

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 2, 2008 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Mary Soares; Lynn
7 Wiles; Laura El-Azem, alternate member; Melissa Nemon, alternate member;
8 Chris Davies, 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 PM. A. Rugg appointed L. El-Azem to
14 vote for Rob Nichols and M. Nemon to vote for Paul DiMarco's vacant position.
15

16 **Administrative Board Work**
17

18 A. Election of Officers
19

20 J. Farrell made a motion to elect M. Soares as secretary. R. Brideau seconded
21 the motion. Vote 8-0-0 [K. Wagner was absent during this vote]

22 J. Farrell made a motion to elect R. Nichols as assistant secretary. R. Brideau
23 seconded the motion. Vote 8-0-0 [K. Wagner was absent during this vote]

24 J. Farrell made a motion to elect A. Rugg as Chair and J. Farrell as Vice-Chair.
25 R. Brideau seconded the motion, Vote 8-0-0 [K. Wagner was absent during
26 this vote]
27

28 B. Plans to Sign - Radzelovage Lot Line Adjustment - Map 12, Lots 15 & 15-1
29

30 J. Trottier said all precedent conditions for approval have been met and the
31 staff recommends signing the plans. T. Thompson said if the plan is not
32 signed, the extension will expire Saturday.
33

34 **M. Soares made a motion to authorize the Chair and Secretary to sign**
35 **the plans. J. Farrell seconded the motion.** No discussion. **Vote on the**
36 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
37 meeting.
38

39 C. Regional Impact Determinations
40

41 T. Thompson summarized the staff recommendations memo, recommending
42 that the Staples Drive-Thru and Market Basket projects were not of regional
43 impact.
44

45 **J. Farrell made a motion to accept staff recommendations that these**
46 **projects are determined not to be of regional impact under RSA**
47 **36:56. R. Brideau seconded the motion.** No discussion. **Vote on the**
48 **motion: 9-0-0.**
49

1
2 D. Approval of Minutes – March 5 & 12
3

4 **J. Farrell made a motion to approve the minutes from the March 5**
5 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
6 **motion: 7-0-2** (M. Soares & M. Nemon abstained because they were absent
7 at the March 5 meeting).

8 Minutes are approved and will be signed at the April 9 meeting.
9

10 **J. Farrell made a motion to approve the minutes from the March 12**
11 **meeting. R. Brideau seconded the motion.** No discussion. **Vote on the**
12 **motion: 7-0-2.** (C. Tilgner & M. Nemon abstained because they were absent
13 at the March 12 meeting).
14

15 Minutes are approved and will be signed at the April 9 meeting.
16

17 E. Discussions with Town Staff
18

19 T. Thompson disclosed, under the new ethics ordinance, that his father-in-law
20 is an employee of Market Basket and that he has received tickets to a Red
21 Sox game in the past from Market Basket. Though he and A. Garron do not
22 believe that this is a true ethical conflict, they have decided to take the most
23 conservative approach, and that A. Garron will perform all review on behalf of
24 the Planning Department on the project.
25

26 T. Thompson said today is world autism awareness day, and that April is
27 National Autism Awareness Month. His son has it and anyone can contact him
28 with questions. He thanked the Board for their support of his efforts in raising
29 funds for autism research last year.
30

31 K. Wagner said that today she witnessed the barn pieces from Buttrick Rd
32 getting unloaded to use at Starbucks new location.
33

34 A. Rugg mentioned some recent legislation that passed the State House of
35 Representatives relative to workforce housing. The information is on the state
36 website. He is concerned that it takes the Planning Board out of the process.
37 It's going to the Senate now and A. Rugg encourages people to write to their
38 Senator. T. Thompson said that Ben Frost is one of the people working with
39 the legislatures on this issue.

40 State Representatives Karen Hutchinson, Sherman Packard, and Al Baldasaro
41 all were present to discuss this legislation. A. Rugg said he would like T.
42 Thompson to ask Ben Frost to write up his recommendations based on the
43 Housing Task Force and then the Board can review it at the April 9 meeting.
44

45 **Public Hearings**
46

- 47 A. Penske Truck Leasing Co., Map 15, Lot 103-3 - Continued Application
48 Acceptance and Public Hearing for a Site Plan and Conditional Use Permit to
49 construct a 17,100 square foot truck leasing/service facility and associated
50 vehicle fueling facility.

