

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF JULY 7, 2021, AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. CALL TO ORDER**

Members Present: Art Rugg, Chair; Al Sypek, Secretary; Jake Butler, Assistant Secretary; Ann Chiampa, member; Jeff Penta, member; Roger Fillio, alternate member; Lynn Wiles, alternate member and Jason Knights, alternate member.

Also Present: Town Planner Colleen Mailloux; Associate Planner Laura Gandia; Jose' Lovell, Assistant Department of Public Works and Engineering; and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed L. Wiles to vote for C. Davies.

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

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

**Member A. Sypek made a motion to approve the minutes of May 26, 2021, as presented.**

**L. Wiles seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

**Member A. Sypek made a motion to approve the minutes of June 2, 2021, as presented.**

**L. Wiles seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

**Member A. Sypek made a motion to approve the minutes of June 9, 2021, as presented.**

**L. Wiles seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

#### **B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had one project for their consideration this evening:**

1. Application for formal review of a site plan amendment for extension of temporary outdoor seating through October 2021, 176 Mammoth Road, Map 6 Lot 72-1, Zoned C-I, Homestead Restaurant of Londonderry, Inc. (Owner & Applicant)

**Member A. Sypek made a motion to find this project is not of regional impact.**

**L. Wiles seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

C. Discussion with Town Staff:

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

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

- A. Application for formal 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)

Chairman Rugg read the case into the record. Town Planner Mailloux explained that on December 2, 1998, the Planning Board granted conditional approval of a site plan to construct a building addition and drive aisle on the existing manufacturing/warehousing building. She went on noting that on December 15, 1998, a building permit was issued for the building addition and work began on site. She emphasized that it should be noted that this circumstance would not happen under today's procedures, as no work may begin on a site and no building permits are issued until the conditions of approval are satisfied and the plans are signed by the Planning Board. She added that in May of 1999, the Building Official at the time sent a letter to the property owner reminding them of the obligation to satisfy conditions of approval so that a final, approved site plan could be signed. She stated that documentation and review memorandums in the Planning Department file for the project indicate that from the date of the conditional approval, until 2001, there was ongoing dialog and review of revised plans; however, the site plan never received final approval. She mentioned that in 2019, the Code Enforcement Office received a complaint regarding outdoor storage on the site and in reviewing the complaint, found that the site plan was never finalized in accordance with the regulations. She noted that the Code Enforcement Officer issued a violation letter regarding both the outdoor storage and the lack of site plan. She commented that in subsequent meetings with staff, and upon conceptual discussion with the Board, it was determined that the best procedure would be to file a site plan for approval for the outdoor storage and to document the existing conditions on the site and compliance with the plan conditionally approved in 1998. She told the Board that there are four outstanding checklist items for which the applicant has requested a waiver as follows:

1. Section 3.07 of the Site Plan Regulations and Checklist Item XI.2 to not provide stormwater drainage system information. Staff **supports** granting the waiver with a condition (included in the conditions of approval herein) that additional documentation relating to total impervious coverage and pond capacity be provided to the satisfaction of Staff to demonstrate that the existing stormwater drainage system was built in accordance with the 1998 plan and the stormwater management report that was filed in support of that plan.
2. Section 3.10 of the Site Plan Regulations and Checklist Item VIII to not provide a landscape plan. Staff **supports** granting the waiver as the proposed evergreen plantings have been shown on the site plan sheet and landscaping details are included on the detail sheet.
3. Section 3.12 of the Site Plan Regulations and Checklist Item IX to not provide building renderings. Staff **supports** this waiver request as there is no building being proposed.
4. Section 3.13 of the Site Plan Regulations and Checklist Item VIII to not provide a lighting and illumination plan. Staff **supports** granting this waiver as there are no proposed modifications proposed to the existing site lighting.

She recommended that the Board grant the checklist items for acceptance purposes only.

**A. Sypek made a motion to grant the checklist waivers 1-4 per Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

She recommended that the application be accepted as complete.

**A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. Matthew Routhier, P.E., from Bedford Design Consultants, 529 Harvey Road, Manchester, NH, addressed the Board. M. Routhier told the Board that they are here to provide an updated site plan, as the issue arose with the storage of concrete tunnel system parts in the front of the building and Conservation Overlay District (COD). He reviewed the plan on the screen with the Board noting where they are planning to remove the concrete structures. He added that they are moving pavement from the

northern entrance to help define the entrance. He said that they are removing some material storage bins located on the northeast side of the property, adjacent to the power easement. He mentioned that they received approval from KAMCO to remove some gravel on their property and loam and seed. He said that they are also adding a four foot chain link fence along the northern most property line, as well as adding signage to delineate the COD. He pointed out that they are proposing to stripe the pavement and add wheel stops adjacent to the building, stating that the remaining spaces to the west would not be striped and used as storage, which is part of their waiver request. He explained that they are required a total of 82 parking spaces, and would like 51 to not be striped. He mentioned that this was due to the number of employees that work at the facility. He remarked that they are proposing to use the spaces that are not striped for storage.

Chairman Rugg opened up the discussion to the Board. Town Planner Mailloux commented that the applicant is requesting two waivers as follows:

1. Section 3.09.k.1.i to not stripe the required parking spaces in accordance with the Regulations. The Applicant is requesting a waiver to not stripe 51 parking spaces along the westerly side of the pavement adjacent to the gravel storage area, and for approval to use these spaces for outdoor storage. Staff **supports** granting this waiver as the Applicant has demonstrated that the additional parking spaces are not required for this user, however, if this waiver is granted, sufficient notes and details should be added to make clear that the area is reserved for future parking and will be striped in accordance with the regulations if a new user occupies the site.
2. Section 4.01C to allow a plan scale of 1"=50' where a plan scale of 1"=40' is required. Staff **supports** the granting of this waiver as the plans are legible at the requested waiver.

