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3 **LONDONDERRY, NH PLANNING BOARD**
4 **MINUTES OF THE MEETING OF JULY 5, 2023,**
5 **AT THE MOOSE HILL COUNCIL CHAMBERS**

6
7 **I. CALL TO ORDER**

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9 **Members Present:** Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary;
10 Lynn Wiles, Assistant Secretary; Ann Chiampa, member; J. Penta, member; Ted
11 Combes, Ex-Officio – Town Council; Jason Knights, alternate member; Tony
12 DeFrancesco, alternate member; Roger Fillio, alternate member.

13
14 **Also Present:** Mike Malaguti, Town Manager; John Trotter, Director of Public Works
15 and Engineering

16
17 Chairman Rugg called the meeting to order at 7:00 p.m., explained the exit and
18 emergency procedures, and began with the Pledge of Allegiance. He appointed J.
19 Knights to vote for J. Penta. J. Penta then joined the meeting, so J. Knights was
20 excused as a voting member.

21
22 **II. ADMINISTRATIVE BOARD WORK**

23
24 **A. APPROVAL OF MINUTES:**

25
26 Approval of minutes was tabled until the next meeting.

27
28 **B. REGIONAL IMPACT DETERMINATIONS:**

29
30 J. Trotter informed the Board that there is one project for consideration:

31
32 Formal review of a lot line adjustment consolidation plan to adjust the lot
33 line of Map 28 Lot 29-2 and consolidate with Map 17 Lot 2 and Map 28 Lot
34 31-6. 52 Grenier Field Road, Map 28 Lot 29-2 and 104 Grenier Field Road,
35 Map 17, Lot 2, Zoned Industrial II (Ind-II), Londonderry Holdings, LLC and
36 Woodhaven Limited Partnership (owners) and Ken Solinsky (applicant).

37
38 The staff has reviewed this issue regarding the seven criteria that Southern
39 New Hampshire Planning has presented. Staff recommends that this project
40 is not a development of regional impact.

41
42 **Member A. Sypek made a motion that this project does not meet the**
43 **standards for regional impact.**

44
45 **J. Butler seconded the motion.**

46
47 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**
48

49 C. DISCUSSION WITH TOWN STAFF:

50 1. J. Trotter reported that staff has received a 60-day extension request from
51 Eric C. Mitchell & Associates regarding the Pittore site plan on Rockingham
52 Road to complete the conditions of approval. The first extension request
53 was granted in May 2023 and extended until July 8, 2023.

54
55 **Member A. Sypek made a motion to grant the extension until**
56 **September 7, 2023.**

57
58 **J. Butler seconded the motion.**

59
60 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

61
62 2. J. Trotter reported in May 2008, the Board approved a site plan for Penske
63 Truck Leasing at 22 Jack's Bridge Road, Map 15, Lot 103-3, for a 16,200
64 square foot truck service facility and office areas, 2-lane fuel island, access
65 drives, parking, and utilities. They reserved an area for 28 additional
66 parking spaces, which they now need. Staff wanted to bring this to the
67 Board's attention, as it has already been approved.

68
69 3. J. Trotter noted for the public hearing on the application for formal review of
70 a lot line adjustment and consolidation plan to adjust the lot line of Map 28
71 Lot 29-2 and consolidate with Map 17 Lot 2 and Map 28 Lot 31-6. 52
72 Grenier Field Road, Map 28 Lot 29-2 and 104 Grenier Field Road, Map 17,
73 Lot 2, Zoned Industrial II (Ind-II), Londonderry Holdings, LLC and
74 Woodhaven Limited Partnership (owners) and Ken Solinsky (applicant), staff
75 has recommended that this be continued to the July 12th meeting to allow
76 time for the third-party escrow to be established and the third party to
77 complete their review. The applicant has acknowledged this
78 recommendation.

79
80 Chairman Rugg read the application into the record. M. Malaguti noted
81 there was no one present representing the applicant.