1
2 T. Thompson stated there are no outstanding checklist items and staff
3 recommends the application be accepted as complete.
4

5 **J. Farrell made a motion to accept the application as complete. R.**
6 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
7 **O.** Application accepted as complete.
8

9 Robert Davison, Hayner Swanson and Sean Yentsch of Penske, presented
10 their plans. They propose a 17,000sf building, front part will be office space,
11 4 truck bays to maintain rented/leased trucks. Of this 11 acre site,
12 approximately 50% will be left as a green area. They propose a 50 foot buffer
13 to the residential properties across Jacks Bridge Road. It is bounded by Jacks
14 Bridge road and I-93.
15

16 J. Trottier summarized the design review items from the DPW/Stantec memo.
17 He also summarized the staff recommendations for the requested waivers,
18 which he read into the record:
19

- 20 1. The applicant is requesting 2 waivers to Section 3.11.g of the regulations. The
21 applicant has not provided the required interior parking lot landscaping. Staff
22 recommends **granting** the waiver, as the regulations specifically allow the
23 Planning Board to waive the requirement when the use of a facility is for large
24 trucks.
- 25 2. The applicant is requesting a waiver to Section 4.01.c of the regulations. The
26 applicant has not provided the required scale on the master site plan. Staff
27 recommends **granting** the waiver, as all other sheets are at the proper scale,
28 and the master site plan sheet is only intended to give a general overview of the
29 entire parcel on one sheet.
- 30 3. The applicant is requesting a waiver to Section c of the regulations. The applicant
31 has not provided the required titleblock format for the building renderings. Staff
32 recommends **granting** the waiver, as the all other sheets of the plan set have
33 appropriate titleblocks, and the Board has granted similar waivers in the past for
34 building rendering plans prepared by a separate design professional.
35

36 J. Trottier referenced the DPW/Stantec memo with the design review
37 comments.
38

39 T. Thompson said the building design was reviewed by the Heritage
40 Commission and they recommend approval. He stated that staff recommends
41 granting the conditional use permit, and that staff recommends conditional
42 approval as outlined in the staff recommendation memo.
43

44 Conditional Use Permit: The applicant seeks to reduce the required number of
45 parking spaces, per Section 3.10.11.2 of the Zoning Ordinance. The applicant seeks
46 a reduction of 36 spaces. Staff recommends **granting** the CUP for the reduction, as
47 the applicant has met the criteria of Sections 3.10.11.2.1.1 and 3.10.11.2.1.2.
48 Penske has similar facilities all over the country, and using the data from these
49 facilities, Penske has shown that the request is consistent with the purpose and
50 intent of the CUP requirements and that the data indicates the specific parking
51 requirements for this facility are markedly different than the local requirements.
52

1 S. Yentsch stated that Penske has decided, for economic reasons, to cut
2 down on the size of the building by about 1,000 square feet and to reduce
3 the fueling stations from 3 to 2. Based on the current economy they want to
4 phase the project.

5
6 A. Rugg asked for public input, but there was none.

7
8 **J. Farrell made a motion to grant the 4 waivers based on the**
9 **applicant's letter and staff recommendation. R. Brideau seconded the**
10 **motion. No discussion. Vote on the motion: 9-0-0. Waivers granted.**

11
12 **J. Farrell made a motion to grant Conditional Use Permit based on the**
13 **applicant's letter and staff recommendation. R. Brideau seconded the**
14 **motion. No Discussion. Vote on the motion: 9-0-0. Conditional Use**
15 **Permit granted.**

16
17 **J. Farrell made a motion to conditionally approve the Penske Truck**
18 **Leasing site plan with the following conditions:**

19
20 "Applicant", herein, refers to the property owner, business owner, or
21 organization submitting this application and to his/its agents, successors, and
22 assigns.

23
24 **PRECEDENT CONDITIONS**

25
26 All of the precedent conditions below must be met by the Applicant, at the
27 expense of the Applicant, prior to certification of the plans by the Planning
28 Board. Certification of the plans is required prior to commencement of any
29 site work, any construction on the site or issuance of a building permit.

