

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

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Jeff Penta, member; Ted Combes, Ex-Officio – Town Council; Giovanni Verani, Ex-Officio; Roger Fillio, alternate member; Tony DeFrancesco, alternate member; Jason Knights, alternate member.

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

Chairman Rugg called the meeting to order at 7:00 p.m., explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed J. Knights to vote for A. Chiampa.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Approval of the draft minutes for September 6 and 13, 2023, were tabled until the next meeting.

B. REGIONAL IMPACT DETERMINATIONS:

K. Caron informed the Board that she had one project for their consideration:

1. Public hearing on an application for formal review of a lot line adjustment to adjust the lot lines of Map 17 Lot 5-5, 5 Kitty Hawk Landing Map 17 Lot 11, 595 Mammoth Road, Map 17 Lot 13, 603 Mammoth Road, Zoned Industrial I (Ind-I), Agricultural Residential (AR-1), and Commercial II (C-II). Londonderry Holdings, LLC and Thibeault Corporation of NH & Thibeault Corporation of NE (owners) and Ken Solinsky (applicant).

Staff is recommending that this is not a development of regional impact.

Member A. Sypek made a motion that this development does not meet the standards for regional impact.

J. Butler seconded the motion.

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

C. DISCUSSION WITH TOWN STAFF:

K. Caron informed the Board there was one extension request:

1. Applicant for the site plan for the Wood Partners project (also known as the Alta Woodmont project) has requested a 75-day extension to December 19, 2023. They are continuing to seek final permitting from the state.

Member A. Sypek made a motion to extend the site plan to December 19, 2023.

J. Butler seconded the motion.

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

K. Caron shared an awareness item with the Board. An engineer doing work on Jefferson Street in Derry contacted the Planning Department regarding a proposed three-lot subdivision. The Town line runs through one of the parcels. There is no impact to the Town of Londonderry and no proposed disturbance relating to this project.

III. Old Business

Chairman Rugg announced on October 14, 2023, from 10:00 a.m. until noon, there is a listening session in Council Chambers regarding plans for the old Town Hall. All are invited.

IV. New Plans

- A. Public hearing on an application for formal review of a lot line adjustment to adjust the lot lines of Map 17 Lot 5-5, 5 Kitty Hawk Landing Map 17 Lot 11, 595 Mammoth Road, Map 17 Lot 13, 603 Mammoth Road, Zoned Industrial I (Ind-I), Agricultural Residential (AR-1), and Commercial II (C-II). Londonderry Holdings, LLC and Thibeault Corporation of NH & Thibeault Corporation of NE (owners) and Ken Solinsky (applicant).

J. Trottier said there were eight outstanding checklist items:

1. Applicant did not provide the owner's address in the title block per section 4.02.E of the regs and item 3.2(e) of the checklist.
2. Applicant did not provide the applicant's address in the title block per section 4.02.J of the regs and item 3.2(j) of the checklist. In addition, the cover sheet identifies different applicant's name and general information than noted in the title block.

3. Applicant's submission does not include the proper notes on the plans for the proposed lot areas, existing and proposed use, sanitary sewer service, water supply source, zoning variances, and note identifying which plans are to be recorded per sections 4.11.C, 4.11.F, 4.11.G, H, I, and O of the regulations in items 3.7.C, F, G, H, I, and N of the checklist.
4. The applicant's submission did not include the owner's signature per the regulations and item 3.27 of the checklist.
5. The applicant's submission did not include all required setbacks, including the applicable buffers to the subject lots per section 4.12.C.18 of the regs and item 3.28 of the checklist.
6. The applicant's submission did not include the location of existing overhead utility lines per section 3.05 and 4.12.C.22 of the regs and item 3.31 of the checklist.
7. The applicant's submission did not include tax map sketch showing the proposed lot configuration at a scale of one inch equals 400 feet per section 4.15 of the regs and item 3.8 of the checklist.
8. The applicant's submission did not include the proposed driveways to serve vacant lots 5.5 and 11 per sections 3.09.B and 3.09.F of the regs and item 3.34 of the checklist, including a driveway sight distance plan for each existing and proposed driveway per exhibit D.3 of the regulations.

K. Caron added they received a waiver request from the applicant specific to item 8 on the Staff memorandum relating to the sight distance plan for the existing and proposed driveways. The request is to waive it in its entirety, not just for acceptance purposes only.

Chairman Rugg asked for Board comment.

