

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF February 1, 2012 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Lynn Wiles; Laura El-Azem; Chris Davies; Rick
6 Brideau, CNHA, Ex-Officio; Scott Benson, alternate member; and Maria Newman,
7 alternate member
8

9 Also Present: André Garron, AICP; Cynthia May, ASLA; John Trottier, P.E.; and
10 Libby Canuel, Community Development Secretary
11

12 A. Rugg called the meeting to order at 7 PM. He appointed S. Benson to vote for
13 M. Soares and M. Newman to vote for D. Coons.
14

15 A. Rugg announced that the applicant of the first agenda item under "New Plans"
16 has requested a continuance of their public hearing to the March 14, 2012
17 meeting:
18

19 Akira Way Extension – Kenneth S. Solinsky (Applicant), Insight Technologies
20 Inc., Sub of L-3 Communications Corp (Owner), Map 28 Lot 31– Application
21 Acceptance and Public Hearing for a two-lot subdivision and the extension of
22 Akira Way, 9 Akira Way, Zoned I-II.

23 J. Trottier referenced the letter from Todd Connors of Long Beach Development
24 Assoc., LLC requesting a continuance to March 14, 2012. The additional time
25 is being requested so a second meeting can take place with the Conservation
26 Commission to discuss plan changes. Staff recommends continuing the
27 request to the March 14 meeting.
28

29 **L. Wiles made a motion to continue the public hearing to March 14,**
30 **2012 at 7pm. R. Brideau seconded the motion. No discussion. Vote on**
31 **the motion: 7-0-0. The public hearing will be continued to March 14,**
32 **2012 at 7PM. A. Rugg said this will be the only public notice.**
33

34 **Administrative Board Work**
35

36 A. Approval and Signing of Minutes – January 4, 2012, January 11, 2012,
37 January 19, 2012 and January 30, 2012
38

39 **L. Wiles made a motion to approve and sign the minutes from the**
40 **January 4, 2012 meeting. R. Brideau seconded the motion. No**
41 **discussion. Vote on the motion: 7-0-0.**
42

43 **L. Wiles made a motion to approve and sign the minutes from the**
44 **January 11, 2012 meeting. R. Brideau seconded the motion. No**
45 **discussion. Vote on the motion: 7-0-0.**
46

47 **L. Wiles made a motion to approve and sign the minutes from the**
48 **January 19, 2012 meeting. R. Brideau seconded the motion. No**

1 discussion. **Vote on the motion: 6-0-1** (S. Benson abstained as he was
2 absent from the January 19, 2012 meeting).

3
4 **L. Wiles made a motion to approve and sign the minutes from the**
5 **January 30, 2012 meeting. R. Brideau seconded the motion.** No
6 discussion. **Vote on the motion: 6-0-1** (S. Benson abstained as he was
7 absent from the January 30, 2012 meeting).

8
9 Minutes for the January 4, 2012, January 11, 2012, January 19, 2012, and
10 January 30, 2012 meetings were approved and will be signed at the conclusion
11 of the meeting.

12
13 B. Voluntary Merger

14
15 Patricia Panciocco (Trustee), Map 7, Lots 7 through 10

16
17 J. Trottier explained that in September, 2011, the Chair had signed the Town
18 of Londonderry Voluntary Merger Form. It was then discovered that Meadow
19 Drive had been discontinued years earlier and is to be combined with one of
20 the two new proposed lots. A revised merger form presented at this meeting
21 references a plan to be recorded that reflects the integration of the road into
22 one of the lots.

23
24 A. Rugg asked for input from the Board. There was none.

25
26 **L. Wiles made a motion to grant the voluntary merger for Tax Map 7,**
27 **Lots 7 through 10. R. Brideau seconded the motion.** No discussion.
28 **Vote on the motion: 7-0-0.** The merger was granted and will be signed by
29 the Chair at the end of this meeting.

