

1
2 **LONDONDERRY, NH PLANNING BOARD MINUTES OF**
3 **THE MEETING OF March 8, 2023, AT THE MOOSE HILL COUNCIL**
4 **CHAMBERS**

5
6 **I. CALL TO ORDER**
7

8 Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary;
9 Lynn Wiles, Assistant Secretary; Ann Chiampa, member; Deb Paul, Ex-Officio – Town
10 Council; Roger Fillio, alternate member; Ted Combes, alternate member; and Jeff
11 Penta, member (arrived at 7:05 p.m.)

12
13 Also Present: Kellie Caron, Assistant Town Manager/Director of Economic
14 Development; John Trottier, Director of Public Works & Engineering; and Beth
15 Morrison, Recording Secretary

16
17 Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and
18 emergency procedures, and began with the Pledge of Allegiance.

19
20 **II. ADMINISTRATIVE BOARD WORK**
21

22 **A. APPROVAL OF MINUTES:**

23
24 **Member A. Sypek made a motion to approve the minutes of February**
25 **8, 2023, as presented.**

26
27 **J. Butler seconded the motion.**

28
29 **The motion was granted, 5-0-1, with J. Butler abstaining. The Chair**
30 **voted in the affirmative.**

31
32 **B. REGIONAL IMPACT DETERMINATIONS:** K. Caron informed the Board that she
33 had no projects for their consideration this evening.

34
35 **C. Discussion with Town Staff:** K. Caron informed the Board that there is an
36 extension request for 244 Nashua Road a multi-family site plan that was
37 approved March 23, 2021. She said that the applicant is requesting a two-year
38 extension until March 23, 2025. Chairman Rugg asked why they are seeking
39 an extension. K. Caron replied that they are seeking to change the ownership
40 and go through the condominium conversion process. D. Paul asked if the
41 applicant would be grandfathered in if the Board grants them a two-year
42 extension if the regulations change during this time. K. Caron replied that the
43 applicant would be grandfathered in. She added that the Board can shorten
44 the request to six months to one year. Chairman Rugg stated that he thought
45 it would not take two years to be able to get the condominium conversion
46 done. J. Butler asked for staff's input. K. Caron replied that she does not have
47 a preference. J. Trottier replied that the applicant should be able to do it
48 sooner, such as a year.

49
50 **Member A. Sypek made a motion to grant a one-year extension to 244**
51 **Nashua Road site plan (Map 3 Lot 135) until March 23, 2024.**

52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103

J. Butler seconded the motion.

The motion was granted, 6-0-1, with J. Penta abstaining. The Chair voted in the affirmative.

Chairman Rugg thanked D. Paul for her service on the Board. He reminded everyone that this Tuesday is voting day.

III. Public Hearings

A. Public hearing on an application for formal review of a lot line adjustment plan to adjust the lot line between Seven Chartwell Court, Map 3 Lot 45-61, Zoned AR-1 and 11 Greeley Road, Map 3 Lot 165-1, Zoned AR-1, Diana F. Wolters Rev. Trust (Owner & Applicant) continued from the January 4, 2023.

Chairman Rugg read the application into the record noting it was continued from the January 4, 2023, meeting. J. Trottier informed the Board there are no outstanding checklist items and the application can be accepted as complete.

A. Sypek made a motion to accept the application as complete per Staff's Recommendation Memorandum dated March 8, 2023.

J. Butler seconded the motion.

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

Mark Sargent from Richard. D. Bartlett & Assoc. LLC, 214 North State Street, Concord, NH addressed the Board. M. Sargent told the Board that the first parcel is Seven Chartwell Court with an area of 3.06 acres, 100-feet of frontage, with a single-family home serviced by an onsite well and septic system. He went on noting the second parcel is 11 Greeley Road with an area of 9.32 acres, 52.9 feet of frontage on Greeley Road, a single family home serviced by an onsite well and septic system. He said that Seven Chartwell was created by an approved subdivision in 1976 and 11 Greeley Road in 1975. He explained that they want to annex 2.25 acres from 11 Greeley Road and give that to Seven Chartwell, which would make Seven Chartwell 5.31 acres. He added that the frontage will stay the same on both lots. He reviewed the requested waivers with the Board. He mentioned that the sight distance profile for Seven Chartwell misses one requirement by half a foot noting the driveway has been in existence since the late 1980s.

