

**LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF DECEMBER 13, 2023,
AT THE MOOSE HILL COUNCIL CHAMBERS**

Members Present: Art Rugg, Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Ann Chiampa, member; Jeff Penta, member; Roger Fillio, ex-officio; Bruce Hallowell, ex-officio; Giovanni Verani, ex-officio; Ted Combes, Town Council ex-officio; 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. He appointed Roger Fillio to vote for Al Sypek.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES

There were no minutes to approve.

B. REGIONAL IMPACT DETERMINATIONS

There were no developments of regional impact.

C. DISCUSSION WITH TOWN STAFF

K. Caron informed the Board of an extension request for the Pittore site plan, Map 13, Lot 99, to February 14, 2024.

Member J. Butler moved to grant an extension request for the Pittore site plan, Map 13, Lot 99 to February 14, 2024.

R. Fillio seconded the motion.

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

D. SNHPC ALTERNATE

Chair Rugg announced that J. Penta has requested consideration as an alternate to the Southern New Hampshire Planning Council. He has served two terms as an alternate.

Member J. Butler moved to recommend to the Town Council that Jeff Penta be appointed as an alternate to the Southern New Hampshire Planning Council.

L. Wiles seconded the motion.

The motion was granted, 7-0-2, with T. Combes and J. Penta abstaining. The Chair voted in the affirmative.

III. OLD BUSINESS

IV. NEW PLANS

A. Public hearing on an application for formal review of a site plan to construct a 58,432 square foot warehouse and storage facility and associated site improvements, 88A Harvey Road (Planeview Drive), Map 14, Lot 17, Zoned IND-II, Patriot Holdings, LLC (Applicant) and VAB Properties, LLC (Owner). Continued from October 11, 2023.

K. Caron reported that the applicant has requested to continue this application to January 10, 2024.

Member J. Butler moved to continue the public hearing on an application for formal review of site plan to construct a 58,432 square foot warehouse and storage facility and associated site improvements, 88A Harvey Road (Planeview Drive), Map 14, Lot 17, Zoned IND-II, Patriot Holdings, LLC (Applicant) and VAB Properties, LLC (Owner) to January 10, 2024.

L. Wiles seconded the motion.

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

Chair Rugg announced this is the only official public notice of this public hearing.

B. Public hearing on an application for formal review of a subdivision plan to subdivide Map 10 Lot 41 into two lots, Pillsbury Road, Michels Way & Woodmont Avenue, Map 10 Lot 41, Zoned C-1 & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development LLC (owner) and Nickerson Designs LLC (applicant). Continued from December 6, 2023.

J. Trottier said there are no outstanding checklist items. Staff would recommend the application be accepted as complete.

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

L. Wiles seconded the motion.

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

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

Chairman Rugg said that the site plan and the subdivision application will be discussed together, although motions will be made separately. He read both applications into the record.

Robert Duval of TFMoran and Chris Nickerson of Nickerson Design appeared before the Board to present this application for a 30,000-square foot medical office building at the intersection of Main Street and Woodmont Avenue. C. Nickerson noted the current plans incorporate comments the Board has offered on this project, primarily regarding aesthetics. This plan is very similar to the business located at 50 Michels Way, which has been very successful.

R. Duval described the proposed subdivision, which is a 2.13-acre lot being subdivided from the 143-acre parent lot. He reviewed the site plan for the two-story medical office building, including access, parking, utility locations, and drainage. He noted that traffic is studied for Woodmont as a whole and allocations are made for individual blocks. This block is substantially under the allocation.

R. Duval presented four waiver requests for the subdivision and the site plan, including 2-foot contours to be shown on all plans; the USDA Soil Conservation Service soil survey; plan scale; and not to show information on existing water, sewer, drainage, and utility systems on the subdivision plan.

J. Trottier said Staff supports granting all waiver requests.

J. Trottier noted the subdivision design review comments:

1. Item 5, the applicant should provide copies of existing and relevant proposed easement deeds or the legal documents.
2. Item 6, the applicant should provide the owner's signature on the plan set.
3. Item 7, the applicant should address items related to the subdivision plan, that being the lot configuration defined by meets

and bounds.

