

## **LONDONDERRY, NH PLANNING BOARD**

### **MINUTES OF THE MEETING OF JANUARY 10, 2018 AT THE MOOSE HILL COUNCIL CHAMBERS**

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

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Rick Brideau, Ex-Officio – Town Employee; Al Sypek, member; Chris Davies, Secretary; Tony Defrancesco, Town Manager ex-officio designee temporary alternate; Leitha Reilly, member; Ann Chiampa (alternate member); and Roger Fillio (alternate member)

Also Present: Colleen Mailloux, Town Planner; Laura Gandia, Associate Planner; 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. Chairman Rugg appointed A. Chiampa to vote for S. Benson and R. Fillio to vote for L. Reilly until she arrived. L. Reilly arrived at 7:05 p.m.

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

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

**Member M Soares made a motion to approve the minutes of December 6, 2017, as presented.**

**R. Brideau seconded the motion.**

**The motion was granted 7-0-1, with member T. Defrancesco abstaining.**

**The Chair voted in the affirmative.**

**Member M Soares made a motion to approve the minutes of December 13, 2017, as presented.**

**R. Brideau seconded the motion.**

**The motion was granted 8-0-0.**

**The Chair voted in the affirmative.**

##### **B. REGIONAL IMPACT DETERMINATIONS: N/A**

##### **C. DISCUSSIONS WITH TOWN STAFF: Town Planner Mailloux stated that they are still awaiting a volunteer for the Master Plan Implementation Advisory Committee and asked if the Board would like to delay discussion regarding this until next month. A. Rugg thought delaying it until next month would be**

a good idea and stated if anyone is interested to please let Town Planner Mailloux or Laura Gandia know.

### **III. OLD BUSINESS**

A. Application for formal review of a subdivision of one lot into two, Seven Litchfield Road, Map 12, Lot 20, Zoned AR-1, Seven Litchfield Road Realty Trust, LLC (Owner & Applicant) - continued from December 6, 2017

Chairman Rugg read the case into record noting the case had been continued from December 6, 2017 and the applicant was requesting for another continuance until February 14, 2018. Town Planner Mailloux explained that there are some outstanding engineering issues, which the applicant is in the process of addressing. Town Planner Mailloux informed the public to check in with the Planning Department office on the day of a scheduled Planning Board meeting to see if the cases have had a request for continuation.

A. Rugg opened it up to questions from the public.

Renee Nahlik, 16 Litchfield and 19 Litchfield Road addressed the Board and stated that this case has been delayed multiple times now and asked for letters to be mailed to abutters when this happens. A. Rugg stated that there is no provision legally for the Planning Board to notify the abutters about a continuation and stated it would be best to call the Planning Department to make sure no continuation is requested. Town Planner Mailloux stated that a non-certified letter could be sent as a way for information if the Board would consider this helpful. A. Rugg stated that the public could leave their email addresses as well.

Eric Kelly, Nine Kelly Road, addressed the Board and asked how many times an applicant could ask for a continuance and if this is common. A. Rugg stated there was no certain number in the statues and suggested talking to the state representatives about this, as it is aggravating for the residents. E. Kelly asked what the wetlands application was that he also received notice about. Town Planner Mailloux stated that is an application to the State Department of Environmental Services and there is no public hearing on that. E. Kelly asked if there was anything that might stop a subdivision from happening. A. Rugg stated that if it does not meet the town's requirements for a subdivision, it would not be accepted. E. Kelly asked if he could get copies of the subdivision regulations. Town Planner Mailloux stated that E. Kelly could give her a call and she would be happy to talk with him about this. A. Sypek stated that he thought the residents leaving their email addresses would be the best way for communication, as notification for a continuance is most likely last minute. M. Soares stated that she was concerned about continuing the case for only one month, as it was continued last time for just one month, and the applicant is requesting another continuation. She asked Town Planner Mailloux what the likelihood of the applicant getting all the issues resolved. Town Planner Mailloux stated that she did not think there was anything that could not be resolved in one months' time. M. Soares asked if there was a reason for the

applicant's request for continuation. Town Planner Mailloux explained that after their review of the engineering plans, staff advised the applicant to continue as staff would not recommend approval of the conditional use permit (CUP).

