

TOWN COUNCIL AGENDA
March 16, 2020
7:00 P.M.

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM.

A. CALL TO ORDER

B. PUBLIC COMMENT

1. **Town Council Reorganization**
2. Senior Transportation Survey Results
Presented by Laurie Renke

C. PUBLIC HEARING

D. OLD BUSINESS

E. NEW BUSINESS

1. Update on Town Election Warrant Articles
Presented by Kevin Smith
2. **Order #2020-07** – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects
Presented by Steve Cotton
3. **Ordinance #2020-01** – An Amendment to the Zoning Ordinance Relative to Rezoning 603 Mammoth Rd (Map 17, Lot 13)
(First Reading)
4. GIS Presentation
Presented by GIS Manager Amy Kizak

F. APPROVAL OF MINUTES

Approval of March 2, 2020 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

1. Re-Appointment of Tax Collector Erin Newnan

H. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
3. Assistant Town Manager Report

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting – 04/06/20 Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 04/20/20 Moose Hill Council Chambers, 7:00PM
- C. Town Council Meeting – 05/04/20 Moose Hill Council Chambers, 7:00PM
- D. Town Council Meeting – 05/18/20 Moose Hill Council Chambers, 7:00PM

ORDER #2020-07

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 03/16/2020

Adopted: 03/16/2020

WHEREAS voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

WHEREAS by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$23,798.95 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$23,798.95, from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

John Farrell, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:
03/16/2020

**Expendable Maintenance Trust TC Order Request
for Town Council Meeting "3/16/2020"**

Description	Vendor	Amount
<u>Winter Maintenance - TH, LPD, LPD, Library, Morrison & Access Ctr.</u> Plowing, salting, and shoveling on 2/10, 2/11, 2/13, 2/14, 2/18 and 2/19/2020 at our various town buildings (TH, Library, LPD, Access Center, Central Fire). This EMTF request is for the materials and labor for winter maintenance for the parking lots, walkways, steps, fire lanes at our buildings.	Shady Hill - Invoice # 1-1126262	\$ 3,560.00
	Shady Hill - Invoice # 1-1126296	\$ 1,070.00
		\$ 4,630.00
<u>Fire Alarm System - Town Hall</u> Replace the existing graphic annunciate door with a blank face red door (no longer needed with the new digital annunciate), replace defective strobe in Moose Hill Conference Room, troubleshoot the wiring going to the four remote elevator devices. This EMTF request is for the materials and labor to perform the stated items of work in the description.	Mammoth Fire Alarm - Quote	\$ 1,692.95
		\$ 1,692.95
<u>HVAC IT Rooms & Dispatch - LPD</u> The LPD facility was built in 2004 based on the HVAC requirements at that time, now in 2020 upgrades and/or usages in these areas have changed, and now require modifications to the HVAC design. Currently the 1st floor dispatch area, 1st floor IT, and 2nd floor IT rooms are having issues with maintaining their required temperature levels. To compensate for the variances in temperature needs for these areas, portable cooling units, fans, and heaters are being used. This EMTF request (labor and materials) will separate these three areas so each will have their own mini-split unit/temperature control allowing these areas to operate at their climate requirements.	Daigle Plumbing - Quote	\$ 16,996.00
		\$ 16,996.00
<u>Winter Maintenance - Senior Center</u> Plowing, salting, and shoveling on 2/18, and 2/19/2020 at our senior center. This EMTF request is for the materials and labor for winter maintenance for the parking lots, walkways, steps, fire lanes at our senior center.	Green Magic - Invoice #3565	\$ 480.00
		\$ 480.00
Total Town Council EMTF Order		\$ 23,798.95

First Reading: 3/16/2020
Second Reading/Public Hearing: 4/06/2020
Adopted: 4/06/2020

ORDINANCE #2020-01
AN AMENDMENT TO THE ZONING ORDINANCE
RELATIVE TO REZONING MAP 17, LOT 13

WHEREAS the existing parcel, Map 17 Lot 13 at 603 Mammoth Road is split-zoned Commercial-II and Agricultural Residential-I; and

WHEREAS the Planning Board has received a request to rezone the above-referenced parcel from Agricultural Residential-I to Commercial-II; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon the request; and

WHEREAS the requested rezoning is consistent with the purpose and intent of the Londonderry Master Plan and the Londonderry Zoning Ordinance;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 17, Lot 13 to Commercial-II, to become effective upon passage by the Town Council.

