

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF NOVEMBER 2, 2022, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Jeff Penta, member; Ann Chiampa, member; Deb Paul, Ex-Officio – Town Council; Bruce Hallowell, Administrative Official - Ex-officio; Jason Knights, alternate member; and Ted Combes, alternate member

Also Present: Kellie Caron, Town Planner; John Trottier, Director of Public Works and Engineering; Laura Gandia, Associate Planner; and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of October 5, 2022, as presented.

J. Butler seconded the motion.

The motion was granted, 5-0-3, with Bruce Hallowell, Ted Combes and Lynn Wiles abstaining. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve the minutes of October 12, 2022, as presented.

J. Butler seconded the motion.

The motion was granted, 6-0-2, with Bruce Hallowell and Al Sypek abstaining. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Caron informed the Board that she had three projects for their consideration this evening.

1. Application for design review of a site plan for a proposed 100,000 SF warehouse building and associated site improvements, 13 Page Road (Map 17 Lot 27, Zoned C-II), Charles Evans (Owner) and Rhino Capital Advisors, LLC (Applicant)

2. Application for design review of a site plan for a proposed 100,000 SF warehouse building and associated site improvements, 26 Jack's Bridge Road (Map 15 Lot 103, Zoned IND-I), Charles Evans (Owner) and Rhino Capital Advisors, LLC (Applicant)

3. Application for design review of subdivision plan for a 21 unit single detached residential development, 22 Young Road (Map 6 Lot 53, Zoned R-III, Edgar & Winnifred Pitts, Trustees, Owners) and 20 Young Road (Map 6 Lot 58-2, Zoned R-III, Cedar Crest Development, Owner) and Cedar Crest Development (Applicant)

Member A. Sypek made a motion that these projects are not developments of regional impact.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

C. Discussion with Town Staff:

Associate Planner Gandia reminded the Board that they have training with the New Hampshire Municipal Association (NHMA) on December 14, 2022, that starts at 5:30 p.m. Chairman Rugg mentioned that he went on a tour of Moose Hill, Matthew Thornton and the high school with A. Chiampa, R. Fillio and T. Combes, which was led by Bob Slater, School Board member. He said that the Southern New Hampshire Planning Commission (SNHPC) is working on the proposed 10-year plan, which has Londonderry Route 28 from Stonehenge Road to Symmes Drive upgrade, and Phase 7 of the Rail Trail.

III. Old Business – N/A

IV. New Plans

A. Public hearing on an application for formal review of a lot line adjustment plan to adjust the lot line between Seven Chartwell Court, Map 3 Lot 45-61, Zoned AR-1 and 11 Greeley Road, Map 3 Lot 165-1, Zoned AR-1, Diana F. Wolters Rev. Trust (Owner & Applicant)

Chairman Rugg read the case into the record. Town Planner Caron told the Board that there are seven outstanding checklist items for which she received only one justification letter. She reviewed the remaining six outstanding checklist items with the Board as follows:

1. Checklist item no. IV.4, provide a plan index.
2. Checklist item III.7 and section 4.11 of the subdivision regulations, note section to include the information required per the checklist.

3. Checklist item III.12, provide a boundary plan of all subject properties.
4. Checklist item III.13, provide the proposed lot configuration of both lots defined by metes and bounds.
5. Checklist item III.14 and section 3.02, provide boundary monuments. It appears that there are not proper markings along the front corner of the Greeley lot.
6. Checklist item III.16.c and section 4.12.C.6.iii of the subdivision regulations, add right-of-way width.

She explained that Staff recommends the application cannot be accepted as complete as these checklist items have not been received. Chairman Rugg said that the applicant could withdraw the plan or ask for a continuance until the checklist items are complete. Chairman Rugg asked if the applicant had any comments.

