

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 1, 2009 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

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

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

13 A. Rugg called the meeting to order at 7:03 PM. He welcomed back Paul DiMarco
14 as the Ex-Officio for the Town Council. A. Rugg appointed C. Davies to vote for R.
15 Nichols.
16

17 **Administrative Board Work**
18

19 A. Election of Officers
20

21 J. Farrell made a motion to keep the current senior officers on the Planning
22 Board in place (Art Rugg, Chairman; John Farrell, Vice Chairman; Mary
23 Soares, Secretary; Rob Nichols, Assistant Secretary). R. Brideau seconded
24 the motion. Vote on the motion 8-0-1 (A. Rugg abstained).
25

26 **P. DiMarco made a motion to continue the assignments for Art Rugg**
27 **on the Heritage Commission and John Farrell and Rick Brideau on the**
28 **Capital Improvement Plan (CIP) Committee. R. Brideau seconded the**
29 **motion. Vote on the motion 9-0-0.**
30

31 J. Farrell noted that Dave Caron, Town Manager, has agreed to have Andre Garron
32 go to one meeting a month and report to the Planning Board on what has been
33 accomplished by the Economic Development Task Force. A. Garron will then give
34 his report to D. Caron, who will report to the Town Council. J. Farrell said the
35 Planning Board Chairman will share the information with the School Board
36 Chairman.
37

38 B. Plans to sign - Evans Subdivision, Map 16, Lot 9
39

40 J. Trottier said all precedent conditions for approval have been met and the
41 staff recommends signing the plans.
42

43 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
44 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
45 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
46 meeting.
47

- 1
2 C. Reaffirmation of Approval/Voluntary Merger/Plan to Sign - Buttrick
3 Professional Offices, Phase V, Site Plan, Map 6, Lot 34
4

5 T. Thompson referenced the letter from George Chadwick, Keach Nordstrom
6 Associates, requesting reaffirmation of the conditional approval that has
7 expired. The reason this happened was because they had to work with a
8 separate engineering firm to work out the details on the connection with the
9 Mr. Steer property. He said that has taken place and staff can report there
10 are no changes to ordinances and regulations that impact that plan and that
11 staff would support the reinstatement of the approval at this time.
12

13 **J. Farrell made a motion to reaffirm approval of this plan. R. Brideau**
14 **seconded the motion. No discussion. Vote on the motion: 9-0-0.**

15
16 **J. Farrell made a motion to authorize the chair to sign the voluntary**
17 **merger. R. Brideau seconded the motion. No discussion. Vote on the**
18 **motion: 9-0-0.**

19
20 J. Trottier said that since the Chairman has signed the voluntary merger,
21 which was the last piece of the conditional approval, all precedent conditions
22 for approval have been met and staff recommends signing the plans.
23

24 **J. Farrell made a motion to sign the plans. R. Brideau seconded the**
25 **motion. No discussion. Vote on the motion: 9-0-0.** A. Rugg said the
26 plans will be signed at the conclusion of the meeting.
27

- 28 D. Extension Request – Young Subdivision – Request Additional 6 months
29

30 T. Thompson referenced the letter from Timothy Peloquin, Promised Land
31 Survey. He said the Applicant has met with staff since the December site
32 walk and they have reached a conceptual agreement on the approach to
33 resolve the remaining issues. In order to do that they require additional time
34 and staff supports the 6 month extension request.
35

36 J. Farrell asked the applicant if he wants six months or a year. Mr. Young
37 requested one year.
38

39 **J. Farrell made a motion to grant a one year extension to April 6,**
40 **2010. R. Brideau seconded the motion. No discussion. Vote on the**
41 **motion: 9-0-0.** One year extension was granted.
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E. Extension Request – Nutfield Publishing Site Plan– Request Additional 6 months

T. Thompson referenced the letter from William Gregsak, Gregsak Engineering. He said the plan is currently due to expire on April 10, 2009. They have requested a 6 month extension to finalize the remaining conditions of approval and staff supports the 6 month extension.

T. Thompson mentioned that they are waiting for final submission of the plans from the engineer. He said that staff has not seen a submission since the plan was conditionally approved. J. Farrell asked the applicant why it's delayed.

Deb Paul, 2 Litchfield Rd and owner of Nutfield Publishing, said she is experiencing difficulty communicating with Gregsak. She said he is not answering her calls and will not meet with her or answer her emails or letters. J. Farrell asked staff to call William Gregsak and tell him that the Planning Board has asked if he would return Deb Paul's calls.

