

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF JULY 8, 2020, VIA A ZOOM REMOTE MEETING

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Rick Brideau, Ex-Officio – Town Employee; Giovanni Verani, Ex-Officio – Town Manager; Jake Butler, member; Deb Paul, Town Council Ex-Officio; and Ann Chiampa (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, and noted as Chair of the Londonderry Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. He started the meeting by taking roll call attendance. He said that when a member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under Right to Know Law. He appointed A. Chiampa to vote for the open vacant full member position.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had two projects for them this evening.

1. Application for a design review for a site plan amendment to add additional outdoor display and storage areas, 41 Nashua Road, Map 7 Lot 119, Zoned C-I, Greenberg Farrow (Applicant) and Home Depot USA, Inc. (Owner)
2. Application for design review of a lot line adjustment plan between 16 Harvey Road, Map 11 Lot 102, 12 Harvey Road, Map 11 Lot 102-4, and 20 Harvey Road, Map 11 Lot 102-6, Zoned AR-1, Deanna Heuston, Sherry Innis & Scott Heitter and Richard & Carolyn Innis (Owners & Applicants)

Member R. Brideau made a motion to find that these three projects are not of regional impact.

G. Verani seconded the motion.

The motion was granted, 6-0-0, by a unanimous roll call vote. The Chair voted in the affirmative.

C. DISCUSSIONS WITH TOWN STAFF: None

III. Old Business – N/A

IV. Conceptual Discussions

A. Non-binding conceptual review and discussion of a proposed site plan for outdoor storage, 15 Independence Drive, Map 16 Lot 81-3, Zoned IND-II, Worden Limited Partnership (Owner & Applicant)

Chairman Rugg read the case into the record noting this a non-binding discussion. Town Planner Mailloux informed the Board that the applicant is here tonight because of a code enforcement issue, as there is a large amount of outside storage that was not previously approved by the Board. She said that the applicant is looking to correct these issues and is coming before the Board to discuss this conceptually at this point. George Chadwick, P. E. from Bedford Design, 177 E Industrial Park Dr, Manchester, NH, introduced himself to the Board. G. Chadwick reviewed the parcel with the Board noting the property is located at the end of a cul-de-sac with approximately 65,000 SF of building stating the remainder of the property is either wet, parking lot or denoted on the plan as storage area. He explained that around 1998, they submitted an application to the Planning Board that was conceptually approved, but all the conditions were not fulfilled; therefore, the plan was not officially adopted. He noted that the Town contacted CSI Shelter Technologies back in March of 2020, to update the existing conditions plan/site plan. He reviewed the existing conditions plan with the Board. He commented that CSI Shelter Technologies makes tunnel parts, which are shipped to New York, and said they are busting at the seams as they are holding or storing material that they eventually ship off the New York. He said that since March, CSI Shelter Technologies, has done a great deal of reducing the amount of storage at the site. He mentioned that the storage was placed in the town's right-of-way and abutting properties, which have mostly been removed. He informed the Board that the manager of the plant, Rick Perrino, is here tonight to help answer any questions. He remarked that they will continue to reduce the amount of outside storage and reduce any impact to the environment, as well as abutting properties. Chairman Rugg asked if any abutters complained. G. Chadwick replied that he is not sure if any abutters have complained. He told the Board that a company called Kamco Supply had difficulty entering and exiting their site when CSI Shelter Technologies was loading storage in the town's right-of-way. He added that all loading is now being done on site and is out of the town's right-of-way. He commented that they wanted to come before the Board conceptually to get the Board's opinion on the waivers they would ask for. He noted that they are not looking to add to the building or parking, but present an updated plan that shows the existing conditions. He said that currently there is not a lot of lighting or landscaping on the property. He noted that the drainage, which was part of the 1998 plan, had a detention pond that was built adjacent to the wetland that has become a wetland itself. He stated that because they are not putting in any additional pavement, he would seek a waiver on having to provide drainage calculations, as well as a waiver from parking.

He noted that the plan shows 85 parking spots. He said that they have about 30 employees and they could have half the parking spots and be okay.

