

LONDONDERRY, NH PLANNING BOARD

MINUTES OF THE MEETING OF August 7, 2019 AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Rick Brideau, Ex-Officio – Town Employee; Al Sypek, member; Jake Butler, member; Roger Fillio (alternate member); Ann Chiampa (alternate member) and Peter Commerford (alternate member)

Also Present: John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Town Planner Colleen Mailloux and Laura Gandia, Associate Planner

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed R. Fillio to vote for M. Soares until she arrives, P. Commerford to vote for S. Benson and A. Chiampa to vote for C. Davies.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member R. Brideau made a motion to approve the minutes of July 10, 2019, as presented.

A. Sypek seconded the motion.

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

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had no projects for their consideration.

C. DISCUSSIONS WITH TOWN STAFF: Town Planner Mailloux told the Board that they had two extension requests this evening. She said the first one is a request of 120 days extension to meet the conditions of approval on behalf of the Evans Family Partnership related to the site preparation at Page Road, bringing the date to December 7, 2019. She stated that Staff recommends granting the extension request.

Member A. Sypek made a motion to grant a 120 day extension request to Evans Family Partnership related to the site preparation work at Page Road until December 7, 2019.

R. Brideau seconded the motion.

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

She informed the Board that the second request for an extension is for 90 days from Ford of Londonderry to meet the conditions of approval as well, bringing the date to November 7, 2019. She said that Staff recommends granting the extension request.

Member A. Sypek made a motion to grant a 90 day extension request to Ford of Londonderry until November 7, 2019.

R. Brideau seconded the motion.

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

III. Old Business/Continued Plans -

A. Application for formal review a lot line adjustment between 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner) and 55 Wilson Road, Map 18 Lot 24-5, Zoned AR-1, Douglas B. & Maria F. Jones (Owners) and subdivision to create 9 residential lots, 23 Wilson Road, Map 16 Lot 9, Zoned AR1/IND-I, Evans Family Limited Partnership (Owner and Applicant) continued from June 12, 2019

Chairman Rugg read the case into the record noting it was continued from June 12, 2019. J. Butler recused himself from this case. M. Soares arrived to the meeting. Rob Deegan from S & H Land Services, LLC, 1600 Candia Road, Manchester, NH addressed the Board. R. Deegan told the Board that since the last time they were here, they made some revisions to the lot lines to address some deficiencies in the proposed lot areas and frontages. He said that they added some benchmarks to the plans after a discussion with the Planning Staff. Bernie Temple, engineer from Rokeh Consultants, 89 King Road, Chichester, NH addressed the Board. B. Temple reviewed some changes that have been made with the Board.

Chairman Rugg opened it up to questions from the Board. J. Trottier said that they have not addressed the need for improvements to Wilson Road and there are numerous comments related to this. He reviewed other design review comments with the Board related to drainage, lot size calculations, sight distance plans and profiles and details regarding the detention ponds. He noted that at the last meeting it was discussed that they need to come up with a plan providing what improvements are needed to start to determine what each party involved would need to come up with financially. Town Planner Mailloux agreed, noting that some engineering items have been addressed, but not the need for off-site improvements that was discussed at the last meeting. A. Chiampa, P. Commerford and R. Fillio said they feel there are too many outstanding items to be addressed at this time.

Chairman Rugg opened it up to questions from the public.