- 30
31 1. The Applicant shall indicate the other permanent stone check dam
32 location on the Grading Plan –sheet 3, as shown on the erosion control
33 plan – sheet 17.
- 34
35 2. The Applicant shall address the following relative to the project details:
36 A. The Applicant shall update and provide bedding for the double grate
37 catch basin consistent with section 3.07.g of the regulations.
38 B. The proposed roof drain cleanout detail on sheet 10 indicated 4" PVC
39 and 6" PVC pipes to connect together to the 12" wye. The
40 Applicant shall review and clarify how the 4" and 6" pipe will
41 connect for proper construction.
- 42
43 3. The Applicant shall indicate the NHDES Underground Storage Tank
44 permit approval number in the notes on the cover sheet and provide a
45 hard copy of the permit approval for the Planning Department's files.
- 46
47 4. The Applicant shall verify the DRC comments of the Sewer Division have
48 been adequately addressed with the Sewer Division. In addition, the
49 applicant shall indicate the Londonderry Sewer Discharge Permit
50 approval number under the "Other Permits" on sheet 1.

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5. Should the Applicant desire to construct the project in phases, a phasing plan shall be added to the plan set, meeting the approval of the Planning and Public Works Departments.
 6. Note all waivers and the conditional use permit granted on the plan.
 7. 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.
 8. Financial guaranty if necessary.
 9. 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 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 Department & Department of Public Works, or if staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the Applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. All site improvements must be completed prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Department may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the

1 Planning & Public Works Departments, when a financial guaranty (see
2 forms available from the Public Works Department) and agreement to
3 complete improvements are placed with the Town. The landscaping
4 shall be completed within 6 months from the issuance of the certificate
5 of occupancy, or the Town shall utilize the financial guaranty to
6 contract out the work to complete the improvements as stipulated in
7 the agreement to complete landscaping improvements. **No other**
8 **improvements shall be permitted to use a financial guaranty for**
9 **their completion for purposes of receiving a certificate of**
10 **occupancy.**
11

- 12 5. As built site plans must be submitted to the Public Works
13 Department prior to the release of the Applicant's financial guaranty.
14
15 6. All required Police and Fire impact fees must be paid prior to the
16 issuance of a Certificate of Occupancy (*Traffic Impact fees were paid as*
17 *part of the original subdivision that created the lot along with the*
18 *Harvey Industries lot*).
19
20 7. It is the responsibility of the Applicant to obtain all other local, state,
21 and federal permits, licenses, and approvals which may be required as
22 part of this project (that were not received prior to certification of the
23 plans). Contact the Building Department at extension 115 regarding
24 building permits.
25

26 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
27 **0-0.** Plan is conditionally approved.
28

- 29 B. MPV Trailer Sales, LLC - Map 13, Lot 65-1 - Application Acceptance and Public
30 Hearing for a site plan for a change in use and a Conditional Use Permit.
31

32 T. Thompson gave the Board some background on this project. He stated that
33 this project was initially reviewed and conditionally approved by the Planning
34 Board on August 9, 2006. The applicant received 2 extensions of the
35 conditional approval, but did not submit plans for signature before the
36 approval lapsed. Because the project lapsed, the applicant was required to
37 start anew with the public hearing process. Staff has reviewed all the newly
38 submitted plans and information, and believes that the applicant has
39 addressed all of the remaining issues from the 2006 approval, except for the
40 financial guarantee for the monumentation and CO District signage.
41

42 T. Thompson stated that there are no checklist items, and staff recommends
43 the application be accepted as complete.
44

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

49 T. Thompson stated that Staff recommends that the Planning Board re-affirm
50 the granting of the Conditional Use Permit that was previously granted in

1 2006.and that staff recommends conditional approval as outlined in the staff
2 recommendation memo.

3
4 George Chadwick, Keach Nordstrom, said the applicant will have his surveyor
5 place the monuments and CO District signs on site prior to the plans being
6 signed by the Board.

7
8 **J. Farrell made a motion to reaffirm the granting of the Conditional**
9 **Use Permit. R. Brideau seconded the motion. No Discussion. Vote on**
10 **the motion: 9-0-0. Conditional Use Permit granted.**

11
12 A. Rugg asked for public input, but there was none.

13
14 **J. Farrell made a motion to conditionally approve the MPV Trailer**
15 **Sales site plan with the following conditions:**

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

20
21 **PRECEDENT CONDITIONS**

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

- 27
28 1. Financial guaranty if monumentation and CO District Signage are not
29 set on the site.
30
31 2. Final engineering review

32
33 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
34 certified the approval is considered final. If these conditions are not met
35 within 120 days to the day of the meeting at which the Planning Board grants
36 conditional approval the board's approval will be considered to have lapsed
37 and re-submission of the application will be required. See RSA 674:39 on
38 vesting.