Chairman Rugg opened the discussion up to the Board. J. Trottier informed the Board that the applicant has requested three waivers as follows:

1. The applicant is requesting a waiver from Exhibit D-2 to not provide a sight distance profile for 7 Chartwell Court as it does not meet the requirement for sightline profile "A" but does meet the requirement of sight line profile "B". He said that staff does not support the granting of this waiver, as staff sees this as an opportunity to improve if improvements are warranted.
2. The applicant is requesting a waiver from Section 4.17 of the

104 Subdivision Regulations to not provide the benchmark data and
105 topography high intensity soil study for the entire parcels. He said that
106 staff supports the granting of this waiver as the parcel being reduced
107 includes a portion mapped for topography and soils to prove a buildable
108 parcel. He added that as a result of the lot line adjustment both parcels
109 will exceed five acres in area but not necessitate the New Hampshire
110 Department of Environmental Services (NHDES) subdivision approval
111 and no additional improvements are proposed at this time.
112

- 113 3. The applicant is requesting a waiver from Section 3.05 of the
114 Subdivision Regulations to not provide utility clearance letters. He said
115 that currently staff supports the granting of this waiver as the parcels
116 have existing residential structures with existing non-municipal utilities
117 and no new connections are proposed.
118

119 He reviewed the remaining design review items with the Board. A. Chiampa asked if
120 the elevation of the driveway is the issue. J. Trottier replied it is not and explained
121 why. A. Chiampa asked where the obstruction is. J. Trottier replied that it is an area
122 of the cul-de-sac. A. Chiampa asked who owns the cul-de-sac. J. Trottier replied that
123 the town owns the cul-de-sac. A. Chiampa asked if the town would need to remove
124 the cul-de-sac. J. Trottier replied that the town will work with the applicant on this. J.
125 Penta asked if staff did not support the sight distance waiver because of safety
126 concerns. J. Trottier replied that it is an opportunity to fix a problem. J. Penta asked
127 if the applicant is open to correcting the issue. M. Sargent replied that they have
128 requested the waiver because they do not believe that it is necessary. He reviewed a
129 picture with the Board noting that it is a low traffic area with only three other houses.
130 He commented that it would require ripping out the pavement along with other
131 things, which he believed the cost alone would be prohibitive. A. Sypek asked what
132 the remedy would be for the sight distance problem. J. Trottier reviewed the picture
133 noting that you would have regrade the problem aspect of the cul-de-sac. T. Combes
134 expressed his opinion that this is an unnecessary cost to burden the homeowner
135 with. R. Fillio agreed with T. Combes regarding the sight distance. J. Butler voiced his
136 opinion that he would support granting the waiver instead of opposing it as he
137 thought the burden was too great for the homeowner on a lot line adjustment
138 application.
139

140 Chairman Rugg asked for public input and there was none.
141

142 Chairman Rugg brought the discussion back to the Board. L. Wiles remarked that he
143 would support staff's recommendation on the sight distance waiver because he does
144 not know how much it would require the homeowner to bring it into compliance at
145 this time. A. Chiampa asked if the issue with the sight distance has been there since
146 the road was built. M. Sargent replied that is correct. A. Chiampa asked if there are
147 three houses on the street. M. Sargent replied that is correct. A. Chiampa asked if all
148 three homeowners would be responsible for fixing the cul-de-sac. J. Trottier replied
149 that every driveway is looked at separately and this is the sight distance for the
150 parcel in question. J. Butler mentioned that if the Board did not support granting the
151 waiver, the applicant might have to regrade part of the roadway and part of the cul-
152 de-sac, just for a lot line adjustment. He added that he recently got a quote to
153 repave his driveway and it was almost \$10,000, noting it would be even higher for
154 the applicant. J. Penta asked why staff is not recommending the waiver. J. Trottier
155 replied that when an issue like this arises, staff sees this as an opportunity to

156 correct an issue. J. Penta asked specifically why staff is not recommending granting
157 this waiver. J. Trottier replied that there are regulations for sight distance and it is a
158 safety issue. Chairman Rugg remarked that staff is doing their job. K. Caron
159 mentioned that staff will try to be consistent in what they support and not support,
160 and in the past staff has not supported waivers such as this request.