John Farrell - Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
4/06/2020



**Town of Londonderry
Planning and Economic Development Department**

268B Mammoth Road
Londonderry, NH 03053
Phone 603.432.1100 x 134
www.londonderrynh.org

To: Town Council
From: Colleen Mailloux, AICP, Town Planner
CC: Kevin Smith, Town Manager
Date: March 13, 2020
Re: Rezoning Recommendation from Planning Board

On December 4, 2019 and February 12, 2020, the Planning Board held a public hearing relative to a request for rezoning two parcels, Map 17, Lot 11 and 13.

Lot 11 is an undeveloped 20.858 acre parcel located at 595 Mammoth Road that is zoned Agricultural Residential (AR-I). The Planning Board did not recommend rezoning this parcel. A separate agenda item has been scheduled for April 6, 2020 for the Applicant to conceptually discuss the re-zoning of Map 17, Lot 11 and receive input from the Town Council on that parcel.

Lot 13 is a 23.5 acre parcel that is currently developed with an existing commercial office and warehouse building housing Thibeault Corporation located at 603 Mammoth Road. This parcel is currently split zoned, with the northeast portion of Lot 13, fronting on Mammoth Road, zoned Commercial-II (C-II) and the southwesterly portion of the lot zoned Agricultural Residential (AR-I).

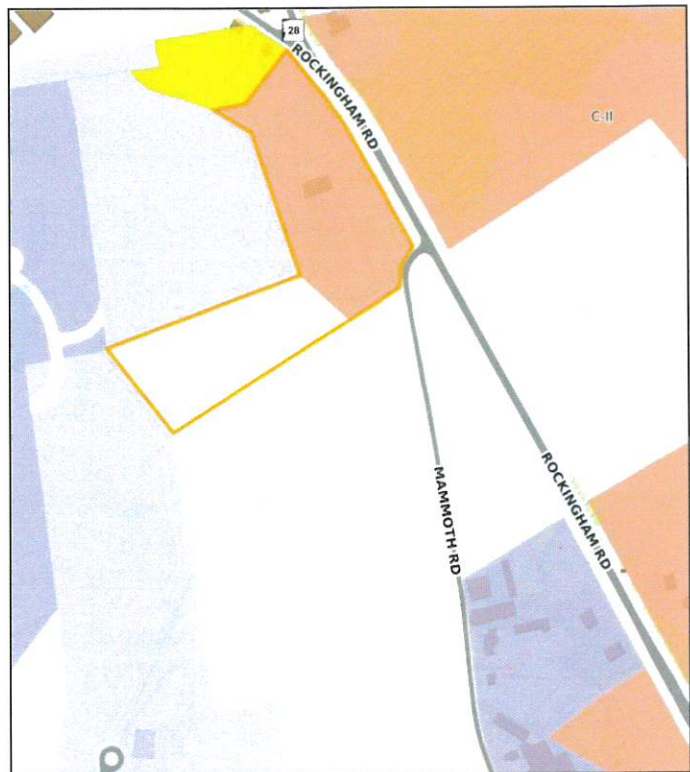


Figure 1. Map 17, Lot 13 – 603 Mammoth Road

The Planning Board, by unanimous vote, recommends to the Town Council to approve rezoning Map 17, Lot 13 from Commercial-II and Agricultural Residential-I to Commercial-II.

A copy of the application, staff recommendation to the Planning Board, and the Planning Board minutes are attached.



TOWN OF LONDONDERRY

LONDONDERRY PLANNING BOARD & TOWN COUNCIL

2688 Mammoth Road Londonderry, NH 03053 Phone: 432-1100, ext.134 Fax: 432-1128

APPLICATION FOR REZONING REQUEST

LOCATION OF PROPERTY:

Street address 595 and 603 Mammoth Road

Tax map 17 Parcel 13 and 11

CURRENT ZONING: ARI AND CII

PROPOSED ZONING: ALL CII

Owner's name (s) Thibeault Corporation of NE

Tel. No. 603-669-6114

Owner's address 603 Mammoth Road

Londonderry, NH 03053

Owner's Email address viacozzi@tcorpne.net

Applicant's name(s) Same

Tel. No. _____

Applicant's address _____

Applicant's Email address Same

Representative's name Vincent Iacozzi

Tel. No. 603-669-6114

Representative's address 603 Mammoth Road

Londonderry, NH 03053

Representative's Email address viacozzi@tcorpne.net

Please explain the purpose for your rezoning request including how the proposed zoning fits in with the neighboring properties and can be justified on the bases of the health, safety and general welfare of the community. Also, please provide an explanation as to how the request is in accordance with comprehensive plan and/or master plan. Attach additional sheets if necessary.

