

LONDONDERRY, NH PLANNING BOARD **MINUTES OF THE MEETING OF MAY 3, 2017 AT THE MOOSE HILL COUNCIL CHAMBERS**

I. Call to Order

Members Present: Mary Wing Soares, Vice Chair; Chris Davies, Secretary; Scott Benson, Assistant Secretary; Rick Brideau, Ex-Officio – Town Employee; Jim Butler, Town Council Ex-Officio; Giovanni Verani, Ex-Officio – Town Manager Appt; Leitha Reilly, member; Al Sypek, member; Ann Chiampa (alternate member)

Also Present:

Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner; Beth Morrison, Recording Secretary

Vice Chairperson Soares called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. She appointed alternate member A. Chiampa to vote for A. Rugg.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member C. Davies made a motion to approve the minutes of April 5, 2017, as presented. R. Brideau seconded the motion. The motion was granted, 8-0-0. The Vice Chair voted in the affirmative.

Members C. Davies made a motion to approve the minutes of April 12, 2017, as presented. R. Brideau seconded the motion. The motion was granted, 8-0-0. The Vice Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that there were four applications for the Board to consider for regional impact. She described them as follows:

1. Application for design review of a two lot subdivision, 211 Rockingham Road, Map 15 Lot 23, Zoned C-I/Commercial Overlay District, Anthony Iodice (Owner & Applicant);
2. Five lot residential subdivision, 24 Griffin Road, Map 1 Lot 26, Zoned AR-1, Chestnut Realty Partners, LLC (Owner & Applicant);
3. Lot line adjustment, Seven Jason Drive & 44 Rear Elwood Road, Map 5 Lots 41a & 52-34, Public Service Co. of NH D/B/A Eversource Energy (Owner – 44 Rear Elwood Road - Map 5 Lot 41A and 52-34, Public Service Co. Of NH D/B/A Eversource Energy (Owner - 44 Rear Elwood

Road - Map 5 Lot 41A) and Wang Family Trust (Owner – Seven Jason Drive - Map 5 Lot 52-34) and Eversource/PSNH (Applicant); and

4. Application for design review for a site preparation plan, 26 Jack's Bridge Road, Map 15 Lot 103, Zoned Ind-I, Charles H. Evans (Owner & Applicant)

She stated that Staff recommends that the Planning Board find that the Rockingham Road and Jack's Bridge Road projects are not projects of regional impact as they do not meet any of the regional impact criteria as listed in the guidelines prepared by Southern NH Planning Commission (SNHPC).

Member C. Davies made a motion that the Planning Board make a finding that the Rockingham Road and the Jack's Bridge Road projects do not meet the criteria for regional impact determination. R. Brideau seconded the motion. The Vice Chair voted in the affirmative. The motion was granted, 8-0-0.

Town Planner Mailloux stated that Staff recommends that the Planning Board find that the Eversource project is not a development of regional impact as it does not meet any of the regional impact criteria as listed in the guidelines prepared by Southern NH Planning Commission (SNHPC).

Member C. Davies made a motion that the Planning Board make a finding that the Eversource project does not meet the criteria for regional impact determination. R. Brideau seconded the motion. The motion was granted, 8-0-0.

Town Planner Mailloux stated that Staff recommends that the Planning Board make a finding that the Griffin Road project is not a development of regional impact as it does not meet any of the regional impact criteria as listed in the guidelines prepared by Southern NH Planning Commission (SNHPC). A. Chiampa and L. Reilly recused themselves and stepped down from the Board.

Member C. Davies made a motion that that the Planning Board make a finding that the Griffin Road project does not meet the criteria for regional impact determination. R. Brideau seconded the motion. The Vice Chair voted in the affirmative. The motion was granted, 6-0-0.

- C. DISCUSSIONS WITH TOWN STAFF: Town Planner Mailloux introduced Beth Morrison as the new recording secretary who will be assisting with the Planning Board, as well as Zoning Board of Adjustment and Conservation Commission meetings.

III. Old Business

A. Reconsideration of the March 8, 2017 decision (Motion for Reconsideration was granted on April 5, 2017) on a site plan for a multi-family workforce housing rental project comprised of twelve (12) twenty-four (24) unit buildings containing a total of 288 rental units, 30 Stonehenge Road & 113 Hardy Road, Map 12 Lots 120 & 131, Zoned AR-1, First Londonderry Association, LLC (Owner and Applicant) to:

(1) provide the applicant opportunity to review and respond to the following information provided during the Planning Board's deliberations during the March 8, 2017, Planning Board public hearing: (a) four photographs of a truck attempting to turn onto Stonehenge Road; and (b) a synopsis stating that there have been 14 calls to the Police Department for service in that area which did not include unreported accidents or incidents, three motor vehicle records for the area between Perkins and Stonehenge, and several motor vehicle records for Hardy Road; and (2) deliberate and vote on the application.