J. Trottier noted the site plan design review comments:

1. Item 1, the applicant should add a note to the site plan indicating that all monuments have been set in accordance with the regulations.
2. Items 2 & 3 are related to the waivers.
3. Item 4, the applicant should address the following items on the site plan. The applicant has proposed a 5-foot wide sidewalk with no separation between the sidewalk and the road along Woodmont Avenue and the proposed access road. These dimensions do not appear to meet the street type and frontage type requirements in Section 2.33 transportation network of the Woodmont PUD master plan. The applicant has noted that the proposed east side of Woodmont Avenue is designed to match the surrounding streets that were previously approved as part of the Woodmont Commons PUD Block 2 amended site plan.
4. Item 5, the applicant address items related to the drainage and grating plans: adding spot grates to the area to ensure the wheelchair access is appropriate; revise the structure ID of CB 9.B; revise the minimum cover for particular catch basins within the plan set.
5. Item 5, the applicant address the sewer and gas details related to the utilities plan.
6. Item 6, the applicant address items related to the utility plan and the sewer profiles, the related work regarding the limits of the required work and ensuring no conflicts with the proposed lighting of the landscaping.
7. Item 7, the applicant address items related to the detail sheets: the related driveway section and the roof and foundation drain details.
8. Item 8, the applicant address items related to the roadway profile and cross-sections for the access drive located to the south; provide these sections to scale in accordance with the regulations and identify the proper thickness of the road in accordance with the plan set and details.
9. Item 9, items related to the drainage report: providing riprap calculations; revising the drainage design to produce a closed circuit system designed to convey the appropriate design storm with no more than a full flow pipe conditions; provide a minimum of 12 inches of freeboard in the 50-year storm in association with the detention pond.
10. Regarding the short traffic analysis, while they have provided the sight distance measurements in the short traffic letter, a comparison to the Woodmont Commons PUD sight distance requirements should be included. The applicant should review the southern driveway alignment and possibly align it with the brewery

191 driveway. In item C, the applicant should reconsider the
192 percentage of traffic that will utilize the southern driveway.
193

194 K. Caron noted the applicant has gone through the DRC process and
195 addressed the concerns of the Heritage Commission. The Conservation
196 Commission offered comments regarding the proximity of the snow
197 storage areas to parking and ensuring they do not negatively impact
198 landscaping, which the applicant has adjusted. The applicant has
199 provided a PUD conformance memorandum to show their compliance
200 with the PUD standards.
201

202 Chair Rugg asked for Board comment.
203

204 A. Chiampa asked about the location of and access to the dumpster, and
205 noted issues with access at the existing medical center. The applicant will
206 review this. She asked if ambulances will access the building; C.
207 Nickerson said it is the same as any office building. She asked if the site
208 was flat and the site grading was reviewed.
209

210 L. Wiles noted the need for crosswalks and R. Duval said there are
211 provisions for them.
212

213 J. Butler asked for clarification of the design review comments regarding
214 the southern driveway and the sidewalk and it was provided.
215

216 T. Combes asked if it is possible to come to an agreement with the state
217 regarding the lot line at the park and ride to straighten the roadway, as
218 there is a large grade change. The Board discussed the difficulties
219 navigating the intersection in question, proposing possible solutions. R.
220 Duval noted possible changes that could be made. C. Nickerson noted the
221 difficulties and timeline involved when requesting changes from the state.
222

223 Chair Rugg asked for public comment.
224

225 **Ray Breslin, 3** Gary Drive, noted the stormwater from the parking lot
226 will run into the retention pond to the north. The water in this pond is
227 currently being pumped across Michels Way to the retention ponds to the
228 west. He asked how the water in this pond will be removed. J. Trottier
229 said the water is being pumped due to its turbidity. Once the sites are
230 loamed and seeded, pumping will not occur. The water in the retention
231 pond will then discharge toward 93. R. Breslin expressed his concern
232 about contamination caused by stormwater runoff.
233

234 **R. Breslin** expressed his concern regarding access to the site.
235

236 **Kevin Smith**, consultant with the Woodmont Commons project, clarified
237 the intersection in question. He said there was discussion regarding
238 Marketplace Drive connecting to the park and ride lot, but COVID

affected these plans. The park and ride lot was changed into a COVID testing site and has never been reopened. The DOT has no plans to dispose of this lot. If it does become surplus property, there would be a two-year planning process and there is no guarantee the property would go to Woodmont Commons.

Chair Rugg closed public comment as there was no further public input.

Member J. Butler made a motion to grant waivers 1 through 4 of the subdivision plan to subdivide Map 10 Lot 41 into two lots, Pillsbury Road, Michels Way & Woodmont Avenue, Map 10 Lot 41, Zoned C-1 & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development LLC (owner) and Nickerson Designs LLC (applicant) as noted in the Staff Recommendation Memorandum dated December 13, 2023, and that these waivers may be granted without substantial detriment to the public good.

