

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF August 10, 2022, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Giovanni Verani, Town Manager- Ex-Officio; Ann Chiampa, member; Deb Paul, Ex-Officio – Town Council; Jason Knights, alternate member; and Roger Fillio, alternate member

Also Present: Kellie Walsh, Town Planner; and John Trottier, P.E. Director Of Engineering & Environmental Services

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. Chairman Rugg appointed R. Fillio to vote for J. Penta.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Walsh informed the Board that she had no projects for their consideration this evening.

C. Discussion with Town Staff: Chairman Rugg informed the Board and public that starting next Wednesday the Old Home Day activities begin. A. Chiampa said that the historical society will have the original charter at the Morrison Museum. D. Paul commented that the Green Team has a trolley in the parade that will recognize 12 of the historical families that helped build the community and make it what it is.

III. Old Business

A. Public hearing on an application for formal review of a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant) – Applicant is seeking a continuance to September 14, 2022

Chairman Rugg read the case into the record noting the applicant is requesting a continuance until September 14, 2022.

A. Sypek made a motion to continue the public hearing on an application for formal review of a site plan for a trucking terminal and associated site improvements, 15 Rockingham Road, Map 13

Lot 99, Zoned C-II, Alfred, Jr. & Nicole Pittore (Owners) and Pittore Bros. Paving (Applicant) until September 14, 2022.

J. Butler seconded the motion.

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

Chairman Rugg noted that the application is continued until September 14, 2022, at 7 p.m., and this would be the only formal public notice.

B. Public hearing on an application for formal review of a site plan for the construction of a 7,200 SF warehouse and wholesale building and associated site improvements, Three Enterprise Drive, Map 15 Lot 62-3, Zoned C-II, 3 Enterprise Drive, LLC (Owner & Applicant)

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

A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated August 10, 2022.

J. Butler seconded the motion.

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

Chairman Rugg noted that the 65-day time frame has started. Jason Lopez, P.E., from Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH, addressed the Board. J. Lopez informed the Board that he is joined in the audience by Paul Carey and Michael LaClaire from Northeast Nursey. He told the Board that this is the proposed new site for this company, noting they are currently located on Tinker Ave. He explained that the site was originally created as a six lot subdivision called Regional Air Industrial Park in 1997 and they are the first lot on the left. He said that the site is a 6.1 acre lot with 533 feet of frontage located in the C-II zone. He commented that the property is bisected by a segment of 2-2 of Little Cohas Brook and it is flanked on both sides by a larger wetland complex. He mentioned that they conducted a data check with The Natural Heritage Bureau, which found no known occurrences of sensitive species in the project area. He stated that the wetlands do impose a 50-foot buffer and the brook that runs through imposes a 100-foot buffer. He added the lot development will impact 5,335 SF of wetland buffer, for which a conditional use permit (CUP) has been submitted and was supported by the Conservation Commission. He remarked that early on in their review they conducted a review of The Division of Historical Resources and no historic properties are affected. He informed the Board that they presented the building, lighting and landscape plans to the Heritage Commission and received their support. He noted that the site will be served by Manchester Water Works (MWW) and they received approval to connect. He said that the site will be served by sewer and they received the town sewer connection permit. He remarked that

they received a permit from the New Hampshire Department of Transportation (NHDOT) to amend the permit for the intersection of Enterprise Drive and Rockingham Road, of which no improvements are needed. He reviewed the parcel on the screen with the Board noting the wetland setbacks, the drainage easement, the slope easement, the sewer easement and the sight visibility easement. He pointed out that beyond all the encumbrances he just discussed, one of the items they need is to be able to get a tractor trailer on site. He stated that the tractor trailer will need to get in the site, turn around and be able to back up to a loading dock, which limited the location of the building. He noted that in the front of the building there is a concrete pad, which will be a garage door, where the forklifts can access in and out of the warehouse. He added that there is another garage door in the back of the building. He said that they have a side slope that impacts into the buffer zone. He explained that the impacts to the buffer will be a vegetative slope, installation of a drainage pipe and the construction of a treatment swale. He stated that they have 14 parking spaces with an additional three spaces in the southwest corner of the property. He reviewed the drainage system with the Board noting that the stormwater permit is still pending. He went over the landscape plan with the Board, noting that they had to move landscaping due to the sight visibility easement. He mentioned that they are requesting three waivers, one for the driveway width, one for the topography and wetlands on the back portion of the property and lastly one for the 3:1 slope for the riprap.

