

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF JUNE 14, 2017 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; Giovanni Verani, Ex-Officio – Town Manager Appt; Scott Benson, Assistant Secretary; Al Sypek, member; Ann Chiampa (alternate member); Roger Fillio (alternate member); Peter Commerford (alternate member)

Also Present: Colleen Mailloux, Town Planner; John Vogl, GIS Manager/Comprehensive Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner; 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 alternate member A. Chiampa to vote for C. Davies and alternate member P. Commerford to vote for L. Reilly.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member M. Soares made a motion to approve the minutes of May 3, 2017, as presented.

R. Brideau seconded the motion.

The motion was granted 7-0-1, with A. Rugg abstaining.

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. DISCUSSIONS WITH TOWN STAFF: J. Vogl presented the Board a map that he had put together, that was specifically asked for by C. Davies, of the parcels in which multifamily workforce housing may be permitted use. J. Vogl stated that the ordinance that is in place is clear about where multifamily workforce housing can be assembled and that is in the commercial districts, the R-3 districts, and the AR-1 lots which are directly abutting those commercial districts. He pointed out on the map the Board was looking at that the gray shaded area was where workforce housing projects could go in the future. He noted that future projects could go along the route 28 corridor from Manchester through to Derry and then on the route 102 corridor, including the Woodmont Commons project, from Exit 4 through Hudson. He mentioned that these sites are along major transportation routes where the traffic impact will be best absorbed and would not change the character of the existing neighborhoods. He stated

this was the first time the map had been presented and he will put it up on the website. Town Planner Mailloux added that with this ordinance workforce housing is not permitted in most of the areas in Town, which is noted in white on the map in the center of Town, as most residences are AR-1 and agricultural residential districts. A. Chiampa asked why Woodmont Commons is included in this. Town Planner Mailloux stated that it is included because within the PUD workforce housing is a permitted use and still need to meet all the requirements of the Woodmont Commons master plan that was approved in 2013. G. Verani asked what the criteria for the AR-1 land was. J. Vogl answered the AR-1 has to be abutting the commercial district. A. Chiampa asked why on Trolley Lane, where housing already exists, there was workforce housing. J. Vogl noted the key language is that the land is permitted use and could potentially have workforce housing, but not where it is definitely going to go. M. Soares asked why MacGregor's Cut is not on the map. Town Planner Mailloux stated that at the time this plan was prepared MacGregor's Cut had not been approved yet, so it will be highlighted the same way the town homes at Whittemore are to show it is approved, but does not have the gray marking because under this ordinance it would not be permitted use. Town Planner Mailloux noted she would update the map to show that before it goes up on the website. G. Verani asked when stating abutting commercial land is it including industrial. Town Planner Mailloux stated yes as it is in the one removed category that was adopted in 2015 ordinance amendment. J. Vogl clarified that the CUP criteria would have to be satisfied before a project could go in the designated areas and then there would be the logistics of getting water and sewer extended to make it a truly feasible site. A. Chiampa stated that she had a problem with the Reed Clarks property on the map because there is already problems with that road as far as a traffic. Town Planner Mailloux explained that that property meets the criteria of the ordinance that was adopted in 2015, being one lot removed from the commercial district. She further explained what J. Vogl had stated, that if a development would take place it would still go through the Town's site plan process with a traffic analysis and any additional traffic would be mitigated the same with any other analysis. She noted that the Town through zoning cannot eliminate parcels for development because of traffic conditions. A. Chiampa stated that she saw an overabundance on the East side of Town and feels it should be spread out. Town Planner Mailloux explained that for tonight's meeting she wanted J. Vogl to present the map on where potential future workforce housing might go, but the meeting is not to solve problems regarding workforce housing. She added if there are items of concern, she would schedule it for future work sessions for discussion. A. Rugg emphasized that this presentation was just informational right now. M. Soares asked if there was already housing on an industrial piece of land that is encompassed by workforce housing on the East near Scobie Pond. J. Vogl noted that it is all vacant land there.

A. Rugg asked J. Vogl if the master plan recommendations were up to date. J. Vogl stated he did not think it was and he could take a look at it before he leaves to make it current as of this summer. He stated that the Master Plan Implementation Committee was meeting but went on hiatus mode in

March when there were 2 members who left. A. Rugg stated that when the committee is back to full strength he would like 2 members from the Planning Board, full members not alternate, on the committee.