L. Wiles seconded the motion.

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

Member J. Butler made a motion to conditional approval of the subdivision plan to subdivide Map 10 Lot 41 into two lots, Pillsbury Road, Michels Way & Woodmont Avenue, Map 10 Lot 41, Zoned C-1 & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development LLC (owner) and Nickerson Designs LLC (applicant) in accordance with plans prepared by Hayner/Swanson dated May 2, 2023, last revised October 2, 2023, with the precedent conditions to be fulfilled within two years of approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated December 13, 2023.

B. Hallowell seconded the motion.

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

- C. Public hearing on an application for formal review of a site plan to construct a 30,000-square foot two-story medical office building, Pillsbury Road, Michels Way & Woodmont Avenue, Map 10 Lot 41, Zoned C-1 & PUD, Woodmont Commons Planned Unit Development, Pillsbury Realty Development LLC (owner) and Nickerson Designs LLC (applicant).

J. Trottier reported there are no outstanding checklist items. Staff would

287 recommend the application be accepted as complete.

288
289 This application was discussed concurrently with the previous application.

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291 **Member J. Butler made a motion to accept the application as**
292 **complete per Staff's Recommendation Memorandum dated**
293 **December 13, 2023.**

294
295 **L. Wiles seconded the motion.**

296
297 **The motion was granted, 9-0-0. The Chair voted in the**
298 **affirmative.**

299
300 **Member J. Butler made a motion to grant waivers 1 through 4**
301 **of the site plan to construct a 30,000-square foot two-story**
302 **medical office building, Pillsbury Road, Michels Way &**
303 **Woodmont Avenue, Map 10 Lot 41, Zoned C-1 & PUD,**
304 **Woodmont Commons Planned Unit Development, Pillsbury**
305 **Realty Development LLC (owner) and Nickerson Designs LLC**
306 **(applicant) as noted in the Staff Recommendation**
307 **Memorandum dated December 13, 2023, and that these**
308 **waivers may be granted without substantial detriment to the**
309 **public good.**

310
311 **L. Wiles seconded the motion.**

312
313 **The motion was granted, 9-0-0. The Chair voted in the**
314 **affirmative.**

315
316 **Member J. Butler made a motion to conditional approval of**
317 **the site plan to construct a 30,000-square foot two-story**
318 **medical office building, Pillsbury Road, Michels Way &**
319 **Woodmont Avenue, Map 10 Lot 41, Zoned C-1 & PUD,**
320 **Woodmont Commons Planned Unit Development, Pillsbury**
321 **Realty Development LLC (owner) and Nickerson Designs LLC**
322 **(applicant) in accordance with the plans prepared by**
323 **TFMoran, Inc., dated May 30, 2023, last revised October 12,**
324 **2023, with the precedent conditions to be fulfilled within 120**
325 **days of approval and prior to plan signature and general and**
326 **subsequent conditions of approval to be fulfilled as noted in**
327 **the Staff Recommendation Memorandum dated December 13,**
328 **2023, with the condition that the applicant works with Staff to**
329 **address design review item 10(b).**

330
331 **L. Wiles seconded the motion.**

332
333 **The motion was granted, 9-0-0. The Chair voted in the**
334 **affirmative.**

G. Verani recused himself from the Board.

D. Public hearing on an application for formal review of a subdivision and lot consolidation plan for 71 Perkins Road (Map 15 Lot 51, Zoned Mixed Use Commercial), 171 Rockingham Road (Map 15 Lot 59, Zoned MUC), 179 Rockingham Road (Map 15 Lot 60, Zoned MUC), 175 Rockingham Road (Map 15 Lot 60-2, Zoned MUC) and 191 Rockingham Road (Map 15 Lot 64, Zoned MUC), Jean Gagnon (Owner & Applicant). This is continued from December 6, 2023.

Jason Lopez noted there are two outstanding checklist items for which the applicant has requested waivers: providing a stormwater management report and a traffic impact analysis.

Member J. Butler made a motion to waive the checklist items noted above for acceptance only and that they would become a condition of approval, although they are waived for acceptance only.

L. Wiles seconded the motion.

Staff noted the waivers can be waived in their entirety, as each lot will undergo a site plan review. They do not need to be waived for acceptance only. Staff supports granting the waivers.

Member J. Butler amended the motion to waive the checklist items noted above in their entirety.

L. Wiles seconded the motion.

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

Chairman Rugg noted the site plan and the subdivision application will be discussed together, although motions will be made separately. He read both applications into the record.

Jason Lopez of Keach-Nordstrom Associates appeared before the Board to present this application. J. Lopez explained there are five lots totaling 47 acres being combined to create four new lots zoned mixed use commercial (MUC). The commercial aspect will be handled by a dedicated three-acre lot, which will be presented by a separate applicant. Three lots will be developed for residential use, while the fifth lot will be retained for development in the future.

