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2 **LONDONDERRY, NH PLANNING BOARD MINUTES**
3 **OF THE MEETING OF May 10, 2023, AT THE MOOSE HILL COUNCIL**
4 **CHAMBERS**

5 **I. CALL TO ORDER**

6 Members Present: Art Rugg, Chair; Jake Butler, Secretary; Lynn Wiles, Assistant
7 Secretary; Ann Chiampa, member; Roger Fillio, alternate member; Tony DeFrancesco,
8 alternate member; Jason Knights, alternate member; Ted Combes, Ex-Officio – Town
9 Council (arrived 7:06pm); Giovanni Verani, Ex-Officio; and Bruce Hallowell, Ex-Officio

10 Also Present: Kellie Caron, Assistant Town Manager/Director of Economic
11 Development; and John Trottier, Director of Engineering and Environmental Services

12 Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and
13 emergency procedures, and began with the Pledge of Allegiance. Chairman Rugg
14 appointed T. DeFrancesco to vote for A. Sypek and J. Knights to vote for J. Penta.
15 There are eight voting members present. He then went over the agenda.

16

17 **II. ADMINISTRATIVE BOARD WORK**

- 18
- 19 a. APPROVAL OF MINUTES: Chairman Rugg informed the Board there are
20 no minutes to approve.
- 21
- 22 b. REGIONAL IMPACT CONSIDERATIONS: K. Caron informed the Board
23 there are no projects for their consideration.
- 24
- 25 c. DISCUSSION WITH TOWN STAFF: J. Trottier reported that he had
26 nothing to discuss. K. Caron reported that there is an extension request
27 for the Pittore site plan, Map 13 Lot 99, 15 Rockingham Road. The
28 applicant is requesting a 60-day extension to their conditions of approval
29 which brings the request to July 9th, 2023. Chairman Rugg asked if she
30 believed they could finish what they need to do in 60 days. K. Caron
31 replied that she does.
- 32

33 **J. Butler made a motion for a 60-day extension for the Map 13 Lot 99,**
34 **15 Rockingham Road Pittore site plan.**

35

36 **J. Knights seconded the motion.**

37

38 **The motion was granted, 8-0-0. The Chair voted in the affirmative.**
39

40 K. Caron reported that staff was contacted by the engineer representing
41 Green Mountain Messenger located at 15 Harvey Road. This property
42 received a site plan approval for an approximately 14,000 square foot
43 building in 2016. The staff was contacted about truck parking spaces that
44 were approved but never constructed, moving the dumpsters, and
45 installing a vertical CO2 tank where the dumpsters were previously
46 located. Regarding the truck parking spaces, several conditions would
47 have to be met, including financial guarantees, and a pre-con meeting. K.
48 Caron asked if the Board would like staff to proceed administratively or if
49 they would like the project brought back to the Board. The Board
50 expressed that they would like the staff to proceed administratively.

51
52 T. Combes arrived at 7:06pm. There are now nine voting members
53 present.

54
55 **III. OLD BUSINESS**

- 56
57 a. **Public Hearing** on an application for formal review of subdivision plan and
58 site plan for a 21-unit single detached residential development, 22 Young
59 Road (Map 6 Lot 53, Zoned R-III, Edgar & Winnifred Pitts, Trustees,
60 Owners) and 20 Young Road (Map 6 Lot 58-2, Zoned R-III, Cedar Crest
61 Development, Owner) and Cedar Crest Development (Applicant).
62 ***Continued from April 5, 2023.***

63 Chairman Rugg read the case into the record and stated that it was continued for lack of
64 completeness. J. Trottier stated that there are no outstanding checklist items and
65 recommended that the Board vote to accept the application as complete.

