

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MAY 6, 2009 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; John Farrell; Rick Brideau, CNHA, Ex-
6 Officio; Paul DiMarco, Ex-Officio; Mary Soares; Rob Nichols (7:16 PM); Lynn Wiles;
7 Laura El-Azem; Chris Davies, alternate member; Cole Melendy, alternate member
8

9 Also Present: Tim Thompson, AICP; John Trottier, P.E.; Cathy Dirsra, Planning
10 Department Secretary
11

12 A. Rugg called the meeting to order at 7:05 PM. A. Rugg appointed C. Davies to
13 vote for R. Nichols.
14

15 **Administrative Board Work**
16

17 A. Approval of Minutes – April 1 & 8
18

19 **J. Farrell made a motion to approve the minutes from the April 1**
20 **meeting. R. Brideau seconded the motion. No discussion. Vote on the**
21 **motion: 9-0-0.**
22

23 **J. Farrell made a motion to approve the minutes from the April 8**
24 **meeting. R. Brideau seconded the motion. No discussion. Vote on the**
25 **motion: 9-0-0.**
26

27 Minutes are approved and will be signed at the May 13 meeting.
28

29 B. Discussions with Town Staff
30

31 T. Thompson reminded the Board that he would like to add CTAP Roadmap
32 endorsement to the agenda next week under Administrative Board Work, and
33 asked the Board to review the document in advance. He also mentioned the
34 Capital Improvement Process (CIP) committee will have their first meeting
35 May 28 at 6PM and they will go over the plan from last year, look at
36 deadlines and set up the stage for this year's CIP. A. Rugg instructed T.
37 Thompson to place the CTAP roadmap project under Administrative Board
38 Work for the next Planning Board Meeting on May 13. T. Thompson said there
39 will be another workshop regarding the small area master plan on June 10.
40

41 **Public Hearings**
42

43 A. Coca Cola Bottling Company of New England, Map 15, Lot 98 - Public Hearing
44 for an amendment to a previously approved site plan to add project phasing.
45

46 T. Thompson said this plan was originally approved by the Board in 2008 and
47 that the applicant wishes to phase the project so as to be able to construct
48 the parking area prior to construction of the building addition. He said that
49 completeness is not applicable, as this is an amendment to an approved site

1 plan.

2
3 Mike O'Donnell, TF Moran, presented their plans. He said they are asking the
4 Board to allow the phasing to occur in two phases. The first phase would
5 consist of the 60 parking space paved lot and associated drainage, grading,
6 fencing, landscaping, lighting improvements associated with that parking lot.
7 The second phase would be to build the large addition off the back of the
8 building, including the silos, boiler room, grading, drainage, landscaping,
9 utilities associated with that phase. O'Donnell said there are no changes to
10 the work that is being proposed, only the sequence of how it's being done.
11 [R. Nichols arrived at 7:16PM] C. Davies returned to alternate member
12 status.

13
14 J. Trottier referenced the memo with staff recommendations.
15 T. Thompson said staff is recommending conditional approval.

16
17 A.Rugg asked for public input.

18
19 Peter Richard, 36 Clark Rd, asked when this work would begin.
20 Dave Wittliff, Stahlman Group, said they plan to start construction of phase 1
21 in June. There was no further public comment.

22
23 **J. Farrell made a motion to conditionally approve the Amendment to**
24 **the approved site plan with the following conditions:**

25
26 "Applicant", herein, refers to the property owner, business owner, or
27 organization submitting this application and to his/its agents, successors, and
28 assigns.

29
30 **PRECEDENT CONDITIONS**

31
32 All of the precedent conditions below must be met by the Applicant, at the
33 expense of the Applicant, prior to certification of the plans by the Planning
34 Board. Certification of the plans is required prior to commencement of any
35 site work, any construction on the site or issuance of a building permit.

- 36
37 1. The Applicant shall update the contact names in the "resource list" on
38 the cover sheet as follows:
39 a. Replace "Jim Smith" with "Richard Canuel"
40 b. Replace "Chief Joe Ryan" with "Interim Chief Bill Hart"
41
42 2. The Applicant shall provide a digital (electronic) copy of the amended
43 sheets at the time of signature by the Board in accordance with Section
44 2.05.n of the regulations.
45
46 3. Final engineering review

47
48 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
49 certified the approval is considered final. If these conditions are not met
50 within 120 days to the day of the meeting at which the Planning Board grants

1 conditional approval the board's approval will be considered to have lapsed
2 and re-submission of the application will be required. See RSA 674:39 on
3 vesting.

