

1 **LONDONDERRY, NH PLANNING BOARD**
 2 **MINUTES OF THE MEETING OF JANUARY 6, 2010 AT THE MOOSE HILL**
 3 **COUNCIL CHAMBERS**
 4

5 8:00 PM: Members Present: Art Rugg; John Farrell; Rick Brideau, CNHA, Ex-
 6 Officio; Paul DiMarco, Ex-Officio; George Herrmann, Ex-Officio; Charles Tilgner,
 7 P.E.; Mary Soares; Lynn Wiles; Laura El-Azem; Chris Davies, alternate member;
 8 Cole Melendy, P.E., alternate member
 9

10 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.;
 11 Cathy Dirsra, Planning Division Secretary
 12

13 A. Rugg called the meeting to order at 8:00 PM.
 14

15 **Administrative Board Work**
 16

17 A. Plans to re-sign - El-Azem Subdivision - Rejected at Registry of Deeds
 18

19 Plans will be re-signed at the conclusion of the meeting.
 20

21 B. Approval and Signing of Minutes – December 2 & 9, 2009
 22

23 **J. Farrell made a motion to approve the minutes from the December 2**
 24 **and 9 meetings. R. Brideau seconded the motion. No discussion. Vote**
 25 **on the motion: 6-0-3.** (M. Soares abstained because she was absent at the
 26 December 2 and 9 meetings. L. El-Azem abstained because she was absent
 27 at the December 2 meeting. George Herrmann abstained because he was
 28 absent at the December 9 meeting.) Minutes are approved and will be signed
 29 at the conclusion of the meeting.
 30

31 C. Discussions with Town Staff
 32

33 A. Garron said that at the December 21 and January 4 Town Council meeting
 34 the Gateway Business District, the Planned Unit Development and the
 35 Associated Use Tables were all passed by the Town Council. T. Thompson
 36 reminded the Board that at the January 13 Planning Board meeting they will
 37 be discussing workforce housing and looking for a recommendation to the
 38 Town Council. The next public hearing with the Town Council will be January
 39 18.
 40

41 **Public Hearings**
 42

43 A. Rugg announced that the Thibeault public hearing would be heard first.
 44

45 B. Thibeault Corporation of NH, Map 17, Lot 13 - Public Hearing for an
 46 amendment to a previously approved site plan to correct zoning notation of
 47 the parcel, and to sign a voluntary merger of parcels (RSA 674:39-a) to
 48 clarify Town records of the consolidated lots.
 49

1 T. Thompson said that this plan was originally approved by the Board in
 2 2002. The plans at that time incorrectly indicated the zoning as I-I. This
 3 plan corrects that error, correctly indicating C-II as the zoning. Additionally,
 4 for purposes of clarifying Town records, the applicant has presented a
 5 voluntary merger to formalize the consolidation of parcels that has already
 6 taken place.

7
 8 A. Garron noted that no presentation was needed and that Sandra Martel
 9 from Thibeault Corporation was present to answer any questions the Board
 10 may have.

11
 12 T. Thompson stated that staff recommends Final Approval and signature of
 13 the amended site plan, and a vote to authorize the Chair to sign the
 14 voluntary merger form.

15
 16 **J. Farrell made a motion for Final Approval and signature of the**
 17 **amended site plan and a vote to authorize the Chair to sign the**
 18 **voluntary merger form. R. Brideau seconded the motion. No**
 19 **discussion. Vote on the motion: 9-0-0.**

20
 21 T. Thompson noted that the Chair did not ask for public input.

22
 23 A. Rugg asked for public input, but there was none

24
 25 [A. Garron left the meeting]

26
 27 A. Sarnia Seacoast, LLC (Gulf South Medical Supply), Map 14, Lot 44-25 -
 28 Application Acceptance and Public Hearing for a Site Plan and Conditional Use
 29 Permit to construct a 24,684 square foot addition.

