

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF SEPTEMBER 4, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, member; Rick Brideau, Ex-Officio – Town Employee; Giovanni Verani, Ex-Officio – Town Manager; Scott Benson, Assistant Secretary; Jake Butler, member; Ann Chiampa (alternate member) and Peter Commerford (alternate member)

Also Present: Town Planner Colleen Mailloux; 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. He appointed A. Chiampa to vote for M. Soares and P. Commerford to vote for C. Davies.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of August 7, 2019, as presented.

R. Brideau seconded the motion.

The motion was granted 6-0-2, with S. Benson and G. Verani abstaining. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve the minutes of August 14, 2019, as presented.

R. Brideau seconded the motion.

The motion was granted 7-0-1, with G. Verani abstaining. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. DISCUSSIONS WITH TOWN STAFF:

Chairman Rugg informed the Board that there have been some technical difficulties with the town's website and email. Town Planner Mailloux told the Board that the website has migrated to a new server and the Town is working on some technical issues during the transition.

III. Old Business- N/A

IV. New Plans/Public Hearings

- A. Application for formal review of a site plan for a 5,000 square foot warehouse building, 600 square foot office, outdoor storage area and associated parking and site improvements, 47 Rockingham Road, Map 13 Lot 64, Zoned CII, Fred & Kathy Larson (Owners & Applicants)

Chairman Rugg read the case into the record. Town Planner Mailloux told the Board that there is one outstanding checklist item for which the applicant has requested a waiver and if the Board grants the waiver, Staff recommends the application be accepted as complete.

A. Sypek made a motion to approve the checklist waivers per Staff's recommendation memorandum dated September 4, 2019.

R. Brideau seconded the motion.

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

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated September 4, 2019.

R. Brideau 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 had started.

Nick Loring, P.E., from Benchmark Engineering, 1F Commons Drive Suite 39, Londonderry, NH addressed the Board. N. Loring said the parcel is on a two acre lot in the C-II zone on Rockingham Road. He told the Board that there used to be an office building that was demolished last fall and now it has been a large, gravel storage area. He explained that they are proposing two phases for development with the first phase comprising a 50 x 60 feet warehouse/garage totaling 3,000 SF and the second phase is another 40 x 50 feet addition for an additional 2,000 SF for the total 5,000 SF. He reviewed a plan with the Board. He noted that there will be a detention pond added in the front for drainage, expanding the gravel area for parking in the rear and screening with arbor vitae along the front of the pond. He said that they will have just under 50% for green space on the site. He stated that they have the septic permit from the state and are waiting on the curb cut permit from New Hampshire Department of Transportation (NHDOT). He reviewed the four waiver requests that they are requesting from the Board.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux told the Board that in addition to the checklist waiver the Board just approved, the applicant is requesting three additional waivers. She said that the first waiver is to Section 3.04 of the Site Plan Regulations to allow overhead utility service where

