

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF FEBRUARY 3, 2021, 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; Ann Chiampa, member; Giovanni Verani, Ex-Officio – Town Manager; Jeff Penta, member; Deb Paul; Ex-Officio - Town Council Liaison; Bruce Hallowell, Administrative Official Ex-officio; and Jason Knights, alternate member; and Roger Fillio, alternate member

Also Present: Town Planner Colleen 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 R Fillio to vote for J. Butler.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member C. Davies made a motion to approve the minutes of January 13, 2021, as amended.

A. Sypek seconded the motion.

The motion was granted, 8-0-1, with D. Paul abstaining. The Chair voted in the affirmative.

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

1. Application for design review for a site plan amendment for outdoor storage, changes to the parking layout and associated site improvements, 15 Independence Drive, Map 16 Lot 81-3, Zoned IND-II, Worden Limited Partnership (Owner & Applicant)
2. Application for design review of a subdivision plan to subdivide Map 10 Lot 41 into two lots, Pillsbury Road & Michels Way, Map 10 Lots 41, Zoned C-I & PUD, Woodmont Commons Planned Unit

Development, Pillsbury Realty Development, LLC (Owner) and LD 2020 LLC (Applicant)

3. Application for design review of a site plan amendment for Block 2 of Woodmont Commons to construct a 19,792 SF two story medical office building, Map 10 Lot 41, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and LD 2020 LLC (Applicant)
4. Application for design for review for a lot line adjustment plan between Map 16 lot 38-126 and Map16 Lot 38-127, Zoned AR-1, Chinburg Properties, Inc. (Applicant) and Lorden Commons, LLC (Owner)

Member C. Davies made a motion to find all four projects are not of developmental impact.

D. Paul seconded the motion.

The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative. (G. Verani could not vote due to Zoom technical difficulties).

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that she had one extension request for them this evening from a previously approved subdivision plan at Seven Litchfield Road, Map 12 Lot 20. She noted that they are having challenges getting the easements reviewed by the bank and mortgage holders on abutting property. She recommended granting a six-month extension request until August 5, 2021.

Member C. Davies made a motion to grant the extension request to meet the conditions of approval on a previously approved subdivision plan to subdivide one lot into two, Seven Litchfield Road, Map 12, Lot 20, Zoned AR-1, Seven Litchfield Road Realty Trust, LLC (Owner & Applicant) until August 5, 2021.

A. Sypek seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg informed the public that this Friday evening, February 5, 2021, the school district is holding their deliberative session and the town's deliberative session is Saturday, February 6, 2021, at 9 a.m. He also noted that Exit 4A has been updated and reviewed this with the Board noting the final completion date is tentatively the fall of 2023. Town Planner Mailloux acknowledged that long time

member of the Board, Rick Brideau, also the Chief Assessor in town whom retired in November, recently passed away, noting our thoughts and prayers are with his family during this difficult time.

(J. Farrell entered the meeting at this time 7:21 p.m.)

III. Old Business – N/A

IV. New Plans/Public Hearings

A. Application for formal review of a subdivision plan to subdivide Lot 41-1 into three new lots, Pillsbury Road & Michels Way, Map 10 Lots 41, 41-1 and 41-2, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner & Applicant)

Chairman Rugg read the case into the record. J. Trottier told the Board that there are four outstanding checklist items as follows:

1. Checklist Item VI.24 and Section 4.17.A23 of the Subdivision Regulations to not provide two-foot contours in the area of Duck Pond. Staff **supports** granting this waiver request as it is not practicable to provide topographic contours in the pond area and because 2-foot contours have been provided over the remainder of the property.
2. Checklist Item VI.28 and Section 4.16 of the Subdivision Regulations to not provide existing water, sewer, drainage and utility information. Staff **supports** granting this waiver for acceptance purposes only. The Applicant indicated in their waiver request that information on existing systems has been provided on previous site plans. Staff has included a recommended condition of approval that the As-Built plan depicting those existing systems be provided in lieu of adding them to this subdivision plan.
3. Checklist Items VII-VIII and Section 4.16.D of the Subdivision Regulations to not provide construction details. Staff supports granting this waiver as there is no new construction proposed for this subdivision.
4. Checklist Item VI.27 and Section 4.17.A.26 of the Subdivision Regulations to not show USDA-SCS soils on the plan. Staff supports granting this waiver as SCS soils have previously been provided.

C. Davies made a motion to grant waivers 1, 3 and 4 as outlined in Staff's recommendation memorandum dated February 3, 2021.

J. Penta seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

C. Davies made a motion to grant waiver 2 for acceptance purposes only as outlined in Staff's recommendation memorandum dated February 3, 2021.

