

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF JULY 11, 2018 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Chris Davies, Secretary; Rick Brideau, Ex-Officio – Town Employee; Leitha Reilly, member; Giovanni Verani, Ex-Officio – Town Manager; Al Sypek, member; Scott Benson, Assistant Secretary; Jim Butler, Town Council Ex-Officio; Roger Fillio (alternate member); Ann Chiampa (alternate member)

Also Present: John R. Trottier, P.E., Assistant Director of Public Works and Engineering; 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 appointed R. Fillio to vote for M. Soares.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member C. Davies made a motion to approve the minutes of June 6, 2018, as presented.

A. Sypek seconded the motion.

The motion was granted 9-0-0. The Chair voted in the affirmative.

Member C. Davies made a motion to approve the minutes of June 13, 2018, as presented.

A. Sypek seconded the motion.

The motion was granted 7-0-2, with members S. Benson and R. Fillio abstaining. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had one project for their consideration.

Application for design review of a site plan to construct a 2,000 SF building addition with connector drives, display areas and associated parking and site improvements, 5 Tracy Lane, Map 002 Lot 34-4, Zoned C-II, SMT Tracey Lane Holdings, LLC (Owners) and 7 Tracy Lane, Map 002 Lot 34-5, Zoned C-II, SMT 7 Tracey Lane, LLC (Owner), 7 Tracy Lane, Hudson, Map 101 Lot 14, Zoned B-Business,

SMT 7 Tracey Lane, LLC (Owner), 5 Tracy Road, Hudson, Map 101 Lot 15, Zoned B-Business, SMT Tracey Lane Holdings, LLC (Owner), 3 Tracy Lane, Hudson, Map 101 Lot 17, Zoned B-Business, SMT Tracey Lane Holdings, LLC (Owner) and Reeds Ferry Sheds (Applicant)

Town Planner Mailloux recommended that the Board find that the project is not a development of regional impact as it does not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

Member C. Davies made a motion to find that the project is not of regional impact.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux informed the Board that there is a lot merger for 18 & 20 Acropolis Ave, Map 6 Lots 84-8 and 84-12, Gilbert M. Slater Trust for the Board to consider tonight.

A. Sypek made a motion to authorize the Chair to sign the lot merger of 18 & 20 Acropolis Ave, Map 6 Lots 84-8 and 84-12, Gilbert M. Slater Trust

R. Brideau seconded the motion.

The motion passed, 9-0-0. The Chair voted in the affirmative.

III. OLD BUSINESS - N/A

IV. New Plans -/Non-Binding Conceptual Discussions -

A. Application for formal review of a subdivision plan to create 28 residential lots, Woodmont Commons, sub-areas WC-4 and WC-5, 15 Pillsbury Road & Gilcreast Road, Map 10 Lot 41, Zoned PUD-1, Pillsbury Realty Development, LLC (Owner) and DHB Homes, LLC (Applicant) - * A REQUEST FOR A CONTINUANCE WAS SUBMITTED BY THE APPLICANT

Chairman Rugg read the case into record noting a request for a continuance by the applicant.

A. Sypek made a motion to continue the application for formal review of a subdivision plan to create 28 residential lots, Woodmont Commons, sub-areas WC-4 and WC-5, 15 Pillsbury Road & Gilcreast Road, Map 10 Lot 41, Zoned PUD-1, Pillsbury Realty Development, LLC (Owner) and DHB Homes, LLC (Applicant) until August 1, 2018

R. Brideau seconded the motion.

The motion passed, 9-0-0. The Chair voted in the affirmative.

The Chair announced that the only notice of continuance is this notice that this plan is continued to August 1, 2018 at 7 PM in Londonderry Town Hall, and that this is the only official notice.

B. Application for formal review of a condominium conversion of Three Weymouth Road, Map 15 Lot 187, Zoned AR-1, Pathway Homes, Inc. (Owner & Applicant)

Chairman Rugg read the case into record. J. Trottier stated there are no outstanding checklist items and staff recommends the application be accepted as complete.

C. Davies made a motion to accept the application as complete per Staff's recommendation memorandum dated July 11, 2018.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started.