Charlie Evans, Evan Family Partnership, addressed the Board. C. Evans said that

even if they did provide the geometry, there is no guarantee from the Town to help out with the cost of the road re-design and he does not think this is reasonable. Chairman Rugg said that the Town is looking for him to provide a design on what would be acceptable improvements to Wilson Road to make it safer so the Town can decide what amount of money to appropriate. He said that it is not the Planning Board's job to appropriate money, but rather the Town Council. C. Evans said that he believes Wilson Road is not a high ticket item for the Town to improve and he does not want to pay money for a road design if nothing is going to happen. He said that there traffic study showed this eight lot subdivision would increase traffic by 5%. He also said that the traffic engineer stated that the proposed grading, drainage and improvements they have provided would make the road safer than it is today, even with the 5% traffic increase. He told the Board that he felt this was a reasonable request. Chairman Rugg said that the third party traffic engineer also reviewed the request and has unresolved questions that have not been addressed. He said that without any numbers on how much it might cost, no one has any idea whether the Town can fund it or not. Town Planner Mailloux said that right now Wilson Road is sub-standard and the Police, Fire, Public Works, and School Department are all concerned about the safety, therefore, there needs to be a plan for improving the road and bringing it up to a standard level of safety. She said that they do not have such a plan at this time and currently as proposed the third party traffic engineer, as well as Staff, do not feel the current plans provide safe access, which is required for the subdivision and creation of lots. M. Soares said that C. Evans does not want to pay for engineering for road re-design with no guarantee that the Planning Board would approve it. She said that she does not have a problem approving the subdivision if the road is brought up to town standards and make this a condition of approval. Chairman Rugg said that maybe there should be a discussion with the Town Council to see if they would be interested in paying the Town's fair share of the improvements as the Planning Board does not decide this. C. Evans said that he would pay his 5% and the Town can pay the rest. Chairman Rugg said he would rather C. Evans speak with the Town Council regarding the fair share. C. Evans said have the town design the road and he would pay 5%. Chairman Rugg said that this discussion has been going on for a couple of months and no real progress has been made, so either the Planning Board would continue the case with the hopes that they will meet with Staff and come up with a solution or the Board is going to have to deny the request. C. Evans asked why he has to pay for the road re-design when he pays a hefty fee for the third party engineer to review the plans. Chairman Rugg asked if he was in design review. C. Evans said he was not. Chairman Rugg explained that if you are not in design review it works that way because of regulations and statutes. He said that the Planning Board encourages people to work with Staff in design review for as long as they need to because issues are easier to work through.

Jake Butler, 86 Adams Road, addressed the Board. J. Butler asked how long the Planning Board has been aware that Wilson Road needs to be fixed. Chairman Rugg responded that it has been a long time. J. Butler said that in his opinion he does not think it is fair that there is an applicant in front of the Board who is willing to try and help out with the improvements, but the application will not be granted until the Town has the funding. Chairman Rugg stated that the Board is following case

law and cited some examples.

Mark Evans, 9 Auburn Road, addressed the Board. M. Evans asked if the applicant pays for the engineering to re-design the road, and it comes out to more than the applicant's fair share, what happens then. Chairman Rugg stated that the applicant would not be made to pay more than their fair share.

Chairman Rugg brought the discussion back to the Board as there was no further public input. J. Trottier asked the Board if continuing the case would be practical at this time, as the Board has heard the same response from Mr. Evans now at least two meetings in a row. C. Evans said that maybe he should go before the Town Council as he feels there should be some other mechanism to pay for this road re-design than from his pocket. J. Trottier said that if the Town Council would put the re-design of the road into the budget, and if the budget is approved, than they could figure out everyone's fair share. C. Evans asked how he could start that process. Chairman Rugg said that there is discussion around the budget right now and he should try and go before the Town Council to present his case.

M. Soares made a motion to continue the application until the October 9, 2019 meeting for a lot line adjustment between 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner) and 55 Wilson Road, Map 18 Lot 24-5, Zoned AR-1, Douglas B. & Maria F. Jones (Owners) AND subdivision to create 9 residential lots, 23 Wilson Road, Map 16 Lot 9, Zoned AR-1/IND-I, Evans Family Limited Partnership (Owner and Applicant) as shown on the plans prepared by S&H Land Services dated June 19, 2018, last revised July 16, 2019

R. Fillio said that he would like a condition to be that Mr. Evans has to go before the Town Council and present his case, or else there is no reason to continue it. Town Planner Mailloux stated that Mr. Evans can go present his case to the Town Council, but if he comes back without any road re-design plans, there is no new information for Staff to work with. M. Soares said the Town Council does have the ability to designate what the Town could allot for this and ask Mr. Evans to make up the difference, which might help Mr. Evans make his decision.

