

**LONDONDERRY, NH PLANNING BOARD MINUTES OF
THE MEETING OF March 8, 2023, AT THE MOOSE HILL COUNCIL
CHAMBERS**

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Ann Chiampa, member; Deb Paul, Ex-Officio – Town Council; Roger Fillio, alternate member; Ted Combes, alternate member; and Jeff Penta, member (arrived at 7:05 p.m.)

Also Present: Kellie Caron, Assistant Town Manager/Director of Economic Development; John Trottier, Director of Public Works & Engineering; 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.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of February 8, 2023, as presented.

J. Butler seconded the motion.

The motion was granted, 5-0-1, with J. Butler abstaining. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: K. Caron informed the Board that she had no projects for their consideration this evening.

C. Discussion with Town Staff: K. Caron informed the Board that there is an extension request for 244 Nashua Road a multi-family site plan that was approved March 23, 2021. She said that the applicant is requesting a two-year extension until March 23, 2025. Chairman Rugg asked why they are seeking an extension. K. Caron replied that they are seeking to change the ownership and go through the condominium conversion process. D. Paul asked if the applicant would be grandfathered in if the Board grants them a two-year extension if the regulations change during this time. K. Caron replied that the applicant would be grandfathered in. She added that the Board can shorten the request to six months to one year. Chairman Rugg stated that he thought it would not take two years to be able to get the condominium conversion done. J. Butler asked for staff's input. K. Caron replied that she does not have a preference. J. Trottier replied that the applicant should be able to do it sooner, such as a year.

Member A. Sypek made a motion to grant a one-year extension to 244 Nashua Road site plan (Map 3 Lot 135) until March 23, 2024.

J. Butler seconded the motion.

The motion was granted, 6-0-1, with J. Penta abstaining. The Chair voted in the affirmative.

Chairman Rugg thanked D. Paul for her service on the Board. He reminded everyone that this Tuesday is voting day.

III. Public Hearings

A. Public hearing on an application for formal review of a lot line adjustment plan to adjust the lot line between Seven Chartwell Court, Map 3 Lot 45-61, Zoned AR-1 and 11 Greeley Road, Map 3 Lot 165-1, Zoned AR-1, Diana F. Wolters Rev. Trust (Owner & Applicant) continued from the January 4, 2023.

Chairman Rugg read the application into the record noting it was continued from the January 4, 2023, meeting. J. Trottier informed the Board there are no outstanding checklist items and the application can be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated March 8, 2023.

J. Butler seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

Mark Sargent from Richard. D. Bartlett & Assoc. LLC, 214 North State Street, Concord, NH addressed the Board. M. Sargent told the Board that the first parcel is Seven Chartwell Court with an area of 3.06 acres, 100-feet of frontage, with a single-family home serviced by an onsite well and septic system. He went on noting the second parcel is 11 Greeley Road with an area of 9.32 acres, 52.9 feet of frontage on Greeley Road, a single family home serviced by an onsite well and septic system. He said that Seven Chartwell was created by an approved subdivision in 1976 and 11 Greeley Road in 1975. He explained that they want to annex 2.25 acres from 11 Greeley Road and give that to Seven Chartwell, which would make Seven Chartwell 5.31 acres. He added that the frontage will stay the same on both lots. He reviewed the requested waivers with the Board. He mentioned that the sight distance profile for Seven Chartwell misses one requirement by half a foot noting the driveway has been in existence since the late 1980s.

Chairman Rugg opened the discussion up to the Board. J. Trottier informed the Board that the applicant has requested three waivers as follows:

1. The applicant is requesting a waiver from Exhibit D-2 to not provide a sight distance profile for 7 Chartwell Court as it does not meet the requirement for sightline profile "A" but does meet the requirement of sight line profile "B". He said that staff does not support the granting of this waiver, as staff sees this as an opportunity to improve if improvements are warranted.
2. The applicant is requesting a waiver from Section 4.17 of the

Subdivision Regulations to not provide the benchmark data and topography high intensity soil study for the entire parcels. He said that staff supports the granting of this waiver as the parcel being reduced includes a portion mapped for topography and soils to prove a buildable parcel. He added that as a result of the lot line adjustment both parcels will exceed five acres in area but not necessitate the New Hampshire Department of Environmental Services (NHDES) subdivision approval and no additional improvements are proposed at this time.

