# LONDONDERRY, NH PLANNING BOARD

# MINUTES OF THE MEETING OF MARCH 12, 2014 AT THE MOOSE HILL COUNCIL CHAMBERS

Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Chris Davies; Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Scott Benson; and Maria Newman, alternate member

Also Present: John Vogl, GIS Manager & Comprehensive Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; and Jaye Trottier, Associate Planner

A. Rugg called the meeting to order at 7:00 PM. He appointed M. Newman to vote for L. El-Azem until she arrived.

#### **Administrative Board Work**

A. Election of Officers and Liaisons

While the Planning Board Rules of Procedures state that the annual election of officers shall take place in April, A. Rugg noted that the State Department of Revenue Administration typically requests the status of the Town's Board and Commission officers before April 1. The Board, however, will not meet again until April 2. As there were no objections to hold the elections at this time, A. Rugg entertained a motion.

J. Laferriere made a motion to keep the current slate of officers on the Planning Board in place (A. Rugg, Chairman; M. Soares, Vice Chairman; L. Wiles, Secretary; and L. El-Azem, Assistant Secretary). C. Davies seconded the motion. No discussion. Vote on the motion 8-0-0.

B. Plans to Sign – Hickory Woods (Owner and Applicant) Site Plan, Map 2 Lot 27, Phase II.

J. R. Trottier stated that the Board approved and signed Phase I of the Hickory Woods single family elderly housing development in 2013. The developer is requesting the Phase II portion of the project be signed tonight. The Town does not record site plans at the Rockingham County Registry of deeds, however the applicant submitted an additional plan for signature of Phase II, as they did for Phase I, to facilitate the processing of legal documents associated with the development.

As signing the plans was a formality on the Board's part, no motion was taken and A. Rugg said the plans would be signed at the conclusion of the meeting.

C. Discussions with Town Staff

Staff had no topics to bring to the Board.

A. Rugg stated that the monthly Southern New Hampshire Planning Commission meeting will take place March 25 at 11:30 AM.

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C. Davies, Chair of the Master Plan Implementation Committee, noted that the Committee's next meeting will take place on March 26 at 7 PM. J. Vogl added that the meeting will take place in the Sunnycrest Conference Room and will be videotaped.

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## Public Hearings/Workshops/Conceptual Discussions

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[L. El Azem arrived during the following discussion at 7:10 PM]

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A. Growth Management Ordinance Workshop

15 16 17 The Town's Economic Development specialist, Stuart Arnett, was joined by Consulting Planner Roger Hawk to provide a presentation to the Board on the Town's Growth Management Ordinance (GMO).

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S. Arnett gave a brief introduction to explain how the GMO fits into the larger context of the field of Planning and describe its use as one of the many tools a municipality can utilize to guide development, particularly when that development begins to overwhelm a town's infrastructure (see Attachment #1). By establishing a genuine need through a scientific study that a municipality will not be able to accommodate anticipated growth, a town can establish a GMO under the State Innovative Land Use RSA 674:22. The intent is to provide a town with the ability to regulate the timing of development by limiting the number of building permits that can be issued in a given year to provide a community with the opportunity to create/expand the infrastructure deemed necessary to support new residential growth. The GMO does not prevent development; it is a tool that protects the town from an unsupportable amount of development. In 2004 and 2005, the Planning Board made a determination of unsustainable growth and a cap was placed on the number of building permits issued. Since that time, however, the Board has made a determination of sustainability each year. Capacity studies for services related to police, fire, schools, the library, recreation, and the Town Offices combined with State demographic projections do not indicate a potential for development to overwhelm available services. It was noted that under RSA 674:22, an "emergency" GMO can be enacted if a clear need to limit growth is demonstrated based on a spike in development.