66 **J. Butler made a motion to accept the application as complete.**

67
68 **T. Combes seconded the motion.**

69
70 **The motion was granted, 9-0-0. The Chair voted in the affirmative.**

71
72 Chairman Rugg informed the applicant that the 65-day time clock has started. Jeffrey
73 Brem, from Meisner and Brem Corporation, and Aaron Orso, Cedar Crest Development,
74 addressed the Board. Chairman Rugg explained to the applicant that the Board's traffic
75 engineer, who is part of third-party review, is also present. J. Brem explained that A.
76 Orso has already purchased 22 Young Road and is in the process of purchasing 20
77 Young Road. The combined area is 25.4 acres. It was rezoned to R-III at the applicant's
78 request to build a residential project. 21 units of single-family lots are proposed. The
79 minimum lot size is 5000 SF with a minimum frontage of 50 feet. J. Brem reported that
80 they meet the density requirement based on studies by soil scientists. All 21 units will be
81 three bedrooms. They are required to have 10.16 acres of open space and they are

providing 17.83 acres. That open space is located in a block of land. The property is bisected by a gas line and the development would not cross that line. Water will be provided by Pennichuck Water and sewer will be private on-site septic systems. Gas will be from Liberty Utilities. Telephone and electric cable will be underground. All service letters have been submitted as part of the application. They are proposing two storm water basins, one close to Young Road and one towards the rear of the property. They are planning to remove the existing driveway and culvert to connect the two wetlands. The applicant applied for a CUP permit to do this and the Conservation Commission recommended approval.

J. Brem presented the waivers. The first waiver relates to the second curve, which is tighter than required for a 35 MPH roadway. The applicant prefers this curve because it slows traffic down, prevents the development from needing to cross the gas line, and allows space for a park. A waiver is required because there are site distance requirements to drive 35 MPH. They are asking for a waiver to reduce the speed limit from 35 MPH to 20 MPH. The second waiver is for the driveways. They are asking for a site distance waiver for distance between driveways because the speed limit will be reduced. The third waiver is a small section of pipe that has less than 3 feet of cover. They are providing 2.75 feet of cover and will change the pipe type from HDPE plastic to concrete in that section.

J. Brem stated there are two traffic condition waivers. J. Brem explained that this is one of the few R-III lots in Town that have not been developed yet. They are required to follow both site plan and subdivision rules, which is unusual. The applicant would like access to the property to come off of Young Road instead of Nashua Road. This would make the applicant's development the largest user of Young Road because the road has minimal traffic. J. Brem stated that the vehicle trips per day are projected to be 21 at PM peak and 17 at AM peak. This is an increase of 105% over the current load. The applicant would need a waiver to grant an exception increase traffic volume over one third of the current volume. The applicant is also requesting a waiver for a delay turning left onto Nashua Road, which would increase the delay over 20 seconds, which currently exists. J. Brem explained that the traffic study sent all the cars on Young Road to the right, when some in reality would also go to the left. A. Orso added that one of the major staff concerns was that the delay turning onto Nashua Road would create a queue blocking the new Lily Lane, but that according to the study, that won't happen.

Chairman Rugg went to the staff for comment. J. Trottier reviewed the first four of the six outstanding waivers with the Board as follows:

1. The applicant is requesting a waiver for section 3.09.R Table 1 of subdivision regulations pertaining to horizontal design for a 35 MPH roadway. Staff supports granting the waiver because the street is private, designed only for use by the local residents, and fits the requirements for the proposed 20 MPH speed limit.

- 125
- 126 2. The applicant is requesting a waiver to section 3.09.R Table 1 of subdivision
- 127 regulations pertaining to the roadway vertical design. Staff supports granting the
- 128 waiver because the street is private, designed only for use by the local residents,
- 129 and fits the requirements for the proposed 20 MPH speed limit.
- 130
- 131 3. The applicant is requesting a waiver to section 3.09.F of subdivision regulations
- 132 pertaining to driveway width. Staff supports granting the waiver because the
- 133 street is private, designed only for use by the local residents, and fits the
- 134 requirements for the proposed 20 MPH speed limit.
- 135
- 136 4. The applicant is requesting a waiver to section 3.09.G.3 of subdivision
- 137 regulations pertaining to drain pipe cover. Staff supports granting the waiver
- 138 because plans provide reinforced concrete pipe where the three-foot depth is not
- 139 met.
- 140