3. The applicant is requesting a waiver from Section 3.05 of the Subdivision Regulations to not provide utility clearance letters. He said that currently staff supports the granting of this waiver as the parcels have existing residential structures with existing non-municipal utilities and no new connections are proposed.

He reviewed the remaining design review items with the Board. A. Chiampa asked if the elevation of the driveway is the issue. J. Trottier replied it is not and explained why. A. Chiampa asked where the obstruction is. J. Trottier replied that it is an area of the cul-de-sac. A. Chiampa asked who owns the cul-de-sac. J. Trottier replied that the town owns the cul-de-sac. A. Chiampa asked if the town would need to remove the cul-de-sac. J. Trottier replied that the town will work with the applicant on this. J. Penta asked if staff did not support the sight distance waiver because of safety concerns. J. Trottier replied that it is an opportunity to fix a problem. J. Penta asked if the applicant is open to correcting the issue. M. Sargent replied that they have requested the waiver because they do not believe that it is necessary. He reviewed a picture with the Board noting that it is a low traffic area with only three other houses. He commented that it would require ripping out the pavement along with other things, which he believed the cost alone would be prohibitive. A. Sypek asked what the remedy would be for the sight distance problem. J. Trottier reviewed the picture noting that you would have regrade the problem aspect of the cul-de-sac. T. Combes expressed his opinion that this is an unnecessary cost to burden the homeowner with. R. Fillio agreed with T. Combes regarding the sight distance. J. Butler voiced his opinion that he would support granting the waiver instead of opposing it as he thought the burden was too great for the homeowner on a lot line adjustment application.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board. L. Wiles remarked that he would support staff's recommendation on the sight distance waiver because he does not know how much it would require the homeowner to bring it into compliance at this time. A. Chiampa asked if the issue with the sight distance has been there since the road was built. M. Sargent replied that is correct. A. Chiampa asked if there are three houses on the street. M. Sargent replied that is correct. A. Chiampa asked if all three homeowners would be responsible for fixing the cul-de-sac. J. Trottier replied that every driveway is looked at separately and this is the sight distance for the parcel in question. J. Butler mentioned that if the Board did not support granting the waiver, the applicant might have to regrade part of the roadway and part of the cul-de-sac, just for a lot line adjustment. He added that he recently got a quote to repave his driveway and it was almost \$10,000, noting it would be even higher for the applicant. J. Penta asked why staff is not recommending the waiver. J. Trottier replied that when an issue like this arises, staff sees this as an opportunity to

correct an issue. J. Penta asked specifically why staff is not recommending granting this waiver. J. Trottier replied that there are regulations for sight distance and it is a safety issue. Chairman Rugg remarked that staff is doing their job. K. Caron mentioned that staff will try to be consistent in what they support and not support, and in the past staff has not supported waivers such as this request.

J. Butler made a motion to grant the waiver from Exhibit D-2 to not provide a sight distance profile for 7 Chartwell Court as it does not meet the requirement for sightline profile "A" but does meet the requirement of sight line profile "B".

A. Rugg seconded the motion.

J. Butler reminded the Board that if they do not support the waiver, the applicant will have to re-engineer the entire street for a lot line adjustment. L. Wiles interjected that in his opinion that is not what the Board is saying, but that the applicant has not provided the data necessary for the Board to make a decision. He added that right now the Board is speculating on what needs to be fixed and what the cost might be. J. Butler asked if L. Wiles would like the Board to vote no on granting the waiver and have the applicant incur more engineering fees to tell the Board that the applicant will have to re-engineer the road to meet the current regulations. L. Wiles replied that he would like to know more information regarding this waiver. Chairman Rugg mentioned that the application can be continued in order to get the required information. J. Butler remarked that he does not want to say no to the applicant over this issue. A. Sypek noted that he thought it would be a good idea to know what the cost would be for this as it would make a difference in the outcome. J. Butler and A. Rugg withdrew their motions.

