### 1 LONDONDERRY, NH PLANNING BOARD

### 2 MINUTES OF THE MEETING OF DECEMBER 8, 2010 AT THE MOOSE HILL 3 COUNCIL CHAMBERS

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

Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.;
 Cathy Dirsa, Planning Division Secretary

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A. Rugg called the meeting to order at 7 PM. A. Rugg appointed D. Coons to vote
for C. Davies and S. Benson to vote for M. Soares until she arrives.

#### 16 Administrative Board Work

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A. SNHPC Alternates Recommendations – Deb Lievens & Deb Paul

20 A. Rugg said that SNHPC bylaws do not specify the term for alternates. The 21 term expirations are set by the Boards and then recommended to the Town 22 Council for appointments. A. Rugg said that Linda Moore, Office Manager for 23 SNHPC sent him the attendance records for review. He said that in regards to 24 absenteeism, the bylaws state that if a member has an unexcused absence 25 and they miss 3 meetings a letter should go out to the appointing 26 Board/Committee. If a member is absent from more than 40% of the 27 meetings that would also generate a letter. A. Rugg pointed out the 28 attendance for the two alternates. He said that out of the past 27 meetings 29 Deb Lievens has been absent only once and Deb Paul has been absent 18 30 times. He noted that one of the questions the Board always asks potential 31 candidates is what their attendance would be at the meetings. He mentioned 32 that Board members should consider attendance in making their decision on 33 alternates to the Town Council. D. Coons asked how many alternates we are 34 required to have. A. Rugg said the Board is not required to have any 35 alternates and that it's up to the Board. D. Coons asked the Board if they 36 want to continue with two alternates or change it to one. Consensus of the Board was to continue with two alternates. 37

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C. Coons made a motion to recommend Deb Lievens and Deb Paul to the Town Council as alternates for a one year term to the SNHPC. L.
Wiles seconded the motion. No discussion. Vote on the motion: 9-0-0.
A. Rugg said the recommendation will go to the Town Council.

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44 B. Discussions with Town Staff

A. Garron said he attended a meeting last month sponsored by the NHDOT
regarding tolling on the Everett Turnpike, specifically the airport access road.
They identified 10 different options. The top three options were: Tolls at
entrance and off ramps of Manchester-Boston airport access road; Tolls at

1 exit 1 and 2 on the Everett Turnpike in Nashua. The option that yields the 2 highest return is the Manchester-Boston airport access road toll. A. Garron 3 said that hopefully the toll will not be at the Manchester-Boston airport access 4 road. He also stated that for Londonderry the Pettengill Rd area is something 5 we have been advocating for the last decade, with the potential of generating 6 about 4 million s.f. of commercial/industrial development and 4,000 to 6,000 7 jobs. A lot of those jobs would probably access the Everett Turnpike, 8 therefore the tolls would hinder our efforts to generate businesses in that 9 area. 10

- 11 J. Farrell asked T. Thompson to update the Board on the status of the 12 Crowell's Corner court issue. T. Thompson said that staff met with Chris Paul 13 on December 2. Staff went over the steps that would need to take place in 14 order for Crowell's Corner to come back to the Planning Board, in order for 15 the Board to consider reinstatement of their site plan. The major outstanding 16 issue has been for some time the completion of the site estimate. Staff was 17 able to finish that and work with C. Paul to come up with the final numbers 18 that were missing from that. The total staff developed for the site estimate 19 (for costs associated with the site plan) was about \$66,814. Based on that, 20 the restoration surety would need to be \$16,000 to be posted with the town. 21 The inspection escrow would be \$3,400. Staff outlined that based on the 22 feedback they received from the Board previously, in order for the Board to 23 consider reinstatement, they would need to post the restoration surety and 24 the inspection escrow with the town, prepare a letter to the Planning Board 25 requesting reinstatement of their plan with the justification and a realistic 26 commitment to complete the site work. Then the Planning Board would then 27 be able to consider the reinstatement request. T. Thompson said that the 28 primary unknown at this point, in terms of the cost associated with Crowell's 29 Corner to complete the project, is related to the improvements that may be 30 needed inside the building itself. The Building Division has not gone in to do 31 an inspection. The Fire Department has done only a cursory review. C. Paul 32 indicated that he would schedule a time to have the Building Inspector and 33 the Fire Inspector walk through the building to develop a list, so that the 34 estimate for the costs could be developed. T. Thompson said they calculated 35 the impact fees that Crowell's Corner would be required to pay in order to gain their certificate of occupancy. He said that staff outlined the issue of the 36 37 occupancy of the facility right now is out of the town's hands and unless it's 38 overturned by a court decision or a stay by the courts, we expect there will 39 be no occupancy of the building and structure until such time that all the site 40 improvements are completed, inspected and the certificate of occupancy is 41 signed off by town staff.
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A. Rugg announced that alternate member Cole Melendy has resigned and we now have a vacancy for an alternate member.

