

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

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Lynn Wiles, Assistant Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ann Chiampa, member; Deb Paul, Ex-Officio – Town Council; Bruce Hallowell, Ex-Officio – Administrative; Jason Knights, alternate member; and Ted Combes, alternate member

Also Present: Kellie Caron, Assistant Town Manager/Director of Economic Development; 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 T. Combes to vote for J. Butler and J. Knights to vote for J. Penta.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member A. Sypek made a motion to approve the minutes of January 4, 2023, as presented.

J. Penta seconded the motion.

The motion was granted, 5-0-4, with A. Sypek, B. Hallowell, L. Wiles and A. Chiampa abstaining. The Chair voted in the affirmative.

Member A. Sypek made a motion to approve the minutes of January 11, 2023, as presented.

L. Wiles seconded the motion.

The motion was granted, 5-0-4, with B. Hallowell, T. Combes, A. Sypek, and A. Chiampa abstaining. The Chair voted in the affirmative.

- B. REGIONAL IMPACT DETERMINATIONS:** Town Planner Walsh informed the Board that she had no projects for their consideration this evening.
- C. Discussion with Town Staff:** K. Caron informed the Board that she is working on a putting together a workshop meeting regarding the design review process, possibly in April. She added that there will be a joint meeting with the Heritage Commission at the March 8, 2023, Planning Board meeting. Chairman Rugg told the Board that Heritage would like the Planning Board's input on updating the Look Book. A. Sypek asked Chairman Rugg to explain what the Look Book is to the public. Chairman Rugg replied that the Look Book has various pictures of buildings that was put together roughly eight

years ago. He mentioned that Woodmont will be giving their 2022 report in the near future and that this weekend the Deliberate Sessions for both the school and town are being held.

III. Public Hearings

A. Public hearing for a rezoning request to rezone 206 Rockingham Road (Map 15, Lot 26) Granite YMCA (Owner/Applicant) from C-I (Commercial I), C-II (Commercial II), and AR-I (Agricultural-Residential I) to C-II (Commercial II).

Chairman Rugg read the application into the record. Steven Keach, P.E, from Keach-Nordstrom Assoc., Inc., 10 Commerce Park North, Suite 3B, Bedford, NH, addressed the Board. S. Keach told the Board that the application before them this evening is the land the YMCA has accumulated over the last 25 years. He reviewed the map on the screen with the Board. He explained that in 2017, with the recommendation of the former Town Planner, Colleen Mailloux, they voluntarily merged all five parcels to create the 15.12-acre parcel that exists today. He noted that at or about that same time, they were encouraged to pursue rezoning the parcel to get rid of the multiple zones that were created with the merger. He pointed out that the current parcel is zoned C-I, C-II, AR-1 and has the Performance Overlay zone. He read from the zoning application as follows:

"This Rezoning Application applies to Tax Map 15, Lot 26, 206 Rockingham Road. The property is owned by Granite YMCA. The YMCA had previously acquired and consolidated five lots to create one 15.19-acre lot on which they currently function. As the result of the parcel being comprised of multiple smaller parcels the current zoning overlaying the property is fragmented. The property includes Agricultural-Residential (AR-1), Commercial I (C-1), Commercial 11 (C-II) and Route 28 Performance Overlay Zoning Districts. To simplify the application of the zoning requirement for future development and expansion on the property , the Applicant seeks to consolidate the zoning for the entire parcel to be C-11. The current use is permitted in the C-II zoning district and would be the same zoning as two abutting lots to the west and the same zoning as the abutting lot to the east of Clark Road.

This rezoning will not modify the existing use, therefore there will be no impact to the health, safety, and general welfare of the community. The property lies within the G-5 Retrofit Growth Sector in which the Master Plan seeks to introduce activity centers. The property is just east of the area designated as North Village Artisan District. The current use of the YMCA fits well with the goals of the master plan. Therefore, the rezoning of the property to Commercial II is reasonable."

He commented that this is more of housekeeping matter that they have been meaning to do. He mentioned that in 2019, they prepared a rezoning application, but they never submitted it due the pandemic. He said that there is no immediate development plan for the YMCA at this point.

