



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, SEPTEMBER 9, 2014

Planning Board members present: Robert Best, Alastair Millns, Stanley Bonislowski, Desirea Falt, and Alternate Nelson Disco.

Planning Board member absent: Michael Redding.

Planning Board members excused due to conflict with state primary elections: Tom Koenig and Lynn Christensen.

Community Development staff: Assistant Planner Donna Pohli and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:32 p.m. and designated Nelson Disco to sit for Lynn Christensen.

2. Planning & Zoning Administrator's Report

None.

- 3. John J. Flatley Company (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a Conditional Use Permit to permit a future mixed-use development consisting of industrial, multi-family residential, commercial, restaurant, and retail uses. Parcels are located at # 645, 673, 685, 703 and 707 D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05 & 003-06. ***This item is continued from the July 22, 2014, and the August 5, 2014, Planning Board meetings.***

The Board voted 5-0-0 to continue this item to September 23, 2014, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.

- 4. Bowers Landing of Merrimack, LLC. (applicant/owner)** – Review for consideration of Final Approval of an application for an amendment to the previously-approved site plan to construct 50 single-family units rather than multi-family units in Phase III of Harris Pond P.U.D., located at Bowers Landing Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 1D, Lot 001-03.

Matthew Peterson, Hillside Design Group, Inc., said that staff requested a neighborhood-type feel. Phase 1 would consist of 14 garden-style homes and Phase 2 would consist of 12 town-house-style homes. Phase 3, which was originally to consist of town houses similar to Parker Village for rent or sale, will consist of 50 single-family detached units. There will be a total of 121 (or fewer) homes. The main road goes into a loop around the

neighborhood of three pods. There will be a 20' separation between houses in this PUD-type of development. Wetlands were re-flagged and the soils mapped. Phase 3 consists of 36 acres. Each home will have a two-car garage with 20' of pavement in front and 25' of paving from the edge of curb to each garage. Two cars can park in the driveway. There will be visitor parking spaces in each pod, for a total of 36. The three cul-de-sac lengths are 819.27', 1,085.85', and 987.15', so no waiver is required. All drainage would go to the southeast corner to a closed drainage system with catch basins and cleaned. Units 34-37 in back would drain to a detention basin and swale. Most drainage goes to one pond. There have been two meetings with the homeowners association. Erosion control will be practiced during construction. The property has town water, sewer, gas and underground electricity. The Waste Water Division asked that manholes be moved from the lawns into the roadbed. CLD has not yet commented. There will be landscaping, buffers and islands with many trees. Snow will be stored in two designated areas, not on the islands. If they were full, snow would be taken off site. Robert Best and Stanley Bonislowski warned against putting snow in guest spaces. Lighting will consist of directional carriage lantern light posts with LED lights, the same as in previous phases. Matt Peterson submitted a letter from the homeowners association, which Chairman Best read into the record. The association requests that an 1,800 square foot clubhouse with access from Bowers Landing Drive be built at the end of Phase 2 and before Phase 3 rather than in Phase 1 and that there be no pool. The timing of the clubhouse is so more fee-paying owners could help to defray maintenance costs.

Matt Peterson asked for a sidewalk waiver because this is a residential development with a private road whose sidewalks would not be plowed in winter. Although Robert Best and Desirea Falt said sidewalks are not required for safety reasons in a small development with little traffic, Stanley Bonislowski stated that the Planning Board wants sidewalks everywhere, at least on one side of the street. Alastair Millns added that people who drink at the clubhouse should walk rather than drive. Children waiting for a school bus should not stand in the road. He would be satisfied with a sidewalk 50% of the road length in each pod and on both sides of Jared Way. Nelson Disco said the cluster design encourages walking in the neighborhood. Matt Peterson agreed to build sidewalks each unit could reach, although he would have to move trees closer to the homes. He will submit a sidewalk plan after receiving CLD comments.

Matt Peterson said the homeowners association would be different from the one at the garden-style homes, but it would share the clubhouse with the two current associations.

Matt Peterson said slopes at the steep bank in the rear are 3:1, then become flatter and can be mowed. A split rail vinyl fence is proposed at the top.

Ten spaces at the clubhouse are adequate, especially if there is a sidewalk. If sales go well, he can build two phases rather than one phase in the spring. He would build the drainage, sediment treatment and landscaping in Phase 1 and install the infrastructure as he builds each pod. "On-street" parking is on the cul-de-sacs and not on the main road. There would be a substantial tree buffer next to the main road. Robert Folsom currently owns the property, but the homeowners association will own it eventually. The owner has permission to build on open space.