#### 46 Workshops/Conceptual Discussions

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48 A. Public Hearing – Zoning Ordinance Amendments – Clarifications to the Sign
 49 Ordinance (Temporary Signs & MUC sub-district requirements)

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1 T. Thompson said the two changes are corrective (See attachment #1). The 2 first change is to Section 3.11.6.3.8 to indicate that only one temporary sign 3 is permitted on a lot and the second change is to Section 3.11.6.4.3 in order 4 to correct an oversight. When the MUC subdistrict was created we neglected 5 to indicate the signage requirements, so we're proposing to amend this 6 section to indicate the MUC subdistrict is included in those requirements. 7 8 A. Rugg asked for public comment, but there was none. 9 10 J. Farrell made a motion that we recommend to the Town Council 11 adopting the amendments to Section 3.11.6.3.8 and Section 12 3.11.6.4.3. R. Brideau seconded the motion. No discussion. Vote on the 13 **motion: 9-0-0.** This recommendation will be sent to the Town Council. 14 15 [M. Soares arrived at 7:18. S. Benson returns to alternate member status.] 16 17 Conceptual Discussion – Elmer Pease – Reuse of Former S. Fire Station (Map B. 18 6, Lot 33A) 19 20 E. Pease, PD Associates, representing the applicant. He said they are trying 21 to figure out what types of business can be used on this parcel. T. Thompson 22 explained the process for any new business use on this parcel (variances 23 required, site plan approval). He said that the recommendation they have 24 made for this site, is one that generates little traffic, few customers, little 25 parking. E. Pease said they have a client that may want to use the building 26 for environmental business. T. Thompson said that any site plans would be 27 subject to traffic impact study. 28 29 C. Conceptual Discussion – Londonderry Freezer Warehouse (Map 15, Lots 22 & 30 124) – Expansion plan and rezoning discussion 31 32 Robert Baskerville and Katie Weiss from Bedford Design, presented their 33 plans (see attachment #2). R. Baskerville said they are proposing an 34 addition of about 82,000 s.f. of warehouse space, office space, and a quality 35 control area. Their current parking would suffice for the employees. They plan to make the entrance wide to allow trucks to make wider right-hand turns. 36 37 He said that the majority of traffic is in the morning. 38 39 K. Weiss explained the landscape and screening plans. 40 41 R. Baskerville said they are requesting a rezoning of the parcel to I-I due to 42 the use being an industrial use, and the fact that the Industrial District does 43 not have a building coverage requirement, which is problematic for the proposed expansion if the zone were to remain C-II. 44 45 46 A. Garron said they have worked with the applicant for the last couple years. 47 He is encouraged that this existing business owner wants to expand his 48 business in Londonderry instead of going elsewhere. He said that if this was 49 an I-II proposal it would not be as acceptable as the I-I. 50

