

1 **LONDONDERRY ADMINISTRATIVE REVIEW**
2 **COMMITTEE**
3 **MINUTES OF THE PUBLIC HEARING ON JUNE 15, 2012 IN THE ELWOOD**
4 **CONFERENCE ROOM**
5

6 ARC Members Present: Town Planner Cynthia May, ASLA; Asst. Director of Public
7 Works John Trottier, P.E.; Senior Building Inspector/Zoning Officer/Health Officer
8 Richard Canuel

9
10 Also Present: Fire Marshal Brain Johnson; Steve McDonough (owner); Jack
11 Szemplinski, Benchmark Engineering; and Jaye Trottier, Community Development
12 Secretary

13
14 C. May called the meeting to order at 9:05 AM.

15
16 **Public Hearings**
17

18 A. Bond Building Hospitality, Ltd. (Owner), Map 6 Lot 72-1 Application
19 Acceptance and Public Hearing for a proposed addition in the back of the
20 Coach Stop Restaurant at 176 Mammoth Road, Zoned C-I.

21
22 J. Trottier stated there are five outstanding checklist items, all of which are
23 waiver requests. Assuming the ARC grants the waivers, staff recommends the
24 application be accepted as complete.

25
26 The waivers were summarized as follows:

- 27 1. A waiver to Section 3.08.b of the regulations. The applicant has not
28 provided a driveway sight distance plan/profile for the existing driveway.
29 Staff **recommends granting** the waiver, as no changes are proposed to the
30 driveway, and this section of Route 128/Mammoth Road does not present
31 any sight distance impediments.
- 32 2. A waiver to Section 4.16 of the regulations. The applicant has not provided
33 an illumination plan. Staff recommends **granting** the waiver, as no new
34 lighting is proposed as part of this project.
- 35 3. A waiver to Section 4.17 of the regulations. The applicant has not provided
36 a traffic impact analysis. Staff recommends **granting** the waiver, as no
37 additional seating is proposed as part of this project.
- 38 4. A waiver to Section 4.18.b of the regulations. The applicant has not
39 provided utility clearance letters. Staff recommends **granting** the waiver,
40 as any required utilities for the addition will come from within the existing
41 building.
- 42 5. A waiver to Section 4.12.b of the regulations. The applicant has not
43 provided a boundary plan with the required error of closure. Staff
44 recommends **granting** the waiver, the boundary of the property has been
45 established by previous plans and identified in the plan references.

46
47 **R. Canuel made a motion to grant the five waiver requests. C. May**
48 **seconded the motion.** No discussion. **Vote on the motion: 3-0-0.** The five
49 waivers were granted.

1
2 **J. Trottier made a motion to accept the application for Bond Building**
3 **Hospitality, Ltd. as complete. C. May seconded the motion.** No discussion.
4 **Vote on the motion: 3-0-0.** The application was accepted as complete.
5

6 J. Szemplinski explained that the owner is proposing a 250 square foot second
7 story addition to the Coach Stop Restaurant to expand the existing bar. A deck
8 facing Route 102 is planned as well. Seats for the addition will come from the
9 existing floor plan, so no seating will be added.
10

11 C. May asked R. Canuel if he had any comments. He replied that he did not have
12 anything in addition to the comments made by staff and the Design Review
13 Committee.
14

15 J. Trottier summarized the design review items from the Staff Recommendation
16 letter. A brief discussion ensued about precedent condition 2(a); the existence of
17 the Mammoth Road fence and the sign and stagecoach in the New Hampshire
18 Department of Transportation right of way (DOT). Staff recommended removing
19 the improvements from the right of way or obtaining written permission from
20 DOT to allow these improvements to remain. R. Canuel noted that the variance
21 given for the location of the stagecoach was based on a previous site plan that
22 did not show the items being in the State right of way. When requesting
23 permission from DOT, J. Trottier noted that the applicant can also verify whether
24 a revised driveway permit is required for the proposed improvements (precedent
25 condition 7). Landscaping issues under condition 3 were discussed to ensure
26 details are specified on the plan. J. Szemplinski clarified that 1) the stonewall
27 noted in sub-condition (a) will be replaced and the disturbed area loamed and
28 seeded, (2), landscaping features disturbed during construction will be replaced
29 (i.e. remove the words "if feasible" from the note) and their location will be
30 shown on the plan, (3) arborvitaes will be placed around the dumpster enclosure,
31 (4) the stonewall associated with the "5-foot wide bark mulched landscape area"
32 will not be removed, and (5) green space and building coverage calculations are
33 correct on the proposed site plan and were incorrect on previous plans.
34 Calculations related to drainage were unclear as well and J. Trottier offered to
35 review them with J. Szemplinski after this meeting. S. McDonough asked if he
36 had to replace dead trees that will be taken down during the project but were not
37 related to it. J. Trottier said he did not.
38

39 C. May reviewed the Design Review Committee comments. R. Canuel noted that
40 the Fire Department's comments about a code compliant sprinkler system can be
41 addressed during the building permit review. C. May reported that the Heritage
42 Commission was pleased with the applicant's design for the structure. She also
43 noted that staff recommends that the project is not a development of regional
44 impact. No other issues arose from the remaining comments.
45