Public comment

Tom Medico, 3 Augustus Circle, asked what would happen if the clubhouse were not built when promised or if the builder went bankrupt and whether the pods would be large enough for snow storage. He noted that, in eight years, the owner never removed snow off site and the owners had to pay the cost. The projected condominium fee was \$185 per month. Three years later, the owners had to pay a \$19,000 bill because the property management fee was not paid. Is there a guarantee there will be no costs later? Tom Medico wanted more trees and an “environmentally correct” pavement. Speeders create a safety hazard. There should be proper lighting, especially at night, and there must be a sidewalk, especially at the curve in the road. Tom Medico queried whether anyone asked the School Department about the location for school bus pick ups, as the Board suggested at the February 18, 2014, meeting. A “slow” sign is not enough.

Alastair Millns explained that the School Board works with the bus company about how to pick up children. It is the developer rather than the bus company who decides whether to erect a hut where children can wait. Porous asphalt would be more expensive because it must be maintained and kept free of sand. Chairman Best added that porous pavement is generally used for large parking lots where drainage cannot get into the grass rather than for this type of configuration. Stanley Bonislowski explained that homeowner fees increase after taking over from a developer, who previously paid such items as snow plowing and landscaping costs.

Counter to Matt Peterson, Tom Medico said there are more than 1-2 cars at a clubhouse, which can be used as a recycling and social center. He claimed the developer is getting more land for building by making the clubhouse smaller.

Elaine Lavalley, 21 Esquire Lane, is a Blanchard Point board member. The development is undergoing growing pains. The majority of unit owners do not want to incur the cost of a pool and want to add more owners before incurring the cost of clubhouse maintenance. Most people want continuity with the sidewalk that already exists.

A waiver from k-values is sought. The main road (Jared’s Way) is private and does not meet the k-value minimums of 30 and 40 because of the stop sign. The reconfigured development will not add traffic beyond what was already approved. There is ledge in back. Only two places do not meet the 2% requirement; all are under 5%. Cut and fill will equalize values. The land is flat with no major grades.

Nelson Disco stated that, because the ledge and blasting, observing the k-values and platform requirement on Jared Way would be a hardship for private road. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 5-0-0 to waive the requirements of Sections 4.12(b) and 4.12(d) – Street Design - of the Subdivision and Site Plan Regulations, along the entrance from Jared Way, on a motion made by Nelson Disco and seconded by Alastair Millns.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 5-0-0 to grant conditional final approval of the amended site plan, on a motion made by Alastair Millns and seconded by Stanley Bonislowski.

Precedent conditions to be fulfilled within six months and prior to signing of the plan, unless otherwise specified:

1. Final plans and mylars to provide all professional endorsements/stamps and be signed by all property owners;
2. Applicant will appear before the Board on October 7, 2014, under "Other Items of Concern" (without the need for additional abutter notification) to have a discussion with Planning Board regarding revised plans depicting sidewalk layout;
3. Applicant to add a note to the plan that the club house will be constructed after phases 3a and 3b are built and before phase 3c or 3d may get building permits;
4. Any waiver(s) granted shall be listed and described on the Final Plan (including Section and date granted). Therefore, revise note 16 on sheet 1 of 39 to include the waivers granted previously as well as at the September 9, 2014, meeting;
5. Applicant to obtain any state approvals necessary including Alteration of Terrain Permit (as applicable) and provide copies of approvals to the Community Development Department;
6. Applicant shall address any forthcoming comments from the Conservation Commission (as applicable);
7. Applicant shall address the following and any forthcoming comments from the Assessing Department (as applicable):
 - a. Use numbers 73 through 123 for the proposed units since numbers 1 through 50 have been used in previous phases;
 - b. Please verify and revise that this proposed phase is phase V as phases 1-4 have already been built;
8. Applicant shall address any forthcoming comments from the Wastewater Division (as applicable);
9. Applicant shall address any forthcoming comments from the Building Division and Fire Department (as applicable);
10. Applicant shall address any forthcoming comments from Pennichuck Water Works (as applicable);
11. Applicant shall address any forthcoming comments from the Town's peer review consultant, CLD;
12. Applicant to add a note to indicate that no salt or chemical de-icers are to be used for winter maintenance, and that winter maintenance to be performed by a Green SnowPro certified (or functional equivalent certification) contractor;
13. Applicant shall address the following planning staff technical comments:
 - a. Revise the Section # in all applicable notes for the Stormwater Ordinance which has changed from 412 to 167 (including note 21 on sheet 1);