Parcel 17-13 is currently split zoned as ARI and CII (see map)

Parcel 17-11 is zoned ARI

Both Parcels abut Parcel 17-5, zoned INDI

Parcel 17-13 abuts 17-12 and 17-5, zoned INDI

We are seeking to reclassify and rezone the ARI portion of 17-13 and all of Parcel 17-11 to zone CII to be able to expand our business and more fully blend in with surrounding parcels.

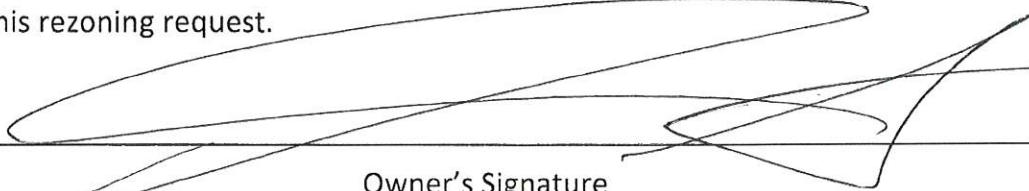
The total area surrounding Parcel 17-13 and 17-11 is made up of several conflicting zones as shown on the plan.

Parcel 17-13 abuts RIII, CII, INDI, and ARI.

Parcel 17-11 abuts CII, ARI and INDI. The rezoning will create a CII buffer between the INDI zone to the north and west, and the ARI parcels to the south.


The new CII zone will allow us to expand our commercial operations in Londonderry with enhanced tax revenues to the town.

I understand that I must appear in person at any public hearing scheduled by in this matter. If I cannot appear in person, I will designate a representative or agent in writing below to act on my behalf. I hereby designate Vincent Iacozzi to represent me as a representative/agent in the pursuance of this rezoning request.