4
5 **GENERAL AND SUBSEQUENT CONDITIONS**

6
7 All General and Subsequent Conditions of the original approval (August 13,
8 2008) shall apply to this approval.

9
10 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
11 **0-0.** Plan is conditionally approved.

12
13 T. Thompson asked if the applicant could submit plans next week. The Board
14 agreed, if the applicant is ready.

- 15
16 B. JVL Construction Co., Map 6, Lots 15-3 & 15-4 - Application Acceptance and
17 Public Hearing for a lot line adjustment.

18
19 T. Thompson said there are no checklist items and staff recommends the
20 application be accepted as complete.

21
22 **J. Farrell made a motion to accept the application as complete. R.**
23 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
24 **0.** Application accepted as complete.

25
26 Chris Hickey, Eric Mitchell & Assoc, presented their plans. He said that when
27 lot 3 was built they weren't sure where they were going to place the house.
28 After the septic/water was put in it was obvious that the lot line would need
29 to be moved. They want to move the lot lines on both lots in order to meet
30 zoning requirements.

31
32 J. Trottier summarized the design review items from the Staff
33 Recommendation memo.

34
35 T. Thompson said staff recommends conditional approval as outlined in the
36 staff recommendation memo (noting to remove item 6 because we did not
37 use the outside consultant).

38
39 A.Rugg asked for public input, but there was none.

40
41 **J. Farrell 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.

47
48

1 **PRECEDENT CONDITIONS**

2
3 All of the precedent conditions below must be met by the Applicant, at the
4 expense of the Applicant, prior to certification of the plans by the Planning
5 Board. Certification of the plans is required prior to commencement of any
6 site work, any construction on the site or issuance of a building permit.

- 7
8 1. We understand that sheets 3-5 are "exhibits" from the previously
9 approved subdivision, however, for purposes of continuity in this
10 application, the Applicant shall indicate the proposed new lot line on
11 these sheets as applicable for consistency with the purpose of the plan.
12
13 2. The Applicant shall note that the match lines on the all sheets refer to
14 the previously approved subdivision plan, and refer to the reference plan
15 notes.
16
17 3. The Applicant shall address the DRC comments as applicable.
18
19 4. The Applicant shall provide a digital (electronic) copy of the complete
20 final plan sent to the Town at the time of signature by the Board in
21 accordance with Section 2.06.N of the regulations.
22
23 5. The Applicant shall provide a check for \$25 (made payable to the
24 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
25 became effective on recording of all plans and documents at the registry
26 on July 1, 2008.
27
28 6. Outside consultant's fees shall be paid within 30 days of approval of
29 plan.
30
31 7. Financial guaranty if necessary.
32
33 8. Final engineering review

34
35 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
36 certified the approval is considered final. If these conditions are not met
37 within 2 years to the day of the meeting at which the Planning Board grants
38 conditional approval the board's approval will be considered to have lapsed
39 and re-submission of the application will be required. See RSA 674:39 on
40 vesting.

41
42 **GENERAL AND SUBSEQUENT CONDITIONS**

43
44 All of the conditions below are attached to this approval.

- 45
46 1. **No construction or site work for the may be undertaken until the**
47 **pre-construction meeting with Town staff has taken place, filing**
48 **of an NPDES-EPA Permit and the site restoration financial**
49 **guaranty is in place with the Town.** Contact the Department of Public
50 Works to arrange for this meeting (if applicable).

- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - 10
 - 11
 - 12
 - 13
 - 14
 - 15
 - 16
 - 17
 - 18
 - 19
 - 20
 - 21
 - 22
 - 23
 - 24
 - 25
 - 26
 - 27
 - 28
 - 29
 - 30
 - 31
 - 32
 - 33
 - 34
 - 35
 - 36
 - 37
 - 38
 - 39
 - 40
 - 41
 - 42
 - 43
 - 44
 - 45
 - 46
 - 47
 - 48
 - 49
 - 50
2. The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Department & 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. 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 Department at extension 115 regarding building permits.