82
83 **Member A. Sypek made a motion to continue the public hearing on**
84 **this application until July 12, 2023, at 7:00 p.m.**

85
86 **J. Butler seconded the motion.**

87
88 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

89
90 **Chairman Rugg announced that the lot line adjustment plan will**
91 **be continued to July 12, 2023 at 7 PM in Town Hall. This is your**
92 **only public notice."**

93
94 **III. Old Business – n/a**

95

96 **IV. New/Conceptual Plans**

- 97
98 A. Public hearing on an application for formal review of a site plan for a 102,418
99 square foot manufacturing facility and associated site improvements at 55
100 Pettengill Road (Map 14 Lot 49-3, Zoned Gateway Business District), NB
101 Development Group, LLC (Applicant) and One Pettingill Road Realty, LLC
102 (Owner).

103
104 Chairman Rugg read the application into the record. J. Trotter noted there are no
105 outstanding checklist items. Staff recommends that the Board vote to accept the
106 application, as it is substantially complete. It contains sufficient information to
107 invoke the Board's jurisdiction to allow the Board to make an informed decision.

108
109 **Member A. Sypek made a motion to accept the application as**
110 **complete.**

111
112 **J. Butler seconded the motion.**

113
114 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

115
116 Chairman Rugg noted that the 65-day time clock has started.

117
118 Jim Petropulos of Hayner/Swanson, Inc. appeared before the Board representing
119 New Balance Development Group and presented the facts of the project. The
120 property is 17.8 wooded and open acres located in the Gateway Business District in
121 Londonderry. There are two manmade wetlands measuring 825 square feet, which
122 are the result of past excavation. There are underground public utilities available to
123 service the site.

124
125 This will be the sixth U.S. manufacturing facility for New Balance, initially employing
126 160 people, hopefully increasing to 240 within the first year. 22,000 square feet of
127 the structure will hold the site operations offices. The site will be accessed from
128 Innovation Way and there will be an exit-only driveway onto Pettengill Road. There
129 are 272 parking spaces planned.

130
131 He reviewed the stormwater treatment practices, both surface and subsurface.
132 They have filed for DES wetland permits for the manmade wetlands on the site. The
133 hours of operation will be off peak. There will be three trucks out per day. One
134 ground sign and two building-mounted signs are proposed. Landscaping is designed
135 to soften the parking area and building.

136
137 He described the architecture of the building, which is consistent with the recently
138 developed area of Londonderry. A traffic study was undertaken. Due to the off-peak
139 operating hours, there is little to no impact to the local corridor. Working with Town
140 staff, they have identified 12 minor improvements for Innovation Way.

141
142 Construction is anticipated to begin in late summer 2023 and is a 15-month project.
143 They have support from the Londonderry Heritage Commission. The conditions of

144 approval proposed by the staff are acceptable.

145

146 J. Trotter reviewed the design review items:

147

148 1. Design review item 5, the applicant indicates that requests for a New
149 Hampshire DES sewer discharge permit, alteration of terrain permit,
150 wetlands permit, and the Town of Londonderry sewer discharge permit
151 have been submitted.

152

153 2. Design item 6, the staff recommends the applicant provide utility clearance
154 letters for the water and sanitary sewer.

155

156 3. Design item 7, the staff requests the applicant:

157

158 a. clarify items related to the master site plan, site grading plan, site
159 utility plan, site layout plan, and erosion control plan;

160 b. work with them regarding the stop bar and possibly relocating the
161 catch basin off Innovation Way;

162 c. work with them regarding the culvert at the Pettengill Road exit;

163 d. obtain a sight distance easement from the abutting Lot 49 3-1;

164 e. verify the fire service to the building and location of fire hydrants
165 with the Fire Department;

166 f. remove Planning Board signature block from the notes plan, sheet 2.

167

168 4. Design item 8, the staff requests the applicant:

169

170 a. address items related to the construction details, such as providing
171 cut sheets of the proposed snow scraper for the Planning
172 Department files;

173 b. provide details of the proposed dumpster screening wall;

174 c. items C and D are comments related to the outlet structures;

175 d. item E, revising the details to provide the minimum thickness of 16
176 inches to be consistent with the geotechnical report, if a waiver is
177 granted for the pavement design;

178 e. item F, updating the double-grate catch basin double grate catch
179 basin detail to provide the polyethylene liner.