J. Farrell made a motion to grant an extension to June 3, 2009. M. Soares seconded the motion. No discussion. **Vote on the motion: 9-0-0.** Extension was granted.

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3 F. Approval of Minutes – March 4 & 11
4

5 **J. Farrell made a motion to approve the minutes from the March 4**
6 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
7 **motion: 7-0-2** (P.DiMarco and L. El-Azem abstained because they were
8 absent from the March 4 meeting). Minutes are approved and will be signed
9 at the April 8 meeting.

10
11 **J. Farrell made a motion to approve the minutes from the March 11**
12 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
13 **motion: 6-0-3** (P.DiMarco, L. El-Azem and R. Brideau abstained because
14 they were absent from the March 11 meeting). Minutes are approved and will
15 be signed at the April 8 meeting.

16
17 G. Discussions with Town Staff
18

19 1. Nevins Walking Trail
20

21 Joe Maynard, Benchmark Engineering, said there was an approved
22 walking trail in the Nevins development. He said that potential buyers of
23 the newest homes are voicing their concerns about the proximity of the
24 walking trail that would be behind their homes. J. Maynard said they
25 want to remove portions of the walking trails that would reroute them
26 away from the new construction. The Board directed the applicant to
27 work with staff. They suggested that J. Maynard ask the client if they
28 would consider eliminating the trails and giving the money to the
29 Conservation Commission to build an acceptable trailway for this
30 community.

31
32 *[J. Trottier left the meeting due to illness]*
33

34 2. Fence at 1E Commons Drive
35

36 T. Thompson said they want to fence in about 1,000 square feet and
37 asked the Board if they would be willing to have staff handle this issue.
38 The Board questioned the use of the area and the impact to the 50'
39 residential buffer. T. Thompson said he would request additional
40 information from the applicant and return with clarifications next week.

41
42 3. Stonyfield Sanitizer Building/Nitrogen Tank
43

44 T. Thompson said they are proposing a sanitizer/storage building on
45 existing impervious surfaces. He asked the Board if they would be willing
46 to have staff handle this issue or wanted the project to return for a
47 public hearing. The Board said staff could handle this issue.
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4. Ravenna Site Plan - Change of Use

T. Thompson said the building that was supposed to be slated for Starbucks will not be used for that. Instead they propose to have a bank occupy that space. They are proposing no changes to the site. They are going to utilize the single drive-thru lane that was approved for the Starbucks. He asked the Board if they want the applicant to come in for a full public hearing for the change of use or if they are comfortable with staff handling the minor textual changes on the plan, showing the change from a restaurant to a bank, the change in parking requirements and revising the traffic impact analysis to make sure the traffic impact fee is properly calculated. He said that assuming the Board is comfortable with that, staff will have the plans resubmitted and brought to the Planning Board for signature. The Board was comfortable with staff handling the change in use.

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T. Thompson mentioned that April 2 each year is World Autism Awareness day.

M. Soares said that on April 9 the school district is having a wellness fair and a blood drive high school from 2:30PM to 7:30PM.

A. Rugg asked the Board if they could meet at 6:30 on May 6 prior to the start of the regular meeting at 7:00PM so that the town attorney, Bart Mayer, could give them an update on legislation and case law in regards to the role of Planning Board members. He said the public is excluded between 6:30PM – 7:00PM. T. Thompson said that if May 6 doesn't work for Bart Mayer he will ask for alternative dates.

1
2 **NEW PLANS**
3

- 4 A. Tarrytown Real Estate Holdings, Map 6, Lot 31 - Continued Application
5 Acceptance and Public Hearing for a Site Plan and Conditional Use Permit to
6 construct a 60,600 square foot medical office building (Phases IV & V of Elliot
7 Medical Center at Londonderry).
8

9 **APPLICATION ACCEPTANCE**
10

11 T. Thompson said there are 2 outstanding checklist items, the NHDOT
12 Driveway Permit and the NHDES Septic Permit. The applicant has requested
13 waivers to these items for acceptance purposes. Typically staff will support
14 waivers for DOT permits with conceptual approval, which has not been
15 provided at this time. ***Per current regulations, staff cannot recommend***
16 ***acceptance of the application with these outstanding checklist items.***
17 Staff is aware the Board is examining revisions to the acceptance process as
18 part of a review of the Board's processes. The Board can consider these
19 waiver requests (see below) recognizing the process is likely to be changed in
20 the near future, however, staff must remain consistent with current
21 regulatory procedures in making our recommendation.
22