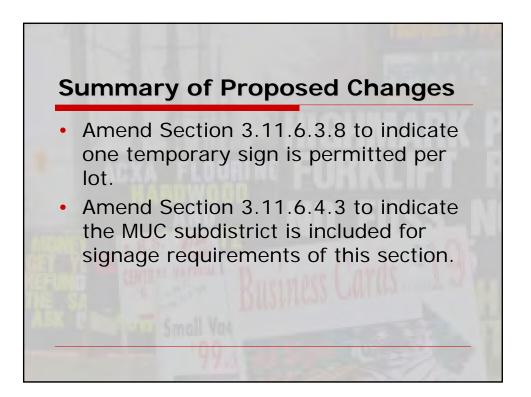
1 T. Thompson said that staff agrees with the zoning change for this parcel, as 2 there is I-I zoning in the general vicinity of the project, and the use is really 3 more appropriate for an industrial zone rather than the current commercial 4 zoning. 5 6 The Board fully supported the concept and would like it to go to a public 7 hearing for the rezoning on January 12, 2011. 8 9 Conceptual Discussion – Possible McDonalds Restaurant, MUC Sub-district, D. 10 conditional use permit requirements (Map 15, Lot 60-2) 11 12 Frank Monteiro, MHF Design, presented their plans. Tesa Berstein, McDonalds 13 was also present. F. Monteiro said this would need 3 conditional use permits 14 (CUP's): one for the fast food restaurant use itself; one for the drive-thru 15 window; one for dimensional relief and setbacks. He said this is the smallest 16 prototype footprint that McDonalds uses. They propose 2 curb cuts; 1 on 17 Vista Ridge and 1 on Route 28. They would need to fill the wetlands ditch, 18 which equates to about 5100 s.f. of wetland impact. T. Thompson stated that 19 the CUP for the drive-thru is not necessary, as the fast food restaurant use is 20 assumed to include the drive-thru. 21 22 A. Garron said he feels that the main access should be from Vista Ridge, not 23 the curb cut on Route 28. He noted that in the master plan for that area they 24 encouraged pedestrian traffic, which this plan does not seem to address. 25 26 J. Trottier said that staff met with the applicant and they are concerned with 27 the traffic on Vista Ridge and the set of lights in regards to traffic queuing for 28 the signals blocking the driveway. 29 30 T. Thompson said that the "fast food restaurant" is not a permitted use for 31 this district. It is only permitted by conditional use permit. He said there are 32 4 conditional use permit criteria for the use: 33 34 1) The proposed use is consistent with the general vision statements 35 and recommendations from the Londonderry Northwest Small Area 36 Master Plan or the most recently adopted Town Master Plan; 37 38 2) Granting of the application is in the public interest; 39 40 3) The property in question is reasonably suited for the use requested; 41 and 42 43 4) The design of the site represents to the extent practicable a 44 minimization of impacts to natural resources, and maximizes the 45 provision of green space and accommodation of non-vehicular and 46 pedestrian traffic. 47 48 He said that these are the 4 criteria the Planning Board will have to 49 determine are met in order to allow this use to take place on the site.

1 2 3 4 5 6 7		He said that it is a concern of staff is that this plan does not meet the conditional use criteria, and that is the primary reason for the conceptual discussion, to determine if the Board is comfortable with the concept meeting the criteria from the ordinance. He stated that there are 2 additional criteria for the CUP to allow for dimensional relief, which staff believes are met, due to the land taking that occurred on the parcel for the Rt. 28 widening project.
7 8 9		L. El-Azem said that she doesn't feel this is what people wanted for this exit 5 area.
10 11 12		C. Tilgner feels there are a lot of traffic issues and that it's not the right place for a McDonald's Restaurant. D. Coons agreed.
13 14 15		Consensus of the Board was that this is not the right location for a fast food restaurant.
16 17 18 19 20		Mary Tetreault, 15 Isabella Dr, feels that a fast food restaurant would be acceptable in this area. She also suggested more pedestrian crossings in town.
20 21 22 23 24 25		T. Thompson said that his concern is the 4 <sup>th</sup> criterion; the impact on natural resources and maximizing green spaces and accommodation of non-vehicular pedestrian traffic. Work would need to be done to the concept in order to meet this criterion.
26 27 28		The Board suggested that the property owner review the accepted uses for that parcel.
20 29 30	E.	Workshop – Woodmont Commons PUD Master Plan Discussion
31 32 33		Mike Kettenbach and Rick Chellman presented their plans. (see attachment $#3$ )
34 35 36 37		R. Chellman said that since the last Planning Board meeting they met with people in Derry. They will have a joint meeting with their Planning Board and Town Council.
38 39 40 41		M. Kettenbach said they plan to have a fire/police presence in the development. He also said they thought about having a DMV facility for registering vehicles.
42 43 44 45 46		J. Farrell expressed his concern about this being called a town center, when we already have a town center, Mammoth Rd and Pillsbury Rd. R. Chellman said they are not trying to reinvent the center of town, but instead propose to have connected neighborhoods, each with its own center.
40 47 48 49		A. Rugg suggested having people walk the area and try to envision what is being proposed. M. Kettenbach said they would prefer to have an "open house" to invite people to come view the property in a supervised manner.

