

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF MAY 5, 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; Jake Butler, Assistant Secretary; Jeff Penta, member; Giovanni Verani, Ex-Officio – Town Manager; Deb Paul; Ex-Officio - Town Council Liaison; Jason Knights, alternate member; and Roger Fillio, alternate member

Also Present: Town Planner Colleen Mailloux, John Trottier, P.E., Director of Public Works & Engineering; Associate Planner Laura Gandia; Jose' Lovell, Assistant Director of Public Works and Engineering; 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 told the Board that they now have a school board liaison, Sara Loughlin, but she is not present at the meeting this evening.

### **II. ADMINISTRATIVE BOARD WORK**

#### **A. APPROVAL OF MINUTES:**

**Member C. Davies made a motion to approve the minutes of April 7, 2021, as presented.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-2, with C. Davies and A. Sypek, abstaining. The Chair voted in the affirmative.**

**Member C. Davies made a motion to approve the minutes of April 14, 2021, as presented.**

**J. Butler seconded the motion.**

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

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

1. Application for a site plan amendment for a change of use from an existing spa to a professional office, and for 672 SF building addition and associated site improvements, 213 Rockingham Road, Map 15 Lot 23-1, Zoned C-I & RTE 28 POD, Gagne Family Trust (Owner & Applicant)
2. Application for design review of a subdivision plan to subdivide one lot into two, 23 Noyes Road, Map 12 Lot 187, Zoned AR-1, James & Patricia Fudala (Owners & Applicants)

**Member C. Davies made a motion to find both projects are not of developmental impact.**

**R. Fillio seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

C. Discussion with Town Staff: John Trotter, Director of the Department of Public Works and Engineering, introduced José Lovell, the new Assistant Director of the Department of Public Works and Engineering. He reviewed his background with the Board, noting he has experience with Planning Boards in the state.

### **III. Old Business -n/a**

### **IV. New Plans/Public Hearings/Conceptual Discussions**

A. Application for formal review of a subdivision plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant)

Chairman Rugg read the case into the record. G. Verani recused himself from this case. J. Trottier informed the Board that there are no outstanding checklist items and recommends that the Board accept the application as complete.

**C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated April 7, 2021.**

**A. Chiampa seconded the motion.**

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

Chairman Rugg noted that the 65-day time clock has started. Eric Mitchell, P.E.,

from Eric C. Mitchell & Associates, 38 South River Road, Bedford, NH, addressed the Board. E. Mitchell reviewed the proposal with the Board, noting it is a proposed eight lot subdivision located off Hazelnut Lane. He stated that they asked for waivers to the radius of the road, length of the cul-de-sac and drainage. He commented that the drainage from the entrance of the site will go down Walnut Drive into the Fire Pond, where it currently goes. He noted that they have improvements to the outlet structure at Fire Pond. He commented that the wetland permit has been approved.

Chairman Rugg opened it up to questions from the Board. J. Trottier told the Board that they are requesting five waivers. He reviewed the following five waivers:

1. Section 3.09R to allow for a reduction of the centerline radius. Staff **supports** granting the waiver as the radius as the design exceeds AASHTO specifications for minimum radius on a low volume road.
2. Section 3.09R to allow the proposed road to be greater than the 1,200 linear feet. Staff **supports** granting the waiver, as the proposed length of 1,300 feet allows the cul de sac to be constructed in a flat area and not on a slope, and because the waiver is acceptable to the Fire Department.
3. Section 3.08 (G-2) to allow for the velocity in pipes associated with CB7, CB8, and CB8A, Pond 1 Outlet and Pond 2 Outlet to be less than 2 feet per second. Staff **supports** granting this waiver as the contributing area does not generate enough flow to meet the minimum velocity.
4. Section 3.08 (G-3) to allow for less than 3 feet of cover from the top of pipe to finish grade for CB8A & CB8B. Staff **supports** granting the waiver as the depth of cover is limited by the existing drainage system, and recommends that Class V concrete pipe be provided where the cover is less than the minimum required.
5. Section 3.09 (K) to allow for less than 4:1 fill slope and less than 3:1 cut slope within the 50 foot right of way. Staff **supports** granting the waiver as the existing Right of Way limits the area for grading as the applicant was unable to secure an easement from the abutting property owner to provide grading per the Regulations.

He reviewed the outstanding design review comments with the Board. J. Butler asked about water access for the subdivision, noting that last time it was stated that there is no access. J. Trotter replied that they would need an easement with School House neighborhood.

Chairman Rugg asked for public input.