30
31 C. Regional Impact Determinations

- 32
33 • C. May stated that at the September 7, 2011 meeting, the Planning
34 Board accepted staff's recommendation that the two-lot internal
35 subdivision and extension of Akira Way on Map 28, Lot 31 was not a
36 project of regional impact. Staff was confirming this fact because of the
37 public hearing originally scheduled for this meeting (see above). C. May
38 said the regional impact issue will not need to be addressed again.
- 39
40 • C. May stated that the Executive Health and Sports Center/Benton
41 Family Realty Trust is proposing the addition of an outdoor pool/patio,
42 tennis courts, and 7,000 sq. ft. of new medical offices within the interior
43 of the existing building on Map 28, Lot 10-0 and 10-C1. She said staff
44 recommends this project is not a development of regional impact as it
45 does not meet any of the regional impact guidelines suggested by
46 Southern NH Planning Commission (SNHPC). **L. Wiles made a motion**
47 **to accept staff recommendations that this project is determined**
48 **not to be of regional impact under RSA 36:56. R. Brideau**
49 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**
50

1 D. Discussions with Town Staff

- 2
- 3 • A. Garron informed the Board on the recent progress on the
- 4 Comprehensive Master Plan Update. The Survey Sub-Committee met
- 5 on January 23, 2012 to discuss the direction of the survey with the
- 6 consultant from the UNH Survey Center and (via Skype) the Master
- 7 Plan consultant, Town Planning and Urban Design Collaborative
- 8 (TPUDC). The survey was then discussed at the January 31 meeting of
- 9 the Master Plan Steering Committee (MPSC) and their input was taken.
- 10 Brian Wright and Kara Wilbur of TPUDC were also introduced to the
- 11 Committee at that meeting and they reviewed the initial framework of
- 12 the process. The goal is for the Survey Sub-Committee to meet once
- 13 more and present a final survey document for approval at the February
- 14 22 MPSC meeting. This would allow the UNH Survey Center to begin
- 15 conducting the survey during the first full week of March.
- 16
- 17 • A. Garron said he attended a Metro Center meeting earlier in the day,
- 18 which is a collaboration of the 13 communities which comprise the
- 19 Southern New Hampshire Planning Commission (SNHPC). The intent of
- 20 the group is to combine resources with the help of a professional
- 21 facilitator in order to attract economic prospects to the area. Today's
- 22 meeting included a review of the new Metro Center website and
- 23 discussion of the impending strategic plan which will expand the group's
- 24 efforts.
- 25
- 26 • L. Wiles asked if there was an update regarding the establishment of an
- 27 escrow account for the Third Party Consultant of the Woodmont
- 28 Commons project. A. Garron said he received an email from the
- 29 applicant's attorney this afternoon but has not reviewed it yet and will
- 30 do so with Town legal counsel tomorrow morning. L. Wiles asked that
- 31 A. Garron email the Board once the escrow check has been received.
- 32

33 **Public Hearings**

- 34
- 35 A. Executive Health and Sports Center Improvements – Benton Family Realty
- 36 Trust (Applicant), City of Manchester (Owner), Map 28 Lots 10-0 and 10-C1 –
- 37 Application Acceptance and Public Hearing for the addition of an outdoor pool
- 38 and patio, tennis courts, and 7,000 square feet of new medical offices within
- 39 the interior of the existing building, 1 Highlander Way, Zoned C-II.
- 40

41 **APPLICATION ACCEPTANCE**

42

43 J. Trottier stated there is one outstanding checklist item, which has an

44 associated waiver. Assuming the Board grants the waiver, staff recommends

45 the application be accepted as complete.

46

47 J. Trottier read the waiver request into the record:

48

- 49 *1. The applicant is requesting a waiver to Section 4.12 – Existing*

1 *Conditions Plan requiring the provision of boundary information for the*
2 *property, boundary monuments, limits of wetlands, existing easements,*
3 *SDS soils, existing features, etc. for the entire parcel.*
4

5 Staff recommends **granting** the waiver, as it is consistent with past Board
6 practice and because the applicant has shown these features in the area of the
7 proposed work.

8
9 A. Rugg asked for input from the Board. There was none.

10
11 **L. Wiles made a motion to grant the waiver based on the applicant's**
12 **letter dated January 12, 2012 and staff recommendation. R. Brideau**
13 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** The
14 **waiver** was granted.

15
16 **L. Wiles made a motion to accept the application as complete. R.**
17 **Brideau seconded the motion.** No discussion. **Vote on the motion: 7-0-**
18 **0.** The application was accepted as complete.

19
20 A. Rugg mentioned that this starts the 65 day time frame under RSA 676:4.

21
22 Chris Rice and Bob Duval of T.F. Moran were joined by Mike Benton, owner of
23 Executive Health and Sports Center. M. Benton stated that the aforementioned
24 interior renovations and new outdoor facilities comprise Phase I of this project.
25 The medical office suite will consist of medi-spa, wellness services, and
26 potentially a small urgent care facility. The outdoor facilities will include a year
27 round hot tub, a competitive/recreation pool, an indoor/outdoor bistro, and
28 four clay tennis courts. Phase II, which will be submitted later on, will consist
29 of fields and accommodations for additional sporting activities.

