 Board members are interested.

1
2 A. Rugg said that he has some literature from Southern NH Planning
3 Commission (SNHPC) in regards to dealing with the American Recovery and
4 Reinvestment Act (ARRA) notice on stimulus funding. The towns of the
5 regional planning commission and funding by town by percentage is listed in
6 the document.

7
8 **Public Hearings**

9
10 A. Everett & Charlotte Merrill, Earnest Smith Revocable Trust, and Ruth Smith
11 Revocable Trust, Map 17, Lots 10 & 11 - Application Acceptance and Public
12 Hearing for a Lot Line Adjustment

13
14 T. Thompson stated that there were no checklist items, and staff
15 recommended the application be accepted as complete.

16
17 **M. Soares made a motion to accept the application as complete. D.**
18 **Coons seconded the motion.** No discussion. **Vote on the motion: 9-0-0.**
19 Application accepted as complete.

20
21 James Franklin, land surveyor representing the applicant. They are proposing
22 to cut off 20 acres from Map 17, Lot 11 and consolidate it with the existing
23 residence at Map 17, Lot 10. In this way they would end up with two parcels
24 of approximately the same acreage, consistent with the wishes of the prior
25 owners of the property, to be split in half and shared by their heirs. They
26 have already conducted a boundary survey of the entire perimeter and
27 performed a topographic survey of a portion of both lots. They also had a
28 wetlands identification and high intensity soil survey performed by BHG Land
29 Consultants, Bruce Gilday, to substantiate and document to the town that
30 they have sufficient land area so that both lots can stand on their own in
31 compliance with the present zoning and subdivision regulations. They are
32 asking for three waivers.

33
34 J. Trottier summarized the proposed precedent conditions from the Staff
35 Recommendation memo and read the waiver requests into the record:

- 36
37 1. The applicant is requesting a waiver to Sections 3.04.A and 4.16.A. The
38 applicant has not provided topography for the entirety of the parcels.
39 Staff recommends granting the waiver, as sufficient topography and soils
40 have been indicated to ensure the lots meet the minimum lot size
41 requirements of the Zoning Ordinance.
42
43 2. The applicant is requesting a waiver to Sections 3.10 and 4.17. The
44 applicant has not provided HISS for the entirety of the parcels. Staff
45 recommends granting the waiver, as sufficient topography and soils have
46 been indicated to ensure the lots meet the minimum lot size
47 requirements of the Zoning Ordinance.

1
2 3. The applicant is requesting a waiver to Sections 3.11 and 4.17. The
3 applicant has not provided wetland delineation for the entirety of the
4 site. Staff recommends granting the waiver, as the Zoning Officer has
5 determined that the CO District does not apply to lot line adjustments
6 when no new lots are created, eliminating the Zoning Ordinance
7 requirement to indicate CO District areas for the entirety of the parcel.
8 Additionally, wetland information has been provided in the areas where
9 topography and soils are indicated, verifying compliance with the
10 minimum lot size requirements of the Zoning Ordinance.
11

12 T. Thompson said that the waiver for wetlands is based on a new
13 interpretation of the Zoning Ordinance by the current Zoning Officer, Richard
14 Canuel. The previous Zoning Officer considered lot line adjustments to be
15 subdivisions and therefore you had to delineate the Conservation Overlay
16 District (CO District) for the entirety of the parcels. The interpretation we
17 received from R. Canuel is that when you are not requesting a lot line
18 adjustment which does not create any new additional lots, he does not
19 consider that to meet the need to require the CO District delineation for the
20 entirety of the parcels. Given that interpretation the Zoning Ordinance for the
21 CO District goes away, so the Planning Board then has the ability to grant the
22 waiver for the wetlands on the entirety of the parcels. T. Thompson said this
23 is a new interpretation and something that a lot of previous applicants would
24 have liked, but he feels it's a better interpretation of the ordinance, given the
25 way the wetlands ordinance was designed to work. T. Thompson said that the
26 other items are regarding the Registry of Deeds. He stated that because this
27 was reviewed in-house by staff, without utilizing the services of our
28 engineering review consultant, application review escrow was not required,
29 but we do need checks for both the recording fees and the LCHIP tax for this
30 project. Additionally the requirement from the statute is to put the general
31 and subsequent conditions on the plans or on a separate document. Given
32 the nature of this plan, his guess is that the applicant may need to record a
33 separate document and if so they would need to ask the Registry what the
34 fee would be for that document and add that to the check they provide to the
35 town for the recording of the plans.
36