Chairman Rugg opened the discussion up the Board. K. Caron told the Board that this is essentially a housekeeping item that will make future zoning determinations easier. A. Chiampa commented that she had done some research and two of the parcels that were merged were changed from C-I to C-II in 1990. S. Keach pointed out that the YMCA did not own any parcels in 1990. She mentioned that most of the

current property is bordered by the AR-I district, as well as the Rail Trail. She remarked that she is interested to hear what any abutters have to say. She added that by changing the zoning from C-I to C-II it would allow for more intense uses. S. Keach replied that the YMCA will most likely always own this parcel because of the manner in which the YMCA acquired the land. A. Chiampa interjected that if or when it is not owned by the YMCA, there are more intense uses that can be done there. S. Keach commented that he believed it would be difficult for it not to be used as the YMCA as some of the land was bequeathed or donated with a mission statement that if the YMCA were to relinquish ownership of it, they could not sell it. A. Chiampa asked why they are not considering rezoning it to C-I. S. Keach replied that it was based on recommendation that they received from staff in 2017, when the properties were merged. A. Chiampa asked who made the commitment to rezone it. S. Keach replied the YMCA did, noting they created a zoning quilt when they merged the five parcels. He added that Colleen Mailloux, Town Planner, at the time felt it should be rezoned to C-II because the property it abuts on Rockingham Road to the north and south are also C-II. A. Chiampa stated that across the street from the YMCA it is zoned C-I. S. Keach remarked that it probably does not matter what the zone is as the YMCA is an institutional use. A. Chiampa noted that the zoning goes with the property. S. Keach reiterated that if the YMCA were to go somewhere else, the provisions attached to the acquisition of one or more of the five parcels, would not allow a sale, and it would have to go back to the direction from which it came. A. Chiampa asked why the YMCA could not sell the land. S. Keach gave an example of land being donated for a library and then the library is not needed anymore, it would go back to the heirs or successors that sold the property. A. Chiampa said that the Board does not have this information. S. Keach replied that he has the document, but did not bring it this evening. G. Verani asked if the side yard setback to the residential zone would change from the C-I zone to the C-II zone. K. Caron replied that it would stay the same. S. Keach asked if there would be a buffer requirement. K. Caron said that there would be a buffer requirement. T. Combes asked for the setback for the C-II zone, as the only potential for expansion would be on the right side of the building. K. Caron replied it would be 50-feet. T. Combes expressed his opinion that he thought this makes sense.

Chairman Rugg asked for public input.

Michael Eaton, 16 Cross Road, addressed the Board. M. Eaton told the Board that he spoke to S. Keach before the meeting and he answered some questions. He asked if there would be a larger buffer zone if this was to remain the C-I zone versus the C-II zone. K. Caron replied they remain the same. M. Eaton asked if the YMCA relinquished their land how this can be used, again in regard to the specific C-I zone and C-II zone uses. Chairman Rugg replied that the C-II zone allows heavier uses versus the C-I zone. K. Caron pointed out that she pulled up the use table and reviewed some with the Board, noting that recreational facilities are permitted in the C-II zone, but not in the C-I zone. K. Caron mentioned that she has not reviewed the legal documents that S. Keach spoke of this evening, but if there are restrictions on the property, this would be evaluated. M. Eaton expressed his opinion that he would be happier with the property remaining C-I and asked if this could be done. He added that he has seen the YMCA grow and there is currently a parking problem when they have events, so he thought a parking expansion might be in the works. He said that it seems like they might encroach onto where the Morrison House used to be and the little AR-1 property, and he would be concerned if traffic was permitted to exit this