141 J. Trottier summarized the remaining design review items for the Board. K. Caron

142 reviewed the remaining two of the six outstanding waivers with the Board as follows:

143

- 144 5. The applicant is requesting a waiver to section 3.14.E.1 of site plan regulations
- 145 pertaining to intersection delay under build conditions. Staff recommends that the
- 146 Board consider this waiver and to utilize what is in the site plan regulations
- 147 specific to waiver requests.
- 148
- 149 6. The applicant is requesting a waiver to section 3.14.E.2 of site plan regulations
- 150 pertaining to average daily traffic volumes. Staff recommends that the Board
- 151 consider this waiver and to utilize what is in the site plan regulations specific to
- 152 waiver requests.
- 153

154 K. Caron stated the applicant is requesting a conditional use permit to do work within

155 the conservation overlay district related to the removal of a driveway culvert and

156 reconnection of two wetlands. The Conservation Commission and staff support the

157 conditional use permit.

158 Chairman Rugg went to the Board for comment. A. Chiampa asked staff to clarify if the

159 peak trips at the intersection of Young Road and Nashua Road would be a maximum of

160 12 per hour. J. Trottier replied yes. A. Chiampa asked if each would have a maximum

161 delay of 45 and 90 seconds. J. Brem replied that in the morning the left turn movement

162 went from 32.3 seconds to 113.7 seconds and in the evening, it grows from 40.8

163 seconds to 150.7 seconds. A. Chiampa asked if there would be an issue turning from

164 Lily Lane onto Young Road. J. Brem replied that it would not, and that with numbers

165 these small, the model can overestimate the impact. T. DeFrancesco asked why the

166 application asked if the applicant had adequately addressed the comments of the

167 Heritage and Conservation Commissions if those were only advisory committees.
168 Chairman Rugg stated that the Planning Board makes the final decision on that advice.
169 K. Caron replied that in this specific instance the Conservation Commission comments
170 are related to the conditional use permits. The comments are taken under advisement
171 by the staff and the Board. J. Butler indicated support for the waivers and asked to
172 clarify that there is no evidence that would be no queuing issues getting onto Young
173 Road. J. Brem confirmed there was not. A. Orso added that the model was based on
174 every car turning right out of Lily Lane, which would not be the case in reality. B.
175 Hallowell expressed support for the waivers.

176 Chairman Rugg asked for public input.

177 Steven Young, 4 Young Road, addressed the Board. His family has lived on his current
178 property since the 1750s and he lives in a historic house that was built in 1802. He does
179 not object to the project but he is concerned about the traffic issues. He stated that he
180 finds the traffic at the intersection of Young Road and Nashua Road near the daycare is
181 so bad at rush hour he sometimes seeks an alternate route to avoid it. He is concerned
182 that the increase in traffic will negatively impact his household, the daycare, and the Fire
183 Department's ability to respond to emergencies. He stated that it was his understanding
184 that the Town Fire Chief also opposed this access. He asked that the Board deny the
185 traffic waivers and ask the applicant to go to the state to establish access via Nashua
186 Road.

187 Barbara Young, 4 Young Road, addressed the Board. She is strongly opposed to
188 placing the entry of this project onto Young Road across from the Fire Department
189 rather than on Nashua Road because it is in opposition to Londonderry's traffic impact
190 analysis standards. She believes that the delays could prevent the Fire Department
191 from responding to emergencies in a timely fashion as dictated by the National Fire
192 Protection Association standards. She believes that the doubling the morning peak
193 traffic on Young Road would have a negative impact on the children and family
194 attending The Learning Tree Early Education Center located on Young Road. The
195 owners of The Learning Tree oppose access onto Young Road and provided B. Young
196 with a letter to deliver to the Board. B. Young stated that increasing the traffic on Young
197 Road could damage the Young property, which is on the National Register of Historic
198 Places. She is concerned that approving this project sets a bad precedent. She asked
199 that the Board deny the traffic waivers and ask the applicant to go to the State to
200 establish access via Nashua Road.