The Board members agreed they were in favor of waiving this for acceptance purposes only, so the Board can hear what the applicant has to say.

Member J. Butler made a motion to accept waivers 1 through 8 for acceptance purposes only.

A. Sypek seconded the motion.

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

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

A. Sypek seconded the motion.

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

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

Dick Anagnost and Nick Golon of TFMoran appeared before the Board on behalf of the applicant. N. Golon described the project, which is a lot line adjustment for an industrial subdivision of three existing lots of 26.5 acres that are part of a larger planned development. They intend to increase the size of this parcel to 46.3 acres by pulling land from two lots immediately to the east of the subject property. The reason for the outstanding checklist items is that the plan was set up for the master development. Many of the items relevant to how these lots exist today were inadvertently not included on the original submittal.

There are two waivers before the Board, one of which is regarding wetlands in the area of development. The second waiver is to defer describing an alternative approach to the property to be part of a site plan approval.

The Board agreed there was no need to speculate, as there is no final design.

Chairman Rugg asked for Staff comment.

J. Trottier noted the following design review items:

1. Item 2, sheet 1 of 8 includes the subdivision of a lot upon abutting lot 28.29.2 to create a new lot, 28.29.6 that is not identified in the application submission. The proposed subdivision lot line adjustment design for new lot 28.29.6 does not appear to comply with section 4.4.1.3.B of the zoning ordinance and section 3.04.A of the subdivision regulations, since it does not have frontage on a Class V or better roadway, with the minimum required 150 feet of frontage.
2. Item 3, the applicant's submittal does not include topographic information for lot 5.5 per section 4.17 of the regs. Staff is requesting that applicant update the plans accordingly.
3. Item 4, Staff is requesting that the applicant provide proper monumentation of all property lot angle points. Staff also asks that applicant indicate the location of abutting lot 7.20-0 on the plan in accordance with the regs. Also, label the status class of the roadways.
4. Item D is to provide the existing information per section 4.17.8.27 of the regs as it relates to the culverts along Mammoth Road. Sheet 7 indicates two separate culverts under Mammoth Road, with one shown upon lot 7.13. Typically, Staff requests drainage easements be provided on those existing culverts to allow for proper maintenance to occur. Staff is requesting those easements be granted.
5. Item F, please indicate and clarify the entire zoning line on sheets 2, 4, 6, 7, and 8 of the plan set in accordance with the regs.
6. Item G, to confirm the proposed lot number designation and addresses with the assessor.
7. Item H, on sheet 1 of the plan set, identify the abutting lots 29.3 and 29.5 as abutters to lot 28.29-6 that are not shown on the current tax map in the GIS map. Please clarify and verify that these lots actually exist.
8. Item I, it's unknown if the existing building on lot 17.13 is serviced by septic and well. Please provide the update on the plan set.
9. Item J, plans do not indicate or label the location of the minimum 14 benchmarks

needed to provide the minimum of one per five acres as required by the regulations.

10. Item 5, verify the DRC comments for the project are adequately addressed.

J. Trottier stated he does not support the waiver request for the driveway sight line. As a new lot is being created, it is the practice to show that the proper sight distance can be achieved on that lot.

K. Caron elaborated on item 2 in the design review comments and item 4H. She noted the lot in question does not exist as it is depicted on the lot line adjustment plan. The expectation is that the plan set be corrected before issuing final approval of this plan.

N. Golon noted there was supposed to be another application before the Board for subdivision of the lot in question, whereby the applicant would be acquiring the portion that is identified on their plan. The application has been withdrawn, as the applicant is purchasing the lot in its entirety. Therefore, their plan set reflects dated information and they will update the plan accordingly.

K. Caron said Planning Staff supports the waiver request as it relates to the donation of wetlands on the entirety of the site. They are in support of waiving that requirement.

The Board discussed site distance requirements. N. Golon noted they are willing to withdraw the driveway sight line waiver request, in light of the fact that the future project is speculative at this point.

Chairman Rugg asked for Board comment.

Some Board members felt there were too many unknowns to be able to make a decision. J. Butler was willing to move forward, as long as the conditions of approval exist and are appropriate.

Staff is recommending a continuance.

N. Golon withdrew the sight line waiver request.

G. Verani asked what the lot line adjustment would accomplish if confirmed now instead of returning after the outstanding items were addressed. N. Golon explained it affects the ability to close swiftly on properties.

Chairman Rugg asked for public comment.