property onto Clark Road. He commented that there has been increased traffic with more development and after the pandemic, more people drive their cars down Clark Road to drop their kids off at North School. He asked if the wetland property that abuts his house and his neighbors could become a ball field filled in with parking. A. Chiampa asked what area M. Eaton is speaking about. M. Eaton reviewed where he is speaking of on the screen with the Board. Chairman Rugg stated that he is unsure of the YMCA's growth plans, but if they did anything, they would go through site plan review, and go before the Conservation Commission. He added that given the size of the wetland the state would get involved. S. Keach remarked that right now there is no plan for the area, but close to a decade ago, they tried to accommodate the construction of a ball field on the parcel that M. Eaton speaks of, but it does not fit. He added that the topography of the parcel, the buffers, and as it is surrounded by AR-I, there is not much development potential there. A. Chiampa asked him to clarify. S. Keach pointed out where he was speaking on the screen. A. Chiampa asked if they received a variance for this. S. Keach replied that they did. A. Chiampa noted that in the C-II zone there can be a motor vehicle station with limited service, warehouse and storage 250,000 SF or larger, hotels, self-storage, and a drive-in theater. She asked if this was correct. K. Caron replied that she was not double checking as A. Chiampa was reading off her list, but there are uses that are permitted with a Conditional Use Permit (CUP). S. Keach mentioned that M. Eaton's question about driveway access to Clark Road was a good question. He noted that they have a piece of frontage on the Morrison lot and trailer lot and at one point they did look at extending driveway access to have a curb cut at Clark Road, but they opted not to because the proximity the driveway would be to the intersection of Clark Road and Rockingham Road. He said that he would be concerned with a driveway that has any volume being at Clark Road. M. Eaton said that this information was helpful and reiterated that he would like it to stay zoned C-I. He added that they enjoy having the YMCA as a neighbor.

Cecilia Menard, 18 Clark Road, addressed the Board. C. Menard voiced her concern about the traffic. She added that sometimes trying to get out of her driveway is hard. She noted that she is concerned about the wetland, as she is across the street from M. Eaton. She remarked that she enjoys the YMCA as a neighbor, but also likes the solitude. D. Paul told the residents that four times a year there is a Traffic Safety Committee that meets in this room. She stated that she was not sure if the next meeting would be April, but encouraged residents to attend.

David Zaitsev, 11 Clark Road, addressed the Board. D Zaitsev said that hearing the concerns about the C-II zone, it does not seem to fit in the area. He said that it is all residential around here.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin asked for the purpose of changing the zoning. He added concerns about traffic in this area as well. He asked who owned the property. S. Keach replied that Granite YMCA owns this. He added that it was at one point five parcels, and the YMCA has acquired them over the last 25 years, and in 2017, they voluntarily merged them to create one 15-acre parcel. He explained that when you merge or consolidate parcels the zoning does not change, so now there is a single parcel comprised of three separate zoning districts or a zoning quilt. He reiterated that when they merged the parcels five years ago, it was recommended by the current Town Planner, to rezone to make it cleaner. He pointed out that portions of the YMCA could fall under a community center and public

facilities, which are permitted by right. He went on to note that recreational facilities, public is not permitted in the C-I district, but is allowed in the C-II district. He pointed out that there are no projects right now, but it might change and they would be back before the Board. R. Breslin asked why this is going to be a benefit for the YMCA. S. Keach replied that he is not sure it would benefit the YMCA. R. Breslin asked why he is here now. S. Keach replied because they made a commitment. Chairman Rugg explained that the town likes a parcel to be one zone, as they do not like split zoning. R. Breslin asked if this would be the best benefit for the citizens of Londonderry, especially the abutters. S. Keach mentioned that most of the time rezoning proposals usually facilitate development or subdivision, but they have done the opposite here tonight.

Chairman Rugg brought the discussion back to the Board. B. Hallowell asked for the YMCA's mission. S. Keach replied that the mission is a civic organization and the Nutfield YMCA has predominately youth programs. B. Hallowell asked if there were any restrictions to becoming a member. S. Keach replied that he is not aware of any. B. Hallowell remarked that when looking at the table, recreational facilities is not allowed in the C-I zone, and he thought it would be fair to say that the YMCA has recreational facilities that are used by the public. S. Keach replied that is correct.

Cindy Eaton, 16 Clark Road, addressed the Board. C. Eaton told the Board that she remembers when the YMCA acquired the other parcels and the abutters at that time asked it not be rezoned to C-II because of heavier uses. She said that there was fear of a parking lot on the north end, even though there are wetlands on the property. She said that she has lived in Londonderry for a long time and in the future the YMCA might sell this if they need a bigger parcel and now this parcel is zoned C-II. She added that the Rail Trail is also close to this. She encouraged the Board to keep it zoned C-I.