Chairwoman Soares read the case into the record noting the limited scope of the reconsideration. Member G. Verani recused himself and stepped down from the Board. Chairwoman Soares counted seven voting members. She asked for Staff input and there was none. Chairwoman Soares offered the applicant the opportunity to speak and address the Board. John Ratigan, Esq., DTC Lawyers, 225 Water Street, Exeter, New Hampshire, representing First Londonderry, LLC, and Stephen Pernaw, Pernaw & Company, Inc., addressed the Board. S. Pernaw introduced himself to the Board and thanked the Board members for the opportunity to review and respond to the four photographs and 14 calls to the Londonderry Police Department. He presented the Board with a letter summarizing his findings. He reminded the Board that his traffic study addressed and monitored the existence of trucks and the amount of truck traffic on Stonehenge Road adding that the development is a residential apartment project not a commercial development (noting the truck in the picture was a commercial truck). He noted that the type of traffic generated by these apartments consists of the tenants' personal vehicles to and from the site. He then spoke of the 14 police calls occurring from January 1, 2017 through at least March 6, 2017. He stated that 5 of the 14 calls were accident related, but most of those calls had nothing to do with traffic along Stonehenge Road. He explained that one call involved a weapons offense and another a building check, and another of the police department assisting the fire department. He added that trucks use the Stonehenge/Route 128 intersection and the police respond to an occasional crash or building check, but noted that the lack of relevancy to the design and attributes of the site plan before the Board. Attorney Ratigan welcomed questions from the

Board. There were no questions from the Board.

Chairwoman Soares asked for public input noting the limited scope of public input to the four photographs and the 14 calls.

Resident, David Nease, 11 Faye Lane of Londonderry, addressed the Board asking for additional evidence from S. Pernaw about the nature of the calls. Chairwoman Soares stated that everything that was presented is public record and she is not adding any more information to the record. He stated that there was an ejection at Perkins Road where someone almost died).

Resident, Albert Lamson, 31 South Parrish Drive, addressed the Board and requested to speak about water contamination. Chairman Soares stated that only the photographs and phone calls were the subject of discussion not water contamination. He asked if there would be another opportunity to add more information in the future as he had new information. Chairman Soares responded that there was not.

Resident, Deb Paul, 118 Harvey Road, addressed the Board asking for clarification and verification on the nature of the 14 police calls and the claim of only two being accidents. Chairwoman Soares stated that these calls are public record and that the information is available to the public to research. D. Paul expressed frustration about being limited in what the public could say as this was the last opportunity to speak. She added that if she did research following the meeting, there would be no opportunity to dispute the evidence presented. She added that the project would generate trucks for service and delivery calls.

Resident, George Yankopoulos, 49 Stonehenge Road, addressed the Board with a procedural question about the March 8, 2017 hearing and traffic mitigation. Chairwoman Soares reminded G. Yankopoulos about the limited topics for review (4 photographs and 14 calls). He stated he had research to present to the board. She responded that the opportunity to present research regarding traffic mitigation was at the March 8, 2017 hearing.

Resident, Deb Paul, 118 Hardy Road, addressed the Board again stating that she is an abutter and never received a certified letter. She asked for this to be on the record noting the meeting would be null and void if not properly noticed.

Resident, Tiffany Richardson, 10 Raintree Drive, addressed the Board and commented that she had 33 Google accident reports near Route 128 and Rockingham Road that she wished to present to the Board. Chairwoman Soares stated the Board could only receive information relating to the 14 calls and 4 photographs that were discussed at the last meeting.

Resident, Lisa Evarts, Five Faye Lane, addressed the Board with a question as to why the public was restricted to these two topics, but the applicant could give additional information. Chairwoman Soares stated that the applicant responded to the four pictures by stating that the type of truck presented in the photographs would not be the type of truck coming to their development as it is not a commercial development. L. Evarts stated that she felt the applicant presented

further information. Chairwoman Soares added the applicant had the right to respond to the presented information. L. Evarts asked if during construction the community could find out how many trucks would be travelling through that area and Chairwoman Soares stated no. L. Evarts expressed frustration over trying to understand the meeting procedures and the need for a level playing field.

Resident, Douglas Hansel, 37 Stonehenge Road, addressed the Board regarding traffic concerns siding with the applicant. He expressed concern over traffic at the Mammoth Road/Route 28 intersection and the full impact of the development. Chairwoman Soares refocused him to the agenda items.

There was no other public input and the Board began its deliberations. J. Butler expressed a public safety concern and he wanted to hear from the other board members. S. Benson agreed there are a public safety concern as well as an existing traffic problem which the applicant has offered to mitigate. L. Reilly stated that information presented did not change what was already discussed at length over the course of many months. R. Brideau stated that he did not feel the pictures added anything. C. Davies expressed concerns over public safety, additional traffic and the lack of appropriate mitigation measures. A. Chiampa added that the traffic mitigation method is insufficient.

Member R. Brideau made a motion to grant conditional approval of the Residences at MacGregor Court site plan located at 30 Stonehenge Road & 13 Hardy Road, Map 12 Lots 120 & 131, Zoned AR-1, First Londonderry Association, LLC (Owner & Applicant) in accordance with the site plans prepared by Keach Nordstrom Associates, Inc. dated August 3, 2015, last revised October 20, 2016 with the precedent conditions to be fulfilled within 120 days of approval and plan signature and subsequent conditions of approval to be fulfilled as noted in the Staff's Recommendation Memorandum dated March 8, 2017.

