

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF FEBRUARY 12, 2020, AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. CALL TO ORDER**

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Rick Brideau, Ex-Officio – Town Employee; Chris Davies, Secretary; Al Sypek, member; Giovanni Verani, Ex-Officio – Town Manager; Jake Butler, member; Ann Chiampa (alternate member); Roger Fillio (alternate member) and Tony DeFrancesco (alternate member)

Also Present: Town Planner Colleen Mailloux, Associate Planner Laura Gandia 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. He appointed A. Chiampa to vote for S. Benson.

### **II. ADMINISTRATIVE BOARD WORK**

A. APPROVAL OF MINUTES: N/A

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 informed the Board that there is one request for an extension tonight. She explained the request is from DeCarolis Estates Subdivision at 7 Litchfield Road, which was conditionally approved in February of 2017. She said the request is for a 90-day extension, as they are working on finalizing easements and conditions of approval. She said the extension would be until May 12, 2020, and noted that Staff supports granting the extension.

**Member M. Soares made a motion to grant the 90-day extension request to DeCarolis Estates Subdivision to fulfil the conditions of approval until May 12, 2020.**

**R. Brideau seconded the motion.**

**The motion was granted 8-0-0. The Chair voted in the affirmative.**

Chairman Rugg told the Board that the first meeting in March will be the election of officers. He reminded the Board that M. Soares last day will be April 1, 2020, so they will be looking for another board member to become Vice Chair.

### **III. Old Business**

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) – continued from December 4, 2019

Chairman Rugg read the case into the record noting it was continued from December 4, 2019. He said that the applicant was going to bring a conceptual rendering to the meeting, which is illustrative and for discussion purposes. Town Planner Mailloux pointed out that the Board should not condition the recommendation on the rendering that is presented this evening, as this is for discussion purposes only. She noted that the town attorney has reviewed the conservation deed and did not find any evidence of restriction for the zoning of the property. Ernest Thibeault, owner of Thibeault Corporation of New England and Vincent Iacozzi, applicant, addressed the Board. E. Thibeault told the Board that he missed the December 2019 meeting due to travel and would like to address some concerns he had when reviewing the minutes from the last meeting. He stated that there are commercial businesses which already surround the Merrill property that would already have potential airborne dust issues. He stated that he looked through records and cannot find any evidence of any contamination to the Merrill property from the commercial businesses that are there now. He commented that he realizes once a property is rezoned, it could potentially open up to more heavy uses, but he just would like more storage area. M. Soares asked where the trucks/tanks fuel up. E. Thibeault stated that they do fuel up on site and just recently had an Environmental Protection Agency (EPA) monitoring that came back without any concerns. He reviewed where the fuel is located on the property with the Board. He told the Board that the last tax bill for the property was \$39 dollars, so placing a 10,000 SF warehouse building on the property would add to the tax base. V. Iacozzi informed the Board that the plan presented was redone and all the names of the adjacent property owners were put on the plan for reference. He pointed out that there is a spectrum of different industries that already surround the Merrill property, from the Fortin Company, a brewery and the school bus parking lot to name a few. He said that this is a unique area, as there are multiple zones already there now. He added that they believe zoning the parcel to C-II would be the best transition for the area. E. Thibeault told the Board that the trucks all exit left (southerly) from the site, not northerly.

Chairman Rugg opened it up to questions from the Board. A. Chiampa asked why there would be more parking than what the regulations provide. E. Thibeault said that they thought they could put more parking since they had the space. A. Chiampa asked about the septic design. V. Iacozzi said it would be a conventional septic system. Town Planner Mailloux told the Board that there is no municipal sewer available there. C. Davies asked if there would be a 30-foot side setback. Town Planner Mailloux said that if this was rezoned to C-II there be a 50-foot buffer to all surrounding residential properties. T. DeFrancesco asked for clarification since he was not a member of the Board in December when this was first presented. Town Planner Mailloux reviewed the parcels, Map 17 Lot 13 and Map 17 Lot 11,

with the existing zones and the proposed zones. T. DeFrancesco recommended the applicant remove the curb cut from Mammoth Road and use the current access if this was to be rezoned. He told the applicant that this site, in his opinion, would be part of what he terms "urban creep" allowing commercial to creep into residential. He said that this road is commercial on the east side and residential on the west. V. Iacozzi said that everything to the west is zoned industrial all the way to Manchester. T. DeFrancesco said that the Board tries to balance the needs of the community and wrestles with where the commercial should stop creeping into residential. E. Thibeault commented that in his opinion, he has been a good neighbor and is just looking to expand his business. T. DeFrancesco said that the applicant bought the property with the understanding that it was AR-1. E. Thibeault responded that he understood it was AR-1 when he bought the property and restated that he is looking to expand his business. Chairman Rugg said that Old Village was established a long time ago and can be a problematic area trying to balance where to draw the line with commercial/industrial abutting residential. G. Verani said that this is a tough decision and, in his opinion, it could potentially be dangerous to put residential homes there as well. He said that he agrees with T. DeFrancesco if this is rezoned to C-II, to limit the access and impact to surrounding properties. He pointed out that this is somewhat of a village zone, which they have been trying to incorporate, where someone can work, play and live. R. Fillio asked if the applicant did not use the curb cut, could he still use it in the future. E. Thibeault responded that he believed that was true. J. Butler asked if Map 17 Lot 11 was buildable. E. Thibeault said not in its current condition and would require blasting ledge. A. Chiampa stated that she believes rezoning this lot will forever change the character of the neighborhood and read from the table of uses. T. DeFrancesco asked if the applicant would be better off going before the Zoning Board of Adjustment (ZBA), as it would be plan specific. Town Planner Mailloux said that the applicant could pursue a variance from the ZBA, but in meeting with Staff, the applicant decided to go before the Planning Board to try and clean up the current zoning.

Chairman Rugg opened it up to the public.

Caroline Shultz, 587 Mammoth Road, addressed the Board. C. Shultz said that she went on google maps to look at the existing property on 603 Mammoth Road. She presented pictures (Exhibit A) to the Board for them to review. She said that she does not want that in her backyard and is worried about what might be allowed given the wide array of uses in the C-II zone. She said that she believes her property value would be affected. She said that when she first spoke to V. Iacozzi about E. Thibeault purchasing the property, he stated the land was just going to be a buffer between his business and any residential business. She said that she believed if he bought the land, it could not be developed and there would be nothing to worry about.

Ken Merrill, 587 Mammoth Road, addressed the Board. K. Merrill said that the Town put a conservation easement on the farm in 2005, which dictates that the farm will be agricultural forever. He said that in his opinion, since the Town paid for the conservation easement, the Town has an obligation to provide an environment for

the farm to sustainably produce products for sale. He told the Board that he needs government certification to be able to sell products, which look at the air, water, and suitable industries surrounding the farm. He said that in the past three to four years, he has passed all the government inspections, but had more questions regarding why there is a school bus parking lot next to the farm and a smoke stack factory next to him, etc. He said that in his opinion, Mammoth Road should be residential in Londonderry.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin stated in his opinion, he believes this is spot zoning. He said that the applicant has the right to develop his property in the right way. He said that he believes the farm should be protected. He said that there should be a buffer between Manchester, the airport, and other commercial businesses. He commented that he believes the historic areas should be protected in Londonderry, such as north Londonderry. Chairman Rugg told him that the residents of the area in question now were offered this about 25 years ago, and even though they would like it protected, they did not want to be in an historic district. R. Breslin said that he would like to see the residents asked again, as a lot of time has passed and things can change.

Deb Paul, 118 Hardy Road, addressed the Board. D. Paul told the Board that she is against this. She said that she was on the Master Planning Committee and they wanted to make this area of town, Old Mammoth Road, more artesian in nature, not more commercial. She stated she does not believe that this plan is in accordance with the Master Plan. She added that developers do not always do what they propose.

Chairman Rugg brought the discussion back to the Board as there was no further public comment. E. Thibeault read from the minutes of December 4, 2019, regarding Town Planner Mailloux's opinion to clean up the zoning in the area. He told the Board that he owns a lot of acres in the state and is a good neighbor and would like to continue to be a good neighbor. He said that they could put 10-12 residential houses in that area, which would incur blasting. M. Soares said that there is a positive recommendation from Staff to the Town Council, but she would like them to go before the ZBA to protect it from future use.

**M. Soares made a recommendation to Town Council to approve the 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).**

**R. Brideau seconded the motion. The motion failed, 1-7-0.**

**M. Soares made a motion to recommend the Town Council not approve the 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).**

**R. Brideau seconded the motion.**

Town Planner Mailloux suggested an amendment to the current motion, to have the Board take the parcels separately. She pointed out that parcel Map 17 Lot 13 is currently split zoned, AR-1 and C-II, and Staff recommends making this parcel zoned AR-I. G. Verani asked if the applicant wanted this zoning change to the parcel. E. Thibeault stated that they would be okay with the recommendation from Town Planner Mailloux on parcel Map 17 Lot 13. M. Soares rescinded her above two motions. She asked if the public had any other questions at this time and there was none.