Jacques Belanger, from Keach; Nordstrom and Associates addressed the Board. He stated there are new owners who want to do a condominium. He stated there are two units that have municipal sewer. Chairman Rugg asked if the existing structures are staying the same. J. Belanger stated they would.

Chairman Rugg opened it up to questions from the Board. J. Trottier reviewed the precedent conditions from the staff memo with the Board. He stated there were no waivers requested.

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

Chairman Rugg brought it back to the Board.

A. Sypek made a motion to grant conditional approval of the condominium conversion plan for 3 Weymouth Road, Map 15 Lot 187, Zoned AR-1, Pathway Homes, Inc. (Owner & Applicant), in accordance with plans prepared by Keach-Nordstrom Associates, Inc., dated March 22, 2018, last revised June 13, 2018, with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated July 11, 2018.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. 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 any outstanding DRC comments.
2. The Owner's signature shall be provided on the plans.
3. The limited common areas and common areas should be more clearly identified on the plan and a note added indicating the total area (square feet) of common area and limited common area.
4. The lawn area adjacent to Unit 2 is labeled as Limited Common Area Unit 1 and should be clarified.
5. The Limited Common Area to the rear of the structure should designate to which unit the common area is limited.
6. A note should be added to the plan indicating the total number of sheets in the plan set and which sheets are to be recorded.
7. The draft condominium declaration shall be reviewed and approved by the Town.
8. An executed copy of the condominium declaration shall be provided to be recorded at the Rockingham County Registry of Deeds, concurrent with the recording of the plans.
9. 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.
10. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
11. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).

12. Final planning review.

PLEASE NOTE – If these conditions are not met within two (2) years 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. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. 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.

2. 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.

C. Application for formal review for a lot line adjustment between 268 Mammoth Road, Map 9 Lot 45, Zoned AR-1 (Town of Londonderry) (Owner) and Four Sargent Road, Map 9 Lot 41 1-1, Zoned AR-1 (Greeley-Parmenter Harrington (Post 27 American Legion) (Owner) and Greeley-Parmenter Harrington (Applicant)

Chairman Rugg read the case into record. J. Trottier stated there are no outstanding checklist items and staff recommends the application be accepted as complete.

C. Davies made a motion to accept the application as complete per Staff’s recommendation memorandum dated July 11, 2018.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Chairman Rugg noted that the 65-day time clock had started.

Neal McCarthy, from Promised Land Survey, addressed the Board. He stated this was a straightforward lot line adjustment. He stated that the current property is serviced by water and sewer, so it would make it nonconforming.

Chairman Rugg opened it up to questions from the Board. J. Trottier stated that the applicant is requesting four waiver requests from Section 3.10, 3.11, 4.12b and 4.16.

He stated that Staff recommends that the Planning Board take no action on waiver from Section 3.10, as it is not required. He stated that Staff supports granting the other three waiver requests. He reviewed the precedent conditions with the Board.

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

Chairman Rugg brought it back to the Board. L. Reilly asked if the lot had sufficient frontage requirements. N. McCarthy stated that it did.

C. Davies made a motion to approve waivers 2, 3 & 4 per Staff's recommendation memorandum dated July 11, 2018.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

C. Davies made a motion to grant conditional approval of the lot line adjustment plan between 268 Mammoth Road, Map 9 Lot 45, Zoned AR-1, Town of Londonderry (Owner) and 4 Sargent Road, Map 9 Lot 41-1-1, Zoned AR-1, Post 27 American Legion (Owner/Applicant) in accordance with plans prepared by Promised Land Survey, LLC, dated May 14, 2018, last revised June 18, 2018, with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum, dated July 11, 2018.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. 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 waivers, if granted, shall be noted on the plan.
2. Any outstanding DRC comments be addressed.
3. The title sheet and the tax map locus plan be updated to correct the Map and Lot number for the subject parcel.

4. The driveway sight distance plan be updated to the satisfaction of the Department of Public Works.
5. The Owner's signatures shall be provided on the plans.
6. 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.
7. The Applicant shall provide checks for LCHIP and recording fees, made payable to the Rockingham County Registry of Deeds.
8. The Applicant shall note all general and subsequent conditions on the plans (must be on a sheet to be recorded, or a separate document to be recorded with the subdivision plans).
9. Final planning review.

