

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF DECEMBER 4, 2019, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Rick Brideau, Ex-Officio – Town Employee; Chris Davies, Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ted Combes, Town Council Ex-Officio; Ann Chiampa (alternate member); and Roger Fillio (alternate member)

Also Present: Town Planner Colleen Mailloux and Associate Planner Laura Gandia

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed A. Chiampa to vote for M. Soares and R. Fillio to vote for A. Sypek.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member C. Davies made a motion to approve the minutes of November 6, 2019, as presented.

T. Combes seconded the motion.

The motion was granted 4-0-3, with C. Davies, G. Verani and R. Brideau abstaining. The Chair voted in the affirmative.

Member C. Davies made a motion to approve the minutes of November 13, 2019, as presented.

R. Brideau seconded the motion.

The motion was granted 6-0-1 with R. Brideau abstaining. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had no projects for their consideration this evening.

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux told the Board that there are two requests for extensions on deadlines to meet the conditions of approval for two projects this evening. She explained that the first request is from Three Akira Way site plan that was signed by the Board on December 10, 2014. She stated that the applicant is requesting an extension and as Staff does not foresee any changes to the zoning that would impact this project; therefore, Staff recommends granting the two-year extension.

Chairman Rugg asked if the applicant could get this done in a one-year extension. Brian Pratt, P.E. from Fuss and O'Neill, addressed the Board. B. Pratt commented that the applicant is hoping for a two-year extension, as they have had deals fall through, and this would allow a buffer for that. Town Planner Mailloux informed the Board that the second extension request is from Page Road Site plan that was conditionally approved by the Board on April 3, 2019. She explained that the applicant has been working with both Staff and New Hampshire Department of Environmental Services (NHDES) to questions and concerns related to environmental permitting. She noted that the applicant is on the Board's December 11, 2019, agenda with a revised submission for the driveway location. She commented that the applicant is requesting a 120-day extension and Staff recommends approval. G. Verani asked if there was a way the Board could put a condition on the extension as the applicant's property across the street has a very large gravel pile, excavating trucks, etc. that have been there a very long time. Town Planner Mailloux told the Board that this property is a different situation, as it never came before the Board and received site plan approval, so it is now being handled by Code Enforcement. She noted that when the applicant is before the Board next week that is when the Board can discuss conditions to the site plan.

Member R. Brideau made a motion to grant a two-year extension request to Three Akira Way Site Plan until December 4, 2021.

T. Combes seconded the motion.

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

Member R. Brideau made a motion to grant a 120-day extension request to Page Road Site Plan until April 2, 2020.

C. Davies seconded the motion.

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

Chairman Rugg informed

III. Old Business- N/A

IV. New Plans/Public Hearings

- A. Rezoning request to rezone 595 Mammoth Road (Map 17 Lot 11, Zoned AR-1) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-1 & C-II) to C-II, Vincent Iacozzi (Applicant) and Thibeault Corporation of NE (Owner)

Chairman Rugg read the case into the record. Vincent Iacozzi, applicant, addressed the Board. V. Iacozzi told the Board that he has been in business in the north end of Londonderry for over twenty years and are looking to expand the operation. He

said they acquired parcel (Map 17 Lot 11) in August of this year and through discussion with Staff they found out that parcel (Map 17 Lot 13) is zoned AR-1 in the back of the parcel, which they were not aware of. He explained that they would like to rezone the two parcels to C-II. He noted that they abut parcels that are zoned Residential-III, Industrial-II, Industrial-I, C-II and Agricultural-I. He stated that they abut Merrill's farm, which has a conservation easement on it.

Chairman Rugg opened it up to the Board for questions. Town Planner Mailloux commented that this request would help to clean up the split zoning of parcel (Map 17 Lot 13) and converting parcel (Map 17 Lot 11) to C-II would act as a buffer to the adjacent industrial properties. She said that Staff has no objection and would support making a recommendation to rezone the parcels as requested. G. Verani asked for clarification on the buffer requirements from residential and commercial zones. Town Planner Mailloux explained that the buffer between the commercial and residential is 50 feet. A. Chiampa said in her opinion, she does not agree with changing the zone to commercial as the parcels in question abut the AR-1 zone with houses on them and are not just empty lots.

Chairman Rugg opened it up to the public.

Ken Merrill, 587 Mammoth Road, addressed the Board. K. Merrill told the Board that he owns parcels (Map 17 Lot 10, Map 17 Lot 9 and Map 17 Lot 6). He explained that he feels it would be inappropriate to rezone parcel (Map 17 Lot 11) to C-II as it is too close to the residential zone in his opinion. He said that parcel (Map 17 Lot 11) has been regarded as a buffer between the residential and commercial zones in that area. He stated that Mr. Iacozzi bought the property with the knowledge that the parcel was zoned residential and therefore cannot claim a hardship. He commented that he has had surveyors tell him this land would be very hard to develop, as it has steep slopes and swamps. He said that he does not object to rezoning parcel (Map 17 Lot 13), and asked the Board to consider this separately. A. Chiampa asked if the Old Stage Coach Road went through K. Merrill's properties with old stonewalls. K. Merrill said that on parcel (Map 17 Lot 10) there are stonewalls and the last part of untouched Old Stage Coach Road. He told the Board that 15 years ago, a conservation easement was placed on Merrill Farm to preserve a working farm and there was federal money involved. He explained that they are part of the Federal Food Safety and Modernization Act, which was put in place by the government to protect food sources from "off-farm inputs," which could be anything off-site that would contaminate the crop. He said that if parcel (Map 17 Lot 11) is changed to C-II it is upwind from a conservation farm and thought this could potentially pose a problem related to the stringent regulations the federal government is putting in place. Chairman Rugg asked if the federal government is changing setback requirements. K. Merrill stated that these requirements were put in place by the Obama administration and have been slowed by the Trump administration, so he does not know what the future will hold. A. Chiampa asked what the topography of the land is. V. Iacozzi stated that there is a plan on file from 2011 from when the parcels (Map 17 Lot 10 and Map 17 Lot 11) were subdivided. He said that he had some exploratory test pits done on the land before they closed on it and believes the parcel to be very developable. He noted that they