R. Brideau seconded the motion. No discussion. **Vote on the motion: 9-0-0.** Plan is conditionally approved.

- C. Water Wonders, LLC, Map 17, Lots 5-3 & 5-4 - Application Acceptance and Public Hearing for a site plan to construct a 38,500 sq ft office building.

T. Thompson said that there is one outstanding checklist item, which is a waiver request. Assuming the Planning Board grants the waiver, staff recommends the application be accepted as complete.

T. Thompson read the waiver into the record from the Staff Recommendation memo. The Applicant is requesting a waiver to Sections 3.12 and 4.15. The Applicant has not provided the required building and signage renderings. Staff recommends granting the waiver, as no specific tenant has been identified at this time. Additionally, the Board should condition the waiver on the Applicant returning to the Board for a public hearing on the building and signage design, consistent with other such past waiver requests (see also proposed General and Subsequent Conditions).

J. Farrell made a motion to grant the waiver based on the applicant's letter and staff recommendation. R. Brideau seconded the motion. No discussion. **Vote on the motion: 9-0-0.** The waiver was granted.

J. Farrell 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.

Bill Davidson, Hoyle Tanner, presented their plans. They are proposing a 38,500 sq ft office building on Kitty Hawk Landing. They want to merge both the lots. They are making some modifications to the drainage system. The entire project has closed drainage. The building is serviced by municipal

1 water & sewer.

2
3 J. Trottier summarized the design review items from the DPW/Stantec memo.

4
5 T. Thompson said staff recommends conditional approval as outlined in the
6 staff recommendation memo. He also has some comments from a resident
7 who could not make it to the meeting tonight. T. Thompson said that due to
8 the possible off-site improvements staff is recommending a one year
9 conditional approval.

10
11 A. Rugg asked for public input. T. Thompson referenced a phone call he
12 received from Ken Smith, who owns Map 14, Lot 10. He said that Mr. Smith is
13 concerned about drainage affecting his property. J. Trottier said this issue will
14 be resolved with the applicant in final engineering review. There was no
15 further public comment.

16
17 **J. Farrell made a motion to conditionally approve the plan with the**
18 **following conditions:**

19
20 "Applicant", herein, refers to the property owner, business owner, or
21 organization submitting this application and to his/its agents, successors, and
22 assigns.

23
24 **PRECEDENT CONDITIONS**

25
26 All of the precedent conditions below must be met by the Applicant, at the
27 expense of the Applicant, prior to certification of the plans by the Planning
28 Board. Certification of the plans is required prior to commencement of any
29 site work, any construction on the site or issuance of a building permit.

- 30
31 1. The Applicant's proposed drainage schedule indicates proposed DMH #6
32 exceeds 18 feet in depth and does not comply with section 3.07.h of the
33 regulations. The Applicant shall revise the design in compliance with the
34 regulations.
- 35
36 2. We understand the wetland impact area under the approved permit was
37 significantly reduced with this latest design and the Applicant would
38 submit for an amended wetland permit consistent with the latest design.
39 In addition, the latest design includes expansion to the existing
40 detention basin that may require a NHDES Dam permit and the site
41 parking was modified that may require an amended Alteration of Terrain
42 permit. The Applicant shall obtain all updated project permits,
43 consistent with the latest design, indicate the approval numbers in the
44 notes on the cover sheet and provide copies of the amended permit
45 approvals for the Planning Department's files.
- 46
47 3. The Applicant shall update the existing conditions plan to indicate spot
48 elevations along the top of existing detention basin embankment for
49 clarity.
50

