

## LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF JULY 6, 2022, 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; Jeff Penta, member; Ann Chiampa, member; Deb  
Paul, Ex-Officio, Town Council; Bruce Hallowell, Administrative Officer; Eric G. Gibeau;

**existing spa to a professional office, and for a 672 SF building addition and associated site improvements, 213 Rockingham Road, Map 15 Lot 23-1, Zoned C-I & RTE 28 POD, Gagne Family Trust (Owner & Applicant) until August 4, 2022.**

**J. Butler seconded the motion.**

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

Chairman Rugg informed the Board that they have hired a new Town Planner, Kellie Walsh, who is a graduate of Londonderry High School and Plymouth State University. He reviewed her experience with the Board.

### **III. Old Business**

A. Public hearing on an application for formal review of a site plan for the construction of a 7,200 SF warehouse and wholesale building and associated site improvements, Three Enterprise Drive, Map 15 Lot 62-3, Zoned C-II, 3 Enterprise Drive, LLC (Owner & Applicant) – continued from the June 1, 2022 meeting

Chairman Rugg read the case into the record noting it was continued from the June 1, 2022, meeting. He noted that the applicant has requested a continuance until July 13, 2022, to continue working with staff.

**A. Synek made a motion to continue the public hearing on an**

**Wiley Hill Road, LLC (Owner & Applicant) until August 10, 2022.**

**J. Butler seconded the motion.**

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

Chairman Rugg noted that the application is continued until August 10, 2022, at 7 p.m., and this would be the only formal public notice.

#### **IV. New Business**

A. Public hearing on an application for a Conditional Use Permit for 23,981 SF of wetland impacts and 18,818 SF of buffer impacts for work within the Conservation Overlay District for the proposed realignment of a segment of its existing 365 Electronic Distribution Line, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant)

Chairman Rugg read the case into the record. Associate Planner Gandia told the Board that the application is complete and there are no outstanding checklist items.

**A. Sypek made a motion to accept the application as complete per Staff Recommendation Memorandum dated July 6, 2022.**

**J. Butler seconded the motion.**

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

Chairman Rugg noted that the 65-day time clock has started. Kristopher Wilkes, Project Manager at VHB, 2 Bedford Farms Drive, Bedford, NH and Ashley Friend, from Eversource Licensing and Permitting addressed the Commission. K. Wilkes explained that the proposal before them tonight is to realign a portion of Eversource's existing 365 electronic distribution line, which is in direct response to the New Hampshire Department of Transportation (NHDOT) Exit 4A project that is going to be starting later this summer/early fall. He noted the location is between Madden Road and Trolley Car Lane, east and west of I-93. He commented that in order to accommodate NHDOT's plans for the construction of a new roadway, which is basically going down the middle of the existing distribution line right-of-way, NHDOT and Eversource are working in collaboration to push out the distribution line for the new road. He pointed out that in order to accomplish this, a 2400 linear foot section directly east and west of I-93 needs to be realigned, not the whole right-of-way. He reviewed the proposal noting that this will include the installation of seven new, weathered steel, monopole structures; replacement of three existing single poles with weathered steel; replacement of one single wood pole with a new wood pole; and removal of 10 existing single wood poles. He added that there is going to be some tree clearing in order to gain the desired 135-foot easement that Eversource currently holds on this line. He reviewed the plans on the screen with the Board. He said that grading, roadwork, and all construction activity has been approved/permitted for NHDOT in the red boundary on the screen. He mentioned

that NHDOT is going to be disturbing this area anyways, but Eversource will have to do some additional tree clearing to accommodate the new line orientation. He remarked that the wetlands were previously delineated by others in support of the NHDOT project and VHB got involved with Eversource to verify boundaries. He stated that a number of wetlands, vernal pools and streams are going to be permanently impacted by the NHDOT project. He went on stating that they tried to limit their impact to these resources by implementing standard best management practices during construction and performing the work with ruggedized track equipment. He pointed out that with the tree clearing, they are avoiding clearing directly in the boundaries of the wetlands and will clear from the uplands edge to avoid ground disturbance, rutting and impacts to the wetlands. He said that they are submitting a wetland permit to the New Hampshire Department of Environmental Services (NHDES). He concluded that they are seeking approval for a Conditional Use Permit (CUP) for the Conservation Overlay (CO) district impacts. He asked the Board if they have any questions.

