

1 **LONDONDERRY ADMINISTRATIVE REVIEW COMMITTEE**

2
3 **MINUTES OF THE PUBLIC HEARING ON MARCH 20, 2014 IN THE ELWOOD**
4 **CONFERENCE ROOM**

5
6 ARC Members Present: Asst. Director of Public Works and Acting Chair John R. Trottier,
7 P.E.; Associate Planner Jaye Trottier; and Senior Building Inspector/Zoning
8 Officer/Health Officer Richard Canuel

9
10 Also Present: Kurt Kendall, Applicant; Steven B. Keach, P.E., Keach-Nordstrom
11 Associates, Inc.; Frank Mazzuchelli; and Mike Phillips

12
13 J. R. Trottier called the meeting to order at 10: 02 AM.

14
15 **Public Hearings**

16
17 A. KAK Real Estate Holdings (Owner and Applicant), Map 15, Lot 55 – Application
18 Acceptance and Public Hearing for formal review of a minor site plan application
19 to facilitate a change of use from office to retail for Twin's Smoke Shop at 80
20 Perkins Road, Zoned MUC.

21
22 J. R. Trottier stated there were no outstanding checklist items, and that Staff
23 recommends the application be accepted as complete.

24
25 **J. Trottier made a motion to accept the application as complete. R. Canuel**
26 **seconded the motion. No discussion. Vote on the motion: 3-0-0.**

27
28 J. R. Trottier stated there were no waivers requested with this application.

29
30 Steven Keach explained that the building on Map 15 Lot 55 was last used as offices
31 for a real estate business and has been vacant for at least a year. The applicant
32 purchased the building in August of 2013 for the purpose of moving his existing
33 business, Twins Smoke Shop, from a building he currently leases at 128 Rockingham
34 Road. The purpose of the minor site plan is therefore to address the change of use
35 from that of office to retail/office. S. Keach stated that the only changes proposed to
36 the site outside of the building involve the addition of a properly signed and striped
37 parking space to be compliant with the Americans with Disabilities Act, adding a sign
38 to an existing handicap space, and construction of a concrete dumpster pad with a
39 vinyl fence enclosure. All other alterations will take place inside the building, for
40 which the applicant and his contractor have conferred with the Senior Building
41 Inspector. In reviewing the Staff Recommendation, S. Keach anticipated there would
42 be no issues with the conditions listed.

43
44 J. R. Trottier reviewed the precedent conditions outlined in the Staff Recommendation
45 Memo. He offered to forward to S. Keach information from the NH Department of
46 Transportation (DOT) regarding the amount of impervious surface on the site in order
47 to assist with the letter required in Precedent Condition number one (see Attachment
48 #1). S. Keach addressed the monumentation missing on either end of the northern
49 lot line as referred to in Precedent Condition #2. His stated understanding that NH
50 DOT had identified those monuments on their own improvement plans as "to be set"
51 and had simply not yet done so. He said he would verify this and if they were not the

1 responsibility of DOT, his client would have the two monuments installed. J. R.
2 Trottier reviewed the items listed in Precedent Condition number six that are
3 currently in the Town right of way and would need to be removed, i.e. the pavement,
4 light pole and existing landscaped area. Once they are removed, he added, those
5 areas would need to be loamed and seeded, and since a parking space would be lost
6 in the process, the parking notes would need to be updated accordingly. Despite the
7 loss of the one space, it was noted that the plan would still provide the 33 spaces
8 required, including the two that are ADA compliant. There was some question as to
9 what currently exists in the aforementioned landscaped area, including whether it is
10 now populated with trees. J. R. Trottier offered to meet on site to review the
11 conditions. The existing wall signage was also discussed, with R. Canuel explaining
12 that the sign was placed there with the benefit of a building permit, therefore it can
13 remain as it is, provided no changes are made other than to the face. S. Keach
14 mentioned that a variance had been granted in 1977 for a 40x60 sign, however it
15 was thought it may have been associated with a freestanding sign, not a wall sign,
16 and may not even be valid at this point regardless.

17
18 No members of the public were present to comment.

19
20 J. R. Trottier asked if the applicant had any questions of Staff. There were none.

21
22 J. R. Trottier stated that Staff recommends conditional approval of the application.

23
24 **J. Trottier made a motion to conditionally approve the minor site plan**
25 **application to facilitate a change of use from office to retail for Twin's Smoke**
26 **Shop at 80 Perkins Road, Zoned MUC, subject to all of the Precedent**
27 **Conditions and General and Subsequent Conditions as outlined in Staff's**
28 **Recommendation Memorandum dated March 20, 2014. R. Canuel seconded**
29 **the motion. No discussion. Vote on the motion: 3-0-0.**

30
31 The application was conditionally approved.