PLEASE NOTE – If these conditions are not met within two (2) years 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. See RSA 674:39 on vesting.

GENERAL AND SUBSEQUENT CONDITIONS

All of the conditions below are attached to this approval.

1. 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.
2. 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.

D. Eversource Energy – Public Hearing pursuant to RSA 231:158 for removal and trimming of trees along Adams Road, a state designated scenic road.

Chairman Rugg read the case into record noting that this is a public hearing.

Rick Sullivan, arborist from Eversource addressed the Board. He stated that Adams Road is up for scheduled maintenance trimming. He noted that Eversource was there about four years ago with similar maintenance trimming. He stated the goal is to reestablish the clearing that was made four years ago as well as a small removal list. He stated the small removal list is for three dead trees and one oak tree with

significant decay. He informed the Board that that the trimming is standard throughout the state with 15 feet of overhead clearance, 8 feet of side clearance and 10 feet underneath the power lines. He explained that Asplundh tree experts, who Eversource contracts with, sent out notification letters to all the abutters, and received consent from all the abutters.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux pointed out that since Adams Road is a designated scenic road, Eversource is required by the RSA's to come here and declare their intentions, but there is no decision to be made by the Board. A. Chiampa asked if R. Sullivan knew if Adams Road powered other roads in that area. R. Sullivan stated that Adams Road does not feed any other roads with power.

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

Chairman Rugg brought it back to the Board.

A. Sypek made a motion to accept the proposal by Eversource for tree trimming on Adams Road.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

E. Public hearing on a request for a zoning amendment to amend the Londonderry Zoning Ordinance, Section 2.2, Use Table to insert as a use a financial institution, not to exceed 5,000 square feet, with a single drive-through window, to be allowed as a permitted use in the C-III district. CC Properties, LLC (Applicant)

Chairman Rugg read the case into record. A. Chiampa recused herself from the Board as this time. Town Planner Mailloux informed the Board that the Planning Board received a request to allow a financial institution in the C-III district. She stated that the Board has a map of highlighted properties that would be affected by this decision.

Kenneth Gould, lawyer from Gould and Gould Law Offices, Cynthia O'Neill, lawyer from Gould and Gould Law Offices and Richard Flier, resident of Londonderry introduced themselves to the Board. K. Gould requested to present a three prong discussion to allow financial institutions in the C-III district. Chairman Rugg stated that he would like to look at all C-III properties and wants to know how this specific request will affect all the other C-III properties. K. Gould stated that because the C-III district is so limited in town that the change he is requesting will have very little affect to the other properties in the C-III district. He stated that a small financial institution, less than 5000 SF, would have three to four permanent employees, a small amount of traffic going to it, which would not be that different than what is allowed in the C-III district now, such as schools, funeral homes and dentist offices. He stated that most banking is now done online and this specific request is for a

credit union, which would service the local community. He stated that they are requesting the current zoning ordinance be modified to meet "more current" needs. R. Flier stated that 2 Litchfield Road, has been historically protected by the community and when it was taken over by himself, he found the condition of the property to be deteriorated. He stated that it has been difficult to find someone to finance the property and he feels that the property is unsafe. He stated that he would like to put in a small building, less than 3,000 SF, to the side of the historic building, which would house a credit union. He stated that he is worried about saving the historic building and a bank would help finance the updating of the historic building. Chairman Rugg stated he would like to see how this would affect other C-III properties, such as the properties on Buttrick Road. K. Gould stated that restrictions that would be placed on this financial institution would not create greater commercial activity than Kinder-Care, which is allowed in a C-III zone now for example. He stated that he believes it will not affect the character of the neighborhood and would not increase traffic. R. Flier stated that they want to reduce the space to 3,000 SF from 5,000, have one drive up window, and have agreed to only have traffic go out on Litchfield Road and be able to only turn right, not left. K. Gould stated this is an opportunity for the town to have this property preserved historically. R. Flier stated that this is not a commercial venture of his.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux reviewed the Staff memo she had sent them on the breakdown of C-I, C-II and C-III. She stated that C-III was intended to provide a transitional zone between larger more intense commercial uses and residential zones. She stated that there are 26 parcels in town that are zoned C-III, and most are between C-I, C-II and residential zones. She explained that it is Staff's opinion, that a financial institution smaller than 5,000 SF would be in accordance with zoning. She stated that the concern from a Staff perspective is the drive-through, as this would change the character of the C-III zone. She stated that if the Planning Board does support the drive-through window, it be recommended to be part of a Conditional Use Permit (CUP) to the Town Council. S. Benson stated that he is concerned about the drive-through window as well and would like to hear from the public. A. Sypek echoed S. Benson's statement. G. Verani stated that this change is being driven by a specific use and a particular property, but it would affect the whole C-III zone. Town Planner Mailloux informed the Board that a variance was requested from the Zoning Board and not approved. K. Gould argued that a zoning change is driven by a specific use usually. R. Flier stated that they are limiting the bank to one drive-through window, but the bank cannot do this without a drive-through window. R. Brideau stated he is not opposed and likes the CUP restriction recommendation. C. Davies asked what are permitted uses in the C-III district. Town Planner Mailloux read off some of the permitted uses from the zoning table webpage. R. Fillio asked if the bank wanted an ATM machine. R. Flier stated that the bank was asking for an ATM machine. R. Fillio stated that an ATM machine can be used at all hours and has noise that accompanies it. Chairman Rugg stated that the Planning Board either makes a recommendation to the Town Council to adopt this new zoning amendment or not adopt it.