He reviewed an additional waiver for driveways to individual lots.

J. Trottier noted the subdivision design review comments:

1. Item 1, the applicant has not indicated driveways or proposed driveway sight distance plans and profiles for the proposed lots. The applicant should update the plan set and include a driveway location for each lot and a sight distance plan and profile for each driveway. Applicant has submitted a waiver request. The Department of Engineering does not support the waiver request, as they want to ensure lots are being created with proper sight distance.
2. Item 2, the applicant is required to obtain all project permits, indicate the permit approval numbers and notes on Sheet 1 and provide copies of all permits for the Planning Department's files.
3. Item 3, applicant must provide proposed deeds and easements to the Town for review.
4. Item 4, the applicant is required to clarify the configuration shown on the lot consolidation and subdivision plan that does not match the configuration shown on the topographic plan. There is missing monumentation.
5. Item C, the applicant dash the lot lines to be adjusted on the topographic plan consistent with the subdivision plans. They are required to provide additional soil type labels on the plans for those types that extend onto other sheets. Also, verify that the DRC comments have been addressed with the Planning Department, Conservation Commission, Fire Department, and the Sewer Division.

Chair Rugg asked for Board comment; there were none.

Chair Rugg asked for public comment.

Don Turner, 16 Crestview Circle, asked what provisions will be made for the beaver dam and beaver pond on the property, as well as the bobcat living there. He noted the property at the Perkins Road end of Vista Ridge Drive is very wet, so they might want to carefully consider the drainage plans. J. Lopez said the dam is a Class AA dam with an outlet structure. It will be part of the stormwater operation and maintenance to keep the structure clear of beaver debris. The association managing this property in the future will need to take care of this. This dam is under a maintenance program with the Dam Bureau; however, it does not require inspections or reporting to the state.

Regarding the bobcat, J. Lopez said they have communicated with the Natural Heritage Bureau and the wetlands bureau, but no issues have been registered. Chair Rugg recommended researching the protected status of bobcats.

D. Turner asked if the beavers will be relocated. J. Lopez said the pond

is the stormwater detention pond for the Vista Apartments. J. Trottier noted a property owner has the right to remove a beaver, with state approval.

Chair Rugg asked for Board comment.

J. Butler asked J. Trottier the impact of granting the additional waiver. He said this will create a lot where it is unsure if the required sight distance can be achieved. The Board discussed the repercussions of approving or denying the waiver.

Member J. Butler made a motion to deny the waiver from LSR exhibit D2.

L. Wiles seconded the motion.

J. Lopez clarified that he does not need to do the sight distance for the two residential lots in the subdivision, only the three-acre lot and the Perkins lot. The Board agreed.

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

The waiver was denied and will become a condition of the subdivision plan.

Member J. Butler moved to conditionally approve the subdivision and lot consolidation plan for 71 Perkins Road (Map 15 Lot 51, Zoned Mixed Use Commercial), 171 Rockingham Road (Map 15 Lot 59, Zoned MUC), 179 Rockingham Road (Map 15 Lot 60, Zoned MUC), 175 Rockingham Road (Map 15 Lot 60-2, Zoned MUC) and 191 Rockingham Road (Map 15 Lot 64, Zoned MUC), Jean Gagnon (Owner & Applicant) in accordance with plans prepared by Keach-Nordstrom Associates dated August 12, 2023, last revised May 30, 2023, with the precedent conditions to be fulfilled within two years of approval and prior to plan signature and general and subsequent conditions of approval to be fulfilled as noted in the Staff Recommendation Memorandum dated December 13, 2023.

L. Wiles seconded the motion.

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

E. Public hearing on an application for formal review of a site plan for 130 town houses and associated site improvements at 71 Perkins Road (Map

15 Lot 51, Zoned MUC), 171 Rockingham Road (Map 15 Lot 59, Zoned MUC), 179 Rockingham Road (Map 15 Lot 60, Zoned MUC), 175 Rockingham Road (Map 15 Lot 60-2, Zoned MUC) and 191 Rockingham Road (Map 15 Lot 64, Zoned MUC), Jean Gagnon (Owner & Applicant). This was continued from December 6, 2023.

Member J. Butler made a motion to accept the application as complete per Staff Recommendation Memorandum dated December 13, 2023.

L. Wiles seconded the motion.

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

This application was discussed concurrently with the previous application.

Jason Lopez of Keach-Nordstrom, Associates and Jason Plourde, traffic engineering consultant from VHB, appeared before the Board to present this application. This site plan is for the two larger lots created by the subdivision plan above. One lot will include 62 townhomes and the other, 68 townhomes. The lots are zoned MUC, but will contain no commercial components.