Caroline Schultz, co-owner of lot 17-10, asked if the 19 acres being conveyed is the final piece that needs to be acquired to have the 100 acres required for the PUD. D. Anagnost said they will be acquiring the lower piece as well as the 19 acres, so it will be in excess of 100 acres. She believes the Board does not have an issue with the concept of the PUD. Chairman Rugg stressed the Board does not know what is

going to happen with this project, as it is only in the planning process. Caroline said zoning flies out the window when you have a PUD. She expressed her concern that the project is getting close to her house.

Bob Merrill, 569 Mammoth Road, said he thinks there should be a workshop with the Planning Board, Conservation Board, Heritage Board, School Board, Public Works and Staff members to determine how this project is going to look. He suggested representatives from these Boards and departments conduct a site walk to get a lay of the land.

Chairman Rugg closed public comment.

Member A. Sypek made a motion to continue the lot line adjustment to adjust the lot lines of Map 17 Lot 5-5, 5 Kitty Hawk Landing Map 17 Lot 11, 595 Mammoth Road, Map 17 Lot 13, 603 Mammoth Road, Zoned Industrial I (Ind-I), Agricultural Residential (AR-1), and Commercial II (C-II). Londonderry Holdings, LLC and Thibeault Corporation of NH & Thibeault Corporation of NE (owners) and Ken Solinsky (applicant) to November 8, 2023.

L. Wiles seconded the motion.

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

Chairman Rugg announced this application is continued to November 8, 2023 at 7 PM in Town Hall. This is the only public notice.

- B. Public hearing on an application for formal review of a site plan for the construction of a proposed 3,116 SF bank with drive thru, associated parking and site improvements, 66 Gilcreast Road (Map 7 Lot 66, Zoned C-I), Chase Bank (Applicant) and Gilcreast Road Realty Trust (Owner).

J. Trottier said there were no outstanding checklist items. Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Member A. Sypek made a motion to accept the application as complete.

J. Butler seconded the motion.

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

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

Randy Miron of Bohler Engineering and Kevin Kelly (ph) of Corstays Group, project architect, appeared before the Board on behalf of the applicant. R. Miron noted the Heritage Commission and Conservation Commission have recommended approval of the project. He presented a high-level overview of the project, which is a Chase bank with a drive-thru ATM.

Chairman Rugg asked for Staff comment.

J. Trottier noted the following design review items:

1. Item 1, the applicant should submit for and obtain all project permits, indicate the permit approval numbers in the permit table on sheet C.3.0.1. Provide copies of all permits for the Planning Department's file in accordance with the regs.
2. Item 2, Staff recommends that the applicant provide an insulated sewer pipe construction detail in the plan set for proper construction.
3. Item 3, Staff requests that they address items relative to the project drainage analysis.
4. Item A, provide an updated and complete stormwater report that incorporates the recently submitted 25-year design velocities of the proposed pipe network based upon the actual flows, which demonstrate the minimum pipe velocities of two feet per second is achieved.
5. Item B, Staff recommends the applicant incorporate the recently submitted best management practice map in the project O&M and update the maintenance log form specific list HBMP in the report similar to sheet C.9.05 to ensure each one will be inspected as typically requested by the Department of Engineering & Environmental Services.
6. To verify the updated DRC comments for the project are adequately addressed with the Assessing Department and the Fire Department.

Chairman Rugg asked for Board comment. The Board expressed their approval of the project and verified that the existing ponding issues in the parking lot will be resolved.

Chairman Rugg asked for public comment; there was none.

Chairman Rugg closed the public hearing.

Member A. Sypek made a motion to grant conditional approval of the site plan for the construction of a proposed 3,116 SF bank with drive thru, associated parking and site improvements, 66 Gilcreast Road (Map 7 Lot 66, Zoned C-I), Chase Bank (Applicant) and Gilcreast Road Realty Trust (Owner) in accordance with plans prepared by Bohler Engineering dated December 14, 2022, last revised July 13, 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

337 **in the Staff Recommendation Memorandum dated October 4,**
338 **2023.**

339
340 **J. Knights seconded the motion.**

341
342 **The motion was granted, 8-0-0. The Chair voted in the**
343 **affirmative.**
344

345 C. Public hearing on an application for Conditional Use Permit (CUP) for 3,063
346 square feet of temporary wetland impact and 19,037 square feet of wetland
347 buffer impact for equipment access and work pad placement within the
348 Conservation Overlay District for the proposed replacement of existing
349 structures along the existing 326 Transmission Line Right of Way (ROW) in
350 the area of Dan Hill Road, Elwood Road, Severance Drive. Public Service
351 Company of New Hampshire d/b/a Eversource Energy (Owner/Applicant).
352