Chairman Rugg asked for questions from the Board. Town Planner Mailloux explained that the plan was never actually signed by the Planning Board in 1998, after the Planning Board's conditional approval. She noted that there is currently no site plan on file for the property. She reviewed the waivers they are requesting with the Board. She pointed out that there is a lot of storage outside there, which encroached onto abutting properties and onto wetlands on abutting properties. She commented that the plan is calling for restoration of the wetlands and may require review and approval by New Hampshire Department of Environmental Services (NHDES). She added that there is currently storage in the Conservation Overlay (CO) District and asked for the Board to provide comment on this. R. Brideau said that it would be best for everyone on this street for the storage to be removed from where it currently is. G. Verani asked how a detention pond turns into a wetland. G. Chadwick replied that it was built adjacent to a large wetland on the property back in the early 2000's, that has developed wetland vegetation over the years. G. Verani said that historically the Board has always looked at what the use of the parcel is for, not the actual business that is currently in there, when it comes to parking. He said that the current tenant does not need the 85 parking spaces, but a new tenant might come along that does. G. Chadwick replied that it would be hard to get the 85 spaces full and suggested they could stripe the parking spaces that they need and leave the rest. A. Chiampa said there is no landscaping on the current site and saw tunnel parts behind the property, across the street, behind the fence and in front of the fence. She asked if the remediation would remove all the tunnel parts that are deemed a problem right now. Chairman Rugg said that when the Board approves a site plan it carries to future owners and the parking would be something the Board would want to pay attention to. He noted that the storage in the CO District needs to be looked at as well. He said that town staff would work closely with the applicant to make this situation right.

Chairman Rugg opened it up to questions from the public.

Rick Perrino, plant manager at CSI Shelter Technologies, introduced himself to the Board. He told the Board that he has been the plant manager for a year and a half, noting that they are overloaded as both sites they normally ship to in New York and Connecticut had shut down due to the pandemic. He pointed out that the projects will be coming to a close towards the end of the year and they should be able to remove all the storage. J. Butler asked if there were any issues with storage against the building from a safety standpoint. Town Planner Mailloux responded that they would ask the Fire Department for a setback if need be for safety. She said that the materials being stored are not a flammable surface. J. Butler expressed his opinion, that he would like to see the landscaping upgraded near the road to make the site more visually appealing. R. Perrino stated that they are actively looking at making the site visually appealing. Town Planner Mailloux specifically asked the Board to review the lighting, drainage, and parking, as the plans were never finalized. She asked if the Board would be in favor of granting waivers if the applicant can demonstrate the plan was built in accordance with the original plans. Chairman

Rugg commented that he felt it might be okay if the applicant can demonstrate the site was built in accordance to the plan that was never officially signed by the Planning Board. He asked the Board for a consensus. The Planning Board agreed with the Chair. J. Butler asked for a capacity standard from the plant manager. R. Perrino commented that their product cannot be shipped for 90-days until it is cured and this is half the battle of where to store materials. He pointed out that when he became plant manager a year and a half ago, both properties were very full and he was not aware of the boundaries of his property at the start. He said that they are shipping to a secondary site in Connecticut with the New York site being shut down. G. Verani asked if the Board could work with the applicant on flex area parking. He said that if they are required to have 85 parking spaces, but only need 35, then the unused parking could become an additional storage area with appropriate screening. Town Planner Mailloux replied that there could be notes on the plan for something like this. D. Paul asked if the applicant has outgrown this facility, as this was happening before the pandemic, and suggested the applicant might buy another site for storage. R. Perrino mentioned that half of the facility is a kiln and has not been made aware of future projects, so is not sure of what the plans are for the future of the business. A. Chiampa said that she is concerned about the front of the building with stacked pallets or square logs. R. Perrino responded that they go in between the concrete segments. A. Chiampa said that they might be a fire concern. Town Planner Mailloux told her that the Fire Department will be making comments on this.

V. Other

A. Elderly housing ordinance discussion

Chairman Rugg explained that Town Planner Mailloux has put together some information for the Board tonight regarding the elderly housing ordinance. He said that the original intent of the ordinance was to provide a higher density for elderly housing to keep the cost of housing down, but it has not worked in that way. Town Planner Mailloux reviewed the annual status update on the elderly housing limitation, noting there are 841 approved elderly housing units in town, which accounts for 9% of the current supply of housing in Londonderry. She pointed out that the 55+ and older population accounts for 29.5% of the population from the most recent data in 2018. She noted that this a flawed way of measuring the elderly housing limitation and are no where near reaching the cap. She stated that 55+ and older housing has been a concern of the Board. She said that a base density for a conventional subdivision is a minimum of 1-acre lot size, but for elderly housing there is a density bonus of up to 10 units per acre where there is municipal water and sewer or 8 units per acre in the standard AR-1 zone. She mentioned that there was a density bonus there to incentivize and hopefully result in more affordable senior housing, which has not been happening. She reviewed some surrounding towns density bonuses for elderly housing noting there is not really a consensus between towns. She mentioned that there is a bill, HB 1629, that passed the House right before the pandemic and was not active right now, but might become active again. She explained that most of the bill is relative to training for Planning Board and Zoning Board of Adjustment members, but noted that there is a provision attached to it that relates to elderly housing. She read from the bill

