

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF MARCH 3, 2021, VIA A ZOOM REMOTE MEETING

I. CALL TO ORDER

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Ann Chiampa, member; Jake Butler, member; Jeff Penta, member; Bruce Hallowell, Administrative Official Ex-officio; Giovanni Verani, Ex-Officio – Town Manager; Deb Paul; Ex-Officio - Town Council Liaison; Lynn Wiles, alternate member; Jason Knights, alternate member; and Roger Fillio, alternate member

Also Present: Town Planner Colleen Mailloux, John Trottier, P.E., Assistant Director of Public Works & Engineering; 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 L Wiles to vote for A. Sypek.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES:

Member C. Davies made a motion to approve the minutes of February 3, 2021, as presented.

J. Butler seconded the motion.

The motion was granted, 8-0-1, with L. Wiles abstaining. The Chair voted in the affirmative.

Member C. Davies made a motion to approve the minutes of February 10, 2021, as presented.

A. Chiampa seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had one project for their consideration this evening:

1. Rezoning request to rezone 275 Nashua Road (Map 2 Lot 28-10-11) Mark Desrosiers (Owner & Applicant), 271 Nashua Road (Map 2 Lot 28-10), 269 Nashua Road (Map 2 Lot 28-10-2), 267 Nashua Road (Map 2 Lot 28-10-1), Wesley W. and William M. Tate (Owners & Applicants), from AR-1 (Agricultural-Residential-1) and RTE 102 POD (Route 102 Performance Overlay District) to C-II (Commercial II)

Member C. Davies made a motion to find this project is not of developmental impact.

J. Butler seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that she had two extension requests for them this evening. She told the Board the first request is from a previously approved site plan at 5 Aviation Park Drive, Map 17 Lots 29-11 and 19-20. She noted that they are requesting a 60-day extension to finalize their state permits to meet the conditions of approval.

Member C. Davies made a motion to grant the extension request to meet the conditions of approval on a conditionally approved site plan application for the construction of a proposed one story 40,521 SF trucking terminal and a proposed one story 50,000 SF warehouse building and associated site improvements, Five Aviation Park Drive, Map 14 Lots 29-11 and 29-20, Zoned IND-II, R.J. Kelly Company, Inc. (Applicant) and BURNDY, LLC (Owner) until May 3, 2021.

J. Butler seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Town Planner Mailloux informed the Board that the second extension request is from Glenbervie site plan, Map 28 Lot 22-29, at 11 Ricker Avenue. She noted that they are also requesting an additional 60-days to meet the conditions of approval as well.

Member C. Davies made a motion to grant the extension request to meet the conditions of approval on a conditionally approved site plan application for the construction of a 61,400 SF warehouse addition, loading area and associated site improvements, 11 Ricker

Avenue, Map 28 Lot 22-29, Zoned IND-II, Glenbervie, Inc. (Owner & Applicant) until May 3, 2021.

J. Butler seconded the motion.

The motion was granted, 9-0-0, by a roll call vote. The Chair voted in the affirmative.

Town Planner Mailloux told the Board that she would like to have a discussion regarding temporary outdoor dining. She explained that the Board allowed the Planning Department in conjunction with the Building Department and Fire Department to process the requests for temporary outdoor dining as administrative review. She noted that originally it was granted for a six month period that was continued until October 31, 2020. She said that restaurants are now inquiring if there is going to be temporary outdoor dining again with the nicer weather coming back. She pointed out that if at some point the Governor lifted the emergency order, the temporary dining would expire. She explained that there are many restaurants that have been running at 100% occupancy and this will be looked at very carefully to make sure that if they want the outdoor dining again, they are not creating parking issues at their site. She asked the Board if they are okay with the administrative review process as they had done in the past for temporary outdoor dining. J. Butler asked how many restaurants have temporary outdoor dining now in town. Town Planner Mailloux replied that she thought it was somewhere around 13. The Board agreed that they were okay to continue the administrative review process. Town Planner Mailloux said that she would report back to the Board the restaurants that are requesting this again.

Town Planner Mailloux presented renderings of the duplex townhouses that will be developed at 244 Nashua Road, as they requested. She asked if the Board had any questions or comments and if they are okay with staff handling this administratively. Chairman Rugg asked if the color scheme would be the same. Town Planner Mailloux replied that is correct. The Board agreed that they are okay with staff continuing to handle this administratively.

Chairman Rugg mentioned that on March 9, 2021, there is a town election and encouraged everyone to get out and vote. He noted that he sent an email to the Board regarding training sessions.