- b. Indicate on the cover sheet index which sheets are to be recorded and make sure that all recorded sheets follow the HCRD regulations including overlapping text, etc.;
- c. Fix all typographical errors including the clubhouse handicap “parking” (rather than “parkingn”) on sheet 6 of 39, and “Drianage” to “Drainage” in the title blocks on Sheets 7 and 8;
- d. Add the following note under the erosion control notes on Sheet 38 of 39, “The Town reserves the right to require additional erosion control measures during construction.”;
- e. Add the following note on sheet 16, “All lighting must comply with Section 11 of the Town’s Subdivision/Site Plan Regulations”;
- f. Applicant to revise plan to include lighting fixture details for all lights proposed to be used;
- g. Applicant to verify that the light fixture symbols match those on the key on sheets 15 and 16;
- h. Staff recommends substituting wildflower tupelo, pin oak, greenspire littleleaf linden, newport blue boxwood, and blaauw’s pink azalea to relevant recommended species listed in Section 10.03(4) of the Subdivision/Site Plan Regulations;
- i. Applicant to add a note to landscaping plan, “Landscaping plan to meet all applicable Town Regulations in Section 10 of the Site Plan Regulations including buffer requirements as agreed upon with the Planning Board to Staff’s discretion”;
- j. Applicant shall add a note indicating all work including drainage, landscaping, lighting, etc., will be done in each phase indicated by the bold dashed lines sheet 1 of the plan;

General and subsequent conditions:

- 1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
 - 2. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy.
- 5. G. Nasr Realty, LLC. (applicant/owner) – Review for consideration of a six-month extension to comply with conditions of an approval granted by the Planning Board on February 18, 2014, for a site plan proposing to construct a 530 s.f. donut shop addition with a drive-thru and related parking at 715 Daniel Webster Highway. The parcel is located in the C-2 (General Commercial) District. Tax Map 7E, Lot 010 & 054-01.**

The Board voted 5-0-0 to grant a six-month extension of conditional final approval, on a motion made by Stanley Bonislowski and seconded by Alastair Millns.

- 6. AutoFair Realty II, LLC. (applicant) and Helios Investments, LLC. (owner) –**
Review for acceptance and consideration of Final Approval of an application for a site plan to construct a 2,095 s.f. car rental facility and outdoor vehicle storage/parking. The parcel is located at 302 Continental Boulevard in the R (Residential) and Aquifer Conservation Districts. Tax Map 2B, Lot 032.

Katie Weiss, Bedford Design Consultants, said the site is associated with the Volkswagen use on Continental Boulevard. In 2004, the Zoning Board of Adjustment (ZBA) granted a variance to allow for general commercial use (storage) in the R-Residential District. Three residential lots and Home Depot are the abutters. Continental Boulevard is a limited access highway maintained by the NH Department of Transportation (DOT). The house will be retained, but the barn will be razed. The front entrance drive will be widened. The site is serviced by sewer, water and electricity. Proposed are 2,000 square feet of rental office space; rental car, customer and employee parking with a stairway connecting the two lots; and widening the driveway for two-way traffic. The driveway begins at an 8% grade, levels out at the building, then goes back to 5%. Catch basins, forebay water and excess overflow would go to underground detention areas and outlet at DOT drainage and swales. Drainage direction is being discussed with DOT. There will be buffers for one abutter and some trees will be kept. Buffers will be added where there are existing trees and along the driveway. Driveway and Alteration of Terrain Permits are being sought from DOT and NHDES. The applicant will meet with the Merrimack Conservation Commission (MCC) about using Green SnowPro and with the ZBA about a sign variance on the building. There will be no freestanding sign. There is an access easement with the Town. Katie Weiss showed the elevations, but she is not sure what material will be used.

Michael Cheever, Architect/Project Manager, ArchCon Group, represents AutoFair. He said the fenced back of the lot would be parking for employees only or for cars being left overnight for service. The storage lot will have an 8' chain link fence with a motorized gate, coded key box and security cameras. Because of the grades and ledge, the two properties cannot be connected. AutoFair will lease the site. There are easement requirements on the side driveway.

