

1 **LONDONDERRY, NH PLANNING BOARD**  
2 **MINUTES OF THE MEETING OF FEBRUARY 13, 2008 AT THE MOOSE HILL COUNCIL**  
3 **CHAMBERS**  
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; Kathy Wagner, Ex-Officio;  
6 Charles Tilgner, P.E., Ex-Officio; Paul DiMarco; Mary Soares; Rob Nichols; Lynn Wiles; Laura  
7 El-Azem, alternate member; Melissa Nemon, alternate member; Chris Davies, alternate  
8 member

9  
10 Also Present: André Garron, AICP; Tim Thompson, AICP; Cathy Dirsra, Planning Department  
11 Secretary

12  
13 A. Rugg called the meeting to order at 7 PM. A. Rugg appointed M. Nemon to vote for J.  
14 Farrell; L. El-Azem to vote for M. Soares until she arrives; and C. Davies to vote for R. Nichols  
15 until he arrives.

16  
17 **Administrative Board Work**  
18

19 A. Signing of Minutes – January 2 & 9

20  
21 Minutes for January 2 and January 9 have been signed.  
22

23 B. Discussions with Town Staff

24  
25 Small Area Master Plan - Survey Questions

26 A. Garron said Andy Smith and Tracy Fowler weren't able to attend and he asked if we  
27 could postpone this discussion to the March meeting. A. Rugg said we will add this as an  
28 agenda item on the March 12 meeting.

29  
30 T. Thompson said last week we had received an extension request for Dan's Floor Store  
31 for an extension on their approved site plan. Initially they had indicated that they would  
32 be present at the meeting tonight to answer questions on the extension. The Board had  
33 granted the extension to March 5 temporarily. They weren't able to make the meeting  
34 due to a family death, but they did indicate that they will be here for the March 5 meeting.  
35

36 [ M. Soares and R. Nichols arrived at 7:15PM. L. El-Azem and C. Davies return to  
37 alternate member status. ]  
38

39 A. Garron said he and T. Thompson attended a workshop today hosted by NH Housing  
40 Finance Authority on inclusionary zoning and mastering density, which were very  
41 informative workshops.  
42

43 A. Rugg said the new airport director was present at the last Town Council meeting. P.  
44 DiMarco suggested looking at the tape of the Town Council meeting. He said that Mark  
45 Brewer is the new Manchester/Boston Regional Airport Director and that Mark also  
46 mentioned that his new Deputy Director is Brian O'Neil. Mark just started on January 8  
47 and his entire career is in airport management. Mark came to us from the Providence  
48 Airport. Mark said the FAA is looking at 11 airports in New England and looking at  
49 metropolitan areas and how the airports flow between them. He said they estimate that  
50 20 million additional passengers to those 11 airports are expected in the next 20 years.  
51 Logan has 24 million passengers a year now. Manchester airport is expected to double  
52 from 4 to 8 million passengers in the next 15-20 years. Growth areas are the terminal

1 building and parking. He felt that the runways are built out to support the next 20 years.  
2 He talked about a new master plan in FY2009 coming up. P. DiMarco suggested bringing  
3 Mark in to attend a Planning Board meeting at some point.  
4

5 A. Rugg said the Conservation Institute is going to be held February 21, 2008 at 6:30-  
6 9:00PM in the Southern NH Planning Commission (SNHPC) conference room at their  
7 Dubuque Street headquarters in Manchester.  
8

9 **Public Hearings**

10  
11 A. Growth Management Ordinance - Determination of Growth Sustainability - Public  
12 Hearing  
13

14 A. Garron read his memo to the Planning Board (see attachment 1).  
15

16 A. Rugg asked for public input.  
17

18 M. Brown, 5 Carousel Court, asked staff if they feel the GMO is doing what it was  
19 intended to do. A. Garron said yes, we feel it's doing what it should and he said it is  
20 based on residential growth.  
21

22 **M. Soares made a motion to determine that The Town of Londonderry will be in a**  
23 **period of sustainable growth and there will be no cap on the number of building**  
24 **permits issued. This decision will expire December 31, 2008. P. DiMarco seconded**  
25 **the motion. No discussion. Vote on the motion: 9-0-0.**  
26

27 B. Conceptual Discussion - Berkshire Development, LLC - Former "Olde Londonderry" Site,  
28 Map 7, Lots 132-1 through 132-20  
29

30 T. Thompson said this site was formerly planned to be the Olde Londonderry site, and  
31 gave a brief history of the parcels, including the application of the Route 102  
32 Performance Overlay District (POD) and the never completed rezoning for affordable  
33 elderly housing.  
34

35 Tony Marcotte from Bedford Design and John Rufo from Arrowstreet presented their  
36 plans. James McDonald from Berkshire Development was also present.