- 1 4. The Applicant shall address the following relative to the latest submitted
2 drainage report:
 - 3 A. The report implies the design inflow into the existing detention
4 basin is taken from the original subdivision report prepared by
5 Keach-Nordstrom (KNA), but we note the 25-year inflow into the
6 basin in this analysis is approximately 3 cfs less than under the
7 original KNA report (59.79 cfs vs. 62.77 cfs – KNA). It is unknown
8 why the inflow would be less under this project than that of the
9 original report. The Applicant has indicated the existing detention
10 basin was not properly constructed and we would anticipate the
11 outflow would be different as is indicated in the analysis. The
12 Applicant shall carefully review the existing conditions information
13 and update as necessary to be consistent with the referenced
14 drainage report under this project.
 - 15 B. The pond 4P storage area and pipe invert information in the
16 existing conditions analysis is not consistent with original analysis
17 by KNA. The Applicant shall explain and clarify as previously
18 requested. In addition, we note the post development pond
19 information is not consistent with the existing conditions
20 information and the plans do not indicate any changes are proposed
21 at this location. The Applicant shall explain. The Applicant shall
22 update pond to be consistent (between pre-and post) to clarify
23 compliance with the regulations (no increase in runoff) is achieved.
 - 24 C. The table provided in the report narrative summary implies under
25 the post development condition, the existing detention basin will
26 have minor filling. However, the narrative below the table states
27 "...the detention basin is being enlarged from its current
28 configuration." The Applicant shall revise the post development
29 table to include the referenced report (KNA) information and the
30 post development information (enlarged pond) for comparison and
31 clarification that "...the result is a decrease in the peak rate of
32 runoff from the site." as noted in the narrative to clarify compliance
33 with the regulations is achieved.
 - 34 D. Under the existing conditions of the referenced report, it appears
35 KNA subcatchments 405, 701 and 124 are encumbered by the
36 project development that total to 5.78 acres. However, the sum of
37 the areas under the post development condition (Basin, P10-P24,
38 RF1 & RF2) total to only 5.25 acres. It appears that not all the
39 subcatchment area of the original report is accounted for under the
40 post development condition. The Applicant shall carefully review
41 the pre- and post development areas under this project to ensure
42 they are the same. In addition the Applicant shall correct the area
43 listing for subcatchment 15A to 0.01 on the post development plan.
 - 44 E. The Applicant shall include a 50-year pond routing analysis for the
45 detention basin and existing 24" culvert (pond 4) to clarify the
46 areas and volumes used in the 50-year analysis as typically
47 requested by the Town.

48

- 1 5. The Applicant shall address the Stantec Consulting Services, Inc.
2 memorandum relative to the previously submitted traffic report dated
3 April 15, 2009.
- 4
- 5 6. The project is located along a significant portion of Kitty Hawk Landing
6 and Grenier Field Road. It is our understanding the project may require
7 off-site improvements to Grenier Field Road for a left turn lane. The
8 Applicant shall verify if additional off-site improvements to Kitty Hawk
9 Landing and/or Grenier Field Road will be necessary under this
10 application with the Department of Public Works.
- 11
- 12 7. The Applicant shall address the comments of the Sewer Division and
13 note the Londonderry Sewer Discharge Permit number on the plan.
- 14
- 15 8. The Applicant shall combine the lots via voluntary merger prior to final
16 approval of the site plan.
- 17
- 18 9. The Applicant shall, as applicable following the final revisions to the
19 Traffic Impact Analysis, include all appropriate off-site improvements
20 plans in the plan set, meeting the approval of the Planning Division and
21 Public Works Department.
- 22
- 23 10. Note all waivers granted on the plan.
- 24
- 25 11. The Applicant shall provide a digital (electronic) copy of the complete
26 final plan sent to the Town at the time of signature by the Board in
27 accordance with Section 2.05.n of the regulations.
- 28
- 29 12. Outside consultant's fees shall be paid within 30 days of approval of
30 plan.
- 31
- 32 13. Financial guaranty if necessary.
- 33
- 34 14. Final engineering review
- 35

36 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
37 certified the approval is considered final. If these conditions are not met
38 within **1 year** to the day of the meeting at which the Planning Board grants
39 conditional approval the board's approval will be considered to have lapsed
40 and re-submission of the application will be required. See RSA 674:39 on
41 vesting.

42

43 **GENERAL AND SUBSEQUENT CONDITIONS**

44

45 All of the conditions below are attached to this approval.

- 46
- 47 1. The Applicant shall return to the Planning Board for a public hearing to
48 review and approve the building design and signage design prior to any
49 construction commencing on the building or signage. The Applicant shall

- 1 obtain a recommendation from the Heritage Commission on the design
2 prior to the Planning Board hearing.
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),
26 the 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. **No other**
35 **improvements shall be permitted to use a financial guaranty for**
36 **their completion for purposes of receiving a certificate of**
37 **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,
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 building
49 permits.
50

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

3
4 D. Fortier Enterprises, LLC, Map 10, Lot 136 - Application Acceptance and Public
5 Hearing for a site plan to convert an existing gas station to a restaurant.