23 T. Thompson said the applicant is requesting 2 waivers (for acceptance
24 purposes) to Section 4.13 of the regulations. The applicant has not yet
25 obtained the NHDOT Driveway permit or the NHDES Septic Permit. In past
26 instances, the Board has typically only supported waivers of the NHDOT
27 permit when "conceptual approval" has been obtained from DOT. The Board
28 has not in the last 9 years granted a waiver for a septic approval. ***Per***
29 ***current regulatory processes, staff recommends denial of the***
30 ***waivers.*** The Board may, however, wish to consider the likely changes to
31 the regulations as it associates with state permits and acceptance of plans. If
32 the Board were to consider the likely changes to the regulations related to
33 permits and acceptance, the plan would meet the proposed requirements for
34 application acceptance.
35

36 Ken Rhodes, CLD Consulting, said they are expecting the permits at any time
37 and are not expecting any changes to them.
38

39 **J. Farrell made a motion to grant the waivers, for acceptance**
40 **purposes only, based on the applicant's letter and the likely process**
41 **changes to application acceptance that the Board is considering. R.**
42 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
43 **0. Waivers granted.**
44

45 T. Thompson said that because the Board has granted the waivers, staff
46 recommends that the application be accepted as complete.
47

48 **J. Farrell made a motion to accept the application as complete. R.**
49 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
50 **0. Application accepted as complete.**

1
2 **PUBLIC HEARING**
3

4 Dick Anagnost, presented their plans for phase 4 and 5. He said these offices
5 will mostly contain Doctor offices. Ken Rhodes, CLD Consulting, said that
6 Adam Wagner from Cube3 Studios will present the Board with their plans. A.
7 Wagner said phases 4 and 5 will mirror the current Elliot facility that now
8 exists on Buttrick Road. He said that the signage will be consistent with what
9 was used at the current Elliot facility. He said they have received an approval
10 recommendation from the Heritage Commission. Amy Sanders, CLD
11 Consulting, gave the Board an overview of existing vegetation, wetlands,
12 drainage on the property and what their plans are for the new construction.
13 There was some discussion between the Board and the applicant regarding
14 fire/ambulance access to/from the Mr. Steer property. K. Rhodes said they
15 had discussed this issue with Mr. Steer and internally, but decided for
16 security reasons not to include a vehicular connection, but rather a
17 pedestrian connection. She said the traffic study showed that the intersection
18 of Buttrick Road and Mammoth Road should be signalized and coordinated
19 with the signal lights at Route 102.
20

21 T. Thompson said the Conditional Use Permit is not applicable at this time.
22 The wetland areas on the site have received a DES Dredge and Fill permit
23 (with approval of the Conservation Commission), and are eliminated as part
24 of this project. The remaining CO District areas are not disturbed by the
25 project, and thus, a CUP is not required for the project.
26

27 T. Thompson stated that staff recommends conditional approval as outlined in
28 the staff recommendation memo.
29

30 The Board asked staff to check with DPW about the possibility of adding
31 pedestrian crosswalk stripes to cross Buttrick Road.
32

33 A. Rugg asked for public input, but there was none.
34

35 **J. Farrell made a motion to conditionally approve the plan with the**
36 **following conditions:**
37

38 "Applicant", herein, refers to the property owner, business owner, or
39 organization submitting this application and to his/its agents, successors, and
40 assigns.
41

42 **PRECEDENT CONDITIONS**
43

44 All of the precedent conditions below must be met by the applicant, at the
45 expense of the applicant, prior to certification of the plans by the Planning
46 Board. Certification of the plans is required prior to commencement of any
47 site work, any construction on the site or issuance of a building permit.
48

- 49 1. The Applicant shall obtain the NHDOT Driveway Permit and NHDES
50 Septic Permit and provide copies of the permits for the Planning

1 Division Files. Additionally, the Applicant shall note the permit
2 approval numbers on the plan, and provide any off-site improvement
3 plans related to the driveway permit to the project plan set.
4