30
31 C. Rice stated that the boundary information on the plans is a compilation of
32 the most recent Registry information as well as Right-of-Way information from
33 NHDOT. Field surveys have been performed in the areas where the work will
34 take place, while the remaining areas were assessed using Manchester and
35 Londonderry GIS as well as NHDOT records. A certified wetland scientist
36 delineated the wetlands in and around the areas of work and no Conservation
37 Overlay District buffer or wetland impacts will occur. Pedestrian access from
38 the back of the patio to the tennis courts will take place via a sidewalk
39 extension along Highlander Avenue. A short traffic study revealed a reduction
40 in the peak amount of trips due to the closing of the Highlander Inn. An
41 excess of 80 parking spaces will exist after the development is finished. No
42 parking will take place near the tennis courts per an agreement with the
43 Manchester Airport Authority. Utility clearance letters have been obtained from
44 PSNH and Manchester Water Works. Existing sewer and water services are
45 adequate and will be maintained. A new water meter will be added for the
46 watering of the clay courts. A sewer discharge permit related to the pool is
47 being handled with Town staff. C. Rice also reviewed the drainage, fencing,
48 and lighting for the site. Lease negotiations with the City of Manchester will be
49 executed prior to plan signature. No new signage is proposed. The goal is for
50 construction to commence next month. J. Trottier added later on that the

1 applicant and engineer have met numerous times with Town staff since the
2 conceptual design was brought before the Board in November of 2012. Despite
3 the number of comments in the Department of Public Works (DPW) memo (see
4 below), he said staff is confident they will be addressed by the end of February.

5
6 A. Rugg asked for staff input.

7
8 J. Trottier summarized the design review items from the DPW/Stantec memo
9 and read the waiver request into the record:

10
11 *1. The applicant is requesting a waiver to Exhibit 3. The applicant has not*
12 *provided the application fee based on the area of the entire parcel.*

13
14 Staff recommends **granting** the waiver, as it is consistent with past Board
15 practice of allowing a reduced fee based on the area of disturbance for projects
16 located on large parcels, and the redevelopment areas are limited in scope.

17
18 J. Trottier also read the Board information item from the DPW/Stantec memo:

19
20 *1. The Applicant and Airport are currently working on the agreements for*
21 *the proposed work shown.*

22
23 J. Trottier said that assuming the waivers are granted, staff recommends
24 conditional approval as outlined in the staff recommendation memo. Staff also
25 requests on behalf of the applicant that a special meeting be held to sign the
26 plans if and when all conditions of the approval are met. C. May noted that
27 one of the conditions of approval is the requirement of Police and Fire
28 Department impact fees. She said these will be calculated at the time a
29 building permit is submitted and will be based on the actual square footage of
30 the increased floor area associated with the interior improvements. A. Garron
31 expressed his appreciation to M. Benton for expanding his existing business in
32 town since other options were available to him. He added that the venue as
33 proposed will create significant economic potential to the area.

34
35 A. Rugg asked for input from the Board.

36
37 L. Wiles asked how the reduced application fee associated with the waiver is
38 calculated. C. May replied it is based on the five acres of the site where the
39 improvements will occur, as opposed to the entire acreage of the parcels.
40 When plans are submitted for Phase II, she added, a separate fee will be due
41 for that increment of disturbance to take place. L. Wiles also asked if the new
42 traffic pattern at the Airport has affected circulation at the current facility. M.
43 Benton said the changes have simplified access and increased the customer
44 base from surrounding towns (e.g. Merrimack and Nashua).

45
46 A. Rugg asked for public input. There was none.

47
48 J. Trottier asked if the Board would allow staff to handle the lighting aspects of
49 the plan administratively once the requisite FAA permit is obtained. The
50 consensus of the Board was to allow staff to do so. C. May noted that the

1 lighting in the tennis court area will be minimally visible as they will sit below
 2 the grade of the road and within the existing vegetation.

3
 4 **L. Wiles made a motion to grant the waiver based on the applicant's**
 5 **letter dated January 12, 2012 and staff recommendation. R. Brideau**
 6 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** The
 7 waiver was granted.

8
 9 **L. Wiles made a motion that the Planning Board conditionally approve**
 10 **the site plan with the following conditions:**

11
 12 "Applicant", herein, refers to the property owner, business owner, or
 13 organization submitting this application and to his/its agents, successors, and
 14 assigns.