1 R. Chellman said they now have a website that people can access. T. 2 Thompson said there is now a link for their website on the town's Woodmont 3 Commons page on the Town website (http://www.londonderrynh.org/planning/planning\_028.htm) 4 5 6 John Michels said they will be sending out letters to the abutters to give them 7 the website info. 8 9 T. Thompson referenced the new language for signage in the template for the 10 written portion of the master plan, and said that modifications need to be 11 addressed due to the underlying zoning (AR-I primarily). He also suggested 12 that for the "center" areas that a consideration be made for design 13 consistency in the signage program (reference downtown Plymouth, NH's 14 downtown signage program). 15 16 L. Wiles asked R. Chellman to track changes on the master plan so that it will 17 be obvious from this point going forward what portions have been changed. 18 19 M. Soares asked what types of products would be assembled, packaged, 20 tested and repaired in the facilities in the permitted use area. . Chellman 21 said the list is straight out of the list of "allowed uses" with the exception of 22 truck terminals. 23 24 A. Rugg asked for public comment 25 26 Mike Speltz, 18 Sugarplum, said that under NH law if land is not posted it is 27 considered to be open to pedestrian access. He said that state law also 28 provides protection for the land owner, i.e. is there is an accident on the 29 property, unless the owner is guilty of gross negligence, the state protects 30 them from liability to a person who took advantage of the open nature of the 31 land and got injured. 32 33 Mary Teatreault, 15 Isabella, would like to see a timeline plan. 34 T. Thompson said there needs to be more plan and concept development 35 before we get into defining the schedule. 36 37 Jim Anagnos, resident, said that Boston North made an agreement with the 38 Town of Londonderry and Derry to build Exit 4-A on 193. To his recollection, 39 Londonderry was putting in \$5 million, Derry was putting in \$5 million and 40 Boston North was taking care of the rest. He asked the applicant if he plans 41 on doing that now that he has bought Boston North. 42 43 M. Kettenbach said he didn't buy Boston North. He said that a person working with him bought it and all the rights. He said he is working with them and all 44 45 the commitments remain in place. It's been reaffirmed in Derry and the Town 46 of Londonderry has agreed as well. He said he is working with the state and 47 federal government to ensure that Exit 4-A is a reality. M. Kettenbach said 48 the commitment is not for this developer to fund the entire project.

1 2 3 4	J. Anagnos asked what the ratio of residential/commercial buildings are. M. Kettenbach said they are working on the ratio and it will be in the Phase 1 plans. R. Chellman said that plans for residential units are in the plans.
4 5 6 7	Martin Srugis said this project is geared toward the younger generation. He feels we should bring younger people in to hear their comments.
8 9 10	J. Farrell suggested that the applicant contact the President of LAFA, Ron Campo, to get their ideas.
11 12 13 14 15	Mike Speltz, 18 Sugarplum, said the PUD ordinance said that the PUD master plan will take precedence over the underlying subdivision/site plan regulations. He said that in other areas where the PUD master plan doesn't address an issue, we then turn to the underlying subdivision/site plan regulations for guidance on what can be permitted or not.
16 17 18	Jim Butler, 57 Mammoth Rd, said the design charette showed that a lot of parking will be behind the buildings and not visible from the street.
19 20 21 22 23 24	A. Garron stated that the idea of the workshop process is to gather public and Board input on the overall concept before more detailed materials are produced. At this point, he said it may be time to put more "meat on the bones."
24 25 26 27 28 29	J. Czyzowski, Director DPW, said it's important to analyze and identify everything that's on the master plan now, not down the road. He said that in his opinion, if we don't address these issues now, then we'll have to go to our existing ordinances and regulations at the site plan and subdivision level.
29 30 31	There was no further public comment.
32 33	Next workshop session will be scheduled for January 12, 2011.
34 35 36	Other Business None.
30 37 38	Adjournment:
39 40 41	<b>M. Soares made a motion to adjourn the meeting. G. Herrmann seconded the motion.</b> No discussion. <b>Vote on the motion: 9-0-0.</b> Meeting adjourned at 9:47 PM.
42 43 44	These minutes prepared by Cathy Dirsa, Planning Division Secretary.
45 46 47 48	Respectfully Submitted,
49 50	Charles Tilgner, Secretary



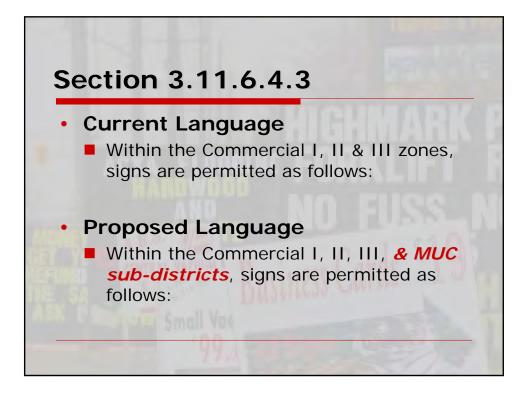


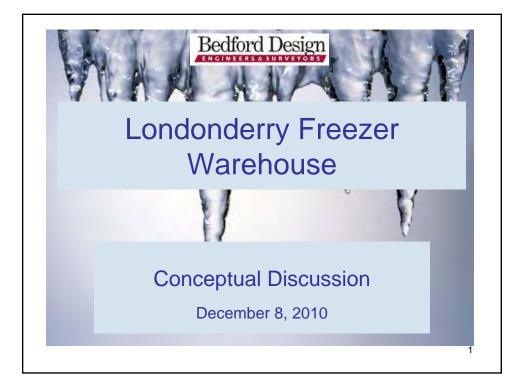
## Section 3.11.6.3.8 – Current Language