161
162 **J. Butler made a motion to grant the waiver from Exhibit D-2 to not**
163 **provide a sight distance profile for 7 Chartwell Court as it does not**
164 **meet the requirement for sightline profile "A" but does meet the**
165 **requirement of sight line profile "B".**

166
167 **A. Rugg seconded the motion.**

168
169 J. Butler reminded the Board that if they do not support the waiver, the applicant will
170 have to re-engineer the entire street for a lot line adjustment. L. Wiles interjected
171 that in his opinion that is not what the Board is saying, but that the applicant has not
172 provided the data necessary for the Board to make a decision. He added that right
173 now the Board is speculating on what needs to be fixed and what the cost might be.
174 J. Butler asked if L. Wiles would like the Board to vote no on granting the waiver and
175 have the applicant incur more engineering fees to tell the Board that the applicant
176 will have to re-engineer the road to meet the current regulations. L Wiles replied that
177 he would like to know more information regarding this waiver. Chairman Rugg
178 mentioned that the application can be continued in order to get the required
179 information. J. Butler remarked that he does not want to say no to the applicant over
180 this issue. A. Sypek noted that he thought it would be a good idea to know what the
181 cost would be for this as it would make a difference in the outcome. J. Butler and A.
182 Rugg withdrew their motions.

183
184 **A. Sypek made a motion to continue the public hearing on an**
185 **application for formal review of a lot line adjustment plan to adjust**
186 **the lot line between Seven Chartwell Court, Map 3 Lot 45-61, Zoned**
187 **AR-1 and 11 Greeley Road, Map 3 Lot 165-1, Zoned AR-1, Diana F.**
188 **Wolters Rev. Trust (Owner & Applicant) the application until April**
189 **12, 2023.**

190
191 **L. Wiles seconded the motion.**

192
193 **The motion was granted 7-0-0, The Chair voted in the affirmative.**

194
195 Chairman Rugg noted that the application is continued until April 12, 2023, at 7
196 p.m., and this would be the only formal public notice.

197
198 **IV. New Plans/Conceptual Plans – N/A**

199
200 **V. Other**

201
202 Chairman Rugg informed the Board that Kellie Caron is working on gathering
203 numbers to compare the growth of the town and how it compares to surrounding
204 towns. He noted that Councilor Butler has raised the issue of the growth
205 management ordinance. He added that they also had a request for electric vehicle
206 (EV) Charging stations at Market Basket and asked K. Caron to look into this. K.
207 Caron mentioned that the application has been withdrawn. J. Penta asked for the

208 population of Londonderry. K. Caron replied that the population is just shy of 27,000.

209
210 A. Election of Officers

211
212 **J. Butler made a motion to have the current officers the same for**
213 **the Planning Board with A. Rugg as Chair, A. Sypek as Vice Chair, J.**
214 **Butler as Secretary and L. Wiles as Assistant Secretary.**

215
216 **L. Wiles seconded the motion.**

217
218 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

219
220 **J. Butler made a motion to keep J. Butler and J. Penta the members**
221 **of the CIP Committee and A. Rugg the Heritage Commission**
222 **member.**

223
224 **L. Wiles seconded the motion.**

225
226 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

227
228 **VI. Joint Meeting – Heritage Commission**

229
230 Chairman Rugg read from the Planning Board Rules and Procedures on the rules of a
231 joint meeting. He had the Heritage Commission members introduce themselves as
232 follows: Krys Kenney, Chair, John Mahon Secretary, Sue Joudrey, member, Kristen
233 Endyke, member and James Butler, Town Councilor Liaison. D. Paul commented that
234 when doing the Master Plan in 2013, she worked on the Look Book with Tom Bianchi.
235 Chairman Rugg pointed out that Tom Bianchi was a member of the Heritage
236 Commission who has passed away unfortunately. D. Paul said they were getting
237 educated in form-based zoning when compiling the Master Plan. She went on stating
238 that with form-based zoning there is a visual concept of what you want something to
239 look like. She explained that to keep people on the same page, they took all the
240 terminology and assigned images that aligned with the Master Plan to keep
241 everything consistent. She said that way developers could use the Look Book and see
242 what kind of materials and buildings the Boards/Commissions are looking for.
243 Chairman Rugg mentioned that Tom Bianchi went out and took pictures of building
244 examples in Londonderry for the Look Book. A. Chiampa asked when the book was
245 designed. K. Caron replied it was in 2013. Krys Kenney, Chair of Heritage
246 Commission, remarked that the Look Book has served the town well and he would
247 like to improve the book. He stated that they would like to use pictures specific to
248 Londonderry, as some pictures in the Look Book currently are from other surrounding
249 towns. He added that he believes the Heritage Commission has worked with
250 developers to keep buildings in line with the vision of the town. J. Butler told the
251 Board that he went to two Heritage Commission meetings and spoke with the Town
252 Manager regarding the fact that the town does not have much of a legal point to
253 stand on, which is how updating the Look Book started. He explained that he put
254 together a power point presentation to review, Exhibit 1, which is attached hereto.
255 He pointed out that there is no mission statement for the current Look Book and
256 hopes that a clear mission statement can be defined this evening. He asked for input
257 from members of both the Planning Board and the Heritage Commission on the
258 mission statement. A. Sypek mentioned that a mission statement is usually what an
259 organization does versus a book, so maybe the book would be more like suggested