Mike Cuddyer, 8 Phillips Brook Lane, addressed the Board. M. Cuddyer told the Board that this is the first time he has heard about this and his home directly faces the new development. He noted that when he looks out the back of his house, he

sees woods, and is concerned about what the development will look like. He said that he is a teacher in town and is not familiar with measurements, planning and land development, but when he moved into his home, he never thought any lots would be developed into what he thought was a small area of land. He asked why the area of conservation land next to the development was such a small section. He asked how much space is there going to be between Kelley Road and where the next property line would be. He asked if the property line would be a permanent setback or if the new homeowners will be able to clear more of the area. Town Planner Mailloux replied that she is unsure of what area of conservation he is talking about. She noted that there is a small conservation easement on the abutting Beal property. J. Trottier asked if M. Cuddyer was referring to the wetlands out there. M. Cuddyer replied that he might be, but is unsure. E. Mitchell commented that he is not aware of any conservation easements on the site, but there are wetlands. Town Planner Mailloux mentioned that there is a wetland area on parcel, Map 12 Lot 39, where the applicant received a Dredge and Fill Permit from New Hampshire Department of Environmental Services (NHDES), but stated there is no conservation overlay district that applies as the wetlands are smaller than a half-acre in size. She stated that Kelley Road is a Class VI Road and a town right-of-way, which has a 40-foot building setback, so a future property owner could remove trees or vegetation up to their property line, but could not put another structure in that area. M. Cuddyer expressed his opinion that he is disappointed with the amount of development in such a small area of land. He asked about blasting or digging during construction, as he is close to the proposed development. He also asked if there is anything he could do to prevent this from happening. Chairman Rugg responded that the developer has met all the requirements, and if the Board were to deny the project, they would have to a very good reason for this. He commented that Londonderry is a growing town with a high demand for housing. J. Butler mentioned that perhaps the parcel, Map 12 Lot 38, which is owned by the town, is the area of conservation that M. Cuddyer is speaking of. Town Planner Mailloux shared her screen stating that she does not know the history of that parcel, but it is outside of the proposed project. M. Cuddyer confirmed that was the parcel he was speaking about. Town Planner Mailloux told M. Cuddyer that she would be happy to follow up with him on why this parcel is conservation at another time. Chairman Rugg asked if this parcel could be part of the 10% parcels from back in the 1990s when a developer had to contribute 10% of the property that they were subdividing for recreation use. Town Planner Mailloux replied that based on the parcel being a parent lot, it is most likely a historical parcel, but she will look into this. M. Cuddyer asked about blasting again. Chairman Rugg responded that blasting is handled by the Fire Department and they will notify any surrounding abutting properties. He added that if there are any concerns or violations, the Code Enforcement Officer would get involved.

Chairman Rugg brought the discussion back to the Board. A. Chiampa asked how wide the Kelley Road right-of-way is. J. Trottier replied approximately 40-feet wide. C. Davies asked if there was any blasting planned. E. Mitchell replied that he cannot answer with certainty, but based on test pits, he did not believe that there would be any. He said that if they did run into a little bit of ledge, they would most likely hammer it anyways.

**C. Davies made a motion to approve the requested waivers in accordance with Staff's recommendation memorandum dated April 7, 2021.**

**J. Butler seconded the motion.**

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

**C. Davies made a motion to grant conditional approval of the subdivision plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc, dated November 26, 2019 last revised February 17, 2021 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 7-0-0, 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/Stantec review memo dated April 7, 2021.
2. The waivers, if granted, shall be noted on the plan.
3. Class V concrete pipe used where the waiver has been granted for minimum depth of cover.
4. All required permit numbers shall be noted on the plan.



5. Slope, drainage and sight distance easements, and flowage rights, shall be revised acceptable to the Town and executed documents be provided for recording concurrently with the final plan.

6. The Owner's signatures shall be provided 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 LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.

9. 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).

10. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.

11. Final engineering review.

**PLEASE NOTE** – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

### **GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.

2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.

3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.

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

B. Application for formal review of a site plan amendment for the construction of a 3,900 SF garage/storage unit, impound lot and associated site improvements, Four Enterprise Drive, Map 15 Lot 62-1, Zoned C-II, Enterprise Drive Recovery, LLC (Owner) and Bauchman's Towing, Inc. (Applicant)

Chairman Rugg read the case into the record. G. Verani came back to the Board for this case. J. Trottier informed the Board that there is one outstanding checklist item for which the Applicant has requested a waiver from Section 3.04.b, c & d of the Site Plan Regulations and Checklist Items XI.5.b, c & d to provide utility clearance letters for electricity and cable television. He said that staff supports this waiver for acceptance purposes only.

**C. Davies made a motion to grant the waiver for acceptance purposed only from Section 3.04.b, c & d of the site plan regulations and Checklist Items XI.5.b, c & d per Staff Recommendation Memorandum dated May 5, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