R. Brideau seconded the motion.

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

Chairman Rugg noted that the plan is continued until October 9, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

IV. New Plans/Public Hearings

A. Rezoning request by Manchester-Boston Regional Airport (Applicant) to rezone the following parcels to Gateway Business (GB): 1 Highlander Way (Map 28 Lots 10C1, 10C-3, 10C-4, 10L-3, 10J-4, 10L-5, 14-9, Zoned

C-II, IND-II and Airport Overlay District, Benton Family Realty Trust & City of Manchester, owners); 1A Highlander Way (Map 28 Lot 4-1, Zoned IND-II & Airport Overlay District, Manchester Airport Authority, owner); 2A Highlander Way (Map 28 Lot 10, Zoned C-II, City of Manchester, owner); 2 Rear Highlander Way (Map 28 Lot 6, Zoned IND-I, Town of Londonderry, owner); 139 Brown Ave (Map 28 Lot 5, Zoned IND-II, City of Manchester, owner); 3385 Brown Ave (Map 28 Lot 9, Zoned AR-1, City of Manchester, owner); 1 Elm Way (Map 28 Lot 11, Zoned AR-1 & Airport District Overlay, City of Manchester, owner); 6 Elm Way (Map 28 Lot 12, Zoned AR-1 & Airport District Overlay, City of Manchester, owner); and 4 Sparks Ave (Map 28 Lot 14, Zoned IND-II & Airport District Overlay, City of Manchester, owner)

Chairman Rugg read the case into the record.

Ted Kitchens, A.A.E- Director of Aviation at the Manchester-Boston Regional Airport, addressed the Board. T. Kitchens introduced Louie Dasalvo as his replacement going forward. He said that the Manchester-Boston Regional Airport is the fifth most expensive airport to operate out of. He said that the proposed rezoning will assist the airport in marketing land for potential lease, which would help off-set the operating cost and lower the cost passed along to the carriers, making the airport more competitive. Steve Keach addressed the Board. S. Keach said that through meeting with Staff and learning about the Gateway Zone, it makes sense to rezone this area.

Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux said that this rezoning would help to clean up some zoning issues, but did point out that one remaining parcel, Map 28 Lot 14 is intended to remain Zoned AD/IND-II, and since the Londonderry Zoning Ordinance does not allow for split-zoned parcels, Staff recommended that an appropriate Lot Line Adjustment or Subdivision plan be filed to formally separate the proposed Gateway Business parcel from the airside operations parcel.

Chairman Rugg opened the discussion up to the public.

Neil Dunn, 21 Sherwood Drive, addressed the Board. N. Dunn said that the last time the Noise Overlay District was addressed was in 1992, which he believes is outdated, and thinks that there should be some discretion on what is allowed in the Gateway District. He said that he thinks it should be looked at on a case-by-case basis on what would be allowed in this district. He feels that there should be sound level studies performed. Town Planner Mailloux said that she felt N. Dunn brought up a good point and would reach out to the airport to update any new information regarding noise. T. Kitchens said the last noise study was from 2010 and that data is on the airport website. M. Soares asked if the Board could ask for a noise study when a developer was submitting a site plan. Town Planner Mailloux said that if the Board was concerned about noise, they could request it. N. Dunn said that the 2010 report from the airport did not have any noise studies, it was just a reclassification

on zoning. Chairman Rugg said that the town would work with the airport to get the most recent data for residents of the town.

Chairman Rugg brought it back to the Board as there was no further public comment.

M. Soares made a motion to recommend to the Town Council to approve the rezoning as outlined herein, with the re-zoning to become effective upon approval and recording of a plan separating the westerly portion of Map 28, Lot 14 from the easterly, airside operations parcel.