6
7 [M. Soares left the meeting at 7:50PM]

8 A. Rugg appointed C. Melendy to vote for M. Soares.

9
10 T. Thompson said that there are 2 outstanding checklist items, both of which
11 are waiver requests (listed as numbers 1 and 2 below). Assuming the Board
12 grants these waivers, staff recommends the application be accepted as
13 complete. He read the waivers into the record:

- 14
15 1. The applicant is requesting a waiver to sections 3.13 and 4.16 of the
16 regulations. The applicant has not provided an illumination plan. Staff
17 recommends **granting** the waiver, as no new lighting is proposed as
18 part of the project.
19 2. The applicant is requesting a waiver to section 4.12.b of the regulations.
20 The applicant has not provided a surveyor's certification and updated
21 boundary survey. Staff recommends **granting** the waiver, as there is a
22 plan on record with the Town indicating the boundary.

23
24 **J. Farrell made a motion to grant the two waivers to sections 3.13,**
25 **4.16 and 4.12.b of the regulations based on the applicant's letter and**
26 **staff recommendation. R. Brideau seconded the motion.** No discussion.
27 **Vote on the motion: 9-0-0.** Waivers were granted.

28
29 **J. Farrell made a motion to accept the application as complete. R.**
30 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
31 **0.** Application was accepted as complete.

32
33 Joseph Maynard, Benchmark Engineering, presented their plans. They said
34 there are some setbacks associated with this plan and they have obtained the
35 required variances from the ZBA. They plan to close off a portion of the curb
36 cut on Ela Av to accommodate parking and add green space. T. Thompson
37 said that staff has recommended the applicant replace the striping on the
38 curb cuts on Route 102 with green space (landscaping) to avoid the
39 possibility traffic entering from Route 102 and possibly hitting cars that are
40 parked adjacent to the striping, consistent with general access management
41 principles.

42
43 J. Trottier summarized the design review items from the DPW/Stantec memo
44 and read the waiver requests into the record:

- 45
46 1. The applicant is requesting a waiver to sections 3.02 and 4.12.C.4 of the
47 regulations. The applicant has not provided proper monuments at all
48 property corners. Staff recommends **granting** the waiver, as it is not
49 possible to properly set monuments without a current boundary survey.

1 2. The applicant is requesting a waiver to section 3.11.g of the regulations.
2 The applicant has not provided the required internal parking lot
3 landscaping. Staff recommends **granting the waiver, but only if the**
4 **Planning Board includes proposed precedent condition #2 as**
5 **listed below as part of the conditions of approval for this project.**
6 Per the recommendation of the Zoning Board in their granting of the
7 variances for this project, the ZBA strongly recommends that the
8 applicant increase the amount of green space in the project. Staff
9 believes that this can be accomplished through narrowing the driveways
10 on Nashua Road, currently indicated to be striped pavement. Not only
11 will this increase the green area on the site, but is better from an access
12 management perspective to close up these very wide curb cuts. Staff
13 will be discussing this in more detail during the hearing.
14

15 Thompson said that staff recommends granting the waiver for
16 monumentation, seeing that the Board granted the waiver for the boundary
17 survey and granting the waiver for internal landscaping, if we are closing up
18 the curb cuts at the recommendation of the Zoning Board. T. Thompson
19 stated that based upon the information available to date the Staff
20 recommends Conditional Approval.
21

22 J. Maynard and W. Fortier, applicant, objected to the requirement to narrow
23 the curb cuts due to costs and permitting/bonding with NHDOT.
24

25 There was discussion between the Board, Staff, and the applicant relative to
26 the narrowing of the curb cuts on Route 102. Following the discussion, it was
27 decided that the applicant would meet with staff and 2 members of the
28 Planning Board to attempt to reach a compromise position on the narrowing
29 of the curb cuts.
30

31 A. Rugg asked for public input, but there was none.
32

33 **J. Farrell made a motion to grant the waiver to sections 3.02 and**
34 **4.12.C.4 of the regulations based on the applicant's request letter**
35 **and staff recommendation. R. Brideau seconded the motion.** No
36 discussion. **Vote on the motion: 9-0-0.** Waivers were granted.
37