15
 16 **PRECEDENT CONDITIONS**

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

21
 22 1. The Applicant shall address the following on the overall existing conditions
 23 plan and the existing conditions plan sheets 2-4:

24 A. The Applicant shall provide the Owner signatures on the plans and all
 25 applicable sheets. The Applicant shall provide all proper professional
 26 endorsements (stamps and signatures) on these plans and on all
 27 applicable sheets.

28 B. The Applicant shall indicate the zoning of each abutter per section
 29 4.12.C.5 of the regulations. In addition, the applicant shall review and
 30 update the abutter list to indicate Map 28 Lot 4-1 and update the cover
 31 sheet accordingly. Also, The Applicant shall indicate the Zoning District
 32 boundary lines per Section 4.12.C.24 of the regulations.

33 C. The Applicant shall indicate the class (status), dimension the ROW
 34 and pavement widths for all streets shown on sheet 2.

35 D. The Applicant shall indicate the existing drainage easement on
 36 sheet 3 and label the existing features along the existing patio and
 37 show the location of the fence. The Applicant shall label the abutting
 38 lot.

39 E. The Applicant shall indicate the location of the existing utilities
 40 serving the transformer pad, hydrant and pole at the edge of pavement
 41 in the vicinity of the proposed court on sheet 4. The Applicant shall
 42 label the building setbacks and provide a benchmark on the plan in the
 43 vicinity of the proposed work area.

44 F. The Applicant shall update the title block of all plans to include the
 45 location of the site (address) per section 4.02 of the regulations.

46
 47 2. The Applicant shall address the following relative to the proposed site plans
 48 – sheets 5, 6 and 7:

49 A. The parking required calculation on sheet 5 should be revised to
 50 indicate 1 space per 200 SF (vs. 250 SF) for health club and medical

1 office in accordance with Section 3.10.10 and Table 2 of the Zoning
2 Ordinance. The Applicant shall update the notes to include notes H and
3 U per section 4.11 of the regulations and note I, if applicable.

4 B. On Sheet 6 to the applicant shall clearly indicate the work for the
5 proposed construction, such as removal of the existing deck, fencing,
6 trees, etc. In addition, the applicant shall identify the type of patio
7 (concrete?), and sidewalk (paved?), and indicate a sidewalk width (6
8 feet) and the associated curbing per the Town typical detail (Exhibit
9 R103). The applicant shall show the existing or proposed drainage
10 easements or access easements. The applicant shall also verify
11 whether or not an existing sign will need relocation along the new
12 sidewalk. The Applicant shall carefully review the proposed plan and
13 clarify all proposed work for proper construction. The Applicant shall
14 include or properly reference all appropriate details in the plan set for
15 proper construction.

16 C. On Sheet 7 to the applicant shall clearly indicate the work for the
17 proposed construction, such as removal of the existing hydrant, pole
18 and transformer pad in court 1, proposed tree line or sawcut for the
19 pavement removal. The applicant shall also identify guardrail proposed
20 near court 3 on the plan. The Applicant shall provide drainage
21 easements for the existing drain pipes for future maintenance. The
22 Applicant shall carefully review the proposed plan and clarify all
23 proposed work for proper construction.
24

25 3. The Applicant shall address the following on the grading drainage and utility
26 plans – sheets 8 & 9:

27 A. The Applicant's proposed embankment grading design on sheet 8
28 will have slopes steeper than 3H:1V. The proposed embankments shall
29 be steeper than 3H:1V be riprap as typically requested by the Town. In
30 addition, The Applicant shall provide a fence along the top of the steep
31 embankment slopes adjacent to patio area. The Applicant shall update
32 the plans and details accordingly.

33 B. The proposed sidewalk grading on sheet 8 does not appear to
34 address the proposed curb along the roadway (per Town Exhibit R103).
35 The Applicant shall review and revise accordingly.

36 C. The Applicant shall update note 1 on sheet 8 to state "Londonderry"
37 and update note 6 accordingly. In addition, The Applicant shall clarify
38 the roof drains stated in note 15 on the plan. Also, The Applicant shall
39 note that an EPA - NPDES permit is required for the project on the plan.

40 D. The Applicant shall clarify the construction of DMH1 will require the
41 removal of the existing headwall for proper construction on sheet 8. In
42 addition, proposed HW1 appears to be a special structure. The
43 Applicant shall include a detail of this headwall in the plan set for proper
44 construction.

45 E. Will handicap ramps be needed for the sidewalk terminus at the
46 existing driveway upon abutting lot 10-1 on sheet 9? The Applicant
47 shall clarify and update the plans if necessary.