The Conservation Commission has approved with conditions the wetlands permit and the conditional use permit for disturbance within the buffer. J. Lopez reviewed the wetlands impact, which will be on a temporary basis. They held a neighborhood meeting, where the primary concerns were traffic and the locations of the access roads. They believe these have been addressed.

They have obtained wetlands and alteration of terrain permits, and are working on obtaining sewer and DOT permits. He reviewed the stormwater management system and the water system, and the modifications made at the request of the Fire Department.

J. Lopez outlined the layout of the property and noted there are no waiver requests.

J. Trottier reported there was a scoping meeting with DOT in 2021, where it was agreed to include nine intersections in this development.

J. Plourde reviewed the rationale for working with the New Hampshire DOT when a proposed development will introduce traffic into the state highway system and the associated process. He explained the issues that were addressed in the scoping meeting, including formulating traffic volume predictions. The Board posed questions regarding the results of the traffic study, including how the change in the predicted use of the

commercial site affected the traffic volume calculation.

Sam Foisie, Meridian Land Services, representing the next application, noted that when conducting a traffic analysis, the generated trips for medical/bank use go down 69% compared to those fast food/retail use.

The Board asked if an updated traffic plan could be produced with current numbers. J. Lopez said they have completed the traffic analysis for the residential component and are able to move forward. He does not want to see their project delayed as a result of having to coordinate with the commercial project. S. Foisie agreed this burden should be borne by their application.

David DeBaie with Stantec said he agrees in principle with the information presented by J. Plourde and they have composed a letter presenting their stand on the matter.

J. Plourde noted that if traffic is increased by 100 or more vehicles per hour through an intersection, improvements may need to be made. He said the residential component of this project will be generating less than 100 vehicle per hour. He reported a safety evaluation was done at each intersection and they will work with the Town to ensure that any issues identified are resolved to be in conformance with state, town, and national requirements.

The Board discussed options for addressing potential issues with the proposed intersections.

J. Trottier noted the site plan design review comments:

1. Item 1, the applicant should obtain all project permits and indicate the permit approval numbers in Note 13 on Sheet 2 and provide copies of the permits to the Planning Department.
2. Item 2, the applicant should indicate impacts to include changes and alterations of the current drainage outlets and flows in the Town's stormwater system associated with Vista Ridge Drive. The applicant should discuss the proposed impacts to the existing drainage flow patterns and flowage rights, and propose alterations to the Town's existing stormwater outfalls.
3. Item 3, recommend the applicant update the building renderings to provide proper title blocks.
4. Item 4, discuss the updated drainage design on Sheet 24 that indicates a type C catch basin to be placed in the swales, which is typically not allowed in the Town.
5. Item 5, the applicant is required to provide additional information and details indicating the improvements necessary to the Vista Ridge Pump Station.
6. Stormwater-related comments regarding submerged outlets in

ponds and to correct the subcatchment 301AS on post-development drainage area plans.

7. Recommend the applicant address the traffic report review comments noted in Stantec's December 13, 2023, memo.
8. Verify that the DRC comments have been addressed with the Planning Department, Conservation Commission, Fire Department, and the Sewer Division.
9. Provide a draft proposed easement and deeds, protective covenants, and other legal documents to the Town for review.

K. Caron noted the Conservation Commission has recommended approval of the conditional use permit.

Chair Rugg asked for Board comment.

A. Chiampa asked if there will be any play areas. J. Lopez said this project is comprised of individual townhomes and there will be no play areas, community center, parks, etc. The Board agreed a shelter should be added for students to safely wait for the school bus.

The Board agreed the side and rear of the buildings need aesthetic improvements, and the landscaping should be enhanced to better screen the buildings.

J. Butler noted potential pinch points in the roadways. J. Lopez clarified the measurements and that the Fire Department has approved them.

T. Combes noted issues with egress from the townhouse decks and asked about visitor parking.

B. Hallowell asked about accommodations requested by the Fire Department regarding fire suppression. He voiced his concerns as a firefighter about "row homes" and the difficulties they present.

Chair Rugg asked for public comment.

Dave Maloney, 2 Crestview Circle, asked about a driveway being installed across from Crestview Circle, which is on a curve where a school bus stop is located. He noted clearing shrubs and trees to improve the sight lines is not sufficient for drivers exiting the driveway. He asked how many driveways would be located on Vista Ridge and J. Lopez said two to access Vista East and one to access Vista West. D. Maloney said the driveway across from Crestview Circle is a danger to the public and the residents of the complex, and he would like to see it eliminated. He asked what plantings would be installed in the buffer along Vista Ridge and T. DeFrancesco noted he requested the landscaping be enhanced.