32
33 **Other Business**

34
35 There was no other business.

36
37 **Adjournment:**

38
39 The meeting adjourned by consensus at approximately 10:15 AM.

40
41 Respectfully Submitted,

42
43
44 Jaye Trottier
45 Associate Planner

STAFF RECOMMENDATION

To: Administrative Review Committee

Date: March 20, 2014

From: Cynthia A. May, ASLA, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Application: KAK Real Estate Holdings (Owner and Applicant), Map 15, Lot 55 – Application Acceptance and Public Hearing for formal review of a minor site plan application to facilitate a change of use from office to retail for Twin's Smoke Shop at 80 Perkins Road, Zoned MUC.

- Completeness: ***There are no checklist items. Staff recommends the application be accepted as complete.***
 - ARC Action Required: **Motion to Accept Application as Complete.**
- Waivers: There are no waivers requested with this application.
- Recommendation: Based upon the information available to date the Staff recommends **CONDITIONAL APPROVAL** of this application with the NOTICE OF DECISION to read substantially as follows:
 - ARC Action Required: **Motion to Conditionally Approve the minor site plan application to facilitate a change of use from office to retail for Twin's Smoke Shop at 80 Perkins Road, Zoned MUC, subject to all of the Precedent Conditions and General and Subsequent Conditions as outlined in Staff's Recommendation Memorandum dated March 20, 2014.**

"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. When addressing drainage on sites going through a change of use application, the Town has historically requested that Applicants compare the existing impervious area of the site against the most recently approved plan in the Town's files. When comparing the January 2014 existing conditions plan to the site plan approved by the Planning Board on January 31, 1979, there is significantly more impervious area (pavement) present on the site. Staff is aware that during the Interstate 93 widening project, and the design associated in the area of Exit 5 and the subject parcel, the existing impervious area for the subject parcel was used for both the pre and post development analysis. The applicant shall provide a letter reflecting this information for the Town's file.

2. The Applicant shall submit correspondence stamped by a certified wetland scientist to verify that there are no wetlands on the site.
3. The Applicant shall install all monumentation in accordance with Section 3.02 of the Site Plan Regulations.
4. The Applicant shall include the Planning Board signature block on sheet 1.
5. The Applicant shall amend note number 1 on the cover sheet to indicate that the proposed change of use is "from office to retail/office use."
6. The Applicant shall remove all private improvements in the public right of way and update the parking notes accordingly (i.e. pavement, the light pole, the "existing landscaped area," etc.).
7. The Applicant shall install a stop sign at the entrance/exit.
8. The Applicant shall include in the plan notes the two Zoning Board of Adjustment cases associated with the site (see ZBA DRC comments).
9. The Applicant shall correct the scale noted in the cover sheet title block.
10. The Applicant shall note in the title block that KAK Real Estate Holdings is both the owner and applicant.
11. The Applicant shall address all DRC Comments as applicable.
12. The Applicant shall note all waivers granted for this site on the plan.
13. The Applicant shall provide a digital (electronic) copy of the complete final plan sent to the Town at the time of signature by the Board in accordance with Section 2.05.n of the regulations.
14. Financial guaranty if necessary.
15. Final engineering review.

PLEASE NOTE - Once these precedent conditions are met and the plans are certified the approval is considered final. If these conditions are not met within 120 days to the day of the meeting at which the Administrative Review Committee grants conditional approval, that 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 amended site plan may be undertaken until the pre-construction meeting with Town staff has taken place, filing of an NPDES-EPA Permit and the site restoration financial guaranty is in place with the Town.** Contact the Department of Public Works to arrange for this meeting.
2. The project must be built and executed exactly as specified in the approved application package unless modifications are approved by the Planning Division & 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. All site improvements must be completed 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.**
5. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.
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.

Jaye Trottier

From: Richard Canuel
Sent: Friday, March 28, 2014 12:34 PM
To: Jaye Trottier; John Trottier
Subject: RE: Vote on the 3/20 ARC minutes

So approved!

From: Jaye Trottier
Sent: Friday, March 28, 2014 11:15 AM
To: John Trottier; Richard Canuel
Subject: Vote on the 3/20 ARC minutes

Hi John and Richard:

Could you reply with your vote of approval for the March 20 ARC minutes? (So I can attach them to the minutes).

Thanks!

Jaye A. Trottier
Secretary
Zoning Board of Adjustment
Planning Board
Conservation Commission
Master Plan Steering Committee
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