

1 **LONDONDERRY, NH PLANNING BOARD**  
2 **MINUTES OF THE JOINT WORKSHOP OF THE PLANNING BOARD AND**  
3 **HERITAGE COMMISSION ON JANUARY 22, 2009 AT THE LONDONDERRY**  
4 **HIGH SCHOOL CAFETERIA**  
5

6 7:00 PM: Members Present: Art Rugg; Kathy Wagner, Ex-Officio; Charles Tilgner,  
7 P.E., Ex-Officio; Mary Soares; Laura El-Azem; Chris Davies, alternate member;  
8 Cole Melendy, alternate member  
9

10 Also Present:

11 Heritage Commission: Art Rugg; David Colglazier; Sue Joudrey; Deb Paul; Paul  
12 DiMarco, Ex-Officio; Alternate Lara McIntyre; Alternate Tom Bianchi  
13

14 Staff: Tim Thompson, AICP; Cathy Dirsra, Planning Department Secretary  
15

16 A. Rugg called the meeting to order at 7:04 PM.  
17

18 **Workshop**  
19

20 T. Thompson gave a presentation outlining the history of the historic properties  
21 preservation effort, the purpose of the joint workshop and the definition of the  
22 Historic Overlay District (HOD). (See attachment)  
23

24 A. Rugg asked for public input.  
25

26 Tom Board, 16 Crosby Lane (directly behind Twin Gate Farm), said he is  
27 concerned about the new owners preserving the historic character of the Twin  
28 Gate Farm property.  
29

30 T. Thompson defined for everyone what is allowed in the AR1 zone.  
31

32 John Laferriere, 331 Mammoth Rd, said he is concerned what will happen after  
33 someone opts into the HOD. T. Thompson said, as previously written in the  
34 ordinance, that the owner would need to apply to the Heritage Commission and  
35 Planning Board for a conditional use permit and a site plan which would need to be  
36 approved by the Planning Board.  
37

38 Janet Griffin, abutter, said it would include many uses (i.e. restaurants, office  
39 space, etc) and she wants to see it remain AR1.  
40

41 T. Thompson clarified for everyone that what he hopes to get from the workshop  
42 is new ideas from the residents as to what we could offer as incentives for people  
43 to opt into the HOD.  
44

45 Dennis Griffin, said that the commercial aspect should not be allowed in a  
46 residential area.  
47

48 John Devine, 462 Mammoth Rd, asked what the incentive is for someone to opt  
49 into the HOD.

1 Steve Young, master plan steering from 2004 & member of the historic properties  
2 task force, clarified a question that was asked earlier was what would happen to  
3 these properties if the HOD was not passed & using today's zoning.  
4

5 T. Thompson said that without having all the information on the property in front  
6 of him, in general terms the maximum allowed would be up to 6 units per acre. He  
7 said the potential for Twin Gate (a 22 acre parcel) would be about 80-100 homes  
8 (assuming good soils and no wetlands). He also said that if the commercial aspect  
9 was allowed, and depending on what the applicant proposed in their plans, it could  
10 change to about 40 homes.  
11

12 Janet Lewis, 328 Mammoth Rd, said she doesn't support the commercial aspect.  
13 She would like to see the 16 properties recognized and likes the idea of receiving  
14 a tax break. John Lewis said that nothing commercial could be done with their  
15 property anyway because of the wetland at the back of the property. He also  
16 would appreciate a tax break.  
17

18 John Laferriere, 331 Mammoth Rd, said he is concerned that only these 16  
19 properties would be allowed to go commercial and that once they do it would  
20 change to other commercial uses and not just what was mentioned in the HOD. He  
21 is concerned about commercial replacing residential.  
22

23 Chris Paul, 2 Litchfield Rd (Nutfield Publishing), said that he and his wife started  
24 talking about this years ago. Their intent from the beginning was to preserve the  
25 look & feel of the historic property as it is. Deb Paul said that the former owners of  
26 2 Litchfield Rd wanted to turn that property into a rental property.  
27