L. Wiles asked how many parking spaces are typically used. M. Routhier replied that he does not have that exact number, as the facility is used for casting purposes, so they do not have many employees. He noted that the owner felt this was a good number. Town Planner Mailloux pointed out that 82 parking spaces are required and they are providing 31 spaces. She added that the parking calculation is probably quite high for how this property is currently used based on their manufacturing process. She stated that the waiver for parking is for this user/applicant only and should this user/applicant have a change that requires additional parking, then Code Enforcement can work with them if more striping is needed. She reviewed the remaining outstanding items with the Board. She asked the Board if they would like additional landscaping screening along the other property line where they are proposing additional storage. A. Chiampa asked if the material is all gone. M. Routhier replied that is the intent and they are working on it. A. Chiampa asked if they will continue to use the loading dock. M. Routhier replied that he does not know the status of this at this time. Town Planner Mailloux said that the front area is a loading area, but they cannot have any outdoor storage material per the zoning ordinance, and noted that they made that adjustment on the plan. She added that the material adjacent to the building has also been addressed with gravel storage

away from the building. J. Butler noted that when he drives by the site there are only on average 12 cars in the parking lot.

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

Chairman Rugg brought the discussion back to the Board.

**A. Sypek made a motion to grant the Applicant's request for waivers 1 and 2 in accordance with Staff's Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

**A. Sypek made a motion to grant conditional approval of 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) in accordance with plans prepared by Bedford Design Consultants, Inc., dated May 13, 2020 last revised March 29, 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 July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

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

## **PRECEDENT CONDITIONS**

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

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Public Works & Engineering/Stantec review memo dated July 7, 2021.

2. Documentation be provided, to the satisfaction of Staff, to verify that the existing drainage pond was built in accordance with the 1998 design plan that sufficient capacity exists to accommodate the existing impervious area on site.



3. Notes and details for future parking lot striping be added to the plan, to the satisfaction of Staff, to make clear that the waiver being granted is for the current user only.
4. The outdoor storage area be modified so that there is no storage located within the 15' side green buffer.
5. Owner's signature shall be provided on the plan.
6. All applicable permits/amended permits be obtained, approval numbers noted on the plan and copies provided for the Town's files.
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. Third-party review fees shall be paid within 30 days of conditional site plan approval.
9. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

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

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

All of the conditions below are attached to this approval.

1. **No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town.** Contact the Department of Public Works to arrange the pre-construction meeting.
2. The project must be built and executed as specified in the approved application package unless modifications are approved by the Planning Department & Department of Public Works, or, if Staff deems applicable, the Planning Board.
3. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.

4. Fire department access roads shall be provided at the start of the project and maintained throughout construction. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
5. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project (that were not received prior to certification of the plans). Contact the Building Division at extension 115 regarding building permits.
6. Prior to issuance of a certificate of occupancy, all site improvements and off-site improvements shall be completed in accordance with the plan approved by the Planning Board. In accordance with Section 6.01.d of the Site Plan Regulations, in circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstance), the Building Division may issue a certificate of occupancy prior to the completion of landscaping improvements, if agreed upon by the Planning Division & Public Works Department, when a financial guaranty (see forms available from the Public Works Department) and agreement to complete improvements are placed with the Town. The landscaping shall be completed within 6 months from the issuance of the certificate of occupancy, or the Town shall utilize the financial guaranty to contract out the work to complete the improvements as stipulated in the agreement to complete landscaping improvements. ***No other improvements shall be permitted to use a financial guaranty for their completion for purposes of receiving a certificate of occupancy.***
7. As built site plans must to be submitted to the Public Works Department prior to the release of the applicant's financial guaranty.

B. Application for formal review of a subdivision plan to subdivide one lot into two, 23 Noyes Road, Map 12 Lot 87, Zoned AR-1, James & Patricia Fudala (Owners & Applicants)

Chairman Rugg read the case into the record. A. Chiampa recused herself from this case. Chairman Rugg appointed J. Knights to vote for A. Chiampa. Town Planner Mailloux informed the Board that there are no outstanding checklist items and she recommends the Board accept it as complete.

**A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. Nicholas Loring, P.E., from Benchmark Engineering, 1F Commons Drive, Londonderry, NH, addressed the Board. N. Loring told the Board that this lot is 2.3 acres on the northwest corner of Noyes Road and Welch Road, in the AR-1 zone, with an existing house that the

applicant has lived in since the mid-1960's. He reviewed the plan on the screen with the Board. He said that there is a wetland in the northeast corner, but no buffer associated with it, as it is less than half an acre in size. He explained that they are proposing to subdivide the lot into two lots, noting that lot 87 will contain the existing house and the new lot, 87-1, to the south will have a driveway off Welch Road. He added that both lots will be serviced by on-site wells and septic. He noted that the new lot will have a detention pond in the northwest corner, to meet the town's drainage requirement. He said that they will be doing a roadway maintenance easement, as this is required along Noyes Road.

Chairman Rugg opened up the discussion to the Board. Town Planner Mailloux told the Board that there are no waivers being requested and reviewed a few minor design review items.

Chairman Rugg opened it up to the public. He read in a letter from the public, Exhibit 1, which is attached hereto. Chairman Rugg said that any question regarding wells would be best answered by New Hampshire Department of Environmental Services (NHDES). J. Lovell replied that the storm water management report for this project shows that there is no increase in post development run-off from pre-development run-off. He added that in further review of the map, none of the developed area flows to the property of the abutter noting that everything that will flow to the property after development is going to remain undeveloped. Town Planner Mailloux mentioned that the well radius and setbacks are set by the state, but the town makes sure that the applicant is complying with the regulations.