Because AutoFair does not want to call attention to the rear section, Michael Cheever limited the number of light poles. The employee and service car storage lot does not conform to the minimum-to-maximum light ratio. The tree line and extra landscaping will shield the lights from the neighbors. There will be 12 poles for 20' high LED lights that will be the same as those on the VW lot next door. They will be on 24 hours a day in order for the security cameras to work. Nelson Disco and Chairman Best agreed that, since uniformity ratios were meant for public areas, the requirement could be waived because the lot is for employees only.

Katie Weiss explained that the lot is 180'+ to one abutting residence and 140' to the other, with an 8' elevation difference between them. The buffer will be 40'. Some trees would be cut for the parking lot; the rest will remain.

Michael Cheever agreed to Alastair Millns' suggestion to put plastic screen slots inside the chain link fence and showed where the lights would shine. He also agreed to Chairman Best's suggestion to shield and direct the fixtures so that residents could not see them. He has not sent CLD information about the actual fixtures, nor has staff received their comments yet.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 5-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Desirea Falt.

Michael Cheever said the large parking lot for new car storage must be paved because gravel might chip them when they are being moved from one side to the other during snow plowing. Robert Baskerville, Bedford Design Consultants, said AutoFair has a 20-year lease. A gravel parking surface would create issues for an Alteration of Terrain Permit. For the reason stated above, traditional pavement is best.

Katie Weiss said there would be three underground drainage areas. Test pits and perc tests were done. Blasting may be required. The soils are A and B and are more permeable. Robert Baskerville added that there is ledge only in spots, as well as glacial fills and well-drained soil. Every pit on the site is different. There will be less runoff and volume than before. He has met with the Wastewater Division. The existing sewer connection will be used for the car rental business. There is no ability to add another connection. If the house is used for an office, a small septic system will be added. The Turnpike Bureau of DOT agrees that, because there will be low traffic, there are no curb cut issues. AutoFair wants to begin immediately, but must wait for an Alteration of Terrain Permit, a sign variance and CLD comments.

Stanley Bonislowski objected to the overloading of cars and the doublewide trailer at VW. Michael Cheever said the trailer is being used temporarily as a sales office because the building is being renovated. The whole environment will be controlled and will look nice. This is the worst it will be. The owner stopped the manufacturer from shipping more cars because the lot is so crowded.

Robert Baskerville clarified that the reason for the easement is that the VW and AutoFair lots have have different owners. He added that most dealers use their back lot for storage.

Robert Baskerville will relay the Board's objection to the green awnings on the Enterprise rental car building to the owner. Katie Weiss showed the lights and landscaping around the building. Alastair Millns wanted the air conditioning pack to be hidden, a pitched roof and a new, softened elevation to look like other sites in Merrimack. Transporters unloading new cars on Continental Boulevard and parking at all hours of the day will create chaos at 4:00 p.m. when Fidelity lets out. There should be a plan for non-peak hours. Katie Weiss said large radii would allow them to go directly to the back.

Public comment

Ken Morse, 229 Naticook Road, thought the parking lot of the hill is higher than 8' and that ledge will have to be blasted. He asked how vibrations and salt from plowing would

affect his house. Chairman Best explained that the lot would not be salted. Ken Morse said swamp water comes down every spring and asked whether removing trees would affect the environment. He claimed he would be able to see the lights and hear the noise and suggested putting the parking lot elsewhere. He complained about customers walking across his driveway on a daily basis.

Pat Morse, 229 Naticook Road, explained how people cut across the driveway and into the backyard and asked if they would do so when going to the Enterprise building. It is a safety issue. She is concerned about a long wait before shutting off car alarms. Chairman Best read a September 9, 2014, letter from Pat and Ken Morse into the record. They object to changing the property from residential to commercial without their notification; allowing the destruction of wildlife habitat and green space for a car storage facility; having personnel near their backyard and depriving them of privacy and safety from burglars and car break-ins; car alarms being triggered all the time and interrupting their sleep; noise and loud speakers; strangers taking shortcuts through their property; and the need for an overflow parking area.

Francis Whaley, 227 Naticook Road, has two wooded acres that are completely open and dark at night. There is a 40' buffer with 100' tall pine trees. Lighting coming to his property is an issue. Perhaps the parking lot could be shortened. Trees and a slatted fence are needed. Francis Whaley can see the lot from his porch. Chairman Best read a September 9, 2014, letter from Francis Whaley into the record stating his concerns about the residential and resale value of his property next to a commercial use, noise from the storage area all day every day, lights shining onto his dark backyard, loss of privacy with people's ability to watch his family in the pool, and potential for thieves to break into vehicles. He wanted a visual buffer as well as restrictions on light use and hours of operation. Nelson Disco said there would be landscaping and screening and Chairman Best explained that the landscape plan would describe the types and size of plantings.