37 T. Thompson said that assuming the waivers are granted, staff recommends
38 conditional approval as outlined in the staff recommendation memo.
39

40 C. Davies asked how the parcels would be divided. T. Thompson said that half
41 of Lot 11 would be merged with Lot 10 would become an L shape. He said
42 that parcel 10 will have no further development on it because there is already
43 a single family home on it. If in the future there is development on parcel 11
44 there may be the need for a wetland permit for a driveway crossing, but that
45 is something that could be handled through the driveway review process and
46 would not need to come back to the Board.
47

48 A. Rugg asked for public input, but there was none.
49

1 **D. Coons made a motion to grant the 3 waivers based on the**
2 **applicant's letter dated March 16, 2010 and staff recommendation. M.**
3 **Soares seconded the motion. No discussion. Vote on the motion: 9-0-**
4 **O. Waivers granted.**

5
6 **M. Soares made a motion to conditionally approve the lot line**
7 **adjustment with the following conditions:**

8
9 "Applicant", herein, refers to the property owner, business owner, or
10 organization submitting this application and to his/its agents, successors, and
11 assigns.

12
13 **PRECEDENT CONDITIONS**

14
15 All of the precedent conditions below must be met by the applicant, at the
16 expense of the applicant, prior to certification of the plans by the Planning
17 Board. Certification of the plans is required prior to commencement of any
18 site work, any construction on the site or issuance of a building permit.

- 19
20 1. The applicant's sight distance profiles do not appear to correctly
21 indicate the sight lines and all season clearance. The applicant shall
22 revise the profiles to meet the requirements of the regulations. The
23 Sight Line "B" line is the top line and the All Season Sight Clearance
24 Line is the dotted line (18-inches below the Sight Line "B" line.
25
26 2. The lot sizing calculations table on sheet 2 indicates "TOTAL
27 PROPOSED AREA OF LOT 011 = 22.794 AC", the applicant shall revise
28 this to read: "TOTAL PROPOSED AREA OF LOT **010** = 22.794 AC".
29
30 3. Note all waivers granted on the plans (State in note that waivers were
31 granted by the Planning Board on June 2, 2010).
32
33 4. The applicant shall provide a digital (electronic) copy of the complete
34 final plan sent to the Town at the time of signature by the Board in
35 accordance with Section 2.06.N of the regulations.
36
37 5. The applicant shall provide 2 checks; one for \$26 for the recording fee
38 for the plan (no escrow was provided for this project, from which
39 recording fees are typically paid from), and a second check for \$25
40 (both checks made payable to the Rockingham County Registry of
41 Deeds) to pay for the LCHIP tax that became effective on recording of
42 all plans and documents at the registry on July 1, 2008.
43
44 6. The applicant shall note all general and subsequent conditions on the
45 plans (***must be on a sheet to be recorded, or provide a separate***
46 ***document to be recorded with the plans***), per the new
47 requirements of RSA 676:3. If the applicant chooses to record a
48 separate document with the general and subsequent conditions, the
49 applicant shall inquire with the Registry as to what the fee for

1 recording the document will be and add that amount to the check for
2 recording fees listed above.

3
4 7. Financial guaranty if necessary.

5
6 8. Final engineering review

7
8 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
9 certified the approval is considered final. If these conditions are not met
10 within **2 years** to the day of the meeting at which the Planning Board grants
11 conditional approval the board's approval will be considered to have lapsed
12 and re-submission of the application will be required. See RSA 674:39 on
13 vesting.

14
15 **GENERAL AND SUBSEQUENT CONDITIONS**

16
17 All of the conditions below are attached to this approval.

- 18
19 1. **No construction or site work for the amended subdivision may**
20 **be undertaken until the pre-construction meeting with Town**
21 **staff has taken place, filing of an NPDES-EPA Permit and the**
22 **site restoration financial guaranty is in place with the Town (as**
23 **applicable).** Contact the Department of Public Works to arrange for
24 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 Department & 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.
40
41 5. All required School, Library, Recreation, Traffic, Police, and Fire impact
42 fees must be paid prior to the issuance of a Certificate of Occupancy
43 for revised lot 11.
44
45 6. It is the responsibility of the applicant to obtain all other local, state,
46 and federal permits, licenses, and approvals which may be required as
47 part of this project (that were not received prior to certification of the
48 plans). Contact the Building Division at extension 115 regarding
49 building permits.
50

1 **D. Coons seconded the motion.** No discussion. **Vote on the motion: 9-**
2 **0-0.** Plan is conditionally approved.