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The current GMO includes a sunset clause whereby the ordinance will terminate by January, 2015. In view of the number of other planning tools available to guide development and the other broader "checks and balances" outlined in the presentation, the recommendation to the Board was to not reinstate the GMO when it lapses after the end of 2014. Without a valid, perceptible justification, the Town could expose itself to legal action if a GMO is again adopted at a time when no threat of development overburdening the town's services exists. R. Hawk noted that without a GMO, however, the Town should pay careful attention to its Capital Improvement Plan (CIP) process to ensure a gap does

not occur between growth and infrastructure. He and S. Arnett encouraged in particular the use of Development Agreements with individual developers as a way of regulating development.

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Board members discussed the importance of demonstrating a discernable justification based on the status of current growth patterns. They also conferred with Staff about current State projections for a decrease in the number of school aged children as well as the ability to use an "emergency" GMO as a stop gap if development should take an unexpected upward turn. It was also noted that it would still be prudent to perform an annual exercise examining infrastructure needs and availability. L. Wiles and resident M. Speltz, 18 Sugarplum, both inquired about possible negative implications of simply retaining the GMO. R. Hawk reiterated that since the RSA mandates that a GMO be both temporary and justified through scientific study. Preserving the ordinance would run contrary to that idea and create the potential for legal action against the Town. A. Rugg noted that as representatives of the citizenry, Board members have a fiduciary responsibility not to expose the Town to litigation. M. Speltz also asked if the Woodmont Commons Planned Unit Development would remain exempt from the GMO if and when the Town reaches full buildout based on their Development Agreement with the Town. J. Vogl noted that the Woodmont Commons Development Agreement includes factors to offset growth spikes, including a requirement to demonstrate fiscal positivity on an annual basis.

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26 27 A. Rugg stated that if no action is taken by the Board, the GMO will expire in January, 2015. L. Wiles asked if a recommendation should be made to the Town Council. A. Rugg said it was not necessary since the ordinance would sunset without absent Planning Board action.

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B. Fairwind Properties, Inc. (Owner and Applicant) – Map 28 Lot 31-1 -Conceptual discussion of a proposed single story multi-tenant building on 10 Technology Drive, Zoned I-II.

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Brian Pratt of CLD Consulting Engineers and property owner Bob LaMontagne presented a conceptual amendment to a previously approved site plan that would result in a one story multi-tenant industrial building (see Attachment #2). The plan approved approximately ten years ago was found to be financially unfeasible, resulting in this redesign that includes eight high bay units of roughly 1,200 square feet each. After speaking with Staff about possible uses and the amount of parking required, a total of 33 parking spaces have been provided and a note will be included on the plan wording the proposed use with enough flexibility that future tenants would not have to return to the Board for amendments based on a specific use. Minor adjustments have been made to the plan since meeting with Staff and B. Pratt stated that the Fire Department has given preliminary support for the site layout with regard to sufficient emergency vehicle circulation (see Attachment #3). The applicant will present to the Heritage Commission with architectural plans on March 27. B. Pratt asked the Board for specific input on: 1) whether they would prefer a 1:1 slope on the north side of the site be stabilized with vegetation or rip rap and 2) whether the Board would support a waiver from

the landscaping regulation requirement for 10% of the interior parking lot to be landscaped. B. Pratt added that the loss of interior landscaping can also be offset by increasing the amount of perimeter landscaping.

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A. Rugg asked for Staff input.

J. R. Trottier noted that per the previous discussion between Staff and the applicant, the aforementioned 1:1 slope would need to be engineered and a guardrail would be required along Technology Drive. He also asked B. Pratt to closely compare the amount of pavement in this design to the amount used in the previously approved plan when designing the drainage.

A. Rugg asked for Board input.

Because B. Pratt mentioned the fact that the bays would be tall enough to allow an automotive lift, J. Laferriere asked about the potential for an auto repair business to occupy one or more of the bays and impair the visual aesthetics of the site with an accumulation of vehicles. J. R. Trottier noted that the zoning ordinance does permit automotive maintenance and repair in the I-II zone, however B. Pratt said that was not what the owner envisioned for the use of the site. He offered to note the intended uses for the site on the plan, which would then not include vehicle repair. Consensus from the Board was that the 1:1 slope should be vegetated and that the landscaping should at least be consistent with the other properties in the general area.