Chairman Rugg asked for public input.

Chairman Rugg read a letter, Exhibit 1, into the record.

Marge Badois, 189 Litchfield Road, addressed the Board in opposition to the zoning change. She stated that in her opinion, she thought allowing a financial institution in the C-III zone would be a mistake. She thinks that the ATM is creating a business that would be open 24-7, which is not appropriate in this zone.

Deb Paul, 118 Hardy Road, addressed the Board in opposition to the zoning change. She stated that she is the former owner of the building and wanted to go on the record stating that the building is in no means in disarray. She stated the biggest reason she is against this is because she believes it will be a slippery slope by opening this up to all the C-III zones. She also feels there will be safety issues with traffic and a night time deposit box. She stated that she feels this area is more residential now than it was ten years ago when she purchased it.

Marty Srugis, 17 Wimbledon Drive, addressed the Board in opposition to the zoning change. He stated that the Town Council overrode the Planning Boards decision years ago and now there is spot zoning, which he feels this zoning change would be an extension of the override to another use. He also stated that the northwest master plan called for a commercial district on Route 28, which is a mile or so up the road, and he thinks that is where the bank should be.

Glenn Douglas, 6 Overlook Ave, addressed the Board in opposition to the zoning change. He asked if the historic building would be torn down as it might be deemed unsafe and then could the bank be put in its place. Chairman Rugg stated that there are covenants to protect the historic building. K. Gould stated that the whole concept would be to renovate the building, not to tear it down. G. Douglas asked if it would be the same look of the current building. R. Flier stated that it would.

Ann Chiampa, 28 Wedgewood Drive, addressed the Board in opposition to the zoning change. She read from an ordinance 2006-3 (Exhibit 2), signed by the Town Council, which was an amendment to the zoning ordinance relating to re-zoning Map 12, Lot 68. She specifically cites a precedent condition, #3, that states "no additional structures be placed on the property, unless required by the site plan regulations i.e. drainage structures, etc. or to accommodate utilities." She also added that nothing can be demolished as well. She also cites the Historic Preservation Easement Deed on the property that has to be preserved. S. Benson interjected that the talking should be relevant to C-III zoning and did not think this was germane to the topic. Chairman Rugg stated he wanted to hear A. Chiampa's opinion on how this will affect other C-III zones. She stated that all other banks in town are much smaller than 5,000 SF, which is being proposed, and that all banks are small banks now. She stated that a 5,000 SF building would dwarf the current historic building. She stated that there are 139 parcels in the C-III zones, a figure that was provided to her by the Assessing Department. Town Planner Mailloux clarified that there are 26 properties in the C-III zone, but some contain condominiums, which have multiple tenants, thus the 139 number. Chairman Rugg stated that she had spoken for more than five minutes and requested she give

another resident a chance to speak.