J. Vogl thanked the Board and stated it has been a pleasure to work with them for the last 13 years. The Board recognized J. Vogl for all of his work over the last 13 years and stated that they will miss him and wished him well on his new venture.

III. Old Business- N/A

IV. New Plans/Conceptual/Non-binding Discussions - N/A

A. Public hearing on a waiver request to Section 6.01 of the Londonderry Site Plan Regulations to allow the issuance of a certificate of occupancy prior to the completion of the conditions of approval as stated on the previously approved site plan and prior to the completion of site improvements as shown on the previously approved site plan (Planning Board approved March 1, 2017) for a change of use for a dog day care center and a nano-brewer, 298-302 Rockingham Road, Map 17 Lot 24, Zoned C-II, Remi O. Fortin (Owner & Applicant)

Chairman Rugg read the case into record. G. Verani recused himself from this case. A. Rugg stated that there are now 7 voting members. J. Trottier stated he would like to give some background information to the Board regarding the case. He stated this project was conditionally approved by the Planning Board on March 1, 2017. The site plan is a change of use to allow light manufacturing, retail and service establishment to accommodate a proposed doggy daycare and nano-brewery. As part of the conditional approval, the plan and stormwater management report were to be updated and appropriate stormwater management controls to be provided to accommodate drainage associated with the gravel yard area which has not previously received site plan approval. Conditions of approval are still pending and the plans have not been signed at this time. He stated that the Applicant has requested a waiver from Section 6.01c of the Site Plan Regulations to allow a Certificate of Occupancy (CO) to be issued prior to completion of the on-site improvements indicated on the site plan. He stated for background for members of the Board, prior to 2001, the Site Plan regulations allowed for an Applicant to post a performance bond for site improvements not completed prior to issuance of a CO. In 2001, an overhaul of the Site Plan regulations removed that provision and required that all improvements be completed in order to ensure that site plans were developed in compliance with the Planning Board approved plan. Since the requirement for all improvements to be completed prior to issuance of a CO was added to the regulations, it has eliminated incomplete site improvements and greatly reduced issues of enforcement for the completion of improvements on approved site plans. He noted again, the Applicant is requesting a waiver of Section 6.01c to allow COs to be issued for the proposed uses prior to the completion of the improvements shown on the site plan. He explained the Change of Use Site Plan that was conditionally

approved on March 1 identified improvements to the parking areas (including parking lot striping and signage), installation of Conservation Overlay district buffer placards, fencing, and the conditional approval required that stormwater management controls be designed and shown on the plan to the satisfaction of the Town. The proposed stormwater improvements are currently under third party review. He stated again that in the past the Planning Board had allowed "build or bond" and when he came to Town in 2001 there were numerous sites around Town that were not completed. He stated the Board at that time was in the process of revising the regulations to state that all improvements need to be completed, and in his opinion it works.

Mark Fortin, 324 Joppa Hill Road, Bedford, New Hampshire presented for the applicant. He stated that he understands the drainage study needs to be done and the drainage needs to be completed. He stated that there are 2 small business that have been at this process for going on 2 years now. He explained that he is asking the Board to grant a waiver for the business to open before the drainage improvements are completed. He explained that there is a lag time to get the drainage engineered, designed, built and installed, that will delay the small businesses opening. He stated he would be okay with a performance bond and the businesses are going to do everything that needs to be done. He stated he is not looking for relief of the regulation, just the time frame, so if the businesses are ready to open they can even if the drainage system is not finished. A. Rugg asked what has to be done for drainage. M. Fortin explained that he hoped the plan would have been back from third party review now, but it is not. M. Fortin stated there are 4 detention ponds and 3 parallel weirs (1 is a low profile, 2 are not low profile, so they have to be designed and pre-cast), which he felt is beyond his control. M. Fortin noted that this is a change of use and the only change on the entire property is an exterior fence. M. Fortin stated he does not have a plan to submit to the contractor to build the improvements. A. Rugg explained that the Board operates on the engineered plans, which no one has in this case.