260 guidelines for developers. D. Paul remarked that a mission statement illustrates a
 261 company's vision, so suggested having a vision statement for developers to see what
 262 the town recommends. J. Penta asked if the Look Book is an economic tool. K. Caron
 263 replied that it could be used to guide developers. J. Penta commented that the
 264 Master Plan already has a common vision and he suggested using that language. He
 265 read from the Master Plan as follows: "The Common Vision for Londonderry is to
 266 remain a close-knit, vibrant community in the heart of protected forests and farms.
 267 Residents, businesses, and visitors should expect a government that works diligently
 268 to link development with quality of-life, while strengthening community and
 269 economic vitality. Efficient Town services, inviting public spaces, and a top-tier school
 270 system make the Town a great place to live and raise a family. A highly-educated
 271 work force, proximity to a regional airport, and an efficient transportation system
 272 make the Town an ideal place to work and invest in new business." J. Butler said that
 273 he thought it was too broad. John Mahon, member of Heritage Commission,
 274 suggested that a vision/mission statement should be very short, about eight or ten
 275 words. He stated that the purpose of the Look Book is to give developers a clear
 276 vision of what the Heritage Commission and Planning Board are looking for. J. Butler
 277 reviewed the identified types of development, such as big box retail, office complex,
 278 strip retail and industrial park. D. Paul asked if they should add mixed-use retail. J.
 279 Butler replied that there are probably other types of development that should be
 280 included now as well as mixed-use retail. K. Kenney interjected that there is not
 281 good wording for a gas station or a bank, which is a singular unit and does not fit the
 282 current language. D. Paul remarked that service industries, such as fast food,
 283 restaurants are not in the book either. J. Butler pointed out that the first four are
 284 what is in the Look Book today, but they can add on as he believes that some are
 285 missing. He asked if they should be looking a roof lines, which is more architectural
 286 versus types of buildings. D. Paul told the Board that in the original development
 287 things such as roof lines and types of windows were talked about, but they never got
 288 around to it. K. Kenney noted they are not looking at the roof line of an industrial
 289 park, as it will not have as much detail as everything else. T. Combes asked if
 290 apartment buildings should be included in this as well. K. Kenney replied that they
 291 should be. Chairman Rugg said that he thought suggesting materials to be used
 292 might be a good thing to add to the book. Councilor Butler expressed his opinion that
 293 both the Planning Board and Heritage Commission miss the rehab work and gave the
 294 example of a gas station that changed ownership. K. Kenney noted that there is
 295 nothing that triggers a review from the Heritage Commission for a rehab project right
 296 now. A. Sypek asked if a site were to undergo substantial renovation would it need to
 297 come before the Board for review. K. Caron replied that there are some triggering
 298 events that will have someone come back before the Planning Board, but noted it is
 299 very site specific. J. Trottier noted that a canopy would not trigger this. Sue Joudrey,
 300 member of Heritage, asked if there would be anything to prevent a developer from
 301 being allowed to change the color of a building without coming before the Heritage
 302 Commission. K. Caron explained that there are many factors to a site that factor in
 303 the decision. She cautioned regulating things such as color. She added that both
 304 herself and J Trottier have preliminary meetings with developers and they
 305 recommend that the developer take into consideration things such as the Look Book
 306 and what Boards or Commissions would like to see. S. Joudrey asked if there can be
 307 a new rule to enforce this. Chairman Rugg replied that there is no hard and fast rule
 308 that could apply right now. J. Butler remarked that he did not know if that is what he
 309 was envisioning when suggesting revising the Look Book. A. Chiampa commented
 310 that she believes the Boards/Commissions have to work with new companies that
 311 want to come to town as well. K. Kenney agreed that it should be a discussion and