3
4 T. Thompson asked the Board if they would allow this to be signed at the
5 next meeting. The Board agreed.

6
7 B. Demoulas Super Markets, Inc., Map 10, Lots 52 and 54-1 - Application
8 Acceptance and Public Hearing for a Site Plan to relocate Market Basket to
9 former Sears Essentials/Marshalls Building

10
11 T. Thompson said there are no outstanding checklist items and that staff
12 recommends the application be accepted as complete.

13
14 **M. Soares made a motion to accept the application as complete. R.**
15 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
16 **0.** Application accepted as complete.

17
18 Earle Blatchford, Hayner-Swanson, represented the applicant. He said the
19 existing site is 33 acres, Map 10, Lots 52 & 54-1, and is zoned C-I
20 Commercial. The total square footage of the existing center of both buildings
21 is 218,400 s.f. It currently consists of 7 separate retail spaces, several of
22 which are vacant. There is an existing 1,081 parking spaces and the site is
23 serviced by municipal sewer and Pennichuck water. The main access drive is
24 at the signal at Route 102. There is a secondary service drive off Garden
25 Lane. The existing Market Basket is 51,000 s.f. There was a proposal 3 years
26 ago to expand market into the former Walgreens space and add 7,500 s.f. of
27 retail space and they had come in earlier this year for an extension. Since
28 then, Sears Essentials vacated their space in April, which created a unique
29 opportunity for a considerably different plan, which is currently before the
30 Board. They are proposing to renovate that space into a new Market Basket
31 consisting of 108,750 s.f. and also a small retail space of 7,600 s.f. All the
32 work can occur while the existing market remains open for business the
33 entire time. The proposed site improvements include:

- 34 • Reconfiguring the parking on the south/right side of the building and
35 some new driveway reconstruction towards the back.
36 • Moving back the islands along the front drive aisle and increasing their
37 size to accommodate the new store front bump out and larger sidewalk
38 area and tree wells along the front.
39 • Building additions include:
40 o Some demolition of the existing store entrance and the old
41 garden center on the south/right end of the building. There will
42 be an entrance improvement at the front right corner of the
43 building.
44 o A dairy cooler area on the right side of the building.

45
46 E. Blatchford said the net increase in square footage is only 1,500 s.f. from
47 the existing shopping center which is 6,000 s.f. less than the previously
48 approved expansion. There will be an outdoor seating area with park type
49 benches, trees and landscaping. The new store will sell prepared food and on
50 nice days people can utilize that area. The utility letters have all been

1 submitted and there are no state permits required. He said that they met
2 with the Heritage Commission last week and the plans which were warmly
3 received. They are requesting four waivers.
4

5 J. Trottier summarized the proposed precedent conditions from the Staff
6 Recommendation memo and read the waiver requests into the record:
7

- 8 1. The applicant is requesting a waiver to Section 4.12 of the regulations.
9 The applicant has not provided a full existing conditions plan for the
10 entirety of the site. Staff recommends granting the waiver, as there are
11 plans on file for the entire parcel and the area of disturbance has been
12 sufficiently presented.
13
- 14 2. The applicant is requesting a waiver to Sections 3.13 and 4.16 of the
15 regulations. The applicant has not provided an illumination plan. Staff
16 recommends granting the waiver, as there will be no new outdoor
17 lighting, and the relocated lighting is being moved further away from the
18 property lines.
19
- 20 3. The applicant is requesting a waiver to Section 3.07.g. The applicant has
21 not provided 3 feet of cover over one of the site's drainage pipes. Staff
22 recommends granting the waiver, as the proposed pipe in question is
23 proposed to be ductile iron, and under a reinforced concrete slab
24 providing extra protection for the pipe.
25
- 26 4. The applicant is requesting a waiver to Section 2.04.b.4 of the
27 regulations. The applicant has paid the application fee based on the area
28 of disturbance rather than for the full site area. Staff recommends
29 granting the waiver, given the size of the entire parcel, the fee being
30 provided based on the area of disturbance, and is consistent with
31 previous waivers granted by the Board for this site.
32