28 Paul DiMarco, said the town cannot act on the historic preservation without state  
29 legislation.  
30

31 Tim Glass, 449 Mammoth Rd, is against the commercial aspect.  
32

33 Jan Devine, 462 Mammoth Rd, said that perhaps the reason that more people  
34 don't attend these workshops is because they are happy with their homes as they  
35 are and feel they don't need this HOD.  
36

37 Carlene Mceroy, 20 Crosby Lane, wants to know how the 16 homes were chosen.  
38 She thinks that by allowing commercial use we're not really preserving the historic  
39 value of the properties.  
40

41 Kathy Wagner, 15 Parmenter (& Town Councilor), said the HOD actually restricts  
42 her but it doesn't prevent her from wanting to keep her home & barn. She said  
43 she has always recused herself from all the discussions regarding the HOD. She  
44 said the motivation behind this was due to the fact that historic properties were  
45 selling because it was cheaper than keeping and preserving them.  
46 Residents also suggested approaching some of the local businesses to see if they  
47 would participate in fund raisers to help historic property owners pay for the  
48 repairs/renovations they need to do.  
49

1 Steve Young, 15 Parmenter, explained that some property owners are hesitant to  
2 make improvements because their taxes might get increased.

3  
4 Janet Griffin asked why we didn't include commercial/industrial properties in the  
5 HOD. T. Thompson explained that those parcels can already be used for  
6 commercial and industrial uses, and that the Planning Board can negotiate with  
7 developers when plans are submitted to try to keep the historic portions of those  
8 properties.

9  
10 Tom Board, 16 Crosby Lane, said he likes the idea of fund raising, perhaps even  
11 during Old Home Days.

12  
13 John Joyce, 196 Mammoth Rd (beauty shop next door & Elliot on the corner), said  
14 if they allow commercial use he feels it will forever change that property and it  
15 loses its historic value.

16  
17 A. Rugg encouraged everyone to contact their state reps in support of House Bill  
18 246. He said this will also be added to our website.

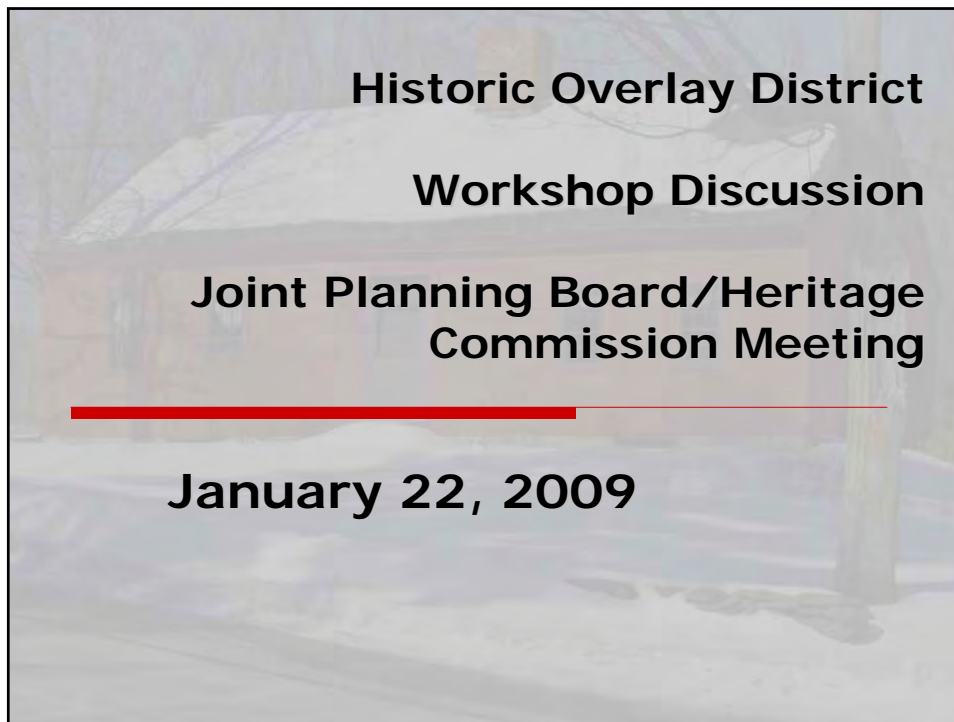
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20 A. Rugg said the Planning Board will meet on this topic on March 11 and the public  
21 is welcome to attend.