Chairman Rugg opened up the discussion to the Board. J. Trottier reviewed the remaining design review items with the Board. He noted that they are requesting three waivers as follows:

1. The Applicant is requesting a waiver from section 3.08.b.6 of the site plan regulations to allow a driveway 37 feet in width where only 36 feet are allowed by an exception approved by the Planning Board. Staff supports the granting of this waiver due to the configuration of the site and for allowing trucks and other vehicles access to the site.

2. The Applicant is requesting a waiver from sections 4.12.a and c.3 of the site plan regulations to not provide the existing conditions or topography of the westerly portion of the site. Staff supports the granting of this waiver as it primarily consists of wetlands and the topography of the upland is appropriately shown.

3. The Applicant is seeking waiver/written permission from the Planning Board per Londonderry Zoning Ordinance section 5.8.7.J to allow a slope steeper than 3H:1 which does not comply with Exhibit R106 where riprap slopes are required. It should be noted that during the technical review meeting with the Applicant and his Engineer, that Staff voiced concerns regarding the proposed stabilization method utilizing seeding as outlined in the plan. However, the Applicant made it clear and assured all at the table that their methods were superior and they guaranteed that the steep slopes would not erode as they are in the seeding industry. With the assurance of the Applicant, Staff supports the granting of this request provided the

Planning Board reviews and finds the Applicant's proposed plan of stabilizing and maintaining the slopes acceptable.

He explained that the applicant is seeking a CUP to impact 3,535 SF of the 100-foot Little Cohas Brook buffer and 1,800 SF of the 50-foot wetland buffer portions, of which overlap the 100-foot Little Cohas Brook buffer for a total of 5,335 SF of wetland buffer impact for a drainage system including a drainage pipe, treatment swale and slope grading. He said that staff supports granting the CUP as the Conservation Commission recommended its approval provided certain seed mixtures are utilized as noted in the Conservation Commission's June 28, 2022 meeting minutes (native species only and no wild lupine). A. Chiampa asked where the sign would be placed. J. Lopez replied that the sign is on the front of the building. D. Paul asked where the snow will go. J. Lopez reviewed sheet two of the plan set with the Board pointing out where the snow will go. L. Wiles asked if the 3:1 slope needs to be memorialized on the site plan. J. Trottier replied that it would be memorialized by the Board granting the waiver.

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

A. Sypek made a motion to grant the applicant's request for three waivers as outlined in the Staff Recommendation Memorandum dated August 10, 2022.

J. Butler seconded the motion.

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

A. Sypek made a motion to grant the applicant's request for a Conditional Use Permit per Staff Recommendation Memorandum dated August 10, 2022.

J. Butler seconded the motion.

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

A. Sypek made a Motion to grant conditional approval of the site plan for the construction of a 7,200 SF warehouse and wholesale building and associated site improvements, Three Enterprise Drive, Map 15 Lot 62-3, Zoned C-II, 3 Enterprise Drive, LLC (Owner & Applicant) in accordance with plans prepared by Keach-Nordstrom Associates, Inc., dated January 7, 2020 last revised July 20, 2022 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 August 10, 2022.

J. Butler seconded the motion.

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

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

PRECEDENT CONDITIONS

All of the precedent conditions below must be met by the Applicant, at the expense of the Applicant, prior to certification of the plans by the Planning Board.

Certification of the plans is required prior to commencement of any site work, any construction on the site or issuance of a building permit.

1. The Applicant shall address all appropriate items from the Planning & Economic Development Department/Department of Engineering & Environmental Services/Stantec review memo dated August 10, 2022.

2. Owner's signature shall be provided on the plans.

3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.

4. Third-party review fees shall be paid within 30 days of conditional site plan approval.

5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.

6. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Engineering & Environmental Services 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 Engineering & Environmental Services, 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 & Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

C. Public hearing on an application for formal review of a subdivision plan to subdivide one lot into three, 106 Wiley Hill Road, Map 5 Lot 12-1, Zoned AR-1, 106 Wiley Hill Road, LLC (Owner & Applicant) – Applicant is seeking a continuance to September 7, 2022

Chairman Rugg read the case into the record noting the applicant is requesting a continuance until September 7, 2022.