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

**A. Sypek made a motion to grant conditional approval of a subdivision plan to subdivide one lot into two, 23 Noyes Road, Map 12 Lot 87, Zoned AR-1, James & Patricia Fudala (Owners & Applicants) in accordance with plans prepared by Benchmark LLC dated February 3, 2021, last revised June 9, 2021 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

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

## **PRECEDENT CONDITIONS**



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

1. Any outstanding comments from the May 10, 2021 Design Review memorandum shall be addressed.
2. The Map and Lot number (Map 12, Lot 87) shall be corrected on the plans.
3. The Applicant shall provide the Owner's signature(s) on the plans.
4. Required permits and permit approval numbers shall be noted on the plan.
5. The roadway maintenance easement shall be provided for review and approval by the Town and shall be recorded concurrently with the final plan.
6. The BMPs and maintenance requirements for the drainage improvements should be clearly noted on the plans, as stated in the submitted drainage report.
7. A well release or easement shall be provided for recording with the final plan.
8. The Planning Board signature block shall be updated to include two lines for signatures.
9. Utility clearance letters for cable and electric shall be provided.
10. The parcel ID and street address for the proposed lot shall be confirmed with the Assessing Department and updated on the plans as applicable.
11. 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.
12. Checks for recording fees and LCHIP shall be submitted to the Town, payable to Rockingham County Registry of Deeds.
13. The Applicant shall note all general and subsequent conditions on the plans.
14. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
15. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
16. 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.

C. Application for formal review of a site plan for a proposed one story 3,736 SF bank and associated site improvements, Michels Way & Garden Lane, Map 10 Lot 52, Pillsbury Road & Michels Way, Map 10 Lot 41, Zoned C-I & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and Enterprise Bank (Applicant)

Chairman Rugg read the case into the record. A. Chiampa came back to the Board at this time. Town Planner Mailloux informed the Board that there is one outstanding checklist item for which the applicant has requested a waiver as follows:

1. Checklist Item V.12 and Section 4.12.c.13 of the Site Plan Regulations to provide NRCS soils. Staff **supports** granting the waiver as the Applicant has provided site-specific soils in accordance with NHDES Alteration of Terrain requirements.

**A. Sypek made a motion to grant the waiver from Section 4.12.c.13 of the Site Plan Regulations and Checklist Item V.12 per Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

**A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

Chairman Rugg noted that the 65-day time clock has started. Jeff Kevan, P.E., from TF Moran Inc. 48 Constitution Drive, Bedford, NH, addressed the Board. J. Kevan told the Board that the parcel is located at the corner of Michels way and Garden Lane, reviewing what happened in 2015 when Market Basket renovated the store and expanded the plaza, where this parcel was created. He said that the parcel is 14.6 acres, and the bank will occupy one acre. He pointed out that this parcel is in sub-area WC-1-GL of the PUD. He commented that the pavement will be removed and a one-story, 3,736 SF bank with a drive-thru and small parking lot adjacent to it will be constructed there. He added that Market Basket is going to complete the access road that was started a few years ago. He explained that it is considered a private boulevard for street type and the building type is a small building in the PUD regulations, noting they comply with the regulations. He explained that they are requesting a modification to the PUD for window transparency facing the street. He commented that overall parking requirements in the PUD is 622 parking spaces, which is a low number geared towards mixed-use, but they have 832 parking spaces. He noted that the bank will need 13 spaces and they have 25 spaces adjacent to the bank, including ADA spaces. He mentioned that all the utilities had been prepped when they constructed Michels Way. He remarked that they have reduced the impervious coverage slightly. He said that the drainage basin in the corner will receive the run-off after the construction. He reviewed the landscaping, green space and lighting with the Board. He showed the Board a schematic of the architectural proposal of the building. He noted that they did receive a favorable response when they presented this to the Heritage Commission. He explained that they are requesting a modification to the PUD for transparency, as it requires 30% transparency, where they have 20%. He pointed out that they took into account that this is a bank, how it functions and needs a certain level of security.

Chairman Rugg opened up the discussion to the Board. Town Planner Mailloux thanked the applicant for their level of detail in explaining how they meet the PUD requirements. She noted that the applicant has requested the following modification of the PUD standards as follows:

1. A waiver from Section 2.4.2 of the PUD Master Plan which requires 30% transparency of the ground floor façade for a Small Building Type. The architectural drawings propose 20% transparency and the Applicant has indicated that due to required security features for the proposed bank use, 30% transparency cannot be achieved. Staff **supports** the waiver because the building otherwise meets the required architectural standards of the PUD, because the site meets the intent of sub-area WC-1-GL as an extension of the commercial uses along Nashua Road, and complies with the composition principles and standards of subarea WC-1-GL.

She echoed J. Kevan's sentiment that just trying to meet the 30% transparency, when the architecture would not match, is not how the requirement should be applied. J. Lovell reviewed the remaining design review items with the Board. A. Chiampa told J. Kevan that the building design is one of the nicest she has seen in a long time and thanked him for this. She asked if the drive-thru is just an ATM or for human interaction as well. J. Kevan replied it was for human interaction. A. Chiampa asked where the drainage flows from the pond in the southwest corner. J. Kevan reviewed the drainage with the Board. A. Chiampa asked if there should be directional signage to help people know how to get back to I-93. J. Kevan replied that they would be happy to add directional signs. J. Penta said that he supports the PUD modification and complimented the design. He asked about the vph trip generation, as there is such a gap of what is proposed and what the town requires. Town Planner Mailloux replied that there are different ways to come up with the trip generation estimates, such as the expansion of the existing shopping center, which gives the low number, or as a unique standalone bank, which has a higher number. She noted that the design review comment is there to find something that makes sense. J. Kevan mentioned that banks are not seeing the same business as they used to with online banking, etc. He stated that they do not view the bank as the primary destination when someone comes to the shopping plaza and has no problem redoing the calculations to come up with a middle ground number. L. Wiles echoed A. Chiampa's comment about egressing the site and discussed his concerns. He recommended having signage for people coming out of the bank, which would be helpful. A. Sypek, R. Fillio, J. Knights and J. Butler echoed comments regarding the design of the building. J. Butler asked if they plan on installing permanent irrigation, as the note on the plan is for temporary irrigation. J. Kevan replied that they usually do not have irrigation after a year if the plantings are doing well. J. Butler commented that he would recommend placing a permanent irrigation system.