201 A. Chiampa asked if there was any documentation regarding the Fire Chief's position on
202 the traffic waivers. K. Caron replied that the proposal circulated to the Fire Department
203 as part of the design review process and that the Department stated that they had no
204 opposition at the time. She has not been made aware of any opposition from the Fire
205 Department, verbally or otherwise.

206 Sara Clark, 7 Copperfield Lane, addressed the Board. She is an abutter to the proposed
207 development. She stated that her biggest concern about the project is about the traffic
208 and that the Board may not have the correct data. She pointed out that the applicant
209 said that traffic coming out of the community was more likely to take a left out of Lily
210 Lane onto Young Road, but the study that was done had all the traffic turning to the
211 right. She stated that according to her experience, most people go to the left, and that
212 there should be a traffic study on this intersection instead. She considers Young Road
213 as part of the neighborhood and are used by the residents as such, including for
214 walking. She believes that having access to this development off of Young Road could
215 harm the character of the neighborhood.

216 Dan McLeod, 11 Copperfield Lane, addressed the Board. He is an abutter to the
217 proposed development. He voiced his agreement with S. Young, B. Young, and S.
218 Clark. He believes that the regulations are doing what they are supposed to do to slow
219 development. He is opposed to the development as it reduces the value of the
220 properties on Copperfield Lane by increasing the traffic and removing the surrounding
221 buffer.

222 Phil Pitts of Atkinson, son of Winnifred Pitts, 22 Young Road, addressed the Board. He
223 pointed out that the new development only has 19 homes. He expressed that he
224 believes that the traffic from these homes will not have a noticeable impact considering
225 the already existing noise and traffic volume on Nashua Road. He stated that they
226 already reduced the number of new homes from 40 to 19. He stated that his parents
227 would like to complete this transaction as soon as possible.

228 Lisa Costa of Atkinson, daughter-in-law of Winnifred Pitts, 22 Young Road, addressed
229 the Board. She stated that the traffic on Nashua Road is disruptive, but that she has
230 seen no evidence of traffic on Young Road. She emphasized that, as an engineer, she
231 understands that the small sample numbers in the model make it seem like the impact
232 will be more than it will. She believes the development is a good thing for the
233 neighborhood and the Town.

234 D. McLeod addressed the Board again. He pointed out that he lives in Londonderry, and
235 that he hopes the Board will regard the comments of those living in the neighborhood
236 will be considered more strongly than those having a financial impact in the transaction.

237 P. Pitts addressed the Board again. He stated that the property at 22 Young Road had
238 been zoned commercially prior to this project, and that if this development doesn't go
239 forward, they may attempt to get it rezoned to commercial again. He believes this
240 development will add to the character of the neighborhood.

241 Ray Breslin, 3 Gary Drive, addressed the Board. He stated that turning left onto Nashua
242 Road from Young Road is difficult. He believes that the safety of both current and
243 prospective residents should be the most significant concern. He asked if anyone had
244 discussed access to the development with the State.

S. Clark addressed the Board again. She stressed that when The Learning Tree opened and later expanded, it significantly impacted their quality of life in regards to the intersection of Young Road and Nashua Road by increasing traffic volume. She believes this development will continue to make traffic worse and there has not been a study to determine by how much. B. Hallowell asked S. Clark what she would be in favor of on that property. S. Clark said that if the proposed access was on Nashua Road, then she would probably not have this issue. Her concern is only over the access coming from Young Road. J. Butler asked the applicant how many cars were at the intersection at the peak hour. J. Brem replied that peak trips per hour turning onto Nashua Road under built conditions were 11 vehicles turning left and five turning right in the morning. Peak trips coming from Lily Lane onto Young Road are seven, one trip every eight minutes. J. Butler asked where in relation to the Fire Department entrance would the entrance to Lily Lane be. J. Brem replied that the entrance is approximately 150 feet north of the Fire Department entrance. J. Butler stated that one of the properties was initially zoned C-II and listed some examples of some uses of a C-II property. J. Butler asked for clarification that they had cut down the size of the development from 40 homes. A. Orso replied that it had initially been 55 homes and emphasized that they would not be creating a queuing issue that would impact the Fire Department. J. Butler stated that he believes this development is a good use of this property. Chairman Rugg stated that the Board had previously discussed whether the property would be used best as a C-II property or an R-III property and most had believed R-III was better. The final decision was made by Town Council to rezone it to R-III. A. Orso stated that he has held to the promises regarding the houses he made to the Town Council. He stated that he made a buffer between this development and Copperfield Estates a priority. A. Chiampa asked why the applicant chose not to exit onto Nashua Road. J. Trottier replied that they could foresee problems with the curb cut and the proximity to Young Road. Chairman Rugg added that the Planning Board and Town Council had concerns over the speed on that portion of Nashua Road.

