

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF JUNE 2, 2021, VIA A ZOOM REMOTE MEETING**

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

Members Present via a ZOOM remote meeting: Art Rugg, Chair; Chris Davies, Vice Chair; Al Sypek, Secretary; Ann Chiampa, member; Jeff Penta, member; Giovanni Verani, Ex-Officio – Town Manager; Deb Paul; Ex-Officio - Town Council Liaison; Bruce Hallowell, Administrative Official Ex-officio; Roger Fillio, alternate member; and Lynn Wiles, 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 L. Wiles to vote for J. Butler.

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

#### **A. APPROVAL OF MINUTES:**

**Member C. Davies made a motion to approve the minutes of May 5, 2021, as presented.**

**A. Chiampa seconded the motion.**

**The motion was granted, 7-0-2, with L. Wiles and B. Hallowell abstaining. The Chair voted in the affirmative.**

**Member C. Davies made a motion to approve the minutes of May 12, 2021, as presented.**

**J. Penta seconded the motion.**

**The motion was granted, 8-0-1, with B. Hallowell abstaining. 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 22 Young Road (Map 6 Lot 53) Edgar & Winnifred Pitts, Trustees (Owners) and Cedar Crest Development (Applicant) from C-I (Commercial I) and RTE 102 POD (Route 102 Performance Overlay District) to R-III (Multi-Family Residential III), and 20 Young Road (Map 6 Lot 58-2) Tony & Heidi Bennett (Owners) and Cedar Crest Development (Applicant) from AR-1 (Agricultural-Residential 1) to R-III (Multi-Family Residential III)

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

**B. Hallowell 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 one extension request for them this evening. She told the Board the request is from Kake Preserve Site Plan Amendment (Map 14 Lot 29-10) and the conditions expire on June 30, 2021. She explained that the applicant is requesting a one-year extension to satisfy the conditions of approval secondary to the dynamics of the business and COVID.

**Member C. Davies made a motion to grant the extension request to meet the conditions of approval on a previously conditionally approved site plan for a paved access drive around the existing building, Three Aviation Park Drive, Map 14 Lot 29-10, Zoned IND-II, Kake Preserve (Owner & Applicant) until June 30, 2022.**

**L. Wiles 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 back in 2010 the Board approved an expansion of the yard area of the Eversource substation off of Scobie Pond and Brewster Road. She explained that in 2015 the Board allowed staff to do an administrative review, which expanded the control house 1600 SF within the existing area of the substation. She noted that Eversource is now looking to do another expansion of an additional 1467 SF. She said that the proposed addition is in the existing yard area. She said that planning staff can do this administratively if the square footage does not exceed 2500 SF or 10% of the structure. She asked if the Board is amenable to allow staff to handle this administratively. Chairman Rugg asked if the Board had any questions. The Board's consensus was to have this handled administratively.

Chairman Rugg told the Board that July 7, 2021, the meetings will be live in the Moose Hill Conference room following the CDC guidelines.

**III. Old Business -n/a**

**IV. New Plans/Public Hearings/Conceptual Discussions**

A. Rezoning request to rezone 22 Young Road (Map 6 Lot 53) Edgar & Winnifred Pitts, Trustees (Owners) and Cedar Crest Development (Applicant) from C-I (Commercial I) and RTE 102 POD (Route 102 Performance Overlay District) to R-III (Multi-Family Residential III), and 20 Young Road (Map 6 Lot 58-2) Tony & Heidi Bennett (Owners) and Cedar Crest Development (Applicant) from AR-1 (Agricultural-Residential 1) to R-III (Multi-Family Residential)