Chairman Rugg asked the Board for questions. A. Chiampa stated that she felt the improvements would need to be completed and those are the Town rules. P. Commerford stated that he does not know how the Board could vote without seeing the plans. M. Fortin stated that at the last meeting with J. Trottier, the drainage was worked out and the plan will meet the Town requirements or otherwise the plan will not get signed. R. Brideau asked J. Trottier if the Board had the plans tonight, how long would the project approximately take to get the drainage done. J. Trottier answered probably about a month. M. Soares clarified that M. Fortin was specifically asking for a waiver for the drainage. M. Fortin stated that was correct. A. Sypek stated he understood where M. Fortin was coming from, but the plans are out at third party review, and if the third party review comes back saying they do not like the plans and the Board goes ahead with it tonight, how will J. Trottier work out an appropriate financial guarantee. S. Benson stated he thought it was premature because the third party review was not back yet. R. Fillio asked if there was a copy of the plans. Town Planner Mailloux stated that there was nothing electronically, but they have the hard copy that was approved by the Board in March. At this point, Jane Keefe from 76 Donald Dr., Auburn, New Hampshire approached the Board stating she was a partner in this case. Jane Keefe stated that the 2 business have nothing to do with

the back part of the parcel and she is here tonight requesting the waiver to try and help the 2 small business be able to open.

Chairman Rugg asked for public input and there was none.

A. Rugg concluded that he felt the Board needed the third party review to vote on the waiver. M Soares asked the Chair if it was possible to recommend a temporary certificate of occupancy. J. Trottier stated that the Town does not issue those. A. Sypek asked if this could be rescheduled for the first meeting in July when the third party review would be done. Town Planner Mailloux stated she feels the third party review comments will be received by July 5th, but the concern is if the third party review comments have additional changes or concerns regarding structures, there might not be final plans.

A. Sypek made a motion to table the waiver request until the July 5, 2017 meeting with the Planning Board.

S. Benson seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

V. Other Business

A. Zoning Update – G. Verani came back to the Board for the discussion of Commercial building design requirements/Commercial Performance Zone discussion. Town Planner Mailloux stated that when the Planning Board was last discussing the Commercial districts a concern raised was there are C-1 and C-2 districts going down the 28 and 102 corridor that was a mishmash of zoning. She stated one report the Board is looking at is adopting a Commercial Performance District that would encompass all of those C-1 and C-2 properties and currently also thinking of including the mixed use commercial (MUC) properties. She explained a concern was if the Town rezoned the C-1 parcels to C-2, what does that open them up for as far as use and building size. She explained that the GIS manager was asked to look at current building sizes in town and existing parcels in the commercial corridor to identify what type of building could be supported on what size parcel. She noted the Commercial Performance Zone would be based more on the look and feel and architectural standards of the parcel. J. Vogl pulled up a graphic on the screen for the Board to view while he spoke about identifying buildings off the 102 corridor. He noted that large buildings in Londonderry are greater than 60 SF and medium buildings are less than 50 SF while giving examples of each. He then put a map on the screen where these type of buildings could be located. He stated he felt in Londonderry it is self-limiting where large buildings can go. He stated that while doing his research he came to the conclusion that many of the large buildings in Londonderry are not objectionable and tend to be well designed with a good look with a peak roof and a lot of windows. He concluded that the take away was not size limitation, but more the look, feel and how the building fits into the

neighborhood, which he noted was surprising. Town Planner Mailloux added that she was also surprised that size limits would not be a factor and have the Commercial Performance Zone be more open-ended on building sizes. G. Verani stated that he appreciated that J. Vogl had done this and agreed the Town should focus on the aesthetics of the architectural design, landscaping and parking, versus square footage. Town Planner Mailloux concluded that the Town will move forward with the performance standards, look, feel, and aesthetic of the parcel rather than size and specific use. She also updated the Board that the funding that was set aside for this expires June 30, 2017. She stated that the goal is for in the fall to have final zoning ordinance products for public hearings. A. Rugg asked about another workshop. Town Planner Mailloux stated maybe the second meeting in July. She stated over the next couple of weeks she would email the Board some zoning ordinances that she likes from communities that have these performance zones for the Board to review. A. Sypek asked if Town Planner Mailloux was going to encumber the funds into the next fiscal year. Town Planner Mailloux stated that they will not as these funds are from a warrant article in 2015 and they were encumbered last year.

M. Soares wanted to take a moment before adjournment for the Planning Board to wish condolences to the DeCarolis Family and to the Grover family.

VI. Adjournment


Member R. Brideau made a motion to adjourn the meeting at approximately 8:07 p.m. Seconded by M. Soares.

Motion was granted, 8-0-0.

The meeting adjourned at approximately 8:07 PM.

These minutes were prepared by Beth Morrison

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on July 5, 2017 by a motion made by M. Soares and seconded by R. Brideau.