

**LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF FEBRUARY 14, 2018 AT THE MOOSE
HILL COUNCIL CHAMBERS**

I. Call to Order

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Leitha Reilly, member; Al Sypek, member; Chris Davies, Secretary; Tony DeFrancesco, Town Manager ex-officio designee temporary alternate; Scott Benson, Assistant Secretary; Jim Butler, Town Council Ex-Officio; Ann Chiampa (alternate member) and Roger Fillio (alternate member)

Also Present: Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner; Amy Kizak, GIS Manager/Comprehensive Planner and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. Chairman Rugg appointed A. Chiampa to vote for M. Soares until she arrives. M. Soares arrived at 8:00 p.m.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member L. Reilly made a motion to approve the minutes of January 10, 2018, as presented.

A. Sypek seconded the motion.

The motion was granted 7-0-0.

The Chair voted in the affirmative.

Councilor Jim Butler arrived.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had five projects for their consideration:

1. APPLICATION FOR DESIGN REVIEW OF A SITE PLAN TO REDEVELOP THE EXISTING AUTOMOTIVE USE, REMOVAL OF THE EXISTING BUILDING AND CONSTRUCTION OF A 20,950 SF TWO-STORY AUTOMOTIVE SERVICE BUILDING AND ASSOCIATED SITE IMPROVEMENTS INCLUDING SITE ACCESS & PARKING, 33 NASHUA ROAD, MAP 7, LOT 073 3, MAP 7 LOT 073 6, MAP 7 LOT 073 9, MAP 7 LOT 073 10, ZONED C-I & C-II, FIVE M'S REAL ESTATE HOLDINGS, LLC, FIVE M'S OFFICE PROPERTIES HOLDINGS, LLC AND FIVE M'S AUTO BODY HOLDINGS, LLC (OWNERS) AND FORD OF LONDONDERRY (APPLICANT)

2. APPLICATION FOR DESIGN REVIEW OF A SITE PLAN TO CONSOLIDATE TAX MAP 7 LOTS 132-3, 132-4, 132-5, 132-6 & 132-7 AND TO CONSTRUCT SEVEN DUPLEX RESIDENTIAL BUILDINGS (14 UNITS - EACH WITH THREE BEDROOMS) WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS, FIVE HORIZON DRIVE (MAP 7 LOT 132-3), SEVEN HORIZON DRIVE (MAP 7 LOT 132-4), NINE HORIZON DRIVE (MAP 7 LOT 132-5), FOUR BUTTON DRIVE (MAP 7 LOT 132-6), SIX BUTTON DRIVE (MAP 7 LOT 132-7), ZONED C-I, DHB HOMES, LLC (APPLICANT) AND TEAM BUSINESS DEVELOPMENT CORP. (OWNER)
3. APPLICATION FOR DESIGN REVIEW OF A SUBDIVISION PLAN OF ONE LOT INTO SIX, 34 AUBURN ROAD, MAP 16, LOT 58-1, ZONED AR-1, RICHARD G. & VIRGINIA ST. CYR (OWNERS & APPLICANTS)
4. APPLICATION FOR DESIGN REVIEW OF SUBDIVISION PLAN FOR A LOT LINE ADJUSTMENT BETWEEN MAP 28 LOT 19 AND MAP 28 LOT 20-2-1 AND BETWEEN THE TWO EVERSOURCE AREAS AND MAP 28 LOT 19, ZONED IND-II AND AIRPORT DISTRICT (AD), CITY OF MANCHESTER, BCS REAL ESTATE HOLDINGS, INC. AND PSNH/EVERSOURCE (OWNERS) AND CITY OF MANCHESTER (APPLICANT)
5. APPLICATION FOR DESIGN REVIEW OF A MINOR SITE PLAN FOR A CHANGE OF USE FROM AN INDUSTRIAL WAREHOUSE (INCLUDING MANUFACTURING, ASSEMBLY, STORAGE, ETC.) TO MANUFACTURING, STORAGE, ASSEMBLY, MOTOR VEHICLE MAINTENANCE AND REPAIR, 15 INDUSTRIAL DRIVE, MAP 29 LOT 20-1A, ZONED IND-II, SAMPO PROPERTIES, LLC (OWNER & APPLICANT)

She stated noted that all five projects do not meet the criteria set forth by the SNHPC for developments of regional impact.

Member A. Sypek made a motion to find that all five projects are not of regional impact.

L. Reilly seconded the motion.

The motion was granted, 8-0-0.

The Chair voted in the affirmative.

