

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF December 9, 2020, Via a Zoom remote meeting

I. CALL TO ORDER

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Al Sypek, Secretary; Giovanni Verani, Ex-Officio – Town Manager; Jeff Penta, member; Ann Chiampa, member; Jason Knights, alternate member; Lynn Wiles, alternate member; and Roger Fillio, alternate member

Also Present: Town Planner Mailloux; John Trottier, P.E., Assistant Director of Public Works & Engineering; Associate Planner Laura Gandia and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00, and noted as Chair of the Londonderry Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. He started the meeting by taking roll call attendance. He said that when a member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under Right to Know Law. He appointed L. Wiles to vote for J. Butler.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. Discussion with Town Staff:

III. Old Business

A. Application for formal review of a site plan for parking lot upgrades and associated site improvements, 33 Londonderry Road, Map 10 Lot 87 (Zoned C-II), 33 Londonderry Road, LLC (Owner) and Advanced Machining Technologies (Applicant) *continued from October 7, 2020* - continued from the November 4, 2020 meeting

Chairman Rugg read the case into the record noting it was continued from the November 4, 2020, meeting. J. Trottier told the Board that there are no outstanding checklist items and recommends the Board accept the application as complete.

C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated December 9, 2020.

A. Chiampa seconded the motion.

The motion was granted by a roll call vote, 7-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started. Michael Malynowski, P.E. from Allen Major & Associates, Harvey Road, Manchester, NH, addressed the Board. M. Malynowski told the Board that John Hayes, Esq., is also in attendance this evening and available for questions if needed. He stated that the project is for parking lot upgrades, noting the site contains an existing one-story commercial building with 17 units. He said that there are 13 commercial businesses in the building. He explained that they are proposing to submit a site plan to memorialize the existing conditions on the property, memorialize several variances approved to allow work in the buffer zone and memorialize parking lot striping. He pointed out that they have been granted several variances from the Zoning Board of Adjustment (ZBA) for work along the buffer and reviewed those with the Board. He stated that the site has a single access off Londonderry turnpike with one direction traffic along the front of the building. He added that they have redesigned the parking to be at an angle, noting that is one of the waivers they are requesting this evening. He mentioned that there have been historic issues with displays of used cars from the car dealers on site, so they are taking an existing concrete pad and providing a screened enclosure for temporary storage. He went on to state that they are also removing a portion of pavement along the side and will be providing additional notification signs at regular intervals as there have been issues with cars parking in the grassed area. He said that they are proposing no changes to the utilities, landscaping or pavement configurations.

Chairman Rugg opened it up to questions from the Board. J. Trottier told the Board that the applicant is requesting two waivers, but one no longer applies.

1. The Applicant has requested a waiver from Section 3.09.j.1 of the Site Plan Regulations to allow compact vehicle parking spaces along the front of the building. The regulation permits compact vehicle parking in parking lots containing more than 100 spaces, and only permits up to 10% of the total spaces to be designated for compact vehicles. The site parking lot has 81 total parking spaces, of which 27 are designated for compact vehicles. Staff **does not support** the waiver request as the applicant has not provided sufficient justification to warrant granting the waiver.

2. The Applicant has requested a waiver from Section 3.09.F.2 of the Site Plan Regulations and Checklist Item Iii.34 to not provide a driveway site distance plan and profile for the existing driveways at each lot. **As the Applicant has provided the required sight distance plan and profile with the latest submission, this waiver is not required and no Board action on it is necessary.**