37 T. Marcotte said some of the benefits of this project would be to make road  
38 improvements, including a signalized intersection at Button Drive and Route 102 and it  
39 would bring a sewer line into the area. He noted that this project is in the POD. J. Rufo  
40 said this project would consist of 142,000 sf of retail (one 50,000 sf building, one 25,000  
41 sf building, 17,600, 6,200, 17,000, 13,000 and various other buildings). He said they  
42 have met with staff and it was suggested to try to meet the "campus style" of  
43 development envisioned by the POD. A. Garron said they have been working with  
44 Berkshire group over the last few months. He said the previous plan presented by Joe  
45 DeCarolis was never approved and staff feels that this plan would be a good fit within the  
46 POD, providing that the Board approves a rezoning. T. Thompson said the building  
47 sizes, with the exception of the 50,000 sf building, would be permitted within the POD if  
48 the incentives from the ordinance were achieved. He said the landscaping and  
49 architecture fit the POD. He also stated that relief will be needed from the Zoning  
50 Ordinance for the project to proceed as conceptually designed. The staff would  
51 recommend pursuing a rezoning for the project, and that a variance for the building size  
52 should only be used if the rezoning is unsuccessful. Janusz Czyzowski, Director of  
53 Public Works & Engineering, said he feels certain that if they leave the cul-de-sac open

1 to the residential neighborhood they will get many objections from abutters. He  
2 suggested that they work with abutters early on in the process and that perhaps they  
3 could offer sewer line access in return for altering the driveway/route 102 access. T.  
4 Marcotte said this project would involve possibly 5 lanes on Route 102 to handle the  
5 increased traffic flow and that a full traffic study would need to be done. T. Thompson  
6 said all 20 lots are within the POD. J. Czyzowski said eventually the sewer line could  
7 extend over to Buttrick Road on the north side of Route 102. M. Soares suggested  
8 making the 50,000 sf building more rectangular vs. square and to provide pathways  
9 (sidewalks) along Route 102.

10 L. El-Azem said if they could make this project "walkable" it would really attract shoppers  
11 because there is nothing like that in the local area.

12  
13 A. Rugg asked for public input.

14  
15 M. Brown, 5 Carousel Court, is concerned that the consensus of the board is to rezone  
16 the POD to allow the 50,000 sf retail building. He believes that sticking to the POD  
17 standards would be the right thing to do.

18  
19 A. Rugg said the consensus of the Board was to close the access to the cul-de-sac from  
20 the development and pursue a rezoning rather than a variance.

21 [ M. Soares left at 8:30PM. A. Rugg said L. El-Azem will vote for M. Soares. ]  
22

23 C. Public Hearing - Rezoning Request - Robert and Patricia Panciocco, Map 7, Lot 132-28 -  
24 From C-IV to AR-I.

25  
26 Patricia Panciocco came before the Board to answer any possible questions regarding  
27 her request for rezoning this property.

28  
29 T. Thompson summarized the following from the staff recommendations:

30  
31 *As presented to the Planning Board conceptually on December 12, 2007, the applicant seeks to*  
32 *develop the property as a duplex. The parcel is bounded by both the C-II/Rt. 102 POD and AR-I*  
33 *zoning districts. The Board agreed in December that the rezoning was appropriate given the*  
34 *proximity to the residential district to the east.*

35  
36 *This parcel was originally zoned residential and was part of the subdivision that created the*  
37 *residential lots to the east. In 2002 this was one of 2 parcels that opted to be rezoned to C-IV*  
38 *(Neighborhood Commercial) when the district was originated. At that time, it was anticipated that*  
39 *a small professional office may be developed on the property. Since the lot has not developed*  
40 *commercially, the owner has opted to ask for this rezoning, to allow the development of a duplex*  
41 *residential structure.*

42  
43 **Staff Recommendation:**

44  
45 *In summary, the rezoning is consistent with the Master Plan (this parcel or area was not*  
46 *specifically called out in the Master Plan) and with the neighborhood to the east. As such, staff*  
47 *recommends that the Planning Board **RECOMMEND** this rezoning from C-IV to AR-I to the Town*  
48 *Council.*

49  
50 A. Rugg asked for public input, but there was none.