- C. DISCUSSIONS WITH TOWN STAFF: Town Planner Mailloux informed the Board that Staff had received a request for an extension of the conditional approval of the Sanborn Crossing site plan that was approved on November 1, 2017. She noted the conditional approval is to expire on March 1, 2018, and the applicant is seeking a 120 day extension. She stated that Staff supports granting the extension that would extend the conditional approval to July 1, 2018.

Member A. Sypek made a motion to extend the conditional approval for the Sanborn project ahead 120 days to July 1, 2018.

S. Benson seconded the motion.

The motion was granted, 8-0-0.

The Chair voted in the affirmative.

Town Planner Mailloux informed the Board that there was a lot line merger on this evening's agenda. Chairman Rugg stated that there was a request to merge two lots at 6 Enterprise Drive and 7 Enterprise Drive.

Member C. Davies made a motion for the Chair to sign the lot merger form.

A. Sypek seconded the motion.

The motion was granted, 8-0-0.

III. Old Business

A. Request for a modification of the conditions of approval from the October 11, 2017 Notice of Decision on a site plan to construct Phase 1 of an elderly housing development, consisting of 21 housing units, a clubhouse and associated site improvements; Nashua Road/NH Route 102, Adams Road and Cross Road - Map 6 Lot 84 & Map 6 Lot 59-1, Zoned AR-1, Cross Farm Development, LLC (Owner & Applicant) - continued from the February 7, 2018 meeting

Chairman Rugg read the case into the record, noting it was continued from February 7, 2018. L. Reilly and S. Benson recused themselves from the case. Jack Szemplinski, Benchmark Engineering and John Kalantzakos addressed the Board. J. Szemplinski stated that they are here today to request modification of the conditional approval and be allowed to start construction before Pennichuck gets all their permits. He stated that Pennichuck will be performing there work all along the Route 102 right-of-way. J. Kalantzakos commented that Liberty and Pennichuck have filed the dredge and fill permit together and received the Conservation Commission's approval. He stated that they are requesting to be able to start the site work before Pennichuck receives the permit. A. Rugg asked if they are asking for a waiver. Town Planner Mailloux stated that this would be an amendment to the notice of the conditional approval that the Board granted on November 11, 2017. C. Davies asked if they wanted to begin the site work. J. Kalantzakos stated they did.

Chairman Rugg asked for questions from the Board. T. Defrancesco asked Town Planner Mailloux if granting this modification would be setting a bad precedent. Town Planner Mailloux stated that it is a decision for the Board to determine and is different from what the normal operating procedure is from the Board. A. Rugg stated that the Board has never done this before. T. Defrancesco asked what difference it would

make in granting the modification, as the applicant cannot get a building permit before the water is in place. J. Trottier informed the Board that this requirement came into place during the Home Depot development for reference. T. Defrancesco asked what the loss was, other than being an eyesore for the Town. A. Sypek stated that he felt the only loss would be to the developer if the water line cannot go through, as no building will be done until then. C. Davies agreed that the risk was all for the developer. J. Butler agreed that the risk was on the developer and if the permit is not obtained the plan will not be signed. A. Chiampa stated that she felt the Town had rules and procedures that should be followed and did not feel the modification should be granted.

Chairman Rugg opened it up to the public and there was none.

Chairman Rugg brought it back to the Board. He appointed R. Fillio to vote for L. Reilly.

Member C. Davies made a motion to approve the modification of the conditions of approval of the October 11, 2017 Notice of Decision for the Cross Farm Phase 1 Site Plan, Map 6 Lots 84 & 59-1, Cross Farm Development, LLC (Owner & Applicant) to delete precedent condition number 5 and to add a general and subsequent condition number 9 as follows:

9. The offsite improvement plans for the waterline extension to the project shall be approved by Pennichuck Water Works and the Department of Public works, and shall obtain all required permits for its construction prior to issuance of a building permit on the site. The approved waterline extension plans shall be filed with the Town of Londonderry and attached to the approved plan set.

A. Sypek seconded the motion.

The motion was granted, 6-1-0. The Chair voted in the affirmative.

Member C. Davies made a motion to extend the time frame for satisfying the conditions of approval of the Cross Farm Phase 1 Site Plan, approved on October 11, 2017, for an additional 120 days as requested by the applicant to end June 14, 2018.

A. Sypek seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

B. Application for formal review of a subdivision of one lot into two, Seven Litchfield Road, Map 12, Lot 20, Zoned AR-1, Seven Litchfield Road Realty Trust, LLC (Owner & Applicant) – continued from the December 6, 2017 and January 10, 2018 meetings

S. Benson and L. Reilly came back to the Board. Chairman Rugg read the case into the record noting it was continued from December 6, 2017 and January 10, 2018. J. Trottier stated that there are no outstanding checklist items and recommended that the applicant be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff's recommendation memorandum dated February 14, 2018.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started.