180

181 5. Design item 9, the staff requests the applicant address:

182

183 a. item A, comments related to the project drainage analysis, updating
184 Table 6 in the report to demonstrate the pre- and post-development
185 impacts to each of the abutters;

186 b. item B, updating the pre-development drainage area map to correct
187 the duplicate subcatchment 3 labels;

188 c. item C, update the post development calculations for subcatchment
189 P110;

190 d. items D, E, and F: clarifications for stormwater management area A
191 and ponds N1 and N2;

- 192 e. items G and H: clarifications to subcatchment D;
- 193 f. item I, providing the 50-year pond routing analysis calculations.

194

- 195 6. Design item 10, address the traffic review comments dated July 5, 2023,
- 196 and verify the DRC comments from the Planning Department, Assessing
- 197 Department, Conservation Commission, Fire Department, and Sewer
- 198 Division.

199

200 J. Trotter reviewed the waiver requests:

- 201 1. LZO Section 4.5.2.E.2 pertaining to Transportation Demand
- 202 Management/Sustainable Site & Building Design. The Applicant is
- 203 requesting to waive the requirement of incorporating Transportation
- 204 Demand Management (TMD) techniques in the operation of the proposed
- 205 facility and the requirement that the project meet the "certified" level of
- 206 LEED. Section 4.5.2.E.2 of the LZO allows the Planning Board to waive the
- 207 requirements of Section 4.5.E.2 where it is shown that these standards
- 208 impose an unreasonable burden on the development of property within the
- 209 GB District.

210

211 He noted the applicant's justification for requesting these standards is attached to the

212 Board's memo.

- 213 2. LSR Section 3.10.g.3 pertaining to interior landscaping. The Applicant's
- 214 landscape design does not meet the minimum interior landscaping
- 215 requirement within the loading area of one tree per 15 spaces per section
- 216 3.10.g.3 of the Site Plan Regulations and is requesting to allow 0% interior
- 217 landscaping within the loading area. Staff supports granting this waiver as
- 218 the one (1) required tree is being relocated elsewhere on site and planting
- 219 trees within the parking fields will impede truck movement patterns on the
- 220 site.

221

- 222 3. LSR Section 3.09.K.2 pertaining to driveway pavement design and
- 223 construction cross section. The Applicant's driveway pavement design and
- 224 construction cross section does not comply with section 3.09.K.2.i and i of
- 225 the Site Plan Regulations requiring 12" of gravel, 6" crushed gravel and 4"
- 226 pavement and is requesting to allow a different parking lot design and with
- 227 less base material. Staff supports granting the waiver because the
- 228 applicant's proposed design is based on extensive soil analysis, takes into
- 229 consideration subgrade, strength, traffic, design-life, drainage and frost
- 230 susceptibility, and is certified by a geotechnical engineer.

231

- 232 4. LSR Section 3.08.b.6 pertaining to driveway width. The Applicant's driveway
- 233 access width of 37.6 feet at Innovation Way exceed the 24 feet per section
- 234 3.08.b.6 of the Site Plan Regulations. We note the that only portions of the
- 235 driveway will exceed 24 feet. Staff supports granting this waiver as the
- 236 proposed design is needed to accommodate tractor trailer maneuverability
- 237 and access.

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5. Section 3.08.g.3 pertaining to drainpipe cover. The Applicant has submitted a written waiver request to allow a plan scale of 1" =50' on the Site Specific Soil Plan, Landscape Plan and the Erosion Control plans which does not comply with the maximum scale of 1" =40 required per Section 4.01.c of the Site Plan Regulations. Staff supports granting the waiver because the respective scales allow the entire project parcels and abutting properties to be viewed on a single sheet. All other sheets use the maximum 1"= 40° scale.

Staff recommends the Board utilize the criteria from RSA 674:36 and the Londonderry Site Plan Regulations Section 7.04 as noted in each case.

In response to Board questions, J. Petropulos reviewed the area where trucks will maneuver and the landscaping that will soften the area. He discussed the design of the Pettengill Road exit to avoid traffic issues at the intersection.