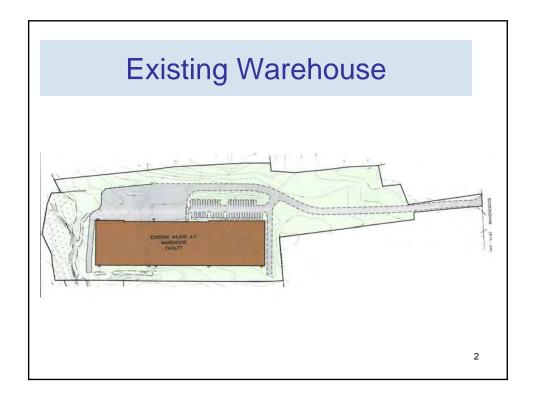
Temporary, Residential, Commercial and Industrial Signs - Banners, posters, pennants, "A" frame, sandwich board, and portable signs shall not be used on a permanent basis. The location and date of display of these signs shall be recorded with the Building Inspector. Such signs will be permitted at the opening of a new business or reopening of an existing business under new management or special sales in a Residential, Commercial, or Industrial district on one occasion per calendar year for a total period not to exceed thirty (30) consecutive days unless otherwise permitted by the Building Inspector.

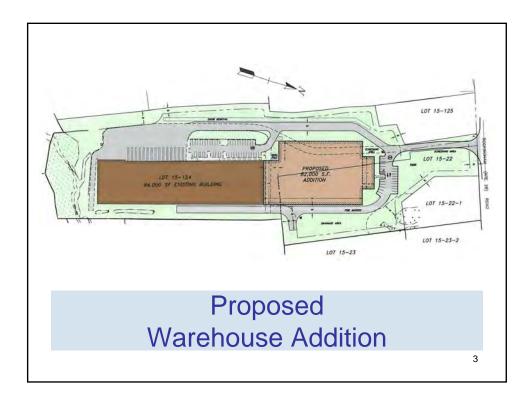
# Section 3.11.6.3.8 – Proposed Language

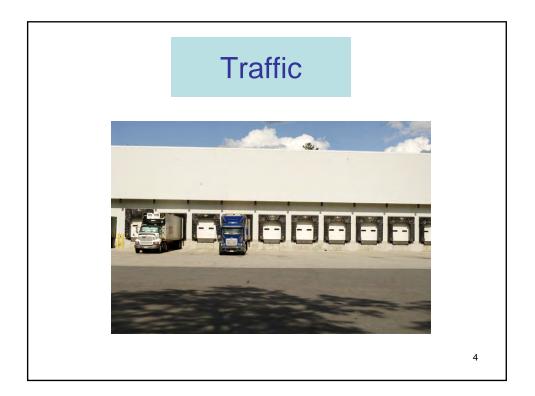
Temporary, Residential, Commercial and Industrial Signs - Banners, posters, pennants, "A" frame, sandwich board, and portable signs shall not be used on a permanent basis. The location and date of display of these signs shall be recorded with the Building Inspector. *Only one (1) temporary sign* will be permitted at the opening of a new business or reopening of an existing business under new management or special sales in a Residential, Commercial, or Industrial district on *no more than two occasions* per calendar year for a total period not to exceed thirty (30) consecutive days *for each occasion as approved by permit* from the Building Inspector.





