

# **LONDONDERRY, NH PLANNING BOARD**

## **MINUTES OF THE MEETING OF DECEMBER 13, 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; Al Sypek, member; Chris Davies, Secretary; Tony Defrancesco, Town Manager ex-officio designee temporary alternate; Leitha Reilly, member, Jim Butler, Town Council ex-officio; Ann Chiampa (alternate member); Peter Commerford (alternate member) and Roger Fillio (alternate member)

Also Present: Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; 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 P. Commerford to vote for L. Reilly until she arrived. L. Reilly arrived at 7:25 p.m.

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

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. DISCUSSIONS WITH TOWN STAFF: A. Rugg informed the Board that on Monday night the Southern New Hampshire Planning Committee (SNHPC) will discuss how Londonderry can become more age friendly.

### **III. OLD BUSINESS**

A. Application for formal review of a Conditional Use Permit to allow a multi-family residential use in the Route 102 Performance Overlay District, Horizon Drive and 4 & 6 Button Drive, Map 7, Lots 132-3, 132-4, 142-5, 132-6 and 132-7, Zoned C-I and Route 102 overlay, DHB Homes (Applicant) and Team Business Development Corp. (Owner) - continued from November 1, 2017

Chairman Rugg read the case into record. Town Planner Mailloux informed the Board that the application was continued from November 1, 2017. She noted that the Board accepted the application as complete at that time and continued it until this evening to allow the applicant to address concerns regarding municipal waste water disposal. George Chadwick, Bedford Design, 171 E Industrial Park Drive, Manchester, NH addressed the Board. He informed the Board that he received a report regarding the sewer, which did not reveal any evidence of subsidence. He further noted that he has not been able to receive a geotechnical report regarding

why the subsidence would have occurred above the pipe. He explained that his client has decided to distance himself from the municipal sewer connection and instead propose a project on septic systems. He stated that this reduced the number of duplexes from 14 to 7. He performed HIS mapping, test pits and soil types that demonstrate enough soil and lot size for the septic systems. He stated that this new configuration also makes the units farther away from the wetlands on the property as well as much less tree disturbance. He stated that the septic systems would be located in front of the units. He concluded his presentation and welcomed questions from the Board.

A. Rugg opened it up to questions from the Board. Town Planner Mailloux reminded the Board that this was for the conditional use permit only tonight, and if approved, he would be back for all other site plan processes.

A. Rugg opened it up to questions from the public and there were none.

**M. Soares made a motion to approve the applicant's request for a Conditional Use Permit to allow a multi-family residential use in the Route 102 Performance Overlay District, Map 7, Lots 132-3, 132-4, 132-5, 132-6 and 132-7, Horizon Drive & Button Drive, DHB Homes (Applicant) and Team Business Development Corp. (Owner) in accordance with the CUP Application prepared by Bedford Design Consultants, Inc dated October 3, 2017 and last revised November 21, 2017.**

**R. Brideau seconded the motion.**

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

#### **IV. Public Hearings/Workshops/Conceptual Discussions**

A. Conceptual discussion on the phasing requirements for a 216 unit workforce housing project, 71 Perkins Road (Map 15 Lot 51), PedCorp, Inc. (Applicant)

Chairman Rugg informed the Board that this was a conceptual discussion, and no decisions are made tonight. T. Defrancesco recused himself at this time. Town Planner Mailloux read over the current phasing requirements regarding workforce housing, noting that under the ordinance 72 building permits can be submitted per year. She pointed out that the applicant is proposing 216 units for workforce housing building permits, which would require a waiver.

John Cronin, from Cronin, Bisson & Zalinsky, P.C, Attorneys at Law, 722 Chestnut Street, Manchester, NH addressed the Board. He stated that he is representing Michael Smith a senior vice president at PedCor tonight. He stated that he had provided the Board with a written power point presentation for their review. He stated that there can sometimes be a misconception with workforce housing that is low income housing, but he stated it is not. He stated that there can be tax credits related to this type of housing and New Hampshire Housing and Finance have

expressed an interest to work with his client. He further explained that standard phasing requirements can be difficult for his client when building this type of structure. He stated that they are here to get feedback on the phasing requirements. He noted that for this project to work well it would be done in two phases over two years. He stated that phasing is in place for a town to catch up and do public improvements, such as build schools, that may be necessary. He referred to a spreadsheet in the packet regarding school impact, which would account for 33 students in total. He commented that his client does not see any public improvements that the town would need to do because of this project, and therefore does not feel that phasing would be warranted in this case, but would still be willing to have two phases over a two year period. He stated this would require a waiver from either this Board or the Zoning Board of Adjustment (ZBA). He concluded the presentation stating that his client is looking for feedback on the phasing requirements, whether or not the Board would render a decision on this tonight, and if the Board feels his client should contact the ZBA.