Tom Vaillancourt, 35 Greenleaf Street, said his home is surrounded by woods. He is concerned that more businesses are encroaching on the residential area. Lighting is important. He asked if noise would be limited. He is concerned about paving near wetlands, runoff, interfering with the animal highway, and business hours. Alastair Millns noted that Home Depot delivers at night. Nelson Disco and Chairman Best asked staff to check whether Home Depot delivery hours are limited.

Francis Whaley asked whether timers could shut the lights at night.

Robert Baskerville said he would post "no trespassing" signs and extend the fence so no one would cross the Morse driveway. The applicant is asking for less than the minimum lighting that is required and for it to be as low as possible. It would not be as bright as the lights in front. He will see whether security cameras would work with dim lighting. Chairman Best suggested a condition of approval that the applicant to add shields to lighting so that abutters downhill from the subject property cannot see the light source.

Donna Pohli explained conditions (11.b.i.), wetland setback, and (11.c.), appropriate buffers. Robert Baskerville said that there would be 74 evergreen trees, of which 60 would be between the homes and the lot, and 82 evergreen shrubs and perennials that would be 4'-8' high. Katie Weiss said the trees would become 30' tall when mature. A wetland scientist delineated the wetland. Michael Cheever said he could move the light

poles away from the wetland. The car alarm issue never came to his attention. A private security company patrols on regular rounds through the night. Hours of operation will be 7:00 a.m. to 9:00 p.m. Delivery trucks wait until the business is open, but it may not be possible to control private carriers. They will idle on the upper lot in winter. Parts are delivered by van on off hours into a secure room. If the corner were a wetland or a buffer, cars would still be able to park on a shorter lot. Half the lot is normally used in winter. Snow is not removed, but pushed from the AutoFair side to the back. Robert Baskerville will ask the Morses whether they want a fence, a sign or vegetation. Discussion ensued about the existing DOT fence and placement of a new one.

Ken Morse asked whether one entry and exit on Continental Boulevard would create a traffic problem. Chairman Best repeated that DOT said it would be a low volume use. Alastair Millns said AutoFair would not worsen traffic.

Alastair Millns suggested moving the lot slightly away from the neighbors with a dogleg. Robert Baskerville said he would remove 10' and build a 3' high berm with shrubs 7'-8' tall on top at the corner to fix Ken Morse's line of sight.

Michael Cheever agreed to a vinyl fence with slats and installing shields if light reduction does not work. Chairman Best noted the applicant promised a lot to correct the situation. Michael Cheever and Robert Baskerville said they could meet all the extra conditions, but could not predict CLD's forthcoming comments. They agreed to hammer rather than blast any ledge encountered.

The applicant seeks a waiver from the uniformity and intensity lighting requirements. Nelson Disco noted that the Ordinance was designed for public use lots. This one would be used only for employees. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 5-0-0 to waive the requirements of Section 11.05.3 – Parking Lot Lighting - of the Subdivision and Site Plan Regulations, on a motion made by Nelson Disco and seconded by Desirea Falt.

The applicant seeks a waiver from the sidewalk requirement. The site is very steep in the right-of-way, which does not allow proper sidewalk construction. Continental Boulevard is a limited access highway over which DOT has jurisdiction. It has a swale along the frontage that is used for DOT drainage. A sidewalk would disturb the existing flow. Alastair Millns said that specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Board voted 4-1-0 to waive the requirements of Section 7.05.D.19 – Submission Requirements Sidewalks – of the Site Plan Regulations, on a motion made by Alastair Millns and seconded by Desirea Falt. Nelson Disco voted in the negative.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 5-0-0 to grant conditional final approval, on a motion made by Alastair Millns and seconded by Desirea Falt.