48 F. The Applicant shall clarify how the proposed southerly swale will
49 drain along the existing driveway in the vicinity of the existing 24" RCP
50 pipe to the existing catch basin with additional spot elevations.

1 G. The Applicant's proposed embankment grading design on sheet 9
 2 north of court 3 will have slopes steeper than 3H:1V and appear to
 3 exceed the maximum 2H:1V. The Applicant shall review and revise to
 4 provide slopes not to exceed the maximum 2H:1V. In addition, the
 5 proposed steep embankments shall be riprap as typically requested by
 6 the Town.

7 H. The Applicant shall verify with the Fire Department if a hydrant is
 8 necessary to replace the one removed at court 1 on sheet 9 and
 9 update, if necessary.

10
 11 4. The Applicant shall address the following relative to the submitted details
 12 and detail sheet:

13 A. The Applicant shall include details for the proposed gravel access
 14 drive, UGE conduit, 1" waterline, light poles, light fixtures, landscape
 15 plantings, and concrete pad, pavement markings, etc. as indicated on
 16 the plans for proper construction.

17 B. The Applicant shall update the guardrail detail to be steel beam on
 18 wood post as required by the Department of Public Works.

19 C. The Applicant shall label the hatched material to be placed between
 20 the granite stones in the granite step detail for proper construction.
 21 The Applicant shall label the edging material in the hydrocourt detail for
 22 proper construction.

23 D. The Applicant shall review and update the construction sequence to
 24 properly address the proposed construction including clearing/tree
 25 removal, removal/demolition of existing features, utility relocations, etc.

26
 27 5. The Applicant shall address the following relative to the submitted drainage
 28 report:

29 A. The report summary letter states the flow from the existing 30" pipe
 30 under the existing building has been completely removed, but no
 31 supporting information was provided to substantiate the statement.
 32 The Applicant shall provide documentation and/or information from the
 33 pipe owner that the flow has been completely removed in the report as
 34 stated or revise the design in compliance with the regulations (no
 35 increase in runoff).

36 B. The Applicant shall review and update post subcatchments 1, 2 and 3
 37 to address the proposed riprap slopes.

38 C. Under the post development condition, the amount of woods in
 39 subcatchment 10 has increased from that in predevelopment. The
 40 Applicant shall explain and review since the proposed development plan
 41 indicates a portion of the woods is reduced. The Applicant shall update
 42 and verify compliance with the regulations (no increase in runoff).

43 D. It appears portions of the existing and proposed flow to point B in
 44 subcatchment 10 would flow through the existing drainage pipes, but
 45 the analysis does not include or address this. The Applicant shall
 46 review and revise accordingly.

47 E. The Applicant's submitted drainage report does not provide a table of
 48 contents, summary table of data for each pipe & piping system,
 49 summary table of data for each swale and channel, project location plan
 50 on a USGS map, or riprap calculations per Sections 3.07.b.1, 4, 5, 6, &

1 12 of the Site Plan Regulations and Items XI.2.a, d, e, f & I of the Site
2 Plan Application. The Applicant shall update the report accordingly.

3
4 6. The project will require an update to the Londonderry Sewer Discharge
5 Permit. The Applicant shall coordinate with the Sewer Division and obtain an
6 updated permit and note the updated permit number on the cover sheet.

7
8 7. The Applicant shall address the DRC comments as applicable.

9
10 8. The Applicant's plans do not provide a legend per Section 4.08 of the Site
11 Plan Regulations and Item III.1 of the Site Plan Application. The Applicant
12 shall update the plans accordingly.

13
14 9. Note all waivers granted on the plan.

15
16 10. The Applicant shall provide a digital (electronic) copy of the complete final
17 plan sent to the Town at the time of signature by the Board in accordance with
18 Section 2.05.n of the regulations.

19
20 11. Financial guaranty if necessary.

21
22 12. Final engineering review

23
24 **PLEASE NOTE** - Once these precedent conditions are met and the plans are
25 certified the approval is considered final. If these conditions are not met within
26 **120 days** to the day of the meeting at which the Planning Board grants
27 conditional approval the board's approval will be considered to have lapsed and
28 re-submission of the application will be required. See RSA 674:39 on vesting.

29
30 **GENERAL AND SUBSEQUENT CONDITIONS**

31
32 All of the conditions below are attached to this approval.