Chairman Rugg asked the Board for questions. Associate Planner Gandia told the Board that the applicant has requested a CUP to allow a permitted use, which is the realignment of its existing 365 Electric Distribution line between Madden Road and Trolley Car Lane, in the CO District. She said that this project will accommodate the proposed construction of a new roadway that will extend to an overpass over Interstate 93 (I-93) associated with the NHDOT's Exit 4A Project. She explained that Eversource Energy seeks to do work within the Conservation Overlay District relating to realignment of a segment of its existing 365 Electric Distribution Line in the utility right-of-way. She pointed out that the Conservation Commission has recommended approval of the CUP. A. Chiampa asked if they can use underground lines to get to Trolley Car Lane and if the poles will be taller than what is existing there now. K. Wilkes replied that the poles are increasing between five and fifteen feet in height for a number of reasons, such as span lengths, as the highway crossing is a large span between two structures. He added that in order to avoid wetlands, they have shifted poles where they could, which has other consequences. He stated that Eversource is fairly constrained by the NHDOT project. A. Friend replied that they are not considering underground modifications for the engineering design as this NHDOT project has been in the making for 10-years now. D. Paul asked for A. Friend to elaborate more because she would like to know why there was no alternative to go underground, as it is going to make the area unsightly. K. Wilkes asked if they are inquiring about the crossing in the highway or a particular segment. D. Paul replied that she would like to see them all underground for a number of reasons, such as car accidents. K. Wilkes commented that cost is a concern for a small distribution line of this size, as it is a typical single, wood pole construction. D. Paul asked for the numbers. K. Wilkes and A. Friend replied that they cannot supply those numbers. A. Friend said that the aesthetic value is not going to change much from what is now existing. D. Paul voiced her opinion that she does not think this is a solid answer and would like a better response, given the fact that Eversource just doubled their prices. David Creer, Community Relations Specialist, from Eversource addressed the Board. D. Creer explained that they do not make any money with the raising of the prices and it is the lowest cost that they are able to get, which has nothing to do with the business model. D. Paul said

that she understands. D. Creer informed the Board that he has been with Eversource for about eight months now, so the NHDOT project was designed way before his time, but stated that underground is not perfect either as the lines can still break. He went on stating that especially with a distribution line, if a line breaks, it would take a lot longer to fix the problem, as you would have to dig up the whole road. He pointed out that the Public Utilities Commission (PUC) has to approve all of the costs of Eversource's projects. He added that they might not get approval from the PUC for underground, as it could decrease the liability, because if something does go wrong, they are not able to fix it in a timely manner. D. Paul reiterated that she understands all of this, but if there is a way for it to be partially underground for the residents in this area, it would be more aesthetically pleasing. D. Creer told her that he would circle back and try to figure out what considerations the design team took. He mentioned that with underground, if it is not specifically requested or there is not a significant reason that it needs to be underground, then the rate payers would be the ones that have to pay. D. Paul commented that you do not know until you ask. She remarked that the residents of this area have been impacted significantly for numerous reasons, so if it could be a little more aesthetically pleasing, it might help. A. Friend said that they can certainly ask, noting that this project is fully reimbursable by NHDOT, so any modifications made that would change the cost in any way would need to be vetted and approved by NHDOT. She noted that the two residences on the western side were purchased by the state and those homes will be removed. J. Penta voiced his opinion that he has no problem with the design. L. Wiles pointed out that there are some poles in the existing right-of-way, such as 62, 63, 64 and 65, that look to be impacted by the building of the new highway. He asked if those poles will be removed. K. Wilkes replied that is correct.

Chairman Rugg asked for public input and there was none.

Chairman Rugg brought the discussion back to the Board. A. Chiampa asked if the new poles would be on state land. K. Wilkes replied that it is going to be Woodmont Commons land, noting that NHDOT is working with Woodmont Commons and Eversource to acquire the easement rights. A. Chiampa asked if Woodmont Commons was ever asked about the design, such as poles versus underground. K. Wilkes replied that can cannot answer that, as he has no knowledge of the internal proceedings of the legal team with Woodmont Commons, NHDOT and Eversource. A. Chiampa asked if Woodmont knows about the design. K. Wilkes replied that is correct.

**A. Sypek made a motion to grant approval of the Conditional Use Permit (CUP) for 23,981 SF of wetland impacts and 18,818 SF of buffer impact within the Conservation Overlay District for the proposed realignment of a segment of the existing 365 Electric Distribution Line in the utility right-of-way, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant).**

**B. Hallowell seconded the motion.**



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

B. Conceptual and non-binding review and discussion of a proposed site plan for a multi-family development of 21 single family homes, 22 Young Road, Map 6 Lot 58-2, Zoned R-III, Edgar L. Pitts and Winnifred L. Pitts Revocable Trust (Owner) and 20 Young Road, Map 6 Lot 53, Zoned R-III, Tony & Heidi Bennett (Owner) and Cedar Crest Development, LLC (Applicant)

Chairman Rugg informed the Board that the applicant has requested a continuance and will be on the July 13, 2022, Planning Board meeting.