- 5 2. The Applicant shall provide the Owner's signature on the plans.
6
- 7 3. The Applicant shall update the post development drainage plan in the
8 drainage report to indicate new post subcatchment 98 under this latest
9 design. In addition, the Applicant shall update the drainage report as
10 necessary to clarify the yet to be designed offsite improvements to NH
11 Route 128 and Buttrick Road for this project complies with the
12 regulations (no increase in runoff).
13
- 14 4. The project is located along a significant portion of Buttrick Road. The
15 Applicant shall verify if additional off-site improvements to Buttrick
16 Road will be necessary under this application with the Department of
17 Public Works.
18
- 19 5. The Applicant shall update the site plan to indicate the location of the
20 CO District signs to be placed at the site as requested by the Planning
21 Division and provide a detail in the plan set for proper installation.
22
- 23 6. Note all waivers granted on the plan.
24
- 25 7. The Applicant shall provide a digital (electronic) copy of the complete
26 final plan sent to the Town at the time of signature by the Board in
27 accordance with Section 2.05.n of the regulations.
28
- 29 8. Outside consultant's fees shall be paid within 30 days of approval of
30 plan.
31
- 32 9. Financial guaranty if necessary.
33
- 34 10. Final engineering review
35

36 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
37 certified the approval is considered final. If these conditions are not met
38 within **six months** to the day of the meeting at which the Planning Board
39 grants conditional approval the board's approval will be considered to have
40 lapsed and re-submission of the application will be required. See RSA 674:39
41 on vesting.
42

43 **GENERAL AND SUBSEQUENT CONDITIONS**

44

45 All of the conditions below are attached to this approval.
46

- 47 1. **No construction or site work for the amended site plan may be**
48 **undertaken until the pre-construction meeting with Town staff**
49 **has taken place, filing of an NPDES-EPA Permit and the site**

1 **restoration financial guaranty is in place with the Town.** Contact
2 the Department of Public Works to arrange for this meeting.

3
4 2. The project must be built and executed exactly as specified in the
5 approved application package unless modifications are approved by the
6 Planning Division & Department of Public Works, or if staff deems
7 applicable, the Planning Board.

8
9 3. All of the documentation submitted in the application package by the
10 applicant and any requirements imposed by other agencies are part of
11 this approval unless otherwise updated, revised, clarified in some
12 manner, or superseded in full or in part. In the case of conflicting
13 information between documents, the most recent documentation and
14 this notice herein shall generally be determining.

15
16 4. All site improvements must be completed prior to the issuance of a
17 certificate of occupancy. In accordance with Section 6.01.d of the Site
18 Plan Regulations, in circumstances that prevent landscaping to be
19 completed (due to weather conditions or other unique circumstance),
20 the Building Division may issue a certificate of occupancy prior to the
21 completion of landscaping improvements, if agreed upon by the
22 Planning Division & Public Works Department, when a financial
23 guaranty (see forms available from the Public Works Department) and
24 agreement to complete improvements are placed with the Town. The
25 landscaping shall be completed within 6 months from the issuance of
26 the certificate of occupancy, or the Town shall utilize the financial
27 guaranty to contract out the work to complete the improvements as
28 stipulated in the agreement to complete landscaping improvements.
29 **No other improvements shall be permitted to use a financial**
30 **guaranty for their completion for purposes of receiving a**
31 **certificate of occupancy.**

32
33 5. As built site plans must to be submitted to the Public Works
34 Department prior to the release of the applicant's financial guaranty.

35
36 6. All required Traffic, Police and Fire impact fees must be paid prior to
37 the issuance of a Certificate of Occupancy.

38
39 7. It is the responsibility of the applicant to obtain all other local, state,
40 and federal permits, licenses, and approvals which may be required as
41 part of this project (that were not received prior to certification of the
42 plans). Contact the Building Division at extension 115 regarding
43 building permits.

44
45 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
46 **0-0.** Plan was conditionally approved.

47
48 T. Thompson said he allowed for 6 months to meet precedent conditions
49 rather than the standard 120 days because of the need to secure the state
50 permits.

1
2 B. Francis & Jean Milne and Joseph & Linda Ryan, Map 12, Lot 127 & Map 13,
3 Lot 21-7 - Public Hearing for an amendment to a conditionally approved lot
4 line adjustment & 2 lot subdivision (project phasing).

5
6 L. Wiles recused himself from the discussion because he is an abutter. A.
7 Rugg appointed M. Nemon to vote for L. Wiles.