A. Sypek made a motion to continue the public hearing on an application for formal review of a lot line adjustment plan to adjust the lot line between Seven Chartwell Court, Map 3 Lot 45-61, Zoned AR-1 and 11 Greeley Road, Map 3 Lot 165-1, Zoned AR-1, Diana F. Wolters Rev. Trust (Owner & Applicant) the application until April 12, 2023.

L. Wiles seconded the motion.

The motion was granted 7-0-0, The Chair voted in the affirmative.

Chairman Rugg noted that the application is continued until April 12, 2023, at 7 p.m., and this would be the only formal public notice.

IV. New Plans/Conceptual Plans – N/A

V. Other

Chairman Rugg informed the Board that Kellie Caron is working on gathering numbers to compare the growth of the town and how it compares to surrounding towns. He noted that Councilor Butler has raised the issue of the growth management ordinance. He added that they also had a request for electric vehicle (EV) Charging stations at Market Basket and asked K. Caron to look into this. K. Caron mentioned that the application has been withdrawn. J. Penta asked for the

population of Londonderry. K. Caron replied that the population is just shy of 27,000.

A. Election of Officers

J. Butler made a motion to have the current officers the same for the Planning Board with A. Rugg as Chair, A. Sypek as Vice Chair, J. Butler as Secretary and L. Wiles as Assistant Secretary.

L. Wiles seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

J. Butler made a motion to keep J. Butler and J. Penta the members of the CIP Committee and A. Rugg the Heritage Commission member.

L. Wiles seconded the motion.

The motion was granted, 7-0-0. The Chair voted in the affirmative.

VI. Joint Meeting – Heritage Commission

Chairman Rugg read from the Planning Board Rules and Procedures on the rules of a joint meeting. He had the Heritage Commission members introduce themselves as follows: Krys Kenney, Chair, John Mahon Secretary, Sue Joudrey, member, Kristen Endyke, member and James Butler, Town Councilor Liaison. D. Paul commented that when doing the Master Plan in 2013, she worked on the Look Book with Tom Bianchi. Chairman Rugg pointed out that Tom Bianchi was a member of the Heritage Commission who has passed away unfortunately. D. Paul said they were getting educated in form-based zoning when compiling the Master Plan. She went on stating that with form-based zoning there is a visual concept of what you want something to look like. She explained that to keep people on the same page, they took all the terminology and assigned images that aligned with the Master Plan to keep everything consistent. She said that way developers could use the Look Book and see what kind of materials and buildings the Boards/Commissions are looking for. Chairman Rugg mentioned that Tom Bianchi went out and took pictures of building examples in Londonderry for the Look Book. A. Chiampa asked when the book was designed. K. Caron replied it was in 2013. Krys Kenney, Chair of Heritage Commission, remarked that the Look Book has served the town well and he would like to improve the book. He stated that they would like to use pictures specific to Londonderry, as some pictures in the Look Book currently are from other surrounding towns. He added that he believes the Heritage Commission has worked with developers to keep buildings in line with the vision of the town. J. Butler told the Board that he went to two Heritage Commission meetings and spoke with the Town Manager regarding the fact that the town does not have much of a legal point to stand on, which is how updating the Look Book started. He explained that he put together a power point presentation to review, Exhibit 1, which is attached hereto. He pointed out that there is no mission statement for the current Look Book and hopes that a clear mission statement can be defined this evening. He asked for input from members of both the Planning Board and the Heritage Commission on the mission statement. A. Sypek mentioned that a mission statement is usually what an organization does versus a book, so maybe the book would be more like suggested