## **V. Other**

Chairman Rugg informed the Board they have the Southern New Hampshire Planning Commission (SNHPC) appointments this evening. He noted that there are currently three openings as their terms expired on June 30, 2022. He pointed out that Martin Srugis has decided not to reapply, noting he has served for 12 years and thanked him for all his contributions. He said that there is a request from himself and Deb Lievens for reappointment. He commented that he has not received a response from Brian Battaglia, who is the most senior of the alternates. He stated that the Board can recommend himself and Deb Lievens for a four-year term on the Commission, and if they do not hear from Brian Battaglia, Lynn Wiles would be the next most senior alternate. L. Wiles asked if they are seeking a full-time member or alternate. Chairman Rugg replied that they are looking for another full-time member. D. Paul mentioned that she sat on the Commission for five years and would recommend anyone to participate in. L. Wiles pointed out that the virtual meetings have made this much more accessible. He remarked that he would like to see someone new come in and noted that he is not interested in going full time at this point. Chairman Rugg noted that Kirby Brown, Executive Assistant, is going to re-post the positions.

**Member A. Sypek made a motion to recommend to the Town Council that Art Rugg and Deb Lievens be re-appointed to full time member terms to the Southern New Hampshire Planning Commission.**

**Seconded by J. Butler.**

**The motion was granted, 8-0-0. The Chair votes affirmative.**

A. Sypek asked Marge Badois, Chairman of Conservation Commission, what is happening at Hickory Hill, with the and road down to the power lines. Marge Badois informed the Board that Eversource is doing work out there and they will be coming back as they are respecting the turtle breeding season. J. Butler asked if anyone had received any feedback on the Eversource projects. Associate Planner Gandia replied that she has not heard of any problems. M. Badois noted that residents on Fairways have spoken to Eversource and they are really good at handling public relations.

## **VI. Adjournment**


**Member A. Sypek made a motion to adjourn the meeting at approximately 7:39 p.m. Seconded by B. Hallowell.**

**The motion was granted, 8-0-0.**

**The meeting adjourned at approximately 7:39 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

  
Name: Jake Butler Lynn Wiler  
Title: Secretary Asst Secretary

These minutes were accepted and approved on August 3, 2022, by a motion made by A. Sypek and seconded by Lynn Wiler.

## **STAFF RECOMMENDATION**

**To:** Planning Board  
**From:** Laura J. Gandia, Associate Town Planner

**Date:** July 6, 2022

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**Application:** Application for a Conditional Use Permit for 23,981 SF of wetland impacts and 18,818 SF of buffer impacts for work within the Conservation Overlay District for the proposed realignment of a segment of the existing 365 Electric Distribution Line in the utility right-of-way, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant)

- **Completeness:** Staff recommends the Conditional Use Permit application be accepted as complete.

**Board Action Required:** Motion to accept the application as complete per Staff's Recommendation Memorandum dated July 6, 2022.

- **Conditional Use Permit:** The Applicant is requesting a Conditional Use Permit (CUP) per Londonderry Zoning Ordinance Section 4.6.1.4.A.1.
  1. The Applicant has requested a Conditional Use Permit to allow a permitted use, realignment of its existing 365 Electric Distribution line between Madden Road and Trolley Car Lane, in the Conservation Overlay District. This project will accommodate the proposed construction of a new roadway that will extend to an overpass over Interstate 93 (I-93) associated with the New Hampshire Department of Transportation's Exit 4A Project. Eversource Energy seeks to do work within the Conservation Overlay District relating to realignment of a segment of its existing 365 Electric Distribution Line in the utility right-of-way. The Conservation Commission has recommended approval of the CUP.
- **Recommendation:** Based on the information available to date, Staff recommends that the Planning Board APPROVE the CUP with the Notice of Decision to read substantially as follows:

**Board Action Required:** Motion to grant approval of the Conditional Use Permit (CUP) for 23,981 SF of wetland impacts and 18,818 SF of buffer impact within the Conservation Overlay District for the proposed realignment of a segment of the existing 365 Electric Distribution Line in the utility right-of-way, Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant).