

**LONDONDERRY, NH PLANNING BOARD
MINUTES OF THE MEETING OF NOVEMBER 1, 2023,
AT THE MOOSE HILL COUNCIL CHAMBERS**

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Lynn Wiles, Assistant Secretary; Jeff Penta, member; Ann Chiampa, member; Giovanni Verani, Ex-Officio; Tony DeFrancesco, alternate member; Roger Fillio, 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. Chairman Rugg appointed T. DeFrancesco as a voting member for J. Butler.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES

Approval of the draft minutes for September 6, 2023.

Member A. Sypek made a motion to approve the draft minutes of the September 6, 2023, Planning Board meeting as presented.

G. Verani seconded the motion.

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

Approval of the draft minutes for September 13, 2023.

Member A. Sypek made a motion to approve the draft minutes of the September 13, 2023, Planning Board meeting as presented.

G. Verani seconded the motion.

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

Approval of the draft minutes for October 4, 2023.

Member A. Sypek made a motion to approve the draft minutes of the October 4, 2023, Planning Board meeting as presented.

G. Verani seconded the motion.

The motion was granted, 6-0-1, with Member A. Chiampa abstaining. The Chair voted in the affirmative.

Approval of the draft minutes for October 11, 2023.

The time of the motion to adjourn was adjusted to 7:04 p.m.

Member A. Sypek made a motion to approve the draft minutes of the October 11, 2023, Planning Board meeting as amended.

G. Verani seconded the motion.

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

B. REGIONAL IMPACT DETERMINATIONS

K. Caron informed the Board that she had two projects for their consideration:

1. An application for design review of the site plan to construct a 175,000 square foot high-cube warehouse at 60 Pettingill Road in the Gateway Business District.
2. An application for design review of the site plan to construct two high-cube warehouses sized 114,400 and 104,500 square feet at 6 and 8 Roundstone Drive, Map 28 Lots 15 and 16, in the Gateway Business District.

Staff is recommending that these are developments of potential regional impact, due to the proximity to the municipal boundary of the Manchester/Bedford area and the potential for triggering over 500 vehicle trips.

T. DeFrancesco questioned the potential for over 500 vehicle trips. K. Caron explained that other projects in this area have been handled in the same manner.

Member A. Sypek made a motion that the development at 60 Pettingill Road meets the standard of regional impact.

J. Penta seconded the motion.

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

Member A. Sypek made a motion that the development at 6 and 8 Roundstone Drive meets the standard of regional impact.

A. Chiampa seconded the motion.

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

C. DISCUSSION WITH TOWN STAFF

There were no discussions with Town staff.

III. OLD BUSINESS

K. Caron presented a 120-day extension request for 13 Page Road, a site plan that has been approved by the Board.

G. Verani recused himself from the Board for this discussion.

Member A. Sypek made a motion to grant the extension request for the 13 Page Road site plan until March 8, 2024.

L. Wiles seconded the motion.

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

G. Verani returned to the Board.

K. Caron presented a 60-day extension request for the Pittore site plan (Map 13, Lot 99).

Member A. Sypek made a motion to grant the extension request for the Pittore site plan until December 30, 2023.

L. Wiles seconded the motion.

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

K. Caron presented a notice of lot line merger for 215 and 217 Rockingham Road, which has been approved by the Board.

G. Verani recused himself from the Board for this discussion.

Member A. Sypek made a motion to allow the Chairman to sign the lot line adjustment for 215 and 217 Rockingham Road.

L. Wiles seconded the motion.

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

G. Verani returned to the Board.

IV. NEW PLANS

- A. Public hearing on an application for Conditional Use Permit (CUP) to construct an automobile dealership facility and associated site improvements with 5,450 square feet of wetland impacts and 17,600 square feet of wetland buffer impacts. 36 Industrial Drive, Map 28, Lot 18-3, zoned Gateway Business District, Scannell Properties (Applicant) and Ballinger Properties LLC and Five N Associates, G.P. (Owners).
- B. Public hearing on an application for formal review for a site plan to construct a 50,180 square foot building containing offices, sales area and service bays for an automobile dealership facility along with associated site improvements. 36 Industrial Drive, Map 28, Lot 18-3, zoned Gateway Business District, Scannell Properties (Applicant) and Ballinger Properties LLC and Five N Associates, G.P. (Owners).

