

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MAY 7, 2008 AT THE MOOSE HILL COUNCIL**
3 **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; Rob
7 Nichols; Lynn Wiles; Laura El-Azem; Melissa Nemon, alternate member; Chris
8 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 M. Nemon to vote
14 for R. Nichols until he arrived and C. Davies to vote for J. Farrell while he was
15 absent from the room.
16

17 **Administrative Board Work**
18

19 A. Plans to Sign - Penske Truck Leasing Site Plan - Map 15, Lot 103-3
20

21 J. Trottier said all precedent conditions for approval have been met and the
22 staff recommends signing the plans.

23 **M. Soares made a motion to authorize the Chair and Secretary to sign**
24 **the plans. R. Brideau seconded the motion. No discussion. Vote on the**
25 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
26 meeting.
27

28 B. Plans to Sign - Insight Technology Expansion Site Plan - Map 28, Lot 31
29

30 J. Trottier said all precedent conditions for approval have been met and the
31 staff recommends signing the plans.

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

37 C. Plans to Sign - Decoste Subdivision - Map 3, Lot 26-1
38

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

42 [R. Nichols arrived at 7:05PM. M. Nemon returned to alternate member.]
43

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

- 1
2 D. Extension Request - Young Subdivision, Map 12, Lot 17-1 - Request
3 additional 6 months
4

5 T. Thompson referenced a letter from Tim Peloquin Promised Land Survey. T.
6 Thompson said there have been multiple extensions and staff is hesitant to
7 recommend an additional extension.
8

9 **M. Soares made a motion to grant extension to June 4 and they are to**
10 **come to the next meeting or on June 4 to state their case. R. Brideau**
11 **seconded the motion. No discussion. Vote on the motion: 9-0-0.**

12 Extension to June 4 granted.
13

- 14 E. Approval of Minutes – April 2 & 9
15

16 **M. Soares made a motion to approve the minutes from the April 2**
17 **meeting. R. Brideau seconded the motion. No discussion. Vote on the**
18 **motion: 8-0-1** (R. Nichols abstained because he was absent at the April 2
19 meeting). Minutes are approved and will be signed at the May 14 meeting.
20

21 **M. Soares made a motion to approve the minutes from the April 9**
22 **meeting. R. Brideau seconded the motion. No discussion. Vote on the**
23 **motion: 7-0-2** (L. Wiles and R. Nichols abstained because they were absent
24 at the April 9 meeting). Minutes are approved and will be signed at the May
25 14 meeting.
26

- 27 F. Discussions with Town Staff
28

29 J. Trottier said that he and T. Thompson met with the engineers this week on
30 their Elliot medical facility, Phase 4, and they were told that everything is
31 underway. He also mentioned that the final site work on the Phase 1-2
32 project would be completed in the next month or so.
33

34 T. Thompson said that staff held an Administrative Review Committee public
35 hearing May 6 for the Stonyfield Farm Treatment Facility upgrade and it was
36 conditionally approved.
37

38 [J. Farrell returned to room at 7:17PM. C. Davies returned to alternate
39 member.]
40

41 A. Rugg said that A. Garron and J. Farrell made a presentation to the town
42 council last week regarding economic development plans.
43

44 A. Rugg said there is a town council meeting on May 12 to discuss the
45 affordable housing task force findings and the Planning Board has been
46 invited to attend.
47

48 T. Thompson said they have decided to hire Nicolas Burnham as an intern for
49 the summer.
50

1 John Farrell addressed the DHB Homes project (Buttrick Road Professional
2 Office Buildings). He said the Fire department would like to see the traffic
3 flow connection between the abutting parcels, as far as emergency access.
4 T. Thompson said DHB is coming before the Board next week to ask for an
5 amendment to the phasing of phases 1-4 for final paving of a portion of the
6 site, which would help with the potential future connection to Mr. Steer.

7
8 **Public Hearings**

9
10 A. Demoulas Supermarkets, Inc., Map 10, Lot 52 - Application Acceptance and
11 Public Hearing for a site plan for a 17,732 square foot expansion of Market
12 Basket Supermarket.

13
14 T. Thompson stated he had recused himself from the review of this project
15 due to a potential conflict of interest (as discussed at previous Board
16 meetings) under the Ethics Code. Andre Garron has handled all Planning
17 Department review of this project.