**C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated May 5, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. Jason Lopez, P.E., from Keach-Nordstrom, Inc., 10 Commerce Park North, Suite 3, Bedford, NH, addressed the Board. J. Lopez told the Board that Brian Bauchman, owner was also at the meeting this evening. He shared his screen reviewing the parcel with the Board, noting they are in the C-II zoning district with an industrial property abutting them in the rear. He mentioned that in 2016 there was a site plan approved for a 6,000 SF warehouse and accessory office. He added that B. Bauchman purchased the property and is proposing a smaller building with an impound lot for his business across the street. He pointed out that they are

proposing a two phase project, with the first phase being the construction of a parking lot, parking area, detention pond, fencing and a gravel pad area with building development. He went on noting that phase two would be the construction of a 3,900 SF garage. He said that Eric Mitchell had legacy on this site and he did the existing conditions plan and flagging the wetlands. He commented that they have wetlands on the site, noting one has a 50-foot setback and the other wetland is near a perennial stream, so it has a 100-foot setback. He said that the proposed use is allowed in the C-II zoning district. He informed the Board that they went before the Zoning Board of Adjustment (ZBA) to seek a reduction of the vegetative buffer to the residential zone, from 50-feet to 15-feet, which was granted. He added that they presented this plan to the Heritage Commission and they supported the application with the addition of landscaping. He pointed out that the Heritage Commission requested landscaping off the corner of the building as you drive down Enterprise Drive. He also stated that the Conservation Commission supported the application with some additional plantings and reviewed where they are adding additional trees. He remarked that the Conservation Commission was also in support of the Conditional Use Permit (CUP) for the detention pond and swale within the buffer. He told the Board that there will be three garage doors on the backside of the building, which will not be visible from Enterprise Drive. He said that the building will be served by municipal sewer, have water from Manchester Water Works (MWW), underground utilities and tying into natural gas. He stated that they are proposing a 32-feet wide access, which is more than what is required, for the trailers and tow trucks. He mentioned that they are proposing three parking spaces. He said that this site is only accessed by employees of Bauchman Towing, as this site is used for storing cars in the impound lot. He added that staff would come to the building and get the vehicle for the customer, noting the front gate is locked. He noted that the crash vehicles will be stored along the vegetative buffer along the property line to the Rail Trail, which is furthest away from the wetlands. He went on noting that the vehicles are emptied of fluids at the scene of the accident, but if not when they get to the site, there are pads placed under the vehicle to store any remaining fluids. He said that they are proposing gravel in the rear of the building where they will store all non-motorized equipment. He reviewed the lighting and the landscape plan with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier informed the Board that the applicant is requesting a waiver from Section 3.10.g.3 of the Site Plan Regulations to provide internal parking lot landscaping. He said that staff supports granting the waiver as the site plan proposes three parking spaces, and an interior landscape island is impracticable within this limited parking area. He noted that the applicant is requesting a CUP for the 1,650 SF of impact to the CO District associated with the construction of the storm water management pond. He added that the Conservation Commission has recommended approval of the CUP. He pointed out that there are outstanding engineering review comments that may change the overall area of the CO District impact, so staff recommends the Board defer acting on the CUP until the engineering review comments have been addressed. He said that staff recommends this application be continued to address the numerous outstanding engineering review comments. Town Planner Mailloux recommended the Board provide the applicant with input regarding the waiver from



Section 3.09k to not provide a paved access driveway to the overhead door, requested outdoor storage area, the required parking calculations and the overall site design. She commented that there are overhead doors proposed in the back of the building, where there is no pavement and they are proposing gravel, which would need a waiver from the Board. J. Trotter reviewed the site plan on the screen with the Board agreeing that the three parking spaces are okay for this site. C. Davies voiced his opinion that is fine with the three parking spaces. He asked why the overhead garage doors are in the back versus the front or side, and if there is going to be any additional landscaping to buffer the area where vehicles would be stored from the Rail Trail. J. Lopez replied that there is some vegetation on the south side of the driveway entrance and reviewed the grades with the Board noting there is a natural berm that slopes down, which will shield Rail Trail. C. Davies thanked him for pointing out the elevation changes. Town Planner Mailloux mentioned that one of the outstanding engineering review items is regarding how to achieve the proposed landscape buffer in the 2:1 rip rap slope. A. Sypek commented that he is fine with the three parking spaces and asked about fluid that might leak out of vehicles being stored on the property. Brian Bauchman, owner, said that 98% of the time, the car is clear of fluids before coming to the site and then reviewed how they would handle fluids if the car still has some. A. Sypek asked if plowing in the winter time would dig up the gravel. J. Trottier replied that there is a possibility, but as he understands it the crash vehicles are going to be on the pavement portion of the site and the rear is more from trailers. B. Bauchman replied that they bought a loader, so they will set a level and not scrape the gravel. A. Chiampa asked where vehicles would be stored. B. Bauchman replied that \_\_\_\_\_. A. Chiampa asked where the impound vehicles would be parked in the back. B. Bauchman replied that they will not be in the back, but the trailers will be stored in the back. A. Chiampa asked if there are any fluids in the trailers. B. Bauchman replied trailers do not have fluids. A. Chiampa asked if the fence on the Rail Trail side was slated. J. Lopez replied that it is not slated. A. Chiampa asked if staff was okay with this type of fence. B. Bauchman mentioned that there is already about 30-feet of woods from the Rail Trail property to his property line. A. Chiampa said that she walks the Rail Trail many times per week and asked for more screening. J. Butler asked if the pavement should be come up to the garage doors. Town Planner Mailloux replied that it is not necessarily pavement to the garage doors, but for truck vehicle circulation. J. Butler said that he is okay with where the pavement ends, as gravel seems reasonable for this site. J. Butler gave his recommendation when dealing with rip rap slope to create pockets to be able to plant into. He added that his recommendation on trees would be Serbian spruce or Norwegian spruce. J. Lopez said that a typical engineering requirement for a 2:1 slope is with rip rap, but stated that this is a different type of slope, and asked if the rip rap could be eliminated. J. Trottier replied that he does not recommend taking the rip rap out and gave an example of a slope in town that does not have rip rap, which is not stable in his opinion. J. Butler agreed with J. Trottier. J. Penta agreed with J. Butler's recommendation on tree plantings. D. Paul asked if someone could explain about how the pads under the car that collect fluid work. B. Bauchman reviewed the process noting that the barrel is contained and picked up by an environmental company. G. Verani commented that he is in support of the driveway width, gravel driveway and he thanked the applicant for all the plantings they are proposing for