Member L. Reilly seconded the motion.

The motion was granted, 4-3-0. 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 December 7, 2016.

2. The Applicant shall address all appropriate items from the Stantec traffic review comment letters.
3. The plans shall be revised so that the low flow outlet structure detail complies with the vertical slotted weir requirement of the Town's typical detail Exhibit D109.
4. The plans shall be revised to provide vertical granite curb in compliance with Section 3.09.c.2.iv and Exhibit D4.
5. Off-site improvements at the intersection of Stonehenge Road and Route 28/Rockingham Road be completed in accordance with "Exhibit A" of the recommended traffic mitigation as reviewed with NHDOT. NHDOT approval of the traffic analysis and plans for off-site improvements on all state jurisdiction roadways is required.
6. Two hard wired-speed indicator speed limit signs be indicated on the plan, with detailed specifications and location to the satisfaction of the Police Department.
7. All required permits and approvals shall be obtained and noted on the plan, including NHDES Alteration of Terrain, NHDES Sewer Discharge Permit, NHDES Wetland Permit, NHDOT permit, and Londonderry Sewer Discharge permit. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
8. The Workforce Housing Restrictive Covenant shall be reviewed for form and content and approved by Town Counsel.
9. The Conservation Easement plan and documents shall be reviewed for form and content and approved by Town Counsel.
- 10.A Development Agreement incorporating all conditions of approval, reviewed for form and content and approved by Town Counsel, shall be executed prior to plan signature.
- 11.The Applicant shall note all waivers and modifications granted on the plan.
- 12.The Applicant shall note the approved Conditional Use Permit on the plan.
- 13.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.
- 14.Third-party review fees shall be paid within 30 days of conditional site plan approval.
- 15.Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.

16. 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. The Workforce Housing Restrictive Covenant shall be recorded at the Rockingham County Registry of Deeds prior to requesting a pre-construction meeting or commencing any work on site.
2. The Conservation Easement Plan and all applicable easement documents, shall be recorded at the Rockingham County Registry of Deeds prior to requesting a pre-construction meeting or commencing any work on site.
3. The water booster station shall be installed, approved and operational prior to the issuance of any certificates of occupancy for this site.
4. **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 site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
5. 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.
6. 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.
7. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
8. All site improvements and off-site improvements shall be completed in accordance with the phasing plan approved by the Planning Board.

9. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the phasing plan approved by the Planning Board.
10. 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.
11. Site improvements must be completed in accordance with the approved phasing plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
12. As built site plans must be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

IV. New Plans/Conceptual/Non-binding Discussions

- A. Application acceptance and public hearing for formal review of a subdivision plan of one lot into two, 31 Jack's Bridge Road, Map 17 Lot 45-3, Zoned IND-1, Poultry Products Northeast, Inc. (Applicant) and Evans Family LTD Partnership and Freedom Park Associates (Owners).

Chairwoman Soares read the case into the record. J. Trotter explained that there were no outstanding checklist items and recommended that the application be accepted as complete.

Member C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated May 3, 2017.

R. Brideau seconded the motion.

The motion was granted, 8-0-0.

Chairwoman Soares stated that 65 day time clock in which to render a decision has started.

James Petropolous, Civil Engineer, Hayner-Swanson, Inc., Three Congress Street, Nashua, New Hampshire and Bill Conrad, Chief Operating Officer of Poultry Products Northeast ("PPNE"), 11 Bemis Road, Hooksett, New Hampshire, presented to the Board. J. Petropolous suggested that he would present the projects, subdivision and site plan, and then answer any questions. He described the 31 Jack's Bridge Road property (an extension from Symmes Drive off NH Route 128 and exit 5 off Interstate 93) as a 33.75 acre parcel in the industrial zone which is abutted to the north and west by undeveloped property owned by the Evans family, to the east by Harvey Industries and to the south by American Tire noting the commercial industries in the area such as Penske and Coca Cola. He added that the site is currently undeveloped and recently forested. He described the moderate topographic conditions noting the grade change from Jack's Bridge Road in a westerly direction and 50 feet of grade change over the entire property. He pointed out the wetlands located on the site. He described the proposed subdivision of the lot into 2 lots noting that the 33 acre property will be subdivided into lot 45-3, which consists of 26 acres, and lot 45-6, which will consist of eight acres which will continue to be owned by the Evans family. He discussed access to the property with American Tire off of Jack's Bridge Road. He noted the three waiver requests for the subdivision plan: (1) eliminating the requirement of conservation overlay district signage to be shown on the plan. He suggested that that signage should be placed when the site is developed adding that if lot 45-3 is approved, then conservation signs will be in the master plan; (2) waiver for the plan scale to fit the project on one sheet; and (3) a driveway site distance plan waiver because the driveway is already built and that site distance was determined as part of American Tire site plan.