18
19 J. Trottier stated that there are no checklist items, and staff recommends the
20 application be accepted as complete.

21
22 **J. Farrell made a motion to accept the application as complete. R.**
23 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
24 **O. Application accepted as complete.**

25
26 Earle Blatchford, Hayner Swanson, presented their plans. He said they plan to
27 expand into the building space vacated by the former Walgreens Pharmacy.
28 First step is a storefront addition 1,028 sq ft addition of an easterly vestibule
29 and create a westerly vestibule. They propose a new loading dock at the rear
30 of the building. They plan to modify the sidewalks and the handicap access
31 ramps. Some sewer modifications and grading changes are proposed. J.
32 Farrell asked about outdoor display. Jim Lamp, consultant, said the
33 merchandise currently sold on the sidewalk will remain there vs. moving
34 them into the new vestibule area.

35
36 J. Trottier read all waivers into the record from the Staff Recommendation
37 memo:

- 38
39 1. The applicant is requesting a waiver to Section 2.04.b.4 of the
40 regulations. The applicant has paid the application fee based on the
41 area of disturbance rather than for the full site area. Staff recommends
42 **granting** the waiver, consistent with past Board practice for small
43 projects located on large acreage sites.
44 2. The applicant is requesting a waiver to Section 3.14 of the regulations.
45 The applicant has not provided a complete traffic impact analysis. Staff
46 recommends **granting** the waiver, as applicant has submitted sufficient
47 information relative to traffic generation for the expansion from which
48 the impact fee can be calculated.
49 3. The applicant is requesting a waiver to Section 4.12 of the regulations.
50 The applicant has not provided a full existing conditions plan for the

1 entirety of the site. Staff recommends **granting** the waiver, as there
2 are plans on file for the entire parcel and the area of disturbance has
3 been sufficiently presented.

- 4 4. The applicant is requesting a waiver to Section 3.09 and 4.14 of the
5 regulations. The applicant has not provided a landscape plan. Staff
6 recommends **granting** the waiver, as the construction is all within
7 existing impervious areas.

8
9 J. Trottier summarized the staff recommendations for the requested waivers
10 and stated that staff recommends conditional approval.

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

13
14 **J. Farrell made a motion to grant the 4 waivers based on the**
15 **applicant's letter and staff recommendation. R. Brideau seconded the**
16 **motion.** No discussion. **Vote on the motion: 9-0-0.** Waivers granted.

17
18 **J. Farrell made a motion to conditionally approve this plan with the**
19 **following conditions:**

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

24
25 **PRECEDENT CONDITIONS**

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

- 31
32 1. The plan set includes bollards as existing and would be located within
33 the proposed improvements; however there is no indication of what will
34 occur with these bollards as a result of the proposed improvements. The
35 applicant shall clarify the intent for the bollards on the plans.
36
37 2. The building elevations indicate access with stairways to be constructed
38 on the north and east sides of the proposed addition, however these
39 stairways are not indicated on the site plan. The applicant shall clarify
40 the stairways on the site plan.
41
42 3. Note all waivers granted on the plan.
43
44 4. 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 2.05.n of the regulations.
47
48 5. Financial guaranty if necessary.
49
50 6. 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 120 days 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 All of the conditions below are attached to this approval.

- 11
12
13 1. **No construction or site work for the site plan may be undertaken**
14 **until the pre-construction meeting with Town staff has taken**
15 **place, filing of an NPDES-EPA Permit and the site restoration**
16 **financial guaranty is in place with the Town.** Contact the
17 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 contract
42 out the work to complete the improvements as stipulated in the
43 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 Department
49 prior to the release of the applicant's financial guaranty.
50

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

3
4 7. It is the responsibility of the applicant to obtain all other local, state, and
5 federal permits, licenses, and approvals which may be required as part
6 of this project (that were not received prior to certification of the plans).
7 Contact the Building Department at extension 115 regarding building
8 permits.
9

10 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 9-**
11 **0-0.** Plan is conditionally approved.

12
13 B. Michael Moore (Albird Estates), Map 16, Lot 58 - Application Acceptance and
14 Public Hearing for a 7 lot subdivision and a conditional use permit.