Precedent conditions:

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. Applicant to appear before the Board on October 21, 2014 under "Other Items of Concern" (without the need for additional abutter notification) to discuss and present revised plan sheets amendable to the Board, including, but not limited to:
 - a. An elevation rendering depicting different architectural features,
 - b. A plan showing corner of rear parking lot being cut off and revised landscaping plan compliant with landscaping and buffer regulations, and
 - c. A revised lighting plan with comments from peer-review consultant, CLD;
3. Applicant to add slats of a camouflaging color (green or brown) to the fence;
4. Applicant to add fencing or buffering in solution to pedestrians trespassing onto abutters' properties, to the satisfaction of staff;
5. Applicant to add 3' berm and additional landscaping in compliance with the Town's regulations;
6. Applicant to add shields to lighting so that abutters downhill from subject property cannot see light source;
7. Applicant to add a note to the plan that any blasting or hammering will be properly processed and permitted through the Building Division;
8. Applicant to add a note to the plan stating that hours of operation are from 7:00 a.m. to 9:00 p.m., 7 days a week;
9. Applicant to add a note to plan that all signage will be properly permitted;
10. Applicant to add a note to the plan that on and off-loading of vehicles must be done within the property lines and only during hours of operation;
11. No proposed easements are shown on the plan; however easements appear necessary for both a driveway and pedestrian stairway that will cross the common property line between the subject parcel and the Autofair Volkswagen parcel. Appropriate easements should be provided for these areas and any proposed easements shall be indicated on the plan;
12. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
13. The applicant shall obtain all necessary state permits, provide copies of the permits to the Community Development Department file, and note the approvals in the notes on the plan. The plan currently only notes the NHDES Alteration of Terrain permit, however, the applicant should verify the need for a NHDOT Driveway permit (it is unclear from the plan whether this section of Continental Blvd is under State or Town jurisdiction);

14. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
15. The applicant shall address any forthcoming comments from the Fire Department (as applicable);
16. The applicant shall address any forthcoming comments from MVD (as applicable);
17. The applicant shall address the following comments from the Wastewater Division:
 - a. The existing home and the new building cannot both be connected on the same line or the same lot. One connection and one building per lot. The Pennichuck drainage basin has restrictions due to capacity issues at the existing pump station. No new connections are allowed;
 - b. Public Works will allow the new building to be connected to the existing line but the house and connection on the property now must be razed first;
 - c. The plans show possible expansion of a future "pad site". This will not be granted a connection until such time as capacity issues at the pump station have been addressed;
 - d. The "new" plans shall show a manhole at any turns in the line and a sewer profile with typical details shall be included as well;
18. The applicant shall address any forthcoming comments from the Conservation Commission (as applicable);
19. The applicant shall verify that all applicable comments from the Town's peer review consultant, CLD, have been satisfactorily addressed;
20. The applicant shall address the following planning staff technical comments:
 - a. The common property line between the subject parcel and the parcel at 2B/034-001 is a different line weight on every sheet of the plan set where this property line is depicted. Revise the plans to indicate a consistent line weight, or clarify as appropriate;
 - b. Address the following relative to the Site Plan, Sheet 3 of 13:
 - i. Clarify the notation of "wetland setback" on the plan. This appears to be the 25' no-disturb buffer, and not the 40' wetland building setback;
 - ii. It appears that note #6 contains 2 separate notes (see "...September 25, 2009.7. The subject lot..."). Revise as appropriate and re-number the following notes as applicable;
 - iii. Add notes indicating the water and sewer source for the project as required by the regulations;
 - iv. Update the references to "Chapter 412" in note #9 to read "Chapter 167" as the chapter for the Stormwater Ordinance has recently changed;
 - v. Unless otherwise recommended by the Conservation Commission, add a note to indicate that no salt or chemical de-icers are to be used for winter maintenance;

- c. The applicant shall indicate the appropriate buffers from Section 10.01.4 of the regulations graphically on the Landscape Plan to ensure compliance with the regulations, including which category and type of buffer is being used/required;
- d. Provide appropriate lighting fixture details in the plan set as required by the regulations, to then be reviewed by the Town's peer-review consultant, CLD;
- e. Provide the required CRI information on the illuminations plans as required by the regulations;
- f. Note on the sign detail (Sheet 10 of 13) that a variance will be required prior to the issuance of a permit for the sign, as it does not comply with the requirements for signage in the R (Residential) District;
- g. Indicate the proposed colors for the building elevations indicated in the plan set. Additionally, the wall signage shown does not indicate dimensions, and appears not to comply with the signage requirements of the Zoning Ordinance. Notes indicating a sign variance is required should be added to the building elevations sheet.

General and subsequent conditions:

- 1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
- 2. All proposed easements and any applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
- 3. The Applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy.

7. Discussion/possible action regarding other items of concern

None.

8. Approval of Minutes – August 19, 2014

The minutes of August 19, 2014, were approved as submitted, by a vote of 5-0-0, on a motion made by Stanley Bonislowski and seconded by Alastair Millns.

9. Adjourn

The meeting adjourned at 11:28 p.m., by a vote of 5-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.