Chairman Rugg read both applications into the record and said they will be discussed simultaneously.

K. Caron informed the Board there are no outstanding checklist items. Staff recommends the Board vote to accept the application as complete.

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

L. Wiles seconded the motion.

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

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

Jim Petropulos of Hayner/Swanson, Inc. and Leo Leighton of Scannell Properties appeared before the Board to present this project. The site was formerly part of a sand and gravel removal operation. J. Petropulos reviewed the topography and composition of the site, including a drainage ditch that flows into the wetlands. This will be an automobile service and

sales facility for Tesla. There is one wetland impact, the old drainage ditch, that does not carry flow. There is a buffer impact, the majority of which is an area already disturbed by the former sand and gravel operation. The intent is to begin construction in winter 2024, with a 10-month timeline.

They have met with the Conservation Commission and have agreed to the following requests: no snow removal into the buffer area, no parking in the buffer area, revegetation of the buffer area, and reduce wetland impact to the west of the property.

Chairman Rugg asked for Staff comment.

K. Caron presented the waiver requests:

1. Section 4.5.2.E2, relating to the transportation demand management and sustainable site and building design. Staff is supportive of granting this waiver request.
2. Site plan regulations Section 3.09.k.2.i and ii, relating to structural sections of parking lots. Staff is supportive of granting this waiver request.
3. Site plan regulations Section 3.10.g.1 relating to interior landscaping within the front parking area. Staff is supportive of granting this waiver request.
4. Site plan regulations Section 3.10.g.1 relating to interior landscaping within the side parking area. Staff is supportive of granting this waiver request.
5. Site plan regulations Section 3.10.g.3 relating to interior landscaping. Staff is supportive of granting this waiver request.
6. Site plan regulations Section 3.10.g.5 relating to perimeter parking lot landscaping. Staff is supportive of granting this waiver request.
7. Site plan regulations Section 4.12.c.19 relating to locating and mapping trees that are greater than 15 inches in diameter. Staff is supportive of granting this waiver request.
8. Site plan regulations Section 4.14.a.19.2 relating to rim and invert elevations of existing drainage systems. Staff is supportive of granting this waiver request.
9. A request for the Board to grant an exception from site plan regulations Section 3.08.b.6, regarding the width of the driveway.

K. Caron reported the Conservation Commission was supportive of the CUP, provided their comments were addressed. As Staff believes this has been done, they recommend the Board approve the CUP.

K. Caron reported that there are several engineering-related items in the application, all of which Staff believes can be addressed as conditions of approval. Staff supports conditional approval of the application.

Chairman Rugg asked for Board comment.

A. Chiampa questioned the handicapped parking spaces being located away from the building. J. Petropulos agreed that handicapped parking spaces should be closer to the building and will revisit this issue with the architect.

T. DeFrancesco thanked Tesla for choosing Londonderry for this project.

L. Wiles asked how Londonderry parking requirements compare to other Tesla locations. J. Petropulos noted the Londonderry code requires approximately 210 spaces. He said they have reduced the proposed spaces from 305 to 285. He noted he has worked on a number of dealership designs and not having enough parking spaces is a problem.

L. Wiles clarified that only Tesla automobiles will be worked on, and there is no need to accommodate gasoline or waste oil storage. He asked regarding battery storage and Mr. Leighton explained the process of replacing and removing batteries from the location.

R. Fillio expressed his concern over battery storage and his support for providing adequate parking.

J. Petropulos explained the request to widen the driveway to provide ease of access to the site.

Chairman Rugg reiterated Tesla is a welcome addition to Londonderry and the area.

Chairman Rugg asked for public comment; there was none.

Waiver request #1.

Member A. Sypek made a motion to grant Waiver #1 as it would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property.

L. Wiles seconded the motion.

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

Waiver request #2.

Member A. Sypek made a motion to grant Waiver #2 as the alternative site planning and building design approach meets

the design objectives as stated in the regulations equally well or better than compliance with the regulations.