8
9 T. Thompson said this project was originally conditionally approved by the
10 Planning Board on July 2, 2008. Subsequent to that conditional approval, the
11 Milne's have refinanced their existing home. Part of the approval process for
12 the refinancing was to complete the lot line adjustment portion of the
13 approved plan. The Milne's were unable to complete all of the conditions of
14 approval in time for the financing deadline, and have opted to now phase the
15 project so that the lot line adjustment can be separated from the subdivision
16 portion of the project (where the conditions of approval were applicable) and
17 finalize the refinancing of their home. This project will create 2 phases,
18 Phase I is the lot line adjustment, and Phase II will be the subdivision of the
19 reconfigured Milne parcel.

20
21 T. Thompson stated that completeness is not applicable, as this is an
22 amendment to a conditionally approved plan. He said there are no waivers
23 requested. He stated that based upon the information available to date the
24 Staff recommends:

25
26 FINAL APPROVAL of PHASE I (Lot Line Adjustment), and signature of the
27 plans by the Chair and Secretary.

28
29 Recording of the plans at the Registry will not take place until a check for \$25
30 (made payable to the *Rockingham County Registry of Deeds*) to pay for the
31 LCHIP tax must be provided prior to the plans being recorded at the Registry.

32
33 Staff then recommends CONDITIONAL APPROVAL of PHASE II (Subdivision)
34 per the staff recommendation memo.

35
36 A. Rugg asked for public input.

37
38 Diane Swinarski, 52 Bartley Hill Rd asked how many homes would be created
39 by this subdivision. T. Thompson said there was no change to the project
40 from July other than to phase the project, and that there would be one
41 additional lot created by this project.

42
43 There was no further public comment.

44
45 **J. Farrell made a motion to grant final approval of Phase 1 and**
46 **authorize the chair and secretary to sign the plans.** R. Rideau seconded
47 the motion. Vote on the motion. 9-0-0

48
49 **J. Farrell made a motion to conditionally approve Phase 2 with the**
50 **following conditions:**

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2 "Applicant", herein, refers to the property owner, business owner, or
3 organization submitting this application and to his/its agents, successors, and
4 assigns.
5

6 **PRECEDENT CONDITIONS**
7

8 All of the precedent conditions below must be met by the applicant, at the
9 expense of the applicant, prior to certification of the plans by the Planning
10 Board. Certification of the plans is required prior to commencement of any
11 site work, any construction on the site or issuance of a building permit.
12

- 13 1. The Applicant shall address the following relative to the submitted
14 drainage report:
15 A. The post development analysis and plan do not address the
16 proposed driveway impacts to Stonehenge Road that are shown
17 beyond post subcatchment P2 on the plan. In addition, it
18 appears a larger portion of the proposed driveway may
19 contribute to Stonehenge Road. The Applicant shall review and
20 revise to address all areas impacted by the proposed
21 development. The Applicant shall clarify compliance with the
22 regulation (no increase in runoff).
23 B. The Applicant shall review and verify the P1 and P2 labels on the
24 post development plan that appear to be backwards when
25 compared to the analysis. The Applicant shall update plans and
26 analysis to be consistent.
27 C. The Applicant shall provide a USGS map of the site in the report
28 per section 3.08.b.6.
29 D. The Applicant shall include a summary table indicating the pre-
30 and post development impacts to each abutter as typically
31 requested by the Town.
32 E. The Applicant shall provide a summary table in the report
33 relative to the proposed swale per section 3.08.b.5.
34 F. The Applicant shall provide a summary table in the report
35 relative to the proposed culvert per section 3.08.b.4.
36
- 37 2. The Applicant shall address the following on the improvement plan:
38 A. The Applicant shall label the proposed contours at the proposed
39 swale for clarity
40 B. The Applicant shall label the size, type, slope and inverts of the
41 proposed driveway culvert for proper construction. In addition,
42 the Applicant shall update sheet 10 accordingly, indicate the
43 culvert in the profile and the Applicant shall clarify the proposed
44 filling of the driveway, as noted in the profile on sheet 10, will
45 not impact the wetlands to the west.
46 C. The proposed driveway and grading to new lot 127-1 indicates
47 regrading along the Stonehenge Road right of way is necessary.
48 We understand the Town typically requires a shoulder along the
49 roadway be provided when improvements occur in the roadway
50 right of way. The Applicant shall arrange a meeting with the