The applicant thanked the Board for their input.

C. Team Business Development Corporation (Owner), Calamar (Applicant) – Map 7 Lots 132-8, 9, 13, 14, 18, 19, and 20 – Conceptual discussion of a proposed senior housing development on 5 Button Drive, 4, 6, 8, and 12 Golen Drive, and 1 and 3 Reed Street, Zoned C-I within the Route 102 Performance Overlay District.

Jocelyn Bos, Director of Senior Housing Development for Calamar, was joined by Attorney Pat Panciocco and engineers George Chadwick and Bob Baskerville of Bedford Design Consultants to present a three building elderly housing rental development on a combined 8 acre tract of land (see Attachment #4). P. Panciocco gave a brief history of the seven lots involved that have also been part of several other proposals over the years that did not materialize. Originally zoned AR-I, these lots and others situated between the residential area of Reed Street to the east and Route 102 to the west were rezoned C-I in 2007 after falling under the Rte. 102 Performance Overlay District (POD) in 2002. Calamar has expressed an interest in the location for senior housing because of its proximity to the Crossroads Mall, several pharmacies, an urgent care facility, grocery stores and other shopping areas. P. Panciocco noted that offering a new housing option for seniors, i.e. rental housing, meets one of the recommendations of the 2013 Comprehensive Master Plan. J. Bos gave an overview of Calamar which began as a general construction company and has numerous elderly housing developments in Nebraska, Kansas, and upstate New York. A preliminary market study performed in 2013 demonstrated a need for

elderly rental housing in this area as well. Rent for a one-bedroom (865 sf) is anticipated to be in the \$1,300/month while two-bedroom units would be roughly \$1,500/month. Construction would be expected to take approximately 18 months. The three story, 35 foot tall buildings would each have elevators and would be connected internally. The middle building would include clubhouse-type amenities.

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G. Chadwick explained that a discontinuation of Reed Street would be sought from the Town Council so the road could be terminated in a cul de sac acting as the entrance to the site. While the requirements of the Town's regulations regarding landscaping, parking and drainage are expected to be met, the applicant has applied to the Zoning Board of Adjustment for variances on six separate issues including density, setbacks between buildings, open space, and the mandatory two bedroom requirement. G. Chadwick asked if the Board would forward a written recommendation to the Zoning Board. A. Rugg replied that the Board typically does not make recommendations to the Zoning Board. Three small wetlands are located on the site, two near the eastern boundary line and the third in the northwestern corner of the site. Water and electric utilities are available and an agreement is being sought with the property owner to the northeast to extend municipal sewer via an easement. Calamar hopes to be able to make use of a nearby gas line as a primary heating source.

## A. Rugg asked for Staff input.

J. R. Trottier referred to conceptual presentations given to the Board recently by Restaurant Depot, a company interested in developing the lots directly to the west, also owned by Team Business Development Corporation. He noted that in that presentation, Reed Street was being proposed as ending in a cul de sac, however Staff had advised that applicant that the cul de sac as presented did not meet Town standards and would be required to do so. project, he said Golan Drive should also end in a cul de sac that meets Town standards. He made clear that traffic would need to be discussed, with particular attention being paid to safety issues at the intersections of Meadow Drive, Button Drive, and Rte. 102. J. Bos pointed out that most seniors do not drive during peak traffic hours and rough estimations by G. Chadwick reveal that traffic counts would be well below what Town regulations would allow on this site during peak hours. J. Vogl echoed comments made by G. Chadwick that rental elderly housing would act as a suitable transition area between the duplexes to the east, multi-family to the northeast and the existing and potential commercial uses along Rte. 102. He verified P. Panciocco's statement that the 2013 Master Plan does express a demand for a wider variety of housing choices, including elderly rental housing.