Mark Sargent, LLS from Richard D. Bartlett & Assoc. LLC, 214 North State Street, Concord, NH, addressed the Board. M. Sargent told the Board that this is his first time working in Londonderry, so he was unaware that he needed a waiver for a plan index when it is only a two sheet plan set. He went on noting that he was informed he did not have to provide a boundary survey for the larger lot and he is surprised by this information this evening. Chairman Rugg commented that this is a requirement. M. Sargent interjected that he is disappointed to hear this, noting that he has an email from Staff, which states the plan that he provided from a survey performed on the lot in question in 1975 was accurate. Chairman Rugg stated that that was the correct information in 1975, but this needs to be updated as things change. M. Sargent remarked that the boundary had not changed since 1975. Chairman Rugg pointed out that the Board does not know that. M. Sargent asked if the Board would entertain a waiver on the boundary survey. Town Planner Caron noted that a waiver to the checklist items can be submitted with justification and Staff will review it and make a recommendation to the Board. She added that the Board can decide at that point what they would like to do. Chairman Rugg pointed out that the waiver needs to be submitted in writing. He asked the applicant if he had a time reference for the continuance. Town Planner Caron said that she will email M. Sargent the remaining checklist items for which he can submit written waiver requests. M. Sargent commented that he will submit the written waiver requests when he receives the email.

A. Sypek made a motion to continue the application to December 14, 2022 to allow time for Staff and the Applicant to work through outstanding engineering and planning department comments.

J. Penta seconded the motion.

B. Hallowell asked what email M. Sargent was referring to and if it was just a miscommunication. Chairman Rugg remarked that he thought it was a little more than miscommunication and stated that the email can be sent out to the Board for

their review. He asked for Town Planner Caron to forward the email in question to the Board. J. Penta voiced his opinion that Staff works diligently with applicants and encouraged M. Sargent to continue to work with Staff.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Debbie Lewis, 36 Windsor Ave, addressed the Board. D. Lewis said that she was notified about the Wolters lot line application, but does not understand what is being proposed. She asked if she should come back on December 14, 2022. Chairman Rugg replied that she could come back on December 14, 2022, or email or call Town Planner Caron, so she can get a better understanding. D. Lewis asked if her land is going to be affected by this. Town Planner Caron reviewed the first page of the plan set with her, noting that her property lines are not going to be affected. D. Lewis asked why she was notified. Town Planner Caron replied that since she is a legal abutter, by law they had to notify her. J. Trottier suggested that D. Lewis come to the Planning Department, so she can view the plan set and discuss any concerns.

B. Public hearing on an application for formal review of a site plan amendment for the construction of a 7,200 SF building and associated site improvements, Three Akira Way, Map 28 Lot 31-1, Zoned IND-II, Ranger Development Corp. (Applicant) and Fairwind Properties, Inc. (Owner)

Chairman Rugg read the case into the record. J. Trottier told the Board that there are no outstanding checklist items and the application can be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated November 2, 2022.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Brian Pratt, P.E., from Fuss & O'Neill, 50 Commercial Street, Manchester, NH, addressed the Board. B. Pratt introduced David Murray, applicant, from Ranger Development Corp. He explained that they have been before the Board before for this site in 2004 and 2014. He noted that in 2014, the previous owner came before the Board for a light industrial site plan approval for a 9,600 SF building. He noted that the previous owner never really had a tenant in mind, and D. Murray recently found this property for sale and liked what was previously approved, but wanted to make some minor revisions. (A. Sypek left at 7:23 and came back to 7:25 p.m.). He reviewed the proposed plan that he had overlaid with the 2014 plan with the Board. He explained that the building is going to be shrunk down to 7,200 SF, they are making the units wider from twenty feet wide to twenty four feet wide, making the building elevation flat and have complete circulation around the building. He went on noting that the 7,200 SF building will be used for light industrial use, such as plumbers, electricians, builders and contractors, with 16 parking spaces in the front

and 11 parking spaces in the back. He said that they added a dumpster in the back as well. He reviewed the stormwater and utilities with the Board. He added that the impervious area on the site was reduced by approximately 2,500 SF. He mentioned that they are asking for four waivers this evening. He started off the discussion by noting that the first waiver is for internal landscaping, which he stated they had previously received a waiver for in 2014, mostly because it is a light industrial site. He noted that the second waiver is for internal landscaping in the rear of the lot. He reviewed the landscaping with the Board. He pointed out that they initially had a waiver for lighting, as they have some small light spillage, but he believes that the ordinance was amended, so they withdrew this. He commented that the third waiver is for loading spaces, as this is not a retail site and there are overhead doors where they can back vehicles into the units. Chairman Rugg asked if each unit would operate separately. B. Pratt replied that is correct. He mentioned that the last waiver is for the owner's signature block on the existing conditions plan. He pointed out that they used the existing conditions plan from 2004, and he cannot modify this as it is 18 years old, as well as they cannot stamp the plan as the surveyor is deceased.

