

**LONDONDERRY, NH PLANNING BOARD  
MINUTES OF THE MEETING OF DECEMBER 6, 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; Jeff Penta, member; Roger Fillio, ex-officio; Bruce Hallowell, 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

**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.

**II. NON-PUBLIC SESSION**

**Member A. Sypek moved to go into non-public session per RSA 91-A:3, II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.**

**J. Butler seconded the motion.**

**A roll call vote was taken. The motion was granted, 8-0-0. The Chair voted in the affirmative.**

The cameras were turned off at 7:03 p.m.

The meeting room was reopened at 7:17 p.m.

**A motion was made to come out of non-public session.**

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

The Planning Board is now in public session.

**III. ADMINISTRATIVE BOARD WORK**

**A. APPROVAL OF MINUTES**

**Member A. Sypek moved to approve the minutes of the November 1, 2023, Planning Board meeting as amended.**

49  
50 **J. Butler seconded the motion.**

51  
52 On lines 61 and 62, A. Chiampa did not abstain; she voted in the  
53 affirmative.  
54

55 **A roll call vote was taken. The motion was granted, 6-0-2,**  
56 **with B. Hallowell and T. Combes abstaining. The Chair voted in**  
57 **the affirmative.**

58  
59 **Member A. Sypek moved to approve the minutes of the**  
60 **November 8, 2023, Planning Board meeting as amended.**  
61

62 **J. Butler seconded the motion.**

63  
64 Line 212 should read, "Town to collect revenue on these parcels. This  
65 change could increase revenue, which could help with the tax rate."  
66

67 **The motion was granted, 5-0-3, with B. Hallowell, J. Penta,**  
68 **and T. Combes abstaining. The Chair voted in the affirmative.**  
69

70 **B. REGIONAL IMPACT DETERMINATIONS**

71  
72 K. Caron reported the Staff recommends that the Orchard Christian  
73 Fellowship property, located at 136 Pillsbury Road (Map 6, Lot 18-2, zoned  
74 AR-1), is not a development of regional impact.  
75

76 **Member A. Sypek moved that this development does not meet**  
77 **the standard for regional impact.**

78  
79 **J. Butler seconded the motion.**

80  
81 **The motion was granted, 8-0-0. The Chair voted in the**  
82 **affirmative.**  
83

84 **C. DISCUSSION WITH TOWN STAFF**

85  
86 K. Caron informed the Board of a 60-day extension request for the Alta  
87 Woodmont site plan to February 17, 2024.  
88

89 **Member A. Sypek moved to grant the additional 60 days, until**  
90 **February 17, 2024.**

91  
92 **J. Butler seconded the motion.**

93  
94 **The motion was granted, 8-0-0. The Chair voted in the**  
95 **affirmative.**  
96

**D. RSA 91-A**

Chairman Rugg reported that J. Butler has conducted research on RSA 91-A regarding the public's right to review what boards/committees/etc. do in the state of New Hampshire. He noted that the public has the right to be present at meetings, take notes, and videotape; however, the public does not have the right to speak at these meetings. The public is permitted to speak at public hearings and during public comment sessions. He also noted that specific boards, the Planning Board, the ZBA, the Heritage Commission, and the Land Use Boards, come under a specific criteria of RSA 673:14, which is a juris standard.

J. Butler explained the purpose and format of Planning Board work sessions and public hearings, including if and when the public is permitted to speak at these meetings. There is a process for permitting public comment, which is designed to provide everyone the chance to comment on issues, not only those individuals present at meetings. He reviewed recent meetings where public comment was requested and/or permitted. He has made potential amendments to the Board's rules of procedures, which reflect procedures for work sessions and conceptual discussions, and propose adding a section of public comment to Planning Board meetings. He noted that K. Caron has a copy of these recommended amendments, if any members of the public wish to see them. The Board will discuss these recommendations at the next meeting, after having the opportunity to review them.

T. DeFrancesco said that work sessions provide the Board the opportunity to address issues as a group, as they are not allowed to communicate about issues outside of Board meetings. A. Sypek noted that not every issue discussed at work sessions comes before the public.

**IV. OLD BUSINESS**

**V. NEW PLANS**

A. 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).

Chairman Rugg reported that due to a noticing issue, this is being continued until December 13, 2023.

**Member J. Butler made a motion to continue the public hearing to December 13, 2023.**

**A. Sypek seconded the motion.**

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

Chairman Rugg noted this is the only official public notice of this hearing.

- B. 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).

Chairman Rugg reported that due to a noticing issue, this is being continued until December 13, 2023.