the property line along the Rail Trail. R. Fillio asked how many trucks or trailers can be stored in the garage. B. Bauchman replied that he might have six to eight trailers in the back and the garage is for his tractors and wreckers. Chairman Rugg asked how many vehicles can be stored and if they move out very quickly. B. Bauchman replied that most vehicles are there for 30-days maximum. J. Butler asked if going back and forth across the street would require a cross walk or stripping. Town Planner Mailloux replied that it does not warrant one from the regulations.

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

**C. Davies made a motion to grant the applicant's request for an exception to section 3.10.g.3 of the site plan regulations per Staff's Recommendation Memorandum dated May 5, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

**C. Davies made a motion to continue the application until June 9, 2021, to allow the applicant to address outstanding items related to regulations and site design.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

Chairman Rugg noted that the application is continued until June 9, 2021, at 7 p.m., noting the meeting will be remote and this would be the only formal public notice.

C. Application for formal review of a site plan amendment for changes to the approved stormwater management system, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II, UNI-CAST, INC. (Owner & Applicant)

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

**C. Davies made a motion to accept the application as complete per Staff's Recommendation Memorandum dated May 5, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

Chairman Rugg noted the 65-day time clock has started. Nick Golon, P.E., 48 Constitution Drive, Bedford, NH, addressed the Board. N. Colon said that Henri Fine, owner of Uni-Cast and Paul Berube, Uni-Cast's Facilities Manager, are also on the call as well. N. Golon pointed out that their request this evening is in regards to an unknown site condition relative to the project. He noted that the project was originally approved in 2018 and when they started excavation of one of the treatment basins, they found the ground water to be higher than evaluated in the test pits. He said that the water table was eight to twelve inches above pre-construction. He commented that they brought the bottom of the basin up by one foot and in doing so, they lost a certain volume of storage within the basin. He went on noting that in order to replace the storage, an expansion of the basin is being proposed. He added that unfortunately, they are expanding into the CO District, for which a CUP is being requested this evening. He stated that they will be within 28-feet of the wetland.

Chairman Rugg opened it up to questions from the Board. J. Trottier commented that it is exactly what N. Golon told them, which is a field condition that changed, and since it required encroachment into the CO District that is why they are back before the Board. He reviewed the remaining design review items with the Board. Town Planner Mailloux added that the requested CUP is to encroach 3,950 SF in the Conservation Overlay District to construct a stormwater management pond. She mentioned that the Conservation Commission recommended approval of the CUP.

Chairman Rugg opened it up to questions from the Board. The Board had no questions at this time.

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

**C. Davies made a motion to grant the applicant's request for a conditional use permit per Staff's Recommendation Memorandum dated May 5, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, by a roll call vote. The Chair voted in the affirmative.**

**C. Davies made a motion to grant conditional approval of the Uni-Cast site plan amendment in accordance with plans prepared by TFMoran, dated January 16, 2019 last revised April 12, 2021, 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 May 5, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0, 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/Stantec review memo dated May 5, 2021.
2. Additional plantings shall be provided around the pond, per the Conservation Commission design review comments.
3. Owner's signature shall be provided on the plan.
4. All applicable permits/amended permits be obtained, approval numbers noted on the plan and copies provided for the Town's files.
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. 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** – 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.