38 **J. Farrell made a motion to grant the waiver to section 3.11.g of the**
39 **regulations based on the applicant's request letter and partially on**
40 **the recommendation of staff. R. Brideau seconded the motion.** No
41 discussion. **Vote on the motion: 9-0-0.** Waivers were granted.
42

43 **J. Farrell made a motion to conditionally approve the plan with the**
44 **following conditions:**
45

46 "Applicant", herein, refers to the property owner, business owner, or
47 organization submitting this application and to his/its agents, successors, and
48 assigns.
49

50 **PRECEDENT CONDITIONS**

1
2 All of the precedent conditions below must be met by the Applicant, at the
3 expense of the Applicant, prior to certification of the plans by the Planning
4 Board. Certification of the plans is required prior to commencement of any
5 site work, any construction on the site or issuance of a building permit.
6

7 1. The application submission does not address the closure of the existing
8 underground storage tanks (UST) located at the site in accordance with
9 NHDES Env-Wm 1401. The Applicant shall update the plans to clarify
10 the work related to the closure/removal and provide documentation of
11 the tank closure/removal for the Planning Division's file.
12

13 2. The Applicant shall address/clarify the following on the site plan:

14 A. The Applicant shall delineate the loading area(s) on the plan to
15 clarify access can be provided per section 3.10.7.2 of the Zoning
16 Ordinance. In addition, the Applicant shall clarify the noted
17 delivery vehicle can properly negotiate and access the designated
18 loading area with a turning template for the Planning Division's
19 file.

20 B. The revised parking spaces along Ela Avenue appear to be
21 partially curbed. The Applicant shall provide curb details and
22 labels as necessary for proper construction.

23 C. The Applicant shall label the type of material to be used to
24 construct the handicap ramp in the detail for proper construction.
25

26 3. The Applicant shall address/clarify the following on the Grading and
27 Utilities Plan:

28 A. The Applicant shall label the curb removal associated with the new
29 turnaround and provide spot elevations to clarify the grading
30 intent and for proper construction.

31 B. The grading along Ela Avenue indicates a swale exists along the
32 pavement that is to be removed. Typically, the Town requests
33 curbing be provided to maintain the roadway drainage and to
34 minimize potential erosion. The islands shall be curbed at the
35 entrances (unless otherwise agreed to with the Department of
36 Public Works). The Applicant shall arrange a meeting with the
37 Department of Public Works to discuss the proposed work related
38 to the driveway and lawn area.

39 C. The turf establishment notes state construction access will be
40 from Pillsbury Road. The Applicant shall clarify and explain.
41

42 4. The project is located at the intersection of Ela Avenue and NH Route
43 102. The Applicant shall verify if additional off-site improvements to
44 Ela Avenue will be necessary under this application with the
45 Department of Public Works.
46

47 5. The Applicant shall address the Stantec Consulting Services, Inc.
48 memorandum relative to the submitted traffic report dated May 6,
49 2009.
50

- 1 6. The Applicant shall provide draft easement deeds relative to the
2 proposed roadway widening and grading easement shown with this
3 submission for review by the Town.
- 4
- 5 7. The Applicant shall note the NHDES Septic System Permit and updated
6 NHDOT Driveway Permit approval numbers on the plan.
- 7
- 8 8. The Applicant shall verify the DRC Comments of the Heritage
9 Commission have been adequately addressed with the Commission as
10 applicable.
- 11
- 12 9. The Applicant shall work with the Planning Division and the
13 Department of Public Works to develop a compromise design for the
14 driveways at Rt. 102 to maximize the green space on the lot outside of
15 the Rt. 102 Right-of-way and address the concerns of access
16 management.
- 17
- 18 10. Note all waivers granted on the plan.
- 19
- 20 11. The Applicant shall provide a digital (electronic) copy of the complete
21 final plan sent to the Town at the time of signature by the Board in
22 accordance with Section 2.05.n of the regulations.
- 23
- 24 12. Outside consultant's fees shall be paid within 30 days of approval of
25 plan.
- 26
- 27 13. Financial guaranty if necessary.
- 28
- 29 14. 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. **No construction or site work for the amended site plan may be**
43 **undertaken until the pre-construction meeting with Town staff**
44 **has taken place, filing of an NPDES-EPA Permit and the site**
45 **restoration financial guaranty is in place with the Town.** Contact
46 the Department of Public Works to arrange for this meeting.
- 47
- 48 2. The project must be built and executed exactly as specified in the
49 approved application package unless modifications are approved by the