353 T. Combes recused himself from the Board.
354

355 J. Trottier said that Staff recommends that the application be accepted as complete.
356

357 **Member A. Sypek made a motion to accept the application as**
358 **complete.**
359

360 **J. Butler seconded the motion.**

361
362 **The motion was granted, 7-0-0. The Chair voted in the**
363 **affirmative.**
364

365 Chairman Rugg noted that the 65-day time clock has started.
366

367 L. Wiles asked if the wetland buffer impact is temporary. K. Caron clarified there is
368 a temporary impact and a permanent impact.
369

370 Conor Madison of GZA GeoEnvironmental and Travis Yandow of Eversource
371 Environmental Licensing and Permitting appeared before the Board. C. Madison
372 described the project, which is a conditional use permit application for temporary
373 wetland impacts and permanent wetland buffer impacts on a 326 transmission line.
374 They will be replacing 11 utility structures throughout the Town. It is similar work
375 to what has been done in the past, replacing deteriorating wood poles with steel
376 poles. They will be 5 feet to 10 feet taller, due to new electrical standards.
377

378 Work will occur during the non-growing, inactive season. The Conservation
379 Commission has recommended approval of the CUP, although they expressed
380 concern regarding proper restoration. C. Madison noted they have permit
381 requirements for restoration and would be willing to have this added as a condition
382 of approval.
383

384 Chairman Rugg asked for Staff comment.

J. Trottier said Engineering supports granting the CUP.

K. Caron reiterated the applicant met with the Conservation Commission who requested, in addition to recommending approval of the CUP, that the restoration include adding ATV deterrents, such as a gate.

Chairman Rugg asked for Board comment. T. DeFrancesco verified there will be no trees cut and C. Madison agreed.

Chairman Rugg asked for public comment.

John Farrell, 4 Hancock Drive, asked that the applicant be required to notify every abutter about what is occurring in this project. He said the relationship with Eversource has been more difficult over the past three to four years and this corridor is a nightmare for the residents who live along it.

J. Penta asked the applicant to clarify their communication plan for the abutters.

Edward Kinzer of Eversource said a letter was sent to abutters at the beginning of the project. They are willing to add anyone sensitive to this project to their list of notifications. They have also had conversations with stakeholders. He noted that some clearing of trees was done to the edge of the right-of-way in the past, which was of concern to property owners. There will be no helicopter work done on this project, which was a concern in the past. They will be mindful of the needs of the apple orchard owners. He noted there is also environmental monitoring of the project.

Jordan McCluskey (ph) of Eversource noted they have had conversations with stakeholders that have been very positive. When concerns are voiced, they bring them to the project team to be mitigated.

The Board recommended follow-up be done during the project to ensure there are no issues with abutters.

J. Farrell noted that if follow-up was being done, issues would not be brought to the Town Council to address. He recommended speaking with the abutters that had an issue with the cutting in the past. He said Eversource needs to be more proactive.

Chairman Rugg asked for Board comment.

J. Penta asked how many positive reports have been received from residents regarding the work Eversource is doing. K. Caron replied she has received none personally; Public Works and the Town Council are the ones who receive calls. T. DeFrancesco noted that people do not call when they are happy.

Member J. Butler made a motion to grant the Conditional Use Permit (CUP) for 3,063 square feet of temporary wetland

433 **impact and 19,037 square feet of wetland buffer impact for**
434 **equipment access and work pad placement within the**
435 **Conservation Overlay District for the proposed replacement of**
436 **existing structures along the existing 326 Transmission Line**
437 **Right of Way (ROW) in the area of Dan Hill Road, Elwood Road,**
438 **Severance Drive. Public Service Company of New Hampshire**
439 **d/b/a Eversource Energy (Owner/Applicant), with the addition**
440 **of two conditions requiring restoration and addition of gates**
441 **where applicable.**

442
443 **G. Verani seconded the motion.**

444
445 **The motion was granted, 7-0-0. The Chair voted in the**
446 **affirmative.**

447
448 **V. Other Business**

- 449
450 A. Public Hearing for the adoption of the 2023 (FY 2025-30) Capital
451 Improvement Plan (CIP). The proposed plan can be viewed online or during
452 business hours in the Planning & Economic Development Department.
453