Chairman Rugg opened up the discussion to the Board. J. Trottier informed the Board that the applicant is requesting four waivers as follows:

1. The Applicant is requesting a waiver from section 3.11.g.1.i of the site plan regulations to remove the requirement that a minimum interior area of the front parking lot be dedicated to landscape area (10% on parking lots located in front of the principal building or on otherwise vacant lots). Currently, Staff supports the granting of this waiver due to the required landscaping being provided still, but in a different location within the site which has been common practice in industrial zones. He said that the loading spaces are a waiver.
2. The Applicant is requesting a waiver from section 3.11.g.1.iii of the site plan regulations to remove the requirement that a minimum interior area of the rear parking lot be dedicated to landscape area (5% on parking lots located in rear of the principal building or on otherwise vacant lots). Currently, Staff supports the granting of this waiver due to the required landscaping being provided still, but in a different location within the site which has been common practice in industrial zones.
3. The Applicant is requesting a waiver from Section 3.09.g.11 of the site plan regulations to remove the requirement for providing loading spaces. Currently, Staff supports the granting of this waiver due to the nature of the business that will occupy the space, formal loading is not needed.
4. The Applicant is requesting a waiver from Section 4.03.c and 4.12.c.16 of the site plan regulations to remove the requirement that title blocks have the signature block on them, specifically on the existing conditions plan. Currently, Staff supports the granting of this waiver. The existing conditions plan has been part of the plan set with previous approvals and the company that produced the plan is no longer in business and the surveyor who stamped the plan is deceased.

He reviewed the remaining design review items with the Board. T. Combes asked if there would be sufficient parking. D. Murray replied that there is more than enough parking.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board as there was no further public input.

A. Sypek made a motion to grant the four waivers per Staff's Recommendation Memorandum dated November 2, 2022.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

A. Sypek made a motion to motion to grant conditional approval of the site plan site plan amendment for the construction of a 7,200 SF building and associated site improvements, Three Akira Way, Map 28 Lot 31-1, Zoned IND-II, Ranger Development Corp., LLC (Applicant) and Fairwind Properties, Inc. (Owner). in accordance with plans prepared by Fuss and O'Neil, Inc., dated April 2014 and Existing Condition plan dated 2004 last revised October 7, 2022 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated November 2, 2022.

J. Butler seconded the motion.

The motion was granted, 8-0-0. The Chair voted in the affirmative.

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

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit as indicated on this plan.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/Stantec review memo dated November 2, 2022.

2. Owner's signature shall be provided on the plans.

3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.

4. Third-party review fees shall be paid within 30 days of conditional site plan approval.

5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.

6. Final engineering review.

PLEASE NOTE – If these conditions are not met within 120 days of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work, as indicated on this plan, may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Engineering & Environmental Services to arrange the pre-construction meeting.

2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Engineering & Environmental Services, 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. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

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

6. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the

Planning Board. 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 Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.

7. As built site plans must to be submitted to the Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

C. Conceptual and non-binding review and discussion of a proposed site plan pursuant to NHRSA 676:4 for a 264 apartment unit community consisting of 11 three-story residential buildings and associated amenities, Governor Bell Drive & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and WP East Acquisitions, LLC (Applicant)

Chairman Rugg read the case into the record noting that this is a conceptual, non-binding discussion only. Michael Malynowski, P.E., from Allen & Major Associates, Inc., 400 Harvey Road, Nashua, NH, and Mark Seck, Vice President of Development from Wood Partners East Acquisitions, LLC, addressed the Board. M. Seck explained that he works for a company called Wood Partners that is based in Atlanta and the New England office is based in Lexington, MA. He went on noting that they are one of the larger apartment developers in the country, as that is all they do. He pointed out that they are the developer, the general contractor, and property manager, of their projects in New England, which he believes is very important. He mentioned that they have been in the New England market since 2008, and they have only done projects in Massachusetts, so this would be their first project in New Hampshire. He added that they have built over 3,000 units since opening the New England office in 2008. He reviewed a packet, Exhibit 1, with the Board, which is attached hereto. He explained that they are proposing to build eleven buildings with 24-units per building, as that is what is allowed in the Woodmont PUD. He commented that they will have 264 units with a mix of one, two- and three-bedroom units.