1 Planning Division & Department of Public Works, or if staff deems
2 applicable, the Planning Board.

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

10
11 4. All site improvements must be completed prior to the issuance of a
12 certificate of occupancy. In accordance with Section 6.01.d of the Site
13 Plan Regulations, in circumstances that prevent landscaping to be
14 completed (due to weather conditions or other unique circumstance), the
15 Building Division may issue a certificate of occupancy prior to the
16 completion of landscaping improvements, if agreed upon by the Planning
17 Division & Public Works Department, when a financial guaranty (see
18 forms available from the Public Works Department) and agreement to
19 complete improvements are placed with the Town. The landscaping
20 shall be completed within 6 months from the issuance of the certificate
21 of occupancy, or the Town shall utilize the financial guaranty to contract
22 out the work to complete the improvements as stipulated in the
23 agreement to complete landscaping improvements. **No other**
24 **improvements shall be permitted to use a financial guaranty for**
25 **their completion for purposes of receiving a certificate of**
26 **occupancy.**

27
28 5. As built site plans must to be submitted to the Public Works Department
29 prior to the release of the Applicant's financial guaranty.

30
31 6. All required Traffic impact fees (if applicable based on the final traffic
32 impact analysis) must be paid prior to the issuance of a Certificate of
33 Occupancy.

34
35 7. It is the responsibility of the Applicant to obtain all other local, state, and
36 federal permits, licenses, and approvals which may be required as part
37 of this project (that were not received prior to certification of the plans).
38 Contact the Building Division at extension 115 regarding building
39 permits.

40
41 **R. Brideau seconded the motion. No discussion. Vote on the motion: 9-**
42 **0-0.** Plan is conditionally approved.

43
44 E. New Harbor Properties, Inc., Map 10, Lot 1-1 - Application Acceptance and
45 Public Hearing for a 2 lot subdivision.

46
47 T. Thompson said that there is one checklist item outstanding, which is a
48 waiver request (waiver #1 listed below). Assuming the Board grants the
49 waiver, staff recommends the application be accepted as complete. He read

1 the waiver requests into the record and noted that the second waiver request
2 does not pertain to the application acceptance:

- 3
4 1. The applicant is requesting a waiver to section 4.17 of the regulations.
5 The Applicant has not provided a Topographic Plan. Staff recommends
6 **granting** the waiver, as no new construction is proposed as part of this
7 project, and topographic information is on file in a previous plan for this
8 lot already on file with the Town.
9 2. The applicant is requesting a waiver to section 3.02.C of the regulations.
10 The applicant has not provided CO District signage as part of the plans.
11 Staff recommends **granting** the waiver, as there are no changes
12 proposed to the site, and there are already improvements within the
13 buffer areas.

14
15 **J. Farrell made a motion to grant both waivers to section 4.17 and**
16 **3.02.C of the regulations based on the applicant's request letter and**
17 **staff recommendation. R. Brideau seconded the motion.** No discussion.
18 **Vote on the motion: 9-0-0.** Waivers were granted.

19
20 T. Thompson noted that the applicant's waiver request letter asks for 2
21 additional waivers. **These are not applicable to the project** (they appear
22 to be referencing the site plan regulations, and not the subdivision
23 regulations as applies to this project). He said that seeing the waivers have
24 been granted, staff recommends the application be accepted as complete.

25
26 **J. Farrell made a motion to accept the application as complete. R.**
27 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
28 **0.** Application was accepted as complete.

29
30 Joseph Maynard, Benchmark Engineering, presented their plans, to subdivide
31 buildings E & F of the Commons Office development into its own lot.

32
33 T. Thompson noted that there will be a condo conversion at some point in the
34 future for the buildings.

35
36 J. Trottier summarized the design review items from the DPW/Stantec memo.

37
38 T. Thompson said staff recommends conditional approval as outlined in the
39 staff recommendation memo.