John Campbell of New Balance Development Group answered questions from the Board. New Balance believes New Hampshire provides great opportunities from a workforce standpoint as well as an incentive and tax standpoint. This will be their second largest manufacturing facility in New England. Their employees prefer the 6/6:30 a.m. to 3:30 p.m. shift; the processes require the machinery be started early. The owner of the company is dedicated to maintaining manufacturing in the United States and sourcing as many materials as possible from the U.S. They plan to build a bus stop to allow workers to access the operation via public transportation.

The Board commended New Balance for remaining in New England and their commitment to U.S. manufacturing.

There were no members of the public wishing to speak.

Member A. Sypek made a motion to grant all five waivers per RSA 674:36 (a) result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property; (b) an alternative site planning and building design approach meets the design objectives as stated in the regulations equally well or better than would compliance with the regulations; and (c) in either of the foregoing circumstances, the waiver may be granted without substantial detriment to the public good.

J. Butler seconded the motion.

M. Malaguti clarified that the motion is applicable to the last four waivers, but the first waiver request has its own standard. If the Board grants the first waiver, it should be because holding the applicant to that regulation would impose an unreasonable burden on the development of the property within the GB district.

286 J. Petropulos reviewed the sustainable elements of the building, including solar
287 units, all-electric power, increased open space, stormwater practices, high-
288 efficiency light figures, and limited site irrigation. They have tailored the hours to
289 accommodate local traffic considerations and do not have a full curb cut onto
290 Pettengill Road. They believe these elements are enough to grant the waiver.

291
292 **Member A. Sypek amended the motion to grant the first waiver**
293 **per RSA 674:36 (a) result in peculiar and exceptional practical**
294 **difficulties or exceptional and undue hardship upon the owner of**
295 **the affected property, and the remaining four waivers per RSA**
296 **674:36 (b) an alternative site planning and building design**
297 **approach meets the design objectives as stated in the regulations**
298 **equally well or better than would compliance with the regulations;**
299 **and (c) in either of the foregoing circumstances, the waiver may**
300 **be granted without substantial detriment to the public good.**

301
302 **J. Butler seconded the motion.**

303
304 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

305
306 Chairman Rugg noted the five waivers were granted.

307
308 **Member A. Sypek made a motion to grant conditional approval of**
309 **the site plan for a 102,418 square foot manufacturing facility and**
310 **associated site improvements at 55 Pettengill Road (Map 14 Lot**
311 **49-3, Zoned Gateway Business District), NB Development Group,**
312 **LLC (Applicant) and One Pettingill Road Realty, LLC (Owner) in**
313 **accordance with plans prepared by Hayner/Swanson Inc. dated**
314 **April 21, 2023, last revised June 14, 2023, with the precedent**
315 **conditions to be fulfilled within 120 days of the approval and prior**
316 **to plan signature and general and subsequent conditions of**
317 **approval to be fulfilled as noted in the Staff Recommendation**
318 **Memorandum dated July 5, 2023.**

319
320 **J. Butler seconded the motion.**

321
322 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**

323
324 Kevin Smith thanked the Board for their approval and Town staff for working to
325 meet New Balance's timeframe.

326
327 B. Public hearing on an application for formal review of a site plan for re-
328 tenanting of commercial suites, parking lot upgrades and associated site
329 improvements, 33 Londonderry Road, Map 10 Lot 87 (Zoned C-II), Fawcett
330 Properties, LLC (Owner & Applicant)

331
332 J. Trotter said there are no outstanding checklist items. Staff recommends that the
333 Board vote to accept the application, as it is substantially complete. It contains

334 sufficient information to invoke the Board's jurisdiction to allow the Board to make
335 an informed decision.

336
337 J. Butler left the room.

338
339 **Member A. Sypek made a motion to accept the application as**
340 **complete.**

341
342 **L. Wiles seconded the motion.**

343
344 **The motion was granted, 6-0-0. The Chair voted in the affirmative.**

345
346 Chairman Rugg noted that the 65-day time clock has started.

347
348 J. Butler returned to the meeting.

349
350 Michael Malynowski, Allen & Major Associates, appeared before the Board. Scott
351 Fawcett of Bode Equipment Company has recently purchased this building and
352 intends to relocate his operation. M. Malynowski reviewed the project. They do not
353 intend to expand the existing building, but will add a loading dock. They propose to
354 landscape areas primarily near the loading dock and the front of the office. There is
355 a net decrease of 2,000 square foot of pavement.