Michael Malynowski addressed the Board reviewing the site details. M. Malynowski explained that this project is part of the Woodmont PUD, specifically blocks 9 and 10. He said that they have enough parking for the project. He noted that most of the utilities have already been installed with other projects that have been developed in Woodmont. He pointed out the large pond along Michels Way will take on stormwater and based on review of the previous reports, they have a net

reduction in impervious coverage. He mentioned that they have received a letter from the sewer department that they have capacity for the project and, as well as Pennichuck. He added that they have traffic engineers working in their group that are very knowledgeable about traffic at Woodmont. He said that they are hoping to have a submittal to the Planning Department next week to start the process. Chairman Rugg asked if they are working with Jeff Kevan, P.E., from TF Moran. M. Malynowski replied that they are.

Chairman Rugg asked if the Board had any questions. J. Butler asked if there was a curb cut at the top left on the screen. M. Malynowski replied that it is an existing curb cut that was provided as part of the original master plan and pointed out the other curb cuts that they will be using with the Board. He said that they are not proposing any new curb cuts. J. Butler mentioned that on the corner of Woodmont Ave and Governor Bell Drive it appears as though that parking may be visible from the road and asked for fencing to help hide this. He added that the Board asked for this at the Derry Medical Center site down the street from them. M. Malynowski pointed out that the parking is lower than the elevation. J. Butler commented that he knows this is very early on in the design phase, but from an architectural standpoint, it does not necessarily match what the town would like for Woodmont. He commented that they are looking for more of a traditional New England brownstone look. He gave them some examples from their website, noting Alta Frisco Square, and Alta Stone Place, as the type of architecture that he is looking for at Woodmont. M. Seck pointed out that Alta Stone Place was an old mill building. J. Butler asked why their buildings are not four stories. M. Seck replied that zoning does not allow four stories. J. Butler reiterated that parking should be fenced or screened as they requested for Derry Medical Center. M. Malynowski asked for a rendering of the fence. J. Butler pointed out that they can find samples of at the Planning Department. Chairman Rugg pointed out that they will be going before the Heritage Commission, which will deal with architecture. B. Hallowell agreed with J. Butler on the design. He mentioned that 1901 West jumped out at him from their website for what he believes should be at Woodmont. He remarked that he liked the idea of apartments, as he believes that is missing in town. He said that he likes the way the buildings are positioned. M. Seck said that zoning is limited to three stories with a maximum of 24 units per building. B. Hallowell noted that they have four stories on Main Street. M. Malynowski stated that they can get to four stories in the WC-1 block of Woodmont, which did not make sense for this project. B. Hallowell asked if four stories buildings would mean smaller buildings and less units per building. M. Malynowski replied that is correct. J. Knights asked if this proposal would be in place of the mixed use village that was presented. Chairman Rugg replied that this is more residential, pointing out that there are different blocks in Woodmont that allow different uses. M. Seck stated that Pillsbury development has more plans for retail along Main Street, but right now commercial is hard to sell. J. Knights said that this would fill a gap in town for higher end apartment buildings, but he wanted to make sure that Woodmont is not turning into a giant residential community. Chairman Rugg reviewed where there could be retail, specifically noting Main Street. T. Combes said that he was a favor of a brick façade, such as downtown Manchester. He asked if Chairman Rugg remembered why they set it at a maximum of 24-units per building. Chairman Rugg replied that