He then began to discuss the site plan. He described the facility and the company. He added that the facility is intended to be the new office and distribution center for PPNE, the largest, locally owned independent distributor in New England which distributes approximately 4000 different products, primarily meat and poultry in New England to over 2000 customers. He added that PPNE currently has two facilities in New England, one in Hooksett, NH and one in East Windsor, Connecticut. He noted that this facility has a processing component and there will be no live animals at this facility. He stated that PPNE currently employs 190 employees with the goal of increasing employment to 230 employees. He explained that PPNE operates in three shifts, 24-7, six days a week with the largest shifts being the first and third. He reviewed the site plan and the proposed two story building with a first floor consisting of warehouse of dry goods and storage. The building is approximately 103,000 SF with approximately 65,000 SF of warehouse space, 32,000 SF of office space and 6,000 SF of processing. He stated that there will be 178 parking spaces for visitors and employees, full access around the building, and 12 loading docks with an area reserved for future use of a fueling station. He described the drainage on the property noting a small private sewer pump station, and two storm water areas. He explained that an Alteration of Terrain permit was obtained. He then described the day-to-day

operations of PPNE noting the staggered shifts. He added that the third shift employees (50) arrive between 10-11 p.m. and leave at 4-6 a.m. whose primary responsibility is to stock the trucks. He stated that the first shift consists of approximately 50 drivers who arrive and depart between 5-6 a.m., as well as another 100 employees who work in the office, processing and warehouse center. He stated that the second shift consists of approximately 30 employees. He explained that because of the staggering shifts, hours and flexible start and stop time, PPNE only needs about 178 parking spaces, instead of 200 adding that a conditional use permit was requested for this reduction. He stated that snow removal will not be a problem, and described the proposed ground sign at Jack's Bridge Road. He then described the landscaping for the project noting the compliant lighting, and the favorable Heritage Commission recommendation. He referenced the traffic report which concluded that there will be no impact to traffic to the local community noting the level of service B at the intersection of Symmes and Route 28 which will remain unchanged. He informed the Board that PPNE wants to break ground this summer of 2017 with an anticipated construction period of 8-9 months. He then addressed the two Conditional Use Permits (CUP) for the project: one for the four wetland impacts totaling 34,075 SF noting the biggest impact is located at the center of the property. He stated that the Conservation Commission expressed concern over the impact. He explained the role of the Aquatics Resource Mitigation Fund and the New Hampshire Department of Environmental Service and the use of funds received from projects for wetland protection noting there is no guarantee that funds paid to the fund from this project will come back to Londonderry. He explained that the second CUP involves a parking space reduction. He stated that Londonderry requires 200 parking spaces and they are providing 178 spaces due to the staggered shifts noting reserved space for future parking. He then referenced the six waiver requests for the project involving the following: pipe velocities, driveway site distance, a plan scale waiver for the master plan, landscaping for the parking lot perimeter and landscaping islands. He noted that the staff conditions are reasonable and acceptable. He concluded his presentation and welcomed questions from the Board.

Chairwoman Soares asked for Staff input. J. Trottier reviewed the applicant's three waiver requests and design review items for the subdivision plan as outlined in the Staff Recommendation memorandum dated May 3, 2017.

He noted that the applicant's proposed lot configuration indicates a new lot 45-6 with frontage only on existing Clark Road, a substandard road that currently services a residential area only. He commented on note 15 on Sheet 1, which requires access to be off of Jack's Bridge Road. He explained the history of the extension of Jack's Bridge Road, construction of Harvey Industries and the cul-de-sac at Jack's Bridge Road and Clark Road.

Chairwoman Soares asked the Board members if they had any questions. There were no questions from the Board members. Chairwoman Soares then asked for public input and there was none.

Member C. Davies made a motion to approve the Applicant's request for three waivers to the Subdivision Regulations as noted in the Staff's Recommendation Memorandum dated May 3, 2017.

Member R. Brideau seconded the motion.

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

Member C. Davies made a motion to grant conditional approval of the subdivision of Map 17 Lot 45-3, from one lot into two Jack's Bridge and Clark Roads Evans Family Ltd Partnership & Freedom Park Associates (Owner), Poultry Products Northeast, Inc. in accordance with plans prepared by Hayner-Swanson, Inc. dated February 23, 2017, last revised April 10, 2017, with the following precedent conditions to be fulfilled within two years and prior the plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated May 3, 2017.

Member R. Brideau 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 May 3, 2017
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. Access, utility and drainage easements shall be reviewed and approved by the Town.
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. Third-party review fees 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. 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.
2. 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.

B. Application Acceptance and Public Hearing for formal review of a site plan for a distribution facility and associated site improvements; Map 17 Lots 45-3, Jacks Bridge Road, Zoned Industrial I, Evans Family Ltd Partnership & Freedom Park Associates (Owner), Poultry Products Northeast, Inc. (Applicant)

The Board then began its discussion of the site plan.

Member L. Reilly made a motion to open up the public hearing for the site plan.

Member R. Brideau seconded the motion.

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

There was no public input. Chairwoman Soares asked for Staff input. J. Trottier stated that there were no outstanding checklist items and recommended that the application be accepted as complete.