Scott Frankowitz, Brown Engineering and Surveying, 683 1st New Hampshire Turnpike, Northwood, NH and Chris DeRosa, Owner, addressed the Board. He stated that the application is a 2-lot subdivision, where the first lot being 1.27 acres with 240 feet of frontage on Litchfield Road with a duplex with 4 bedrooms each with a small detention area between the house and Litchfield Road to control the drainage. He stated the second lot would be the remaining land of 12.15 acres with about 478 feet of frontage on Litchfield Road. He stated that there was an expedited wetland permit that was applied for and approved for under 3000 SF, with two small areas impacted. He stated there is one waiver request with the application regarding plan scale.

Chairman Rugg asked Staff for input or questions. J. Trottier stated that there is a request for one waiver that Staff supports. He reviewed the design review comments for the Board. Town Planner Mailloux stated that the application has a conditional use permit (CUP) request with the application.

Chairman Rugg opened it up to questions from the Board and there were none.

Chairman Rugg opened it to the public.

Eric Kolifrath, Nine Kelley Road, addressed the Board. He stated that the area where the proposed building is going to be built is very wet and he felt it would displace a large amount of water to the adjacent properties. A. Rugg stated that right now it is just the site plan to subdivide the parcels and the applicant would be back in front of the Board for the site plan. J. Trottier explained that the applicant had to be compliant with drainage for the site plan and pointed out where the detention pond would be. E. Kolifrath stated there is standing water all year round at this parcel. A. Rugg stated the applicant has to meet the requirements of the Town for drainage, specifically not adding to run off water to adjacent properties.

John Nahlik, 16 Litchfield Road, addressed the Board. He stated that he had a video of the area where there is a large amount of water. He thought the site was extremely small for this development. A. Rugg suggested that he email staff the video. He stated

that he also owns 19 Litchfield Road and thought the water would come towards his direction, not flow to the detention pond. J. Trottier pointed out that J. Nahlik's property is topographically higher than where the applicant is proposing to build. J. Nahlik stated that was true, but what happened when they put in buildings and raise the water table with nowhere for it to drain. Town Planner Mailloux noted that even for a subdivision plan the applicant must complete a storm water analysis, which they have done and there will be more analysis for the larger lot in the future. She stated the applicant has documented that they meet the town standards and there is no increase in flows onto the abutting properties. She asked J. Nahlik to send her the video.

Renee Nahlik, 16 Litchfield Road addressed the Board. She stated that she echoed the concerns of the residents who had spoken before her. She stated that she wanted to remind people that within the last 10 years a significant number of Londonderry residents had to sacrifice their own property for a wetland mitigation project, to conserve the Cohas Marsh wetland area. She commented that she thought the Board should consider the wetland mitigation project in their evaluation of this application. She stated that this development would add significant impervious surfaces to an area where it should not be added and thought there was very little room for error at this site. A. Rugg stated this concern has been reviewed by the state for the wetland impact and by the Conservation Commission in town. R. Nahlik commented that she was surprised, and even disappointed, that there was no wetland scientist to independently review delineation. L. Reilly stated that tonight, the question is dividing one lot into two, and the applicant would be back before the Board to meet the requirements of the plan. Town Planner Mailloux stated that the applicant has already met the requirements for the proposed development and has demonstrated how they could on this site plan and would only be back before the Board if they changed the plans. L. Reilly asked if the applicant has met the requirements for the smaller lot. Town Planner Mailloux stated the applicant has. L. Reilly asked if any of it was subject to interpretation. J. Trottier stated it was not, but did say there would have to be clarification on the lot size regarding the number of bedrooms the duplex will have. L. Reilly asked to address the applicant regarding the concerns that he has heard tonight. C. DeRosa stated that he has heard the concerns of the residents, but has had numerous meetings behind the scenes and has been working on this for well over a year to make sure this lot complies with whatever the town requires. He stated that he is not looking to hide anything and offer something he thought the town needed. A. Rugg summarized that there were water concerns from the abutters and encouraged the applicant to work with the abutters and staff regarding these concerns. C. DeRosa commented that he has had the appropriate people come in and perform the necessary tests to make sure the requirements have been met for the town. He stated that there is no water problem that has been identified to him with this plan. J. Butler stated that there seems to be a communication gap between the residents and the developers, and encouraged the developer to reach out to the abutters. C. DeRosa stated that as a developer, the first step is to reach out to the town and see what the requirements are, and felt it was an undue burden on the developer to educate the residents when the requirements are part of the town policies and procedures that the residents live in. He felt he had met the requirements for the subdivision tonight. J. Butler stated he did not have a problem approving the