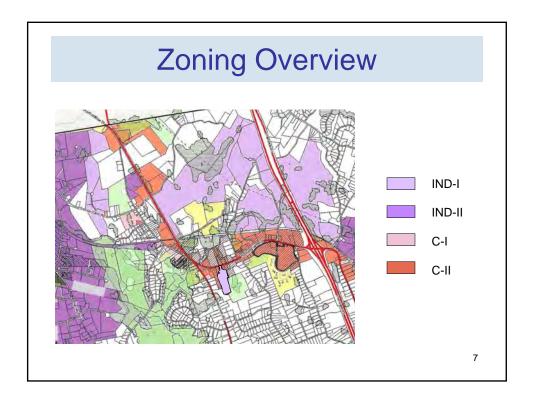


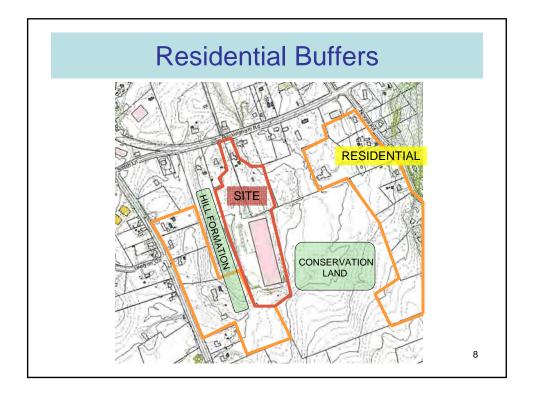


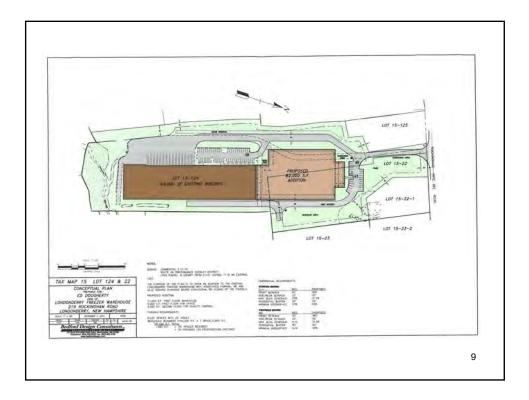


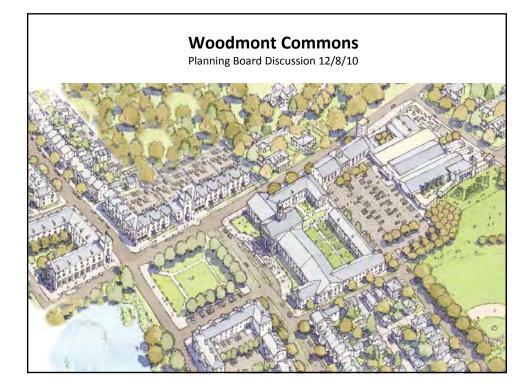


Dime	nsional	Require	ments
	C-II	IND-I	Proposed
Front Side/Rear Max. Bldg Cover Residential Buffer Min. Greenspace	<ul> <li>60'</li> <li>30'</li> <li>25%</li> <li>50'</li> <li>33%</li> </ul>	<ul> <li>30'</li> <li>20'</li> <li>n/a</li> <li>50'</li> <li>n/a</li> </ul>	<ul> <li>360'</li> <li>50'</li> <li>31.5%</li> <li>50'</li> <li>53%</li> </ul>
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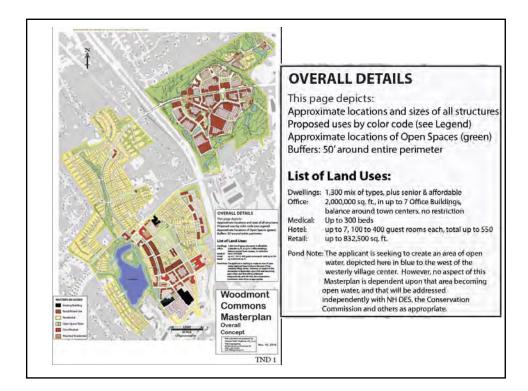