## **V. Other**

### **A. Woodmont Commons annual update:**

Town Planner Mailloux told the Board that Lucy Gallo and Ari Pollack, Esq. are here to present the fiscal impact update for 2021. She noted that the update is being presented for the past fiscal year. She mentioned that there were some challenges



due to the town's change in assessing database servers, so it took more time to process. A. Pollack commented that the project focus and the project marketing were dramatically impaired due to COVID, but now it is getting back to normal. He said that The Stabile Companies have started constructing homes on Catesby Lane, form the 28 home subdivision that was approved last year. He noted that The Stabile Companies are looking for more opportunities in Woodmont and have been speaking to them about land at the corner of Gilcreast and Pillsbury. He stated that Derry Medical Corp, whom was in front of the Board recently, is looking at a parcel as they are looking to expand. He added that they are in the planning process and hopes they can make it work. He said that they are currently in negotiations with an office user in the northeast corner of Pillsbury Road next to the future Baldwin site. He mentioned that just like everyone else, the Baldwin was affected by COVID, but are now talking about breaking ground and starting construction. He reviewed Main Street businesses with the Board, noting that the apartment building is full, but for some temporary vacancies regarding renewals that have not moved in yet. Lucy Gallo, with Development, Planning and Financing Group, Inc., (DPFG), 250 International Parkway, Lake Mary, Florida, introduced herself to the Board. L. Gallo told the Board she has been working on Woodmont since 2013, so it is exciting to watch the project progress. She asked the Board members to turn to page six of the update (Exhibit A), which is attached hereto, and noted that there were 97 new residents and 65 new employees this year at Woodmont. She reviewed Table 2, noting that the tax base of the town increased \$9.9 million from the previous fiscal update and annual property tax revenue generated by Woodmont increased by \$51,000. She added that motor vehicle permit fees collected during the fiscal year 2020, amounted to \$21,551. She went on to Table 3, explaining this table is to identify at what point in time are the new employees and new residents of Woodmont, triggering additional or incremental town cost. She stated that Woodmont has not triggered any additional personnel needs. She said that the new central fire station will have the capacity to serve growth for the next twenty years, so they allocated an appropriate share for this. She pointed out that the tax revenues for the school district increased about \$157,000 from the prior year and there were only two children from Woodmont attending school in 2020. A. Pollack added that the most important exercise for this update is to digest a methodology, as there is going to be more to come in the future. He said that there is going to be some multi-family homes, which will impact these numbers in the future.

Chairman Rugg opened it up to questions or comments from the Board. A. Chiampa asked if all the development they are talking about this evening is south of Pillsbury. A. Pollack replied that was correct. A. Chiampa asked if the multi-family would be south as well. A. Pollack responded that at this time the discussion has been south of Pillsbury Road, noting things can change. The Board thanked L. Gallo for her thorough presentation.

Chairman Rugg informed the Board that he is thinking of starting in-person meetings for July. Town Planner Mailloux said that if the Governors executive order is rescinded, then things will be changing.

## **VI. Adjournment**


**Member C. Davies made a motion to adjourn the meeting at approximately 9:06 p.m. Seconded by J. Butler .**

**The motion was granted by a unanimous roll call vote, 8-0-0.**

**The meeting adjourned at approximately 9:06 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

  
Name: Alan Sypek  
Title: Secretary

These minutes were accepted and approved on June 2, 2021, by a motion made by C. Davies and seconded by A. Chiampa.

## **STAFF RECOMMENDATION**

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner  
John R. Trottier, PE, Director of PW&E

**Date:** April 7, 2021

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**Application:** Application for formal review of a subdivision plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant)

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

**Board Action Required:** **Motion to Accept the Application as Complete per Staff's recommendation memorandum April 7, 2021**

- **Waivers:** The Applicant is requesting five waivers to the Subdivision Regulations:
  1. Section 3.09R to allow for a reduction of the centerline radius. Staff **supports** granting the waiver as the radius as the design exceeds AASHTO specifications for minimum radius on a low volume road.
  2. Section 3.09R to allow the proposed road to be greater than the 1,200 linear feet. Staff **supports** granting the waiver, as the proposed length of 1,300 feet allows the cul de sac to be constructed in a flat area and not on a slope, and because the waiver is acceptable to the Fire Department.
  1. Section 3.08 (G-2) to allow for the velocity in pipes associated with CB7, CB8, and CB8A, Pond 1 Outlet and Pond 2 Outlet to be less than 2 feet per second. Staff **supports** granting this waiver as the contributing area does not generate enough flow to meet the minimum velocity.
  3. Section 3.08 (G-3) to allow for less than 3 feet of cover from the top of pipe to finish grade for CB8A & CB8B. Staff **supports** granting the waiver as the depth of cover is limited by the existing drainage system, and recommends that Class V concrete pipe be provided where the cover is less than the minimum required.
  4. Section 3.09 (K) to allow for less than 4:1 fill slope and less than 3:1 cut slope within the 50 foot right of way. Staff **supports** granting the waiver as the existing Right of Way limits the area for grading as the applicant was unable to secure an easement from the abutting property owner to provide grading per the Regulations.