22  
23 A. Rugg said this ends the Planning Board portion of the joint workshop.

24  
25  
26  
27 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

28  
29  
30 Respectfully Submitted,

31  
32  
33  
34 Mary Wing Soares, Secretary



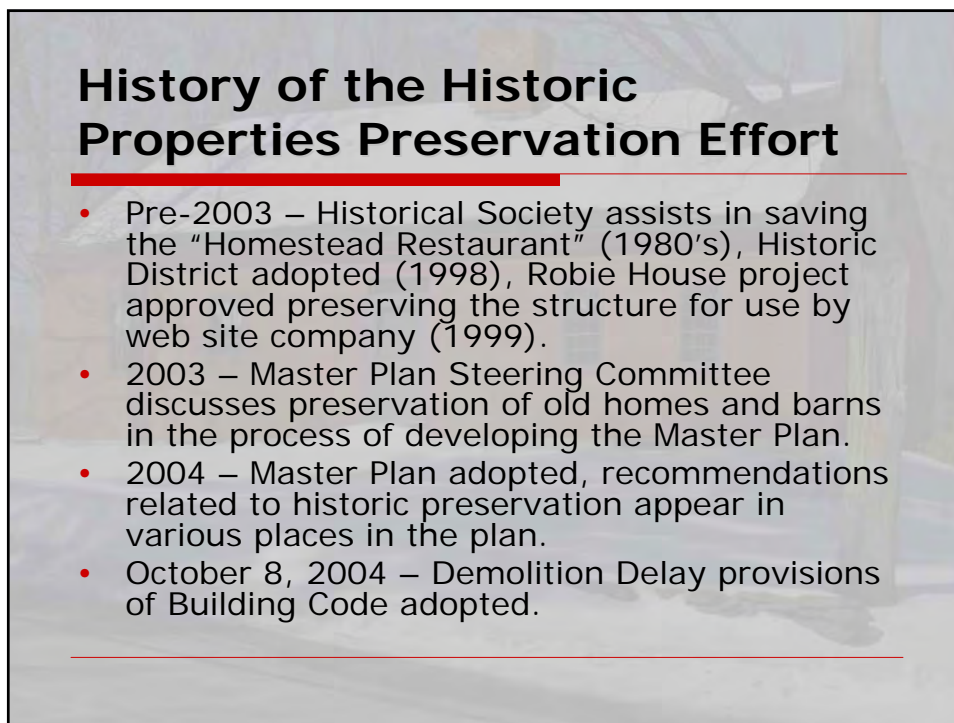
**Historic Overlay District**

**Workshop Discussion**

**Joint Planning Board/Heritage  
Commission Meeting**

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**January 22, 2009**



**History of the Historic  
Properties Preservation Effort**

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- Pre-2003 – Historical Society assists in saving the “Homestead Restaurant” (1980’s), Historic District adopted (1998), Robie House project approved preserving the structure for use by web site company (1999).
- 2003 – Master Plan Steering Committee discusses preservation of old homes and barns in the process of developing the Master Plan.
- 2004 – Master Plan adopted, recommendations related to historic preservation appear in various places in the plan.
- October 8, 2004 – Demolition Delay provisions of Building Code adopted.

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## History of the Historic Properties Preservation Effort (Cont'd)

- Late 2005 to mid 2006 – Public Hearings with Planning Board and Town Council relative to the rezoning of the property located at 2 Litchfield Road highlight conflict of existing Zoning and Historic Preservation.
- April 17, 2006 – Council establishes the Historic Properties Preservation Task Force.
- May 2006 to March 2007 – HPPTF meets monthly, develops definitions for Historic Structures and Historic Sites, inventories homes older than 100 years old, narrows list of over 200 properties to 141 (Since narrowed to 139 by Heritage Commission).
- March 28, 2007 – HPPTF holds workshop meeting with over 100 residents and property owners to brainstorm methods of preserving historic properties.