R. Brideau seconded the motion.

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

B. Application for formal review of site plan amendment for the construction of a privacy berm/wall and associated improvements located at the eastern side of the previously approved site plan, 30 Sanborn Road, Map 15 Lot 83-2, Zoned R-III, Sanborn Crossing Apartments Limited Partnership (Owner & Applicant)

Chairman Rugg read the case into the record. J. Trottier informed the Board that there are no outstanding checklist items and Staff recommends the application be accepted as complete.

M. Soares made a motion to accept the application as complete per Staff's recommendation memorandum dated August 7, 2019.

R. Brideau 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 had started.

Steven Lewis, Owner of Sanborn Crossing Apartments, addressed the Board. S. Lewis said that he would like to build a privacy berm on the easterly side of the project where they are the closest to residential neighborhoods. He said that there is a buffer there now, but when the trees lose their leaves in the fall there will not be a buffer. He is proposing a ten foot tall berm with trees planted on top of it. He said the privacy berm will be a visual barrier, a sound barrier and a light barrier. He explained that he has the material to use for the project. Town Planner Mailloux said that there is a letter from an abutter, Exhibit 1, in support of the berm. She said that Staff has no concerns with this as well.

Chairman Rugg opened it to questions from the Board. A. Chiampa asked if existing trees would be taken down for this. S. Lewis said that there are some young trees that will be taken down for this and he will be planting red oaks, which will start out

at 15 to 20 feet tall. Town Planner Mailloux showed a picture of where the berm would be to the Board. A. Chiampa asked if this would affect any drainage. S. Lewis said that has been worked through to make sure the drainage is in accordance with town regulations.

Chairman Rugg opened it up to questions from the public and there was none.

M. Soares made a motion to grant conditional approval of the site plan amendment to the Sanborn Crossing site plan to construct a privacy berm at Sanborn Crossing, Map 15 Lot 83-2, 30 Sanborn Road, Sanborn Crossing Apartments Limited Partnership (Owner & Applicant) in accordance with a plan prepared by The Dubay Group, Inc., dated May 22, 2019, last revised June 13, 2019 with the following conditions of approval:

1. All conditions of approval from the November 1, 2017 and August 1, 2018 approvals of this site plan must be met.

R. Brideau seconded the motion.

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

C. Public hearing on proposed changes to the Londonderry Zoning Ordinance, Section 5.15.1 Portable Storage Structures in the AR-1 District, 5.15.2 Portable Structures in Commercial Districts, and 5.15.3 Portable Structures in Industrial Districts as it relates to provisions concerning placement, length and permitted time of these structures

Chairman Rugg read the case into the record.

Town Planner Mailloux told the Board that they have had a few workshops on this and have developed language to change the ordinance. She said that she is looking for a recommendation from the Board to the Town Council on adopting the changes.

Chairman Rugg opened it up to questions from the Board. A. Chiampa asked T. DeFrancesco about the size of a portable structure on Gilcreast Road. T. DeFrancesco said that he does not believe that one is 40 feet. A. Chiampa asked if portable structures are allowed to have signage on all four sides, as this one in town does. Town Planner Mailloux responded that the current sign ordinance does not have any language regarding this. A. Chiampa asked if the Board can restrict this. Town Planner Mailloux said that the Board could write the restriction in the portable storage ordinance and does not think there is any current enforcement on signage for portable structures. M. Soares pointed out that they did restrict the signage on big trucks that were parking in town. Town Planner Mailloux noted that the structure that A. Chiampa is talking about is exempt as it is being used for construction. A. Chiampa asked if a portable storage structure could be in the front of the house. Town Planner

Mailloux noted that the language is on the side or rear of the house. P. Commerford said that he did not think it should be limited to the side or rear of the property. A. Chiampa also voiced concern regarding no permitting process for these structures. Town Planner Mailloux explained that Richard Canuel, Chief Building Inspector, Health Officer, Zoning Administrator & Code Enforcement Officer, was very adamant about not having a permit requirement, as he feels it is not necessary. P. Commerford asked what a resident would do if they wanted a portable storage structure permanently. Town Planner Mailloux said they would have to apply to the Zoning Board for a variance. A. Chiampa asked for clarification on what specific measurement for side and rear would be used for where the structure can be placed. Town Planner Mailloux stated that she would work with R. Canuel to clarify where the side of the property would be determined. A. Sypek asked for the language "should be in good repair" be added to each of the sections.