**Board Action Required:** **Motion to approve the requested waivers in accordance with Staff's recommendation memorandum dated April 7, 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 plan to subdivide one residential lot into eight lots, Map 12 Lot 39, 40 Kelley Road & Hazelnut Lane, Zoned AR-1, Jean Gagnon (Owner & Applicant) in accordance with plans prepared by Eric C. Mitchell & Associates, Inc, dated November 26, 2019 last revised February 17, 2021 with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated April 7, 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/Stantec review memo dated April 7, 2021.
2. The waivers, if granted, shall be noted on the plan.
3. Class V concrete pipe used where the waiver has been granted for minimum depth of cover.
4. All required permit numbers shall be noted on the plan.
5. Slope, drainage and sight distance easements, and flowage rights, shall be revised acceptable to the Town and executed documents be provided for recording concurrently with the final plan.
6. The Owner’s signatures shall be provided 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 LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
9. 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).
10. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
11. Final engineering review.

**PLEASE NOTE** – If these conditions are not met within two (2) years of the meeting at which the Planning Board grants approval, the Board's approval will be considered to have lapsed and re-submission of the application will be required. See RSA 674:39 on vesting.

#### **GENERAL AND SUBSEQUENT CONDITIONS**

All of the conditions below are attached to this approval.

1. **No construction or site work for the subdivision may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the appropriate financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
4. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements, if any, shall be completed.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.



## MEMORANDUM

To: Planning Board

Date: April 7, 2021

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

Re: Map 12 Lot 39  
Marcona Lane Subdivision  
Hazelnut Lane and Kelly Road  
Londonderry, NH

Owner/Applicant Jean M. Gagnon

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Eric C. Mitchell & 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 we offer the following comments:

### **Checklist Items:**

1. There are no checklist items.

### **Design Review Items:**

1. The Applicant proposes a roadway design that does not provide the minimum centerline radius for a 35 MPH roadway design for a crowned roadway of 510 feet per table 3-13b of AASHTO and in accordance with sections 3.01.C.8 and 3.09.R.2 of the Subdivision Regulations. The Applicant has submitted a written **waiver request** to the roadway design requirements for Planning Board consideration.
2. The Applicant proposes a roadway design length of approximately 1,300 feet that exceeds the maximum length of 1,200 feet per section 3.09.R, Table 1 of the Subdivision Regulations. The Applicant has submitted a written **waiver request** to the roadway design requirements for Planning Board consideration.
3. The Applicant's proposed stormwater design does not provide the minimum storm drain pipe cover per section 3.08.g.3 of the Subdivision Plan Regulations at CB8, CB8B and the existing CB on Walnut Drive with this latest submission. We understand the Town requests class V concrete pipe be provided where pipe cover is less than the minimum required. The Applicant has submitted a written **waiver request** to the stormwater design requirements for Planning Board consideration.
4. The Applicant's revised pipe summary table in the project stormwater calculations indicates three (3) locations within the proposed stormwater system with velocities to be less than 2 feet per second, which do not comply with Section 3.08.G.2 of the Subdivision Regulations. The Applicant has submitted a written **waiver request** to the stormwater design requirements for Planning Board consideration.
5. The Applicant's revised roadway grading design on sheet 8 and at cross section 0+50 for the proposed roadway cut side slope is revised to a riprap slope at 2H:1V adjacent to lot 3-70, and does not provide the required 3H:1V slope required by Section 3.09.K of the of the Subdivision Regulations and Exhibit R101. The Applicant has submitted a written **waiver request** to the roadways design requirements for Planning Board consideration.
6. The Applicant's revised roadway grading design on sheet 8 and at cross sections 2+50 to 3+25, indicate the proposed roadway fill side slope will be 3H:1V to 3.5V:1H adjacent to lot 3-69, and does not provide the required 4H:1V fill slope required by Section 3.09.K of the of the Subdivision

Regulations and Exhibit R101. The Applicant has submitted a written waiver request to the roadway design requirements for Planning Board consideration.

7. The Applicant indicates the NHDES Subdivision Application for the proposed project has been submitted. The Applicant should obtain all project permits, update note 6 on sheet 1 with the approval numbers, and provide copies of all permit approvals for the Planning Department's files.
8. The Applicant should provide the Owner's signature on the Cover Sheet & Subdivision Plans per section 4.02.c.16 of the regulations. In addition, we recommend the Applicant clarify the wetland information at lot 39-6 on sheet 6.
9. We recommend the Applicant address the following on the **Roadway Plan and Profile**:
  - a. The revised roadway design indicates a flared guardrail end section at the easterly end which does not provide for an EAGRT end section as typically required by the Town. Please update the design accordingly acceptable to the Department of Public Works. In addition, we note portions of the NHDOT standard sheet have been added to sheet 24, but the information is not complete and consistent with the NHDOT Standard sheet. We recommend the project plan set be updated to include the standard NHDOT guardrail and EAGRT end sections details as typically required by the Town and in accordance with the regulations.
  - b. The Applicant's revised design indicates the sum of all of the indicated wetland impacts totals to 4,588 SF, but the wetland permit notes only 3,883 Sf of approved impact. We recommend the Applicant obtain a revised permit consistent with the latest design impacts.
  - c. Please update sheet 8 to indicate/provide a match line at Walnut Drive that is missing.
  - d. Please update the profile information for HW7 and HW8 on sheet 9 to note the underdrain outlet inverts and update the underdrain notes to properly identify the underdrain outlet locations consistent with the latest design.
  - e. The revised design includes alteration of the existing outlet structure at the existing fire pond located on Walnut Drive. It is unclear if the proposed outlet structure construction would require temporary bypass measures to maintain current outlet flow and temporary impacts to the pond wetlands may occur during construction. We recommend confirmation be provided regarding the applicability of the NHDES Wetlands regulations for the proposed work at the fire pond, and that proper permits be obtained, as applicable.
10. We recommend the Applicant indicate the proposed right side grade line for cross section 6+00 on sheet 21.
11. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
  - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.
  - b. Please verify the comments of Conservation Commission have been adequately addressed with the Conservation Commission.
  - c. Please verify the comments of Heritage Commission have been adequately addressed with the Heritage Commission