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

Chairman Rugg brought the discussion back to the Board.

**A. Sypek made a motion to approve the applicant's request for the PUD modification as outlined in Staff's Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

**A. Sypek made a motion to grant conditional approval of a site plan for a proposed one-story, 3,736 SF bank and associated site improvements, Michels Way & Garden Lane, Map 10 Lot 52, Zoned C-I and PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and Enterprise Bank (Applicant) in accordance with plans prepared by TF Moran, Inc dated March 15, 2021 and last revised June 17, 2021 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

J. Butler asked if the Board would like to make a condition of approval to have permanent irrigation. Chairman Rugg said that he feels that this would be up to the applicant. The Board's consensus was to not have this as a condition of approval.

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

J. Kevan informed the Board that the bank would like to split the signs on all four sides and might have to come back to the Board for this. Town Planner Mailloux told the Board that she was going to speak with the Town Attorney and she will report back to the Board on whether or not the applicant needs to come back for signage.

"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 memorandum dated July 7, 2021.
2. The waivers, if granted, shall be noted on the plans.
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.

D. Application for formal review of a site plan amendment for extension of temporary outdoor seating through October 2021, 176 Mammoth Road, Map 6 Lot 72-1, Zoned C-I, Homestead Restaurant of Londonderry, Inc. (Owner & Applicant)

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

**A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated July 7, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

Town Planner Mailloux gave the Board some background information. She said that during the COVID-19 pandemic, Emergency Order #40, pursuant to Executive Order 2020-04 resulted in operational restrictions on restaurants. She went on noting that the Planning Board authorized staff, in coordination with Building/Code Enforcement and the Fire Department, to grant temporary authorization for outdoor seating while the Governor's Emergency Order was in effect, offering temporary relief from the requirements of the Site Plan Regulations. She explained as part of that process, applicants were asked to submit an administrative review application form for tracking purposes, along with a sketch showing the seating area and a description of number of tables, seating layout, etc. She added that all seating areas (and tents if applicable) were inspected by the Building and Fire Departments prior to their use. She pointed out that a primary condition of the temporary outdoor seating areas was that the outdoor dining be discontinued when the Emergency Order and operational restrictions were lifted. She said that the

Governor's Executive Order 2020-04, as extended, has lapsed, and the temporary outdoor seating areas must be either discontinued, or approval be obtained in accordance with the Site Plan Regulations for a permanent outdoor seating area (through Administrative Review where applicable or through a Site Plan Amendment). She commented that some businesses have requested an additional option to extend the outdoor seating only on a temporary basis until the end of the season (October 2021). She commented that rather than preparing and submitting a site plan in accordance with the regulations, temporary approval is being requested, to be approved by the Planning Board, rather than staff, with the benefit of a public hearing and abutter notification. She said that the applicant is not adding seats, but just moving some seats outdoors until next October.

Chairman Rugg noted that the 65-day time clock has started. Steven McDonough, owner of Coach Stop addressed the Board. S. McDonough told the Board that they close the main dining room on a good weather day to stay under the seating capacity. He noted that the tent outdoors will probably come down October 1, 2021. He said that they want to keep the option open for residents that are not comfortable dining in-person. He added that they do not anticipate requesting it next year.

Chairman Rugg opened up the discussion to the Board. Town Planner Mailloux said that staff supports the request on a limited basis.

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

Chairman Rugg brought the discussion back to the Board.

**A. Sypek made a motion to grant the temporary extension of outdoor seating through October 31, 2021, 176 Mammoth Road, Map 6, Lot 72-1, Zoned C-1, Homestead Restaurant of Londonderry, Inc (Owner & Applicant).**

**1. Due to the restricted parking on site in accordance with the required parking ratios, the total number of seats (indoor and outdoor) shall not exceed the approved number of seats (165) per the approved site plan on file dated July 11, 2012.**

**2. The outdoor seating area must be removed on or before October 31, 2021.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-0. The Chair voted in the affirmative.**

## **V. Other**

J. Butler asked how many restaurants still have outside dining. Town Planner Mailloux told the Board that the 99 Restaurant has filed an application. She

reviewed the request from Apple Tree Mall to make outdoor seating permanent there, which will be coming before the Board sometime in the future. She said that, therefore, no other restaurants should have outside seating, which will be a code enforcement issue. Town Planner Mailloux said that next meeting there will be draft language for new water regulations in the site plan and subdivision regulations.

## **VI. Adjournment**

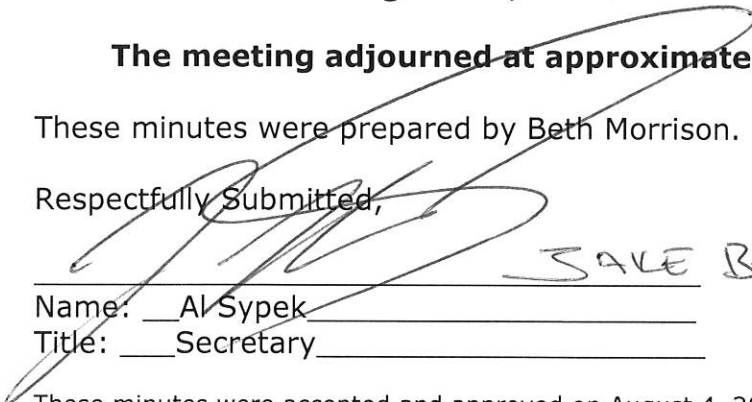
**Member A. Sypek made a motion to adjourn the meeting at approximately 8:25 p.m. Seconded by A. Chiampa.**

**The motion was granted, 6-0-0.**

**The meeting adjourned at approximately 8:25 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

  
Name: Al Sypek  
Title: Secretary

SAVE BUTLER

8/4/21

These minutes were accepted and approved on August 4, 2021, by a motion made by J. Butler and seconded by J. Knights.