J. Trottier reviewed the design review items as outlined in the Planning Department memo dated December 9, 2020, which is attached hereto. C. Davies asked what would constitute justification for the parking waiver and what the impact is for the reduction in parking. J. Trottier replied that 58 parking spaces are required and

they are providing 81 parking spaces, which is 27 parking spaces in excess. C. Davies said that they could reduce the amount of spaces and make them larger to meet the requirements. J. Trottier replied that was correct. C. Davies asked what the justification would be for the parking waiver. Town Planner Mailloux explained that the waiver request is related to the existing site design and pavement, noting the original layout and design of the site had no parking in front of the building. She went on stating that over time the area was used for parking, but the layout is constrained and there will be a reduction in pavement, which will further limit vehicle maneuvering on the site. She added that it might be helpful to understand why this site has so many compact cars going to it that they can designate 27 parking spaces solely for compact cars. A. Chiampa commented that she drove by yesterday and the majority of vehicles out front were pickup trucks and SUVs rather than compact cars. She asked if this would be considered unusual, and if this is normal, how will these vehicles fit into the compact car spaces. M. Malynowski replied that it is not uncommon to have a mix of vehicles on the site, but they are trying to provide parking for tenants that are in the front. He noted that this building was constructed as condominium units and at the time they were built, the primary access would have been the overhead doors in the back. He stated that now there are more office and design studios that use this space and the overhead doors are primarily for product merchandise with the general public coming in the front door. He added that taking away the parking in the front would severely encumber the businesses that utilize the parking along the front for their customers. He mentioned that if the spaces are approved and earmarked as compact, there will be signs that will limit the size of the vehicles. J. Penta asked if there is any enforcement of compact car parking spot usage, such as vehicle towing. J. Trottier replied that is the responsibility of the owner and noted that if there are parking violations at the site then code enforcement will be contacted. G. Verani asked if the parking would be a site plan violation. J. Trottier replied that was correct, but it is handled through code enforcement. G. Verani asked how much property was taken by the state when they expanded the highway. M. Malynowski replied that he does not have that information with him now, but he believes it might have been about 30 feet to 40 feet. He reviewed where the land was taken with the Board on the screen. G. Verani asked if there was any area left to provide screening from the highway. M. Malynowski replied that the edge of pavement goes all the way up to the new property line in the back. G. Verani commented that he sympathizes with the land being taken by the state, but he was hoping that there would be a way to screen the back of the property from the highway. M. Malynowski replied that he does not know of any screening given the pavement situation. J. Trottier mentioned that if the site was more orderly, it would help as well. M. Malynowski agreed that there has been haphazard parking on the site historically and with this project they were looking to clearly demarcate parking. He said that they are also going to be providing signage as well to help alleviate any confusion. R. Fillio asked if the parking spaces were striped now. M. Malynowski replied that they are not. R. Fillio commented that could be why larger vehicles are parking there now, as there are no clear lines. L. Wiles asked if the taking of property by the state contributed to the parking situation on the parcel. J. Trottier replied that in his opinion, it did not, as the original plan did not show parking in the front of the building. Chairman Rugg asked how 27 compact parking

spaces were determined. M. Malynowski reviewed how they arrived at the 27 parking spaces with the Board. Chairman Rugg asked if there were any ways to widen the passageway around the building and reduce the parking spaces for better vehicular movement. Town Planner Mailloux clarified that the Chair was asking if there could be parallel parking along the front versus head-in parking. M. Malynowski replied that parallel parking would diminish the usage of the parking for the businesses in the front. He did a rough calculation and came up with 14 spaces with parallel parking, noting they would be losing about 10 spaces. He commented that part of what makes this challenging is that there is parking that needs to be removed along the front to meet the buffer requirement. He said that they requested a waiver initially for this, but it was not granted by the ZBA. C. Davies commented that the length of the parking spots is really the issue versus the width. He asked about the pavement removal in the front. Town Planner Mailloux replied that the pavement was encroaching into the green perimeter buffer and was a zoning violation. She noted that they went before the ZBA for a variance for this, but they were denied; therefore, the pavement needs to be removed. C. Davies asked if the Board could provide a waiver to the ZBA variance. Town Planner Mailloux replied the Board cannot. C. Davies asked if the Board could support the applicant in reapplying to the ZBA for this variance as it seems to be the crux of the issue with the parking. Town Planner Mailloux replied that the time frame for an appeal has lapsed unfortunately and there is no recourse to go back to the ZBA. C. Davies asked when they applied for the variance. Town Planner Mailloux told the Board that it was in January of 2020.