Chairman Rugg read the case into the record. Jeffery Brem, P.E. from the Meisner Brem Corporation, 202 Main Street, Salem, NH and Aaron Orso, Cedar Crest Development, 25 Buttrick Road, Londonderry, NH introduced themselves to the Board. J. Brem told the Board that they are looking to rezone two properties at the corner of Young Road and Route 102 for a total of total of 24 acres. He noted that one parcel is zoned C-I, which is the larger parcel at 21 acres and the other parcel is zoned AR-1, at the corner of Young Road. He said that the parcels are adjacent to Cross Farm to the west and Copperfield Drive to the north, the fire station to the east and Estey's Country Store to the south. He commented that this was called a transition zone in the old Master Plan of 2004, but not in the newest Master Plan of 2013. He mentioned that the issue with developing this land as a commercial center are as follows: there is not a signalized intersection at Young Road and Route 102 and even prior to the COVID pandemic office parks were already struggling because of online purchasing. He said that this is a large property at 24 acres and that would preclude some type of large regional type of environment, which he stated is not a good business model at this time. He expressed his opinion, after reading both the 2004 and 2013 Master Plan, that this property fits a transition zone, going from a more intensive use to a less intensive use. He said that they understand that the R-III zone has not been used in town very much. He remarked that Route 102 is a primary roadway connecting towns east and west and north and south, so the idea of a commercial development in this location would be a change to this area not contemplated in the Master Plan. He noted that their concept of this planned community, would have dog parks, open space, walking trails and a recreation center for the residents. He showed the proposed rezoning project on the screen to the Board. He explained that a key issue, brought up by staff during their meeting, was access off Route 102, as the speed is high and there are traffic issues already. He said that from that discussion, they have included the other parcel to access the site off Young Road instead of Route 102. He said that there is a proposed gated access off Route 102 for emergency vehicles. He pointed out that with the R-III zone there needs to be 75% of housing dedicated for seniors.

Chairman Rugg opened up the discussion to the Board. He said that the current Master Plan of 2013 talks about multi-family development off Exit 4. He pointed out

that ideally, they would like multi-family developments on public water, public sewer and to have easy highway access. Town Planner Mailloux stated that the current permitted uses on the parcel in question with the Performance Overlay District (POD) are limited commercial uses. She noted that this is a G-2 controlled growth sector in the Master Plan, which was assigned to areas to support mixed-use development. She said that there are concerns related to access of Route 102 and traffic in the area, so the access on Young Road is appreciated. She commented that municipal water and natural gas are available to the site, but they will need on-site septic. She clarified that their proposed concept is a layout with single-family homes and under the ordinance this is permitted as long as 75% of the units are age-restricted. She added that if they did not want the single-family home concept, the R-III zone envisions more of a town house style, where the 75% age-restriction would not apply. She mentioned that staff did not get into the fine details of the proposal other than that it meets the density requirements. L. Wiles asked if the Board was strictly focusing on the rezoning request versus the details of the site plan this evening. Town Planner Mailloux replied that this is just the rezoning request and the Board can either recommend or not recommend it to the Town Council. She added that if the Board does recommend the rezoning, the applicant could change the concept as long as it would meet the R-III zone requirements. C. Davies commented that while putting the entrance of the property on Young Road, the traffic will still end up on Route 102. He said that commercially there could be an issue with traffic as well, but thought residential might be a better fit here. He asked if R-III supports apartments. Town Planner Mailloux replied that potentially as there are some height limitations, such as the building cannot be over 50-feet in height. C. Davies mentioned that the Board can recommend this, but the actual site plan could change from the proposal that they are seeing tonight. A. Chiampa stated that the R-III zone was designed to permit an increased residential density and she does not think that there should be an increased density at this location with an unsignalized intersection. She noted that a C-I zone aligns with the current zoning around the area, except for Cross Farm development, and should stay that way. She expressed her opinion, that she does not think it is appropriate to change the zoning and increase the density in this location. L. Wiles remarked that he appreciated the plan shown without apartment buildings, but he does not support this project as 75% of the units have to be age-restricted. He added that he also does not support the rezoning as the intersection of Young Road and Route 102 is very intense with traffic traveling at a speed of at least 50 mph. He said that he would like the developer to work with staff to mitigate the traffic at this intersection, either by widening it or having a signalized intersection, if the Board recommends it this evening. Town Planner Mailloux mentioned that Cross Farm did not meet the threshold for a signalized intersection, so she does not believe that this intersection would meet the requirements either. L. Wiles mentioned that he is not surprised by that, but believes it would require a left-hand turn lane at a minimum. J. Penta said that he echoes the concerns of other Board members that this rezoning will increase the intensity/density on Route 102. He did compliment the conceptual plan, but not the senior housing aspect. He pointed out that his biggest concern is the traffic pattern and who would pay for this. (J. Butler arrived at the meeting at this point 7:45 p.m.). B. Hallowell asked if the proposed project would be allowed in a C-I zone with conditional approval.