he would have to get back to him on this. J. Trottier mentioned that Councilor Farrell reminded him that the 24-units is similar to the workforce housing limitation. L. Wiles remarked that Main Street was to be used for bigger buildings and as you get farther away, the buildings get smaller, like a progression. Chairman Rugg added that it took three years to come up with the master plan. T. Combes commented that he thinks this looks very nice and the amenities are nice. L. Wiles voiced his opinion that he thought parking looks tight in the southwest corner of the complex. M. Seck stated that they are aware of this as they have been working on this plan for a while now and some of these comments were noted by the previous Town Planner. L. Wiles asked if the garages are an additional cost per month. M. Seck replied that is correct. J. Penta agreed with the other Board members comments related to architecture. D. Paul asked for the average rent. M. Seck replied that he cannot say, as they are two to three years out. D. Paul commented that she thinks the proposal before them this evening lacks character and would like more. She remarked that the fence should go from Michels Way around the corner, as it should be walkable. M. Seck asked for clarification. J. Butler reviewed where he would recommend a fence. D. Paul asked if there would be sidewalk around the development. M. Seck replied that they are responsible for the inside and Pillsbury would handle the outside. M. Malynowski reviewed that sidewalks have been provisioned in the Woodmont PUD, but they have not been constructed yet. D. Paul asked how many apartment units were originally in the Woodmont Master Plan and does this development max out that number. Town Planner Caron replied that she does not know this, but does not believe this development would max it out. Chairman Rugg interjected that there are a total of 1,436 living units throughout Woodmont. D. Paul asked for this number, as this would impact traffic, as there are challenging intersections. M. Seck stated that they will submit a traffic study with their application. M. Malynowski reiterated that they are using the same traffic engineers that were involved in the original master planning process, so they will have a better handle on the area. A. Chiampa expressed her concern that this is not what the public envisioned with Woodmont. She said that Michels Way was supposed to be more of a promenade or an important roadway through the development where commercial/retail is located and townhouses face to the street. She said that this proposed development has the backside of the buildings on Michels Way, Governor Bell Drive and Woodmont Avenue, much like a closed off, self-contained community. She asked if there is a retail component. M. Seck replied that they are proposing strictly residential. A. Chiampa reiterated that she is disappointed that it is only residential and said that Woodmont is supposed to be an interactive community, which they were sold on. Chairman Rugg said that Main Street is where the retail would be and as you get farther away, it is more residential. He mentioned that he would have to review this specific site, but thought that this was designated as residential only. D. Paul suggested a Beacon Hill architectural design for this area and agreed with A. Chiampa on having the units face the street. J. Penta asked if there was an opportunity to showcase the courtyard they have proposed in the middle of the development. M. Seck asked if he was alluding to having this as a public park, as they cannot do this for insurance reasons. J. Penta replied that is not what he was saying, but more if people were walking by and could see the courtyard. He added that he thought this might make it more attractive. M. Seck remarked that he understood what the Board members

were saying and thought there could be a compromise to this. He noted that according to the Woodmont PUD the buildings have to line the roadway. L. Wiles asked if they number parking spots. M. Seck replied that they usually ask residents to register their cars and get a sticker, but they do not number the spots. T. Combes asked if there would be visitor parking. M. Seck replied that they do. B. Hallowell pointed out Alta North or Tribeca at Camp Springs from their website are designs that have a lot of character. He commented that Woodmont was sold to the residents as a city within a town, so he would like it to feel/look like a classy downtown. Chairman Rugg pointed out that Londonderry does not really have downtown and Woodmont can take this on. M. Seck thanked the Board for all the feedback that they received tonight.

V. Other

VI. Adjournment

Member A. Sypek made a motion to adjourn the meeting at approximately 8:38 p.m. Seconded by B. Hallowell.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 8:38 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Jake Butler
Title: Secretary

These minutes were accepted and approved on December 7, 2022, by a motion made by J. Butler and seconded by B. Hallowell.

STAFF RECOMMENDATION

To: Planning Board
From: Kellie Caron, Town Planner
John Trottier, PE, Director of Public Works & Engineering

Date: November 2, 2022

Application: Application for formal review of a lot line adjustment plan to adjust the lot line between Seven Chartwell Court, Map 3 Lot 45-61, Zoned AR-1 and 11 Greeley Road, Map 3 Lot 165-1, Zoned AR-1, Diana F. Wolters Rev. Trust (Owner & Applicant)

- Completeness: There are seven outstanding checklist items. One waiver has been provided for checklist item III.34 however no waivers with justification have been requested from the other outstanding checklist items noted below. Staff recommends the application **not** be accepted as complete.
 1. Checklist item no. IV.4, provide a plan index.
 2. Checklist item III.7 and section 4.11 of the subdivision regulations, note section to include the information required per the checklist.
 3. Checklist item III.12, provide a boundary plan of all subject properties.
 4. Checklist item III.13, provide the proposed lot configuration of both lots defined by metes and bounds.
 5. Checklist item III.14 and section 3.02, provide boundary monuments. It appears that there are not proper markings along the front corner of the Greeley lot.
 6. Checklist item III.16.c and section 4.12.C.6.iii of the subdivision regulations, add right-of-way width.

Board Action Required: Staff recommends the Board not accept the application as it is not substantially complete and does not contain sufficient information to invoke the Board's jurisdiction and allow the Board to make an informed decision.

