

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JULY 13, 2011 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Chris
6 Davies; Dana Coons, alternate member; Scott Benson, alternate member; Leitha
7 Reilly, alternate member
8

9 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.;
10 Libby Canuel, Community Development Secretary
11

12 A. Rugg called the meeting to order at 7 PM. He appointed D. Coons to vote for C.
13 Tilgner and S. Benson to vote for L. El-Azem.
14

15 A. Rugg announced that C. Tilgner has turned in his resignation from the Board,
16 as he is moving to Exeter and will no longer be a Londonderry resident. The Town
17 Manager's office will advertise that an alternate position is open since one of the
18 current alternates will be moved into a full member position. A new secretary
19 would need to be voted on as well.
20

21 **M. Soares made a motion to nominate L. Wiles as secretary and L. El-**
22 **Azem as Assistant Secretary. D. Coons seconded the motion.** No
23 discussion. **Vote on the motion: 5-0-1.** (L. Wiles abstained)
24

25 **M. Soares made motion to recommend to the Council that D. Coons be**
26 **appointed to the Planning Board as full member to fill out the remainder**
27 **of C. Tilgner's term. L. Wiles seconded the motion.** No discussion. **Vote on**
28 **the motion: 5-0-1.** (D. Coons abstained)
29

30 [L. El-Azem arrived at 7:06 PM; S. Benson returned to alternate status]
31

32 **Administrative Board Work**
33

34 A. Plans to Sign – Market Basket Amended Site Plan, 10-54
35

36 J. Trottier said all precedent conditions for approval have been met and the staff
37 recommends signing the plans.
38

39 **L. Wiles made a motion to authorize the Chair and Secretary to sign the**
40 **plans. D. Coons seconded the motion.** No discussion. **Vote on the motion:**
41 **6-0-0.** A. Rugg said the plans will be signed at the conclusion of the meeting.
42

43 B. Plans to Sign – Jeffrey Young Site Plan, 116 Rockingham Road, Map 15, Lot 85
44

45 J. Trottier said all precedent conditions for approval have been met and the staff
46 recommends signing the plans.
47

1 **L. Wiles made a motion to authorize the Chair and Secretary to sign the**
2 **plans. D. Coons seconded the motion. No discussion. Vote on the motion:**
3 **6-0-0.** A. Rugg said the plans will be signed at the conclusion of the meeting.

4
5 C. Mr. Steer Marketplace – Signage Changes

6
7 T. Thompson stated that when the Mr. Steer Marketplace was approved several
8 years ago, the Town sign ordinance allowed only 50 sq. ft. in multi-tenant facilities
9 that could be split amongst the individual tenants. The Planning Board permitted
10 two 25 sq. ft. signs accordingly. The ordinance has since changed, allowing 40 sq.
11 ft. per tenant in a multi-tenant facility. An additional tenant has recently moved
12 into the Mr. Steer Marketplace building. T. Thompson referenced a letter from
13 Jenn Robichaud of Barlo Signs requesting square footage that would exceed what
14 was allowed in their site plan but would conform to today's sign ordinance. The
15 request is to allow the sign on the side elevation of the building to be reinstalled
16 since it was taken down to allow for the new tenant to have a wall sign without
17 exceeding the site plan limitations.

18
19 A. Rugg asked for input from the Board. The consensus from the Board was to
20 allow the Building Inspector to issue the appropriate permits.

21
22 D. Patricia Verani – 217 Rockingham Road – Change of Use Discussion (Barber
23 Shop)

24
25 T. Thompson reminded the Board that Jon Weigler had been before them earlier in
26 the year to discuss the potential for a change of use at Patricia Verani's property
27 at 217 Rockingham Road. A potential tenant has been found, although being a
28 barber shop it is classified as a service use rather than the retail or professional
29 office use and therefore requires approval for a change of use. T. Thompson
30 noted that the barber shop would require fewer parking spaces than a retail or
31 professional office use would. The request is to allow the change of use without
32 site plan approval.