A. Chiampa seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

C. Davies made a motion to accept the application as complete per Staff Recommendation Memorandum dated February 3, 2021.

A. Sypek seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. Jeff Kevan, P.E., TF Moran, Inc., 48 Constitution Drive, Bedford, NH addressed the Board. J. Kevan told the Board that this is for finance banking purposes, noting they are subdividing out the two buildings that are already built there. He went on stating the first building is a multistory building with apartments over the top and the second building is 603 Brewery. He noted that parking remains in an easement that is open for all to use. He mentioned that they are taking the existing Lot 41 that is 161 acres and cutting out an acre and a half for Building 301 and an acre for 603 Brewery building. He said that there will be 158.6 acres in the overall main part. He concluded his presentation and asked if the Board had questions.

Chairman Rugg asked for questions from the Board. J. Trottier reviewed the additional waiver they are requesting from Section 4.01c to allow a plan scale greater than 1" = 40' noting that staff supports granting the waiver. He reviewed the remaining design review comments with the Board. Town Planner Mailloux commented that there are easements in place that will be recorded with this plan, such as utility, cross access and parking. Chairman Rugg opened it up to public input and there was none.

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

C. Davies made a motion to approve the applicant's request for the above waiver as outlined in Staff's recommendation memorandum dated February 3, 2021.

R. Fillio seconded the application.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

C. Davies made a motion to grant conditional approval of the subdivision of one lot into three, Woodmont Commons Planned Unit Development, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Pillsbury Realty Development, LLC (Owner & Applicant) in accordance with plans prepared by Hayner/Swanson, Inc., dated July 23, 2020 last revised December 11, 2020, with the precedent conditions to be fulfilled within two years 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, February 3, 2021.

A. Sypek seconded the application.

The motion was granted, 9-0-0, by a roll call vote. 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 February 3, 2021.
2. As-built plans for the existing site shall be provided to the satisfaction of the Department of Public Works and Engineering.
3. Plan title blocks should be revised, or the cover sheet be included in the recording sheets, to satisfy RCRD recording requirements.
4. Easement documents shall be reviewed by the Town and final executed easement documents be submitted to the Town for recording.
5. If approved, the waivers and modification requested shall be noted as such on the plan.
6. The Applicant shall provide the Owner's signature(s) on the plans.
7. 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.

8. The Applicant shall provide checks for recording fees for the plans and easements made payable to Rockingham County Registry of Deeds.
9. The Applicant shall note all general and subsequent conditions on the plans.
10. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
11. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
12. 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. 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.
2. 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.

B. Application for formal review of a condominium conversion at Two Button Drive, Map 7 Lot 132-3, Zoned C-I & RTE 102 POD, Button Woods, LLC (Owner) and DHB Homes, LLC (Applicant)

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

C. Davies made a motion to accept the application as complete per Staff Recommendation Memorandum dated February 3, 2021.

A. Chiampa seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock has started. George Chadwick, P.E., Bedford Design Consultants, addressed the Board. G. Chadwick started with some background information stating that in 2019 he was before the Board and obtained site plan approval for seven duplex units. He went on to note that six of the seven buildings are in some form of construction at this point. He explained that because DHB has reprogramed their portfolio, they would now like to have each building become a condominium unit. He reviewed the plan on the screen with the Board, noting the limited common area. He noted that they have obtained the subdivision approval from the state. He mentioned that Conservation Commission asked them to add additional buffer sign and told the Board that they have been installed in the exact location they are shown on the plan. He said that all the utility connections and stormwater management system have been constructed, as well as the off-site drainage improvements along Button Drive have been completed. He pointed out that as part of the site plan approval in 2019, they proposed a fence and some plantings to meet the requirements, but since that time now that the unit is constructed, the developer spoke to the abutter, whom agreed the fence and plantings are no longer necessary. Chairman Rugg asked if they had documentation from the abutter stating what G. Chadwick told them this evening. Town Planner Mailloux replied that was in the file. G. Chadwick concluded his presentation and asked for questions from the Board.

Chairman Rugg asked for questions from the Board. J. Trottier told the Board that there are no waivers for this project and reviewed the remaining design review comments with the Board. Town Planner Mailloux reviewed the waiver that the Board granted as part of the previous site plan approval, noting that there is no new language or amendment that the Board has to attach to the condition of approval, but rather wanted the Board to be aware that this change was happening. C. Davies asked for clarification on the abutting neighbor's statement, as he did not find it in the email file. Town Planner Mailloux told the Board that she has the email on file. C. Davies asked if this would be seven separate condominium associations. G. Chadwick replied that it would be one association with seven separate buildings in the association. C. Davies asked if the septic systems would be the responsibility of the individual units or the collectively by the association. G. Chadwick replied that it is collectively by the association and spelled out in the condominium documents. R. Fillio asked if there was one septic system per building. G Chadwick replied that was correct. B. Hallowell asked if the addresses would be changing now that this is being converted to condominiums. Town Planner Mailloux reviewed one of the conditions of approval noting that map and lot numbers are to be verified with Assessing and labeled on the plans.