30
 31 T. Thompson stated that there are 2 outstanding checklist items, both of
 32 which are waiver requests (#'s 1 and 2 below). Assuming the Board grants
 33 these waivers, staff recommends the application be accepted as complete.
 34 He continued, by summarizing the waivers:

- 35
 36 1. The applicant is requesting a waiver to Sections 3.14 and 4.17. The
 37 applicant has not provided a traffic impact analysis for the project.
 38 Staff recommends **granting** the waiver, as the project is to increase
 39 efficiency of the current operations without any increase in the number
 40 of employees or other related traffic.
 41 2. The applicant has requested a waiver to Sections 3.09 and 4.14.e. The
 42 applicant has not provided a landscape plan. Staff recommends
 43 **granting** the waiver, as the project is consistent with the previous
 44 approval for this site (which anticipated the addition), and no
 45 additional clearing of existing landscaping is proposed as part of the
 46 project.

47
 48 **M. Soares made a motion to grant the 2 waivers based on the**
 49 **applicant's letter and staff recommendation. L. Wiles seconded the**
 50 **motion. No discussion. Vote on the motion: 9-0-0. Waivers granted.**

1
2 **J. Farrell made a motion to accept the application as complete. M.**
3 **Soares seconded the motion. No discussion. Vote on the motion: 9-0-**
4 **0. Application accepted as complete.**
5

6 Chris Tymula from MHF Design said they are seeking a conditional use permit
7 and site plan approval for a proposed 24,684 square foot warehouse
8 expansion at 12 North Wentworth Drive. He said the site is currently occupied
9 by Gulf South Medical Facility, which is centrally located on the site with
10 parking surrounding and a wooded buffer and industrial use surrounding. The
11 site is a 10.3 acre site located in the Industrial 2 zone and located on the
12 north side of Wentworth Drive. For this application they are addressing the
13 northeastern part of the site. The reason for the expansion is a need for
14 additional storage and warehouse for the current use. There is no change in
15 use, there is just going to be an expansion of the existing facility. There will
16 be a driveway expansion, loading docks for the addition as well as a
17 conversion of a concrete area for the loading docks (5 additional bays), for a
18 total of 16 or 17 bays on that side of the building. Included as part of this
19 proposed expansion will be; additional utility connections, grading, small
20 driveway expansion at the entrance to the facility. Stormwater will be
21 discharged on the east side of the site. They plan on bringing the current
22 detention basin into compliance with the plans that were approved in 1999
23 and ensuring there is no increase in the peak rate of runoff. He said that
24 because the detention basin is within the conservation overlay district, they
25 went to the Conservation Commission seeking favorable recommendation to
26 the Board and they received it. The Conservation Commission asked for a row
27 of boulders along the site entrance to keep the tractor trailers from tracking
28 onto the grass area and the curbing.
29

30 J. Trottier summarized the design review items from the DPW/Stantec memo
31 and read the 5 remaining waiver requests into the record.
32

- 33 1. The applicant has requested a waiver to Sections 3.03, 4.12.c.3 & 18
34 and 4.14.a. The applicant has not provided topography and existing
35 conditions features of the entire site. Staff recommends **granting** the
36 waiver, as sufficient information was surveyed and provided for the
37 portion of the property where the addition is proposed, and the town
38 has on file with the previous approval topographic information for the
39 remainder of the site.
- 40 2. The applicant has requested a waiver to Sections 3.10, 4.12.c and
41 4.14.a. The applicant has not provided wetland delineation for the
42 entire site. Staff recommends **granting** the waiver, the delineation of
43 wetlands from the previously approved project were verified by a
44 Certified Wetland Scientist in 2009.
- 45 3. The applicant has requested a waiver to Section 4.12.b. The applicant
46 has not provided a proper surveyor's certification. Staff recommends
47 **granting** the waiver, as a full surveyor certification cannot be made
48 given the limited survey of the property performed for this project and
49 that the previously approved plan contains the required certification.