15
16 T. Thompson stated that there are no checklist items, and staff recommends
17 the application be accepted as complete.
18

19 **J. Farrell made a motion to accept the application as complete. R.**
20 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
21 **0.** Application accepted as complete.
22

23 Lynn Zebrowski, Keach Nordstrom, presented their plans. She said all the lots
24 are on town water and will have on site septic systems. They have acquired
25 an easement from the property owner to meet sight distance requirements
26 for the new roadway. There is a sight distance problem from the existing
27 driveway of the home that will remain on lot 58. The Board, staff, and
28 applicant discussed the waiver request for the sight distance on the existing
29 driveway.
30

31 L. Zebrowski said there is a sub-surface drainage system. She said there are
32 some stonewalls that they are proposing to eliminate.
33

34 J. Trottier summarized the design review items from the DPW/Stantec memo.
35

36 T. Thompson read the waiver into the record from the Staff Recommendation
37 memo:
38

39 The Applicant is requesting a waiver to Section 3.09.F and Exhibit D-2 of
40 the regulations. The Applicant's sight distance plan and profile for the
41 existing driveway at lot 58 (sheet 12) does not comply with the
42 Regulations. The Applicant notes a pole and mirror are part of the driveway
43 sight distance, which does not comply with any design standard and is
44 typically not allowed by the Town. **Staff recommends denial of the**
45 **waiver.** Staff recommends the Applicant provide proper sight distance for
46 the existing driveway at lot 58 and update the sight distance plan and
47 profile accordingly with a proper certification in compliance with the
48 regulations and obtain any sight distance easements as required. The
49 existing and future volume of traffic on Auburn Road necessitates, in staff's
50 professional opinion, the need for achieving the proper sight distance. *Staff*

1 *also notes that under a previous design review submission, the Applicant*
2 *had provided the necessary driveway sight distance information for the lot,*
3 *but it appeared an easement was needed on abutting lots 59 and 60-8, and*
4 *improvements required to achieve the proper sight distance.*

5
6 T. Thompson stated that staff recommends denying the waiver, but
7 recommends conditional approval of the plan.

8
9 A. Rugg asked for public input.

10
11 Michael Graney, representing State Street Realty, wanted everyone to know
12 that BSP operates at an adjacent lot on a 24 hour a day schedule.

13
14 **M. Soares made a motion to deny the waiver for sight distance based**
15 **on the staff recommendation. R. Brideau seconded the motion.** No
16 discussion. **Vote on the motion: 9-0-0.** Waiver is denied.

17
18 **J. Farrell made a motion to conditionally approve this plan with the**
19 **following conditions:**

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

24
25 **PRECEDENT CONDITIONS**

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

- 31
32 1. The Applicant's sight distance plan and profile for the existing driveway at
33 lot 58 (sheet 12) does not comply with sections 3.09.F and Exhibit D-2 of
34 the Subdivision Regulations. The Applicant notes a pole and mirror are
35 part of the driveway sight distance, which does not comply with any
36 design standard and is typically not allowed by the Town. We note under
37 a previous design review submission, that the Applicant provided the
38 necessary driveway sight distance information for the lot, but it appeared
39 an easement was needed on abutting lots 59 and 60-8, and improvements
40 required to achieve the proper sight distance. The Applicant shall provide
41 proper sight distance for the existing driveway at lot 58 and update the
42 sight distance plan and profile accordingly with a proper certification in
43 compliance with the regulations and obtain any sight distance easements
44 as required. We note that this driveway has been a concern and the
45 Applicant shall meet with the Department of Public Works relative to this
46 issue.
47
48 2. The Applicant has provided an updated NHDES Wetland Permit which
49 indicates an expiration date of today - 05/07/2008 and which also
50 indicates, under general condition number 6 that the permit shall not be

1 extended beyond the current expiration date. Since the current NHDES
2 Wetland permit for the project will not be valid beyond today, the
3 Applicant shall provide a valid NHDES Wetland Permit for the project per
4 sections 4.14 and 4.18 of the Subdivision Regulations. The Applicant shall
5 indicate all valid permit approval numbers in notes 11 and 12 on sheet 1
6 and provide copies of all permits for the Planning Department files.
7

8 3. The Applicant is proposing improvements within the ROW of Auburn Road
9 associated with new roadway intersection sight distance as noted on the
10 plan and profile - sheet 7. The plan notes stone wall removal is necessary
11 along new lot 58-5 only for the sight distance and proposed gravel
12 shoulder construction. However, it appears that wall removal/relocation is
13 also needed beyond the limits of new lot 58-5. All wall removal/relocation
14 should be shown on the plan for proper construction. We note the plan
15 notes portions of the existing wall will be relocated and constructed along
16 the new proposed road right-of-way of Albird Lane. The Applicant shall
17 verify the Department of Public Works has agreed to the relocation of the
18 stone wall.
19