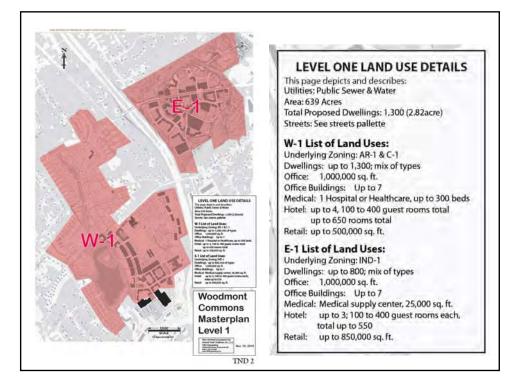


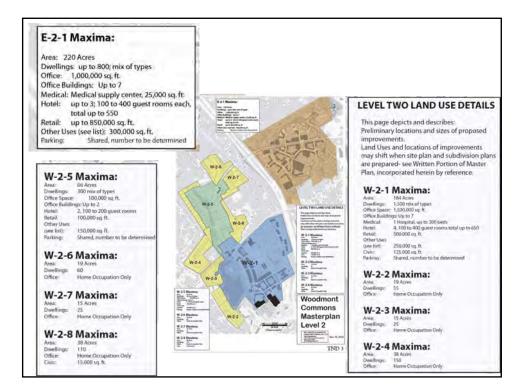


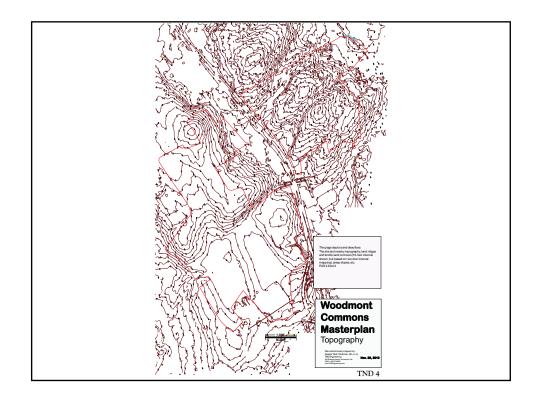
.8.9 Sub	mission Requirements		
	Materials. The applicant for a PUD shall provide the following materials (in format and	2.8.9.2.15	Brief explanation or sketch of proposed stormwater management plan.
	number as reasonably determined by the Community Development Department):	2.8.9.2.16	
		2.8.9.2.17	
2.8.9.1.		2.8.9.2.18	
2.8.9.1.	2 Narrative, including a statement of purpose for the PUD and how it meets the goals of this Section	280240	architectural treatment.
2.8.9.1		2.8.9.2.19	A "Signage Plan" shall be submitted. This document shall establish guidelines regulating and coordinating all signage within the PUD including general
2.8.9.1			representations of tenant signage, development signage, directional signage, a
2.8.9.1.			vehicular and pedestrian traffic circulation signage. Specific criteria for design,
28.9.1			size, proposed sign types (wall, free standing, etc.), materials, heights, colors, s backs, projections and contextual issues shall be established. Any other sign design information as required by the Town shall also be provided.
	Information. The applicant for a PUD shall provide the following information. Given the amount of information needed it is recommended that the plan be developed and refined through several conceptual/preliminary iterations with the staff and Planning Board. Many of these items may be presented as approximations or preliminary	2.8.9.2.20	Proposed time schedule for completion of the project, phasing schedule (if applicable depending on scale and type of PUD), plans for bonding if applicable and well thought out plan to ensure that the amenities will be completed as processed and in a timely manner.
	estimates subject to change, where appropriate.	2.8.9.2.21	Proposed and in a amery manner. Proposed covenants, restrictions and easements and how they will be monitore and enforced, if applicable.
2.8.9.2	lots.	2.8.9.2.22	
2.8.9.2	land contours, natural and cultural resources, ridges and knolls, rock outcrops,	2.8.9.2.23	Proposed articles of incorporation and bylaws of any corporation and/or association to be formed.
	steep slopes, etc. This information may be presented in an overview format, in less detail than would be required of a sile plan or subdivision application provided that a clear sense of the tract is conveyed sufficient to evaluate the PUD proposal (for example, wetlands need not be professionally delineated if potentially wetl tow lying	2.8.9.2.24	Miscellaneous Studies and Documents - The Planning Board shall have the authority to require the submittal of any additional information, studies, docume etc., relative to the design, operation, or maintenance of the proposed project.
	areas are roughly indicated).	2.8.9.2.25	Any other information that the Planning Board or the Town Attorney may deem
2.8.9.2	3 Total acreage of the tract; rough delineation of each land use area with approximate acreage,		reasonably necessary.
2.8.9.2.			
2.8.9.2	(if applicable).		
2.8.9.2.			
2.8.9.2.	sidewalks, and paths.		
2.8.9.2.	area.		
2.8.9.2.	generation, trip distribution, and potential areas of off-site transportation improvements.		
2.8.9.2			
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2.8.9.2	14 Brief explanation or sketch of proposed water and sewer/septic systems.		