There was no further comment.

Member J. Butler made a motion to grant approval of the CUP for approximately 3,592 square feet of wetland buffer impact for the construction of 130 town houses and associated site improvements at 71 Perkins Road (Map 15 Lot 51, Zoned MUC), 171 Rockingham Road (Map 15 Lot 59, Zoned MUC), 179 Rockingham Road (Map 15 Lot 60, Zoned MUC), 175 Rockingham Road (Map 15 Lot 60-2, Zoned MUC) and 191 Rockingham Road (Map 15 Lot 64, Zoned MUC), Jean Gagnon (Owner & Applicant).

L. Wiles seconded the motion.

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

Member J. Butler made a motion to continue formal review of a site plan for 130 town houses and associated site improvements at 71 Perkins Road (Map 15 Lot 51, Zoned MUC), 171 Rockingham Road (Map 15 Lot 59, Zoned MUC), 179 Rockingham Road (Map 15 Lot 60, Zoned MUC), 175 Rockingham Road (Map 15 Lot 60-2, Zoned MUC) and 191 Rockingham Road (Map 15 Lot 64, Zoned MUC), Jean Gagnon (Owner & Applicant) to January 10, 2024.

L. Wiles seconded the motion.

The motion was granted, 7-1-0, with B. Hallowell voting in the negative. The Chair voted in the affirmative.

This plan is continued to January 10, 2024 at 7 PM in Town Hall. This is only official public notice.

The Board requested a summary of the findings at each intersection from the traffic study and J. Plourde agreed to provide this.

F. Public hearing on an application for conditional use permit to allow 10,500 square feet of wetland impact. Map 15, Lot 60-2, zoned MUC, Jean Gagnon (owner) and Bill Greiner (applicant). Continued from December 6, 2023.

G. Public hearing on an application for formal review of a site plan and conditional use permit to construct a 12,000 square foot medical building and a 3,000 square foot bank and associated site improvements. Map 15, Lot 60-2, zoned MUC, Jean Gagnon (owner), Bill Greiner (applicant). Continued from December 6, 2023.

Chairman Rugg said these applications will be discussed together. He read both applications into the record.

J. Trottier noted there are five outstanding checklist items. If the Board decides to accept the application as complete, these items should be waived for acceptance purposes only:

1. Items related to the utility plans
2. The water details within the plan set
3. The gas line details
4. Grading and drainage plans
5. The detail sheets themselves and stormwater management report, and copies of permits and applications that have not been submitted to the town.

Member J. Butler made a motion to waive the checklist items for acceptance purposes only.

L. Wiles seconded the motion.

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

Sam Foisie, Meridian Land Services, appeared before the Board. He acknowledge the checklist items need to be provided. Although they have made updates to the plans, they have not been submitted to the Town.

They have requested a waiver for the utility availability letters for the purposes of accepting the application, not for approving it. The other wavier is related to the architectural renderings for the bank building.

S. Foisie reviewed the changes that have been implemented as a result of suggestions by the Board at the conceptual discussion. He noted that they do not have a bank tenant secured that would drive the design of the building. They will present the updated renderings to the Board and the Heritage Commission once a tenant is in place.

K. Caron reported Staff is recommending approval of the waiver related to the architectural renderings.

Member J. Butler made a motion to grant the first waiver regarding renderings for the proposed bank, as this waiver could be granted without substantial detriment to the public good.

L. Wiles seconded the motion.

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

Member J. Butler made a motion to deny the second waiver in regards to the SLPR Section 4.18.B route relating to providing utility clearance letters.

L. Wiles seconded the motion.

K. Caron clarified that by denying the waiver, it becomes a condition of approval.

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

Chair Rugg noted the Conservation Commission has recommended the approval of the Conditional Use Permit.

Member J. Butler made a motion to grant approval of the CUP for approximately 10,500 square feet of wetland impact. Map 15, Lot 60-2, zoned MUC, Jean Gagnon (owner) and Bill Greiner (applicant).

L. Wiles seconded the motion.

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

S. Foisie reviewed the CUP requested for the bank drive-through.

The Board clarified the width of the bypass lane between the drive-through lanes and the roadway. S. Foisie offered to revise this to accommodate firetruck access.

Member J. Butler made a motion to grant approval of the CUP to allow the drive-through windows as an accessory use to the proposed bank, Map 15, Lot 60-2, zoned MUC, Jean Gagnon (owner) and Bill Greiner (applicant).

L. Wiles seconded the motion.

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

S. Foisie briefly reviewed the project, including the drainage system and snow removal.

J. Trottier noted S. Foisie recognizes the plan still needs work, including addressing traffic issues.

Chair Rugg asked for Board input.

