

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF MARCH 11, 2020, AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. CALL TO ORDER**

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

Also Present: Town Planner Colleen Mailloux; Associate Planner Laura Gandia and Beth Morrison, Recording Secretary

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 A. Chiampa to vote for S. Benson.

### **II. ADMINISTRATIVE BOARD WORK**

A. APPROVAL OF MINUTES: N/A

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

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux informed the Board that there are two requests for extensions tonight. She explained the first request is from Bay Communications, LLC for the 11 Mohawk Drive cell tower (Map 6 Lot 35-3), noting that a month and a half ago, they requested a 45-day extension to meet the conditions of approval, which the Board granted and expires March 22, 2020. She commented that they have just submitted plans for final engineering review and are asking for an additional 45-days, which would extend the deadline to May 6, 2020. M. Soares asked if Town Planner Mailloux thought that was enough time. Town Planner Mailloux said that more time would not be a bad idea to refrain from them having to come back to this Board and suggested a 90-day extension. She stated that 90-days would extend the deadline to June 10, 2020.

**Member M. Soares made a motion to grant the 90-day extension request to Mohawk Cell Tower to fulfil the conditions of approval until June 10, 2020.**

**R. Brideau seconded the motion.**

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

Town Planner Mailloux told the Board that the second extension request is from The Meadows of Londonderry at 48 Old Nashua Road (Map 3 Lot 155), which was conditionally approved in November of 2019. She stated that they have requested a 90-day extension to meet the conditions of approval, noting they submitted plans for final engineering review.

**Member M. Soares made a motion to grant the 90-day extension request to the Meadows to fulfil the conditions of approval until June 10, 2020.**

**R. Brideau seconded the motion.**

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

Chairman Rugg told the Board that Tom Dolan, one of the Town Council members, is going to come speak to the Board about state legislation regarding 55+ and older housing. Town Planner Mailloux noted that there are a number of bills going through state legislature, some of which will have significant impacts on local zoning and regulation. M. Soares asked what kind of changes might have to be made. Town Planner Mailloux told her that one of the bills HB1629 in particular has a provision in there related to housing. She stated that where a town provides housing density incentives or has a housing ordinance targeted for 55+ and older housing, if passed, would then apply to workforce housing starting on July 20, 2021. She explained that if the 55+ and older ordinance allows eight units per acre, then this would apply to workforce housing, if the bill is passed. M. Soares asked if she thought the elderly housing density was high. Town Planner Mailloux said that she does think so, as elderly housing can currently be developed in town where workforce housing cannot, and that would change. M. Soares suggested that Town Planner Mailloux present the Board with the amount of land that is available for either elderly or workforce housing in Londonderry sometime in the future. Chairman Rugg said that Russ Thibeault will also be in to speak to the Board about demographics in the state of New Hampshire and Londonderry.

### **III. Old Business – N/A**

### **IV. Public Hearings**

A. 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. The full text of the amendment and changes are available at the Planning & Economic Development Department the Town Clerk's Office, and the Leach Library

Chairman Rugg read the public hearing into the record noting the Board has been working on this for a year now. T. DeFrancesco recused himself. Town Planner Mailloux commented that the Board recommended language that went before the

Town Council for a public hearing and at that hearing the Town Council asked the Town Attorney what the likelihood of a variance being approved by the Zoning Board of Adjustment (ZBA) would be. She stated that the Town Attorney was not convinced a variance could meet the five points of law, so the Town Council asked staff to take a look at the language again, specifically concerning the AR-1 district. She pointed out that the language before the Board this evening relating to portable storage structures in the commercial and industrial districts is the same as the draft language that has previously been talked about. She said that the new language before the Board tonight would permit portable storage structures by special exception in the AR-1 district. She stated that if an applicant meets the criteria for the special exception, the ZBA must approve it. She read from special exception criteria that must be met by the applicant to be granted by the ZBA. She mentioned that the ZBA could place conditions or restrictions on the special exception, such as requiring a landscape buffer, fencing or timing. She pointed out that if someone has construction or flood damage and needs a portable storage structure this is currently allowed in the ordinance and will not change. She said that with the special exception the Building Department will be notified that a resident has a portable storage structure and can monitor the situation if it were to become an issue.

Chairman Rugg opened it up to questions from the Board. A. Chiampa asked when taxes would come into play with a portable storage structure. Town Planner Mailloux said that if it is a rented storage structure, it absolutely cannot be taxed, but asked R. Brideau how he would handle this if it were to be there permanently. Rick Brideau, Town Assessor, said it would be taxed as a shed if it was owned by the property owner. C. Davies asked about a time frame. Town Planner Mailloux said that a special exception runs with the applicant, not the property as a variance does, so if the applicant were to move, the special exception would no longer apply. J. Butler asked if a Quonset Hut type structure would be considered a portable storage structure. Town Planner Mailloux said it does not fall under the portable storage structure.

Marc Fortin, 574 Mammoth Road, addressed the Board. M. Fortin told Town Planner Mailloux and the Board that he thought this was an improvement from the last draft. He asked what the time frame would be for someone to request a special exception. Town Planner Mailloux told him the ZBA meets monthly. M. Fortin said in his opinion he would like some sort of temporary relief if a resident needed storage quickly, but would not be at the ZBA meeting for a month. He asked if a resident on a farm or a 40-acre parcel would have to ask for a special exception from the ZBA. Town Planner Mailloux told him that anyone in the AR-1 district has to go before the ZBA for a special exception for a portable storage unit. M. Fortin said he thought there should be an exception if it was a property that had 40 acres, like a farm. He added that he would like to see an exception for a larger container. Town Planner Mailloux told him that if a resident needed a larger container, they could ask for a variance on top of the special exception. Chairman Rugg noted that if this language changes, the Board would have to have another public hearing and prolonging this even further before it could go to Town Council. M. Soares said that she would not feel comfortable adding that language. She also noted that there are many

temporary storage units in town that a resident could use until they can go before the ZBA. M. Fortin asked about the church. Town Planner said they would need a special exception with a variance for the 40 foot length. Chairman Rugg said that in his opinion, this new language with the special exception, is fair for the residents as it notifies the abutters to what might be happening and they will have the chance to voice their opinion.

Tony DeFrancesco, One Cheshire Court, addressed the Board. T. DeFrancesco said that he thought this language was good and fair to everyone. He restated that he thought the ZBA was the best scenario as it would be fair to everyone. He added that if someone were to need a portable storage unit quickly, it is already covered in the ordinances now.

Chairman Rugg brought the discussion back to the Board.

**M. Soares made a recommendation the 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 to the Town Council.**

**R. Brideau seconded the motion.**

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

- V. Other** – Chairman Rugg and the Board thanked M. Soares for her 16 years of service on the Board for all her contributions noting that she will be missed.

## **VI. Adjournment**

**Member M. Soares made a motion to adjourn the meeting at approximately 7:37 p.m. Seconded by R. Brideau. The motion was granted, 7-0-0. The meeting adjourned.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Alex J. Sypek  
Title: Secretary

These minutes were accepted and approved on May 6, 2020, by a motion made by A. Sypek and seconded by R. Brideau.