51  
52 A. Garron asked if the lots across from this lot are AR-1. T. Thompson said no, this lot  
53 abuts commercial property.  
54

1 **P. DiMarco made a motion to recommend the zoning change from C-IV to AR-I to**  
2 **the Town Council. R. Nichols seconded the motion. Vote on the motion 9-0-0. A.**  
3 **Rugg said this will go to the Town Council.**  
4

5 D. Crowells Corner Properties, LLC (Nutfield Publishing), Map 12, Lot 68 - Continued  
6 Application Acceptance and Public Hearing for a Site Plan for a change in use from  
7 residential to commercial office.  
8

9 A. Rugg said this project has been withdrawn back to Design Review. T. Thompson said  
10 all abutters will be notified the next time this is scheduled to go before the Planning  
11 Board.  
12

13 E. Workshop - Zoning Ordinance Amendments for Portable Storage Structures  
14

15 T. Thompson referred the Board to the proposed ordinance language (developed by the  
16 Building Department) that was presented in December (see attachment 2), and that  
17 Building Department Staff and Mike Brown from the Zoning Board were in attendance to  
18 discuss the proposal. Jim Smith, Building Inspector and Frank Holdsworth, Code  
19 Enforcement Officer, proposed their recommendations. J. Smith said there are several  
20 storage units being used in town and it's a compliance issue. F. Holdsworth feels that if  
21 we don't put some timeframes and/or setbacks in place we will have lots of problems in  
22 the future. He said what we need is a mechanism for enforcement. J. Smith said we  
23 propose to have a 30-day limit, but is flexible based on what the Planning Board  
24 recommends.

25 M. Brown spoke on behalf of the ZBA and said this issue is included in the zoning  
26 ordinance for Home Occupations, but it needs to be amended to address the remainder  
27 of parcels that are not coming to the ZBA for Home Occupation Special Exceptions.  
28 T. Thompson suggested continuing this workshop to another date and that he will work  
29 with staff in the meantime. The Board agreed.  
30

31 F. Workshop - Street Naming/Addressing Ordinance w/ Assessing & Fire Departments  
32

33 Karen Marchant, Assessor and Jim Bilodeau, Fire Dept, presented their  
34 recommendations to the Board. K. Marchant said there are problems with road names  
35 and house numbers. Sometimes it's difficult for fire/rescue to locate properties in  
36 emergency situations. The proposal makes the Planning Board the appeals body for  
37 numbering appeals, consistent with the direction of the Town Council and the state  
38 statutes. She recommends moving their suggestions onto the Town Council for  
39 approval.  
40

41 G. Workshop - Alternative Roadway Design Report from SNHPC - Discussion on  
42 adapting/revising to add to Subdivision regulations.  
43

44 A. Garron said the concept of looking at roadway design came about because SNHPC  
45 had a round table discussion about road standards. He said that through that process  
46 they developed a standard, which was sent out to all NH Planners, DPW, etc.

47 J. Czyzowski and Jerry Fortin, Stantec, presented their recommendations to the Board.  
48 J. Czyzowski feels that road standards should be defined by volume, type of roads and  
49 speeds, not specific to the projects and not based on round table discussions from the  
50 SNHPC. A. Garron said staff had met with the DPW last summer and it was agreed that  
51 the road standard would be based on volumes of traffic and the type of development.  
52 T. Thompson said Planning will work together with DPW and come back to the Board  
53 with their recommendations.

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**Other Business**

P. DiMarco said Chairman Paradis is running a forum for all the candidates running for election on Saturday February 16 at 9:30AM. It will start with Town Council and then goes through Budget Committee and then all the different positions. At 10:30AM they're doing a debate, which can be viewed live on TV and tapes will be available. K. Wagner said the town website has candidate info as well on [www.londonderrynh.org](http://www.londonderrynh.org).

**Adjournment:**

**P. DiMarco made a motion to adjourn the meeting. R. Nichols seconded the motion. No discussion. Vote on the motion: 9-0-0. Meeting adjourned at 11 PM.**

These minutes prepared by Cathy Dirsra, Planning Department Secretary.

Respectfully Submitted,

Paul DiMarco, Secretary

PLANNING & ECONOMIC DEVELOPMENT DEPT.  
50 NASHUA ROAD, SUITE 100  
LONDONDERRY, NH 03053

**Town of Londonderry**

# Memo

**To:** Planning Board  
**From:** André L. Garron, AICP, Planning & Economic Development Director   
**Date:** February 13, 2008  
**Re:** 2006/2007 Growth Management Determination

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The Planning Board, in accordance with section 1.4-Growth Management and Innovative Land Use Control of the zoning ordinance must make a determination of sustainability prior to March 1, 2006. The Board must also make a GMO determination using Section 1304 of the 1998 Growth Management Regulations as well.

Both versions of the GMO will be combined this year because the end result will be the same. The current GMO requires that 2 of 3 criteria from Section 1.4 must be met to make a determination of "unsustainable growth." Also, in accordance with Section 1304, 3 of 3 criteria must be met to make a determination of "unsustainable growth."

## Evaluation:

In accordance with the Londonderry Growth Management and Innovative Land Use Control Regulation Section 1.4 (2002 GMO Version) and Section 1304 (1998 GMO Version), a determination of unsustainable growth occurs when **two of three** (or 3 of 3 of 1998 GMO) of the following findings are made:

- A) The present year number of building permits authorized by the Building Department exceeds the average rate of dwelling unit authorizations in Londonderry over the six preceding calendar years;
  - 1) The average number of permits authorized over the preceding six years is **110**. In 2007, Londonderry authorized **57** permits (**57<110**). **Condition not met**
    - a) Section 1304 of the 1998 GMO requires that 3 of 3 conditions be met. Given that the first condition was not met, Section 1304 of the 1998 GMO will not meet the conditions of unsustainable growth. The remainder of the analysis will focus solely on the 2002 GMO.
- B) A percentage increase in housing units over the preceding calendar year equal to [or greater than] the rate of increase in housing units for that preceding year summed across the **six** municipalities which abut Londonderry (Auburn, Derry, Hudson, Litchfield, Manchester, and Windham).
  - 1) The number of housing units authorized by the Londonderry Building Department grew by **.6689%** between 2006 and 2007; the number of housing units authorized by the building departments in abutting municipalities grew by **.6522%** between same period (**.6689% >.6522%**). **Condition met**

B) The maximum rate of dwelling units authorizations whose projected to demands can be adequately serviced and provided with facilities at a prudent level of fiscal strain, based upon the following:

1) The rate of residential development at which the number of pupils projected by the Londonderry School Board to be enrolled in the Londonderry School System would not in any given year exceed the stated capacity of the Londonderry School System in that year, based upon facilities development as contained in the Capital Improvement Program most recently approved by the Planning Board;

a) The most recent stated enrollment capacity of the School System is **6,347<sup>\*</sup>**. The present enrollment as of October 2005 (as reported in the 2005 School District Information Sheet) is **5,323<sup>\*\*</sup>**. (**5,323 Enrollment < 6,347 Capacity**). Also, the 2009 to 2014 CIP has scheduled replacement of the modular classrooms with a permanent structure to South School.  
**Condition Not Met**

2) The rate of residential development determined by the Planning Board, based upon careful studies and consultation with the agencies involved, to be the highest which would not exceed the Town's capacity to service growth with public facilities other than schools, as planned in the six year Capital Improvements Program most recently approved by the Planning Board.

a) Over the past several years, Londonderry has taken steps to address the growing demand on public facilities by funding and /or completing projects such as:

(1) New Police Station;

(2) New Town Hall;

(3) New South Fire Stations;

(4) Additional funds for intersection improvement at Litchfield/Stonehenge and Rt. 128

b) These projects have been approved in past capital improvements programs or are current projects in the approved 2009-2014 CIP. Based on what has been completed by Londonderry's capital improvements program and what is proposed to be expended on public facilities in the 2009-2014 program, there does not appear to a strained on public facilities based to the rate of residential growth. **Condition Not Met**

3) The combined municipal and school appropriations for capital expenditures, including debt service and capital outlay, will on average exceed 15% of the total municipal and school department appropriations combined over the period covered in the current Capital Improvements Program.

The combined municipal and school appropriations for capital expenditures, including debt service and capital outlay on average from 2002/2003 to 2007/2008 totals **\$6,040,769**. The total combined town and school appropriation for 2007-2008, as reported by the Finance Department, is **\$ 49,809,888**. The total capital expenditure on average compared to the total budget appropriation represents **12%**, which is less than the **15% cap** of the total combined appropriations; therefore this **condition is not met**.

<sup>\*</sup> Based on Bruce Mayberry's research in Londonderry's School Impact Fee Methodology 2002 Update

<sup>\*\*</sup> Source: 2007 School District Annual Report (Pg. 11)

### Conclusion

Given that two of three of the 2002 GMO was not met and three of the three criteria of the 1998 GMO was not been met, staff recommends that the Planning Board make a determination that for 2008, the Town of Londonderry **will** be in a period of **sustainable** growth, and there will be no cap on the number of building permits issued. This decision will end on December 31, 2008.