Cherlyann Pierce, 23 Mayflower Drive, addressed the Board in opposition to the zoning change. She is concerned about changing a whole zone for a specific use. She is also concerned about the drive-through. She feels as though this is an inappropriate use of this Boards time. She does not think that the Planning Board should recommend this to the Town Council. Chairman Rugg stated that the Planning Board has to make a recommendation one way or the other. C. Pierce asked how many times something like this happens in a year. Chairman Rugg stated this has never been asked.

J. Butler asked specifically what is in the other C-III zones to Town Planner Mailloux to try and better understand the affect this might have. Town Planner Mailloux reviewed the other C-III zones with the Board. K. Gould noted that a good number of units, in which Town Planner Mailloux just reviewed, have drive-through windows.

Martha Smith, 38 Shasta Drive, addressed the Board in opposition to the zoning change. She stated that she has witnessed Londonderry change tremendously over the 35 years that she has lived here. She also looked at the ordinance that A. Chiampa referenced earlier, and she also found it stated that no additions can be made to the property. She also researched the bank that is being proposed at this location and they have ATM's and night deposit, which is a concern of hers. She also feels that this intersection is busy enough. She stated that the variance was denied twice by the Zoning Board and she would think the Boards would respect one another's decisions.

Tim Loraditch, 427 Mammoth Road, addressed the Board and stated that he is an abutter to the property. He voiced his concern about the ATM and drive-through window at the Zoning Board meeting and he is finding himself torn in his decision. He stated that he has seen the plans for this location and feels this would be a shame if the property were not restored.

Frank Donnolan, Merrimack Credit Union, addressed the Board to introduce the bank that is being proposed in this location. He stated that the bank has been in existence for 63 years and is a billion dollar credit union. He stated that his bank holds the note on the property currently and if not allowed at this location, they will find another location.

Deb Paul, 118 Hardy Road, addressed the Board again, reiterating that this bank will not leave town if this is not granted and wanted this in the record.

Cherlyann Pierce, 23 Mayflower Drive, addressed the Board again and asked if this is granted, would there be a way for the town to stipulate a time line for improvements to be made to the barn. Chairman Rugg stated that zoning is in general and could not be specific such as that.

K. Gould asked if he could make a verbal amendment to his petition. Town Planner

Mailloux stated it could if it is a non-substantive change. K. Gould stated he wanted to amend the request to a financial institution no bigger than 3,000 SF.

Ann Chiampa, 28 Wedgewood Drive, addressed the Board again. She stated in her opinion, no banks should be allowed in the C-III zones as they mostly buffer residential zones.

Valerie Cloutier, Eight Twin Isles Road, addressed the Board in opposition to the zoning change. She stated that she has seen zoning change over the years and feels that this is a slippery slope. She feels that this corner is a busy road and is a safety concern.

Chairman Rugg closed public input and went back to the Board. C. Davies stated that he has many issues with this, such as it is not consistent with the master plan and it will be a safety concern with increasing traffic at this intersection. A. Sypek agreed with C. Davies. L. Reilly stated that she had a problem with a single use driving a change for a whole zone. R. Fillio stated that he thinks the town should stick to the rules it puts forth. J. Butler stated that in his opinion, the downside of the property is that it will cost the owner a lot of money to renovate, and a bank might be a good neighbor to help with that. He stated that in his opinion, he does not have a problem with changing the zoning, as he would rather sacrifice one thing to try and preserve the historical building. He would like the town attorney to look over the documents that were presented tonight. Chairman Rugg noted that this is a tough decision and the town has a lot of work to do. He believes this is not in accordance with the master plan.

C. Davies made a motion to recommend to the Town Council that they approve a modified amendment to allow a financial institution, smaller than 3,000 SF, as a permitted use in the C-III district, with a singular drive through lane as noted in the Staff memo dated July 11, 2018.

R. Brideau seconded the motion.

The motion failed, 2-7-0.

C. Davies made a motion to not recommend to the Town Council that they approve a modified amendment to allow a financial institution, smaller than 3,000 SF, as a permitted use in the C-III district, with a singular drive through lane as noted in the Staff memo dated July 11, 2018.

R. Brideau seconded the motion.

The motion was granted, 8-1-0. The Chair voted in the affirmative.