underground utilities are required, and Staff supports this waiver as the existing utilities and service connection are overhead. She stated the second waiver request is to Section 3.07.g.3 of the Site Plan Regulations to allow a storm drain line with less than the required minimum depth cover of 36 inches for the driveway culvert, which Staff supports because the depth of cover is limited by the existing drainage swale north of the site and because a driveway culvert typically only requires one foot of cover. She explained that Staff believes the third waiver request to Section 3.08.b.6 for pavement radii in excess of 24 feet is not needed as the driveway as presented complies with the site plan regulations and recommends that the Board take no action on this waiver. She reviewed some engineering items with the Board. A. Chiampa asked about traffic studies. Town Planner Mailloux told her that traffic analysis was performed and submitted to the third party engineer for review and found to comply with regulations and meet the requirements. A. Chiampa asked for more clarity on what this site would be used for. N. Loring explained that the trucking company, FL Larson is staying at their site in Billerica, MA, and this site is going to be used for antique trucks to be kept in the garage and rent a portion of the garage out. A. Chiampa asked about exterior storage on this site. N. Loring said that they will be storing trailers outside. A. Chiampa asked if the trailers would be tractor trailers and if this is allowed. Town Planner Mailloux stated that outdoor storage is permitted, but in a C-II zone it would not be permitted to be used as a trucking terminal. A. Chiampa asked if there were limits on the number of trailers to be stored. Town Planner Mailloux said there are no limits, but the Board could place a number in their approval. P. Commerford asked for more clarification on what the site is going to be used for. Fred Larson, owner of FL Larson Trucking, Inc., North Billerica MA, addressed the Board. F. Larson said that this site will be used to store trailers that are not being used, as the current site is being vandalized in Billerica. He said that his estimate is three trailers and some spreaders that would be stored. He added that he has antique trailers that he is going to leave in the building and rent a portion of the building out. P. Commerford asked about the old well on the site having a building placed on top of it. N. Loring said that they are hooking up to the Manchester water main and they are leaving the well there to give the owners the option to use it as an irrigation well for sprinklers. He told the Board they put a water tight manhole over the old well and pour the floor around it to create a water tight seal around the wellhead. P. Commerford asked about the old septic. N. Loring said that it is still in service and the owner plans to keep using it until it fails, and then there is a state approved septic system that will be put in. A. Chiampa asked if they could add a tree to the front of the warehouse as it is very bare. N. Loring told the Board that there will be a couple of trees at the top with landscaping to break up the front of the building.

Chairman Rugg opened it up to questions from the public and there were none.

A. Sypek made a motion to approve the applicant's request for the above waivers 1 and 2 as noted in the Staff recommendation memorandum dated September 4, 2019.

R. Brideau seconded the motion.

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

A. Sypek made a motion to grant conditional approval of the site plan for a 5,000 square foot warehouse, 600 square foot office, outdoor storage area and associated parking and site improvements, 47 Rockingham Road, Map 13 Lot 64, Zoned C-II, Fred & Kathy Larson (Owners & Applicants), in accordance with plans prepared by Benchmark Engineering, Inc. dated March 25, 2019, last revised June 26, 2019 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 September 4, 2019.

R. Brideau 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.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Hoyle Tanner & Associates review memo dated September 4, 2019.
2. All required permits and approvals shall be obtained and noted on the plan.
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 Section 2.05.n of the Subdivision 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 Public Works and Engineering.
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 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 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. 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 & Public Works Department, when a financial guaranty (see forms available from the Public Works 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 Public Works Department prior to the release of the applicant's financial guaranty.

B. Application for formal review of a site plan for the design and construction of a telecommunications facility, 11 Mohawk Drive, Map 6 Lot 35-3, Zoned C-I, Tahoe Realty Holding, LLC (Owner) & Bay Communications III, LLC and T-Mobile Northeast, LLC (Applicant)

Chairman Rugg read the case into the record noting the request for a continuance until October 9, 2019.

A. Sypek made a motion to continue the application for formal review of a site plan for the design and construction of a telecommunications facility, 11 Mohawk Drive, Map 6 Lot 35-3, Zoned C-I, Tahoe Realty Holding, LLC (Owner) & Bay Communications III, LLC and T-Mobile Northeast, LLC (Applicant) until October 9, 2019.

R. Brideau seconded the motion.

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

Chairman Rugg noted that the plan is continued until October 9, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

C. Application for formal review of a conditional use permit for approximately 3,600 SF of buffer impact associated with a previously approved site plan to construct a warehouse/office facility and associated site improvements, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, UTS, LLC (Applicant) and BDRC Properties, II, LLC (Owner)

Chairman Rugg read the case into the record. Town Planner Mailloux informed the Board that there are no outstanding checklist items and Staff recommends the application be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated September 4, 2019.