33 T. Thompson expanded on recommended condition #1. The Planning
34 Department feels that given the potential development of the former
35 Woodmont Orchard parcel, it would make sense for this to allow for future
36 connection to Pillsbury Road. Staff is recommending that Demoulas work with
37 Pillsbury Realty Development to coordinate that appropriate means of
38 providing future access, possibly up to a 4 lane section if needed, given the
39 potential development that may take place on the adjacent site. Staff
40 anticipates that the adjacent parcel will take advantage of our Planned Unit
41 Development (PUD) ordinance and there could be significant amount of both
42 residential and non-residential density and they want to ensure there is
43 appropriate traffic relief to both Route 102 and Pillsbury Road. Staff strongly
44 recommends including this as a condition of approval and if the Board is
45 comfortable with it, include that it be up to a 4 lane road. The signage is
46 slightly larger than what is typically expected on a commercial building. This
47 parcel does have an existing variance that was granted for Kmart, then Sears
48 Essentials, which does allow for additional wall signage. The signs shown on
49 the plans are consistent and compliant with the variance that is established

1 for this lot and given the size of the building, staff feels it is appropriate to
2 the scale of the building itself.

3
4 T. Thompson said that assuming the waivers are granted, staff recommends
5 conditional approval as outlined in the staff recommendation memo.

6
7 C. Davies asked about the size of the property. E. Blatchford said the site
8 footprint size stayed the same as the previous request to expand. C. Davies
9 is concerned about the traffic. T. Thompson said they did get a traffic study
10 and there were minor changes to the peak hour trip generations, but in the
11 interest of secondary access, staff has asked the future access to the orchard
12 parcel be a condition of approval. D. Coons said he fully agrees with
13 additional access. T. Thompson said that this Market Basket will be roughly
14 double the size of the existing store. M. Soares expressed concern about
15 using the sidewalks for outdoor storage/display. T. Thompson said there is a
16 difference between outdoor storage and outdoor display. He said that outdoor
17 storage is prohibited here. For outdoor display, the Board has the option to
18 restrict where it takes place (i.e. Home Depot plan) but currently there is
19 nothing on the plans that would indicate restrictions on outdoor display.

20
21 Jim Lamp, from RMD Inc., said that the sidewalks are very wide and there is
22 ample space for outdoor display. He said there is no roof over the sidewalks.
23 D. Coons suggested placing some a bike rack outside for customers.

24
25 A. Rugg asked for public input, but there was none.

26
27 **M. Soares made a motion to grant the 4 waivers based on the**
28 **applicant's letter dated May 10, 2010 and staff recommendation. D.**
29 **Coons seconded the motion. No discussion. Vote on the motion: 9-0-0.**
30 **Waivers were granted.**

31
32 J. Lamp asked about the wording of proposed condition 1 in regards to the
33 future access road and how it gets implemented. T. Thompson said the
34 condition would be met when we have an agreement between the two parties
35 that they will be doing something in the future. A. Rugg asked if we want to
36 be more specific than to just say "future". T. Thompson said the condition
37 would be to provide that mechanism and to provide documentation that both
38 parties have agreed to provide that future access through the orchard parcel.
39 T. Thompson said he is comfortable with that becoming a general condition
40 and being required prior to CO, if the Board is comfortable with it.

41
42 **M. Soares made a motion to conditionally approve the site plan with**
43 **the following conditions:**

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

1
2 **PRECEDENT CONDITIONS**
3

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

- 9 1. The applicant shall note that the shaded areas of pavement on sheets
10 3-5 indicate full depth pavement reconstruction.
11
12 2. As directed by the Planning Board, the applicant shall provide one
13 bicycle parking rack at an appropriate location meeting the
14 requirements of Sections 3.10.16.5 through 3.10.16.8 of the Zoning
15 Ordinance.
16
17 3. The applicant shall note on the plans that a minimum of 5 feet of
18 sidewalk area shall remain clear of any obstructions or outdoor display
19 areas in accordance with ADA requirements.
20
21 4. Note all waivers granted on the plan.
22
23 5. The Applicant shall provide a digital (electronic) copy of the complete
24 final plan sent to the Town at the time of signature by the Board in
25 accordance with Section 2.05.n of the regulations.
26
27 6. Financial guaranty if necessary.
28
29 7. Final engineering review
30

31 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
32 certified the approval is considered final. If these conditions are not met
33 within 120 days to the day of the meeting at which the Planning Board grants
34 conditional approval the board's approval will be considered to have lapsed
35 and re-submission of the application will be required. See RSA 674:39 on
36 vesting.
37