Chairman Rugg opened it up to public input and there was none. Chairman Rugg brought the discussion back to the Board as there was no further public comment.

C. Davies made a motion to grant conditional approval of the condominium conversion, 2 Button Drive, Map 7, Lot 132-3, Zoned C-I and Route 102 Performance Overlay District, Button Woods, LLC (Owner) and DHB Homes, LLC (Applicant) in accordance with plans

prepared by Bedford Design Consultants, Inc., dated November 11, 2020 last revised December 28, 2020, with the precedent conditions to be fulfilled within two years 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, February 3, 2021.

A. Sypek seconded the application.

The motion was granted, 9-0-0, by a roll call vote. 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 any outstanding DRC comments.
2. The Owners' signature shall be provided on the plans.
3. Map and Lot numbers should be verified with Assessing and labeled on the plans.
4. Executed copy of the condominium declaration shall be provided for recording at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
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. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
8. Final planning 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. 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.

2. 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.

V. Other

A. Sypek stated that the deliberative session for both the school and the town are in the high school gymnasium.

VI. Adjournment

Member C. Davies made a motion to adjourn the meeting at approximately 7:55 p.m. Seconded by R. Fillio.

The motion was granted by a unanimous roll call vote, 9-0-0.

The meeting adjourned at approximately PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Al Sypek
Title: Secretary



These minutes were accepted and approved on March 3, 2021, by a motion made by C. Davies and seconded by J. Butler.

STAFF RECOMMENDATION

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

Date: February 3, 2021

Application: Application Acceptance and Public Hearing for formal review of subdivision plan to subdivide one lot into three, Woodmont Commons Planned Unit Development, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Pillsbury Realty Development, LLC (Owner & Applicant)

- **Completeness:** There are four outstanding checklist items for which the Applicant has requested waivers:
 1. Checklist Item VI.24 and Section 4.17.A23 of the Subdivision Regulations to not provide two-foot contours in the area of Duck Pond. Staff **supports** granting this waiver request as it is not practicable to provide topographic contours in the pond area and because 2-foot contours have been provided over the remainder of the property.
 2. Checklist Item VI.28 and Section 4.16 of the Subdivision Regulations to not provide existing water, sewer, drainage and utility information. Staff **supports** granting this waiver for acceptance purposes only. The Applicant indicated in their waiver request that information on existing systems has been provided on previous site plans. Staff has included a recommended condition of approval that the As-Built plan depicting those existing systems be provided in lieu of adding them to this subdivision plan.
 3. Checklist Items VII-VIII and Section 4.16.D of the Subdivision Regulations to not provide construction details. Staff supports granting this waiver as there is no new construction proposed for this subdivision.
 4. Checklist Item VI.27 and Section 4.17.A.26 of the Subdivision Regulations to not show USDA-SCS soils on the plan. Staff supports granting this waiver as SCS soils have previously been provided.

Board Action Required: Motion to grant waivers 1, 3 and 4 as outlined in Staff's recommendation memorandum dated February 3, 2021.

Board Action Required: Motion to grant waiver 2 for acceptance purposes only as outlined in Staff's recommendation memorandum dated February 3, 2021.

Board Action Required: Motion to accept the application complete as outlined in Staff's recommendation memorandum dated February 3, 2021.

- **Waivers:** The applicant has requested the following additional waiver of the Subdivision Regulations:
 1. The Applicant has requested a waiver from Section 4.01c to allow a plan scale greater than 1" = 40'. Staff **supports** granting this waiver as the plans are legible at the scale presented.

Board action required: Motion to approve the Applicant's request for the above waiver as outlined in Staff's recommendation memorandum dated February 3, 2021.

- **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 subdivision of one lot into three, Woodmont Commons Planned Unit Development, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Pillsbury Realty Development, LLC (Owner & Applicant) in accordance with plans prepared by Hayner/Swanson, Inc., dated July 23, 2020 last revised December 11, 2020, with the precedent conditions to be fulfilled within two years 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, February 3, 2021.

"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 February 3, 2021.
2. As-built plans for the existing site shall be provided to the satisfaction of the Department of Public Works and Engineering.
3. Plan title blocks should be revised, or the cover sheet be included in the recording sheets, to satisfy RCRD recording requirements.
4. Easement documents shall be reviewed by the Town and final executed easement documents be submitted to the Town for recording.
5. If approved, the waivers and modification requested shall be noted as such on the plan.