Owner's Signature

Owner's Signature



Applicant's Signature

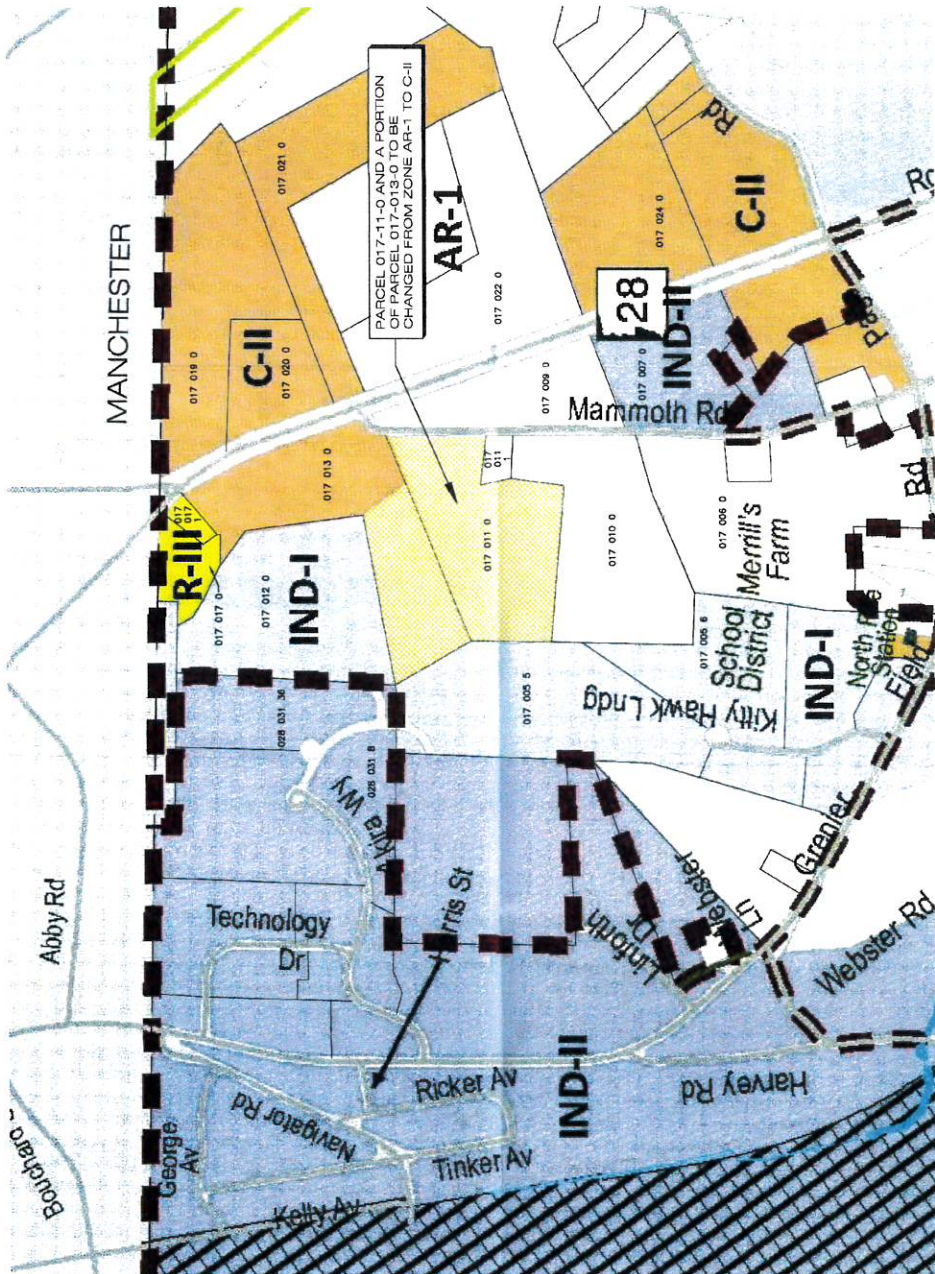
Applicant's Signature



Dated

Total fee due (to be calculated by the Planning Department): \$ _____

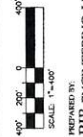
NOTE: PLEASE REFER TO THE INSTRUCTION SHEET PROVIDED AS A REZONING REQUEST REQUIRES PUBLIC HEARINGS WITH BOTH THE PLANNING BOARD & TOWN COUNCIL. ADDITIONAL FEES ARE DUE TO THE TOWN COUNCIL FOR ITS PUBLIC HEARING. YOU WILL BE CONTACTED BY THE TOWN MANAGER'S OFFICE FOR FURTHER INSTRUCTION.



NOTES
 1. THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED ZONING CHANGE TO PARCELS 017-11 & 017-13 FROM AR-1 ZONE TO C-II ZONE.
 2. THIS PLAN IS AN OVERLAY OF THE TOWN OF LONDONDERRY ZONING MAP DATED APRIL, 2018.

NO.	DESCRIPTION	DATE

REZONING MAP
 MAP 17, LOTS 11 & 13
 MAMMOTH ROAD
 LONDONDERRY, NEW HAMPSHIRE
 PREPARED FOR: THIRTEENTH CORPORATION OF NH
 603 OLD MAMMOTH ROAD
 LONDONDERRY, NH 03053
DATE: SEPTEMBER 23, 2019



PREPARED BY:
RJB ENGINEERING, LLC
 1300 RIVER ST
 CONCORD, NH 03301
 P.L. 602-274104

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 stone walls. K. Merrill said that on parcel (Map 17 Lot 10) there are stone walls 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: _____
Title: _____

These minutes were accepted and approved on January 8, 2020, by a motion made by _____ and seconded by _____.

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: _____
Title: _____

These minutes were accepted and approved on March 4, 2020, by a motion made by _____ and seconded by _____c

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
Re: Rezoning Request, 595 Mammoth Road (Map 17 Lot 11) and
603 Mammoth Road (Map 17 Lot 13)