- 1 4. The applicant has requested a waiver to Section 3.07.g.3. The
- 2 applicant has not provided the minimum cover of three (3) feet over
- 3 the drainage pipes in 2 locations. Staff recommends **granting** the
- 4 waiver, as the areas lacking cover are not in grassed areas and are
- 5 proposed to be reinforced concrete pipes.
- 6 5. The applicant has requested a waiver to Exhibit D-108. The applicant's
- 7 proposed embankment grading design along the new driveway at the
- 8 detention pond and along the embankment adjacent to the wetlands
- 9 and conservation easement will have slopes steeper than 3H: 1V. Staff
- 10 recommends **granting** the waiver, given the constraints of the
- 11 conservation easement and that the 2:1 slopes are proposed to be
- 12 riprap and filter fabric protected (at the time of the previous approval,
- 13 there was not a 3:1 side slope requirement in the site plan
- 14 regulations).

16 T. Thompson stated that staff recommends granting the conditional use
 17 permit, per the recommendation of the Conservation Commission and that
 18 staff recommends conditional approval as outlined in the staff
 19 recommendation memo.

21 A. Rugg asked for public input, but there was none.

23 **J. Farrell made a motion to grant the 5 waivers based on the**
 24 **applicant's letter and staff recommendation. R. Brideau seconded the**
 25 **motion.** No discussion. **Vote on the motion: 9-0-0.** Waivers granted.

27 **J. Farrell made a motion to grant the Conditional Use Permit per the**
 28 **recommendation of the Conservation Commission and staff. R.**
 29 **Brideau seconded the motion.** No Discussion. **Vote on the motion: 9-0-**
 30 **0.** Conditional Use Permit granted.

32 **J. Farrell made a motion to conditionally approve the site plan with**
 33 **the following conditions:**

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

39 **PRECEDENT CONDITIONS**

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

- 46 1. The Applicant shall provide the Owner's signature on the existing
- 47 conditions and site plans. In addition, please provide a professional
- 48 endorsement for the indicated wetlands on the appropriate plans. Also,
- 49 the Applicant shall verify sufficient hydrants are provided at the site with
- 50 the Fire Department.

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2. The revised 25-year post development pond routing analysis at pond 10000 (East Detention Basin) indicates storage below the weir outlet elevation of 299.47, which is typically not allowed by the Town. The Applicant shall revise the post development analysis to eliminate storage below the outlet weir elevation and verify compliance with the regulations (no increase in runoff). In addition, the Applicant shall verify the minimum 12" of freeboard above the 50-year elevation will be provided in accordance with the regulations.
 3. Note all waivers and the conditional use permit granted on the plan.
 4. 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.
 5. Outside consultant's fees shall be paid within 30 days of approval of plan.
 6. Financial guaranty if necessary.
 7. 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 Planning Board grants conditional approval the board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the 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

1 information between documents, the most recent documentation and
2 this notice herein shall generally be determining.
3

- 4 4. All site improvements must be completed prior to the issuance of a
5 certificate of occupancy. In accordance with Section 6.01.d of the Site
6 Plan Regulations, in circumstances that prevent landscaping to be
7 completed (due to weather conditions or other unique circumstance),
8 the Building Division may issue a certificate of occupancy prior to the
9 completion of landscaping improvements, if agreed upon by the Planning
10 Division & Public Works Department, when a financial guaranty (see
11 forms available from the Public Works Department) and agreement to
12 complete improvements are placed with the Town. The landscaping
13 shall be completed within 6 months from the issuance of the certificate
14 of occupancy, or the Town shall utilize the financial guaranty to contract
15 out the work to complete the improvements as stipulated in the
16 agreement to complete landscaping improvements. **No other**
17 **improvements shall be permitted to use a financial guaranty for**
18 **their completion for purposes of receiving a certificate of**
19 **occupancy.**
20
21 5. As built site plans must to be submitted to the Public Works Department
22 prior to the release of the applicant's financial guaranty.
23
24 6. All required Police and Fire impact fees must be paid prior to the
25 issuance of a Certificate of Occupancy.
26
27 7. It is the responsibility of the applicant to obtain all other local, state, and
28 federal permits, licenses, and approvals which may be required as part
29 of this project (that were not received prior to certification of the plans).
30 Contact the Building Division at extension 115 regarding building
31 permits.
32

