

**LONDONDERRY, NH PLANNING BOARD  
MINUTES OF THE MEETING OF NOVEMBER 8, 2023,  
AT THE MOOSE HILL COUNCIL CHAMBERS**

**Members Present:** Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Ann Chiampa, member; Tony DeFrancesco, alternate member; Jason Knights, alternate member

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

**I. CALL TO ORDER**

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. Chairman Rugg appointed T. DeFrancesco as a voting member for J. Penta.

**II. ADMINISTRATIVE BOARD WORK**

**A. APPROVAL OF MINUTES**

There were no minutes to approve.

**B. REGIONAL IMPACT DETERMINATIONS**

K. Caron informed the Board there were no developments of regional impact.

**C. DISCUSSION WITH TOWN STAFF**

There were no discussions with Town Staff.

**D. COMMENTS FROM THE BOARD**

T. DeFrancesco expressed his appreciation for the new nameplates.

**III. OLD BUSINESS**

- 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). Continued from October 4, 2023.

Dick Anagnost and Nick Golon of TFMoran appeared before the Board to follow up on their application for a lot line adjustment initially presented on October 4, 2023. They have reviewed the comments from the previous meeting and presented a revised drawing of their proposal.

K. Caron reminded the Board when the application was accepted as complete on October 4, 2023, they waived eight items for acceptance only. Those items have been moved to conditions of approval. However, one waiver remains to waive this in its entirety and it is related to the delineation of wetlands on the entirety of the parcels. Staff does not have any issue with this waiver request.

K. Caron also noted the applicant has made the correction regarding a parcel associated with a previously approved subdivision. So, the plan accurately legally reflects all of the parcels as they stand today.

Chairman Rugg asked for Board comment. A. Chiampa asked if the lots would be combined into an AR-1 zone. N. Golon said there will be no changes to the zoning designations of the lots; the area would be consolidated.

Chairman Rugg asked for public comment; there was none.

**Member A. Sypek made a motion to grant the waiver request, justification being 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.**

**J. Butler seconded the motion.**

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

**Member A. Sypek made a motion to grant conditional approval of 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) in accordance with plans prepared by TFMoran Inc. dated September 13, 2023, with the precedent conditions to be fulfilled within two years and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated November 8, 2023.**

97 **J. Butler seconded the motion.**

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99 **The motion was granted, 6-0-0. The Chair voted in the**  
100 **affirmative.**

101  
102 **IV. NEW PLANS**

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104 A. Public hearing on an application for Conditional Use Permit (CUP) for the  
105 proposed 2,057 square feet of wetland impacts to construct a  
106 transmission main allowing for the distribution of potable water from the  
107 proposed water tank on Map 10, Lot 142, to the proposed booster station  
108 on Map 10, Lot 41. 36 Pillsbury Road, Map 10, Lot 42, zoned Woodmont  
109 Commons PUD, Pennichuck East Utility, Inc. c/o Mark Filion (Applicant)  
110 and Pillsbury Realty Develop LLC (Owner).

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112 Chairman Rugg read the application into the record.

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114 K. Caron informed the Board that Staff recommends the application be  
115 accepted as complete.

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

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120 **J. Butler seconded the motion.**

121  
122 **The motion was granted, 6-0-0. The Chair voted in the**  
123 **affirmative.**

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

126  
127 Trevor Yandow of Meridian Land Services and Mark Filion of Pennichuck  
128 appeared before the Board. T. Yandow said they received a CUP for the  
129 impacts to the buffer for the waterline in December 2022. The current  
130 application is to seek additional CUP approval for direct temporary  
131 wetland impacts in two locations. T. Yandow noted at that time, they  
132 proposed trying to avoid direct wetland impacts by utilizing directional  
133 drilling. There has since been additional subsurface exploration, which  
134 found it is shallow to ledge, so drilling is not a feasible option. They will  
135 need to use more traditional trenching and hammering of the ledge to  
136 install the waterline. He said this proposal has been received favorably by  
137 the Conservation Commission.

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139 Chairman Rugg asked for Staff input.

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141 K. Caron verified the Conservation Commission recommended approval of  
142 the CUP. Staff is also recommending conditional approval of the permit.

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144 Chairman Rugg asked for Board comment. L. Wiles asked who will be

responsible for ensuring the wetlands are properly restored. J. Trottier asked if the wetlands permit requires a report at the conclusion of the work. T. Yandow said he believes the standard terms and conditions of the state wetlands permit require that the work be carried out in accordance with the plans, but he is not certain on the certification. J. Trottier said during the construction, he will inspect and make this determination.

Chairman Rugg asked for public comment.

Ray Breslin, 3 Gary Drive, asked if anyone from the Town has done a site walk. A. Chiampa said she has walked the property. R. Breslin asked if wetland permits were issued by the state. T. Yandow said the application has been submitted but the permits have not been issued. J. Trottier verified they will need to receive the permits before the Town will sign the plans. K. Caron noted this is why Staff has recommended conditional approval.

There was no further public input.