39
40 **GENERAL AND SUBSEQUENT CONDITIONS**

41
42 All of the conditions below are attached to this approval.

- 43
44 8. **No construction or site work for the site plan may be**
45 **undertaken until the pre-construction meeting with Town**
46 **staff has taken place, filing of an NPDES-EPA Permit and the**
47 **site restoration financial guaranty is in place with the Town.**
48 Contact the Department of Public Works to arrange for this
49 meeting.
50

- 1 9. The project must be built and executed exactly as specified in the
2 approved application package unless modifications are approved by
3 the Planning Department & Department of Public Works, or if staff
4 deems applicable, the Planning Board.
5
- 6 10. All of the documentation submitted in the application package by
7 the applicant and any requirements imposed by other agencies are
8 part of this approval unless otherwise updated, revised, clarified in
9 some manner, or superseded in full or in part. In the case of
10 conflicting information between documents, the most recent
11 documentation and this notice herein shall generally be
12 determining.
13
- 14 11. All site improvements must be completed prior to the issuance of a
15 certificate of occupancy. In accordance with Section 6.01.d of the
16 Site Plan Regulations, in circumstances that prevent landscaping to
17 be completed (due to weather conditions or other unique
18 circumstance), the Building Department may issue a certificate of
19 occupancy prior to the completion of landscaping improvements, if
20 agreed upon by the Planning & Public Works Departments, when a
21 financial guaranty (see forms available from the Public Works
22 Department) and agreement to complete improvements are placed
23 with the Town. The landscaping shall be completed within 6
24 months from the issuance of the certificate of occupancy, or the
25 Town shall utilize the financial guaranty to contract out the work to
26 complete the improvements as stipulated in the agreement to
27 complete landscaping improvements. **No other improvements**
28 **shall be permitted to use a financial guaranty for their**
29 **completion for purposes of receiving a certificate of**
30 **occupancy.**
31
- 32 12. As built site plans must to be submitted to the Public Works
33 Department prior to the release of the applicant's financial
34 guaranty.
35
- 36 13. All required Traffic, Police and Fire impact fees must be paid prior to
37 the issuance of a Certificate of Occupancy.
38
- 39 14. It is the responsibility of the applicant to obtain all other local,
40 state, and federal permits, licenses, and approvals which may be
41 required as part of this project (that were not received prior to
42 certification of the plans). Contact the Building Department at
43 extension 115 regarding building permits.
44

45 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 8-**
46 **0-0** [M. Soares was absent from the room during the vote]. Plan is
47 conditionally approved.
48

- 49 C. DHB Homes, Inc. - Map 6, Lot 34 - Application Acceptance and Public Hearing
50 for a site plan for a 4,930 sq. ft. professional office building (Phase 5).

1
2 T. Thompson stated that there are no checklist items, and staff recommends
3 the application be accepted as complete.
4

5 **J. Farrell made a motion to accept the application as complete. R.**
6 **Brideau seconded the motion.** No discussion. **Vote on the motion: 8-0-**
7 **0** [M. Soares was absent from the room during the vote]. Application
8 accepted as complete.
9

10 Lynn Zebrowski, Keach Nordstrom, representing DHB Homes, presented their
11 plans for a 5th building at the site. They purchased an adjoining lot to meet
12 the site distance requirements for the original 4 buildings, and now propose a
13 5th building on the recently acquired lot. The building is 4930 square feet and
14 has 28 parking spaces. The buildings have full basements. The site has
15 access to town water from Buttrick Road.
16

17 J. Trottier referenced the DPW/Stantec memo with the design review
18 comments.

19 T. Thompson said the Heritage Commission reviewed and recommended
20 approval the architectural design of the building, and said staff recommends
21 conditional approval as outlined in the staff recommendation memo.
22