33
34 A. Rugg asked for Board input. M. Soares expressed concern that this would set a
35 precedent that could present legal issues for the Town. T. Thompson replied that
36 because of the lack of change needed to accommodate the new use, he felt it was
37 well within the Board's purview to allow the change. A. Garron noted that if a
38 precedent is set, at least the use is one of lesser impact. T. Thompson
39 recommended that the Board make the change temporary and require that the
40 owner revisit the issue with the Board until such time as a tenant is found that
41 would make enough changes to warrant a new site plan. This was already done
42 with Brown Limousine who has been parking limos on the site temporarily. D.
43 Coons asked if the Zoning Board of Adjustment might be able to grant some kind
44 of relief but T. Thompson noted that the site plan regulations were making the
45 change of use necessary, not the zoning regulations. He added that an existing
46 conditions survey has been submitted. J. Trottier asked J. Weigler if Brown
47 Limousine would remove all of their vehicles if the barber shop went in. J.
48 Weigler, 74 Page Road, replied that the barber shop would be in the upstairs
49 portion of the building and Brown's Limousine would still occupy the lower level
50 and use approximately 8 of the 22 spaces on site. This would leave more than

1 enough parking for the barber shop use. A. Garron asked how many square feet
2 the barber shop would take up. J. Weigler approximated that it would be 1,800
3 sq. ft. which would require six parking spaces. The consensus of the Board was
4 that a full site plan would not be necessary for the proposed use.

5
6 **D. Coons made a motion to allow the request outlined in the letter to the**
7 **Planning Board dated July 7, 2011, temporary until June 6, 2012. M.**
8 **Soares seconded. No discussion. Vote on the motion: 6-0-0.**

9
10 E. Regional Impact Determinations

11
12 T. Thompson stated that Thomas & Joanne Ginnard are proposing a 2 lot
13 subdivision on Map 15, Lot 110-5. He said that staff recommends this project is
14 not a development of regional impact, as it does not meet any of the regional
15 impact guidelines suggested by Southern NH Planning Commission (SNHPC).

16
17 T. Thompson also stated that Londonderry Land Development, LLC is proposing
18 construction of 104,000 sq. ft of retail (3 buildings) and a 7,138 sq. ft. restaurant
19 on Map 15, Lot 51 & 59. He said that staff recommends this project is not a
20 development of regional impact, as it does not meet any of the regional impact
21 guidelines suggested by Southern NH Planning Commission (SNHPC)

22
23 **M. Soares made a motion to accept staff recommendations that these**
24 **projects are determined not to be of regional impact under RSA 36:56. D.**
25 **Coons seconded the motion. No discussion. Vote on the motion: 6-0-0.**

26
27 Manchester Regional Impact Project (Gas Station at the town line on relocated
28 Pettengill Rd & Brown Ave)

29
30 T. Thompson referenced a letter from Pam Goucher, the Deputy Director of
31 Planning and Zoning for the City of Manchester. Since Manchester has determined
32 this retail motor fuel outlet with convenience store and donut shop will be of
33 regional impact per RSA 36:56, they are looking for comments from Londonderry
34 to consider during their site plan review. A. Garron said this location would be at
35 the base of the new relocated Pettengill Road as part of the Airport access road
36 project. His only concern was for the dual access driveway off of the proposed
37 Pettengill Road connection to Route 3A where people will be making left hand
38 turns across a multi-lane roadway. J. Trottier recommended that the City of
39 Manchester consult with the Department of Transportation regarding the curb cut
40 onto the new Pettengill Road and its location. A. Rugg asked about putting up a
41 barrier to prohibit the left turns. A. Garron said there presently is a barrier in the
42 road but that it does not extend far enough to prevent those turns. D. Coons said
43 that if a median were put in, the gas station's business could be severely impacted
44 by a lack of access. A. Garron suggested putting in a center turn lane. A. Rugg
45 asked A. Garron to send a letter to the Manchester Planning Board outlining the
46 comments made at this meeting.

47
48 F. Discussions with Town Staff

49
50 A. Garron made a trip to Mashpee Commons at the National American Planning

1 Association Conference in April, and will share his experience later this meeting
2 (see "other business"). He also stated that Barb's Beer Emporium has moved into
3 a unit at Mr. Steer's Marketplace. He added that he met the owner of Moonlight
4 Meadery whose business has been featured recently in a local newspaper, on
5 www.londonderryh.net, and on TV and has grown very quickly. The business
6 began as a home occupation, then moved to a commercial unit on Londonderry
7 Road and has since expanded into a second unit.