- d. Please verify the comments of Fire Department have been adequately addressed with the Fire Department.

**Board Action Items:**

1. The Applicant has submitted a written waiver request to five sections of the Subdivision Regulations as noted in the letter dated February 19, 2021. The Board will need to consider each of the waiver requests as part of the project review.

**Board Information Items:**

1. The Applicant has submitted draft copies of proposed easement deeds, protective covenants, or other legal documents that are currently under review by the Town.

## **STAFF RECOMMENDATION**

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner  
John R. Trottier, PE, Director of PW&E

**Date:** May 5, 2021

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**Application:** Application for formal review of a site plan for the construction of a 3,900 SF garage/storage unit, impound lot and associated site improvements, Four Enterprise Drive, Map 15 Lot 62-1, Zoned C-II, Enterprise Drive Recovery, LLC (Owner) and Bauchman's Towing, Inc. (Applicant)

- **Completeness:** There is one outstanding checklist item for which the Applicant has requested a waiver from Section 3.04.b, c & d of the Site Plan Regulations and Checklist Items XI.5.b, c & d to provide utility clearance letters for electricity and cable television. Staff **supports** this waiver for acceptance purposes only.

**Board Action Required:** **Motion to grant the waiver for acceptance purposed only from Section 3.04.b, c & d of the site plan regulations and Checklist Items XI.5.b, c & d per Staff Recommendation Memorandum dated May 5, 2021.**

**Board Action Required:** **Motion to accept the application as complete per Staff's Recommendation Memorandum dated May 5, 2021.**

- **Waivers:** In addition to the checklist waiver granted for acceptance purposes only, the Applicant has requested the following waiver of the Site Plan Regulations:
  1. The Applicant has requested a waiver from Section 3.10.g.3 of the Site Plan Regulations to provide internal parking lot landscaping. Staff **supports** granting the waiver as the site plan proposes three parking spaces, and an interior landscape island is impracticable within this limited parking area.

**Board Action Required:** **Motion to grant the applicant's request for an exception to section 3.10.g.3 of the site plan regulations per Staff's Recommendation Memorandum dated May 5, 2021.**

- **Conditional Use Permit:** The applicant is requesting a conditional use permit for 1,650 square feet of impact within the Conservation Overlay District for work associated with the construction of a stormwater management pond. The Conservation Commission recommended approval of the CUP.

There are outstanding engineering review comments which may change the overall area of CO district impact and Staff recommends that the Board defer acting on the CUP until the engineering review comments have been addressed.

**Staff recommends that the Planning Board provide the Applicant with input regarding the required waiver from Section 3.09k to not provide a paved access driveway to the overhead door, the requested outdoor storage, the required parking calculations, and overall site design, and then continue further discussion of this application to the June 9, 2021 Planning Board meeting in order to allow the Applicant to address outstanding issues relating to the engineering review and site design.**

## **STAFF RECOMMENDATION**

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner  
John R. Trottier, PE, Director of PW&E

**Date:** May 5, 2021

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**Application:** Application for formal review of a site plan amendment for changes to the approved stormwater management system, 11 Industrial Drive, Map 28 Lot 21-1, Zoned IND-II, Uni-Cast, Inc. (Owner & Applicant)

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

**Board Action Required:** **Motion to accept the application as complete per Staff's Recommendation Memorandum dated May 5, 2021.**

- **Background:** During construction of the stormwater management pond as shown on the previously approved site plan, seasonal high groundwater was encountered 8 inches to 1 foot higher than anticipated based on pre-construction test pits. In order to maintain compliance with the Town and NHDES stormwater regulations, the bottom of the pond was raised 1 foot to provide the necessary separation from the bottom of the pond to estimated seasonal high groundwater. In order to provide the required volume of stormwater storage, the pond is proposed to be expanded. Due to site constraints, the only viable location to expand the basin is located within the Conservation Overlay District and requires a Conditional Use Permit.
- **Conditional Use Permit:** The applicant is requesting a conditional use permit to encroach 3,950 SF in the Conservation Overlay District to construct a stormwater management pond. The Conservation Commission recommended approval of the CUP.