III. Old Business – N/A

IV. New Plans/Public Hearings

A. Rezoning request to rezone 275 Nashua Road (Map 2 Lot 28-10-11) Mark Desrosiers (Owner & Applicant), 271 Nashua Road (Map 2 Lot 28-10), 269 Nashua Road (Map 2 Lot 28-10-2), 267 Nashua Road (Map 2 Lot 28-10-1), Wesley W. and William M. Tate (Owners & Applicants), from AR-1 (Agricultural-Residential-1) and RTE 102 POD (Route 102 Performance Overlay District) to C-II (Commercial II)

Chairman Rugg informed the public that unfortunately, all the abutters were not notified and therefore there will not be a public meeting this evening. Town Planner Mailloux explained that the applicant filed their application and reviewed their abutters list with the Assessing database, but it was found that one of the parcels is held in common ownership with all the residents of Avery Estates, which include Burbank Road, Verdi Lane and Rossini Road. She noted that there are 47 residents that own a divided portion of the open space parcel, and they should be notified regarding the rezoning request. She said that out of an abundance of caution, they will be reposting the legal notice and all the 47 abutters that have ownership in the common parcel will be re-notified. She commented that she would have the Board continue the case until April 7, 2021. Chairman Rugg pointed out that since they will be reposting the legal notice and notifying the abutters, it is not really a continuance. A. Chiampa asked for clarification on the open space parcel. Town Planner Mailloux replied that it is 14 Burbank Road. L. Gandia told the Board that 14 Burbank Road is a 12-acre parcel that was notated in the Assessing database as being owned by Stanley Trust, but when this subdivision was developed as Avery Estates, it was a Planned Residential Development (PRD) with this parcel declared open space. She pointed out there is another parcel, 19 Burbank Road that is also an open space parcel. She pointed out that these two parcels give the residents of this subdivision a 1/47th ownership interest in that land.

B. Conceptual discussion of a site plan for a proposed display area, building additions, storage units and associated site improvements, 345 Derry Road/307 Nashua Road, Hudson Tax Map 101 Lots 18 & 19 Zoned Business District, Londonderry Tax Map 2 Lot 34A Zoned C-II & RTE 28 POD, Hudson-Londonderry, Bobcat of New Hampshire (Applicant) & SMT Rebel Road, LLC (Owner)

Chairman Rugg read the case into the record noting that this is a conceptual discussion. He noted that this parcel is both in Londonderry and Hudson, with the majority of the parcel being located in Hudson. Jason Hill, P.E. from TF Moran along with Mark and Pete from Bobcat of New Hampshire, introduced themselves to the Board. J. Hill told the Board that he is here to present conceptual plans for the redevelopment of a parcel that is bisected by Hudson. He shared his screen with the Board illustrating the parcel. He explained that they are looking for input from the Board on relocation of the existing site for Bobcat of New Hampshire, as the company has grown in size and needs to expand to a bigger site. He mentioned that there is an opportunity to purchase properties in the vicinity that are owned by Reeds Ferry or a subsidiary of Reeds Ferry, SMT Rebel Road, LLC. He informed the Board that he will refer to the two properties this evening as the Rebel Road property, which is the existing Reeds Ferry site and the second as the Nashua Road property, which is Dubowik Excavation Equipment sales site. He noted that they will occupy sites in both Hudson and Londonderry. He showed the proposed conceptual site plan on the screen. He said that the Rebel Road property is entirely in Hudson and the Nashua Road property is bisected by the town line. He commented that for planning purposes they would like to propose a new building addition to the Rebel Road property, which would be converted to new equipment sales and leasing. He

went on to note that the Nashua Road property would be reclassified for used equipment sales, used equipment rentals, as well as maintenance of the equipment. He said that they are proposing a display area along the front portion of the Nashua Road property, as well as using the existing truck and equipment storage yard that is associated with Dubowik now for outdoor storage of equipment. He mentioned that the Dubowik site is currently unorganized and this new plan would help to organize and clean up the site. He noted that they will need a Conditional Use Permit (CUP) that is related to the Performance Overlay District (POD) along Route 102. He said that C-II is the base zoning, but the POD makes them subject to the CUP requirements to relocate this existing use across the intersection. He said that since they are proposing an exterior inventory display yard, they would like to maximize the visibility from a state highway by placing the landscaping in front of their parking and equipment storage area. He mentioned that they are proposing a shared driveway for interconnectivity to take traffic off Nashua Road and allowing the traffic to flow between the two properties. He said this would be beneficial to circulation, convenience and truck access and circulation.