356
357 J. Trotter reviewed the design review items:

- 358
359 1. Design review item 1, the staff requests they update the following on the
360 layout and materials plan:
- 361
362 a. item A, dimension the aisle width between the new landscape islands
363 and striped parking spaces to indicate the widths and for proper
364 construction;
 - 365
366 b. item B, the project proposes parking along south and the front of the
367 building dimensioned as 5 feet without curbing and indicates bollards
368 are to be placed along the parking spaces. However, it is unclear if
369 the bollard spacing would provide a substantial bumper and provide
370 a minimum 4 feet from the building per Section 3.09.a.2 of the Site
371 Plan Regulations. We recommend the Applicant arrange a meeting
372 with the Planning Department and Zoning Officer to discuss the
373 proposed parking design;
 - 374
375 c. item C, clarify the "box out" area along the building front south of
376 the indicated handicap parking area;
 - 377
378 d. item D, the applicant has noted that outside storage is proposed for
379 the project but has not addressed or clarified parking calculations
380 and screening for the storage area as applicable. The staff
381 recommends the applicant arrange a meeting with the Planning
Department and Zoning Officer to discuss the proposed outside
storage and compliance with 4.3.2.B and G of the Zoning Ordinance.

- 382 2. Design review item 2, the staff recommends the applicant clarify/address
383 the following on the construction details:
384
385 a. provide detail for the proposed grass areas;
386 b. provide detail for the dumpster screening fence and swing gate in
387 the plan set in accordance with the site plan regulations and for
388 proper construction.
389
390 3. Design review item 3, the applicant has provided a traffic report impact
391 analysis. The staff recommends the applicant discuss the project traffic
392 impact analysis as presented.
393
394 4. Design review item 4, the staff recommends the applicant verify the DRC
395 comments with the Planning Department, the Conservation Commission,
396 and the Fire Department.
397

398 The Board expressed the opinion that this project will be an improvement over the
399 current structure. S. Fawcett clarified there are 48 employees, but 18 work from
400 home.
401

402 There were no members of the public wishing to comment.
403

404 **Member A. Sypek made a motion to grant conditional approval of**
405 **the site plan for re-tenanting of commercial suites, parking lot**
406 **upgrades and associated site improvements, 33 Londonderry**
407 **Road, Map 10 Lot 87 (Zoned C-II), Fawcett Properties, LLC**
408 **(Owner & Applicant) in accordance with plans prepared by Allen &**
409 **Majors Associates, Inc. dated May 18, 2023, last revised May 31**
410 **2023, with the precedent conditions to be fulfilled within 120 days**
411 **of the approval and prior to plan signature and general and**
412 **subsequent conditions of approval to be fulfilled as noted in the**
413 **Staff Recommendation Memorandum dated July 5, 2023.**
414

415 **J. Butler seconded the motion.**
416

417 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**
418

419 **V. Other Business**

420
421 Chairman Rugg noted at next week's meeting, there will be two continued plans
422 and two conceptual plans on the agenda.
423

424 He reminded the Board to submit their pictures for the Londonderry Look Book.
425 There is a joint meeting with the Heritage Commission on July 27, 2023, at 7:00
426 p.m.
427

428 J. Butler commended both applicants on the plans presented.
429

430 Chairman Rugg announced that tentatively on October 11, 2023, at 5:30 p.m.,
431 there will be a non-meeting with the new attorney, who will be reviewing the
432 statutes and basic dos and don'ts of land use members.

433
434 **VII. Adjournment**

435 **Member A. Sypek made a motion to adjourn the meeting at**
436 **approximately 8:20 p.m. Seconded by T. Combes.**

437
438 **The motion was granted, 7-0-0.**

439
440 **The meeting adjourned at approximately 8:20 p.m.**

441
442 These minutes were prepared by Beth Haggeli.

443
444 Respectfully submitted,

445
446 _____

447
448 Name: Jake Butler

449 Title: Secretary

450
451 These minutes were accepted and approved on _____ by a motion made by
452 _____ and seconded by _____