23 A. Rugg asked for public input.
24

25 Roy Bouchard, 19 Buttrick Rd, said he has been against this from the
26 beginning. He understands it meets all the expectations of the POD, but he is
27 extremely upset that they cut down the fir trees by the road. He said there is
28 no green space at all and that it looks awful and completely out of place. He
29 said many other people have stated that they feel it looks way too built up on
30 the site. He is concerned about the water line only coming part way up
31 Buttrick to this site. He would like to see the water line extended all the way
32 down Buttrick Road. He is also concerned about the septic systems for all
33 these new buildings affecting his water and everyone else's in that area. He
34 thinks perhaps this will cause a saturation problem in the area. J. Farrell
35 mentioned that the proposed Berkshire Development site at the Olde
36 Londonderry site is planning on bringing sewer lines to the area. He said that
37 the owners of Mr. Steer, etc are interested in hooking up to that sewer line.
38 L. Zebrowski said they are planning to lay down the sewer line pipes before
39 the paving is done, so that they can connect to it, if/when it comes to the
40 area. K. Wagner asked the L. Zebrowski if there was anything they could do
41 to improve the landscaping along Buttrick Road.

42 Marie Bouchard, 19 Buttrick Road, said with all the vacant buildings in town,
43 is there anyone slated to occupy these new building? L. Zebrowski said they
44 do have tenants planned for these buildings.

45 R. Bouchard asked if the Board would consider taking a ride down Buttrick
46 Road to view for themselves before voting on this plan.
47

48 **J. Farrell made a motion to conditionally approve the DHB Homes Inc.**
49 **with the following conditions:**
50

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

5 **PRECEDENT CONDITIONS**
6

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

- 12 1. The Applicant has not provided utility clearance letters from Pennichuck
13 Water, Comcast or the Gas provider to address this building in
14 accordance with the regulations under this application. In addition, the
15 revised plans provided indicate a pole is to be relocated along Buttrick
16 Road that will be done by Verizon, but the submitted letter from Verizon
17 does not address or indicate agreement for relocation of the pole. The
18 Applicant shall provide appropriate utility clearance letters for the
19 Town's file.
20
- 21 2. The Applicant shall label the pipe size, pipe type, and slope of the
22 proposed foundation drain and roof drain lines to CB 2 and roof drain to
23 CB 1D on the grading and drainage plans. In addition, the Applicant
24 shall update the width of the riprap apron (W2) at outlet #1 consistent
25 with the detail dimension.
26
- 27 3. The Applicant shall address the following relative to the project drainage
28 report:
 - 29 A. The detention basin analysis indicates the vertical slotted weir
30 extending above the top of the top grate (value 2.60). The
31 Applicant shall update the analysis to properly address the vertical
32 weir height (2.55) and verify the 50-year embankment elevation is a
33 minimum 12" above the 50-year pond elevation in accordance with
34 the regulations.
 - 35 B. Post subcatchment D1 does not include the proposed lawn areas
36 around the buildings and proposed embankment slopes and has not
37 been updated as previously requested. The Applicant shall update
38 to properly account for these areas accordingly. The Applicant shall
39 verify compliance with the regulations (no increase in runoff).
40
- 41 4. The Applicant proposes a new stone wall to be constructed along the
42 Buttrick Road on the Landscape Plan that appears to be located at the
43 edge on the minimum sight distance line for the driveway. We
44 recommend the wall be set back a minimum of five feet from the
45 minimum sight line as typically requested by the Town. The Applicant
46 shall indicate and label the location of the proposed wall on the sight
47 distance plan, sheet 14. In addition, the Applicant shall label the wall
48 height on the landscape plan for proper construction. Also, the
49 Applicant shall verify the tree shown near the existing pole and adjacent

1 to the southwesterly corner of building A meets the approval of the
2 utility company and revise, if necessary.
3