S. Clark addressed the Board again. She stated that in previous conversations with A. Orso, she remembers that he had offered to put in a berm with a fence between this development and Copperfield Estates. She asked if he was still planning to do that. A. Orso replied that he was not because there was a significant distance between the developments and that the density was now lower. J. Brem added that they are following all Town regulations regarding buffer and tree growth.

B. Young addressed the Board again. She stated that the real issue is at the other end of Young Road where it connects to Nashua Road further to the east near the daycare and the traffic that it adds. She asked that the Planning Board require the applicant to extend their traffic analysis to the entirety of Young Road. J. Butler replied that would not change the analysis of the peak traffic coming out of Lily Lane, which is one car every eight minutes. B. Young would like to see that in writing from a traffic engineer. T. DeFrancesco stated that they do have those numbers and he believes that residents will chose the routes that serve them best. He believes the Board has enough

information to decide. Chairman Rugg stated that the Town's own traffic engineer reviewed the data. David DeBaie, Stantec, addressed the Board. He did not have anything to add as it had already been reviewed and he believes the two waivers are reasonably requested. B. Hallowell asked if the data accounted for the daycare. D. DeBaie stated it did. J. Trottier stated that they directed the applicant to study the near intersection because the that would be the intersection with the highest percentage impact.

Chairman Rugg ended the public hearing.

J. Butler made a motion to grant the applicant's request for waivers one, two, three and four as outlined in the Staff Recommendation Memorandum dated May 10, 2023.

L. Wiles seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

J. Butler made a motion to grant the applicant's request waivers five and six as outlined in the Staff Recommendation Memorandum dated May 10, 2023 because it would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property. The alternative site planning and building design approach meets design objectives as stated in the regulations equally well or better than would comply with the regulations.

L. Wiles seconded the motion.

The motion was granted, 8-1-0. The Chair voted in the affirmative.

J. Butler made a motion to grant approval of the Conditional Use Permit (CUP) as outlined in the Staff Recommendation Memorandum dated May 10, 2023.

L. Wiles seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

J. Butler made a motion to grant conditional approval of a subdivision plan and site plan for a 21-unit single detached residential development, 22 Young Road (Map 6 Lot 53, Zoned R-III,

Edgar & Winnifred Pitts, Trustees, Owners) and 20 Young Road (Map 6 Lot 58-2, Zoned R-III, Cedar Crest Development, Owner) and Cedar Crest Development (Applicant) in accordance with the plans prepared by Meisner Brem Corporation dated October 7, 2022 last revised April 12, 2023 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated May 10, 2023.

B. Hallowell seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

G. Verani recused himself for the remaining old business items. There are now eight voting members present.

- b. **Public Hearing** on an application for formal review of a subdivision plan to subdivide one residential lot into three lots, 86 High Range Road, Map 6 Lot 106, Zoned AR-1, Belize Real Estate Holding, LLC (Owner & Applicant). **Continued from April 5, 2023.**

Chairman Rugg read the case into the record. J. Trottier stated that there are no outstanding checklist items and recommended that the Board vote to accept the application as complete.