8
9 J. Trottier gave a reminder that South Road will be closed from July 18 to August
10 12 for a culvert replacement project.

11
12 T. Thompson gave a reminder that the CIP submission deadline for Boards and
13 Committees is next Friday, July 22. The next Master Plan Steering Committee
14 meeting is scheduled for Wednesday, July 27 at the cable studio.

15
16 A. Rugg stated that the Q&A television production originally planned regarding
17 Woodmont Commons has been cancelled after Town Manager advised not going
18 ahead with it. A letter from the Town Manager explained that the Town Attorney
19 strongly recommends that any dealings with the Planning Board should be
20 conducted during formal proceedings. Those questions that can be answered by
21 Town staff will be posted on the Town website. M. Soares said that instead of the
22 original production, she taped a segment explaining the change in plans and
23 encouraged people to visit both the Town and developer's site for more
24 information. She asked that it be noted on the Town website that the questions
25 directed to the developer cannot be answered at this time but will be reviewed
26 once a formal submission is made. She also asked that the Planning Board
27 answer those questions directed specifically to them. One question asked if all
28 Planning Board members attended all of the design charrettes held last year. M.
29 Soares explained that different members attended different charrettes
30 purposefully since all members attending at the same time would constitute an
31 unnoticed meeting of the Planning Board. A. Rugg and T. Thompson advised not
32 answering the questions until a time when the developer was present and even
33 then, to address them as a Board and not as individual members. A. Rugg
34 requested that Jack Falvey, who presented most of the questions, send all future
35 questions and comments generated outside of the Planning Board meetings to A.
36 Garron once a formal application is made for the Master Plan PUD. Names and
37 addresses would have to be included with any correspondence submitted. T.
38 Thompson estimated that a formal submission may come in either September or
39 October. C. Davies posed that the developer be asked to either answer the
40 questions specific to them or at least defer their answers until the formal
41 submission is made. Their response(s) could be added to the information on the
42 website.

43
44 **Public Hearings**

45
46 A. Public Hearing – L-Town Garage LLC on behalf of Crowning Holdings, Inc., -
47 Rezoning of Map 15, Lots 183 & 184 from C-I to C-II

48
49 T. Thompson referred to the application and his memorandum dated July 13
50 regarding it (see attachment #1). Changing the zoning as requested would make

1 the current business on lot 185 conform to current zoning and would continue to
2 be in compliance once expanded. T. Thompson also mentioned that for the short
3 term, the applicant is seeking to provide off-site parking for The Friends of Music's
4 donated vehicles. A site plan would need to be approved, he explained, before the
5 parking of any of those vehicles takes place on the other lots not currently
6 occupied.

7
8 A. Rugg asked for input from the Board. There was none. He then asked for input
9 from the public. Mark Phillips, 317 Winding Pond Road, was present to represent
10 L-Town garage. J. Trottier asked M. Phillips if he understood that before any
11 parking of any vehicles takes place, a site plan will have to be approved. M.
12 Phillips indicated that he understood. A. Garron asked if all abutters were properly
13 notified, including those abutting lot 185. T. Thompson said that they were. Tom
14 Dalton, 4 Hall Road, asked where the vehicles would be parked and how many.
15 M. Phillips said that would be determined by the site plan regulations. T.
16 Thompson said that with the formal site plan review, all abutters would be notified
17 again. There was no further public comment.

18
19 L. Wiles asked if there would be any danger in a lot with donated vehicles turning
20 into a junk yard. M. Phillips replied that the intent is not to have purchase junk
21 cars in the first place but to buy used cars and resell them, with the proceeds
22 going to Friends of Music.

23
24 **D. Coons made a motion to recommend this rezoning request to the Town**
25 **Council, as recommended by staff. L. Wiles seconded the motion.** No
26 discussion. **Vote on the motion: 6-0-0.** Recommendation will be sent to Town
27 Council to rezone lots 15-183, 184, & 185 from C-I to C-II.

28
29 A. Rugg explained that the Town Council will have two readings on the matter; the
30 first reading introduces the request and the second reading is the public hearing.