Chairman Rugg informed him that with no finite plan in front of the Board, there could be no judgement tonight, and this was conceptual in nature. Town Planner Mailloux explained that procedurally no binding decision could be obtained tonight. M. Soares stated that in her opinion, they have done a very complete analysis with a lot of information, but as someone who works in the school system in Londonderry, even though the number of children had decreased, they are increasing now. She noted that it is very comfortable now in the schools, but the capital improvement plan (CIP) identifies a need for a new elementary school. She stated that she would not be in favor of relaxing the phasing requirements. J. Cronin asked if there has been a fiscal appropriation to fund the new elementary school. M Soares stated there was not. J Cronin stated that regardless the new elementary school will not be built for over three years, which would not affect the phasing for this project. M. Soares stated it would make a difference in the quality of education because even though the numbers have gone down, the requirements of the students in the schools has increased along with the space the students need in the schools. She stated that the schools are using every square inch they have now, and to even add 10 more children creates a difficulty for the school system. She also added that in her opinion the amount of traffic that will be added by this development is significant. J. Butler voiced his agreement with M. Soares. A. Sypek asked for clarification from the town attorney regarding if the Planning Board or ZBA has jurisdiction. L. Reilly stated that she is not in favor of going outside of the boundaries of the ordinance now. R. Fillio stated that he does not see any benefit to the town to continuously change ordinances. J. Cronin asked the Board how the number of 72 units per year was derived. Town Planner Mailloux commented that she was not here at the time of 2014 or 2015 when this change occurred, but it is her understanding that the previous ordinance limited workforce housing to 48 units, and the town worked with developers to come up with a more economical number of units. C. Davies asked how Wallace Farm was phased. Town Planner Mailloux noted that it was done under the previous ordinance, in which Wallace Farm received a variance from the ZBA with 96 units in the first year and subsequent phases of 74. C. Davies asked about MacGregor Cut phasing. Town Planner Mailloux noted that was again done under the previous ordinance with a

variance for 96 per year. C. Davies stated that there was a trend. Town Planner Mailloux stated these two projects were what drove the 2015 workforce housing overhaul, as the argument was it was economically infeasible for developers with limitations on the number of units and the number of units per building. C. Davies asked if this project was 100% workforce housing. J. Cronin answered yes. C. Davies stated that in his opinion, and living on Perkins Road, he thought that this project would be a lesser traffic impact than others and it was a great location for workforce housing in town. C. Davies stated that he was on the fence regarding the phasing. P. Commerford stated that he agreed with M. Soares and is against it at this point. A. Chiampa voiced her agreement with M. Soares that the schools will be affected. A. Rugg stated that the majority of the Board tonight did not favor granting the waiver request and noted that Londonderry has been noted as the fastest growing community in the state. J. Cronin asked the Board's opinion on whether the developer built the project all at once and then had the occupancy permits phased. A. Rugg stated that had never been done before. M. Soares commented that she would like to see what the town attorney's opinion would be; however, noted that once it is built and the 72 units are occupied, she thought the developer would be back before this Board or the ZBA to try and fill the remaining units. All other members, J. Butler, A. Sypek, L. Reilly, R. Brideau, C. Davies, P. Commerford and A. Chiampa echoed M. Soares statement. L. Reilly asked the applicant if they had ever made the arrangement of building it in total and delaying occupancy. M. Smith stated that he has built in 19 states and this is the first time running into a phasing issue. A. Rugg asked what states the applicant has built in. M. Smith stated he has properties from Oregon, North Carolina, Alabama, Michigan and every point in between. M. Smith stated that he has built over 22,000 units.