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**Task Force Recommendations:**

Based on the work completed to date, the HPPTF recommends the following to the Town Council to implement the work of the task force:

**Recommendation 1:** *The Town Council should work with the State Legislative delegation to encourage the State Legislature to create enabling legislation that allows for tax credits for Historic Structures; much like the enabling legislation to give tax credits for agricultural barn preservation (RSA 79-D). Such Tax Credits could go a long way, even more so than local ordinances and regulations, in encouraging owners of historic structures to preserve and maintain them in their historic character.*


**Recommendation 2:** *The Town Council should direct the Planning Board to investigate and develop Zoning Ordinance Amendments that address the following issues:*

- *Development of mechanisms in the Zoning Ordinance to allow for relief, when appropriate, from the dimensional requirements of the Zoning Ordinance for Historic Structures, recognizing that the vast majority of historic structures in Town were built long before Zoning, and that most currently require variances from the Zoning Board for any modifications to the structures.*
- *Development of an overlay district, or other appropriate zoning technique, to allow for very light commercial re-use of historic structures in appropriate areas that are adjacent to commercial or industrial areas, or located along arterial roadways. Identification of which parcels are appropriate should be determined by the Planning Board, with recommendations from the Heritage/Historic District Commission.*
- *Ensure that any proposed new ordinances or regulations are of an "opt-in" or voluntary basis for property owners. The Planning Board and Town Council should not force any new regulation or ordinance on property owners that do not wish to become part of the new overlay or zoning district.*

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## **History of the Historic Properties Preservation Effort (Cont'd)**

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- June 27, 2007 – HPPTF finalizes report, sends report and recommendations to the Town Council.
  - September 17, 2007 – HPPTF Report formally presented at Town Council Meeting.
  - September 27, 2007 – Heritage/Historic District Commission assumes responsibility of HPPTF Report and follow-through.
  - November 14, 2007 – Twin Gate Farm Conceptual Discussion with Planning Board. Told applicant that ordinance amendments are being developed. Recommended the applicant meet with Heritage Commission and abutters before returning to PB or to ZBA if applicant did not wait for ordinance changes.
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## **History of the Historic Properties Preservation Effort (Cont'd)**

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- February 20, 2008 – Follow Up Workshop with property owners held.
  - February 20, 2008 – Twin Gate variance requests denied by ZBA
  - March 27, 2008 – Heritage/Historic District Commission discusses/directs Planning Staff on development of zoning ordinance changes.
  - April 9, 2008 – Planning Board discussed dimensional relief zoning amendments for Historic Properties.
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## **History of the Historic Properties Preservation Effort (Cont'd)**

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- May 14, 2008 – Planning Board workshop – initial discussion of development of an overlay district for historic properties located along arterial roads.
  - May 22, 2008 - Heritage/Historic District Commission discusses/recommends approach on Overlay District development.
  - June 11, 2008 – Workshop with Planning Board on Overlay District.
  - July 9, 2008 – Workshop with Planning Board on Overlay District.
  - August 13, 2008 – Public Hearing with Planning Board on Dimensional Relief and Overlay District amendments.
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## **History of the Historic Properties Preservation Effort (Cont'd)**

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- September 15, 2008: 1<sup>st</sup> Town Council Public Hearing on proposed ordinance changes.
  - October 6, 2008: 2<sup>nd</sup> Town Council Public Hearing. Dimensional Relief portions of the amendments adopted. Overlay District portion of the amendments remanded back to the Planning Board.
  - November 12, 2008: Planning Board Workshop. Discussed possible revisions, determined that joint workshop with Heritage Commission was needed, notifying all 16 candidate parcels and all abutting parcels.
  - January 22, 2009: Tonight's Planning Board/Heritage Commission Joint Workshop
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## Why are we here tonight?