J. Butler made a motion to accept the application as complete.

B. Hallowell seconded the motion.

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

Chairman Rugg informed the applicant that the 65-day time clock has started. Doug McGuire, Dubai Group, addressed the Board on behalf of the applicant. The property is located on High Range Road. It is 14.6 acres and has several hundred feet of frontage. The proposal is a frontage lot-only subdivision. The existing home is proposed to be on its own frontage lot. There is a proposed lot to the north and another proposed lot to the south. The lot to the south will be 12 acres. The applicant did site distance review of all three lots, prototypical lot grading, a drainage study. They propose a small pond on the northerly lot to account for the additional impervious area created by the homes. TD. McGuire stated they have one waiver request related to scale because everything was legible at a 1:50 scale.

Chairman Rugg went to the staff for comment. J. Trottier reviewed the waiver with the Board as follows:

- 369
370 1. The applicant is requesting a waiver to section 4.01.C of subdivision regulations
371 pertaining to the maximum scale of certain plan sheets. Staff supports granting
372 the waiver because the plans are legible at a scale of 1-inch equals 50 feet.

373 J. Trottier summarized the remaining design review items for the Board.

374 Chairman Rugg went to the Board for comment. B. Hallowell asked if there would be
375 three new construction houses fronted on High Range Road. D. McGuire replied that
376 there will be three lots but only two new houses because one is existing. B. Hallowell
377 asked what kind of utilities would service the properties. D. McGuire replied that they
378 received clearance from electric and Comcast, and each lot will be serviced by on-site
379 water and septic. J. Butler commented that he saw a rock wall going across a lot and he
380 assumes it will be rebuilt if it needs to be crossed for a driveway. D. McGuire stated that
381 existing stone walls would be rebuilt per the request of the Heritage Commission.

382 T. DeFrancesco recused himself from this and the following old business agenda items.
383 Chairman Rugg appointed R. Fillio to vote for A. Sypek. There are still eight voting
384 members.

385 A. Chiampa expressed her request to try to keep stone walls intact if possible.
386 Chairman Rugg observed this property is in a historic area and that there are three
387 foundations on one of the properties that are of historic interest.

388 Chairman Rugg asked for public input and there was none.

389 **J. Butler made a motion to grant the applicant's request for a waiver**
390 **as outlined in the Staff Recommendation Memorandum dated May**
391 **10, 2023 as the waiver as no substantial detriment to the public good.**
392

393 **T. Combes seconded the motion.**
394

395 **The motion was granted, 8-0-0. The Chair voted in the affirmative.**
396

397 **J. Butler made a motion to grant conditional approval of a**
398 **subdivision plan to subdivide one residential lot into three lots, 86**
399 **High Range Road, Map 6 Lot 106, Zoned AR-1, Belize Real Estate**
400 **Holding, LLC (Owner & Applicant) in accordance with the plans**
401 **prepared by the Dubai Group dated April 14, 2022 last revised March**
402 **9, 2023 with the precedent conditions to be fulfilled within 2 years of**
403 **the approval and prior to plan signature and general and subsequent**
404 **conditions of approval to be fulfilled as noted in the Staff**
405 **Recommendation Memorandum dated May 10, 2023.**
406

407 **T. Combes seconded the motion.**
408

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

410

411 c. **Public Hearing** on an application for a conditional use permit per
412 Londonderry Zoning Ordinance section 6.3.11.C and Use Table 4.1.2 to
413 allow a multi-family residential use in the Route 28 Performance Overlay
414 District, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28
415 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE
416 28 POD, V&W Investment Group, LLC (Owner & Applicant). **Continued**
417 **from April 5, 2023.**

418 Chairman Rugg read the case into the record. K. Caron informed the Board that it
419 needs to act on old business agenda item (c) before acting on old business agenda item
420 (d) as they are related.

421 **J. Butler made a motion to accept the application as complete.**

422

423 **J. Knights seconded the motion.**

424

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

426

427 d. **Public Hearing** on an application for a site plan and conditional use
428 permit to merge two existing lots (Map 15 Lot 22-1 and Map 15 Lot 23-2)
429 and construct a 16-unit multifamily residential building with associated site
430 improvements, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and
431 RTE 28 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II
432 and RTE 28 POD, V&W Investment Group, LLC (Owner & Applicant).
433 **Continued from April 5, 2023.**

434 Chairman Rugg read the case into the record. K. Caron informed the Board that staff
435 recommends that the Board grant conditional approval of the conditional use permit as it
436 relates to the multifamily use as the criteria under the zoning ordinance under section
437 6.2 and 6.3.11.E have been met.