Member C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated May 3, 2017.

Member R. Brideau seconded the motion.

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

Chairwoman Soares stated that 65 day time clock in which to render a decision has started.

Town Planner Mailloux reviewed the six (6) waivers as outlined in the Staff Recommendation memorandum dated May 3, 2017. Chairwoman Soares asked if the Board members had any questions. G. Verani asked about the landscaping in rear of the property and the landscaping necessary for screening. He noted that he was not in agreement with the Staff's recommendation regarding the waiver request but understood the challenges of the topographical constraints. He suggested a note for a no cut area be included on the plan as the applicant has represented that trees were recently timbered. J. Petropolous acknowledged the concern and explained that they were working with the topography as best they could. He offered as a suggestion plantings in back area and around the basin. G. Verani reiterated his concerns for appropriate screening. J. Petropolous then reviewed the zoning of the nearby properties. The Board then discussed the look of Harvey Industries and the view from Interstate 93. Town Planner Mailloux described the "Brickett Meadow" wetland area and the conservation district. J. Butler asked what the cost of landscaping would be from screening and also added that that the slopes on the property will not sustain any significant tree growth. J. Trottier commented on plantings at the bottom of the slope and their screening effect, if any. J. Petropolous noted the 310-360 feet elevation in the rear of the site and the 2:1 rip rap slope and the difficulty in sustaining any type of plant growth. G. Verani then asked about plantings on the backside of the parking lot. J. Petropolous stated he believed there is a 10 foot shoulder and plantings may be possible at that location.

Member C. Davies made a motion to approve the Applicant's request for the waivers 1, 2, 3, 5 to the site plan regulations as outlined in the Staff's Recommendation Memorandum dated May 3, 2017.

Member R. Brideau seconded the motion.

The motion was granted, 8-0-0.

Member C. Davies made a motion to approve the Applicant's request for waiver four to the site plan regulations as outlined in the Staff's Recommendation Memorandum dated May 3, 2017 with the

additional condition that the applicant shall plant additional trees along and within the 10 feet shoulder (buffer) of the perimeter parking lot to Town Staff's satisfaction.

Member R. Brideau seconded the motion.

The motion was granted, 7-1-0.

Town Planner Mailloux reviewed the two conditional use permits (CUP) as outlined in the Staff Recommendation memorandum dated May 3, 2017.

J. Trottier reviewed the design review items as outlined in the Staff Recommendation Memorandum dated May 3, 2017. He noted that these are contingent upon the subdivision plan that the Board had previously heard.

Chairwoman Soares asked the Board members if they had any questions. J. Butler asked a question regarding the fee paid to the State for the infringement on the wetlands and if the Town or Conservation Commission could receive any of those funds. J. Petropolous explained that the monies are paid into the Aquatics Mitigation Resource fund and he is not aware of a method to direct those funds back to the Town. He noted that the program provides that the money will be used in the watershed of the area that is being impacted and explained that the Conservation Commission and NHDES are currently discussing allocation of those monies which total approximately \$170,000. G. Verani expressed concern over the hydrologic impact on "Brickett Meadow." J. Trottier responded that the applicant's geotechnical engineer reviewed it and noted there is no impact. G. Verani expressed concern over the impact of the wetlands. J. Petropolous reviewed the four areas of wetlands impacted (one in the south part of the site with a drainage outfall from American Tire and impacts in the back as a result of the site construction) noting the location of "Brickett Meadow". He described the largest wetland impact, a New England wooded wetland, which is bone dry in August and "punky" in the spring. He noted the necessity of the wetland impact for the project. He further described the glacial till soils with high ground water and the wetland basin in the back which will be excavated during construction and controlled with an outlet structure. He stated they do not anticipate any hydrological or any adverse impacts to "Brickett Meadow" as a result of the project. He explained basins can dry out over time due to biotransformation, evaporation and other factors, but he predominately expects that they will see water in the lower reaches of the facility based on the soils and the testing. L. Reilly requested input from Marge Badois, Chairwoman of the Conservation Commission. M. Badois informed the Board that PPNE and the Conservation Commission have been working together to help locate a property in Londonderry that would be an appropriate mitigation site to use those funds and they have tentatively identified a site. She added that it looks very promising. L. Reilly asked about the need for additional parking spaces in the future. J. Petropolous pointed to an area along the driveway which is approximately 40 feet in length that could hold approximately 40 parking spaces. G. Verani expressed concern over outdoor intercom devices as used by Harvey Industries and wanted to restrict them from this site. J. Petropolous stated there were no plans for outdoor

intercoms. Town Planner Mallioux added that you could add that as a precedent condition. Chairwoman Soares asked what hours the 150 people work. J. Petropolous clarified that of the 150 people, 50 are drivers with 100 people working at the facility who flex from 7-8 am and leave 3-4 pm. J. Petropolous stated that Mr. Conrad is working with Harvey Industries and American Tire regarding shift times.

Chairwoman Soares asked for public input and there was none.

Member L. Reilly made a motion to grant the Applicant's request Conditional Use Permits 1 & 2 as outlined in the Staff's Recommendation Memorandum dated May 3, 2017.