20 4. The plan indicates poles along the roadway that should be relocated to a
21 minimum 7 feet from edge of pavement as part of the shoulder
22 reconstruction as typically requested by the Town. However, all the noted
23 work does not appear to be shown clearly on this plan. The Applicant
24 shall clearly indicate all additional off-site improvements to Auburn Road
25 requested by the Department of Public Works are shown on a plan in the
26 plan set for proper construction. In addition, the Applicant shall indicate
27 the new pole locations as directed by the utility provider and verify the
28 utility clearance letter specifies approval of the new pole locations.
29

30 5. The utility letter provided with this submission from Manchester Water
31 Works does not indicate water will be provided, but provides comments
32 relative to the project. The Applicant shall provide a letter indicating
33 approval of the water main extension and that water service will be
34 provided for the project in accordance with section 3.05 and 4.18 of the
35 Subdivision Regulations.
36

37 6. The address for new lot 58-6 is 30 Auburn Road, but access to the lot and
38 proposed dwelling is shown from Albird Lane and not Auburn Road. The
39 Applicant shall confirm the address meets the approval of the Assessor
40 and the Fire Department and revise if necessary.
41

42 7. The Applicant shall address the following relative to the submitted
43 drainage report:

44 a. The calculations for post subcatchment D1 are unchanged from the
45 previous submission, but the delineation has been revised to include
46 a portion of the proposed building located on lot 58-4. The Applicant
47 shall update the subcatchment and analysis to be consistent with the
48 latest design and verify compliance with the regulations (no increase
49 in runoff).

- 1 b. It is unclear how the northerly building roof runoff at lots 58-1 and
2 58-2 does not drain northerly, which would typically be anticipated,
3 but turns 180 degrees and drains toward the street as indicated in
4 the Applicant's response and delineated on the post development
5 plan. Typically, runoff is directed away from and not toward or along
6 buildings. The Applicant shall provide additional information to clarify
7 the design implied.
- 8 c. The revised and proposed weir of the detention basin outlet structure
9 is noted as 0.02' wide (approximately ¼"). We are concerned that
10 clogging of this small concrete weir may occur. The Applicant shall
11 ensure the concrete weir slot opening in the structure be 6" wide and
12 a galvanized steel plate be placed over the concrete weir having a
13 weir slot sized to the required width (but no less than ¼") as
14 necessary to address the requirements of the regulations. The
15 Applicant shall update the outlet structure detail in the plan set
16 accordingly.
- 17
- 18 8. The Applicant shall provide a cross section view along the proposed
19 roadway cross culvert in the vicinity of station 0+63 to clarify the proper
20 separation between the drain line and water line will be provided. In
21 addition, the Applicant shall review and dimension the water line
22 separation from the drain line in section 3+30.23.
- 23
- 24 9. The Applicant shall indicate the riprap apron at the pond outlet on sheets
25 5 and 6 consistent with the detail dimensions.
- 26
- 27 10. The Applicant has previously provided draft copies of some of the
28 proposed easements. However, not all proposed easements, protective
29 covenants or other legal documents in accordance with section 4.18 of the
30 regulations and Item 11.6 of the checklist were provided. The Applicant
31 shall provide draft copies of all documents to the Town for review.
- 32
- 33 11. The Applicant shall provide a digital (electronic) copy of the complete final
34 plan sent to the Town at the time of signature by the Board in accordance
35 with Section 2.06.N of the regulations.
- 36
- 37 12. Financial guaranty if necessary.
- 38
- 39 13. Final engineering review
- 40