## **V. OTHER BUSINESS**

A. Staff update on Zoning Ordinance Overhaul: Town Planner Mailloux stated that she was unable to get the Board the information to look over before tonight's meeting. She stated that Amy Kizak, GIS manager/Comprehensive Planner, has put together a map of what land is left that could potentially be built on, and she will be sending that to the Board. She stated that it will be discussed in the next meeting.

B. Staff Update on Site Plan Regulations Revisions: Town Planner Mailloux stated that this memo had been emailed to them today. She noted the first item was related to parking calculations and standards moving from zoning into site plan regulations. She noted that Staff is recommending the site plan regulations be amended back to the original language in the ordinance prior to the revisions. She stated the second item was related to building permits and with consultation with the town attorney, it was decided to strike this section from the site plan regulations, as it is in other parts of the regulations. She noted that Staff recommends posting these two minor amendments and hold a public hearing on January 10, 2018. The Board agreed.

C. Master Plan Implementation Advisory Committee Update: L. Gandia stated that this committee will be spearheaded by Amy Kizak, GIS Manager/Comprehensive Planner, and noted that there are many positions unfilled at this time. She reminded the Board that the charter provides for a member of the Planning Board to serve as Chair adding that the committee shall hold regular meetings not more

than once a month. Town Planner Mailloux stated that this committee was working on bicycle and pedestrian connectivity. A. Rugg encouraged members of the Board to consider this position over the holidays.

**VI. ADJOURNMENT**

**Member L. Reilly made a motion to adjourn the meeting at approximately 08:20 p.m. Seconded by M. Soares**

**The motion was granted, 9-0-0.**

**The meeting adjourned at approximately 08:20 PM.**

These minutes were prepared by Beth Morrison

Respectfully Submitted,



---

Chris Davies, Secretary

These minutes were accepted and approved on January 10, 2018 by a motion made by M. Soares and seconded by R. Brideau.

## STAFF RECOMMENDATION

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner  
John R. Trottier, PE, Assist. Dir. Of DPW

**Date:** December 13, 2017

---

**Application:** Application Acceptance and Public Hearing for formal review of a Conditional Use Permit to allow a multi-family residential use in the Route 102 Performance Overlay District, Horizon Drive and Button Drive, Map 7, Lots 132-3, 132-4, 132-5, 132-6 and 132-7, Zoned C-I and Route 102 POD, DHB Homes (Applicant) and Team Business Development Corp. (Owner).

- Completeness: The Board accepted this application as complete on November 1, 2017.
- Conditional Use Permit: The Applicant is requesting a Conditional Use Permit to allow a multi-family residential use in the Route 102 Performance Overlay Zone in accordance with Section 2.6.1.6.C of the Zoning Ordinance. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the performance overlay district:
  1. All performance criteria outlined in Section 2.6.1.7 as applicable to the application have been met;
  2. The proposed use is consistent with the purpose and intent of the performance overlay district, Section 2.6.1.2;
  3. Granting of the application would meet some public need or convenience;
  4. Granting of the application is in the public interest;
  5. The property in question is reasonably suited for the use requested and the design of the site represents to the extent practicable preservation of natural resources, open space, and does not create a hazard to surface or underground water resources.

Following last month's meeting, the Applicant has conducted test pits, provided soil calculations and amended their CUP application to indicate that the proposed multi-family residential use will be served by on-site septic systems.

- Recommendation: Staff believes that the Applicant has properly addressed the conditional use permit requirements, and based on the information provided by the Applicant to date, Staff recommends APPROVAL of the Conditional Use Permit.