The criteria for a Conditional Use Permit are outlined in Section 2.6.3.4 of the Zoning Ordinance:

- a. The proposed construction is essential to the productive use of land not within the CO District.
- b. Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
- c. There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.
- d. Economic advantage is not the sole reason for the proposed location of the construction.

As the Applicant has demonstrated compliance with the criteria of Section 2.6.3.4 of the Zoning Ordinance, Staff recommends the Board approve the request for a CUP.



**Board Action Required: Motion to grant the applicant's request for a conditional use permit per Staff's Recommendation Memorandum dated May 5, 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 Uni-Cast site plan amendment in accordance with plans prepared by TFMoran, dated January 16, 2019 last revised April 12, 2021, 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 May 5, 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/Stantec review memo dated May 5, 2021.
2. Additional plantings shall be provided around the pond, per the Conservation Commission design review comments.
3. Owner's signature shall be provided on the plan.
4. All applicable permits/amended permits be obtained, approval numbers noted on the plan and copies provided for the Town's files.
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. 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** – 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: May 5, 2021

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

Re: Amended Site Plan – Uni-Cast Inc.  
Tax Map 28– Lot 21-1  
11 Industrial Drive

Owners: 11 Industrial Drive LLC  
Applicant: Uni-Cast Inc.

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TF Moran, Inc. submitted plans and supporting information for the above-referenced project under a formal application. The amended site plan submission is related to a proposed modification to the previously approved stormwater basin due to the higher water table discovered during construction. The original project was signed by the Planning Board on June 12, 2019. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and we offer the following comments:

### Checklist Items:

1. There are no checklist items.

### Design Review Items:

1. The Applicant's submission provides a partial plan set of various revised sheets from the previously approved site plan set. We note the application information does not include a summary explanation for providing only a partial plan set submission. We note the cover sheet title does not identify this submission as an amended site plan. The note provided on the submitted cover sheet states: "The purpose of this plan set is to supersede the site plan set approved by the Londonderry Planning Board on 4/10/2019", but the submission does not contain all of the sheets that were part of the previously approved site plan set. We recommend the Applicant update the note on the cover sheet to the satisfaction of Staff.
2. Upon review of the previously approved site plan set, it appears that sheets 4 and 8 indicate snow storage areas that would now be placed within the newly expanded area of the detention basin shown under this submission that is typically not allowed by the Town. We recommend the Applicant update sheets 4 and 8 accordingly to remove and relocate the snow storage area acceptable to the Town. The revised plan sheets should be provided and become part of this application for consideration by the Board.
3. The Applicant's checklist does not appear to identify any project permits needed, such as an amended NHDES Site Specific (Alteration of Terrain-AoT) Permit on the checklist for the indicated stormwater basin modification. We note a copy of the amended AoT permit was not included in the submission as related to the revised stormwater basin modification. In addition, the submitted plans note the obtained FAA permits under the original approval have expired and it appears that the proposed detention basin work may require an FAA permit to construct due the proximity to the airport. The Applicant should obtain all project permits, indicate the permit approval numbers on the cover sheet, and provide copies of all permits for the Planning Department files per sections 4.13 and 4.18.e of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
4. We recommend the Applicant address the following relative the **Project Details**:
  - a. It is our understanding that the original outlet structure, as designed, was installed in detention basin 1 prior to the discovery of the higher water table and is currently in operation on the site. However, the previous design of the outlet structure had a weir width

of 0.8 feet that now does not provide the proper outlet device weir width (2.0 feet) shown on the detail on sheet 15. In addition, the original weir elevation of 201.06 was lower than the new and revised elevation (210.70) indicated on sheet 15. It is our understanding the Town will not allow alterations to the previously constructed outlet structure, and recommend the outlet structure be removed and replaced with an outlet structure having a properly configured weir consistent with the proposed design shown on sheet 15. We recommend the drainage and utility plans specifically note that the outlet structure shall be removed, and a new outlet structure be installed consistent with the submitted design. Please update the details and plan notes on the drainage and utility plans accordingly as acceptable to the Department of Public Works.

5. We recommend the Applicant address the following relative to the **Project Drainage Report**:
  - a. The post development pipe summary table does not properly indicate the noted RCP pipe from CB#03 to CB#02, and CB#02 to the outlet into the basin consistent with the design plan. In addition, the length of pipe between CB#03 to CB#02 in the table (111') is not consistent with the submitted design length (77'). Also, the table should properly identify the Outlet Structure #2 and the RCP pipe shown on the plans to the existing catch basin. Please update the table accordingly.
6. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable.

**Board Action Items:**

1. The Applicant is proposing improvements within the Conservation Overlay District (COD) that will require a Conditional Use Permit (CUP) approval by the Planning Board. The Board will need to consider the Conditional Use Permit as part of the review.

**Board Information Items:**

1. The previously approved project plan set containing 16 sheets was signed by the Board on June 12, 2019.
2. The Applicant has obtained a variance for the project relative to the proposed building encroachment to the setbacks under Case No. 1/16/19-1.