Chairman Rugg brought the discussion back to the Board as there was no further public input. L. Wiles commented that the Board takes rezoning seriously and he has not heard any real reasons why the YMCA wants to be rezoned C-II other than this should have been done when the parcels were merged. He added that in the future if the YMCA has a project that is in violation of the C-I zone, they can come back before the Board. T. Combes asked if the current uses of the YMCA are not permitted in the C-I zone. K. Caron replied that she is not sure if they received a variance for the use, but they exist today, so they are permitted, legal, non-conforming uses. T. Combes asked if they could expand on the old Morrison House lot or trailer lot. K. Caron replied that this would be determined by the Zoning Administrator and it might not be a straightforward answer. T. Combes asked if the YMCA's current use is more in line with the C-II zone versus the C-I zone. K. Caron replied not necessarily, as the recreational use, public is permitted in the C-II zone versus C-I. She added that she cannot speak to the total percentage of the parcel that is in use for recreation uses versus the other uses they have today. D. Paul asked if the Board can place conditions. K. Caron pointed out that the Board is making a recommendation to the Town Council, and the Town Council is the jurisdictional body that has the final say if this is going to be rezoned. She went on stating that in the Board's recommendation to the Town Council they can place conditions, but she would not recommend it. She said that the Board should be evaluating how the rezoning request fits into the Master Plan and surrounding uses. Chairman Rugg noted that they have received guidance from the Town Attorney not to place conditions. L. Wiles asked if there was

a difference in assessed value of businesses in the C-I zone versus the C-II zone. K. Caron replied that she is not sure.

A. Sypek made a motion to recommend to the Town Council the rezoning request to rezone 206 Rockingham Road (Map 15 Lot 26) Granite YMCA (Owner/Applicant) from C-I (Commercial I) to C-II (Commercial II), and AR-I (Agricultural I) and Route 28 Performance Overlay to C-II (Commercial II).

T. Combes seconded the motion.

The motion was granted, 6-2-1, with A. Chiampa and L. Wiles voting against and D. Paul abstaining. The Chair voted in the affirmative.

IV. New Plans/Conceptual Plans

V. Other

Chairman Rugg pointed out that at their March 1, 2023, meeting the Board will be electing officers. He said that volunteers are needed for election day as well.

VI. Adjournment

Member A. Sypek made a motion to adjourn the meeting at approximately 8:18 p.m. Seconded by T. Combes.

The motion was granted, 9-0-0.

The meeting adjourned at approximately 8:18 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Jake Butler
Title: Secretary

These minutes were accepted and approved on March 8, 2023, by a motion made by A. Sypek and seconded by J. Butler