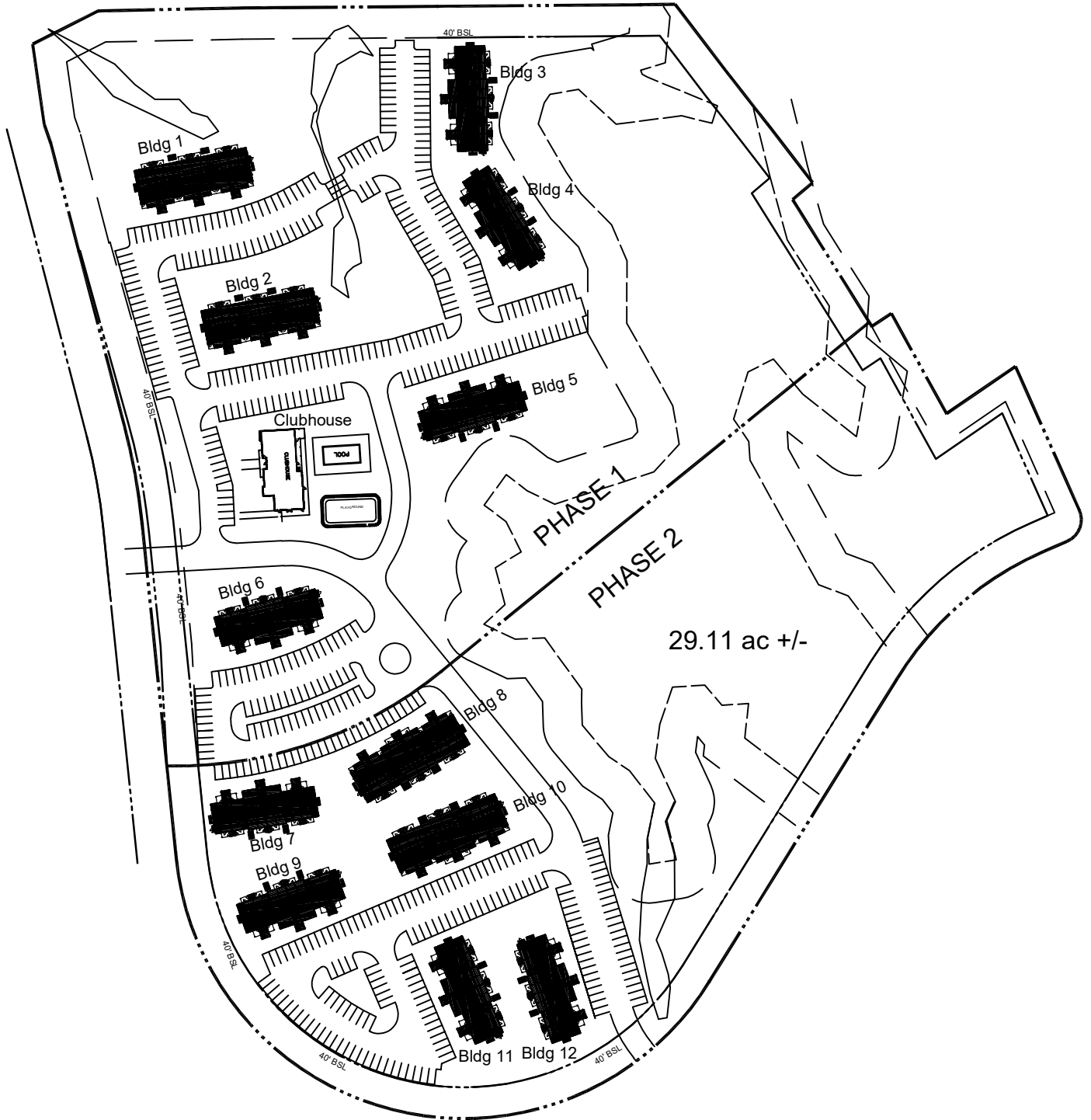
**Board Action Required: Motion to approve the Applicant's request for a Conditional Use Permit to allow a multi-family residential use in the Route 102 Performance Overlay District, Map 7, Lots 132-3, 132-4, 132-5, 132-6 and 1132-7, Horizon Drive & Button Drive, DHB Homes (Applicant) and Team Business Development Corp. (Owner) in accordance with the CUP Application prepared by Bedford Design Consultants, Inc dated October 3, 2017 and last revised November 21, 2017.**



Clubhouse, all apartment buildings and all outbuildings will require building permit at the time of final project approvals by the city and financial closing.

All buildings in Phase 1 ( Clubhouse and Bldgs 1-6) to have Certificates of Occupancy issued at final inspections and within the first 12 months after Building permit issuance.

All buildings in Phase 2 (Bldgs 7-12) to have Certificates of Occupancy issued at final inspections and within the second 12 months after Building permit issuance.



# EXHIBIT A