- Waivers: The applicant has requested three waiver requests for this application.
 1. The applicant is requesting a waiver from checklist item III.34 to not provide a sight distance profile for both lots. Staff **does not support** the granting of this waiver. Staff sees this as an opportunity to improve if improvements are warranted.
 2. The applicant is requesting a waiver from Section 4.17 of the Subdivision Regulations to not provide the benchmark data and topography high intensity soil study for the entire parcels. Currently staff **supports** the granting of this waiver as the parcel being reduced includes a portion mapped for topography and soils to prove a buildable parcel. Additionally, as a result of the lot line adjustment both parcels will exceed five acres in area but not necessitate NHDES subdivision approval and no additional improvements are proposed at this time.

3. The applicant is requesting a waiver from Section 3.05 of the Subdivision Regulations to not provide utility clearance letters. Currently staff supports the granting of this waiver as the parcels have existing residential structures with existing non-municipal utilities and no new connections are proposed.

Board Action Required: Staff recommends that the Board not act on these waivers at this time as Staff is requesting that the public hearing be continued so as to allow time for Staff and the Applicant to work through outstanding engineering and planning department comments.

- **Recommendation:** Based on the information available to date, Staff recommends that the Planning Board continue the public hearing to December 14, 2022 to allow time for Staff and the Applicant to work through outstanding planning and engineering comments.

Board Action Required: Motion to continue the application to December 14, 2022 to allow time for Staff and the Applicant to work through outstanding engineering and planning department comments.

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

PRECEDENT CONDITIONS

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

1. Any outstanding comments from the July 18, 2022 Design Review memorandum and the October 18, 2022 Hoyle Tanner memorandum shall be addressed.
2. The Applicant shall provide the Owner’s signature(s) on the plans.
3. Required permits and permit approval numbers shall be noted on the plan.
4. Please add the note as directed by the Code Enforcement Officer regarding the necessity of obtaining a variance for future construction and development of 11 Greeley and process to obtain a building permit for future constructions/additions.
5. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.

6. Checks for recording fees and LCHIP shall be submitted to the Town, payable to Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plans.
8. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
9. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

PLEASE NOTE – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants 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 subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed 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. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.

MEMORANDUM

To:	Ms. Kellie Walsh Planning and Economic Development	Date:	October 18, 2022
Cc:	Mr. John Trottier, PE Director of Engineering and Environmental Services	Re:	Lands of the Diana F. Wolters Revocable Trust 7 Chartwell Ct. & 11 Greely Rd. Londonderry, NH Tax Map 3, Lot 45-61 & Tax Map 3, Lot 165-1
From:	Heidi J. Marshall, PE Hoyle Tanner & Associates, Inc.	Owner:	Diana F. Wolters Revocable Trust
		Applicant:	Diana F. Wolters Revocable Trust

Hoyle, Tanner & Associates, Inc. has completed formal design review of the above referenced project. The following was submitted for review:

1. *LOT LINE ADJUSTMENT PLAT of the lands of the DIANA F. WOLTERS REVOCABLE TRUST*, dated August, 2022 with one revision noted, dated 9/13/22, and prepared by Richard D. Bartlett & Associates, Inc.
2. Abutters list, dated 9/20/2022.
3. Exhibit 2, Subdivision Formal Application Request Form, not dated.
4. Exhibit 5-B, Design Review Lot Line Adjustment Application & Checklist, for Londonderry Tax Map 3 Block 45, Lot 61 and Map 3, Block 165, Lot 1, not dated.
5. Waiver request letter from LSR 4.17. related to the measurement of topography and a high intensity soil study, dated September 19, 2022.
6. Waiver request letter from Checklist item III.34. related to the driveway sight distance plans/profiles, dated September 19, 2022.
7. Response Letter from Mark C. Sargent, LLS, dated September 19, 2022.
8. Pictures regarding line of sight, not dated.
9. Highlighted copy of plan set.
10. Copy of Approval of Operation from the NH Water Supply & Pollution Control Commission, dated December 20, 1988.
11. *SUBDIVISION OF TAX LOT #3-165 LONDONDERRY, N.H.*, dated May 5, 1975.