454 T. Combes returned to the Board.

455
456 Chairman Rugg described what the Capital Improvement Plan is. He thanked the
457 CIP Committee and Staff for their work on this document.
458

459 K. Caron noted the CIP is formally adopted by the Planning Board and is used as a
460 tool for the Budget Committee and the Town Council during the budget process.
461

462 **School CIP**

463 Bob Slater, Londonderry School Board Chair, explained that the numbers presented
464 to the Board earlier changed last night, as the School Building Committee voted to
465 move forward with the full project of 1A, 1B, and full day. The School Board
466 decided to move the project forward to the ballot. The hope is that the voters will
467 approve full-day kindergarten and provide the School the ability to address space
468 needs. T. Combes, as a member of the School Building Committee, added this also
469 addresses security, safety, and healthcare needs for the students. The new total
470 package is \$34,200,000.
471

472 Chairman Rugg asked for Staff comment; there was none.
473

474 Chairman Rugg asked for Board comment. T. Combes noted it would be preferable
475 to approve this project this year, as costs continue to escalate. Addressing the
476 project in two phases would be more expensive, due to start-up and finishing costs.
477 There is also the possibility of causing voter confusion by presenting the project in
478 two phases.
479

480 The Board stressed their belief that full-day kindergarten will positively affect

student success.

T. Combes commended Trident and another third-party group that did the estimating, as they were a huge benefit to the Building Committee. He also noted there will be a savings in busing costs as well as increased revenue from the state in moving to full-day kindergarten.

Chairman Rugg asked for public comment.

John Farrell, 4 Hancock Drive, expressed his surprise that there were no other members of the public present to discuss this topic.

Town CIP

Dave Wholley appeared before the Board to provide follow-up commentary regarding the Town Hall project. He noted this project is unique as it addresses the heart of the community. The Town is at a crossroads to determine the future of the facility. In response to a previous question regarding the cost of maintaining the building as is, there were \$1,440.32 in electric costs over the past year. The building has been winterized, but will continue to degrade over time if not utilized. If the building were maintained year-round, projected costs would include landscaping of \$5,900 and \$8,000-9,000 in contracted winter services. Energy costs would be derived at the next level of planning.

The current projected cost of the renovation is \$3.5 million. The public will have opportunities to comment on these plans. A. Sypek suggested creating a virtual tour for the community to see the inside of the building, although offering in-person access would be preferable, if possible.

Chairman Rugg asked for Staff comment. K. Caron asked if she should update the costs on the CIP to \$3 to \$4 million and if the project remains Priority 1. The Board agreed.

Chairman Rugg asked for Board comment.

The Board expressed their approval of the plan as presented and commended D. Wholley on the work that has been done. T. DeFrancesco noted it is difficult to design a building not knowing its intended use. He asked if the cost of building a new structure of the same size would cost more than renovating this one. D. Wholley said the cost is probably comparable, but the history of this building has an intrinsic value to the community.

L. Wiles asked what the primary sources of funding would be and suggested the project should be targeted for FY2024. D. Wholley said financing has not been discussed. He said the primary source would most likely be a bond. There are also grants available.

Chairman Rugg asked for public comment; there was none.

Chairman Rugg closed the public hearing.

Chairman Rugg asked for Board comment.

T. Combes asked if the pricing of the project is accurate. D. Wholley noted soft costs have not been captured, but there is room for improvement. They do not anticipate the cost will increase.

Member J. Butler made a motion to adopt the Fiscal Year 2025-30 CIP worksheet, with the following amendments: to show that Moosehill 1A and 1B are combined with the appropriate cost and the scoring from the 1A, as well as updated pricing on the Lions Hall project to be \$3 million to \$4 million and to include the Lions Hall in FY2024.

A. Sypek seconded the motion.

The motion was granted, 8-0-0.

VI. Adjournment

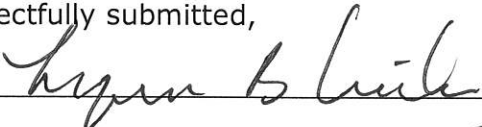
Member A. Sypek made a motion to adjourn the meeting at approximately 9:35 p.m. Seconded by J. Butler.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 9:35 p.m.

These minutes were prepared by Beth Hanggeli.

Respectfully submitted,


Name: Jake Butler Lynn B. Wices
Title: Secretary Asst Secretary

These minutes were accepted and approved on 11/11/23 by a motion made by Sypek and seconded by Wices.