#### A. Rugg asked for Board input.

J. Laferriere expressed concern for traffic and intersection safety, as was discussed during the Restaurant Depot conceptual discussions (see October 9 and December 4, 2013 minutes). He also noted that the density proposed was twice what is allowed under the ordinance and was perhaps too intense, however G. Chadwick replied that the degree of density was needed to make

the project economically viable. M. Soares asked if some of the parking spaces closer to the building could be covered. J. Bos said it could be considered, although it would not be practical to do so for those spaces closest to the building because of the patio bump outs of the units. For an additional cost, she said, renters can utilize one of three garages that will house a total of 30 parking spaces. L. Wiles confirmed that the building footprints, ranging from 15,755 sf to 16,510 sf, are under the maximum size allowed in the Rte. 102 POD. He said he thought it was a good use of the land and consistent with the goals of the Master Plan. L. El-Azem agreed and expressed an interest in the opinions of the residential abutters. M. Newman felt the lower traffic impact would be suitable to the area and noted that although a variety of retail options are within walking distance, the lack of sidewalks on Route 102 would probably make most renters use their vehicles.

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A. Rugg entertained public comment.

Senior Affairs Director Cathy Blash relayed comments from Londonderry seniors that this elderly housing would not be considered affordable. She stated that there is a lack of affordable elderly housing in Londonderry. A. Rugg said the Board is aware of the lack of that option, but added that it is up to the property owners as to how to develop their land.

Mike Speltz, 18 Sugarplum, asked at what point Golen Drive would be terminated. G. Chadwick said a cul de sac would be placed where the newer pavement currently ends and that caution would be taken concerning the wetland in that vicinity. M. Speltz offered that since the lots to the west in between Golen Drive and Rte. 102 are owned by the same entity, the Zoning Board of Adjustment may not find a suitable hardship regarding density since the owner could simple expand the project onto those other lots.

The applicant thanked the Board for their input.

#### **Other Business**

There was no other business.

#### **Adjournment**:

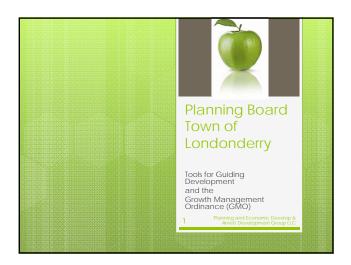
M. Soares made a motion to adjourn the meeting. J. Laferriere seconded the motion. Vote on the motion: 8-0-0.

The meeting adjourned at 9:25 PM.

These minutes prepared by Associate Planner Jaye Trottier

Respectfully Submitted,

Lynn Wiles, Secretary



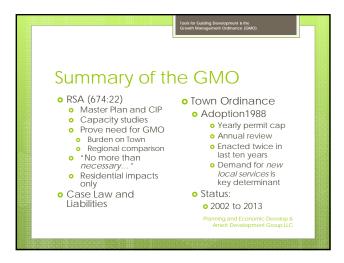
Agenda

Growth Management in context of local planning
Review history of Growth Management in Londonderry
Review current status of GMO in Londonderry
Review Consultant Report and Findings
Discussion and FAQs