31
32 B. Public Hearing - Robert & Judith Lynch, Rezoning of Map 13, Lot 96B from AR-I
33 to C-II.

34
35 T. Thompson referred to the application and his memorandum dated July 13
36 regarding it (see attachment #2). Since the lot is primarily located in Derry, the
37 portion of it located within Londonderry was apparently never given any specific
38 zoning and therefore defaulted to AR-I. The applicant would like to expand his
39 business on the portion of the lot in Derry to this Londonderry piece.

40
41 A. Rugg asked for input from the Board. There was none. He then asked for input
42 from the public. There was none.

43
44 **D. Coons made a motion to recommend this rezoning request to the Town**
45 **Council, as recommended by staff. L. Wiles seconded the motion.** No
46 discussion. **Vote on the motion: 6-0-0.** Recommendation will be sent to Town
47 Council to rezone map and lot 13-96B from AR-I to C-II.

48
49 **Other Business**

50

1 A. Garron gave overview of his recent tour of Mashpee Commons. The project's
2 core was permitted in 1986, with an additional northern section permitted in 1993.
3 It features 365,000 sq. ft. of commercial office as well as 100 residential units, 40
4 of which have been built. An additional phase is planned as well to the north. A.
5 Rugg asked what the residential density was. A. Garron said it was 3.6 units per
6 acre. Commercial development transitions from the main roadway into
7 townhomes, he explained, and then onto multi-family development with some
8 office uses. There are 110 retail tenants totaling 295,000 sq. ft. of retail use,
9 20% of which are national chains. The average number of vehicles per residential
10 household in the development is 1.1. A. Garron provided pictures to provide
11 examples of the kind of mixed retail/office/apartment uses in the main square.
12 Architectural standards are consistent and new construction is encouraged to
13 follow in kind. He also showed aerial photos from 1951, 1976, 1984, 1997, and
14 2007 to illustrate the development that has taken place over time.

15
16 Both the Mashpee Town Planner and the Vice President of Mashpee Commons LP
17 headed the tour, providing perspective from the planner and developer points of
18 view. Of all the residents who were asked, none spoke unfavorably of the
19 development. A. Garron reviewed how such things as snow removal, traffic, and
20 sewer are handled in the development. L. Wiles asked if there was any discussion
21 about the tax impact to the Town's tax rate. A. Garron said it was tax positive
22 because of the amount of commercial space versus residential, although he noted
23 the tax structure is different in Massachusetts than in New Hampshire. L. Wiles
24 also asked if private roads and trash pickup were planned for the residential
25 buildout. A. Garron was not sure but will seek clarification. M. Soares asked if
26 any of the 40 residential units were single family. A. Garron said they were all
27 apartment-type dwellings. Another 382 units were approved in 2007, some of
28 which includes single family housing on the outer limits of the development. C.
29 Davies noted the amount of green space incorporated into the development. A.
30 Rugg asked if the Board would like to hear a more formal presentation at a later
31 date. The consensus was to have one, perhaps in September when fewer
32 Londonderry residents are on vacation. A. Rugg asked A. Garron to invite the
33 Mashpee Town Planner to that presentation.

34
35 **Adjournment:**

36
37 **D. Coons made a motion to adjourn the meeting. L. Wiles seconded the**
38 **motion. Vote on the motion: 6-0-0.**

39
40 The meeting adjourned at 8:22 PM.

41
42 These minutes prepared by Jaye Trottier and Libby Canuel, Community
43 Development Secretaries.