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- Council and majority of residents speaking at the hearings are not comfortable with the non-residential uses allowed by Conditional Use Permit as currently written.
  - Samples of what was heard at the hearings:
    - high volume type uses - restaurants, retail sales, need appropriate controls
    - concerns about property values
    - "preserving the old houses, but don't go commercial"
    - "not opposed to preserving historic properties, opposes commercial use"
    - "spot zoning"
    - "commercial creep"
    - Comparison to home occupation requirements
    - "too much discretionary power"
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## What needs to happen now?

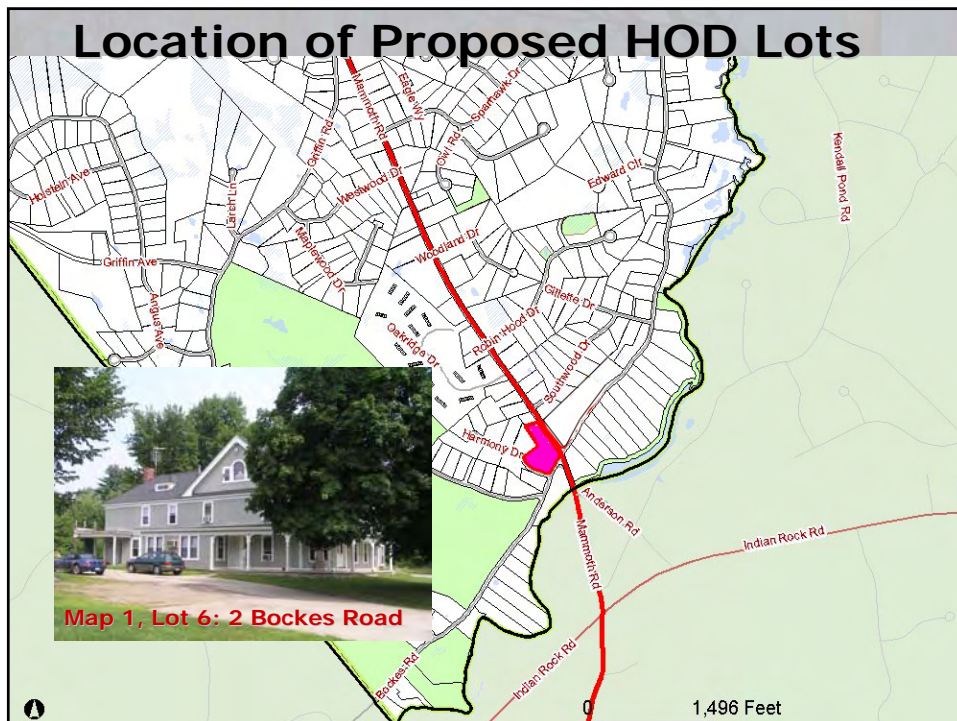