312 compromise other than "my way or the highway." A. Chiampa pointed out that 50
313 Nashua Road, which was built around 1986, has withstood the test of time and
314 should be an example of what the town would like to see built here. J. Butler asked if
315 they can divide and concur the book, such as having someone focus on retail while
316 someone else would focus on office complexes. Chairman Rugg suggested that
317 everyone go out and take five pictures and come back to see if there is a common
318 theme. J. Butler recommended assigning people to take certain pictures, so that they
319 do not all take pictures of the same buildings. D. Paul suggested taking pictures of
320 buildings in other towns as well. J. Butler remarked that one thing he does not like
321 about the current Look Book is that there are pictures of buildings that are not in
322 town. D. Paul clarified that it could be a picture of a certain building in another town
323 that illustrated architecture that the Board/Commission would like to see in town. J.
324 Butler asked if the Look Book should illustrate certain buildings that the town does
325 not want to see developed. D. Paul replied that was a legal issue when they did this
326 in 2013. J. Mahon mentioned that there could be a section of bad buildings, which he
327 believes will take care of developers who do not want to end up there. K. Caron
328 strongly discouraged highlighting existing businesses that they do not like, as this is
329 supposed to be an economic tool. J. Mahon said that there should be examples of
330 windows, roof lines, exterior building materials, etc. for developers in the Look Book.
331 Councilor Butler asked how many people know what a specification book is or how a
332 building is built. He added that he would like to see education on how to read a plan
333 and what a specification book is for new Board/Commission members. Chairman
334 Rugg agreed. J. Butler noted that having a section on preferred building materials
335 would be a great idea for the Look Book. T. Combes asked if the Look Book affects
336 Woodmont. Chairman Rugg replied that it does not as it has its own Master Plan.
337 Councilor Butler noted that there should be a compliment of materials in a building
338 such as brick, wood and stone. He mentioned that he has had people tell him they do
339 not want to develop in Londonderry due to the costs and engineering. He pointed out
340 that communication is very important and by redesigning the Look Book it can be
341 used an important tool for developers. J. Butler reviewed the Discouraged Materials
342 page of his presentation with the Board. He asked how this information can be
343 discussed in the conceptual phase, so that a developer will know if they present a
344 certain building, they will run into problems. Councilor Butler disagreed with J. Butler
345 on having a section in the Look Book on discouraged materials or colors. He stressed
346 that the Look Book is a huge statement for the town and needs to be done correctly.
347 K. Kenney commented that currently there is a section regarding having mixed
348 materials, but thought this could be expanded upon. J. Penta voiced his opinion that
349 he would not be comfortable putting in businesses that they do not like, but instead
350 focusing on specific types of roofs or materials that they like. He added that
351 developers are going to do what they want, but this can be used as a tool to try and
352 guide them in the right direction. K. Kenney added that all the materials and roof
353 lines should tie back into the vision statement, such as trying to preserve the
354 character of town. J. Butler reviewed signage noting that it is another issue related to
355 zoning, but the material used in the sign would be appropriate for the book. K. Caron
356 pointed out that this is an advisory document. K. Kenney asked how they move
357 forward. J. Butler suggested that this can be done in three meetings. Chairman Rugg
358 said that he thought the end result should be with the Heritage Commission. K.
359 Kenney asked how the Board/Commission can communicate outside of the meetings.
360 Chairman Rugg suggested communicating through staff. Councilor Butler suggested
361 scheduling the next meeting to review the pictures people take. D. Paul stated that
362 the sections should be defined first, then people will be designated to what section
363 they are taking pictures of, and then email the pictures to a point of contact. K.

364 Caron commented that she can help with collecting and distributing information. S.
365 Joudrey reiterated that she would like a rule to be in place that businesses must
366 comply with the Look Book. Chairman Rugg noted that this would be more of
367 enforcement issue. He suggested the next meeting for this topic to be May 10, 2023.
368 D. Paul asked if there should be more items added to the list, such as residential,
369 multifamily, apartments, etc. A. Chiampa said that strip mall could be multi-retail. T.
370 Combes suggested looking at different types of industrial buildings. The Planning
371 Board and Heritage Commission agreed to meet on May 10, 2023.

372
373 **VII. Adjournment**

374 **Member J. Butler made a motion to adjourn the meeting at**
375 **approximately 9:21 p.m. Seconded by A. Sypek.**

376
377 **The motion was granted, 7-0-0.**

378
379 **The meeting adjourned at approximately 9:21 PM.**

380
381 These minutes were prepared by Beth Morrison.

382
383 Respectfully Submitted,

384
385 _____
386 Name: Jake Butler

387 Title: Secretary

388
389 These minutes were accepted and approved on April 5, 2023, by a motion made by
390 _____ and seconded by _____

391