R. Brideau 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 had started.

Mike Hammer, surveyor with Meridian Land Services, 31 Old Nashua Road, #2, Amherst, NH addressed the Board. M. Hammer told the Board that they have an approved site plan and are under construction when there was a survey error that resulted in the building being laid out ten feet to the north. He said that the building is not the concern, but the location of the drainage that resulted from the building being placed in the wrong location. He explained that there is a manhole and a pipe that is inside the buffer area, which cannot be relocated unfortunately. He pointed out that once the error was found, they spoke to Staff who directed them to apply for a Conditional Use Permit (CUP). He said that they would like to reintroduce the top of the slope and grade a 3:1 slope down towards the wetland to loam and seed allowing the natural growth to return. He noted that they did have a conversation with Fish & Game about this area and they are interested in keeping the natural vegetation as it is a good habitat for rabbits.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux informed the Board that the applicant did present to the Conservation Commission who recommended approval of the CUP with a report from a certified botanist of what the natural vegetation is as a condition of their approval. She said that Staff recommends granting the CUP request.

Chairman Rugg opened it up to the public and there was none.

A. Sypek made a motion to grant approve the request for a Conditional Use Permit to impact 3,600 square feet of the conservation overlay district, 49 Wentworth Avenue, Map 14 Lot 44-35, Zoned IND-II, BDRC Properties, II, LLC (Owner & Applicant) with the following conditions:

1. Prior to issuance of a certificate of occupancy, a report, prepared by a certified wetland scientist, be submitted documenting the vegetation present in the area of disturbance.

2. All other conditions of site plan approval from the August 1, 2018 Notice of Decision must be met.

R. Brideau seconded the motion.

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

V. Other – N/A

VI. Adjournment


Member A. Sypek made a motion to adjourn the meeting at approximately 7:37 p.m. Seconded by R. Brideau.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 7:37 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: C. P. Davis
Title: Secretary

These minutes were accepted and approved on October 2, 2019, by a motion made by
M. Soares and seconded by R. Bideau.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: September 4, 2019

Application: Application for formal review of a site plan for a 5,000 square foot warehouse building, 600 square foot office, outdoor storage area and associated parking and site improvements, 47 Rockingham Road, Map 13 Lot 64, Zoned C-II, Fred & Kathy Larson (Owners & Applicants)

- **Completeness:** There is one outstanding checklist items for which the Applicant has requested a waiver for acceptance purposes only. If the Board grants the waiver as requested, Staff recommends the application be accepted as complete.
 1. Checklist Item V.1 and Site Plan Regulations Sections 4.12b & c to provide an existing conditions plan with a boundary survey with error of closure not less than 1 inch in 10,000 feet, stamped by a licensed land surveyor. Staff **supports** granting this waiver as there is an existing record plan on file and appropriate plan reference has been provided on the plans.

Board Action Required: **Motion to approve the checklist waivers per Staff's recommendation memorandum dated September 4, 2019.**

Board Action Required: **Motion to Accept the Application as Complete per Staff's Recommendation Memorandum dated September 4, 2019.**

- **Waivers:** The applicant has requested the following waivers from the Site Plan Regulations:
 1. The Applicant has requested a waiver from Section 3.04 of the Site Plan Regulations to allow overhead utility service where underground utilities are required. Staff **supports** this waiver as the existing utilities and service connection are overhead.
 2. The Applicant has requested a waiver from Section 3.07.g.3 of the Site Plan Regulations to allow a storm drain line with less than the required minimum depth cover of 36 inches for the driveway culvert. Staff **supports** this waiver because the depth of cover is limited by the existing drainage swale north of the site and because a driveway culvert typically only requires 1 foot of cover.
 3. The Applicant has requested a waiver from Section 3.08.b.6 for pavement radii in excess of 24'. The driveway as presented complies with the site plan regulations and Staff does not believe that this waiver is required and recommends that the Board take no action on this waiver.

Board Action Required: Motion to approve the applicant's request for the above waivers 1 and 2 as noted in the Staff recommendation memorandum dated September 4, 2019.

- **Recommendation:** Based on the information available to date, Staff recommends that the Planning Board **CONDITIONALLY APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: Motion to grant conditional approval of the site plan for a 5,000 square foot warehouse, 600 square foot office, outdoor storage area and associated parking and site improvements, 47 Rockingham Road, Map 13 Lot 64, Zoned C-II, Fred & Kathy Larson (Owners & Applicants), in accordance with plans prepared by Benchmark Engineering, Inc. dated March 25, 2019, last revised June 26, 2019 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 September 4, 2019.