44
45
46 Respectfully Submitted,

47
48
49
50 Lynn Wiles, Secretary

MEMORANDUM

To: Planning Board

Date: July 13, 2011

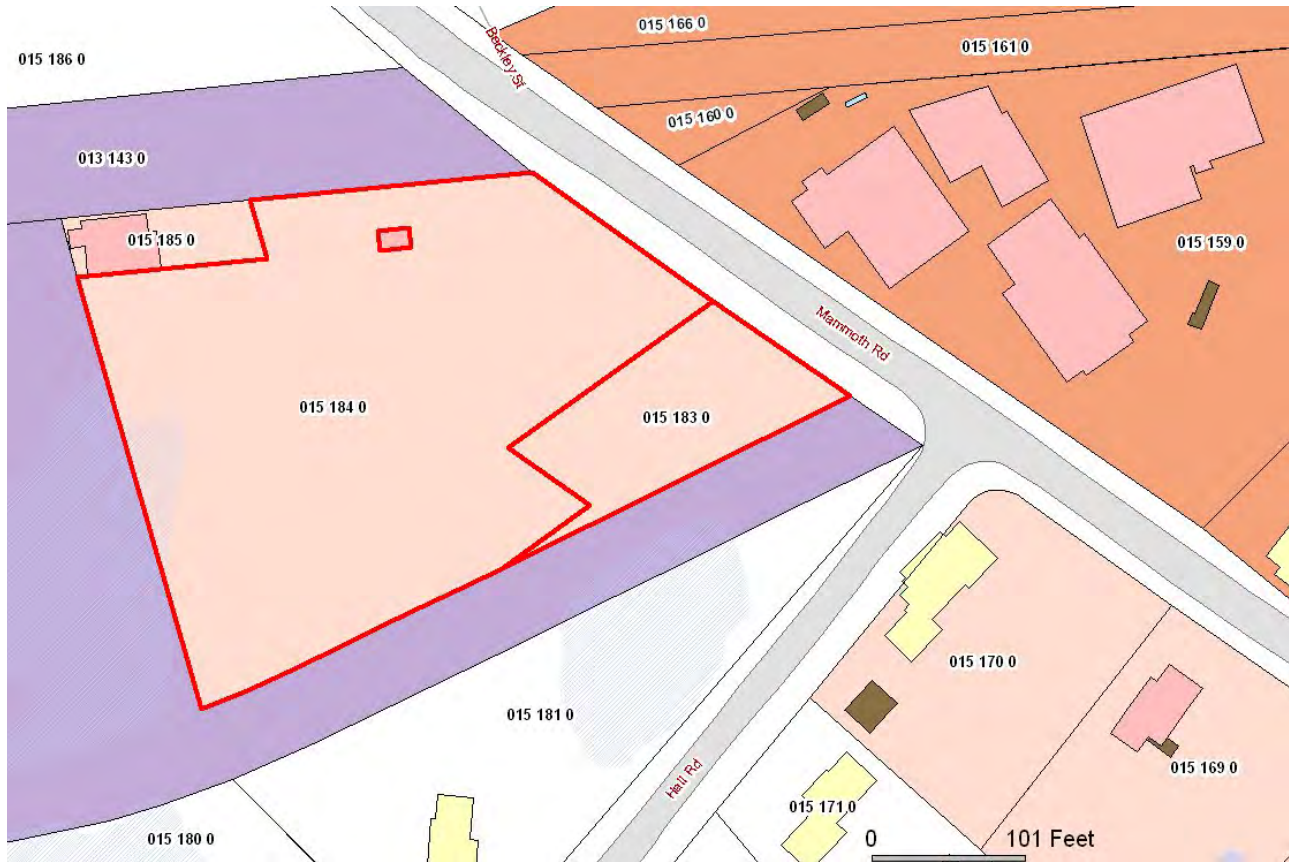
From: Timothy J. Thompson, AICP
Town Planner

Re: Rezoning Request:
Map 15, Lots 183 & 184
From C-I to C-II

The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The applicant requests the rezoning the above referenced lot from C-I to C-II. The parcel is located on Mammoth Road in the north village area. (See below map and picture).