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

1
2 **GENERAL AND SUBSEQUENT CONDITIONS**
3

4 All of the conditions below are attached to this approval.
5

- 6 1. **No construction or site work for the amended site plan may be**
7 **undertaken until the pre-construction meeting with Town staff has**
8 **taken place, filing of an NPDES-EPA Permit and the site restoration**
9 **financial guaranty is in place with the Town.** Contact the Department
10 of Public Works to arrange for this meeting.
11
- 12 2. The project must be built and executed exactly as specified in the
13 approved application package unless modifications are approved by the
14 Planning Department & Department of Public Works, or if staff deems
15 applicable, the Planning Board.
16
- 17 3. All of the documentation submitted in the application package by the
18 applicant and any requirements imposed by other agencies are part of this
19 approval unless otherwise updated, revised, clarified in some manner, or
20 superseded in full or in part. In the case of conflicting information
21 between documents, the most recent documentation and this notice
22 herein shall generally be determining.
23
- 24 4. All site improvements must be completed prior to the issuance of a
25 certificate of occupancy. In accordance with Section 6.01.d of the Site
26 Plan Regulations, in circumstances that prevent landscaping to be
27 completed (due to weather conditions or other unique circumstance), the
28 Building Department may issue a certificate of occupancy prior to the
29 completion of landscaping improvements, if agreed upon by the Planning
30 & Public Works Departments, when a financial guaranty (see forms
31 available from the Public Works Department) and agreement to complete
32 improvements are placed with the Town. The landscaping shall be
33 completed within 6 months from the issuance of the certificate of
34 occupancy, or the Town shall utilize the financial guaranty to contract out
35 the work to complete the improvements as stipulated in the agreement to
36 complete landscaping improvements. **No other improvements shall be**
37 **permitted to use a financial guaranty for their completion for**
38 **purposes of receiving a certificate of occupancy.**
39
- 40 5. As built site plans must to be submitted to the Public Works Department
41 prior to the release of the applicant's financial guaranty.
42
- 43 6. All required School, Library, Recreation, Traffic, Police, and Fire impact
44 fees must be paid prior to the issuance of a Certificate of Occupancy.
45
- 46 7. It is the responsibility of the applicant to obtain all other local, state, and
47 federal permits, licenses, and approvals which may be required as part of
48 this project (that were not received prior to certification of the plans).
49 Contact the Building Department at extension 115 regarding building
50 permits.

1
2 **M. Soares seconded the motion.** No discussion. **Vote on the motion: 9-**
3 **0-0.** Plan is conditionally approved.
4

5 C. Wayland H. Elwood, Map 5, Lot 39 - Application Acceptance and Public
6 Hearing for a 2 lot subdivision.
7

8 T. Thompson stated that there are no checklist items, and staff recommends
9 the application be accepted as complete.
10

11 **J. Farrell made a motion to accept the application as complete. R.**
12 **Brideau seconded the motion.** No discussion. **Vote on the motion: 9-0-**
13 **0.** Application accepted as complete.
14

15 Don Duval, Duval Survey, presented their plans. He said the lot is off Dan Hill
16 Road and he believes they have addressed all issues from Stantec.
17

18 J. Trottier referenced the DPW/Stantec memo with the design review
19 comments.
20

21 T. Thompson read all waivers into the record from the Staff Recommendation
22 memo:
23

- 24 1. The Applicant is requesting a waiver to section 4.17 of the
25 regulations. The Applicant has not provided topography for the
26 entirety of lot 39. Staff recommends **granting** the waiver, as
27 sufficient topographic information has been provided to ensure the lot
28 meets the minimum lot size requirements of the zoning ordinance.
29
- 30 2. The Applicant is requesting a waiver to section 3.02 and 4.12.C.4 of
31 the regulations. The Applicant has not provided monuments at all
32 angle point of the property. Staff recommends **granting** the waiver,
33 as the areas where the waiver is requested is an active orchard, and
34 monuments would likely be disturbed in these areas.
35
- 36 3. The Applicant is requesting a waiver to section 4.05 of the
37 regulations. The Applicant has indicated only one benchmark where
38 1 per 5 acres is required. Staff recommends **granting** the waiver, as
39 sufficient benchmark information has been provided for the area of
40 the lot to be subdivided from the larger parcel.
41
- 42 4. The Applicant is requesting a waiver to section 4.17 of the
43 regulations. The Applicant has not provided HISS for the entirety of
44 lot 39 (remainder lot). Staff recommends **granting** the waiver, as
45 the remaining lot is large and the Applicant has provided sufficient
46 HISS information on the remainder parcel to ensure it meets the
47 minimum lot size requirements of the zoning ordinance.
48
- 49 5. The Applicant is requesting a waiver to section 3.04 of the
50 regulations. The Applicant indicates an overhead utility service will

1 serve the new lot in his letter response, where underground service is
2 required. Staff recommends **granting** the waiver, consistent with
3 past Board practice for projects located in areas with existing
4 overhead utilities.