stating "if a municipality allows increase density, reduced lot size, expedited approval or other dimensional procedural incentive for the development of housing for older persons, then it shall allow the same incentives for the development of workforce housing." She said that she is an advocate for workforce housing, but has a concern that if this were to be passed, it would open up the potential for workforce housing in town that they had not planned for. She asked the Board if they would rescind the elderly housing ordinance or fine tune the current ordinance. She mentioned that most communities in southern New Hampshire have an elderly housing ordinance, but noted that Litchfield does not have an ordinance. She noted that Litchfield rescinded the ordinance as there were concerns about over development. She commented that Goffstown has never had an elderly housing ordinance and noted there were some complications regarding school impact fees.

Chairman Rugg said that Peter Francese, a well-known demographer familiar with New Hampshire wrote a book along with Lorraine Stuart Merrill, called Communities and Consequences. He commented that the book states that you do not want to have the high-density bonuses for elderly housing and suggests having diverse housing with young people living with old people. He said that the school population in Londonderry is declining and is awaiting a correct count from the school. R. Brideau asked if the ordinance was rescinded, could the ordinance be put back in place if needed. Town Planner Mailloux responded that could be done. G. Verani said that the Board should not rescind the ordinance, but add something that states they must have municipal water and sewer access. He said that there is a huge housing crisis in the state and does not think that workforce housing is the answer. He commented that there needs to be regular multi-family housing in the town to support businesses. He stated that these ordinances create an unbalanced town, which is not helpful. He suggested revising the multi-family housing criterion in town, which will help make the town function better. He added that he believes people serving on the Planning Board should have to go through a course and get a license. D. Paul remarked that she is not a big fan of social engineering and therefore would like the ordinance rescinded. She said that the market will dictate what the town needs. She commented that she is not in agreement with making someone volunteering to be on a Board get a license, as it is already hard to find volunteers for boards and commissions. Town Planner Mailloux interjected that she brought up the bill, which is primarily focused on training, as there was the provision regarding workforce housing in it. She said that the bill would not require a certification to become a member, but once you are a member, you would have to participate in training by staff. She stated that there was no intention to restrict anyone from being a volunteer on a board or commission in the community. D. Paul said that she is confused, as there are already training courses available for board members. Town Planner Mailloux pointed out that Londonderry does have a lot of training for members on boards and commissions, but stated a lot of communities do not provide training, and the intent of the bill was for these communities. Chairman Rugg noted that the bill has been revised many times and it could be changed before it goes to the Senate. D. Paul asked if the State Senator Sharon Carson could come in to get the Planning Board's consensus on the bill to bring to the Senate. Chairman Rugg replied that councilor, Tom Dolan, was scheduled to

come in and speak to the Board before the pandemic happened. A. Chiampa said that unfortunately there were unintended consequences with the elderly housing ordinance and it should be rescinded. She commented that she believes training is key, especially for new members on boards or commissions. She mentioned that when she started, she was told that there was not enough money for her to have copies of the zoning ordinance and subdivision regulations. Town Planner Mailloux remarked that this was not the case anymore and strongly believes that all board and commission members should have everything they need to succeed. She told Chairman Rugg that Marge Badois, Chair of the Conservation Commission, would like to give input at this time.

Marge Badois, Chair of the Conservation Commission, addressed the Board. M. Badois said that she is in favor of rescinding the ordinance as it is not serving the needs of the town or the state.


Chairman Rugg brought the discussion back to the Board. Town Planner Mailloux said that she would work with Laura Gandia, Associate Planner, to work on the unintended consequences of rescinding the ordinance and would come back to the Board with that information. G. Verani said that he would like to have an analysis of parcels that have access to water and sewer. A. Chiampa said that she believes requiring municipal water and sewer might burden certain areas of town versus others and the Board should be careful of this. Town Planner Mailloux said that she will map this out and then the Board can look at this.

VI. Adjournment

Member D. Paul made a motion to adjourn the meeting at approximately 8:21 p.m. Seconded by R. Brideau. The motion was granted, 6-0-0, by a unanimous roll call vote. The meeting adjourned at 8:21 p.m.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Al Sypek
Title: Secretary

These minutes were accepted and approved on August 5, 2020, by a motion made by C. DAVIES and seconded by R. BRIDEAU.