Town Planner Mailloux informed the Board and public that this will go before the Town Council first on August 13, 2018 and then again on September 10, 2018.

V. Other Business - N/A

VI. ADJOURNMENT

Member S. Benson made a motion to adjourn the meeting at approximately 9:05 p.m. Seconded by R. Brideau.

The motion was granted, 9-0-0.

The meeting adjourned at approximately 9:05 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on August 8, 2018 by a motion made by M. Soares and seconded by R. Brideau.

From: David J. Ellis <dr.ellis@physics.org>
Sent: Friday, June 29, 2018 4:22 PM
To: Arthur Rugg <arugg@londonderrynh.org>
Cc: Colleen Mailloux <cmailloux@londonderrynh.org>
Subject: 2 Litchfield Road

David J. Ellis
1 Wilshire Drive
Londonderry NH 03053

June 29th, 2018

Londonderry Planning Board,
268B Mammoth Road
Londonderry, NH 03053

Attn: Arthur Rugg, Chairman

Dear Art,

I wish to urge the Board to reject the application for a zoning change at 2 Litchfield Road on the basis of that site's historic significance and value to the Town. While not explicitly protecting these premises, the present zoning does at least place some limits on its use.

The house and barn can be readily proven to date back to 1809 as both are explicit in Rockingham County deeds 0191-0423, 0191-0424 and 0191-0425. Furthermore, those deeds state that the conveyance was part of the estate of Enoch Harriman, so there is a compelling reason to believe the house and barn date into the 1700s.

These buildings are located where their appearance may be enjoyed by the large number of residents and visitors who pass, often on a daily basis. With so few examples left in Town, preservation of the old barn is particularly desirable. (Early maps imply that the barn may have been used as John Anderson's store, that store being mentioned in an 1844 claim against the Town by John Annis when his horse fell through the nearby bridge.)

Sincerely,

David J. Ellis
Ph. 432-2161

Introduced: 3/13/06
Second Read/Pub Hrg: 3/30/06
Third Read/Pub Hrg: 5/01/06
Adopted: 5/01/06

ORDINANCE 2006-03
AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO REZONING MAP 12, LOT 68

WHEREAS the Town Council is desirous of preserving historic structures in the community, as evidenced by the implementation of the Barn Preservation Easement program; and

WHEREAS Town residents are increasingly concerned about the preservation of historic structures throughout the Town, with the Town supporting such initiatives, including funds approved at the 2005 Town Meeting to relocate and preserve the Perry homestead; and

WHEREAS the Town Council recognizes that the changing nature and density of the community can, in limited instances, result in more appropriate use for some properties in the name of public health and safety; and

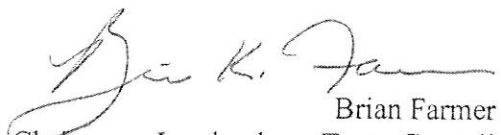
WHEREAS the Vision Statements espoused in the 2004 Master Plan include the promotion and preservation of Londonderry's history is an important component of the town's identity; and

WHEREAS the Town Council believes that current sections of the town with existing mixed uses can be enhanced and contribute positively to the community if adequate and proper redevelopment restrictions are enacted;

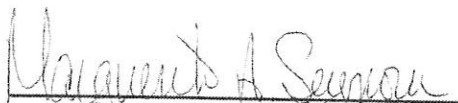
NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 12, Lot 68 from AR-1 to C-III also include this site as part of Londonderry's historic district, to become effective upon passage by the Town Council and subject to the following conditions:

- 1) The Town shall receive a historic preservation easement and historic preservation façade easement from the property owner requiring that the exterior of the historic structures be maintained in their current state, not to be altered, demolished or added to;
- 2) That the specific use of the property be restricted to residential and office space;

- 3) That no additional structures be placed upon the property unless required by the site plan regulations (i.e. drainage structures, etc...) or to accommodate utilities, all not in detriment to the historic character of the building;
- 4) That no retail operations are allowed at that location;
- 5) A site plan be submitted to the Londonderry Planning Board for review and approval in accordance with the Londonderry Site Plan Regulations and Zoning Ordinance


Brian Farmer
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:


Marguerite Seymour - Town Clerk
05/01/06

Town Seal