40
41 A.Rugg asked for public input, but there was none.

42
43 **J. Farrell made a motion to conditionally approve the plan with the**
44 **following conditions:**

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

49
50 **PRECEDENT CONDITIONS**

1
2 All of the precedent conditions below must be met by the Applicant, at the
3 expense of the Applicant, prior to certification of the plans by the Planning
4 Board. Certification of the plans is required prior to commencement of any
5 site work, any construction on the site or issuance of a building permit.
6

7 1. The subject lot has frontage on Gilcreast Road but access to the
8 buildings shown on the new lot is indicated along a private road –
9 Commons Drive. The plan does not indicate any existing easements
10 along the private road across abutting lot 67 as would be anticipated in
11 accordance with section 4.12.C.8. The Applicant shall clarify and label.
12

13 2. The plans indicate existing water lines that do not appear to be entirely
14 within the indicated roadway/utility easement. The Applicant shall
15 review and verify the proposed easement is adequately configured to
16 allow equipment to properly conduct future maintenance and repairs.
17 In addition, the Applicant shall provide copies of all proposed easements
18 for review by the Town.
19

20 3. The driveway sight distance plan provided in the plan set under this
21 submission – sheet 9 of 9 - appears to indicate trees are located within
22 the sight line, but the plan does not address if any improvements such
23 as trimming or tree removal are necessary. The Applicant shall clarify.
24 In addition, the Applicant shall correct the sheet title to sight distance
25 plan and update the sheet index on sheet 1 to include this sheet and
26 correct the duplicate sheet 7's.
27

28 4. The Applicant shall address the following on the subdivision plans:
29 A. The Applicant shall review the notes on sheet 1 and correct the new
30 lot number in all applicable notes to 1-2 (vs. 1-1). In addition, the
31 Applicant shall update note 5 to state the minimum lot size is one
32 acre as noted in the Planning Division's DRC comments.
33 B. The Applicant shall indicate and label the zoning line in accordance
34 with the regulations.
35

36 5. Note all waivers granted on the plan.
37

38 6. The Applicant shall provide a digital (electronic) copy of the complete
39 final plan sent to the Town at the time of signature by the Board in
40 accordance with Section 2.06.N of the regulations.
41

42 7. The Applicant shall provide a check for \$25 (made payable to the
43 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
44 became effective on recording of all plans and documents at the registry
45 on July 1, 2008.
46

47 8. Outside consultant's fees shall be paid within 30 days of approval of
48 plan.
49

50 9. Financial guaranty if necessary.

1
2 10. Final engineering review
3

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

10
11 **GENERAL AND SUBSEQUENT CONDITIONS**
12

13 All of the conditions below are attached to this approval.
14

- 15 1. **No construction or site work for the amended site plan may be**
16 **undertaken until the pre-construction meeting with Town staff**
17 **has taken place, filing of an NPDES-EPA Permit and the site**
18 **restoration financial guaranty is in place with the Town.** Contact
19 the Department of Public Works to arrange for this meeting (If
20 applicable).
21
- 22 2. The project must be built and executed exactly as specified in the
23 approved application package unless modifications are approved by the
24 Planning Department & Department of Public Works, or if staff deems
25 applicable, the Planning Board.
26
- 27 3. All of the documentation submitted in the application package by the
28 Applicant and any requirements imposed by other agencies are part of
29 this approval unless otherwise updated, revised, clarified in some
30 manner, or superseded in full or in part. In the case of conflicting
31 information between documents, the most recent documentation and
32 this notice herein shall generally be determining.
33
- 34 4. It is the responsibility of the Applicant to obtain all other local, state, and
35 federal permits, licenses, and approvals which may be required as part
36 of this project (that were not received prior to certification of the plans).
37 Contact the Building Department at extension 115 regarding building
38 permits.
39

40 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
41 **0-0.** Plan is conditionally approved.
42

43 **Other Business**
44

45 None.
46

47 **Adjournment:**
48

1 **R. Brideau made a motion to adjourn the meeting. J. Farrell seconded the**
2 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 9:03
3 PM.

4
5

6 These minutes prepared by Cathy Dirsal, Planning Division Secretary.

7
8
9

10 Respectfully Submitted,

11
12
13

14 Mary Wing Soares, Secretary

15