Date: February 12, 2020

The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

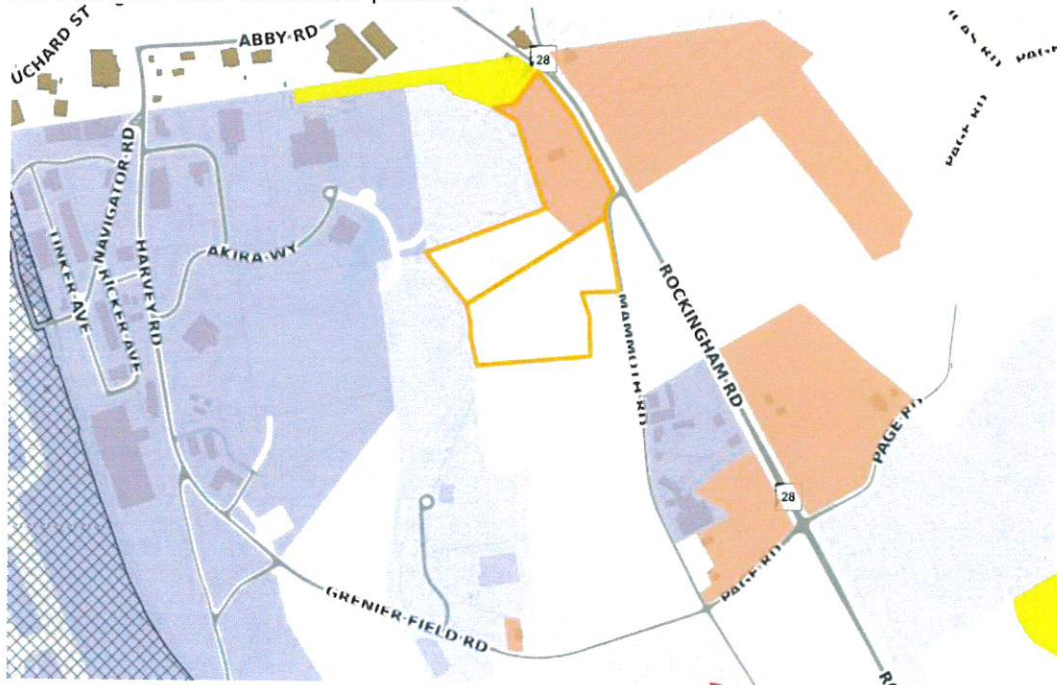
Review Comments:

The Applicant, on behalf of the property owner (Thibeault Corporation of New England) requests the rezoning of two adjacent parcels: 595 Mammoth Road (Map 17 Lot 11, Zoned AR-I) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-I & C-II) to C-II.

Lot 13 is a split-zoned 23.50 acre developed parcel with an existing commercial office and warehouse building housing Thibeault Corporation, a business offering site work, demolition, excavation services as well as real estate development. The northeast portion of Lot 13, fronting on Mammoth Road, is zoned Commercial-II (C-II) and the southwesterly portion of the lot is zoned Agricultural Residential (AR-I). The properties to the north and west of this parcel are zoned Residential-III, Industrial-II and Industrial-I. Parcels across Mammoth Road to the east are Zoned C-II.

Lot 11 is an undeveloped 20.858 acre parcel with frontage on Mammoth Road which is zoned AR-I. The properties to the west and south west of this parcel are zoned Industrial-I, with other abutting parcels zoned AR-I.

The applicant is requesting that both parcels be rezoned to more fully blend with the industrial/commercial nature of the corridor and to provide a commercial buffer between adjacent industrial and residential parcels.



Additional Information:

At its meeting on 12/4/2019, the Planning Board asked the Applicant to provide a conceptual plan for commercial development of the site. The concept plan has been included in the Board's packet for illustrative and discussion purposes only. Staff does not recommend that a recommendation on rezoning be conditioned upon the conceptual plan provided.

At the meeting on 12/4/2019, the Board also heard testimony regarding the use of town funds and funding from the USDA NRCS Farmland Protection Program to acquire a conservation easement over the nearby Merrill Farm. There was a question as to whether the town could be in violation of the easement deed or the USDA NRCS funding program if it were to rezone or allow development on parcels in proximity to the conservation easement. The Town attorney was asked to review the matter and provided the following opinion:

I have reviewed the Conservation Easement Deed and the relevant sections of the current iteration of the former Farm and Ranch Lands Protection Program, 16 USC 3838h and i. I find no prohibition on rezoning property located outside the easement deed. I also cannot conceive of a legal basis to enforce a prohibition development of land located adjacent to or otherwise nearby a conservation easement.

Staff Recommendation:

The proposed rezoning is consistent with the use and neighboring zoning in that area and would reflect the current use of the property as well as eliminate the conflicting zoning on Lot 13. The C-II use would provide a buffer between the adjacent industrial and residential zones.

Staff supports a Planning Board **RECOMMENDATION** to the Town Council to approve the rezoning of 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.