would not need to do any blasting and are also going to leave a big part of the parcel in Current Use. He informed the Board that he owns parcels (Map 17 Lot 19 and Map 17 Lot 20), which are across the street and abut residential townhouses on the Manchester line. He would like to protect the commercial nature of his properties along this roadway. K. Merrill said in his opinion, he does not believe that Mammoth Road can handle any more truck traffic. T. Combes asked the applicant if he would subdivide a strip of land in-between his property and the Merrill's. V. Iacozzi said he does not plan on subdividing and noted that if the rezoning was approved they would be back before the Board with a site plan for the Board's review. He added that they have many businesses in New Hampshire and work very well with other communities regarding buffers and conservation easements to become a good neighbor. G. Verani asked if the applicant would use the existing driveway or add another driveway. V. Iacozzi said they would be adding another driveway and reviewed the plan with the Board. G. Verani asked if there was water and sewer on site. Town Planner Mailloux said there was water but no sewer.

Caroline Shultz, 587 Mammoth Road, addressed the Board. C. Shultz stated that if the zoning is changed to C-II, the property could be anything allowed under the C-II use, not what is currently being proposed, and that concerns her.

Bob Merrill, 569 Mammoth Road, addressed the Board. B. Merrill stated that in his opinion, he would recommend rezoning to something that is more restrictive than the C-II zoning.

Chairman Rugg brought the discussion back to the Board. G. Verani asked when or if the Board would be revisiting the commercial zoning overhaul. Town Planner Mailloux told the Board that this had been taken off the table by the Board, but can be revisited anytime the Board would like. Chairman Rugg noted that this is a particularly complicated area of town related to zoning. V. Iacozzi informed the Board that when speaking with Staff regarding the potential use, it was decided that the C-II zone would be the best fit. He said that the soils could support multi-density housing, but not enough to make it an economically viable project.

Chairman Rugg opened it up to the public, as there was more input.

Ken Merrill, 587 Mammoth Road, addressed the Board again. K. Merrill asked when the Master Plan needs to be updated. Chairman Rugg told him that the Master Plan is updated every ten years and the last one was in 2013, so ideally the planning process would start in 2020 or 2021. K. Merrill said that he believes there should be more focus on the conservation easements around the working farms with the new governmental regulations. R. Fillio asked if his farm abuts Industrial-1. K. Merrill stated that was correct. R. Fillio asked how this has affected his farm. K. Merrill said that when FedEx was there the noise and light pollution was quite intense, mostly during construction. He noted that with the blasting there were dust showers that affected his crop. R. Fillio asked when the construction was finished if there were any more issues. K. Merrill said that there has always been noise.

Chairman Rugg brought the discussion back to the Board, as there was no further

public input. A. Chiampa stated in her opinion, she does not think this is an appropriate area for C-II zoning. G. Verani said that he believes Route 28 is such a mix of zoning that it creates problems. C. Davies said that he has no problem rezoning parcel (Map 17 Lot 13) but does have a concern with parcel (Map 17 Lot 11) being C-II. Town Planner Mailloux suggested that the Board could make a recommendation separately for each parcel in question, if the applicant would be amenable to that, or recommend the parcels together. T. Combes commented that he believes this is difficult, as they do not know what could be developed on the property, as there is no plan. Town Planner Mailloux expressed her concern regarding a conditional rezoning, where the Board would rezone the parcel conditioned on a provided site plan by the applicant. She added that it would be a lot to ask the applicant to submit a plan knowing it is not allowed in that zone. V. Iacozzi asked the Board to look at the surrounding parcels around this land, which include Remi-Fortin, Kitty Hawk Landing, Akira Way that is all Industrial in nature. G. Verani asked if parcel (Map 17 Lot 11) was developed residentially, could the back half of parcel (Map 17 Lot 13) be developed residentially as well. Town Planner Mailloux noted that this is an interesting question because the more restrictive zone governs the entire parcel when the parcel is split zoned. V. Iacozzi offered to have the Board table this and he would come in with a conceptual drawing with expanded buffers to present to the Board. T. Combes said he would be in favor of this.

T. Combes made a motion to table the rezoning until February 12, 2020, to allow the applicant to provide a conceptual drawing of how to use the property in the C-II zone.

R. Fillio seconded the motion.

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

Chairman Rugg noted that the rezoning is continued until February 12, 2020, at 7 p.m. at the Town Hall and this would be the only formal public notice.

V. Other – N/A

VI. Adjournment

Member T. Combes made a motion to adjourn the meeting at approximately 8:20 p.m. Seconded by R. Brideau.

The motion was granted, 7-0-0.

The meeting adjourned at approximately 8:20 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Planning Board Meeting

Wednesday 12/4/19 - APPROVED

Name: Richard Bradeau
Title: Member

These minutes were accepted and approved on January 8, 2020, by a motion made by R. Bradeau and seconded by T. Combes.