- 1 Department of Public Works to discuss the necessary
2 improvements in the right of way of Stonehenge Road under this
3 project. The Applicant shall provide a typical shoulder
4 improvements detail in the plan set to clarify the intent of the
5 proposed work meeting approval of the Town.
- 6 D. The Applicant shall label the matching sheet numbers on the
7 plan and update sheets 1-4 accordingly. In addition, the
8 Applicant shall update sheet 1 to note the Zoning Variance
9 granted for the site (note I) and include note R per section 4.11.
- 10 E. It appears additional erosion control measures should be used
11 along the wetlands adjacent to the downstream end of the
12 proposed driveway culvert on sheet 5. The Applicant shall
13 review and revise as necessary.
- 14 F. The Applicant's proposed driveway grading appears to indicate
15 2H: 1V side slopes that the Town typically requires to be riprap.
16 The Applicant shall review and revise to provide 3H: 1V slopes or
17 provide riprap on slopes steeper than 3H: 1V. The Applicant
18 shall update the drainage report accordingly.
- 19
- 20 3. The Applicant shall review the proposed driveway sight distance for
21 new lot 127-1 shown on sheet 8, which does not appear to properly
22 indicate the proposed grading in the plan view consistent with the
23 profile, and revise as necessary.
- 24
- 25 4. The Applicant shall provide the following detail in the plan set:
26 A. Typical driveway apron detail.
27 B. Typical cross- section of the driveway.
- 28
- 29 5. The Applicant shall provide a draft of the proposed private drainage
30 easement for review by the Town.
- 31
- 32 6. The project is located along a significant portion of Stonehenge Road.
33 The Applicant shall verify if additional off-site improvements to
34 Stonehenge Road will be necessary under this application with the
35 Department of Public Works.
- 36
- 37 7. The applicant shall indicate on the plan the location of the relocated
38 stonewall (along the proposed new boundary line with the Ryan parcel,
39 south of the existing stonewall) that is to be disturbed by construction
40 of the new driveway.
- 41
- 42 8. Note all previous waivers granted on the plan.
- 43
- 44 9. The Applicant shall provide a digital (electronic) copy of the complete
45 final plan sent to the Town at the time of signature by the Board in
46 accordance with Section 2.06.N of the regulations.
- 47
- 48 10. The Applicant shall provide a check for \$25 (made payable to the
49 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that

1 became effective on recording of all plans and documents at the
2 registry on July 1.

3
4 11. Financial guaranty if necessary.

5
6 12. Final engineering review

7
8 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
9 certified the approval is considered final. If these conditions are not met
10 within 2 years to the day of the meeting at which the Planning Board grants
11 conditional approval the board's approval will be considered to have lapsed
12 and re-submission of the application will be required. See RSA 674:39 on
13 vesting.

14
15 **GENERAL AND SUBSEQUENT CONDITIONS**

16
17 All of the conditions below are attached to this approval.

18
19 8. **No construction or site work for the amended site plan may be**
20 **undertaken until the pre-construction meeting with Town staff**
21 **has taken place, filing of an NPDES-EPA Permit and the site**
22 **restoration financial guaranty is in place with the Town.** Contact
23 the Department of Public Works to arrange for this meeting.

24
25 9. The project must be built and executed exactly as specified in the
26 approved application package unless modifications are approved by the
27 Planning Department & Department of Public Works, or if staff deems
28 applicable, the Planning Board.

29
30 10. All of the documentation submitted in the application package by the
31 applicant and any requirements imposed by other agencies are part of
32 this approval unless otherwise updated, revised, clarified in some
33 manner, or superseded in full or in part. In the case of conflicting
34 information between documents, the most recent documentation and
35 this notice herein shall generally be determining.

36
37 11. All site improvements must be completed prior to the issuance of a
38 certificate of occupancy. In accordance with Section 6.01.d of the Site
39 Plan Regulations, in circumstances that prevent landscaping to be
40 completed (due to weather conditions or other unique circumstance),
41 the Building Department may issue a certificate of occupancy prior to
42 the completion of landscaping improvements, if agreed upon by the
43 Planning & Public Works Departments, when a financial guaranty (see
44 forms available from the Public Works Department) and agreement to
45 complete improvements are placed with the Town. The landscaping
46 shall be completed within 6 months from the issuance of the certificate
47 of occupancy, or the Town shall utilize the financial guaranty to
48 contract out the work to complete the improvements as stipulated in
49 the agreement to complete landscaping improvements. **No other**
50 **improvements shall be permitted to use a financial guaranty for**

1 **their completion for purposes of receiving a certificate of**
2 **occupancy.**

3
4 12. As built site plans must to be submitted to the Public Works
5 Department prior to the release of the applicant's financial guaranty.