38 **GENERAL AND SUBSEQUENT CONDITIONS**
39

40 All of the conditions below are attached to this approval.
41

- 42 1. DeMoulas Supermarkets, Inc. shall work with Pillsbury Realty
43 Development, LLC to coordinate the appropriate means of providing
44 future access to the former orchard parcel and Pillsbury Road, through
45 an easement or other legal agreement to be worked out between the
46 parties. The future access shall be stipulated in the agreement to allow
47 for an eventual 4 lane roadway connection (anticipating future traffic
48 demand for development of the former orchard parcel), but can initially
49 be designed as a two lane roadway. No certificate of occupancy for the
50 relocated supermarket shall be issued until such time that an agreement

1 for the future access is completed and a copy is provided to the
2 Community Development Department for the project file.

- 3
4 2. **No construction or site work for the amended site plan may be**
5 **undertaken until the pre-construction meeting with Town staff**
6 **has taken place, filing of an NPDES-EPA Permit and the site**
7 **restoration financial guaranty is in place with the Town.** Contact
8 the Department of Public Works to arrange for this meeting.
9
- 10 3. The project must be built and executed exactly as specified in the
11 approved application package unless modifications are approved by the
12 Planning Division & Department of Public Works, or if staff deems
13 applicable, the Planning Board.
14
- 15 4. All of the documentation submitted in the application package by the
16 applicant and any requirements imposed by other agencies are part of
17 this approval unless otherwise updated, revised, clarified in some
18 manner, or superseded in full or in part. In the case of conflicting
19 information between documents, the most recent documentation and
20 this notice herein shall generally be determining.
21
- 22 5. All site improvements must be completed prior to the issuance of a
23 certificate of occupancy. In accordance with Section 6.01.d of the Site
24 Plan Regulations, in circumstances that prevent landscaping to be
25 completed (due to weather conditions or other unique circumstance), the
26 Building Division may issue a certificate of occupancy prior to the
27 completion of landscaping improvements, if agreed upon by the Planning
28 Division & Public Works Department, when a financial guaranty (see
29 forms available from the Public Works Department) and agreement to
30 complete improvements are placed with the Town. The landscaping
31 shall be completed within 6 months from the issuance of the certificate
32 of occupancy, or the Town shall utilize the financial guaranty to contract
33 out the work to complete the improvements as stipulated in the
34 agreement to complete landscaping improvements.
35 **No other improvements shall be permitted to use a financial**
36 **guaranty for their completion for purposes of receiving a**
37 **certificate of occupancy.**
38
- 39 6. As built site plans must to be submitted to the Public Works Department
40 prior to the release of the applicant's financial guaranty.
41
- 42 7. All required Traffic, Police, and Fire impact fees must be paid prior to the
43 issuance of a Certificate of Occupancy.
44
- 45 8. It is the responsibility of the applicant to obtain all other local, state, and
46 federal permits, licenses, and approvals which may be required as part
47 of this project (that were not received prior to certification of the plans).
48 Contact the Building Division at extension 115 regarding building
49 permits.
50

1 **D. Coons seconded the motion.** No discussion. **Vote on the motion: 9-**
2 **0-0.** Plan is conditionally approved.

3
4 **Other Business**

5
6 None.

7
8 **Adjournment:**

9
10 **M. Soares made a motion to adjourn the meeting. R. Brideau seconded the**
11 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 8:05
12 PM.

13
14
15 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

16
17
18
19 Respectfully Submitted,

20
21
22
23 Charles Tilgner, Secretary

24

Planning Board Meeting Minutes - June 2, 2010 - Attachment #1

To: Arthur_Rugg@vrtx.com
From: Lynn Wiles <Lynn.Wiles@Raytheon.com>
Date: 05/27/2010 11:42AM
Subject: Planning Board Motion

To: Art Rugg, Londonderry Planning Board Chairman:

Accountability is critical in establishing and maintaining the trust of the community. I therefore support the motion as stated below.

"Since the Londonderry Planning Board strives for equal treatment of all applicants and is bound by the laws and regulations as set forth by the State of New Hampshire and the Londonderry Town Charter, the Londonderry Planning Board requests that the Londonderry Town Council investigate the why and how that Crowell's Corner, LLC (or Nutfield Publishing) was allowed to occupy and operate at 2 Litchfield Road for four (4) years without a Certificate of Occupancy."

Lynn Wiles
Londonderry Planning Board Assistant Secretary
46 Bartley Hill Road
Londonderry, NH 03053