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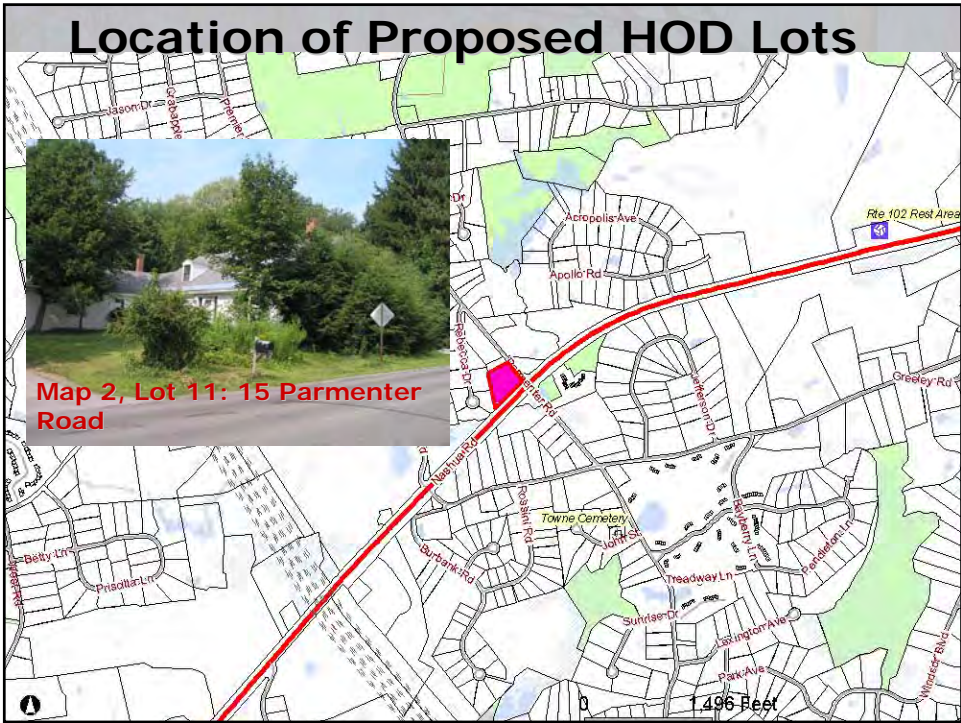
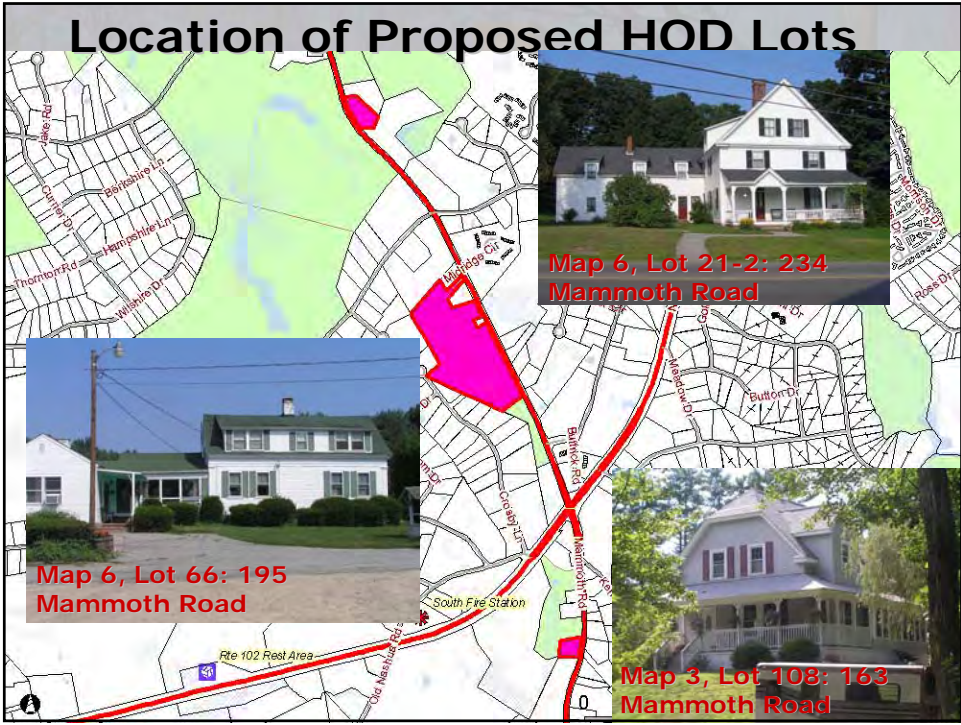
- State Representatives have submitted legislation to provide tax incentives for historic properties (House Bill 246)
  - Planning Board needs to determine how to properly incentivize the participation of property owners in the Overlay District taking the Council and public testimony into consideration.
  - Tonight's Workshop is intended to allow the public to weigh in on how the Board should proceed.
  - Town Staff needs direction from the Board and Commission before drafting any changes to the Overlay District ordinance language.
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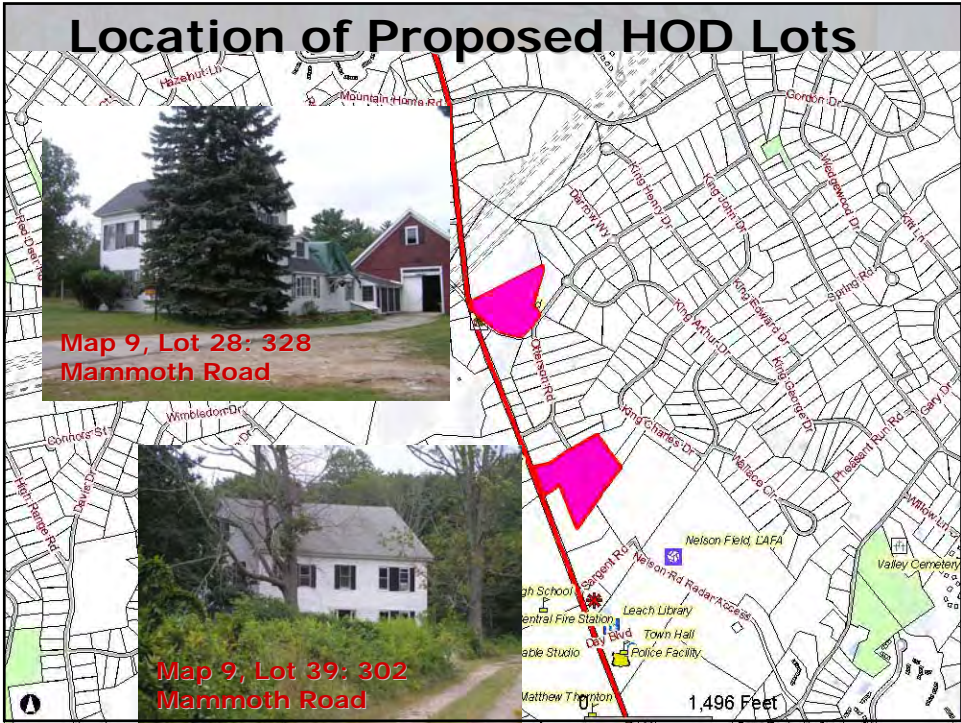