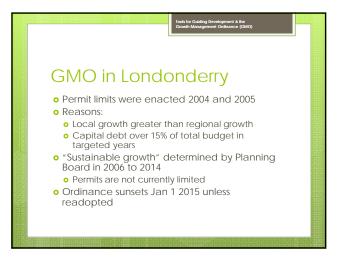


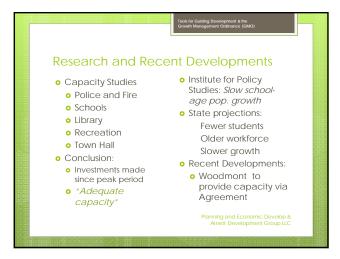




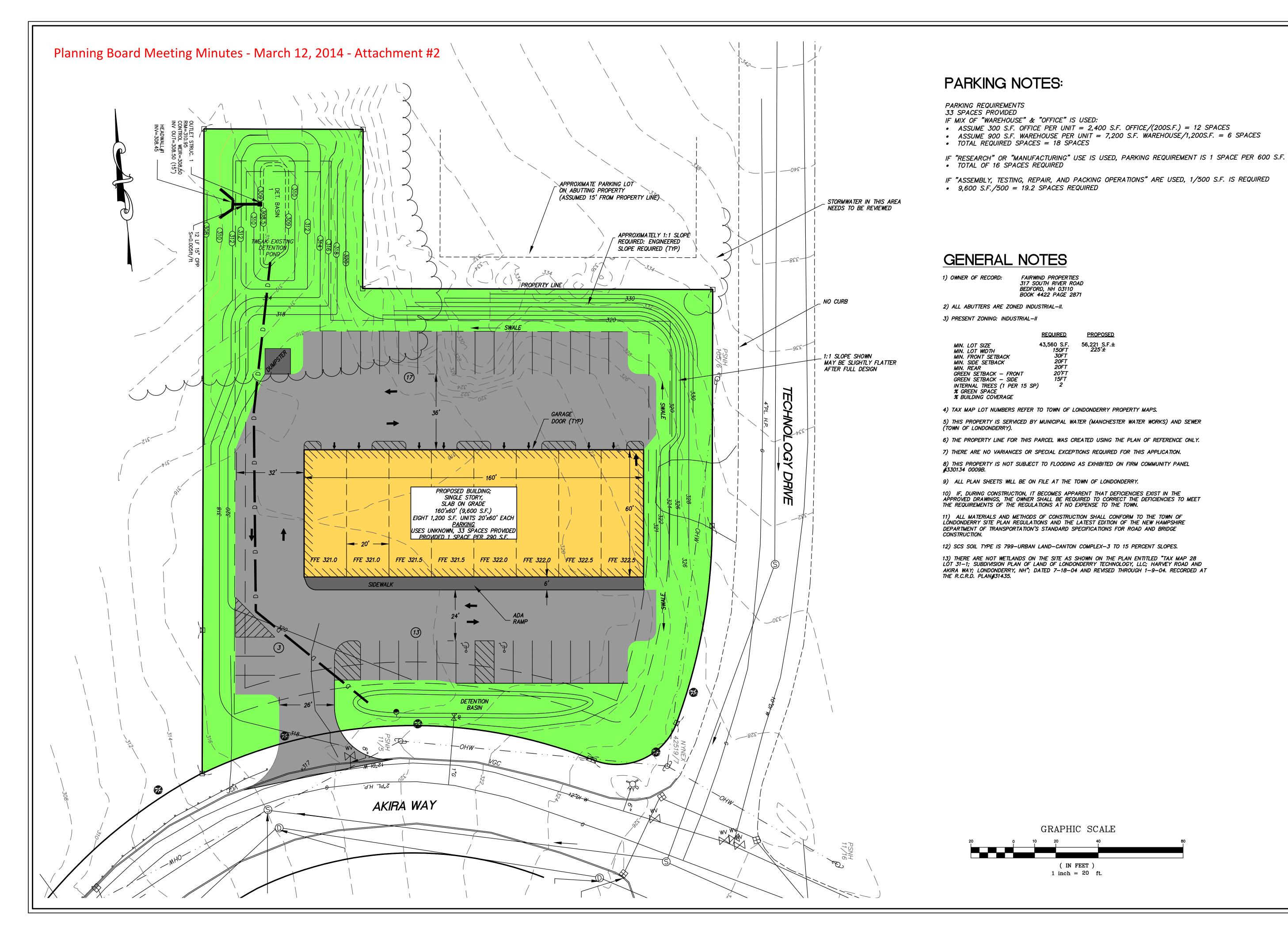