438 **J. Butler made a motion to grant approval of the conditional use**
439 **permit as it relates to the multifamily use as the criteria under the**
440 **zoning ordinance under section 6.2 and 6.3.11.E have been met.**

441

442 **T. Combes seconded the motion.**

443

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

445

446 **J. Butler made a motion to accept the application as complete.**

447

448 **J. Knights seconded the motion.**

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

452 Chairman Rugg informed the applicant that the 65-day time clock has started. Doug
453 McGuire, Dubai Group, addressed the Board on behalf of the applicant. G. Verani of
454 V&W Investment Group was also present. D. McGuire stated that they came before the
455 Board to present a conceptual plan in July 2022 in order to get feedback on some
456 assumed relief for waivers. There is a slight encroachment of the building within the
457 building setbacks and encroachment within the green space buffer. D. McGuire
458 displayed the original plan. The property has a large open curb cut and is currently in
459 disarray. A significant portion of the property is already developed into the green space
460 buffer. A large portion of the parking lot drains back into the conservation overlay and
461 discharges untreated into the wetland system. Their original plan removed impervious
462 surface near the wetland and removed some of the encroachment. The board gave
463 feedback that they should increase the parking spaces above the required 32 to
464 account for visitor spaces. In the new plan, there are six additional spaces. The Board
465 also suggested robust landscaping and green amenity space. D. McGuire believes they
466 have met those requests. The current proposal has reconfigured the parking lot. In
467 place of the impervious surface in the conservation overlay, they are proposing amenity
468 space in that area. The new plan has substantially more green space and less
469 encroachment into the buffer than the previous one. There is less of an encroachment
470 into the setback as well. G. Verani added that it was helpful to get feedback from the
471 Board and staff at the conceptual level.

472 D. McGuire reviewed the grading plan for the Board. There is no parking directly
473 adjacent to the building. There is a loading space near the building. Drainage is
474 collected via closed system and routed to a wet pond system to the south in the
475 conservation overlay with a permanent pool to provide treatment of the storm water.
476 Everything will flow to that area and be treated. There is access to sewer, water, and
477 natural gas via Rockingham Road. There is full fire truck turnaround access. They are
478 reducing three curb cuts to one over the two lots. The landscaping plan meets the
479 requirements for street trees and adds trees in the wetland buffer area.

480 D. McGuire reviewed the waivers. The applicant is requesting four waivers. The first
481 regards the encroachment of the building 342 SF into the building setbacks, which is
482 less than the current encroachment on the site. The second regards an encroachment
483 of 2360 SF of pavement into the buffer, which is less than the current encroachment on
484 the site. The third waiver is in regards to minimum pipe velocity. The fourth waiver is in
485 regards to minimum pipe cover, but those areas will be covered with reinforced
486 concrete. The conditional use permit is for the wetland encroachment. The
487 Conservation Commission had some concerns with the buffer encroachment,
488 specifically with snow storage. They specifically grade the encroachment in the overlay
489 area so the melt will drain into the parking lot and get treated through the system. The

Commission also wanted signs for the conservation overlay to be at the buffer. There is a portion of lawn space within the buffer that they want residents to be able to utilize. They instead propose placing signs where the area will be allowed to naturalize. The applicant feels they do meet the intent of the CUP request.