Member R. Brideau seconded the motion.

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

Member L. Reilly made a motion to grant conditional approval of the site plan for a distribution facility and associated site improvements Jacks Bridge Road, Evans Family Ltd Partnership & Freedom Park Associates (Owner), Poultry Products Northeast, Inc. (Applicant) in accordance with plans prepared by Hayner-Swanson, Inc. dated February 23, 2017, last revised April 10, 2017 with the following precedent conditions to be fulfilled within two years and prior the plan signature and subsequent conditions to be fulfilled as noted in the Staff's Recommendation Memorandum dated May 3, 2017 with an additional precedent condition that a note be added to the plan that outdoor intercoms shall not be used on the property.

Member R. Brideau seconded the motion.

The motion was granted, 8-0-0.

IV. Other Business

A. Zoning Update – Town Planner Mailloux requested that the Board members review the zoning update received from John Vogl and for review next week. She also stated there would be another item for discussion next week regarding a zoning update relative to regulating motor homes or travel trailers. She handed out proposed language for review on that item. She added that the plan is to have a public hearing in June followed by a Town Council vote.

V. Adjournment

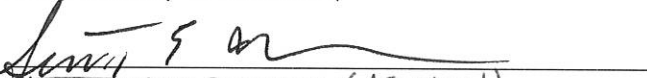
Member R. Brideau made a motion to adjourn the meeting at approximately 8:30 p.m. Seconded by L. Reilly.

Motion was granted, 9-0-0.

The meeting adjourned at approximately 8:30 PM.

These minutes were prepared by Recording Secretary Beth Morrison.

Respectfully Submitted,



Chris Davies, Secretary (Assistant)
Scott Benson

These minutes were accepted and approved on June 14, 2017 by a motion made by
M. Soares and seconded by R. Bredan.

STAFF RECOMMENDATION

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

Date: March 8, 2017

Application: Application Acceptance and Public Hearing for formal review of a site plan for a proposed multi-family workforce housing development comprised of twelve (12) twenty-four (24) unit buildings containing a total of 288 rental units, Stonehenge Road and 113 Hardy Road; Map 12 Lots 120 and 131, Zoned AR-1, First Londonderry Association, LLC (Owner and Applicant).

- **Completeness: The Planning Board accepted the application as complete on December 7, 2016.**
- **Waivers: The Applicant requested 7 waivers to the Site Plan Regulations. On December 7, 2016 the Planning Board approved waiver requests 1 through 5, and denied waiver requests 6 and 7 as outlined in the Staff Recommendation Memorandum dated December 7, 2016.**
- **Conditional Use Permit: On December 7, 2016, the Planning Board approved the Applicant's request for a Conditional Use Permit.**

Status Update: At its meeting on January 4, 2017, the Planning Board continued the Public Hearing on the application and requested additional information on the following items:

- Further review of possible relocation of the trash and recycling containers;
- Meeting between traffic engineers, Town Staff, Police and Fire Personnel regarding public safety concerns with the proposed project;
- Input from NHDOT regarding the Route 28 intersection and the mitigation proposed by the Applicant; and
- Review and recommendations by the Conservation Commission.

Subsequently, the Applicant coordinated with Waste Management regarding the size and frequency of disposal of the trash and recycling containers and confirmed that the proposed compactor units are adequate and meet waste-industry standard for a development of this type/size.

A meeting was held with traffic engineers and public safety personnel regarding the traffic generated by the proposed development and its impact on public safety. A summary of this meeting is attached and the general conclusion of public safety officials is that the proposed mitigation associated with this project will result in an overall improvement to public safety.

NHDOT provided a letter documenting its support for the proposed mitigation at the Stonehenge Road / Route 28 intersection, acknowledging that the intersection is currently in failure and the proposed improvements will mitigate the impact of the development.

The Conservation Commission reviewed the project and offered the following comments. Staff's responses to the Conservation Commission's recommendations are noted in italics after each comment:

1. That an acceptable deed be executed transferring the proposed easement land to Town ownership with the appropriate restrictions that it will be used as conservation land. *The ordinance requires that open space be owned by undivided interests appurtenant to lot ownership and Staff believes that deeded transfer of the open space does not comply with the Workforce Housing Ordinance. The maintenance of the land as open space for conservation purposes can be accomplished with appropriate conservation easements (see recommended Precedent Condition No. 9).*
 2. That during the earth moving site preparation phase there be a full-time on-site monitor from a third party to ensure that the proposed mitigation measures are thoroughly and effectively carried out *The Town currently requires 3rd party construction monitoring for private site development. Staff believes the current level of onsite inspections during construction is adequate to address the Conservation Commission's concern.*
 3. That a before and after water quality survey be conducted at a point most likely to get storm water flows from project area *While post-development water monitoring can be conducted at specified points, there is no mechanism that Staff is aware of to provide a meaningful comparison of water quality specific to this project. The Applicant is meeting Town and NHDES standards for stormwater management in terms of quantity and quality, and it is not clear what the requested monitoring program would accomplish.*
 4. That by the judgement of the Commission, the benefits of the project only marginally exceed the benefits that would accrue to the Town if the project were built. **Comment noted.**
- 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 Residences at MacGregor Cut site plan located at Stonehenge Road and 113 Hardy Road Map 12 Lots 120 and 131, Zoned AR-1, First Londonderry Association, LLC (Owner and Applicant), in accordance with site plans prepared by Keach Nordstrom Associates, Inc., dated August 3, 2015, last revised October 20, 2016 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated March 8, 2017:

“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 December 7, 2016.
2. The Applicant shall address all appropriate items from the Stantec traffic review comment letters.
3. The plans shall be revised so that the low flow outlet structure detail complies with the vertical slotted weir requirement of the Town’s typical detail Exhibit D109.
4. The plans shall be revised to provide vertical granite curb in compliance with Section 3.09.c.2.iv and Exhibit D4.
5. Off-site improvements at the intersection of Stonehenge Road and Route 28/ Rockingham Road be shown on the plans in accordance with “Exhibit A” of the recommended traffic mitigation as reviewed with NHDOT. NHDOT approval of the traffic analysis and plans for off-site improvements on all state jurisdiction roadways is required.
6. Two hard wired-speed indicator speed limit signs be indicated on the plan, with detailed specifications and location to the satisfaction of the Police Department.
7. All required permits and approvals shall be obtained and noted on the plan, including NHDES Alteration of Terrain, NHDES Sewer Discharge Permit, NHDES Wetland Permit, NHDOT permit, and Londonderry Sewer Discharge permit. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
8. The Workforce Housing Restrictive Covenant shall be reviewed for form and content and approved by Town Counsel.
9. The Conservation Easement plan and documents shall be reviewed for form and content and approved by Town Counsel.
10. A Development Agreement incorporating all conditions of approval, reviewed for form and content and approved by Town Counsel, shall be executed prior to plan signature.

11. The Applicant shall note all waivers and modifications granted on the plan.
12. The Applicant shall note the approved Conditional Use Permit on the plan.
13. 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.
14. Third-party review fees shall be paid within 30 days of conditional site plan approval.
15. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
16. 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. The Workforce Housing Restrictive Covenant shall be recorded at the Rockingham County Registry of Deeds prior to requesting a pre-construction meeting or commencing any work on site.
2. The Conservation Easement Plan and all applicable easement documents, shall be recorded at the Rockingham County Registry of Deeds prior to requesting a pre-construction meeting or commencing any work on site.
3. The water booster station shall be installed, approved and operational prior to the issuance of any certificates of occupancy for this site.
4. **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 site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
5. 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.

6. 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.
7. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
8. All site improvements and off-site improvements shall be completed in accordance with the phasing plan approved by the Planning Board.
9. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the phasing plan approved by the Planning Board.
10. 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.
11. Site improvements must be completed in accordance with the approved phasing plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
12. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

STAFF RECOMMENDATION

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

Date: May 3, 2017

Application: Application Acceptance and Public Hearing for formal review of a subdivision of one lot into two, Map 17, Lot 45-3, Jack's Bridge and Clark Roads, Zoned Industrial I, Evans Family Ltd Partnership & Freedom Park Associates (Owner), Poultry Products Northeast, Inc. (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 May 3, 2017.**

- Waivers: The Applicant has requested the following three (3) waivers to the Site Plan Regulations:
 1. Section 4.01.C, requiring that the boundary plan be prepared at a scale of 1" = 100'. Staff supports **granting** the waiver because the plans are legible at the scale shown.
 2. Section 3.09.F, requiring that driveway sight distance plans be provided. Staff **supports** this waiver as the lots will be accessed via an existing driveway on Jack's Bridge Road and the sight distance for that driveway was previously reviewed and approved by the Planning Board.
 3. Section 3.02.C, requiring the location of CO district signage to be shown on the plan. Staff supports **granting** the waiver because there is no proposed development currently on proposed Lot 45-6, and CO signage is shown on the site plan application accompanying this plan.

Board Action Required: **Motion to approve the Applicant's request for the above waivers to the Subdivision Regulations as outlined in Staff's recommendation memorandum dated May 3, 2017**

- 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 Map 17, Lot 45-3 from one lot into two, Jacks Bridge and Clark Roads, Evans Family Ltd Partnership & Freedom Park Associates (Owner), Poultry Products Northeast, Inc. (Applicant) in accordance with plans prepared by Hayner-Swanson, Inc. dated February 23, 2017, last revised April 10, 2017 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 May 3, 2017.

“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 May 3, 2017
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. Access, utility and drainage easements shall be reviewed and approved by the Town.
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. Third-party review fees 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. 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.
2. 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.