A. Chiampa asked why the internal roadway was not brought around the back of the building. S. Foisie noted it did not fit, due to the impervious area setbacks.

T. DeFrancesco pointed out potential roof drainage issues.

The Board noted traffic pattern issues with people being dropped off under the overhang.

S. Foisie said the color on the renderings is not accurate and offered to bring samples for the Board to review.

J. Butler expressed concern about phasing this project and the ability to construct the bank while the medical building is operational. He noted concern about the property only having one entrance. He also noted issues with the landscaping.

T. Combes said he did not understand how a fire truck or dump truck, or customers, could navigate the property safely. B. Hollowell agreed there seem to be flow issues around the building. They discussed moving the footprint of the building to allow access around the back of the building. A. Chiampa suggested moving the drive-through to the east of the building and S. Foisie agreed to discuss this with the architect.

K. Caron said Division Chief Brian Johnson had no specific comment about the access. The Board suggested following up with him to verify this and S. Foisie agreed to do so.

S. Foisie asked the Board if they would like the applicant to pursue seeking a variance to put a road behind the back of the building. The agreed achieving this without a variance is preferred, but the road is important.

The Board asked if the two buildings could be combined. A representative who worked on the development of the project said having separate buildings is driven by tenant requirements.

Chair Rugg asked for public comment.

Giovanni Verani, 73 Page Road, noted the Board approved a similar project where a building was constructed around an existing building. He noted the proposed buildings are 15,000 square feet on 3.2 acres, which is a good utilization of the acreage. He said regarding issues like traffic flow, this is the purview of the Staff and Town departments and not of the Planning Board. T. DeFrancesco disagreed.

G. Verani said that when the proposed use of the lot changes, it should

be the responsibility of the user to conduct updated traffic studies, instead of the property owner.

There was no further public comment.

Chair Rugg asked for Board comment.

The Board reiterated the main concern is circulation on the property.

Member J. Butler moved to continue formal review of the site plan formal review of a site plan to construct a 12,000 square foot medical building and a 3,000 square foot bank and associated site improvements. Map 15, Lot 60-2, zoned MUC, Jean Gagnon (owner), Bill Greiner (applicant) in accordance with plans prepared by Meridian Land Services dated July 13, 2023, last revised November 16, 2023, to January 10, 2024.

L. Wiles seconded the motion.

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

This plan is continued to January 10, 2024 at 7 PM in Town Hall. This is only official public notice.

G. Verani returned to the Board.

V. OTHER BUSINESS

A. Public Hearing on amendments to the Londonderry Zoning Ordinance relating to the Use Table, Floodplain Overlay District, delete Route 28 and Route 102 Performance Overlay Districts (POD) and references to Route 28 and 102 POD. The following sections are proposed to be amended:

- Section 4.6.6 – Performance Overlay District – Route 102 Corridor
- Section 4.6.7 – Performance Overlay District – Route 28 Corridor
- Section 6.3.10 – Route 102 Performance Overlay District (Conditional Use Permit Criteria)
- Section 7.6.D.7 – Signs permitted and prohibited by district
- Section 7.6.D.8 – Signs permitted and prohibited by district
- Section 6.3.11 – Route 28 Performance Overlay District (Conditional Use Permit Criteria)

Chair Rugg noted the Performance Overlay District (POD) was intended to be temporary when enacted in 2002. These amendments will remove the POD and revert to the zoning that existed in 2002.

K. Caron noted that a work session was held on these amendments and the consensus of the Board was to proceed with the public hearing. The Staff has analyzed the need for the overlays and prepared a report that has been shared with the Board. K. Caron noted a recommendation is needed to the Town Council regarding the amendments.

K. Caron presented the results of Staff's analysis, which included the number of lots identified as underdeveloped and underutilized in the 102 and 28 overlays. The analysis shows the uses within the district and how they operate with the overlay present and how they would with the overlay removed. She noted the amendments are not to change the uses, only remove the overlay districts.

Chair Rugg asked for public comment.

Laura Gandia, an attorney with Devine Millimet & Branch, appeared before the Board representing **Tom Estey**, a property owner within the Route 102 POD. She stated they are in opposition to the removal of the POD due to the reduction in allowable use categories. She said many landowners are facing the loss of their property rights, which construed as an unconstitutional taking, inverse condemnation, or eminent domain.

She reviewed T. Estey's situation, noting that the value of his property will potentially be reduced with the removal of the POD. She said there is no consideration as to how to retain the integrity of design of an area, once the POD is removed. She said something needs to be introduced to serve this purpose. She noted the 2013 Master Plan highlighted the importance of retaining the appearance and functionality of Route 102, which removing the POD will not support.