6. The Applicant shall provide the Owner's signature(s) on the plans.
7. 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.
8. The Applicant shall provide a checks for recording fees for the plans and easements made payable to Rockingham County Registry of Deeds.
9. The Applicant shall note all general and subsequent conditions on the plans.
10. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
11. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
12. 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. 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.
2. 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: Planning Board

Date: February 3, 2021

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

Re: Woodmont Commons PUD Subdivision
Subareas WC-1-GL, WC-1 & WC-2
Map 10, Lot 41, Michels Way & Pillsbury Road

Owner: Pillsbury Realty Development, LLC
Applicant: Pillsbury Realty Development, LLC

TF Moran 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 not provided two-foot contours in the Duck Pond area as required by LSR Section 4.17.A.23 and Checklist Item VI.24. They have submitted a written **waiver request** to this requirement for consideration by the Board.
2. The Applicant has not shown existing water, sewer, drainage, and utility information required by LSR Section 4.16 and Checklist Item VI.28. They have submitted a written **waiver request** to this requirement for consideration by the Board.
3. The Applicant did not include any stormwater management, utility, roadway, and construction detail information as required by LSR Section 4.16.D and Checklist Items VII-VIII. They have submitted a written **waiver request** for consideration by the Board.
4. The Applicant has not included USDA-SCS soil survey information within the current submittal as required by LSR Section 4.17.A.26 and Checklist Item VI.27. They have submitted a written **waiver request** to this requirement for consideration by the Board.

Design Review Items:

5. The Applicant has used drawing scales that do not meet Londonderry Subdivision Regulation (LSR) 4.01. They have submitted a written **waiver request** to this requirement for consideration by the Board.
6. The Applicant should provide a plan signed by the Owner, per LSR 1.12.C.16.
7. The Applicant has shown the intent to provide iron pins along the front of new Lots 41-32 and 41-33 along Market Place Drive (instead of a stone or concrete bound) per LSR 3.02.B.1., which is allowed by the Woodmont Commons Master Plan. The Applicant has not shown the intent to provide monuments at all angle points, points of curvature and points of tangents on remainder Lot 41 along Pillsbury Road per LSR 3.02.A.1.
8. The Applicant has not included notes outlining minimum lot area, frontages, and setback dimensions. The Applicant has noted the Building, Block and Lot Types for Lots 10-41-32 and 10-41-33 but has not indicated the applicable dimensional criteria required by the PUD.

9. The Applicant has not provided the notes required by LSR 4.11.P., 4.11.Q., and 4.11.R.
10. The Applicant should confirm the proposed lot numbers with the Assessing Department per LSR 4.12.C.10. and confirm street names and numbering with the Assessing and Fire Departments. Additionally, street addresses for each lot should be labeled on the plan.
11. The Applicant should update the Master Subdivision Plan to include the requested waivers as required by LSR 4.11.L.
12. The Applicant has not labelled the Zoning District Boundary within one thousand (1,000) feet of the subdivision per LSR 4.13.
13. The Applicant should verify that all design review comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of the Planning Department have been adequately addressed with the Planning Department.

Board Action Items:

1. The Applicant submitted written waiver requests to five (5) of the Londonderry Subdivision Regulation requirements as noted in the submittal dated December 20, 2020. The Board will need to consider each waiver request as part of the project review.

Board Information Items:

1. This submission is for approval of a subdivision plan to create two new lots cut out of an existing lot.
2. The Applicant has submitted a draft access, utility, and parking easement document to the Town relative to use of shared infrastructure.

STAFF RECOMMENDATION

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

Date: February 3, 2021

Application: Application Acceptance and Public Hearing for formal review of a condominium conversion, 2 Button Drive, Map 7, Lot 132-3, Zoned C-I and Route 102 Performance Overlay District, Button Woods, LLC (Owner) and DHB Homes, LLC (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 complete as outlined in Staff's recommendation memorandum dated February 3, 2021.

- Waivers: There are no waivers requested for this project.
- 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 condominium conversion, 2 Button Drive, Map 7, Lot 132-3, Zoned C-I and Route 102 Performance Overlay District, Button Woods, LLC (Owner) and DHB Homes, LLC (Applicant) in accordance with plans prepared by Bedford Design Consultants, Inc., dated November 11, 2020 last revised December 28, 2020, with the precedent conditions to be fulfilled within two years 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, February 3, 2021.

“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 any outstanding DRC comments.
2. The Owners' signature shall be provided on the plans.
3. Map and Lot numbers should be verified with Assessing and labeled on the plans.

4. Executed copy of the condominium declaration shall be provided for recording at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
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. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
7. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
8. Final planning 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. 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.
2. 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.