Chairman Rugg went to the staff for comment. J. Trottier reviewed the waiver with the Board as follows:

1. The applicant is requesting a waiver to section 4.6.7.7.C of zoning ordinance pertaining to the dimensional requirements in the overlay district. Staff supports granting the waiver because it is consistent with the conditions of the Londonderry zoning ordinance section 6.1.11.E.
2. The applicant is requesting a waiver to section 4.6.7.D of zoning ordinance pertaining to the dimensional requirements in the overlay district. Staff supports granting the waiver because it is consistent with the conditions of the Londonderry zoning ordinance section 6.1.11.E.
3. The applicant is requesting a waiver to section 3.07.G.2 of site plan regulations pertaining to the velocities in the drainage pipe. Staff supports granting the waiver because insufficient flow exists to meet the minimum site velocity.
4. The applicant is requesting a waiver to section 3.07.G.2 of site plan regulations pertaining to the pipe cover. Staff supports granting the waiver because they are providing reinforced concrete pipe where they do not meet the minimum depth.

J. Trottier summarized the remaining design review items for the Board. K. Caron reviewed the conditional use permit to allow work within the conservation overlay district, specifically to utilize a portion of the buffer for stormwater systems to include grading to be done within the overlay district. Additionally, the applicant seeking to add a patio area utilizing peastone material. The Conservation Commission does not support the approval of the conditional use permit for reasons such as snow storage, the patio not being allowed in the buffer, and the detention pond being in the buffer. Staff notes that the patio area is made of a pervious material and the tables are chairs are within the permissible amount of impervious accessory surface. The existing impervious surface in the buffer is 2103 SF and the total proposed impervious area is 0 SF. Staff supports the conditional use permit request. K. Caron stated that the project went before the Heritage Commission but the applicant was not present, so they requested the applicant return to review their architectural designs, which will be an anticipated condition of approval. The applicant is agreeable to this. The applicant also needs to submit notice of lot merger.

Chairman Rugg went to the Board for comment. A. Chiampa asked why they changed from a hip roof to a gable roof. D. McGuire replied that the roof height is still under the maximum height requirements. L. Wiles asked if these were market rate apartments. G. Verani replied that the apartments will be smaller, 1 to 2 bedrooms, and likely more affordable. J. Butler expressed approval for the design, the buffer improvements, and

the landscaping. He commented that peastone will get everywhere so they might want to consider a different pervious material. G. Verani asked if he would have to come before the Board again to change the material. K. Caron replied that as long as it remains pervious there is no change to impact and staff would need to confirm the detail. T. Combes stated he was glad that they chose to rearrange the parking and he thinks the landscape design is great to have. R. Fillio was glad to see more reasonably priced apartments. B. Hallowell thought that it was good idea to put these apartments in that particular area and it updates the area well. J. Knights liked the upgrade to the area.

Chairman Rugg asked for public input and there was none.

J. Butler made a motion to grant the applicant's request for waivers as outlined in the Staff Recommendation Memorandum dated May 10, 2023 as the waivers have no substantial detriment to the public good.

J. Knights seconded the motion.

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

J. Butler made a motion to grant approval of the Conditional Use Permit (CUP) as outlined in the Staff Recommendation Memorandum dated May 10, 2023.

T. Combes seconded the motion.

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

J. Butler made a motion to grant conditional approval of a site plan and conditional use permit to merge two existing lots (Map 15 Lot 22-1 and Map 15 Lot 23-2) and construct a 16-unit multifamily residential building with associated site improvements, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE 28 POD, V&W Investment Group, LLC (Owner & Applicant) in accordance with the plans prepared by the Dubay Group dated August 19, 2022 last revised February 8, 2023 with the precedent conditions to be fulfilled within 120 days of the approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated May 10, 2023.

T. Combes seconded the motion.

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

IV. NEW PLANS/CONCEPTUAL PLANS – None

V. OTHER BUSINESS – Chairman Rugg reminded the Board that the June 14, 2023 meeting will be a joint meeting with the Heritage Commission.

VI. ADJOURNMENT

J. Butler made a motion to adjourn the meeting at 9:58 p.m. Seconded by B. Hallowell.

The motion passed, 8-0-0.

The meeting adjourned at 9:58 p.m.

These minutes were prepared by Kirsten Hildonen.

Respectfully Submitted,

Name: Jake Butler
Title: Secretary

These minutes were accepted and approved on June 7, 2023, by a motion made by AL SYPER and seconded by JAKE BUTLER