33 **R. Brideau seconded the motion. No discussion. Vote on the motion: 9-**
34 **0-0.** Plan is conditionally approved.
35

- 36 C. Joseph Equipment Company, Map 14, Lot 21-1 - Public Hearing for a
37 Conditional Use Permit to allow sales and storage of heavy equipment and
38 trucks.
39

40 T. Thompson said that the applicant wishes to allow the sales and storage of
41 heavy equipment and trucks as an accessory use to the primary use of
42 refurbishing, retrofitting and customization of construction and transportation
43 related heavy equipment. No site changes are necessary to accomplish this
44 change of use, however, the sales of heavy equipment and trucks requires a
45 conditional use permit from the Planning Board. Staff must also note that
46 there are discrepancies from the approved site plan to what is actually on the
47 property today (drainage facilities not completed, parking not constructed,
48 fueling area not depicted, etc.).
49

1 Eric Mitchell presented the plans for Joseph Equipment. He said that Joseph
 2 Equipment buys heavy equipment for construction and resells them. He said
 3 that the detention area will be installed. He said they will not be doing any
 4 additional building and therefore no change in parking is required.

5
 6 J. Trottier said that staff believes that the applicant has properly addressed
 7 the conditional use permit requirements. Based upon the information
 8 provided by the applicant, staff recommends Conditional Approval of
 9 Conditional Use Permit, with the following conditions:

- 10
 11 1. The applicant shall complete all required improvements (as applicable)
 12 from the 2001 approved site plan.
 13 2. The applicant shall provide an as-built plan of the property once
 14 improvements have been completed.
 15 3. The applicant shall not commence use of the site for sales of heavy
 16 equipment and trucks, nor shall the Building Division approve a State
 17 Licensing Application for the sales use of the property until conditions 1
 18 and 2 are completed.

19
 20 T. Thompson said that staff expects completion of the underground detention
 21 and that no parking expansion or building additions are needed. He also said
 22 that once the improvements are completed, the applicant needs to do an as-
 23 built plan to properly reference the fueling facility that is also on the site.

24
 25 A. Rugg asked for public input, but there was none.

26
 27 **J. Farrell made a motion to conditionally approve the Conditional Use**
 28 **Permit with the following conditions:**

29
 30 "Applicant", herein, refers to the property owner, business owner, or
 31 organization submitting this application and to his/its agents, successors, and
 32 assigns.

33
 34 **PRECEDENT CONDITIONS**

- 35
 36 1. The applicant shall complete all required improvements (as applicable)
 37 from the 2001 approved site plan.
 38 2. The applicant shall provide an as-built plan of the property once
 39 improvements have been completed.
 40 3. The applicant shall not commence use of the site for sales of heavy
 41 equipment and trucks, nor shall the Building Division approve a State
 42 Licensing Application for the sales use of the property until conditions 1
 43 and 2 are completed.

44
 45 **GENERAL AND SUBSEQUENT CONDITION**

- 46
 47 1. It is the responsibility of the applicant to obtain all other local, state, and
 48 federal permits, licenses, and approvals which may be required as part
 49 of this project.
 50

1 **R. Brideau seconded the motion.** No Discussion. **Vote on the motion: 9-**
2 **0-0.** Conditional Use Permit is conditionally approved.

3
4 **Other Business**

5
6 None.

7
8 **Adjournment:**

9
10 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the**
11 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 8:45
12 PM.

13
14
15
16 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

17
18
19
20 Respectfully Submitted,

21
22
23
24 Mary Wing Soares, Secretary

25