"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. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Hoyle Tanner & Associates review memo dated September 4, 2019.
2. All required permits and approvals shall be obtained and noted on the plan.
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 Section 2.05.n of the Subdivision 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 Public Works and Engineering.
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 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 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. 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 & Public Works Department, when a financial guaranty (see forms available from the Public Works 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 Public Works Department prior to the release of the applicant's financial guaranty.

MEMORANDUM

To: Planning Board

Date: September 4, 2019

From: Planning and Economic Development
Department of Public Works & Engineering
Hoyle, Tanner & Associates, Inc.

Re: FL Larson Site Plan
47 Rockingham Road
Map 13, Lot 64

Owner/Applicant: Fred and Kathy Larson

Benchmark Engineering, Inc. submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Hoyle, Tanner and Associates, 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. The Applicant has submitted a written waiver request from Checklist Item V.1 and Londonderry Site Plan Regulations (LSPR) Sections 4.12.b. and 4.12.c. related to Existing Conditions Plan Boundary information.

Design Review Items:

1. The Applicant has submitted a waiver request from LSPR Section 3.04. related to overhead wires.
2. The Applicant has proposed 50 foot driveway radius flares on Rockingham Road, NH Route 28, and has submitted a written waiver request, from LSPR Section 3.08.b.6. to allow roundings as approved by the New Hampshire Department of Transportation (NHDOT).
3. The Applicant has not provided 36" cover over all drainage pipes per LSPR Section 3.07.g.3. The Applicant has submitted a written waiver request letter to this requirement for consideration by the Board.
4. The Applicant should provide all required permit approval numbers on the Cover or title sheet per LSPR Section 4.11.n. and Checklist item IV.1.n. and XII. Additionally, the Applicant should provide copies of all required permits when received. The Applicant has indicated that the NHDOT Drive Permit is pending.
5. The Applicant should provide utility clearance letters for all of the indicated utilities on the plans per LSPR Sections 3.04. and 4.18.b. and item XI.5. of the checklist.
6. We recommend that the Applicant clarify/address the following related to the **Grading, Drainage, & Utility Plans**:
 - a. The Applicant has proposed use of HDPE drainage piping and has not noted the intent to comply with the requirement of 3.07.g.5. to use either RCP or ADS N12.
 - b. The Applicant should provide all telephone/electric/cable information as required by LSPR Section 4.14.b.7.
7. We recommend that the Applicant address the following items related to the **Utility** requirements:
 - a. The Applicant should provide pipe trench details for the septic piping elements as required by LSPR Section 3.06.b.
 - b. The Applicant should provide relevant water details including a water trench detail as required by LSPR Section 3.05. and Checklist item VI.2.d.

- c. The Applicant has not provided a clearance letter from Pennichuck and has noted that it is pending.
 - d. The Applicant should provide sizing and material specifications for the proposed gas service per LSPR 3.04.
8. We recommend that the Applicant address the following items related to the **Project Stormwater Management Report**:
- a. The Applicant has routed Proposed Subcatchment 2 directly to CB#2 Pond; however, there should be a feature between the two as the water will flow over Subcatchment 3 to get to CB#2. The Applicant should add a Reach if it is desired to keep Subcatchment 2 separate for offsite water tracking purposes. An alternative is to include the Subcatchment 3 Tc into the Subcatchment 2 Tc making it 10 minutes to include the travel time through Subcatchment 3. We also note that Subcatchment 2C is shown in the HydroCAD model, however; is not shown on the Post-Development plan. The Applicant should clarify if it is still part of the model.
 - b. The Applicant should provide a summary table of the HydroCAD swale information summarizing project location, cross-section/channel width, slope, Manning's "n" value, peak discharge, depth of flow, and peak velocity for the design storm in accordance with LSPR Section, 3.07.b.5. and Checklist item XI.2.e.

Board Action Items:

- 1. The Applicant submitted a written waiver request to four (4) of the Site Plan Regulation's requirements as noted in the letter dated August 8, 2019 for the Board to act on. The Board will need to consider each waiver request as part of the project review.