5
6 T. Thompson said staff recommends conditional approval as outlined in the
7 staff recommendation memo.

8
9 A. Rugg asked for public input, but there was none.

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

14
15 **J. Farrell made a motion to conditionally approve this plan with the**
16 **following conditions:**

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

21
22 **PRECEDENT CONDITIONS**

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

- 28
29 1. The Applicant shall address the following relative to the subdivision
30 plan:
31 A. The Applicant shall provide both Owners' signature on the plans as
32 required.
33 B. The Applicant shall provide the professional endorsements for the
34 wetlands (Certified Wetland Scientist) on the plan and on
35 topographic plan - sheet 3.
36 C. The Applicant shall correct the lot number on sheet 2 to 39-5 (vs.
37 39-1) consistent with the other sheets.
38 D. It appears three courses (metes and bounds) of the roadway
39 widening easement along Dan Hill Road at the lots lines are missing
40 to complete the easement description. The Applicant shall review
41 and revise the plan to include all the necessary information.
42 E. We note some text is not clearly legible. The Applicant shall
43 carefully review all information on the plan for clarity and verify the
44 information meets the requirements of the Registry of Deeds.
45
46 2. The Applicant shall address the following on the topographic plan:
47 A. The Applicant shall indicate the existing (along the roadway) and
48 proposed tree line on the plan.
49 B. The Applicant shall provide the professional endorsement for the
50 HISS (Certified Soil Scientist) on the plan.

- 1 C. The Applicant shall label the name, address and zoning of the
- 2 abutting lots.
- 3 D. The Applicant shall label the type of proposed utility service
- 4 (overhead or underground) to serve the new lot for clarity. In
- 5 addition, the Applicant shall label the type to serve remaining lot 39
- 6 on sheet 2.
- 7 E. The Applicant shall clarify the limits of the Class V and Class VI
- 8 portions of Dan Hill Road on the plan. The Applicant shall update
- 9 sheet 2 accordingly.
- 10 F. The Applicant shall label the area of lot 39 on the plan.
- 11
- 12 3. The Applicant shall indicate topography on the plan view of the driveway
- 13 profile & sight distance plan for the driveway serving lot 39 shown on
- 14 sheet 5 to clarify the original ground information shown in the profile
- 15 view. In addition, the Applicant shall correct the sheet number in the
- 16 sheet index on sheet 1 to note this sheet as #5 (vs. #4).
- 17
- 18 4. The Applicant has provided a brief letter prepared by a New Hampshire
- 19 licensed professional engineer explaining how the requirements of the
- 20 regulations are achieved under this application. The Applicant shall
- 21 verify the letter meets the approval of the Town and revise if necessary.
- 22
- 23 5. Note all waivers granted on the plan.
- 24
- 25 6. 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 2.06.N of the regulations.
- 28
- 29 7. Financial guaranty if necessary.
- 30
- 31 8. 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 2 years 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 1. **No construction or site work for the amended site plan may be**
- 45 **undertaken until the pre-construction meeting with Town staff**
- 46 **has taken place, filing of an NPDES-EPA Permit and the site**
- 47 **restoration financial guaranty is in place with the Town.** Contact
- 48 the Department of Public Works to arrange for this meeting.
- 49

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

42 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
43 **0-0.** Plan is conditionally approved.
44

45 Other Business

46 Appointments to the CIP Committee

47 The Board would like to keep J. Farrell & R. Brideau. **K. Wagner made a**
48 **motion to re appoint J. Farrell & R. Brideau. M. Soares seconded the**
49 **motion.** Vote on the motion 9-0-0. Motion passed.
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Appointment of a Representative to the Heritage Commission

The Board would like to keep A. Rugg on the Heritage Commission.

M. Soares made a motion to re-appoint A. Rugg to the Heritage Commission. K. Wagner seconded the motion. Vote on the motion 9-0-0.

Motion passed.

Adjournment:

M. Soares made a motion to adjourn the meeting. K. Wagner seconded the motion. No discussion. Vote on the motion: 9-0-0. Meeting adjourned at 8:50 PM.

These minutes prepared by Cathy Dirsas, Planning Department Secretary.

Respectfully Submitted,

Mary Wing Soares, Secretary