6
7 13. All required School, Library, Recreation, Traffic, Police, and Fire impact
8 fees must be paid prior to the issuance of a Certificate of Occupancy
9 for development of lot 127-1 in the future (Lot 127 already has an
10 existing dwelling, and is not subject to any additional impact fees).

11
12 14. It is the responsibility of the applicant to obtain all other local, state,
13 and federal permits, licenses, and approvals which may be required as
14 part of this project (that were not received prior to certification of the
15 plans). Contact the Building Department at extension 115 regarding
16 building permits.

17
18 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
19 **0-0.** Plan was conditionally approved.

20

- 1
2 C. Reed Revocable Trust, Map 9, Lot 63 - Application Acceptance and Public
3 Hearing for a 2 lot subdivision and conditional use permit.

4
5 **APPLICATION ACCEPTANCE**

6
7 T. Thompson stated that there were no checklist items, and staff
8 recommends the application be accepted as complete.

9
10 **J. Farrell made a motion to accept the application as complete. R.**
11 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
12 **0. Application accepted as complete.**

13
14 **PUBLIC HEARING**

15
16 L. Wiles returned to the Board. M. Nemon resumed alternate member status.

17
18 Joe Maynard, Benchmark Engineering, presented their plans for a 2 lot
19 subdivision. He said this property has received a variance from ZBA to reduce the
20 CO District buffers on the lot to allow a reasonable buildable area for a new home.
21 One lot will consist of about 2 acres with the existing house and a foundation from
22 a previous barn. A new house is proposed to be built on the newly created lot. He
23 said that instead of placing conservation signs on the property the Conservation
24 Commission has approved them to monument the property. The existing driveway
25 leads to a couple out buildings on the site. The proposed house lot will include a
26 roadway widening and maintenance easement along the frontage of the property
27 for setback requirements. This section is an easement, rather than a dedication of right of
28 way, due to setback issues that would result for the existing house.

29
30
31 T. Thompson summarized the design review items from the DPW/Stantec
32 memo and read the waiver request into the record. He also stated that the
33 applicant is requesting a waiver to Section 3.03.E of the regulations. The
34 applicant's side lot line is not perpendicular to the street for a minimum of
35 100'. Staff recommends **granting** the waiver, as the request is to allow the
36 old stone foundation to remain on the parent lot and eliminate the need for a
37 driveway access easement.

38
39 He said staff recommends conditional approval of the project as outlined in
40 the staff recommendation memo, and mentioned that impact fees would be
41 required prior to issuing a certificate of occupancy for lot 63-1. He said that
42 because lot 63 already has an existing dwelling it would not be subject to
43 impact fees.

44
45 A. Rugg asked for public input, but there was none.

46
47 **J. Farrell made a motion to grant the waiver to section 3.03.E based**
48 **on the applicant's letter and staff recommendation. R. Brideau**
49 **seconded the motion. No discussion. Vote on the motion: 9-0-0. Waiver**
50 **granted.**

1
2 **J. Farrell made a motion to grant the Conditional Use Permit per the**
3 **recommendation of the Conservation Commission and staff. R.**
4 **Brideau seconded the motion. No Discussion. Vote on the motion: 9-0-**
5 **0. Conditional Use Permit granted.**
6

7 J. Maynard asked T. Thompson for clarification on signage. T. Thompson said
8 he will coordinate with the conservation commission.
9

10 **J. Farrell made a motion to conditionally approve the plan with the**
11 **following conditions:**
12

13 "Applicant", herein, refers to the property owner, business owner, or
14 organization submitting this application and to his/its agents, successors, and
15 assigns.
16

17 **PRECEDENT CONDITIONS**
18

19 All of the precedent conditions below must be met by the Applicant, at the
20 expense of the Applicant, prior to certification of the plans by the Planning
21 Board. Certification of the plans is required prior to commencement of any
22 site work, any construction on the site or issuance of a building permit.
23