46 No members of the public were present.
47

48 **J. Trottier made a motion to conditionally approve the plan with the**
49 **following conditions:**
50

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

3
4 **PRECEDENT CONDITIONS**
5

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

- 10
11 1. The Applicant shall provide the appropriate stamp (NH Wetlands Scientist) and
12 note the zoning of Map 6 Lot 33A in the plan set.
13
- 14 2. The Applicant shall clarify the following on Sheets 1 and 2:
 - 15 a. The existing post and rail fence along Mammoth Road and the sign
16 and stagecoach is shown as being within the New Hampshire
17 Department of Transportation (NHDOT) right of way (ROW) for
18 Mammoth and Nashua Roads, respectively. The applicant shall move
19 these improvements from the ROW or obtain written permission for
20 NHDOT to allow these improvements to remain.
 - 21 b. The existing conditions plan (sheet 1) indicates four handicap parking
22 spaces and the site plan (sheet 2) and note 10 indicates three
23 handicap spaces, please clarify. Appropriate handicap signage shall
24 be placed at the handicap spaces.
25
- 26 3. The Applicant shall clarify the following on Sheet 2:
 - 27 a. The plan indicates there are two existing driveways onto Old Buttrick
28 Road to be closed and the disturbed area to be landscaped. Please
29 note that the stonewall will be replaced across the northerly drive and
30 show how the area will be landscaped i.e.: loam and seed, shrubs or
31 trees to be planted.
 - 32 b. The plan indicates existing trees and shrubs disturbed by construction
33 shall be relocated within the site, if feasible. It appears only one tree
34 will be disturbed, and it is recommend that this tree be replaced, at a
35 minimum. Please clarify where these landscaping features will be
36 relocated to within the site, and delete the words 'if feasible' from the
37 note.
 - 38 c. Please clarify the type of evergreen trees proposed to be placed
39 around the dumpster enclosure.
 - 40 d. Please clarify if the stonewall associated with the "5-foot wide bark
41 mulched landscape area" is to be removed under this proposal.
 - 42 e. Please clarify notes 11 and 12. Note 11 - the provided green space is
43 greater than the amount indicated on previously approved (April 6,
44 2005) plan, while this plan will in fact reduce green space. Note 12 –
45 the building coverage increases by 326 square feet more than the
46 amount indicated on the previously approved (April 6, 2005) plan,
47 while this plan indicates a 450 square foot addition.
48
- 49 4. The Applicant shall remove the Planning Board signature block from sheet 3,

1 topographic plan.

2
3 5. The Applicant shall address all DRC Comments as applicable.

4
5 6. Note all waivers granted and list all ZBA actions for this site on the plan.

6
7 7. The Applicant shall contact the New Hampshire Department of Transportation
8 (NHDOT) to clarify whether a revised driveway permit is required for this
9 proposed addition.

10
11 8. The Applicant shall revise note 19 on sheet 2 to indicate exterior lighting shall
12 be in conformance with the Town of Londonderry Site Plan regulations.

13
14 9. The Applicant shall provide a digital (electronic) copy of the complete final plan
15 sent to the Town at the time of signature by the Board in accordance with
16 Section 2.05.n of the regulations.

17
18 10. The Applicant's provided "Drainage Evaluation" shall include a plan
19 illustrating the drainage areas, flow direction, existing and proposed
20 pavement and roof areas and the existing catch basin as referenced in the
21 evaluation.

22
23 11. Financial guaranty if necessary.

24
25 12. Final engineering review.

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

32
33 **GENERAL AND SUBSEQUENT CONDITIONS**

34
35 All of the conditions below are attached to this approval.

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

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

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

1 most recent documentation and this notice herein shall generally be
2 determining.

- 3
4 4. All site improvements must be completed prior to the issuance of a certificate of
5 occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in
6 circumstances that prevent landscaping to be completed (due to weather
7 conditions or other unique circumstance), the Building Division may issue a
8 certificate of occupancy prior to the completion of landscaping improvements, if
9 agreed upon by the Planning Division & Public Works Department, when a
10 financial guaranty (see forms available from the Public Works Department) and
11 agreement to complete improvements are placed with the Town. The
12 landscaping shall be completed within 6 months from the issuance of the
13 certificate of occupancy, or the Town shall utilize the financial guaranty to
14 contract out the work to complete the improvements as stipulated in the
15 agreement to complete landscaping improvements. **No other improvements**
16 **shall be permitted to use a financial guaranty for their completion for**
17 **purposes of receiving a certificate of occupancy.**
18
19 5. As built site plans must to be submitted to the Public Works Department prior
20 to the release of the applicant's financial guaranty.
21
22 6. 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. Canuel seconded the motion. No discussion. Vote on the motion: 3-0-**
28 **0.** The application was conditionally approved.

29
30 **Other Business**

31
32 There was no other business

33
34 **Adjournment:**

35
36 **J. Trottier made a motion to adjourn. R. Canuel seconded the motion.**
37 **Vote on the motion: 3-0-0.** The meeting adjourned at 9:25 AM.

38
39 These minutes prepared by Jaye Trottier, Community Development Secretary.

40
41 Respectfully Submitted,

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44
45
46 Cynthia May, ASLA
47 Town Planner