**M. Soares made a motion to recommend the Town Council approve the rezoning request for parcel Map 17 Lot 13 to C-II in its entirety (603 Mammoth Road).**

**R. Brideau seconded the motion.**

**The motion, passed, 6-1-0. The Chair voted in the affirmative.**

**M. Soares made a motion to recommend the Town Council not approve the rezoning request for parcel Map 17 Lot 11 from AR-1 To C-II (595 Mammoth Road).**

**R. Brideau seconded the motion.**

**The motion passed, 8-0-0. The Chair voted in the affirmative.**

**IV. New Plans/Public Hearings – N/A**

**V. Other – N/A**

**VI. Adjournment**

**Member M. Soares made a motion to adjourn the meeting at approximately 8:09 p.m. Seconded by R. Brideau. The motion was granted, 8-0-0. The meeting adjourned at approximately 8:09 PM.**

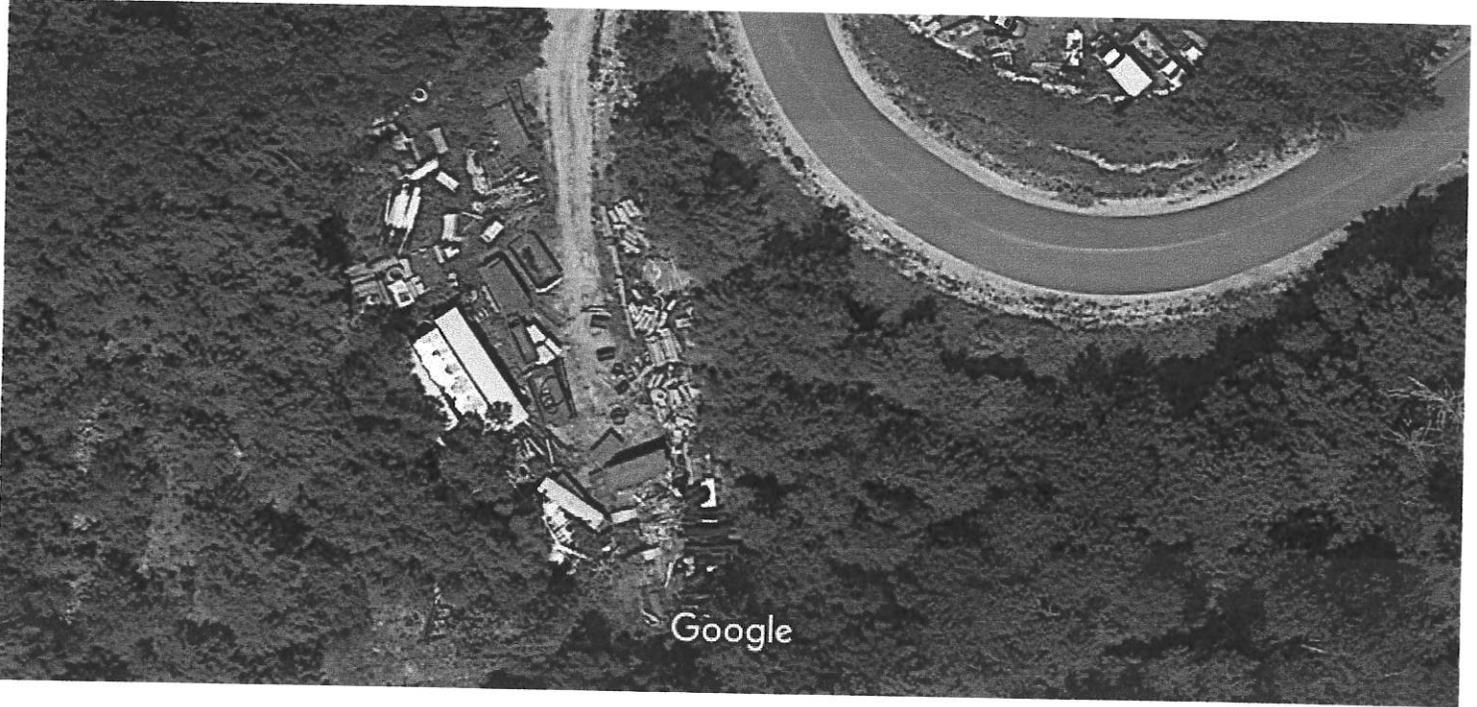
These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Marywing Soares  
Title: Vick Chiu

These minutes were accepted and approved on March 4, 2020, by a motion made by Marywing Soares and seconded by Al Syjek c

Google Maps 603 Mammoth Rd *ART, C2*



Map data ©2019, Map data ©2019 20 ft

*Ernest Thibeault - run out of space  
move parts/storage to new land  
600 vehicles*

# Google Maps 603 Mammoth Rd



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