STAFF RECOMMENDATION

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

Date: May 3, 2017

Application: Application Acceptance and Public Hearing for formal review of a site plan for a distribution facility and associated site improvements; Map 17 Lots 45-3, Jacks Bridge Road, Zoned Industrial I, Evans Family Ltd Partnership & Freedom Park Associates (Owner), Poultry Products Northeast, Inc. (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 May 3, 2017.**

- Waivers: The Applicant has requested the following six (6) waivers to the Site Plan Regulations.
 1. Section 4.01.C, requiring that the plans be prepared at a scale of 1" = 40'. The Master Site Plan is at a scale of 1"=60' and the erosion control plans are at a scale of 1" = 50'. Staff supports **granting** the waiver because the plans are legible at the scale shown.
 2. Section 3.11.3.g.1.i, requiring a minimum 10% interior parking landscape area. Staff supports **granting** the waiver because the proposed interior landscape areas are appropriate for the site given the automobile and truck turning requirements, the setback of the development area from the road, the industrial nature of the surrounding properties, and because the Heritage Commission supported the project as presented.
 3. Section 3.11.3.g.3, requiring 1 tree per 15 parking spaces in the internal parking lot landscape area. Staff supports **granting** the waiver for the reasons cited above, and because the provided interior landscape area is not able to support the number of required trees.
 4. Section 3.11.3.g.5, requiring 1 tree per 20 feet around the parking lot perimeter. Staff supports **granting** the waiver because the steep slopes surrounding the developable area of the site are not conducive to tree growth, appropriate trees and landscaping are provided around the front parking perimeter, and much of the site will remain in its natural vegetated state.
 5. Section 3.11.b.4, to not have pipe velocities exceeding 10 feet per second. Staff supports **granting** the waiver as the plans include appropriate sumps and rip rap forebay for dissipation during peak storm events.

6. Section 3.08.5, requiring that driveway sight distance plans be provided. This waiver was granted under the associated subdivision plan, and thus is not required under the Site Plan. Staff notes that internal sight distance at the proposed intersection of the existing American Tire driveway and the new circulation driveway is not waived, and engineering review comments related to that intersection are incorporated as a recommended condition of approval.

Board Action Required: Motion to approve the Applicant's request for the above waivers 1 through 5 to the Site Plan Regulations as outlined in Staff's recommendation memorandum dated May 3, 2017

- Conditional Use Permits: The applicant has requested two (2) Conditional Use Permits:
 1. The Applicant has requested a Conditional Use Permit to allow a permitted use in the Conservation Overlay District. The development of the site will have 34,077 SF of wetland impact and 104,395 SF of buffer impact. The site has been designed to minimize impacts to wetlands and buffers and to limit the total impervious coverage on the site. The wetland impacts require a Dredge and Fill Permit from NHDES. The Conservation Commission has reviewed the application and recommended that the application does not meet criteria 1 and 4 of the CUP requirements, but recommends approval of the project subject to appropriate mitigation being provided to the satisfaction of NHDES. Staff believes that the Applicant has demonstrated compliance with all of the criteria of Section 2.6.3.4.1. Staff supports **granting** the Conditional Use Permit because the application meets the criteria as outlined in Section 2.6.3.4.1 and because the Conservation Commission recommended approval subject to NHDES approval of appropriate mitigation.
 2. The Applicant has requested a Conditional Use Permit for Section 3.10.11.B.1 of the Zoning Ordinance for a reduction in the number of parking spaces. 211 spaces are required for initial construction, and 255 spaces are required if the warehouse is fully expanded in the future. 178 automobile spaces are provided. The Applicant states that, with the future warehouse expansion, the number of employees will grow from 190 at present to 230. The maximum number of employees on a shift is 150, and because of the staffing model and shift staggering used by PPNE, the Applicant indicates that the plan as presented meets the parking needs for the current user. Further, there are areas on the site where additional parking could be built if required in the future by PPNE or another user. Staff supports **granting** the Conditional Use Permit for parking because the Applicant has demonstrated they meet at least two of the criteria of the Ordinance.

Board Action Required: Motion to Grant Applicant's Request for Conditional Use Permits 1 and 2 as outlined in Staff's Recommendation Memorandum Dated May 3, 2017

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 site plan for a distribution facility and associated site improvements Jacks Bridge, Evans Family Ltd Partnership & Freedom Park Associates (Owner), Poultry Products Northeast, Inc. (Applicant) in accordance with plans prepared by Hayner-Swanson, Inc. dated February 23, 2017, last revised April 10, 2017 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 May 3, 2017.

"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 May 3, 2017
2. Prior to plan signature, the associated Jacks Bridge Road / Clark Road Subdivision plan must be completed and recorded in the Rockingham County Registry of Deeds.
3. All required permits and approvals shall be obtained and noted on the plan, including NHDES Alteration of Terrain, NHDES Sewer Discharge Permit, NHDES Wetland Permit, NHDOT permit, and Londonderry Sewer Discharge permit. The Applicant shall indicate the permit approval numbers on the cover sheet and provide copies of all permits for the Planning Division files.
4. The Applicant shall note all waivers and modifications granted on the plan.
5. The Applicant shall note the approved Conditional Use Permits on the plan.

6. 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.
7. Third-party review fees shall be paid within 30 days of conditional site plan approval.
8. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
9. 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 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 site-restoration 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. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the phasing plan approved by the Planning Board.

6. 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.
7. Site improvements must be completed in accordance with the approved phasing plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. **No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.**
8. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.