MEMORANDUM

To: Planning Board

Date: July 13, 2011

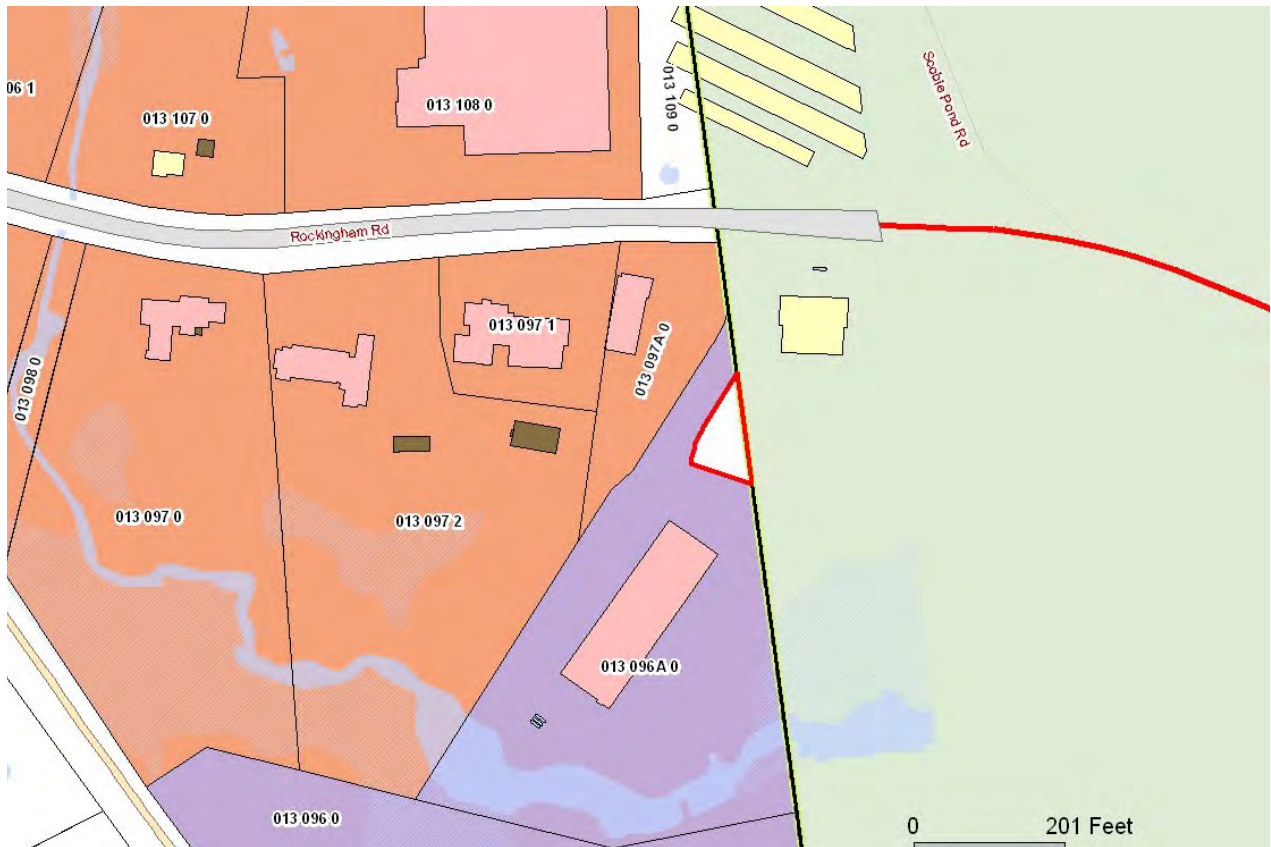
From: Timothy J. Thompson, AICP
Town Planner

Re: Rezoning Request:
Map 13, Lot 96B
From AR-I to C-II

The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The applicant requests the rezoning the above referenced lot from AR-I to C-II. The parcel is located off Rockingham Road at the Derry Town line. (See below map and picture).





As was presented to the Planning Board conceptually on June 8, the applicant seeks to expand his auto sales business on this parcel, located primarily in Derry, but with a small portion located within Londonderry (a site plan from 2006 was approved by Derry). The parcel is surrounded on all sides by commercial and industrial zoning, and the use is consistent with the surrounding land uses and zoning districts. It appears that this portion of the lot within Londonderry (as well as land across the street where the storage warehouse use is located) were never given a zoning district since the majority of the land was within Derry, and the default zoning assigned to the portion of the land in Londonderry was AR-I.

The 2004 Master Plan does not specifically call for the re-zoning of this area; however the proposed zoning is consistent with existing land use patterns and surrounding zoning.

Staff Recommendation:

In summary, the rezoning is consistent with the Master Plan and surrounding land uses/area zoning. As such, staff recommends that the Planning Board **RECOMMEND** this rezoning from AR-I to C-II to the Town Council.