**Member J. Butler made a motion to continue the public hearing to December 13, 2023.**

**A. Sypek seconded the motion.**

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

Chairman Rugg noted this is the only official public notice of this hearing.

- C. 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).

Chairman Rugg reported that this is being continued until December 13, 2023.

**Member J. Butler made a motion to continue the public hearing to December 13, 2023.**

**A. Sypek seconded the motion.**

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

Chairman Rugg noted this is the only official public notice of this hearing.

- D. 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).

Chairman Rugg reported that this is being continued until December 13, 2023.

**Member J. Butler made a motion to continue the public hearing to December 13, 2023.**

**A. Sypek seconded the motion.**

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

Chairman Rugg noted this is the only official public notice of this hearing.

- E. Public hearing on an application for formal review of a site plan amendment to reflect the additional use of a preschool at the Orchard Christian Fellowship property. 136 Pillsbury Road (Map 6, Lot 18-2, zoned AR-1), Orchard Christian Fellowship (applicant & owner).

Chairman Rugg reported that this is being continued until December 13, 2023.

**Member J. Butler made a motion to continue the public hearing to December 13, 2023.**

**A. Sypek seconded the motion.**

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

Chairman Rugg noted this is the only official public notice of this hearing.

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

Chairman Rugg reported that this is being continued until December 13, 2023.

**Member J. Butler made a motion to continue the public hearing to December 13, 2023.**

**A. Sypek seconded the motion.**

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

Chairman Rugg noted this is the only official public notice of this hearing.

- 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).

Chairman Rugg reported that this is being continued until December 13, 2023.

**Member J. Butler made a motion to continue the public hearing to December 13, 2023.**

**A. Sypek seconded the motion.**

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

Chairman Rugg noted this is the only official public notice of this hearing.

K. Caron reported all abutters were re-noticed for these continuations. J. Butler commended A. LaFlamme, K. Caron, and B. Bennett on their efforts to accomplish this task.

- H. Public hearing on an application for formal review of a site plan amendment to reflect the additional use of a preschool at the Orchard Christian Fellowship property. 136 Pillsbury Road (Map 6, Lot 18-2, zoned AR-1), Orchard Christian Fellowship (applicant and owner).

Chairman Rugg read the application into the record.

B. Bennett reported there are no outstanding items.

**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 the 65-day time clock has started.

A. Chiampa recused herself from the Board. Chairman Rugg appointed J. Knights to vote for A. Chiampa.

Ian McGregor, project engineer with Northpoint Engineering, appeared



before the Board to present this application. He was joined by Lisa Powers, Andrew Lemieux, and Ken Glasier of Orchard Christian Fellowship. They are seeking approval of a 40 x 40 playground and additional use of preschool on the site.

Chairman Rugg asked for Staff input.

B. Bennett said Staff recommends the Planning Board conditionally approve this project.

K. Caron said there is one note on the plan to be updated relating to the required spaces and the calculation.

Chairman Rugg asked for Board comment. They clarified there will be a fence erected around the playground, with a gate that closes automatically. They discussed the need for bollards to protect the playground; although they are not required, the Board urged they be installed to protect the children. This will be added as a condition of approval; the applicant agreed to this request.

Chairman Rugg asked for public comment.

Ann Chiampa, speaking for the Londonderry Historical Society, said the Fellowship has been a good neighbor and they welcome the preschool to the neighborhood.

**Member J. Butler made a motion to grant conditional approval of the site plan amendment to reflect the additional use of a preschool at the Orchard Christian Fellowship property. 136 Pillsbury Road (Map 6, Lot 18-2, zoned AR-1), Orchard Christian Fellowship (applicant and owner) in accordance with plans prepared by Northpoint Engineering, LLC, dated February 2022, last revised October 12, 2023, with the precedent conditions to be fulfilled within 120 days 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 6, 2023, and to add to the precedent conditions that appropriate bollards or whatever like material and the appropriate spacing according to Engineering are installed along the parking lot side of the building.**

**A. Sypek seconded the motion.**

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

A. Chiampa returned to the Board.

**VI. OTHER BUSINESS**

A. Public Hearing on amendments to the Londonderry Zoning Ordinance relating to the Use Table, Floodplain Overlay District. The following sections are proposed to be amended:

- **Section 4.1.2 – Use Table 4-1, Londonderry Zoning Ordinance Use Table**

Staff recommends adding "hospital" as a permitted use by right in the Gateway Business District. The ordinance provides a definition for hospital, but does not designate in which zoning district it may/may not be permitted. The Planning Department does not have any applications for hospitals at this time.