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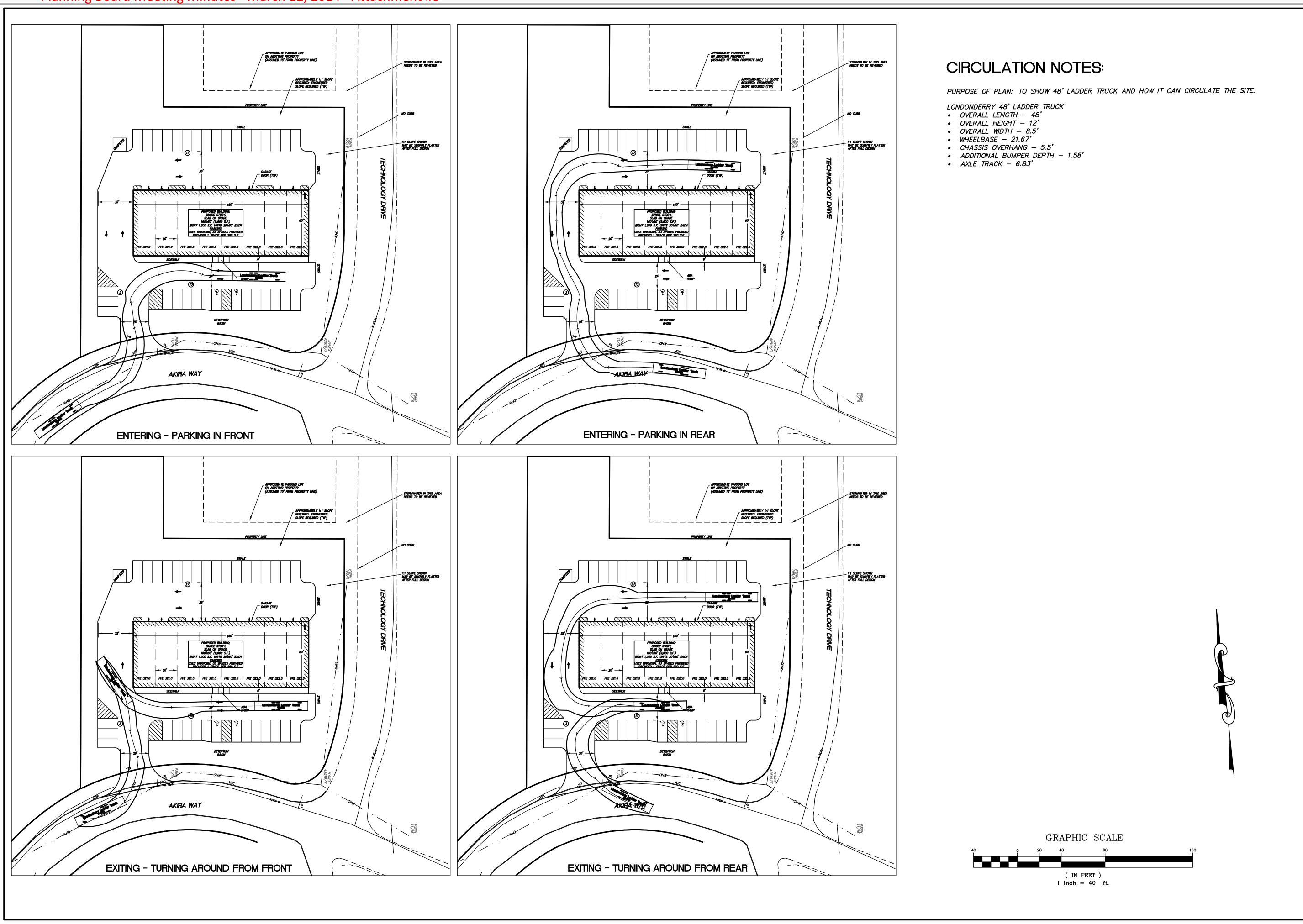
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