## STAFF RECOMMENDATION

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

**Date:** July 7, 2021

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**Application:** Application for formal 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)

- **Background:** On December 2, 1998, the Planning Board granted conditional approval of a Site Plan to construct a building addition and drive aisle on the existing manufacturing/warehousing building. On December 15, 1998, a building permit was issued for the building addition and work began on site. [It should be noted that this circumstance would not happen under today's procedures – no work may begin on a site and no building permits are issued until the conditions of approval are satisfied and the plans are signed by the Planning Board]. In May 1999, the Building Official at the time sent a letter to the property owner reminding them of the obligation to satisfy conditions of approval so that a final, approved site plan could be signed. Documentation and review memorandums in the Planning Department file for the project indicate that from the date of the conditional approval, until 2001, there was ongoing dialog and review of revised plans, however, the site plan never received final approval.

In 2019, the Code Enforcement Office received a complaint regarding outdoor storage on the site. In reviewing that complaint, the Code Enforcement found that the Site Plan was never finalized in accordance with the regulations. The Code Enforcement Officer issued a violation letter regarding both the outdoor storage and the lack of site plan. In subsequent meetings with Staff, and upon conceptual discussion with the Board, it was determined that the best procedure would be to file a site plan for approval for the outdoor storage and to document the existing conditions on the site and compliance with the plan conditionally approved in 1998.

- **Completeness:** There are four outstanding checklist items for which the Applicant has requested a waiver:
  1. Section 3.07 of the Site Plan Regulations and Checklist Item XI.2 to not provide stormwater drainage system information. Staff **supports** granting the waiver with a condition (included in the conditions of approval herein) that additional documentation relating to total impervious coverage and pond capacity be provided to the satisfaction of Staff to demonstrate that the exiting stormwater drainage system was built in accordance with the 1998 plan and the stormwater management report that was filed in support of that plan.
  2. Section 3.10 of the Site Plan Regulations and Checklist Item VIII to not provide a landscape plan. Staff **supports** granting the waiver as the proposed evergreen plantings have been shown on the site plan sheet and landscaping details are included on the detail sheet.



3. Section 3.12 of the Site Plan Regulations and Checklist Item IX to not provide building renderings. Staff ***supports*** this waiver request as there is no building being proposed.
4. Section 3.13 of the Site Plan Regulations and Checklist Item VIII to not provide a lighting and illumination plan. Staff ***supports*** granting this waiver as there are no proposed modifications proposed to the existing site lighting.

**Board Action Required: Motion to grant the checklist waivers 1-4 per Staff's Recommendation Memorandum dated July 7, 2021.**

**Board Action Required: Motion to accept the application as complete per Staff's Recommendation Memorandum dated July 7, 2021.**

- **Waivers:** The applicant is requesting two additional waivers to the Site Plan Regulations as follows:
  1. Section 3.09.k.1.i to not stripe the required parking spaces in accordance with the Regulations. The Applicant is requesting a waiver to not stripe 51 parking spaces along the westerly side of the pavement adjacent to the gravel storage area, and for approval to use these spaces for outdoor storage. Staff ***supports*** granting this waiver as the Applicant has demonstrated that the additional parking spaces are not required for this user, however, if this waiver is granted, sufficient notes and details should be added to make clear that the area is reserved for future parking and will be striped in accordance with the regulations if a new user occupies the site.
  2. Section 4.01C to allow a plan scale of 1"=50' where a plan scale of 1"=40' is required. Staff ***supports*** the granting of this waiver as the plans are legible at the requested waiver.

**Board Action Required: Motion to grant the Applicant's request for waivers 1 and 2 in accordance with Staff's Recommendation Memorandum dated July 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 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) in accordance with plans prepared by Bedford Design Consultants, Inc., dated May 13, 2020 last revised March 29, 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 July 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 July 7, 2021.
2. Documentation be provided, to the satisfaction of Staff, to verify that the existing drainage pond was built in accordance with the 1998 design plan that sufficient capacity exists to accommodate the existing impervious area on site.
3. Notes and details for future parking lot striping be added to the plan, to the satisfaction of Staff, to make clear that the waiver being granted is for the current user only.
4. The outdoor storage area be modified so that there is no storage located within the 15' side green buffer.
5. Owner's signature shall be provided on the plan.
6. All applicable permits/amended permits be obtained, approval numbers noted on the plan and copies provided for the Town's files.
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. Third-party review fees shall be paid within 30 days of conditional site plan approval.
9. Financial guarantees be provided to the satisfaction of the Department of Public Works and Engineering.
10. Final engineering review.

**PLEASE NOTE** – If these conditions are not met within 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: July 7, 2021

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

Re: Tax Map 16 Lot 83-1  
CSI Tunnel Systems  
Site Plan Improvements  
15 Independence Drive

Owners: Worden Limited Partnership  
Applicant: Worden Limited Partnership

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Bedford Design Consultants, 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. The Applicant's formal submission does not provide storm drain system information per section 3.07 of the Site Plan Regulation and item XI.2 of the checklist. The Applicant has submitted a written **waiver request** for these requirements for Planning Board consideration.
2. The Applicant's formal submission does not provide a landscape plan per section 3.10 of the Site Plan Regulation and item VII of the checklist. The Applicant has submitted a written **waiver request** for these requirements for Planning Board consideration.
3. The Applicant's formal submission does not provide Building Design & Renderings information per section 3.12 of the Site Plan Regulation and item IX of the checklist. The Applicant has submitted a written **waiver request** for these requirements for Planning Board consideration.
4. The Applicant's formal submission does not provide an Illumination Plan & Lighting Details per section 3.13 of the Site Plan Regulation and item VIII of the checklist. The Applicant has submitted a written **waiver request** for these requirements for Planning Board consideration.

