

# **Londonderry Heritage/Historic District Commission Meeting**

**MAY 25, 2023 - 7:00 P.M.**

## **MOOSE HILL CONFERENCE ROOM**

- I. Call to Order:** Chairman Krys Kenney called the meeting to order at 7: 00 pm. The following Commissioners were present: John Mahon, David Colglazier, Art Rugg, Kristin Endyke, Sue Joudrey, Jim Butler, and Krys Kenney. Absent: Alternate Commissioners Laura Schenkman and Lee Jeffers. Also present: Town Manager Mike Malaguti and Assistant Town Manager Kellie Caron.
- II. Approval of minutes from prior meeting:** A. Rugg made a motion to approve the minutes of the March 23, 2023 meeting; D, Colglazier seconded the motion. The motion passed, 7-0.
- III. Design/Formal Review Applications:**

- a. Application for design review of a site plan for the construction of a 58,432 square foot warehouse and storage facility and associated site improvements, 88A Harvey Road, Map 14 Lot 17, Zoned IND-II, Patriot Holdings, LLC (Applicant) and VAB Properties, LLC (Owner).**

Presented by John Noonan of Fieldstone Land Consultants. The presenter focused on open items from an earlier Heritage meeting. A photometric, dark sky compliant lighting plan was reviewed as were the associated lighting fixtures. Exterior open dumpsters and enclosures have been eliminated in favor of closed trash compactors appended to the building and accessed through a prodded door. Mechanicals will be either roof or wall-mounted with no concrete pad needed for these on the ground. Roof color will be colored slate grey in contrast to the light grey siding of the building. Signage will be a single monument sign with slots for each tenant. Individual wall-mounted signs, if any, will require tenants to secure permits.

**Action: Approval recommended.**

- b. Application for a site plan amendment to merge two existing lots (Map 15 Lot 22-1 and Map 15 Lot 23-2) and construct a 16-unit residential building with supporting infrastructure, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE 28 POD, V&W Investment Group, LLC (Owner & Applicant).**

Presented by Doug MacGuire of The Dubay Group and Jeff Kuehl of Berard Martel. This is in follow-up to comments from the previous Heritage meeting. The presenter showed a rendering including actual landscape plans. The emphasis here was that trees along the street side of the building would break up that façade answering a previous Commission concern. Additionally, the applicant changed the windows to the 6 over 6 windows preferred by the Commission. The colors of the vinyl siding were shown in the renderings provided. Finally, Giovanni Verani, President, Verani Realty, the applicant, spoke to the concern about a purported historic property at this location known as the “Donati House”. If in fact this ever existed, his recollection was that it was removed three decades ago.

**Action: Approval recommended.**

- c. **Application for design review of a site plan for a 102,418 square foot manufacturing facility and associated site improvements at 55 Pettengill Road (Map 14 Lot 49-3, Zoned Gateway Business District), NB Development Group, LLC (Applicant) and One Pettingill Road Realty, LLC (Owner).**

Presented by Jim Petropulos of Hayner/Swanson Inc. and Shane Mulrooney of Mulrooney Architecture and Design. Also present, Jim Halliday, President, New Balance, and Kevin Smith, consultant to this project. This is a 17 acre property located on the corner of Pettingill Road and Ray Wiczorek Drive. New Balance Development proposes to build a 102, 418 square foot manufacturing facility with 270 parking spaces on the west side of the building. Seven loading docks and parking for 10 trailers will be on the west side of the building. The landscape plan focuses on the perimeter of the property with additional trees designed to conceal the loading dock and trailer parking area. The applicant will ask for a waiver on the requirement to plant a single tree in the trailer parking area. The lighting plan includes both light poles and wall pack lighting. The building has a canopied entrance leading to a 22,000 square foot office with about 80,000 square feet of manufacturing space to the rear. The office exterior will have metal panels; the manufacturing area will have precast concrete walls. Exterior office colors are charcoal grey transitioning to an off-white shade; the manufacturing area will have a charcoal grey exterior color. A sole backlit ground sign will feature a 70 foot stone wall. 4 foot high, with a 30 foot New Balance sign on top. There will be two building-mounter New Balance signs including one over the canopied entrance. There will also be several directional signs on this large lot. Mechanicals for this building will be on the roof. A. Rugg suggested the addition of purple lilacs to the landscape plan to which the applicant agreed. There is space to expand this building from its current 250 employee profile to 450 employees.

**Action: Approval recommended.**

**IV. Staff Reports: None**

**V. Other business**

**a. Richard Flier – 2 Litchfield Road**

2 Litchfield Road is on the corner of Mammoth Road and Litchfield Road. This property includes both a house and a barn dating back to the late 1700's/early 1800's. This property is under a Historic Preservation Easement under which the Heritage Commission was given some rights to inspection. J. Mahon and J. Butler visited the property with owner Richard Flier on April 27, 2023. A copy of the report of that visit is attached.

Mr. Flier spoke at length about the challenges he faced with this commercially-zoned property. The barn has had issues with bats and other vermin such that Mr. Flier boarded up its windows to restrict access. The roof is in poor condition further endangered by a non-original cupola balanced precariously on its peak. Siding is rotted. A 2007 review suggested that \$50,000+ would be required then to restore this building. The house has a stone that allows water into the basement when it rains. Mr. Flier reported that some of this moisture has wicked up into the siding causing it to be consistently damp from the inside out and necessitating two exterior paintings in the past few years. Interiors floors are warped or uneven. Fireplaces have been closed-off to preserve heat from a furnace that Mr. Flier indicates needs replacement. The kitchen area is more aptly compared to a commercial breakroom as it lacks appliances like a stove. The bathrooms are of somewhat recent vintage but face challenges due to the state of the plumbing in the house. The

electrical system is inadequate to support modern electric al needs of most potential commercial users.

Mr. Flier reports that his attempts to sell this property have failed in large part due to some of the restrictions in the Historic Preservation Easement. Town Manager Mike Malaguti indicated that changes in the easement would ultimately be a Town Council decision but that the first stop on the way to that decision was this one at the Heritage Commission. He further indicated that one clause of the easement appeared to address the possibility that deterioration of the property might render meeting the terms of the easement impossible. Mr. Malaguti further indicated that modification of the easement may require the approval of a court. He further made the point that historic preservation of this property would only be possible with commercial viability and that some of the terms of the current easement make commercial viability unlikely.

**Action: A motion to direct the Town Manager to work with the Town Council and the Town Attorney to make necessary changes to the easement to make 2 Litchfield Road commercially viable was made by A. Rugg and seconded by J. Butler. The motion passed 7-0.**

## **VI. Public input**

David Ellis asked about the opportunity to have public input on 2 Litchfield Road. Mike Malaguti indicated that a public meeting might be appropriate in addition to public comment opportunities at meetings of both the Heritage Commission and the Town Council.

Art. Rugg indicated a need to update the list of historic properties in town.

Jim Butler suggested the possibility of inducing David Ellis to join the Heritage Commission via the open alternate slot.

**VII. Adjournment:** At about 9:55 PM, J. Mahon made a motion to adjourn; A. Rugg seconded. The motion passed, 7 -0.

**Date:** May 14, 2023

**To:** Heritage and Historic District Commission

**RE:** 2 Litchfield Road Inspection

**Background:** At the March 23, 2023 meeting of the Heritage and Historic District Commission (HHDC), David Ellis made those in attendance aware that the property at 2 Litchfield Road was posted as “For Sale”. Since this property is under an Historic Preservation Easement, the HHDC decided that an inspection, as allowed in that easement, would be appropriate. I volunteered and was designated to represent the HHDC in said inspection. The HHDC suggested that I be accompanied by the Town of Londonderry’s Building Inspector Nick Codner and by Ann Chiampa from the Londonderry Historical Society. The Town Manager reviewed the easement and concluded that it limited the inspection rights of the HHDC only to members of the HHDC. At this point I asked Jim Butler, someone very knowledgeable in buildings and building materials, to attend with me. Jim agreed and we met the property owner, Mr. Richard Flier, and his real estate agent (whose name I failed to note) on April 27, 2023 at 2 Litchfield Road.

**Inspection:** Mr. Flier first showed us the barn. He indicated that his efforts in this structure consisted largely of removal of debris accumulated over many years by previous owners. He also made extensive efforts to remove vermin from the barn, including a colony of bats. The barn was in disrepair when Mr. Flier bought the property and remains so. In 2007, prior to Mr. Flier’s ownership, the New Hampshire Preservation Alliance Historic Barn Assessment Program reported that the barn required about \$60,000 worth of restoration work. In the 16 years since then, both the need and the cost of renovation has undoubtedly grown. Mr. Flier believes that little of the old barn can be salvaged beyond perhaps some beams. On our walk-through, I did not see anything that would cause me to disagree with him. Currently, the barn is used by a former tenant of Mr. Flier’s as storage.

We next toured the house at 2 Litchfield Road. We found the basement to be dry on this day but Mr. Flier advised that the stone foundation leaks extensively when it rains. Further, he advised that this moisture has wicked-up into the siding and walls. This has necessitated exterior painting twice in the 6 years that Mr. Flier has owned the property. He has also painted all of the interior walls. He noted that many of the interior updates were done by a previous owner including flooring, bathrooms, and a kitchen area. None of these are at all “historical” in nature. Mr. Flier has done some work to the front entrance of the property to preserve its historical appearance. Mr. Flier has no paying tenant at this property at this time.

Finally, we sat with Mr. Flier and his real estate agent. They described to us the difficulty they are having in either renting or selling this property. Beyond the challenges presented by the condition of the barn and the house, Mr. Flier and his agent detailed us on a number of prospective buyers who found the terms of the historic easement so onerous that they terminated their interest in the property. Mr. Flier pointed out that without rental income, he is suffering significant monthly losses on this property. He is also concerned that, absent a tenant, the property could be subject to vandalism and worse.

#### **Conclusions:**

1. The essence of the Historic Easement is that the owner is required to maintain these buildings “...substantially in their current or better condition.” This easement was put in place in 2006 under a previous owner. I do not know of any previous inspections done by the HHDC. The only document I am aware of is the report on the barn done in 2007 for a previous owner. Has Mr. Flier maintained these building at least in their “current” condition? Absent previous inspections and records to the contrary, I believe that the answer is yes.

2. The “current” condition of the barn is dilapidated at best. The house has serious problems and its interior has been modified by previous ownership in less than historical fashion. If the HHDC or the Town of Londonderry has an interest in preserving either or both of these buildings long term, investment will be required. Ideally, this could come from a new owner motivated to restore the property appropriately and then to utilize it for the commercial purpose for which it is zoned. Mr. Flier has also suggested that there may exist a not-for-profit group that might have an interest in partially funding rehabbing the barn and/or the house.
3. In order to facilitate the sale of this property. Mr. Flier and his agent urge that the Town reconsider the terms of the Historic Easement. This leads to two questions, both for the Town Manager:
  - a. Can the historic easement legally be modified in such a way as to facilitate the sale of the property but preserve the Town’s historic interest?
  - b. If yes, does the Town have an interest in renegotiating this easement with Mr. Flier?

Yours respectfully,

John Mahon