L. Gandia said the POD serves as an innovative land use control, which is designed to make business easier for the residents. She noted property owners with businesses that will no longer be permitted once the POD is removed will have to seek variances from the ZBA to expand their businesses, and then appear before the Planning Board. This will not promote economic development.

She asked that the Board make a recommendation to the Town Council not to remove the overlay districts.

G. Verani noted there are many cases where the POD is hurting property owners.

T. DeFrancesco noted this is a classic example of unintended consequences

and there is a workaround for everything. He thanked T. Estey and L. Gandia for appearing before the Board to explain the effects this would have on property owners.

L. Wiles asked if the Staff has received feedback from property owners and K. Caron said she has received only positive feedback.

Liane St Laurent, 73 Chase Road/225 Rockingham Road, asked if removing the PODs is a package deal and Chair Rugg said no. She asked if the removal of the overlay in the commercial area makes it more or less desirable for development. She feels that Route 28 is stagnant and needs to be developed, and asked what the removal will do to assist with this. The Board discussed the uses lost on her property as a result of the removal of the POD.

She asked if there are any updates about road improvements in general on Route 28. Chair Rugg said there is nothing in the state's ten-year plan regarding the entire roadway, although there are plans that impact specific intersections.

B. Hallowell asked if the POD could be modified instead of removed, to make it more conducive to land use. K. Caron said this could be considered.

The Board agreed property owners should be able to use their land as they choose and the less bureaucracy the better. However, there still needs to be regulation.

Steve Young, 12 MacGregor Court/15 Parmenter Road, said he was not noticed about this public hearing. He provided a history of the property at 15 Parmenter Road and said when zoning was first instituted, property owners were given a choice. He said when the POD was created, there was no choice. He recommended asking property owners in the PODs what their preference is.

Dan Jozwiak, 31 Windsor Blvd/254 Nashua Road, thanked L. Gandia for speaking for property owners. He asked for clarification as to the underlying motivation for removal of the PODs to be considered. He asked that the Board not recommend removal.

Blaine Dorman, 506 Mammoth Road, said removal of the POD will benefit him. However, he understands it will not benefit everyone. He noted that the allowed use of his property changed as homes moved in and he would like to be able to park equipment on the property again. He wanted to ensure he would not lose more as a result of the removal of the POD. K. Caron reviewed the permitted uses of his property. He asked for clarification as to whether he can currently park equipment on his property. J. Butler asked how the setbacks will change on this property with the POD. K. Caron said it depends on the building height and size.

T. Estey said he has known B. Dorman and his father for years. He said it is too bad that out-of-staters complain that they do not want to see equipment parked on his property, as it is their living. He said it is not right that B. Dorman is not allowed to park his equipment on his property. B. Dorman agreed to speak with K. Caron at another time to obtain more information.

G. Verani asked if multi-family use would be allowed without the POD. K. Caron said it depends on the zone. It is allowed by CUP in C-II without the overlay.

There was no further public comment.

S. Young said the multi-family will go away in properties zoned residential. K. Caron clarified that for residential, the multi-family workforce is permitted by conditional use for the commercial districts.

Chair Rugg thanked the public for their input.

B. Hallowell said his understanding from the public input is that less restriction is wanted, but more choice to develop as the property owner sees fit. He noted the public hearing process works.

J. Knights said he does not believe the Board is getting a good cross-section of public opinion.

The Board agreed to recommend to the Town Council to deny this and examine the issue further, taking into account the input received from the public at this meeting. They discussed considering Route 28 and Route 102 separately and the reasons for this.

Member J. Butler moved not to recommend to the Town Council the Route 28 POD overlay amendments.

L. Wiles seconded the motion.

The motion was granted, 7-1-1, with G. Verani voting in the negative and T. Combes abstaining. The Chair voted in the affirmative.

Member J. Butler moved not to recommend to the Town Council the Route 102 POD overlay amendments.

L. Wiles seconded the motion.

The motion was granted, 8-0-1, with T. Combes abstaining. The Chair voted in the affirmative.

The Board asked K. Caron to ensure all property owners are properly noticed.

VI. COMMENTS FROM THE BOARD

VII. ADJOURNMENT

Member J. Penta made a motion to adjourn the meeting.

J. Butler seconded the motion.

The motion was granted, 9-0-0.

The meeting adjourned at approximately 1:05 a.m.

These minutes were prepared by Beth Haggeli.

Respectfully submitted,

Name: Jake Butler

Title: Secretary

These minutes were accepted and approved on 1/3/24 by a motion made by AL SYPER and seconded by JAKE BUTLER