October 18, 2022

Subdivision Plan for Lands of the Diana F. Wolters Revocable Trust

2 of 3

Based upon the documents received and reviewed, we offer the following comments:

General and Lot Line Adjustment Plat Comments:

1. The Applicant should add the Tax Map and Lot numbers to the Title Block on page 2 of the Lot Line Adjustment Plat per Londonderry Subdivision Regulations (LSR) 4.02.D. and Checklist item III.2.d.
2. The Applicant should include the individual subsurface system approval numbers for the existing lots on the plan set per LSR 4.11.K. We note that the Applicant indicated they were unable to find an approval number for the subsurface disposal system on 11 Greely Road (Map 3 Lot 165-1).
3. The Applicant should add the required title sheet notes related to the plans to be filed at the Town and/or recorded to the plan set per LSR 4.11.O. and Checklist items III.7.n. (The Applicant has stated the entire plan is to be recorded and the note is not necessary however, we note that both plan sheets are labelled Sheet 1 of 1. Once the sheet numbering is updated, the note should be added indicating that both sheets are to be filed.
4. The Applicant should add the lot frontage dimension and supporting data for the second lot being modified to be evaluated against LSR 4.11.E. and Checklist item III.7.e. (The Applicant provided a plan reference that shows that the lot is an existing nonconforming lot, as it does not have the currently required lot frontage.)
5. The Applicant should note the intent to provide boundary markers and/or monuments for all segments of both parcels per LSR 4.12.C.4. and Checklist item III.14. No existing or proposed monumentation is currently shown for the existing Map 3, Block 165, Lot 1 and not all changes in direction along existing boundary segments on Map 3, Lot 45-61 are noted to be pinned or monumented.
6. The Applicant should include the right-of-way dimension of Greely Road per Checklist item III.16.c. and per LSR 4.12.C.6.iii.
7. The Applicant has added the protective well radii as required by NHDES, however, the radius on Map 3, Lot 165-1 appears to be close to the approximate area shown for the existing subsurface disposal system. The Applicant should verify that the existing subsurface disposal system is not within the protective radius.
8. The Applicant should add the owner's signature, per LSR 4.12.C.16. and Checklist item III.27.
9. The Applicant has not provided driveway sight distance plans/profiles required by Checklist item III.34. but has provided a **waiver** letter and photos depicting the sight lines from each driveway.

October 18, 2022

Subdivision Plan for Lands of the Diana F. Wolters Revocable Trust

3 of 3

10. The Applicant should provide the lot dimensions including bearings and distances for the proposed configuration of Map 3, Lot 165-1 (the parcel "donating" the land to the adjacent parcel) on the plan as required by LSR 3.03.A., Checklist item III.12. and III.13. (We are unable to verify that the second lot created has an error of closure less than 1:10,000.)
11. The Applicant should show the benchmark data on the plan sheet per LSR 4.05., however, we note that the Applicant has requested a **waiver** from the entire LSR Section 4.17. which also includes the requirement to include a benchmark on the plan set.
12. The Applicant has not provided a Topographic High Intensity Soil Study as required by LSR 4.17. but has provided a **waiver** request letter.

STAFF RECOMMENDATION

To: Planning Board
From: Kellie Caron, Town Planner

Date: November 2, 2022

John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application acceptance and public hearing for formal review of a site plan amendment for the construction of a 7,200 SF building and associated site improvements, Three Akira Way, Map 28 Lot 31-1, Zoned IND-II, Ranger Development Corp., LLC (Applicant) and Fairwind Properties, Inc. (Owner).

- **Completeness:** There are no outstanding checklist items and Staff recommends that the application be accepted as complete.

Board Action Required: **Motion to accept the application as complete per Staff Recommendation Memorandum dated November 2, 2022.**

- **Waivers:** There are four requests for this application.
 1. The Applicant is requesting a waiver from section 3.11.g.1.i of the site plan regulations to remove the requirement that a minimum interior area of the front parking lot be dedicated to landscape area (10% on parking lots located in front of the principal building or on otherwise vacant lots). Currently, Staff **supports** the granting of this waiver due to the required landscaping being provided still, but in a different location within the site which has been common practice in industrial zones.
 2. The Applicant is requesting a waiver from section 3.11.g.1.iii of the site plan regulations to remove the requirement that a minimum interior area of the rear parking lot be dedicated to landscape area (5% on parking lots located in rear of the principal building or on otherwise vacant lots). Currently, Staff **supports** the granting of this waiver due to the required landscaping being provided still, but in a different location within the site which has been common practice in industrial zones.
 3. The Applicant is requesting a waiver from Section 3.09.g.11 of the site plan regulations to remove the requirement for providing loading spaces. Currently, Staff **supports** the granting of this waiver due to the nature of the business that will occupy the space, formal loading is not needed.
 4. The Applicant is requesting a waiver from Section 4.03.c and 4.12.c.16 of the site plan regulations to remove the requirement that title blocks have the signature block on them, specifically on the existing conditions plan. Currently, Staff **supports** the granting of this waiver. The existing conditions plan has been part of the plan set with previous approvals and the company that produced the plan is no longer in business and the surveyor who stamped the plan is deceased.