**M. Soares made a motion to continue the application for formal review of a subdivision of one lot into two, Seven Litchfield Road, Map 12, Lot 20, Zoned AR-1, Seven Litchfield Road Realty Trust, LLC (Owner & Applicant) to February 14, 2018**

**R. Brideau seconded the motion.**

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

**IV. New Plans - N/A**

**V. Other Business**

A. Public hearing to consider changes to Section 3.09.3 Traffic Circulation and 7.06.c Expiration of Certified Site Plans of the Londonderry Site Plan Regulations.

Town Planner Mailloux explained that the amended language suggested to 3.09.3 is "all parking area within ten (10) feet on any structure shall have a curb or substantial bumper not less than four (4) feet from the structure." She asked if the Board had any questions. A. Chiampa asked about the "not less than four (4) feet from the structure" as the minimum width of a sidewalks is 6 feet. Town Planner Mailloux noted that was where the confusion was as the Town does not require having a sidewalk right adjacent to parking, and there are other standards that require a 7 foot wide sidewalk adjacent to parking with typically buffer between that and the building itself.

A. Rugg opened for public comment and there was none.

Town Planner Mailloux explained the suggested change to Section 7.06.c is to delete it entirely as the town attorney suggested this. She asked if the Board had any questions. L. Reilly stated that owners can do things to continually keep themselves vested and concerns her as time goes on with approval of a site plan. Town Planner Mailloux explained that no matter what under the statutes there is a 5-year maximum that development is protected. T. Defrancesco asked if the potential building next to the medical facility on Buttrick Road cleared the lot for this reason, to keep their site plan active. Town Planner Mailloux stated that was not the case, as the Planning Board had already determined in 2015 that this project was already vested.

A. Rugg opened it for public comment and there was none.

**M. Soares made a motion to accept the changes to Section 3.09.3 Traffic Circulation and 7.06.c Expiration of Certified Site Plans of the Londonderry Site Plan Regulations.**

**R. Brideau seconded the motion.**

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

#### B. Zoning Workshop

Town Planner Mailloux informed the Board that she had the table of contents printed for both the old and new ordinances to review the changes. She pointed out the definition sections have been taken out from being buried within the ordinances to a new general definition section. She noted that the definitions of a flood plain, wireless telecommunication and adult-oriented business sections have been left where they were, as it makes the most sense. She stated that there is a zoning map that identifies the districts, then the next section is allowable uses. She noted that a conditional use permit (CUP) section has been created as they were scattered throughout before. She stated that the Board will receive the complete zoning ordinance emailed to them for their review and in the February meeting to discuss any issues to make sure it is an acceptable document to be posted for a public hearing. She also stated that next month the commercial overlay and performance overlay district changes will be presented and if any re-zoning will need to take place. She noted that staff will come to the Board with their recommendations and notify the property owners that might be affected to have a workshop with the Board before a public hearing. M. Soares asked if the decision is to change from a residential zone to a commercial zone, will taxes be affected. Town Planner Mailloux stated that the tax rate is the same for residential and commercial. She stated that there may be two dozen properties that might be affected by this. M. Soares asked if the Board should break this up into sections to read over. L. Reilly volunteered to help test the zoning ordinance to see how user friendly it was. Town Planner Mailloux thought that would be very helpful. L. Reilly stated that she wanted the public to understand how big of an undertaking rewriting the zoning ordinance is and ultimately helps the public when doing research about what can be done on their property.

#### **VI. ADJOURNMENT**

**Member M. Soares made a motion to adjourn the meeting at approximately 07:45 p.m. Seconded by R. Brideau**

**The motion was granted, 8-0-0.**

**The meeting adjourned at approximately 07:45 PM.**

These minutes were prepared by Beth Morrison

Respectfully Submitted,



Print Name: CHRIS DAVIES

Title: Chris Davies, Secretary

These minutes were accepted and approved on February 14, 2018 by a motion made by L. Reilly and seconded by A. Syrek.