- 24 1. The Applicant shall update the site plan to indicate the location of the
25 CO District signs to be placed at the site as requested by the Planning
26 Division and provide a detail in the plan set for proper installation. We
27 understand the Applicant has scheduled a meeting with the
28 Conservation Commission to discuss the proposed easement and
29 signage as noted in the response letter.
30
- 31 2. The Applicant shall note the State Subdivision Approval number in the
32 notes on the plan.
33
- 34 3. Note all waivers granted on the plan.
35
- 36 4. The Applicant shall provide a digital (electronic) copy of the complete
37 final plan sent to the Town at the time of signature by the Board in
38 accordance with Section 2.06.N of the regulations.
39
- 40 5. The Applicant shall provide a check for \$25 (made payable to the
41 *Rockingham County Registry of Deeds*) to pay for the LCHIP tax that
42 became effective on recording of all plans and documents at the
43 registry on July 1, 2008.
44
- 45 6. Outside consultant's fees shall be paid within 30 days of approval of
46 plan.
47
- 48 7. Financial guaranty if necessary.
49
- 50 8. Final engineering review

1
2 **PLEASE NOTE** - Once these precedent conditions are met and the plans are
3 certified the approval is considered final. If these conditions are not met
4 within 2 years to the day of the meeting at which the Planning Board grants
5 conditional approval the board's approval will be considered to have lapsed
6 and re-submission of the application will be required. See RSA 674:39 on
7 vesting.

8
9 **GENERAL AND SUBSEQUENT CONDITIONS**

10
11 All of the conditions below are attached to this approval.

- 12
13 1. **No construction or site work for the amended site plan may be**
14 **undertaken until the pre-construction meeting with Town staff**
15 **has taken place, filing of an NPDES-EPA Permit and the site**
16 **restoration financial guaranty is in place with the Town.** Contact
17 the Department of Public Works to arrange for this meeting.
18
19 2. The project must be built and executed exactly as specified in the
20 approved application package unless modifications are approved by the
21 Planning Department & Department of Public Works, or if staff deems
22 applicable, the Planning Board.
23
24 3. All of the documentation submitted in the application package by the
25 Applicant and any requirements imposed by other agencies are part of
26 this approval unless otherwise updated, revised, clarified in some
27 manner, or superseded in full or in part. In the case of conflicting
28 information between documents, the most recent documentation and
29 this notice herein shall generally be determining.
30
31 4. All site improvements must be completed prior to the issuance of a
32 certificate of occupancy. In accordance with Section 6.01.d of the Site
33 Plan Regulations, in circumstances that prevent landscaping to be
34 completed (due to weather conditions or other unique circumstance),
35 the Building Department may issue a certificate of occupancy prior to
36 the completion of landscaping improvements, if agreed upon by the
37 Planning & Public Works Departments, when a financial guaranty (see
38 forms available from the Public Works Department) and agreement to
39 complete improvements are placed with the Town. The landscaping
40 shall be completed within 6 months from the issuance of the certificate
41 of occupancy, or the Town shall utilize the financial guaranty to
42 contract out the work to complete the improvements as stipulated in
43 the agreement to complete landscaping improvements. **No other**
44 **improvements shall be permitted to use a financial guaranty for**
45 **their completion for purposes of receiving a certificate of**
46 **occupancy.**
47
48 5. As built site plans must to be submitted to the Public Works
49 Department prior to the release of the Applicant's financial guaranty.
50

1 6. All required School, Library, Recreation, Traffic, Police, and Fire impact
2 fees must be paid prior to the issuance of a Certificate of Occupancy
3 for development of lot 63-1 in the future (Lot 63 already has an
4 existing dwelling, and is not subject to any additional impact fees).
5

6 7. It is the responsibility of the Applicant to obtain all other local, state,
7 and federal permits, licenses, and approvals which may be required as
8 part of this project (that were not received prior to certification of the
9 plans). Contact the Building Department at extension 115 regarding
10 building permits.
11

12 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
13 **0-0.** Plan is conditionally approved.

14
15 **Other Business**

16
17 None.

18
19 **Adjournment:**

20
21 **M. Soares made a motion to adjourn the meeting. R. Brideau seconded the**
22 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 9:13
23 PM.
24

25
26
27 These minutes prepared by Cathy Dirsra, Planning Division Secretary.
28

29
30
31 Respectfully Submitted,
32

33
34
35 Mary Wing Soares, Secretary
36