### **Design Review Items:**

1. The Applicant indicates that the site can provide 84 parking spaces that exceeds the minimum 82 required by Section 3.09 - Table B, but has submitted a written **waiver request** for Planning Board consideration to not stripe all 51 of the spaces along the westerly side of the pavement adjacent to the gravel storage area as required per section 3.09.k.1.i of the regulations. The request notes this paved area would be utilized for storage.
2. The Applicant's demolition and site plan submissions are at a scale of 1"=50' and exceeds the maximum 1"=40 scale per section 4.01.c of the regulations. The Applicant has submitted a written **waiver request** for these requirements for Planning Board consideration.
3. We recommend the Applicant correct note 11 on the cover sheet to reference sheet 2 (versus 1) for the plan reference location.
4. We recommend the Applicant provide the Owner's signature on the Existing Conditions Plan under a final submission.



5. 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 Fire Department have been adequately addressed with the Fire Department.

**Board Action Items:**

1. The Applicant has submitted six (6) separate written waiver requests to the Site Plan Regulations as noted in the letters dated May 10, 2021. The Board will need to consider each waiver request as part of the project review.

**Board Information Items:**

1. The Applicant proposes to reconfigure the outside storage at the site. The Board can consider if screening under per section 4.4.1.3.D.1 of the Zoning Ordinance is appropriate for this site.

## **STAFF RECOMMENDATION**

**To:** Planning Board

**Date:** July 7, 2021

**From:** Colleen P. Mailloux, AICP, Town Planner  
José Lovell, PE, Asst. Director of Public Works & Engineering

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**Application:** Application for formal review of a subdivision plan to subdivide one lot into two, 23 Noyes Road, Map 12 Lot 87, Zoned AR-1, James & Patricia Fudala (Owners & Applicants)

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

**Board Action Required: Motion to accept the Application as complete per Staff's Recommendation Memorandum dated July 7, 2021.**

- Waivers: There are no waivers required.
- Recommendation: Based on the information received to date, Staff recommends that conditional approval be granted with a Notice of Decision to read substantially as follows:

**Board Action Required: Motion to grant conditional approval of a subdivision plan to subdivide one lot into two, 23 Noyes Road, Map 12 Lot 87, Zoned AR-1, James & Patricia Fudala (Owners & Applicants) in accordance with plans prepared by Benchmark LLC dated February 3, 2021, last revised June 9, 2021 with the following precedent conditions to be fulfilled within two years and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated July 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. Any outstanding comments from the May 10, 2021 Design Review memorandum shall be addressed.
2. The Map and Lot number (Map 12, Lot 87) shall be corrected on the plans.
3. The Applicant shall provide the Owner's signature(s) on the plans.

4. Required permits and permit approval numbers shall be noted on the plan.
5. The roadway maintenance easement shall be provided for review and approval by the Town and shall be recorded concurrently with the final plan.
6. The BMPs and maintenance requirements for the drainage improvements should be clearly noted on the plans, as stated in the submitted drainage report.
7. A well release or easement shall be provided for recording with the final plan.
8. The Planning Board signature block shall be updated to include two lines for signatures.
9. Utility clearance letters for cable and electric shall be provided.
10. The parcel ID and street address for the proposed lot shall be confirmed with the Assessing Department and updated on the plans as applicable.
11. 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.
12. Checks for recording fees and LCHIP shall be submitted to the Town, payable to Rockingham County Registry of Deeds.
13. The Applicant shall note all general and subsequent conditions on the plans.
14. Outstanding third-party review fees, if any, shall be paid within 30 days of conditional site plan approval.
15. Financial guarantee be provided to the satisfaction of the Department of Public Works and Engineering.
16. 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.

## **STAFF RECOMMENDATION**

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner  
José Lovell, PE, Assistant Director of PW&E

**Date:** July 7, 2021

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**Application:** Application for formal review of a site plan for a proposed one-story, 3,736 SF bank and associated site improvements, Michels Way & Garden Lane, Map 10 Lot 52, Zoned C-I and PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and Enterprise Bank (Applicant).

- **Completeness:** There is one outstanding checklist item for which the Applicant has requested a waiver:
  1. Checklist Item V.12 and Section 4.12.c.13 of the Site Plan Regulations to provide NRCS soils. Staff **supports** granting the waiver as the Applicant has provided site-specific soils in accordance with NHDES Alteration of Terrain requirements.

**Board Action Required:** **Motion to grant the waiver from Section 4.12.c.13 of the Site Plan Regulations and Checklist Item V.12 per Staff Recommendation Memorandum dated July 7, 2021.**

**Board Action Required:** **Motion to accept the application as complete per Staff's Recommendation Memorandum dated July 7, 2021.**

- **PUD Modification Request:** The Applicant has requested the following modification of the PUD Standards:
  1. A waiver from Section 2.4.2 of the PUD Master Plan which requires 30% transparency of the ground floor façade for a Small Building Type. The architectural drawings propose 20% transparency and the Applicant has indicated that due to required security features for the proposed bank use, 30% transparency cannot be achieved. Staff **supports** the waiver because the building otherwise meets the required architectural standards of the PUD, because the site meets the intent of sub-area WC-1-GL as an extension of the commercial uses along Nashua Road, and complies with the composition principles and standards of subarea WC-1-GL.