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

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

C. Davies made a motion to deny the applicant's request for waiver #1 outlined in the Staff recommendation memorandum dated December 9, 2020.

L. Wiles seconded the motion.

The motion was granted by a roll call vote, 7-0-0. The Chair voted in the affirmative. The waiver was denied.

C. Davies made a motion to grant conditional approval of a site plan for parking lot upgrades and associated site improvements, 33 Londonderry Road, Map 10 Lot 87 (Zoned C-II), 33 Londonderry Road, LLC (Owner) and Advanced Machining Technologies (Applicant) in accordance with plans prepared by Allen & Major Associates, Inc., dated March 23, 2020, last revised November 16, 2020 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 December 9, 2020.

L. Wiles mentioned that they have not been provided a plan with appropriate parking and asked if the Board could approve the plan. Town Planner Mailloux replied that the Board can and the applicant would need to update the plan with staff. J. Trottier added that this is spelled out in the design review comments to update the plan with parallel parking. L. Wiles asked if the applicant would have enough parking spaces and what would happen if they did not. Town Planner Mailloux stated that if they cannot meet the conditions, it would have to come back to the Board for a waiver.

A. Chiampa seconded the motion.

The motion was granted by a roll call vote, 7-0-0. 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/Stantec review memo dated December 9, 2020.
2. Plans shall be amended to provide a parking configuration in compliance with Section 3.09c of the Site Plan Regulations.
3. All required permits and approvals shall be obtained and noted on the plan.
4. The Applicant shall note any waivers granted on the plan.
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 Site Plan Regulations.
6. Third-party review fees shall be paid within 30 days of conditional site plan approval.
7. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
8. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work for the 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 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.

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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. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building 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.

IV. New Plans – N/A

V. Other – N/A

VI. Adjournment

Member C. Davies made a motion to adjourn the meeting at approximately 8:04 p.m. Seconded by J. Penta.

The motion was granted by a unanimous roll call vote, 7-0-0.

The meeting adjourned at approximately 8:04 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Alan J. Sypek
Title: Secretary

These minutes were accepted and approved on January 13, 2021, by a motion made by C. Davies and seconded by J. Butler.

STAFF RECOMMENDATION

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

Date: December 9, 2020

Application: Application for formal review of a site plan for parking lot upgrades and associated site improvements, 33 Londonderry Road, Map 10 Lot 87 (Zoned C-II), 33 Londonderry Road, LLC (Owner) and Advanced Machining Technologies (Applicant)

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

Board Action Required: **Motion to accept the application as complete per Staff's Recommendation Memorandum dated December 9, 2020.**

- Waivers: The Applicant has requested two waivers to the Site Plan and Subdivision Regulations.

1. The Applicant has requested a waiver from Section 3.09.j.1 of the Site Plan Regulations to allow compact vehicle parking spaces along the front of the building. The regulation permits compact vehicle parking in parking lots containing more than 100 spaces, and only permits up to 10% of the total spaces to be designated for compact vehicles. The site parking lot has 81 total parking spaces, of which 27 are designated for compact vehicles. Staff **does not support** the waiver request as the applicant has not provided sufficient justification to warrant granting the waiver.
2. The Applicant has requested a waiver from Section 3.09.F.2 of the Site Plan Regulations and Checklist Item Iii.34 to not provide a driveway site distance plan and profile for the existing driveways at each lot. **As the Applicant has provided the required sight distance plan and profile with the latest submission, this waiver is not required and no Board action on it is necessary.**

Board Action Required: **Motion to deny the Applicant's request for waiver #1 outlined in the Staff recommendation memorandum dated December 9, 2020.**

- 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 a site plan for parking lot upgrades and associated site improvements, 33 Londonderry Road, Map 10 Lot 87 (Zoned C-II), 33 Londonderry Road, LLC (Owner) and Advanced Machining Technologies (Applicant) in accordance with plans prepared by Allen & Major Associates, Inc., dated March 23, 2020, last revised November 16, 2020 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 December 9, 2020.**