Chairman Rugg opened it up to the Board for questions. Town Planner Mailloux stated that she would like the Board to focus on the CUP and the landscaping factors. She pointed out that staff met with people from Bobcat and the Hudson Planning staff to make sure everyone was on the same page. She said that most of the work that they are proposing will be done in Hudson and agreed this would clean up the parcel. J. Trottier commented that he did not recall using the northeast corner for storage and asked if this was a new development. J. Hill replied that this was a new development and would be a benefit for Bobcat to use this and not encroach any further into the property line. He said that without expanding the existing use, it could be done with gravel to store equipment and display equipment for sale, lease or rental. J. Trottier asked if the Board could grant this waiver. Town Planner Mailloux replied that she would have to look into this further. She pointed out that just because there is an encroachment or disturbance there now, does not mean that it was a permitted use or allowed. J. Hill wondered if this was a situation that had been grandfathered and there before the zoning was changed, noting that they would respectfully ask for this to be allowed to continue, but stated that he has not done his research into this. J. Trottier added that this buffer was extensively discussed with the Bobcat representatives. J. Hill commented that he was not privy to this conversation and would look into it. C. Davies said that he has no concerns except the possible encroachment that was brought up tonight. L Wiles asked if the curb cut would be lost on Route 102. J. Trottier asked if L. Wiles was asking to eliminate the curb cut on Route 102. L. Wiles replied that was correct. J. Trottier said that he did not think that they would want that as they are going to keep these two separate parcels. J. Hill stated that they are not looking to eliminate the curb cut. L. Wiles commented that it is his preference to eliminate the curb cut, as there is a fair amount of traffic racing up the hill in general, but no other concerns. A. Chiampa said that she has no problems with the proposal, but would like the buffer looked into. J. Butler asked if there would things stored in between the storage units. Pete from Bobcat replied that the storage units are going to be conex boxes and possibly in the future they might do coverings between them, but cannot say for sure. J. Butler stated that he would ask for some landscaping on the

Nashua Road side. J. Penta asked what the proposed display area might look like. J. Hill replied that it would be Bobcat equipment, that is currently displayed across the intersection. B. Hallowell said that he had no concerns. G. Verani commented that if they are allowed to use the side area, it needs to be screened and cleaned up. He asked what would happen if they only received one permit and not the other. J. Hill replied they would go to a different plan, which is to occupy the smaller site and be less beneficial to the business. D. Paul commented that she has no concerns except for the new proposal for storage that was brought up this evening. She asked about the landscaping on the other side to balance them out. J. Hill replied that there would be landscaping on the south side, the Hudson side. Town Planner Mailloux added that this ties in with J. Butler's comment about landscaping along the storage on the Hudson side. Chairman Rugg concluded that the Board looks upon the conceptual plan favorably and asks them to work with staff and abutters closely. R. Fillio noted that he had some technical difficulties this evening, but agrees with the other Board members.

V. Other

A. Election of officers

Chairman Rugg noted that they need to elect Chair, Vice Chair, Secretary and Assistant Secretary.

Member C. Davies made a motion to nominate A. Rugg for Chair.

J. Butler seconded the motion.

The motion was granted, 8-0-1, with Chairman Rugg abstaining. There were no further nominations.

Member J. Butler made a motion to nominate C. Davies for Vice Chair.

G. Verani seconded the motion.

The motion was granted, 8-0-1, with C. Davies abstaining. The Chair voted in the affirmative. There were no further nominations.

Member G. Verani made a motion to nominate A. Sypek for Secretary

C. Davies seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative. There were no further nominations.

Member G. Verani made a motion to nominate J. Butler for Assistant Secretary

C. Davies seconded the motion.

The motion was granted, 6-0-1, with J. Butler. The Chair voted in the affirmative.

Member D. Paul made a motion to nominate A. Chiampa for Assistant Secretary

L. Wiles seconded the motion.

The motion was denied, 2-0-0.

Chairman Rugg informed the Board that the next meeting would be a non-meeting with the Town Attorney. Town Planner Mailloux mentioned that if any Board members have specific questions for the Town Attorney, they can send them to her ahead of time, so that the attorney can prepare. D. Paul asked when Tom Dolan would be coming to discuss the house bills with the Board. Chairman Rugg said that he is coming to the April 14, 2021, meeting. D. Paul asked if T. Dolan could put together a list of bills that he would discuss so the Board could look them up before hand to be prepared. Town Planner Mailloux mentioned that the Municipal Association is a great resource that publishes updates every week and said that she would forward information along to the Board on where to look at active legislation. She noted that staff tries not to raise the red flag or alarm if the bills are not going to move forward. D. Paul stated that would be great as she would like to give feedback to the representative from the constituents.

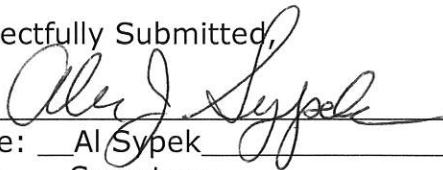
VI. Adjournment

Member C. Davies made a motion to adjourn the meeting at approximately 8:24 p.m. Seconded by J. Butler.

The motion was granted by a unanimous roll call vote, 9-0-0.

The meeting adjourned at approximately 8:24 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Al Sypek
Title: Secretary

These minutes were accepted and approved on April 7, 2021, by a motion made by J. Butler and seconded by D. Paul, 8-0-1.