Board Action Required: Motion to grant the applicant's request for three waivers as outlined in the Staff Recommendation Memorandum dated November 2, 2022.

Board Action Required: Motion to grant conditional approval of the site plan site plan amendment for the construction of a 7,200 SF building and associated site improvements, Three Akira Way, Map 28 Lot 31-1, Zoned IND-II, Ranger Development Corp., LLC (Applicant) and Fairwind Properties, Inc. (Owner). in accordance with plans prepared by Fuss and O'Neil, Inc., dated April 2014 and Existing Condition plan dated 2004 last revised October 7, 2022 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated November 2, 2022.

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

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board. Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit as indicated on this plan.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/Stantec review memo dated November 2, 2022.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Town of Londonderry Site Plan regulations.
4. Third-party review fees shall be paid within 30 days of conditional site plan approval.
5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.
6. Final engineering review.

PLEASE NOTE – If these conditions are not met within 120 days of the meeting at which

the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work, as indicated on this plan, may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Engineering & Environmental Services to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Engineering & Environmental Services, 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. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the Planning Board. 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 Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the

financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.

7. As built site plans must to be submitted to the Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

Londonderry Planning Board

MEMORANDUM

To: Planning Board

Date: November 2, 2022

From: Planning and Economic Development
Engineering & Environmental Services Dept.
Stantec Consulting Services, Inc.

Re: Amended Site Plan for
Office, Warehouse and Storage
Map 28 Lot 31-1
3 Akira Way

Owners: Fairwinds Properties
Applicant: Ranger Development Corp.

Fuss & O'Neill submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The Applicant's design does not meet the internal landscaping standard for the front parking lot per section 3.11.g.1.i of the Site Plan Regulations. The Applicant has submitted a written **waiver request** to the landscape requirements for Planning Board consideration.
2. The Applicant's design does not meet the internal landscaping standard for the rear parking lot per section 3.11.g.1.iii of the Site Plan Regulations.. The Applicant has submitted a written **waiver request** to the landscape requirements for Planning Board consideration.
3. The Applicant's design does not indicate or provide for loading spaces per Section 3.09.g.11 of the Site Plan Regulations. The Applicant has submitted a written **waiver request** to the loading space requirements for Planning Board consideration.
4. The Applicant's existing conditions plan does not provide an owner signature block or Owner signature per Sections 4.03.c and 4.12.c.16 of the Site Plan Regulations. The Applicant has submitted a written **waiver request** to the existing conditions plan requirements for Planning Board consideration.
5. We recommend the Applicant clarify/address the following on the **Site Plan, Grading, Drainage and Erosion Control, and Utilities Plans**:
 - a. Please provide the Owner's signature in all locations.
 - b. Please clarify graphic scales on page c2b.
 - c. We recommend the Applicant verify the fire services to the building with the Londonderry Fire Department per item VI.1.2.d.2 of the checklist. Please update the plans acceptable to the Fire Department.
6. We recommend the Applicant update sheet D8 to include the checklist sheet forms noted in the Inspection and Maintenance (I&M) manual of the stormwater management report as typically requested by the Town.

7. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
 - b. The Applicant should indicate the Town of Londonderry Sewer Discharge and Stormwater Permit approval numbers on the cover sheet and provide copies of all permits for the Planning Department file per section 4.13 and 4.18.e of the Site Plan Regulations and item XII of the Site Plan Application and Checklist.
 - c. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
 - d. Please verify the comments of Heritage Commission have been adequately addressed with the Heritage Commission.
 - e. Please verify the comments of Fire Department have been adequately addressed with the Fire Department.

Board Action Items:

1. The Applicant has submitted written waiver requests for four (4) requirements of the Site Plan Regulations as noted in the letters dated May 18, 2022 and August 24, 2022. The Board will need to consider each of the waiver requests as part of the project review.