## Which parcels are proposed in the Overlay District?

- 16 parcels, all of which have an identified "historic structure," and frontage on an arterial road (either Mammoth Road or Nashua Road)
- Maps of the selected parcels are shown on the following slides









## What was the Historic Overlay District?

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- Allowed lots within the district to seek a Conditional Use Permit from the Planning Board that would allow for light commercial uses, in exchange for permanent protection of the historic qualities of the structures.
  - Uses that were proposed to be allowed by Conditional Use Permit:
    - Multi-family dwelling of 3 or less units
    - Adult Day Care
    - Limited retail sales compatible with surrounding residential uses (such as an antique shop)
    - Professional Office
    - Limited Service Establishment compatible with surrounding residential uses (such as a barber shop or hair salon)
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## What was the Historic Overlay District? (cont'd)

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- Planning Board and Heritage Commission charged with ensuring that proposed re-use of the properties would meet criteria of the ordinance.
    - The proposed use is consistent with the purpose and intent of the ordinance
    - Granting of the application is in the public interest;
    - The property would be reasonably suited for the use requested, and the design of the site preserves the historic, architectural and cultural value.
    - traffic access and impact on parking
    - landscaping
    - Overall project compatibility with the neighborhood,
    - Preservation of the original qualities and character of the building
    - The structure remaining compliant with the definition of
    - Historic Structure
    - Historic Preservation easement protecting the external features
- 

## What is needed tonight?

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- Your thoughts on how the Town should move forward.
  - Should the Town continue to look at non-residential uses as the incentive for participation in preserving these 16 properties?
  - Should the Town look at other means of encouraging preservation?
    - If so, what other incentives should be examined?
    - How do we keep the process voluntary, but still preserve the structures?
-