L. Wiles seconded the motion.

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

Waiver request #3.

Member A. Sypek made a motion to grant Waiver #3 as it would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property.

L. Wiles seconded the motion.

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

Waiver request #4.

Member A. Sypek made a motion to grant Waiver #4 as it would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property.

L. Wiles seconded the motion.

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

Waiver request #5.

Member A. Sypek made a motion to grant Waiver #5 as the alternative site planning and building design approach meets the design objectives as stated in the regulations equally well or better than compliance with the regulations.

L. Wiles seconded the motion.

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

Waiver request #6.

Member A. Sypek made a motion to grant Waiver #6 as it would result in peculiar and exceptional practical difficulties

332 **or exceptional and undue hardship upon the owner of the**
333 **affected property.**

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335 **L. Wiles seconded the motion.**

336
337 **The motion was granted, 7-0-0. The Chair voted in the**
338 **affirmative.**

339
340 Waiver request #7.

341
342 **Member A. Sypek made a motion to grant Waiver #7 as the**
343 **alternative site planning and building design approach meets**
344 **the design objectives as stated in the regulations equally well**
345 **or better than compliance with the regulations.**

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347 **L. Wiles seconded the motion.**

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349 **The motion was granted, 7-0-0. The Chair voted in the**
350 **affirmative.**

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352 Waiver request #8.

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354 **Member A. Sypek made a motion to grant Waiver #8 as in**
355 **either of the foregoing circumstances, the waiver may be**
356 **granted without substantial detriment to the public good.**

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358 **L. Wiles seconded the motion.**

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

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363 Waiver request #9.

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365 **Member A. Sypek made a motion that the Board make an**
366 **exception and grant a 36-foot width for the driveway, per the**
367 **regulations.**

368
369 **L. Wiles seconded the motion.**

370
371 **The motion was granted, 7-0-0. The Chair voted in the**
372 **affirmative.**

373
374 **Member A. Sypek made a motion to grant approval of the**
375 **Conditional Use Permit (CUP) to construct an automobile**
376 **dealership facility and associated site improvements with**
377 **5,450 square feet of wetland impacts and 17,600 square feet**
378 **of wetland buffer impacts. 36 Industrial Drive, Map 28, Lot**
379 **18-3, zoned Gateway Business District, Scannell Properties**

(Applicant) and Ballinger Properties LLC and Five N Associates, G.P. (Owners).

L. Wiles seconded the motion.

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

Member A. Sypek made a motion to grant conditional approval of the site plan to construct a 50,180 square foot building containing offices, sales area and service bays for an automobile dealership facility along with associated site improvements. 36 Industrial Drive, Map 28, Lot 18-3, zoned Gateway Business District, Scannell Properties (Applicant) and Ballinger Properties LLC and Five N Associates, G.P. (Owners) in accordance with plans prepared by Hayner/Swanson, Inc., dated July 14, 2023, last revised October 2, 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 in the Staff Recommendation Memorandum dated November 1, 2023. Motion was amended to include the requirement to move the handicapped parking spaces closer to the building.

L. Wiles seconded the motion.

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

V. OTHER BUSINESS

Chairman Rugg noted there will be a continued lot line adjustment request for consideration at the next meeting. Also, K. Caron will provide information regarding the PODs on Route 102 and Route 28.

T. DeFrancesco asked if there are plans to review and revise the sign ordinance. He noted the ZBA is tasked with handling numerous cases due to the outdated ordinance, which slows down the process for citizens. He offered his services on a volunteer basis to help with this process. K. Caron said there are plans to do this.

Chairman Rugg noted updating the Master Plan is important, the cost of which needs to be included in the budget. The Board might request the help of the Southern New Hampshire Planning Commission in this process.

VI. ADJOURNMENT

Member A. Sypek made a motion to adjourn the meeting. Seconded by A. Chiampa.

The motion was granted, 7-0-0.

The meeting adjourned at approximately 8:02 p.m.

These minutes were prepared by Beth Haggeli.

Respectfully submitted,

Name: Jake Butler

Title: Secretary

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