33
34 1. **No construction or site work for the amended site plan may be**
35 **undertaken until the pre-construction meeting with Town staff has**
36 **taken place, filing of an NPDES-EPA Permit and the site restoration**
37 **financial guaranty is in place with the Town.** Contact the Department of
38 Public Works to arrange for this meeting.

39
40 2. The project must be built and executed exactly as specified in the approved
41 application package unless modifications are approved by the Planning Division
42 & Department of Public Works, or if staff deems applicable, the Planning Board.

43
44 3. All of the documentation submitted in the application package by the
45 applicant and any requirements imposed by other agencies are part of this
46 approval unless otherwise updated, revised, clarified in some manner, or
47 superseded in full or in part. In the case of conflicting information between
48 documents, the most recent documentation and this notice herein shall
49 generally be determining.
50

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

16 5. As built site plans must to be submitted to the Public Works Department
 17 prior to the release of the applicant’s financial guaranty.
 18

19 6. All required Police, and Fire impact fees must be paid prior to the issuance
 20 of a Certificate of Occupancy.
 21

22 7. It is the responsibility of the applicant to obtain all other local, state, and
 23 federal permits, licenses, and approvals which may be required as part of this
 24 project (that were not received prior to certification of the plans). Contact the
 25 Building Division at extension 115 regarding building permits.
 26

27 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 7-**
 28 **0-0.** The plan was conditionally approved.
 29

30 B. 124-126 Rockingham Road Retail Motor Fuel Outlet – 126 Rockingham Road
 31 LLC (Owner), Map 16 Lots 72 & 74 – Request to Waive the Site Plan
 32 Regulation Section 6.01.c requiring placement of the final pavement wearing
 33 course prior to issuance of the Certificate of Occupancy for the previously
 34 approved site plan, 124 & 126 Rockingham Road, Zoned C-II.
 35

36 J. Trottier stated that this project was originally signed on October 3, 2011.
 37 Construction of the site is nearly complete but due to winter conditions, the
 38 final course of wearing pavement will not be able to be placed prior to the
 39 desired opening date. The applicant has indicated they will install temporary
 40 pavement markings and place the wearing course by the end of May, 2012.
 41 Approval of the waiver will allow the applicant to obtain a Certificate of
 42 Occupancy prior to all site improvements being completed (excepting
 43 landscaping which may be bonded for). Despite the fact that DPW does not
 44 typically support waivers of this nature, it is the consensus of staff that the
 45 economic development impact outweighs the risks associated with incomplete
 46 site improvements. J. Trottier said staff therefore recommends granting the
 47 waiver with the following conditions:
 48

49 1. Appropriate financial guarantee is provided to, and meets the approval of,

1 the DPW to ensure installation of the wearing course of pavement.

2
3 2. All other required improvements shall be completed prior to the issuance
4 of a CO, except for landscaping as permitted by the regulations.

5
6 3. The applicant and DPW to sign an agreement which stipulates that the
7 wearing course of pavement will be installed, and that if all work is not
8 completed by May 31, 2012, the developer releases to the Town the amount
9 of the financial guarantee established by condition #1, so that the Town can
10 complete the work.

11
12 Frank Monteiro of MHF Design Consultants, Inc. was joined by the owner and
13 operator of the Irving gas station being built on the site. F. Monteiro said the
14 applicant expects to obtain a Certificate of Occupancy from the Building
15 Department this week and potentially open for business next week.

16 A. Rugg asked for additional comments from staff.

17
18 A. Garron commended the applicant and staff for their diligence associated with
19 this project.

20
21 A. Rugg asked for input from the Board.

22
23 L. Wiles asked if there would be any safety issues related to such items as
24 manhole covers that will extend above the ground until the final pavement is in
25 place. F. Monteiro said all drainage structures and other items were shimmed
26 up to prevent tripping and snow plow hazards.

27
28 **L. Wiles made a motion to grant the waiver with conditions based on**
29 **staff's memo dated February 1, 2012. R. Brideau seconded the motion.**
30 No discussion. **Vote on the motion: 7-0-0.** The plan was conditionally
31 approved.

32
33 **Other Business**

34
35 There was no other business.

36
37 **Adjournment:**

38
39 **R. Brideau made a motion to adjourn the meeting. L. Wiles seconded**
40 **the motion. Vote on the motion: 7-0-0.** Meeting adjourned at 7:53 PM.

41
42 These minutes prepared by Jaye Trottier and Libby Canuel, Community
43 Development Department Secretaries.

44
45 Respectfully Submitted,

46
47
48
49 Lynn Wiles, Secretary