K. Caron noted that if a hospital user wished to locate a hospital outside of the Gateway Business District, they would need to go through the variance process. However, the PUD is unaffected.

Chairman Rugg asked for public comment.

Ray Breslin, 3 Gary Drive, asked for a description of the Gateway Business District, which Chairman Rugg and K. Caron provided. Mr. Breslin noted there has been discussion regarding housing up to the airport. K. Caron explained this is not in this District. Chairman Rugg added the Town wanted to avoid potential issues caused by locating residences near the airport. Mr. Breslin asked if the amendments are tied together, and the Board clarified there is no connection between them; they will be voted on separately. He asked about the regional impact determination and K. Caron explained the process of determining this. He asked if a hospital will be placed on Old Rockingham Road and J. Butler explained this road is not in the Gateway Business District.

Robin Stewart, 522 Old Mammoth Road, noted a can of worms will be opened once this use is approved, as traffic and the impact on the infrastructure will increase. She feels the residents pay the price when the Planning Board makes a decision. She asked the Board to stop and consider what their decisions are doing to the town and the residents. Chairman Rugg explained the site plan review process and that Londonderry is growing. Ms. Stewart said everyone does not need to be given a variance and the Town does not have to say yes to everything. She noted the current master plan does not reflect what Londonderry is now and supports updating it. She noted the houses are close to the road in the village, so the traffic impacts them directly. T. DeFrancesco reviewed some of the things that are permitted in the zone. He explained that any proposal that comes to



the Board goes through the Planning Department, which requires traffic studies. He noted the Town Council is addressing traffic issues.

There was no further public input.

**Member J. Butler made a motion to recommend to the Town Council the amendment to Section 4.1.2 for Use Table 4-1, the addition of hospital as a permitted use by right to the Gateway Business District.**

**L. Wiles seconded the motion.**

**The motion was granted, 7-0-1, with T. Combes abstaining to reserve his vote for the Town Council. The Chair voted in the affirmative.**

- **Section 4.1.3 – Table 4-2, GB District Services Use Table**

**Member J. Butler made a motion to recommend to the Town Council the amendment to Section 4.1.3 for Use Table 4-2 of the Gateway Business District Services Use Table to add hospital as a permitted use by right.**

**B. Hollowell seconded the motion.**

**The motion was granted, 7-0-1, with T. Combes abstaining to reserve his vote for the Town Council. The Chair voted in the affirmative.**

- **Section 4.6.3 – Floodplain Overlay District**

As a result of a compliance review of floodplain management regulations conducted by the Office of Planning and Development of the New Hampshire Department of Business and Economic Affairs, Staff has prepared amendments to the floodplain overlay district to ensure the Town remains compliant with the NFIP. This will allow residents required to hold flood insurance to be able to do so through the NFIP.

A. Chiampa asked how the market value is determined. K. Caron explained there is a formula that is defined through the state NFIP office, which is essentially the assessed value plus any additional factors. She said this is specific to structures within the regulatory floodplain, which are the special flood hazard areas defined on the FEMA flood map.

Chairman Rugg asked for public comment.

Ray Breslin, 3 Gary Drive, asked if the Board should be concerned about the 500-year flood plain. K. Caron explained it is not part of the regulatory flood plain area. Mr. Breslin suggested it should be and Chairman Rugg noted that is a federal decision.

There was no further public input.

**Member J. Butler made a motion to recommend to the Town Council the amendment to Section 4.6.3 of the Floodplain Overlay District.**

**L. Wiles seconded the motion.**

**The motion was granted, 7-0-1, with T. Combes abstaining to reserve his vote for the Town Council. The Chair voted in the affirmative.**

The full text of the proposed amendments can be viewed in the Planning & Economic Development Department and the Town Clerk's Office.

K. Caron noted these amendments were proposed at the workshop meeting on November 8, 2023.

#### **VII. COMMENTS FROM THE BOARD**

T. DeFrancesco announced he has retired from the real estate business and that he is no longer associated with any broker, business, company, or any such thing.

#### **VIII. ADJOURNMENT**

**Member A. Sypek made a motion to adjourn the meeting. Seconded by L. Wiles.**

**The motion was granted, 8-0-0.**

**The meeting adjourned at approximately 8:44 p.m.**

These minutes were prepared by Beth Hanggeli.

Respectfully submitted,

\_\_\_\_\_

Name: Jake Butler

Title: Secretary

480 These minutes were accepted and approved on 1/3/24 by a motion made by  
481 AL SYDEK and seconded by JANE BROWN