

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF FEBRUARY 13, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Chris Davies, Secretary; Al Sypek, member; Ted Combes, Town Council Ex-Officio and Ann Chiampa (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. He informed the Board that. He appointed A. Chiampa to vote for S. Benson.

II. ADMINISTRATIVE BOARD WORK

- A. APPROVAL OF MINUTES: N/A
- B. REGIONAL IMPACT DETERMINATIONS: N/A
- C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux informed the Board that they need to appoint a member to the Southern New Hampshire Planning Commission (SNHPC). Chairman Rugg said that with L. Reilly's resignation there is an opening for a full time member to the SNHPC. He noted that currently there are three alternate members and that Martin Srugis is the most senior member. He stated that M. Srugis is interested in completing L. Reilly's term, which would expire on June 30, 2022.

M. Soares made a motion to recommend that the Town Council appoint Martin Srugis for the full time member position to the Southern New Hampshire Planning Commission (SNHPC).

A. Sypek seconded the motion.

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

III. Old Business/Continued Plans- N/A

IV. New Plans - N/A

V. Other

A. Public hearing on proposed Zoning amendments including the adoption of section 5.21 General Regulations, organizational changes to sections 8.1.5.1.L and 5.10.3.A, and the replacement of the word "should" with the word "shall" throughout the Londonderry Zoning Ordinance

Town Planner Mailloux reviewed with the Board that two changes that were discussed last month in regard to Section 8.1.5.1.L and 5.10.3.A. She also reviewed inserting Section 5.2.1. She said that the word "shall" will be inserted throughout the document replacing "should."

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

M. Soares made a motion to recommend to the Town Council to adopt the zoning amendments made by Staff.

T. Combes seconded the motion.

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

B. Commercial zoning discussion

Town Planner Mailloux reviewed with the Board and the public the intent of the discussion stating that the new language is looking to eliminate the Performance Overlay District (POD), which is along Route 102 and Route 28 corridors to consolidate the C-I and C-II zones. She stated that they are looking to merge the C-I and C-II zones to create a new Commercial Performance Zone (CP), which creates performance standards for developers that require review and approval by the Planning Board. She noted that developers will no longer be going to the Zoning Board for variances, but instead would be coming to the Planning Board for Conditional Use Permits (CUP) or waivers, and need to demonstrate that they meet the spirit of the CP zone. She reviewed the map with the Board, starting at the north end of town first. She noted that along the Route 28 corridor there are a number of C-I and C-II properties that are being proposed to be rezoned to CP zone. She pointed out that in this area of town they are also merging the Mixed Use Commercial (MUC) into the CP zone. She said that if a current property is zoned commercial, they did not want to restrict or take away from the rights the property owner currently has for commercial development on their property by creating the CP zone with strict performance standards. She asked the Board if there was a specific property they would like to discuss for tonight's review before they send a letter to property owners asking them to come in and ask questions at the public hearing. A. Chiampa asked if direct neighbors that are affected by this would be receiving a letter. Town Planner Mailloux said that they will not as they will be invited to attend the public hearing/information sessions and ask questions. She said that they are not taking a property that is currently residential and converting it to a commercial property. A. Chiampa asked about some properties in north Londonderry on the corner of Hall Road and Mammoth Road. Chairman Rugg said that the old village has been problematic. As at one time, the town wanted the properties put in a central area for a historic district, but many property owners did

not want to be told what to do. Town Planner Mailloux stated that any historic properties that are already in a commercial district will have a better chance of being preserved with the new CP zone. A. Chiampa specifically asked about a property on Grenier Field Road that is surrounded by AR-1 now. Town Planner Mailloux said that they will still need to meet the 100 foot setback on all sides where there is a residential abutter, and a developer would be coming in front of the Planning Board to approve or deny their request. A. Chiampa asked if anything would change to a property that has a conservation easement. Town Planner Mailloux said that if there is a conservation easement on a property, that property is permanently protected on the part that has the conservation easement. T. Combes asked about a C-III property next to Grenier Field. Town Planner Mailloux said that they are not altering the existing C-III properties, except for one pocket of C-III in the southern part of town which also has the POD zone attached to it and will be recommended to go to the CP zone. T. Combes asked about the properties around the airport that were R-III zone and are now the Gateway Business Zone (GB). Town Planner Mailloux said she would need to take another look at that with Amy Kizak, GIS manager, and get back to him. C. Davies said that he is deeply concerned about the number of properties that would be moving into the CP zone, specifically allowing a sexually oriented business there now. Town Planner Mailloux said that a sexually oriented business is allowed there already, there would be no change. C. Davies asked about the Mixed Use Commercial zone, which would be opened up for more intense use with the CP zone. Town Planner Mailloux said that if the Board wanted the Mixed Use Commercial could stay the way it is and the new items that are currently permitted in C-II by CUP would stay that way in the new CP zone. M. Soares asked if there is any development in the R-III zone in Section 14. Town Planner Mailloux stated that there was none there, and it is all under conservation commission with mitigation and restriction.

Town Planner Mailloux reviewed the changes to Route 102 with the Board. A. Chiampa said that she is concerned about the end of Peabody Row. Town Planner Mailloux reviewed that on some parts of Buttrick Road C-III will be staying and others would be turned into the CP zone. Town Planner Mailloux said that the Estey's property on Route 102 is in the Commercial Overlay Zone and they are recommending it be in the CP zone in order to avoid taking away rights that property already has. She told the Board that the parcel is surrounded by a conservation easement that is currently held by the town. A. Chiampa asked about if agricultural would be allowed in the CP zone. Town Planner Mailloux stated that if it is existing agriculture use then it would be permitted. She told the Board that she thought they would need to talk with Laura Gandia, Associate Planner and Attorney Ramsdell as New Hampshire is a right to farm state. A. Chiampa said she is worried about the house that is across the street from Estey's as it is the only historic structure on the national register. Town Planner Mailloux reviewed Cross Farm development with the Board noting that it would be kept AR-I without CP zone and said she has talked to the owners who have no concerns. She said that some other properties, such as Charles George, they are recommending keep the AR-I designation as some parcels are wet in nature and others do not have a curb cut onto Route 102. C. Davies asked what if anything is lost when the IND-III is taken

away from the POD. Town Planner Mailloux stated that one of the few uses that would be lost off the top of her head would be restaurants. M. Soares asked for the table of uses to be alphabetical for easier use. Town Planner Mailloux said she would have to check before she committed to a yes answer. She pointed out the intersection of Parmenter and Old Nashua Road where there are C-III properties as well as the POD, and therefore, they recommend these properties become part of the CP zone. She said she would send the Board an email about all the questions that were brought up tonight during the discussion with answers.

VI. Adjournment

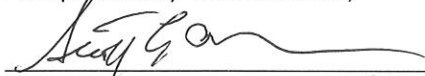
Member C. Davies made a motion to adjourn the meeting at approximately 8:15 p.m. Seconded by A. Sypek

The motion was granted, 6-0-0.

The meeting adjourned at approximately 8:15 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Chris Davies, Secretary (Assistant)

Scott Benson

These minutes were accepted and approved on March 6, 2019, by a motion made by

A. Sypek and seconded by R. Brideau.