260 guidelines for developers. D. Paul remarked that a mission statement illustrates a
261 company's vision, so suggested having a vision statement for developers to see what
262 the town recommends. J. Penta asked if the Look Book is an economic tool. K. Caron
263 replied that it could be used to guide developers. J. Penta commented that the
264 Master Plan already has a common vision and he suggested using that language. He
265 read from the Master Plan as follows: "The Common Vision for Londonderry is to
266 remain a close-knit, vibrant community in the heart of protected forests and farms.
267 Residents, businesses, and visitors should expect a government that works diligently
268 to link development with quality of-life, while strengthening community and
269 economic vitality. Efficient Town services, inviting public spaces, and a top-tier school
270 system make the Town a great place to live and raise a family. A highly-educated
271 work force, proximity to a regional airport, and an efficient transportation system
272 make the Town an ideal place to work and invest in new business." J. Butler said that
273 he thought it was too broad. John Mahon, member of Heritage Commission,
274 suggested that a vision/mission statement should be very short, about eight or ten
275 words. He stated that the purpose of the Look Book is to give developers a clear
276 vision of what the Heritage Commission and Planning Board are looking for. J. Butler
277 reviewed the identified types of development, such as big box retail, office complex,
278 strip retail and industrial park. D. Paul asked if they should add mixed-use retail. J.
279 Butler replied that there are probably other types of development that should be
280 included now as well as mixed-use retail. K. Kenney interjected that there is not
281 good wording for a gas station or a bank, which is a singular unit and does not fit the
282 current language. D. Paul remarked that service industries, such as fast food,
283 restaurants are not in the book either. J. Butler pointed out that the first four are
284 what is in the Look Book today, but they can add on as he believes that some are
285 missing. He asked if they should be looking a roof lines, which is more architectural
286 versus types of buildings. D. Paul told the Board that in the original development
287 things such as roof lines and types of windows were talked about, but they never got
288 around to it. K. Kenney noted they are not looking at the roof line of an industrial
289 park, as it will not have as much detail as everything else. T. Combes asked if
290 apartment buildings should be included in this as well. K. Kenney replied that they
291 should be. Chairman Rugg said that he thought suggesting materials to be used
292 might be a good thing to add to the book. Councilor Butler expressed his opinion that
293 both the Planning Board and Heritage Commission miss the rehab work and gave the
294 example of a gas station that changed ownership. K. Kenney noted that there is
295 nothing that triggers a review from the Heritage Commission for a rehab project right
296 now. A. Sypek asked if a site were to undergo substantial renovation would it need to
297 come before the Board for review. K. Caron replied that there are some triggering
298 events that will have someone come back before the Planning Board, but noted it is
299 very site specific. J. Trottier noted that a canopy would not trigger this. Sue Joudrey,
300 member of Heritage, asked if there would be anything to prevent a developer from
301 being allowed to change the color of a building without coming before the Heritage
302 Commission. K. Caron explained that there are many factors to a site that factor in
303 the decision. She cautioned regulating things such as color. She added that both
304 herself and J Trottier have preliminary meetings with developers and they
305 recommend that the developer take into consideration things such as the Look Book
306 and what Boards or Commissions would like to see. S. Joudrey asked if there can be
307 a new rule to enforce this. Chairman Rugg replied that there is no hard and fast rule
308 that could apply right now. J. Butler remarked that he did not know if that is what he
309 was envisioning when suggesting revising the Look Book. A. Chiampa commented
310 that she believes the Boards/Commissions have to work with new companies that
311 want to come to town as well. K. Kenney agreed that it should be a discussion and