A. Sypek made a motion to continue the public hearing on an application for formal review of a subdivision plan to subdivide one lot into three, 106 Wiley Hill Road, Map 5 Lot 12-1, Zoned AR-1, 106 Wiley Hill Road, LLC (Owner & Applicant) until September 7, 2022.

J. Butler seconded the motion.

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

Chairman Rugg noted that the application is continued until September 7, 2022, at 7 p.m., and this would be the only formal public notice.

IV. New Plans/Conceptual

V. Other

A. Rockingham County Commissioner Thomas Tombarello (tentative)

Chairman Rugg informed the Board the County Commissioner, Thomas Tombarello, will not be attending because the with the change in redistricting he no longer represents our district. D. Paul noted that Acting County Commissioner will still be Brian Chirichiello of Derry until the change happens next year if any member of the public needed to contact him for funds that are available for residents that need assistance paying their rent.

VI. Adjournment

Member A. Sypek made a motion to adjourn the meeting at approximately 8:05 p.m. Seconded by J. Butler.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 8:05 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Jake Butler
Title: Secretary

These minutes were accepted and approved on September 7, 2022, by a motion made by A. Sypek and seconded by J. Butler.

STAFF RECOMMENDATION

To: Planning Board

Date: August 10, 2022

From: Kellie Walsh, Town Planner

John R. Trottier, PE, Director of Engineering & Environmental Services

Application: Application acceptance and public hearing for formal review of a site plan for the construction of a 7,200 SF warehouse and wholesale building and associated site improvements, Three Enterprise Drive, Map 15 Lot 62-3, Zoned C-II, 3 Enterprise Drive, LLC (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 Recommendation Memorandum dated August 10, 2022.**

- **Waivers:** There are three waivers requests for this application.
 1. The Applicant is requesting a waiver from section 3.08.b.6 of the site plan regulations to allow a driveway 37 feet in length where only 36 feet are allowed by an exception approved by the Planning Board. Staff **supports** the granting of this waiver due to the configuration of the site and for allowing trucks and other vehicles access to the site.
 2. The Applicant is requesting a waiver from sections 4.12.a and c.3 of the site plan regulations to not provide the existing conditions or topography of the westerly portion of the site. Staff **supports** the granting of this waiver as it primarily consists of wetlands and the topography of the upland is appropriately shown.
 3. The Applicant is seeking waiver/written permission from the Planning Board per Londonderry Zoning Ordinance section 5.8.7.J to allow a slope steeper than 3H:1 which does not comply with Exhibit R106 where riprap slopes are required. It should be noted that during the technical review meeting with the Applicant and his Engineer, that Staff voiced concerns regarding the proposed stabilization method utilizing seeding as outlined in the plan. However, the Applicant made it clear and assured all at the table that their methods were superior and they guaranteed that the steep slopes would not erode as they are in the seeding industry. With the assurance of the Applicant, Staff **supports** the granting of this request provided the Planning Board reviews and finds the Applicant's proposed plan of stabilizing and maintaining the slopes acceptable.

Board Action Required: **Motion to grant the applicant's request for three waivers as outlined in the Staff Recommendation Memorandum dated August 10, 2022.**

- **Conditional Use Permit:** The Applicant is seeking a Conditional Use Permit to impact 3,535 SF of the 100 foot Little Cohas Brook buffer and 1,800 SF of the 50 foot wetland

buffer portions of which overlap the 100 foot Little Cohas Brook buffer for a total of 5,335 SF of wetland buffer impact for a drainage system including a drainage pipe, treatment swale and slope grading. Staff **supports** the granting of the Conditional Use Permit as the Conservation Commission recommended its approval provided certain seed mixtures are utilized as noted in the Conservation Commission's June 28, 2022 Conservation Commission meeting minutes (native species only and no wild lupine).

Board Action Required: Motion to grant the applicant's request for a Conditional Use Permit per Staff Recommendation Memorandum dated August 10, 2022.

Board Action Required: Motion to grant conditional approval of the site plan for the construction of a 7,200 SF warehouse and wholesale building and associated site improvements, Three Enterprise Drive, Map 15 Lot 62-3, Zoned C-II, 3 Enterprise Drive, LLC (Owner & Applicant) in accordance with plans prepared by Keach-Nordstrom Associates, Inc., dated January 7, 2020 last revised July 20, 2022 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 August 10, 2022.