**Board Action Required:** **Motion to approve the applicant's request for the PUD modification as outlined in Staff's Recommendation Memorandum dated July 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 a site plan for a proposed one-story, 3,736 SF bank and associated site improvements, Michels**

**Way & Garden Lane, Map 10 Lot 52, Zoned C-I and PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development, LLC (Owner) and Enterprise Bank (Applicant) in accordance with plans prepared by TF Moran, Inc dated March 15, 2021 and last revised June 17, 2021 with the following precedent conditions to be fulfilled within 120 days and prior to plan signature and subsequent conditions to be fulfilled as noted in the Staff Recommendation Memorandum dated July 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/Hoyle, Tanner & Associates review memorandum dated July 7, 2021.
2. The waivers, if granted, shall be noted on the plans.
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: July 7, 2021

From: Planning and Economic Development  
Department of Public Works & Engineering

Re: Banking Facility Plan  
At Market Basket Plaza  
Michels Way and Garden Lane  
Tax Map 10, Lot 52

Hoyle, Tanner & Associates, Inc.

Owner: Demoulas Supermarkets, Inc.  
Applicant: Enterprise Bank

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TFMoran Inc. submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Hoyle, Tanner and Associates, Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

### Checklist Item:

1. The Applicant has not identified NRCS Soils per LSPR 4.12.c.13. The Applicant has requested a **waiver** from the requirement per LSPR 3.11 and 4.12.c.13. and Checklist item V.12. The Applicant is using Site Specific Soil Survey information instead per Alteration of Terrain (AoT) permit requirements.

### Design Review Items:

1. The Applicant should include required benchmarks on each sheet of the plan set per LSPR 4.05.
2. The improvements shown within the limit of previously approved work does not appear to be consistent with the referenced 10/9/15 site plan (i.e. proposed striping, etc.).
3. All of the line types and symbols should be included in the "master" legend. (For example, the stippling on the site layout plan (which may be a symbol for bituminous), the drain structures, and erosion control devices should all be clear.).
4. The Applicant has noted the intent to provide 1.0 Acre of conserved green space, but has not clearly identified the 1.0 Acre location on the plan.
5. When obtained, the Applicant should provide all applicable permit numbers, including Town of Londonderry Sanitary Sewer and Town of Londonderry Stormwater Permit on the plans per LSPR 3.06.a., LSPR 4.11.n., and Checklist Item IV.1.n., XII.1. and XII.8. The Applicant has not provided copies of all required permits as required by Checklist item XII. and in accordance with LSPR 4.13., and 4.18.e. When received, copies of all permits should be submitted for the Planning Department file.
6. The Applicant has provided sanitary sewer design calculations as required by LSPR 3.06.a., however; the Applicant has used the NHDES Table 1008 flow numbers instead of the Town of Londonderry Table 1008 flow numbers, which differ. The Applicant should revise the flow calculations to match the Town's calculations, which can be found on the Town's website at Environmental Services – Sanitary Sewer > Sewer Use Charges 5/21/07.
7. The Applicant should provide the owner's signature, per LSPR 4.12.c.16. and Checklist item V.13.

8. The Applicant should complete the Table of Site Information on Sheet C-4 to include "Provided" data for the relevant elements that are not filled in.
9. The Applicant indicated that the Building Type is Small Building, which requires 30% transparency of the façade for the ground floor. Due to the building use (bank) the Applicant has requested a modification of the PUD requirement 2.4.2.
10. We recommend that the Applicant address the following items related to the **Grading and Drainage Plan Sheet, C-05 and Stormwater Management Plan, C-08:**
  - a. The existing contours are discontinuous in several locations indicating that there may be two separate 3D surfaces in use that do not match up to one another. If a 3D surface is to be used, the Applicant should provide a single continuous 3D surface that accurately illustrates the actual existing surface. The Applicant's response letter indicates that the existing topography has been updated, however there are still discontinuous contours on the existing surface.
  - b. There is a catch basin at the right-turn-in and a catch basin further downgradient in Michels way that should be provided with catch basin erosion controls. The basin at the right-turn-in lane appears to have that symbol, but should be clarified. There appears to be "circles" around a few catch basins with one having a label "Catch Basin Erosion Control." The legend on Sheet C-01 indicates a dashed square as inlet protection. The Applicant should clarify what symbol is used for inlet protection. The Applicant should also review other symbols in the legend compared to the plans. It appears silt fence is not included in the legend and the drain pipe line style in the legend is thicker than shown on the plans.
  - c. Several of the drainage structure symbols are not shown on this sheet. The Applicant should show all existing drainage linework and symbols. The applicant should also provide identifiers for existing drainage structures on the Grading and Drainage Plan sheet.
  - d. The Applicant should update the limit of work notations to include all of the planned work associated with the bank parcel.
  - e. The Applicant should clarify the perimeter erosion control method as the notes on sheet C-08 indicate both silt fence and silt socks while the callout(s) appear to indicate silt fence.
11. We recommend that the Applicant address the following items related to the **Utility Plan Sheet, C-06:**
  - a. Materials information should be provided for the existing water service stub.
  - b. The Applicant has not provided the specific proposed pipe type for the proposed gas connection per Checklist item VI.2.f.1)i. and ii. (The type is identified as "plastic".)
  - c. The Applicant has included a sawcut line on Sheets C-05 and C-06 that do not appear to be relevant to the current scope of work. The Applicant should remove or update the sawcut line notations.
  - d. The Applicant has not proposed an acceptable method of connecting to a live sewer main. Applicant shall coordinate with the Town regarding the connection of the new sewer service to the existing 8" sewer main using Type PVC/U Model H Sealtite Tee

Gravity Sewer Saddle by the General Engineering Company of Frederick, MD, or approved equal.