STAFF RECOMMENDATION

To: Planning Board

Date: February 8, 2023

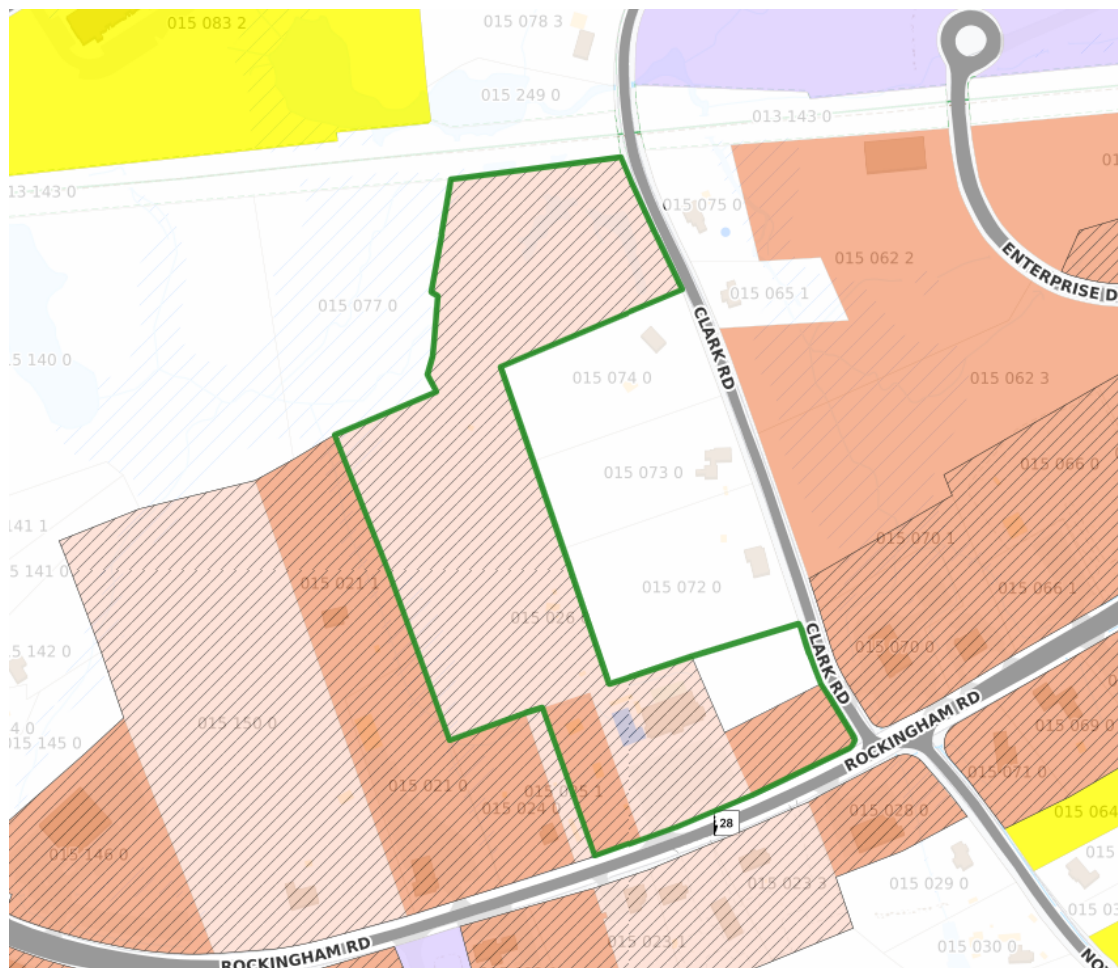
From: Kellie Caron, Assistant Town Manager | Director of Economic Development

Re: 206 Rockingham Road, Map 15, Lot 26 Rezoning Request

Rezoning request for a rezoning request to rezone 206 Rockingham Road (Map 15, Lot 26) Granite YMCA (Owner/Applicant) from C-I (Commercial I), C-II (Commercial II), and AR-I (Agricultural-Residential I) to C-II (Commercial II).

Existing Conditions and Background:

The Applicants are requesting rezoning of 206 Rockingham Road to C-II (Commercial II).



206 Rockingham Road (Map 15, Lot 26) is a 15.19 acre parcel located near the intersection of Rockingham Road and Clark Road. The property is the currently location of the YMCA. There is an existing curb cut to the lot off of Route 28/Rockingham Road. The parcel is currently zoned

C-I (Commercial I), C-II (Commercial II), and AR-I (Agricultural-Residential I) and Route 28 Performance Overlay. The current use (YMCA) is permitted in the C-II zoning district. The rezoning does not propose to modify the existing use.

The 2013 Master Plan identifies this area as a “G-5 Retrofit Growth Sector”. According to the Master Plan:

The Retrofit Growth Sector is assigned to areas that are already developed in a suburban development pattern and have potential to be modified or completed as activity centers.

Rezoning Request:

The Applicants are requesting rezoning of 206 Rockingham Road to C-II (Commercial II). Please see the attached rezoning request and exhibit plan showing the existing conditions and zoning.

To simplify the application of the zoning requirement for future development and expansion on the property, the Applicant seeks to consolidate the zoning for the entire parcel to be C-II. The current use is permitted in the C-II zoning district and would be the same zoning as two abutting lots to the west and the same zoning as the abutting lot to the east of Clark Road.

Board Action Required

Should the Board find that the request is reasonable and consistent with the surrounding uses and the Master Plan, the Board may make a recommendation motion as follows:

Move to ***recommend*** to the Town Council approval of the rezoning request to rezone 206 Rockingham Road (Map 15, Lot 26) Granite YMCA (Owner/Applicant) from C-I (Commercial I), C-II (Commercial II), and AR-I (Agricultural-Residential I) and Route 28 Performance Overlay to C-II (Commercial II).

Conversely the Board may make a motion to recommend that the Town Council deny the request for re-zoning, if it finds that the request is not consistent with the Master Plan and the surrounding uses.