312 compromise other than "my way or the highway." A. Chiampa pointed out that 50
313 Nashua Road, which was built around 1986, has withstood the test of time and
314 should be an example of what the town would like to see built here. J. Butler asked if
315 they can divide and concur the book, such as having someone focus on retail while
316 someone else would focus on office complexes. Chairman Rugg suggested that
317 everyone go out and take five pictures and come back to see if there is a common
318 theme. J. Butler recommended assigning people to take certain pictures, so that they
319 do not all take pictures of the same buildings. D. Paul suggested taking pictures of
320 buildings in other towns as well. J. Butler remarked that one thing he does not like
321 about the current Look Book is that there are pictures of buildings that are not in
322 town. D. Paul clarified that it could be a picture of a certain building in another town
323 that illustrated architecture that the Board/Commission would like to see in town. J.
324 Butler asked if the Look Book should illustrate certain buildings that the town does
325 not want to see developed. D. Paul replied that was a legal issue when they did this
326 in 2013. J. Mahon mentioned that there could be a section of bad buildings, which he
327 believes will take care of developers who do not want to end up there. K. Caron
328 strongly discouraged highlighting existing businesses that they do not like, as this is
329 supposed to be an economic tool. J. Mahon said that there should be examples of
330 windows, roof lines, exterior building materials, etc. for developers in the Look Book.
331 Councilor Butler asked how many people know what a specification book is or how a
332 building is built. He added that he would like to see education on how to read a plan
333 and what a specification book is for new Board/Commission members. Chairman
334 Rugg agreed. J. Butler noted that having a section on preferred building materials
335 would be a great idea for the Look Book. T. Combes asked if the Look Book affects
336 Woodmont. Chairman Rugg replied that it does not as it has its own Master Plan.
337 Councilor Butler noted that there should be a compliment of materials in a building
338 such as brick, wood and stone. He mentioned that he has had people tell him they do
339 not want to develop in Londonderry due to the costs and engineering. He pointed out
340 that communication is very important and by redesigning the Look Book it can be
341 used an important tool for developers. J. Butler reviewed the Discouraged Materials
342 page of his presentation with the Board. He asked how this information can be
343 discussed in the conceptual phase, so that a developer will know if they present a
344 certain building, they will run into problems. Councilor Butler disagreed with J. Butler
345 on having a section in the Look Book on discouraged materials or colors. He stressed
346 that the Look Book is a huge statement for the town and needs to be done correctly.
347 K. Kenney commented that currently there is a section regarding having mixed
348 materials, but thought this could be expanded upon. J. Penta voiced his opinion that
349 he would not be comfortable putting in businesses that they do not like, but instead
350 focusing on specific types of roofs or materials that they like. He added that
351 developers are going to do what they want, but this can be used as a tool to try and
352 guide them in the right direction. K. Kenney added that all the materials and roof
353 lines should tie back into the vision statement, such as trying to preserve the
354 character of town. J. Butler reviewed signage noting that it is another issue related to
355 zoning, but the material used in the sign would be appropriate for the book. K. Caron
356 pointed out that this is an advisory document. K. Kenney asked how they move
357 forward. J. Butler suggested that this can be done in three meetings. Chairman Rugg
358 said that he thought the end result should be with the Heritage Commission. K.
359 Kenney asked how the Board/Commission can communicate outside of the meetings.
360 Chairman Rugg suggested communicating through staff. Councilor Butler suggested
361 scheduling the next meeting to review the pictures people take. D. Paul stated that
362 the sections should be defined first, then people will be designated to what section
363 they are taking pictures of, and then email the pictures to a point of contact. K.

Caron commented that she can help with collecting and distributing information. S. Joudrey reiterated that she would like a rule to be in place that businesses must comply with the Look Book. Chairman Rugg noted that this would be more of an enforcement issue. He suggested the next meeting for this topic to be May 10, 2023. D. Paul asked if there should be more items added to the list, such as residential, multifamily, apartments, etc. A. Chiampa said that strip mall could be multi-retail. T. Combes suggested looking at different types of industrial buildings. The Planning Board and Heritage Commission agreed to meet on May 10, 2023.

VII. Adjournment

Member J. Butler made a motion to adjourn the meeting at approximately 9:21 p.m. Seconded by A. Sypek.

The motion was granted, 7-0-0.

The meeting adjourned at approximately 9:21 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Jake Butler

Title: Secretary

These minutes were accepted and approved on April 5, 2023, by a motion made by _____ and seconded by _____

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