Chairman Rugg opened it up to the public.

Tony DeFrancesco, One Cheshire Court, addressed the Board. T. DeFrancesco said that these containers are primarily used on ships to store items as they are air and water tight. He said that there is usually signage on all four sides of the container. He reviewed pictures of a neighborhood that was built where all the trees were taken out and asked the Board if they would want to stare out their kitchen window at one of these. He also stated that he feels the word consecutive should be taken out of the ordinance, as it could lead to someone repeating this process every year. Town Planner Mailloux said that residents can have a portable storage structure for six consecutive months and are able to request one extension. She said that if the Board wants to take this language out and restrict this, then there would need to be another public hearing. M. Soares asked how often this is being done. T. DeFrancesco said that these structures should be used temporarily and if someone needs it permanently, they should be applying for a building permit to build a shed.

Mike Byerly, One King Charles Drive, addressed the Board. M. Byerly said that he agrees with there not being a permit, but suggested some kind of registration process that would at least let the Town know they have one. He said that maybe it could be six months every three years to help eliminate someone trying to use this permanently.

Chairman Rugg brought it back to the Board. M. Soares said that she is not comfortable moving this forward, as there were several issues she feels are not clear.

M. Soares made a motion to continue the public hearing on portable storage containers until September 11, 2019.

R. Brideau seconded the motion.

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

Chairman Rugg noted that the public hearing on portable storage containers is continued until September 11, 2019, at 7 p.m. at the Town Hall and this would be the only formal public notice.

V. Other – N/A

VI. Adjournment

Member R. Brideau made a motion to adjourn the meeting at approximately 9:11 p.m. Seconded by M. Soares.

The motion was granted, 7-0-0.

The meeting adjourned at approximately 9:11 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Beth Morrison

Title: Assistant Secretary

These minutes were accepted and approved on September 4, 2019, by a motion made by A. Sypek and seconded by R. Brideau.

MEMORANDUM

To: Planning Board

Date: August 7, 2019

From: Colleen Mailloux, AICP, Town Planner

Re: Rezoning Request – Manchester Boston Regional Airport

Rezoning request by Manchester-Boston Regional Airport (Applicant) to rezone the following parcels to Gateway Business (GB): 1 Highlander Way (Map 28 Lots 10C-1, 10C-3, 10C-4, 10L-3, 10J-4, 10L-5, 14-9, Zoned C-II, IND-II and Airport Overlay District, Benton Family Realty Trust & City of Manchester, owners); 1A Highlander Way (Map 28 Lot 4-1, Zoned IND-II & Airport Overlay District, Manchester Airport Authority, owner); 2A Highlander Way (Map 28 Lot 10, Zoned C-II, City of Manchester, owner); 2 Rear Highlander Way (Map 28 Lot 6, Zoned IND-I, Town of Londonderry, owner); 139 Brown Ave (Map 28 Lot 5, Zoned IND-II, City of Manchester, owner); 3385 Brown Ave (Map 28 Lot 9, Zoned AR-1, City of Manchester, owner); 1 Elm Way (Map 28 Lot 11, Zoned AR-1 & Airport District Overlay, City of Manchester, owner); 6 Elm Way (Map 28 Lot 12, Zoned AR-1 & Airport District Overlay, City of Manchester, owner); and 4 Sparks Ave (Map 28 Lot 14, Zoned IND-II & Airport District Overlay, City of Manchester, owner)

The Planning & Economic Development Department has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The Applicant is requesting that the existing parcels, Zoned C-II, IND-II, AR-I and Airport District be re-zoned to Gateway Business District. The subject parcels to be rezoned include:

- Map 28, Lot 10 – Currently zoned C-II – approximately 28 acre parcel, site of the former Highlander Hotel. Currently is the site of a commercial building and recreational facilities associated with an existing health club use. This parcel also includes Airport Parking Lots D & E.
- Map 28, Lots 4-1 and 14-9 –Currently zoned Airport District – 1.2 and 1.7 acre parcels respectively, existing use includes parking areas ancillary to the existing commercial (health club) use on Map 28, Lot 10.
- Map 28, Lot 5 – Currently zoned IND-II – 2.2 acre parcel at the end of the runway bisected by Airport Road.
- Map 28, Lot 6 – Currently zoned IND-II – ½ acre vacant parcel
- Map 28, Lot 9 – Currently zoned AR-I – .9 acre vacant parcel
- Map 28, Lot 11 – Currently zoned AD - .3 acre vacant parcel
- Map 28, Lot 12 – Currently zoned AD - .9 acre vacant parcel
- Map 28, Lot 14 – Currently zoned AD/IND-II - this parcel is 115+ acres which includes portions of the current airport operational area. The area proposed to be rezoned includes 14± acres on the west side of Raymond Weiczorek Drive. The area to be rezoned is the site of Airport Parking Lot F and the airport salt shed.

It should be noted that the remained of Map 28, Lot 14 is intended to remain Zoned AD/IND-II. Since the Londonderry Zoning Ordinance does not allow for split-zoned parcels, it is

recommended that an appropriate Lot Line Adjustment or Subdivision plan be filed to formally separate the proposed Gateway Business parcel from the airside operations parcel.

The objectives and characteristic of the Gateway Business District, as described in the Londonderry Zoning Ordinance, is to allow for the development of gateways to the Town of Londonderry, centers of commerce and employment centers for the Southern NH Region. The district encourages a wide variety of industrial, supporting comment development, and open space and recreational activities, to be developed in a manner that conveys a campus atmosphere to those entering Londonderry. The district standards require a quality design of landscaping and a high level of quality in individual building and site design.

Staff Recommendation:

The proposed rezoning is consistent with the intended objectives and characteristics of the Gateway Business District and with the surrounding commercial and industrial uses. The subject parcels, by way of their location at the gateway to Londonderry from the Manchester-Boston Regional Airport and Raymond Weiczorek Drive, would be suitably rezoned Gateway Business in order to further achieve the goals of the Gateway Business District.

As such, Staff supports a Planning Board **RECOMMENDATION** to the Town Council to approve the rezoning as outlined herein, with the re-zoning to become effective upon approval and recording of a plan separating the westerly portion of Map 28, Lot 14 from the easterly, airside operations parcel.

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW

Date: August 7, 2019

Application: Application for formal review of a site plan amendment for construction of a privacy berm; Map 15, Lot 83-2, 30 Sanborn Road, Zoned R-III, Sanborn Crossing Apartments Limited Partnership (Owner & Applicant)

- **Completeness:** There are no outstanding checklist items. Staff recommends that the Application be accepted as complete.

Board Action Required: **Motion to Accept the Application as Complete per Staff's Recommendation Memorandum dated August 7, 2019.**

- **Waivers:** There are no waivers requested or required for this Application.
- **Recommendation:** Based on the information available to date, Staff recommends that the Planning Board **APPROVE** this application with the Notice of Decision to read substantially as follows:

Board Action Required: **Motion to grant conditional approval of the site plan amendment to the Sanborn Crossing site plan to construct a privacy berm at Sanborn Crossing, Map 15 Lot 83-2, 30 Sanborn Road, Sanborn Crossing Apartments Limited Partnership (Owner & Applicant) in accordance with a plan prepared by The Dubai Group, Inc., dated May 22, 2019, last revised June 13, 2019 with the following conditions of approval:**

1. All conditions of approval from the November 1, 2017 and August 1, 2018 approvals of this site plan must be met.