**Member A. Sypek made a motion to grant approval of the Conditional Use Permit (CUP) for the proposed 2,057 square feet of wetland impacts to construct a transmission main allowing for the distribution of potable water from the proposed water tank on Map 10, Lot 142, to the proposed booster station on Map 10, Lot 41. 36 Pillsbury Road, Map 10, Lot 42, zoned Woodmont Commons PUD, Pennichuck East Utility, Inc. c/o Mark Filion (Applicant) and Pillsbury Realty Develop LLC (Owner).**

**J. Butler seconded the motion.**

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

## **V. OTHER BUSINESS**

Work Session – Zoning Amendments

### **1. Routes 102 and 28 Performance Overlay Districts**

K. Caron explained these overlay districts were adopted in 2002, with the intent to keep these corridors in alignment with the 1997 Master Plan as well as manage growth. At the time, they were intended to be temporary. In 2019, Staff proposed removing these overlay districts. The proposal included an additional commercial performance overlay, which never came to fruition as an amendment and was not adopted.

Staff is proposing the removal of the Route 102 and Route 28 overlay districts, as the Town has experienced significant growth. The Town is operating under the 2013 Master Plan, which identifies both these overlay district areas as retrofit growth sectors. The Town is in the redevelopment stage of these corridors.

K. Caron reviewed the allowed uses in the overlay districts, the zoning, and the types of development that could occur. She noted there is a significant amount of land being underutilized due to the overlay districts. She has heard from the Board and others that they would like redevelopment to continue to occur, especially in these overlay areas.

Chairman Rugg asked for Board comment.

T. DeFrancesco asked for clarification as to what this change would mean. K. Caron explained that overlay districts impose additional dimensional requirements on top of the normal regulations. T. DeFrancesco said as a result, development in these districts is harder and more expensive. He said the current system makes it harder for the Town to collect revenue on these parcels. This change could increase revenue which could possibly help with the tax rate. K. Caron said these lots are primarily zoned commercial industrial. T. DeFrancesco noted that when the overlay district is removed, the underlying zoning is still in effect.

Chairman Rugg said growth and development demands have changed in the last 20 years.

L. Wiles asked if feedback has been solicited from property owners. K. Caron said property owners will receive abutter notices and have the opportunity to attend the hearing and speak. T. DeFrancesco stressed this is a workshop where planners are discussing potential. Public input will be solicited during the process.

There will be a public hearing on December 6, 2023. The Board will make a recommendation to the Town Council, who will have two readings, one of which will be a public hearing.

## **2. Flood Plain Development**

K. Caron explained when a community participates in the National Flood Insurance Program, they are required to have a flood plain management ordinance that meets the minimum federal regulatory requirements, so property owners can obtain flood insurance.

The state is currently working with FEMA to create flood plain maps. During this process, the state looks at each community's flood plain management ordinance and notifies them of any required changes so that they will be in compliance, once the maps are finalized. They have

suggested changes to revise definitions and add definitions to the Town's existing flood plain management ordinance. K. Caron has provided the Board with these suggested changes.

Chairman Rugg asked for Board comment; there was none.

There will be a public hearing on December 6, 2023. The Board will make a recommendation to the Town Council, who will have two readings, one of which will be a public hearing.

### **3. Hospital Definition Update**

K. Caron said that hospitals are defined, but not listed as a permitted use in the use table or in any zoning district. This presents a challenge, as the Town has not designated a district in which hospitals are allowed, so they are not permitted. Staff is recommending the use table be updated to include hospitals as a permitted use in the Business Gateway District.

Chairman Rugg asked for Board comment.

Ari Pollack, Attorney for the potential applicant, asked to provide comment. Chairman Rugg reiterated that public input is not accepted in a workshop, as the public is not informed of the opportunity to do so. The Board discussed the timeline and if it is possible to expedite the process of approving this zoning amendment, as a potential application exists.

L. Wiles asked who determines the need for a new hospital and if there is any requirement at the state level for the need to be identified. K. Caron said she does not know the specifics of what the state requires, but believes there are existing criteria.

John Farrell, Town Council Chairman, said in this particular case, the applicant could go straight to the Town Council and ask for a change in the ordinance. However, once he discovered the applicant wanted to do so, he advised Staff he would prefer the applicant go through the Planning Board, as going straight to the Council would not follow the established process. He asked the Board to expedite this process if at all possible, since the Council requested that the applicant go through the Planning Board.

There will be a public hearing on December 6, 2023. The Board will make a recommendation to the Town Council, who will have two readings, one of which will be a public hearing.

## **VI. ADJOURNMENT**

**Member A. Sypek made a motion to adjourn the meeting. Seconded by J. Butler.**

**The motion was granted, 6-0-0.**

**The meeting adjourned at approximately 8:10 p.m.**

These minutes were prepared by Beth Hanggeli.

Respectfully submitted,

Name: Jake Butler

Title: Secretary

These minutes were accepted and approved on \_\_\_\_\_ by a motion made by  
\_\_\_\_\_ and seconded by \_\_\_\_\_.