“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/Stantec review memo dated December 9, 2020.
2. Plans shall be amended to provide a parking configuration in compliance with Section 3.09c of the Site Plan Regulations.
3. All required permits and approvals shall be obtained and noted on the plan.
4. The Applicant shall note any waivers granted on the plan.
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 Site Plan Regulations.
6. Third-party review fees shall be paid within 30 days of conditional site plan approval.
7. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
8. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. **No construction or site work for the 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 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. All site improvements and off-site improvements must be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building 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: December 9, 2020

From: Planning and Economic Development
Department of Public Works & Engineering
Stantec Consulting Services, Inc.

Re: Tax Map 10 Lot 87
Site Plan Amendment
33 Londonderry Road

Applicant: Advanced Machine Technologies

Allen & Major Associates, Inc. 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 supplemental review comments were provided to the Applicant. The Applicant submitted revised plans and information and we offer the following comments:

Design Review Items:

1. The Applicant's proposed parking design indicates compact parking spaces will be provided for this site along the easterly side of the existing building, but the site does not contain a minimum of 100 spaces in accordance with section 3.09.j.1 of the Site Plan Regulations. The Applicant is requesting a waiver to this requirement.
2. The proposed parking design appears to alter and remove portions of the existing parking lot pavement along the easterly side of the building and restripes the parking spaces to be along the building edge, and indicates compact parking spaces will be only 4 feet from the building. The Applicant has indicated bollards would be placed in the parking spaces with the latest submission. The Applicant should review and confirm with the Town that the revised design provides proper parking spaces and pedestrian access to the units acceptable to the Town.
3. We recommend the Applicant address and update the following on the **Layout & Materials Plan**:
 - A. The project design indicates only one way traffic is proposed along the easterly side of the building. The Applicant's response letter notes the one way traffic extends to the north end of the site. We recommend additional traffic flow arrows be provided at the north end of the building to clarify the traffic flow design. In addition, we recommend that Do Not Enter signs be indicated and labeled at the north end of the building and a Do Not Enter sign detail be provided in the plan set. The Applicant noted additional arrows were added in the response letter, but they are absent from the northerly end of the site on the submitted plan.
 - B. The project design indicates removal of some existing pavement along the southerly property line that encroaches on abutting lot 148, and placement of signs, but the application submission and submitted plans do not include documentation or an easement for the apparent impacts to abutting lot 148. We recommend the Applicant provide documentation of the abutter acknowledgement and acceptance of the indicated work for the Planning Board's project file. In addition, please clarify the location of all of the proposed signs in this area for proper construction.
 - C. The Applicant should provide the lot Owner signatures on this plan and the existing conditions plan per section 4.12.C.16 of the regulations. The Applicant noted the signatures would be provided after approval by the Planning Board in the response letter.

4. We recommend the Applicant address and update the following on the **Existing Conditions Plan**:
 - A. The submitted existing conditions plan does not provide proper monuments along the southerly boundary line per section 4.12.C.4 of the regulations. The Applicant should update the plan in compliance with the regulations.
 - B. The Applicant should indicate the invert of the 42" RCP pipe, and the drain pipes and inverts to the catch basins located along Londonderry Road per section 4.14.a.19 of the regulations and item VI.1.s of the checklist. The Applicant noted the invert information was added in the response letter, but it is absent from the submitted plan.
 - C. The submitted plan indicates encroachments for the underground propane tanks that serve abutting lot 148 at the southeasterly corner of the site. We recommend that the encroachments be addressed acceptable to the Building Department and Zoning Officer.
5. We recommend the Applicant verify the DRC comments of Planning Department have been adequately addressed with the Planning Department.

Board Action Items:

1. The Applicant is requesting two waivers to the regulations as noted in his letter dated August 12, 2020. We note the latest plan set submission includes a driveway sight distance plan and the waiver noted in the letter for this requirement is not necessary. The Board will need to consider each waiver request.