"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 Engineering & Environmental Services/Stantec review memo dated August 10, 2022.
2. Owner's signature shall be provided on the plans.
3. The Applicant shall provide a digital copy of the complete final plan to the Town prior to plan signature by the Planning Board in accordance with Section 2.05.n of the Subdivision Regulations.
4. Third-party review fees shall be paid within 30 days of conditional site plan approval.
5. Financial guarantees be provided to the satisfaction of the Department of Engineering & Environmental Services.

6. Final engineering review.

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

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. No construction or site work may be undertaken until a pre-construction meeting with Town staff has taken place, filing of an NPDES – EPA Permit (if required), and posting of the site-restoration financial guaranty with the Town. Contact the Department of Engineering & Environmental Services 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 Engineering & Environmental Services, 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 &

Department of Engineering & Environmental Services, when a financial guaranty (see forms available from the Engineering 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 Department of Engineering & Environmental Services prior to the release of the applicant's financial guaranty.

Londonderry Planning Board

MEMORANDUM

To: Planning Board

Date: August 10, 2022

From: Planning and Economic Development
Engineering & Environmental Services Dept.
Stantec Consulting Services, Inc.

Re: Warehouse and Storage Site Plan
Northeast Golf & Turf Supply
Map 15 Lot 62-3
3 Enterprise Drive

Owners: 3 Enterprise Drive, LLC
Applicant: Northeast Nursery, Inc.

Keach-Nordstrom 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's proposed access drive at Enterprise Drive is approximately 37 feet at the ROW without the radii and does not comply with section 3.08.b.6 of the Site Plan Regulations (24-foot maximum). We understand the Planning Board can grant an exception to 36 feet. The Applicant has submitted a **written waiver request** to this requirement for Planning Board consideration.
2. The Applicant's existing conditions plan does not provide the existing conditions or topography of the westerly portion of the site per section 4.12.a and c.3 of the regulations. The Applicant has submitted a **written waiver request** to this requirement for Planning Board consideration.
3. The Applicant's grading design along portions of the southerly lot line and at the westerly end of the development indicate slopes steeper than the maximum of 3H:1V typically required by the Town per 5.8.7.J of the Ordinance. Slopes steeper than 3H:1V should comply with Exhibit R106 with riprap slopes. The revised design indicates non-riprap slopes. The Applicant has submitted a **written waiver request** to this requirement for Planning Board consideration.
4. The Applicant's site design layout indicates the proposed loading area will face Enterprise Drive, which does not comply with section 3.09.g.12 of the Site Plan Regulations. We note the necessary driveway sight distance encumbers the lot frontage area of the site and the Applicant has provided additional plantings adjacent to the loading dock. We understand the Planning Board can grant an exception for the loading area facing the roadway and typically requires screening. The Board will need to consider the proposed site loading area design under this application.
5. The Applicant indicates a Londonderry Sewer Discharge Permit application has been submitted on the checklist. In addition, it appears a Town of Londonderry Stormwater Permit is needed for the proposed development. The Applicant should submit for and 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.

6. We recommend the Applicant clarify/address the following on the **Construction Details**:
 - a. The revised stormtech underdrain detail #2 on sheet 11 indicates the revised stormwater chamber system will be surrounded with an impervious pvc membrane and a separate stone layer with an underdrain to be constructed below the pvc membrane to address groundwater and then to daylight. We note the pvc enclosed system is considered a chamber type structure and recommend the detail be revised to indicate 12" of stone bedding is required below the (pvc) structure in ledge consistent with the Town standards. Please update the detail accordingly for proper construction.
 - b. Please update the Fat Face Reinforced Landscape Wall detail on sheet 9 to provide dimensions for the blocks, dimension the width and depth of the drainage stone leveling pad and unit fill, note the stone size for the drainage stone (3/4-inch?), note the drainage collection pipe size, and indicate the drain pipe outlet on the grading plan for proper construction.

Board Action Items:

1. The Applicant has submitted three (3) written waiver requests to the Site Plan Regulations as noted in the letters dated April 14, 2022 and May 18, 2022. The Board will need to consider each waiver request as part of the project review.
2. 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.