application, but encouraged Staff to reach out to the residents and help them understand the procedures. R. Fillio commented that he is also on the Conservation Commission and there is a certified engineer that is licensed by the state who stamps approval on the plans. J. Nahlik stated that she thought there should be an independent wetland scientist, like Stantec for third party review, to independently review plans. E. Kolifrath stated that he does not believe the storm water management will work and would love to be able to view the plan. L. Reilly stated that the duplex the applicant is requesting will require a larger lot size per the zoning requirements. Town Planner Mailloux stated that the applicant needs to change either the number of bedrooms to comply with the zoning ordinance or the applicant will be back for a lot line adjustment. She stated in her opinion, she thought the most common sense would be to adjust the number of bedrooms. A. Sypek asked if this would be serviced by septic systems. C. DeRosa stated he is looking to have town water and sewer. E. Kolifrath asked what would be the recourse if the development is approved and the neighbors have flooding. J. Trottier stated that he would give E. Kolifrath his card so he could speak directly with him.

A. Sypek made a motion to approve the applicant's request for the waiver to Section 4.01.C as outlined in Staff's recommendation memorandum dated February 14, 2018.

S. Benson seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

C. Davies made a motion to approve the applicant's request for a Conditional Use Permit for impacts within the Conservation Overlay District as outlined in the Staff Recommendation Memorandum dated February 14, 2018.

S. Benson seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

C. Davies made a motion to grant conditional approval of the subdivision of one lot into two, Map 12 Lot 20, 7 Litchfield Road, 7 Litchfield Road Realty Trust (Owner & Applicant) in accordance with plans prepared by Brown Engineering/Surveying, dated May 5, 2017, last revised January 23, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated February 14, 2018.

S. Benson seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated February 14, 2018.
2. The Applicant shall provide the Owner's signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. The proposed utility and drainage easements shall be reviewed and approved by the Town. Executed easements shall be provided to be recorded with the plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.

2. The project must be built and executed 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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed.

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

IV. New Plans/Conceptual/Non-binding Discussions - N/A

V. Other Business - Zoning Workshop

Town Planner Mailloux informed the Board that tonight's discussion would be around the Commercial Zoning Districts. She stated that the Board had a memo from Staff and a map of the existing zoning and a map of the proposed zoning changes to review as she spoke. She stated that the current zoning map has sporadic zoning related to Commercial I (C-I) and Commercial II (C-II), especially around the Route 28 corridor and the Performance Overlay Districts in Route 28 and Route 102 corridor, which have proven to be burdensome for development in these zones. She stated the goal is to look at the C-I, C-II, Mixed Use and Performance Overlay District and combine them into a Commercial Performance Zone. She pointed out the new zoning will improve the aesthetic, design, form and function of the commercial zone. She explained that the first and major concern is to examine how single property owners will be affected by this new change in zoning. She noted that particularly along the Route 102 corridor there is a lot of property that is currently zoned AR-1, but is in the Performance Overlay District. She stated that each parcel was examined and discussed with Staff about what would make the most sense in changing the zoning. She stated that this work will involve intensive resident education, will a lot of dialogue with the affected property owners, to make sure they understand the impact on their property tax assessments and what they are allowed to do with their land. She noted that she is envisioning having possibly Saturday morning work sessions or having open office

hours from 5 p.m. - 8 p.m. to answer questions. She noted that there are around 600 parcels throughout town that will be affected. A. Sypek asked what would be allowed in the Commercial Performance Zone. Town Planner Mailloux stated that all of the uses that are currently allowed in C-I, C-II and the Performance Overlay District. She stated that is opening up for more uses, but that the town can put more design control in the hands of the Planning Board and will no longer go the Zoning Board of Adjustments. She reviewed the new table of uses with the Board. She noted that there might be both residential and commercial component in one parcel with the new zoning. She pointed out that there would be a zone, called C-VI allowing for uses similar to what is permitted in the performance overlay zone and gave the example of the Parmenter/Route 102 intersection. She concluded her presentation and asked the Board to review the information and reach out with questions.

VI. Adjournment

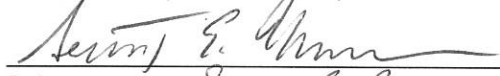
Member M. Soares made a motion to adjourn the meeting at approximately 09:30 p.m. Seconded by C. Davies

The motion was granted, 8-0-0.