12. We recommend that the Applicant address the following items related to the **Details** sheet, **C-10**:
  - a. The Applicant has removed the Concrete Sidewalk expansion joint detail, however; we recommend that the Applicant return an applicable detail and reference use of the detail on the plan set.
13. We recommend that the Applicant address the following items related to the **Details** sheet, **C-13**:
  - a. The *Typical Trench Type 2* detail still conflicts with parking lot/road section detail. The Applicant should add a note to the Type 2 detail indicating that "Backfill and compaction requirements shall be per parking lot / road section detail.
14. We recommend that the Applicant address the following items related to the **Stormwater Management Report**:
  - a. The Applicant should confirm via hydraulic calculations that the 36" outlet pipe of the bank stormwater system will flow in gravity flow conditions with no more than full flow pipe conditions per LSPR 3.07.c.1. Based on HydroCAD data, it appears the HGL is above the crown of the pipe by at least 4 inches. The Applicant has noted that the 36" outlet pipe is an existing outlet into an existing stormwater pond; however, the Applicant has indicated on the plans that the closed drainage system from the site will discharge into the last segment of the 36" pipe. The Applicant should confirm this last segment of pipe meets the regulations stated above.
  - b. The Applicant should specify ADS N12 pipe instead of Plastic Pipe per LSPR 3.07.g.5.
15. We recommend that the Applicant address the following items related to the **Traffic Memorandum**:
  - a. The Applicant notes the available sight distance for the plaza driveways at Garden Lane and at Michels Way, but does not reference what the required sight distance is per LSPR 3.14.c.3. in the memorandum. Additionally, supporting calculations depicting the sight distance should be included for review. The Applicant has indicated the required sight distance in the response letter, but should add it to the traffic memorandum. Sight distance figures for the existing driveways should be provided in accordance with the regulations.
  - b. The Applicant performed the trip generation calculations for the proposed bank as an expansion to the existing land use (820 – Shopping Center) which yields very few new trips [3 vehicles per hour (vph) weekday AM peak, 14 vph weekday PM peak, 17 vph Saturday peak]. For comparison, a proposed bank of this size on a "virgin" site would generate 35 vph weekday AM peak, 76 vph weekday PM peak, and 97 vph Saturday peak. While it is reasonable that some of the bank patrons would have also visited one of the other plaza uses, the expansion calculation method reduces the estimated trips generated by 80% to 90%. It is recommended that the applicant revise the trip generation calculation to utilize land use code 912-Drive-in Bank and determine internal capture rates, in accordance with Chapter 6 Trip Generation for Mixed-Use Development of the ITE Trip Generation Advisory Supplement, to determine the

appropriate generated trips. The Applicant has noted that the trip generation numbers as presented are valid under the premise it is "unlikely that the bank will be the sole destination within the shopping center for a significant number of trips". While this is possibly true, assuming 80-90% of bank patrons will have another destination within the shopping center may not be representative.

16. We recommend the Applicant verify the DRC 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.
  - b. Please verify the comments of the Conservation Commission have been adequately addressed with the Conservation Commission.
  - c. Please verify the comments from the Heritage Commission have been adequately addressed with the Heritage Commission.
  - d. Please verify the comments of the Fire Department have been adequately addressed with the Fire Department.

**Board Action Items:**

1. The Applicant is requesting one (1) waiver to the Site Plan Regulations as noted in the waiver request letter dated March 15, 2021. The Board will need to consider the waiver under this application.
2. The Applicant has requested a modification of the Woodmont Commons PUD Master Plan, Section 2.4.2 requirements, to not provide 30% of the ground floor façade to be transparent.

## **STAFF RECOMMENDATION**

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner

**Date:** July 7, 2021

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**Application:** Application for temporary extension of outdoor seating through October 2021, 176 Mammoth Road, Map 6 Lot 72-1, Zoned C-I, Homestead Restaurant of Londonderry, Inc. (Owner & Applicant)

- **Background:** During the COVID-19 pandemic, Emergency Order #40, pursuant to Executive Order 2020-04 resulted in operational restrictions on restaurants. Recognizing the impact of the pandemic and the operational restrictions on local businesses, the Planning Board authorized Staff, in coordination with Building/Code Enforcement and the Fire Department, to grant temporary authorization for outdoor seating while the Governor's Emergency Order was in effect, offering temporary relief from the requirements of the Site Plan Regulations. As part of that process, Applicants were asked to submit an administrative review application form for tracking purposes, along with a sketch showing the seating area and a description of number of tables, seating layout, etc. All seating areas (and tents if applicable) were inspected by the Building and Fire Departments prior to their use. A primary condition of the temporary outdoor seating areas was that the outdoor dining be discontinued when the Emergency Order and operational restrictions were lifted.

Now that the Governor's Executive Order 2020-04, as extended, has lapsed, the temporary outdoor seating areas must be either discontinued, or approval be obtained in accordance with the Site Plan Regulations for a permanent outdoor seating area (through Administrative Review where applicable or through a Site Plan Amendment).

At the request of some businesses, an additional option has been offered to businesses seeking to extend the outdoor seating only on a temporary basis until the end of the season (October 2021). Rather than preparing and submitting a site plan in accordance with the regulations, a temporary approval is being requested, to be approved by the Planning Board, rather than Staff, with the benefit of a public hearing and abutter notification.

- **Completeness:** 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 July 7, 2021.**

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

**Board Action Required: Motion to grant the temporary extension of outdoor seating through October 31, 2021, 176 Mammoth Road, Map 6, Lot 72-1, Zoned C-1, Homestead Restaurant of Londonderry, Inc (Owner & Applicant).**

1. Due to the restricted parking on site in accordance with the required parking ratios, the total number of seats (indoor and outdoor) shall not exceed the approved number of seats (165) per the approved site plan on file dated July 11, 2012.
2. The outdoor seating area must be removed on or before October 31, 2021.