2.3.1.9 Portable Storage Structures: The use of portable storage structures are allowed in the AR-I District under the following conditions:

2.3.1.9.1 There must be no more than one portable storage structure per property.

2.3.1.9.2 The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.

2.3.1.9.3 A portable storage structure shall not remain at any property in excess of thirty consecutive days and shall not be placed on any one property in excess of thirty days in any calendar year.

2.3.1.9.4 The portable storage structure shall be set back a minimum of 15 feet from any side or rear lot lines, and 40 feet from any front property line.

2.3.1.9.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.

2.3.1.9.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks.

2.3.1.9.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.3.1.9.1 through 2.3.1.9.6.

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Commercial Districts:

2.4.2.12 Portable Storage Structures: The use of portable storage structures are allowed in the Commercial Districts under the following conditions:

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2.4.2.12.1 There must be no more than one portable storage structure per property.

2.4.2.12.2 The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.

2.4.2.12.3 A portable storage structure shall not remain at any property in excess of thirty consecutive days and shall not be placed on any one property in excess of thirty days in any calendar year.

2.4.2.12.4 The portable storage structure shall be set back a minimum of 30 feet from any side or rear lot lines, and 60 feet from any front property line.

2.4.2.12.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.

2.4.2.12.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.

2.4.2.12.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.4.2.12.1 through 2.4.2.12.6.

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Industrial Districts:

2.5.1.3.12 Portable Storage Structures: The use of portable storage structures are allowed in the Industrial Districts under the following conditions:

2.5.1.3.12.1 There must be no more than one portable storage structure per property.

2.5.1.3.12.2 The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.

2.5.1.3.12.3 A portable storage structure shall not remain at any property in excess of thirty consecutive days and shall not be placed on any one property in excess of thirty days in any calendar year.

2.5.1.3.12.4 The portable storage structure shall be set back a minimum of 20 feet from any side or rear lot lines, and 30 feet from any front property line.

2.5.1.3.12.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.

2.5.1.3.12.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.

2.5.1.3.12.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.5.1.3.12.1 through 2.5.1.3.12.6.

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Definitions:

composed of a series of lights that may be changed through electronic means. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

**SITE PLAN:** To the extent required by the Planning Board, a plan indicating the location of existing and proposed structures, paved areas, walkways, vegetative cover, existing and proposed grades, initial landscaping, and screening within a site proposed for development which is to be submitted to the Planning Board for approval prior to the release of building permits on the site.

**SLOPE:** The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey Soil Classification.

**SPECIAL EXCEPTION:** A use of a building or lot which may be permitted under this Ordinance only upon application to the Board of Adjustment and subject to the conditions and approval of that Board, and only in cases where the words "Special Exception" in this Ordinance pertain.

**STORY:** That part of a structure between the surface of a floor and the ceiling immediately above.

**STORAGE, SELF-SERVE:** a building or group of buildings divided into separate compartments, which may be leased or rented on an individual basis.

**STORAGE STRUCTURE, PORTABLE:** any container, storage unit, shed-like container, or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can be used for storage of personal property of any kind and which is located for such purposes outside an enclosed building.

**STREET:** Public ways established by or maintained under public authority, private ways open for public use, and private ways plotted or laid out for the ultimate acceptance as a public street whether or not constructed.

**STRUCTURE:** Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground. Antenna, awnings, driveways, exterior lighting fixtures, fire hydrants, gardens, mailboxes, parking surfaces, retaining walls less than three feet in height, survey monuments, temporary storage areas, walks, and similar minor structures shall not be considered structures for bulk regulation purposes. In addition, unenclosed ground level decks, and unenclosed elevated decks which project no more than ten (10) feet from the principal structure, shall not be considered structures for lot coverage purposes when constructed onto a single-family attached dwelling.

**TEMPORARY MANUFACTURING PLANT:** A temporary rock crushing plant used to produce crushed gravel or crushed stone product to be permitted in operation for not more than 60 days. Temporary Manufacturing Plants are to operate in compliance with the excavation regulations adopted by the Town of Londonderry Planning Board on January 26, 1994 on file with the Town of Londonderry Planning Department.

**TERMINAL, AIRPORT:** Shall mean a building or buildings designed to service persons using the Airport, and may accommodate such uses as ticket purchases and exchanges, passenger and baggage check in, waiting areas, the sale of goods, the sale of food and alcoholic beverages, banks, ATM machines, barber and beauty shops, shoe shine, car rentals, travel services and other uses customarily found in Airports located within the United States.