The meeting adjourned at approximately 09:30 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Print name: Scott E. Gerson
Title: Asst. Secretary

These minutes were accepted and approved on March 14, 2018 by a motion made by M. Soares and seconded by T. DeFrancesco.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: February 7, 2018

Application: Request for modification of condition of approval for Cross Farm site plan, Route 102, Adams Road and Cross Road; Map 6, Lots 84 & 59-1; Cross Farm Development LLC (Owner/Applicant)

On October 11, 2017, the Planning Board granted conditional approval of the Cross Farm Phase 1 site plan (Notice of Decision Attached) . Precedent condition 5 requires that the off-site improvements plan for the waterline extension, including obtaining NHDOT and NHDES permits for the extension and a clearance letter from Tennessee Gas, to be approved prior to plan signature and made a part of the final site plan set.

The Applicant is requesting a modification for this condition to be a subsequent condition of approval, to be met after plans are signed. Making this condition a subsequent condition will allow the Applicant to complete the other conditions of approval, have plans signed, and begin initial site work activities in advance of the waterline extension plans being approved.

Should the Planning Board approve the modification, a sample motion is provided below.

Additionally, the October 11 approval provided 120 days for the Conditions of Approval to be met. This time period is set to expire, and Staff recommends that the Applicant be granted an extension to allow additional time to satisfy the conditions of approval.

These two items are presented as separate Board Action items below.

Board Action Required: Motion to approve the modification of the conditions of approval of the October 11, 2017 Notice of Decision for the Cross Farm Phase 1 Site Plan, Map 6 Lots 84 & 59-1, Cross Farm Development, LLC (Owner & Applicant) to delete precedent condition number 5 and to add a general and subsequent condition number 9 as follows:

9. The offsite improvement plans for the waterline extension to the project shall be approved by Pennichuck Water Works and the Department of Public works, and shall obtain all required permits for its construction prior to issuance of a building permit on the site. The approved waterline extension plans shall be filed with the Town of Londonderry and attached to the approved plan set.

Board Action Required: Motion to extend the time frame for satisfying the conditions of approval of the Cross Farm Phase 1 Site Plan, approved on October 11, 2017, for an additional 120 days as requested by the Applicant.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: February 14, 2018

Application: Application Acceptance and Public Hearing for formal review of a residential subdivision of 1 lot into 2, Map 12, Lot 20, 7 Litchfield Road, Zoned AR-1, 7 Litchfield Road Realty Trust (Owner & Applicant).

- Completeness: There are no outstanding checklist items. Staff recommends that the Application be accepted as complete.

Board Action Required: **Motion to Accept the Application as Complete per Staff's Recommendation Memorandum dated February 14, 2018.**

- Waivers: The Applicant has requested the following waiver to the Subdivision Regulations:

1. The Applicant has requested a waiver from Section 4.01.C, requiring that the plans be prepared at a scale of 1" = 40'. The Applicant has provided an overall existing conditions plan at a scale of 1" = 50' in order to present the existing property conditions on one sheet. Staff supports **granting** the waiver because the plans are legible at the scale shown.

Board Action Required: **Motion to approve the Applicant's request for the above waiver as outlined in Staff's recommendation memorandum dated February 14, 2018.**

- Conditional Use Permits: The applicant has requested the following Conditional Use Permit:

1. The Applicant has requested a Conditional Use Permit to allow a permitted use in the Conservation Overlay District for the proposed water and sewer utility crossing. The proposed construction will have a temporary impact on 10,775 square feet of wetland buffer, and 2,937 square feet of wetland. NHDES has issued a Dredge and Fill Permit for the temporary wetland impact.

Staff supports **granting** the Conditional Use Permit because the Applicant has demonstrated that it meets the criteria as outlined in Section 2.6.3.4.A.

Board Action Required: **Motion to approve the Applicant's request for a Conditional Use Permit for impacts within the Conservation Overlay District as outlined in the Staff Recommendation Memorandum dated February 14, 2018**

- Recommendation: Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of the subdivision of one lot into two, Map 12 Lot 20, 7 Litchfield Road, 7 Litchfield Road Realty Trust (Owner & Applicant) in accordance with plans prepared by Brown Engineering/Surveying, dated May 5, 2017, last revised January 23, 2018 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated February 14, 2018.

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

PRECEDENT CONDITIONS

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated February 14, 2018.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. The proposed utility and drainage easements shall be reviewed and approved by the Town. Executed easements shall be provided to be recorded with the plan.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
6. The Applicant shall provide a check for \$25 (made payable to the Rockingham County Registry of Deeds) for LCHIP.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.

9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed 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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.