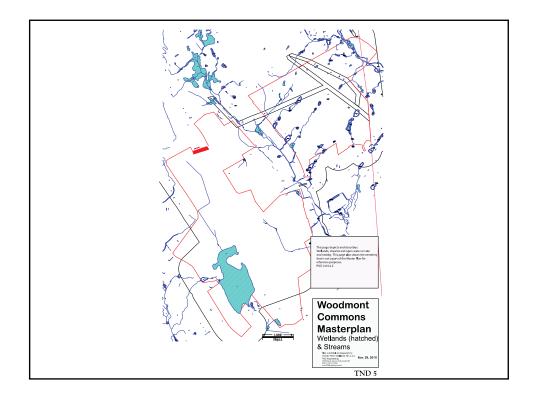
Woodr		As of Dec 6, 2010
Materials	Brief Description	Location(s) in submission
28911	PUD Application	Set of plans (TND sheets 1 through 6 to date), and "Written Portion of Master Plan" (hereafter WPMP)
2.8.9.1.2	Narrative	WPMP, first pages
2.8.9.1.3	Proposed Plan	TND sheet 1
28914	Land Use List	WPMP, pages 6 & 7
2.8.9.1.5	Abutters	Separate list from Michels & Michels
2.8.9.1.6	Fee	Separate from Pillsbury Realty
Informatio	n Brief Description	Location(s) in submission
2.8.9.2.1	Present zoning	TND sheet 2
2.8.9.2.2	Topo, wetlands, etc	TND sheets 4 & 5
2.8.9.2.3	Total area	TND Sheet 2
2.8.9.2.4	Proposed Uses	WPMP, pages 6 & 7 and TND Sheets 1, 2 & 3
2.8.9.2.5	Dwelling count & density	TND Sheets 1 & 2
2.8.9.2.6	Structures	TND Sheets 1, 2 & 3
2.8.9.2.7	Streets etc	In progress, TND Sheets X through Y
2.8.9.2.8	Proposed parking	In progress, TND Sheet 3
2.8.9.2.9	Traffic data	In Progress, Placeholder TND Sheet 5
2.8.9.2.10	Open Spaces	TND Sheet 1
2.8.9.2.11	Preserved Resources	None Known to be Preserved
2.8.9.2.12	Buffers	TND Sheet 1, 50 Feet Around Perimeter
2.8.9.2.13	Landscaping	TND Sheet 1
2.8.9.2.14	Water & Sewer	TND Sheet 2, Public Sewer & Water
2.8.9.2.15	Storm Water	In Progress
2.8.9.2.16	Other Utilities	In Progress
2.8.9.2.17	Firefighting	WPMP, page 14
2.8.9.2.18	Architectural	WPMP, Text and Illustrations
2.8.9.2.19	Signage	WPMP, In Progress
2.8.9.2.20	Phasing	In Progress
2.8.9.2.21	Covenants	WPMP, In Progress
2.8.9.2.22	Ownership	Will vary throughout the project, WPMP
2.8.9.2.23	Bylaws	WPMP, In Progress
2.8.9.2.24	Studies	To Be Determined
2.8.9.2.25	Other	To Be Determined

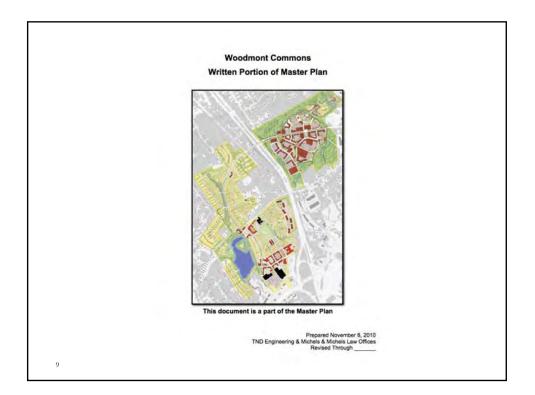












	Assessed Living Allowable Us	-	Motor Vehicle Station, Limited Service
•	Back Lot Development	•	Recreation, commercial
•	Dweiling, multi-family	•	Retail sales establishment
•	Dwelling, single family	•	Professional office
•	Dweiling, two-family	•	Rental Car Terminal
•	Elderly Housing	•	Repair services
	Mbæd use residential	•	Research or Development Laboratories
•	Nursing Home and accessory uses	•	Restaurant
•	Community center	•	Restaurant, fast food
•	Public Facilities	•	Seles of Heavy Equipment or Heavy
	Public Utilities		Trucks as an accessory use
•	Recreational Facilities, Public	•	School, Private
•	Religious Facilities		Service establishment
•	Cultural Uses and Performing Arts	•	Warehouses and Storage
	Assembly, testing, repair and packing operations		Wholesale Businesses
•	Bed and Breakfast Homestay		
•	Business center development		
•	Conference/Convention Center		
	Day Care Center, Adult		
•	Financial Institution		
•	Education and Training Facilities		
•	Group Child Care Center		
	Home Occuration		

- Manufacturing, Light
- •<sub>10</sub> Membership dub