- 4 5. The snow storage area for the building appears to be located behind the
5 proposed landscaping (of purple lilacs) as indicated on the landscape
6 plan. The Applicant shall explain and clarify how this snow storage area
7 can be used as shown. The Applicant shall revise as necessary for
8 proper use.
9
- 10 6. The Applicant shall dimension the pavement width on sheet 1 for
11 Buttrick and Nashua Roads. In addition, the Applicant shall review and
12 update the FEMA panel number in note 13 on the cover sheet.
13
- 14 7. The revised site plan indicates a door landing will be located within the
15 building setback. The Applicant shall verify the location meets the
16 approval of the Building Department.
17
- 18 8. The Applicant's revised plans indicate underground services to the site
19 will now be provided from abutting Lot 30 with this submission, but has
20 not provided copies of the proposed easement deeds in accordance with
21 section 3.04 of the Site Plan Regulations. The Applicant shall provide
22 appropriate information for the Town's file.
23
- 24 9. The applicant shall combine the 2 subject lots by voluntary merger or lot
25 consolidation prior to the final approval of the site plan.
26
- 27 10. The applicant shall provide a mechanism to connect the parcel (either
28 via driveway connection or pedestrian walkway connection) with the Mr.
29 Steer parcel abutting to the southwest. The applicant shall coordinate
30 such design with the Planning and Public Works Departments.
31
- 32 11. Note all waivers granted on the plan.
33
- 34 12. The Applicant shall provide a digital (electronic) copy of the complete
35 final plan sent to the Town at the time of signature by the Board in
36 accordance with Section 2.05.n of the regulations.
37
- 38 13. Financial guaranty if necessary.
39
- 40 14. Final engineering review
41

42 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
43 certified the approval is considered final. If these conditions are not met
44 within 120 days to the day of the meeting at which the Planning Board grants
45 conditional approval the board's approval will be considered to have lapsed
46 and re-submission of the application will be required. See RSA 674:39 on
47 vesting.
48

49 **GENERAL AND SUBSEQUENT CONDITIONS**
50

1 All of the conditions below are attached to this approval.
2

3 1. The applicant should strive to meet the proposed stonewall
4 reconstruction standards from the Site Plan Regulations as much as
5 possible during the building and construction of the new wall.
6

7 2. **No construction or site work for the amended site plan may be**
8 **undertaken until the pre-construction meeting with Town staff**
9 **has taken place, filing of an NPDES-EPA Permit and the site**
10 **restoration financial guaranty is in place with the Town.** Contact
11 the Department of Public Works to arrange for this meeting.
12

13 3. The project must be built and executed exactly as specified in the
14 approved application package unless modifications are approved by the
15 Planning Department & Department of Public Works, or if staff deems
16 applicable, the Planning Board.
17

18 4. All of the documentation submitted in the application package by the
19 applicant and any requirements imposed by other agencies are part of
20 this approval unless otherwise updated, revised, clarified in some
21 manner, or superseded in full or in part. In the case of conflicting
22 information between documents, the most recent documentation and
23 this notice herein shall generally be determining.
24

25 5. All site improvements must be completed prior to the issuance of a
26 certificate of occupancy. In accordance with Section 6.01.d of the Site
27 Plan Regulations, in circumstances that prevent landscaping to be
28 completed (due to weather conditions or other unique circumstance),
29 the Building Department may issue a certificate of occupancy prior to
30 the completion of landscaping improvements, if agreed upon by the
31 Planning & Public Works Departments, when a financial guaranty (see
32 forms available from the Public Works Department) and agreement to
33 complete improvements are placed with the Town. The landscaping
34 shall be completed within 6 months from the issuance of the certificate
35 of occupancy, or the Town shall utilize the financial guaranty to contract
36 out the work to complete the improvements as stipulated in the
37 agreement to complete landscaping improvements. **No other**
38 **improvements shall be permitted to use a financial guaranty for**
39 **their completion for purposes of receiving a certificate of**
40 **occupancy.**
41

42 6. As built site plans must to be submitted to the Public Works Department
43 prior to the release of the applicant's financial guaranty.
44

45 7. All required Traffic, Police and Fire impact fees must be paid prior to the
46 issuance of a Certificate of Occupancy.
47

48 8. It is the responsibility of the applicant to obtain all other local, state,
49 and federal permits, licenses, and approvals which may be required as
50 part of this project (that were not received prior to certification of the

1 plans). Contact the Building Department at extension 115 regarding
2 building permits.

3
4 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
5 **0-0.** Plan is conditionally approved.

6
7 **Other Business**

8
9 The Board recommended to the Town Council moving Laura El-Azem into Paul
10 DiMarco's vacant seat (until 2009). This move will open up a vacancy for an
11 alternate.

12
13 **Adjournment:**

14
15 **J. Farrell made a motion to adjourn the meeting. R. Brideau seconded the**
16 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 9:45
17 PM.

18
19
20 These minutes prepared by Cathy Dirsra, Planning Department Secretary.

21
22
23
24 Respectfully Submitted,

25
26
27
28
29 Mary Wing Soares, Secretary