Town Planner Mailloux replied that it would not, as multi-family housing is not allowed there unless it is workforce housing, and workforce housing is not permitted on this lot as sewer is not available. B. Hallowell asked what is considered multi-family. Town Planner Mailloux replied that having three or more units on a lot is considered multi-family. She reviewed the zones of the abutting parcels on the screen with the Board. B. Hallowell asked if the Board can require the developer to put in a signalized intersection. Town Planner Mailloux answered that would need to go through the New Hampshire Department of Transportation (NHDOT), not the developer. B. Hallowell commented that he likes the proposal, and having worked at the fire station for many years in this location, he does not think that a commercial development would be a good fit here. He said that he is in favor of rezoning to R-III. D. Paul asked what the price range of the homes would be. A. Orso replied that they would most likely be around \$500,000, as the homes range in size from 1700 SF to 2300 SF. He noted that he cannot build a single-family home in Londonderry for anything considered reasonable at this point. He added that he is not opposed to the other styles that are allowed in R-III, as he would like this to be more of a single-family home owner association (HOA) development where everything looks pristine and is handled by the development. He mentioned that Town Planner Mailloux had told him that if he wants to pursue the single-family HOA route, he would need to go before the Zoning Board of Adjustment (ZBA) for a variance, which he is open to as well. He stated that they are not looking to have big apartment style buildings on this parcel. He said that he is willing to work with the Board on what type of style they would like to see here. J. Brem added that they would prefer to build entry-level homes for young families, but they would need to go before the ZBA for a variance to get rid of the 75% requirement for senior housing. D. Paul asked if the roads would be built to Londonderry's standards. A. Orso replied that was correct. He said that he would have an HOA so that Londonderry does not have to maintain the roads. D. Paul asked what the HOA fee would be. A. Orso answered that it is approximately \$290, which includes insurance, lighting, snow removal, plowing, landscaping, etc. D. Paul asked if they would take up the cost of fire hydrants. A. Orso replied that they would. D. Paul asked for Town Planner Mailloux to review the other types of configurations that would be allowed here with the R-III zoning. Town Planner Mailloux reviewed that R-III can allow multi-family with up to 16 units per building, with the exception of 20 units per building with a Conditional Use Permit (CUP), which could be done with an attached row house configuration or multi-floor building. She added that it can also be single-family, single and two family units if there is the 75% restriction for senior housing. D. Paul commented that the applicant potentially could put in apartment buildings, garden style and single family homes. Town Planner Mailloux replied that they can as long as they meet the building separation and other setback requirements. D. Paul asked if the apartments can be rentals or condominiums. Town Planner Mailloux replied it can be either way, noting the condominiums would require condominium subdivision approval by the Board. D. Paul asked how they would go about finding out if the increase in traffic is more Cross Farm or this new development if it were to be rezoned. Town Planner answered that a traffic analysis is done with any site plan approval whether commercial or residential. D. Paul stated that she feels like she needs more information and would abstain from voting this evening. She asked if

the Board could place restrictions on the rezoning request, such as the developer must construct single-family homes. Town Planner Mailloux replied that the Board has done this in the past, however, she does not feel that this is the best practice. G. Verani commented that he does understand the traffic concerns, but if it was developed as C-I there would still be traffic. He expressed his opinion, that the R-III is a better transitional zone versus C-I. He said that it would be nice to have a lesser requirement on the senior housing. R. Fillio echoed that NHDOT has done studies in this area and they have not found enough data to support a signalized intersection. He said that he is in favor of the rezoning, as well as 55+ and older. C. Davies mentioned that in general, the Board is being asked to review the rezoning request, not the specific plan at this time. He remarked that he cannot believe there it is not a signalized intersection given the fire station at this location. He asked if a conservation subdivision could be constructed here. Town Planner Mailloux replied that it could not as it allowed in the AR-1 zone. B. Hallowell mentioned that when the fire station was built in 2006 there was discussion around adding an emergency signal to this intersection that the fire trucks could control when they needed to get out and asked if this was something the Board can bring forth in the future with a zoning change. Town Planner Mailloux replied that she does not know if NHDOT considers fire stations when determining signal warrants. B. Hallowell asked if a three-story nursing home could be constructed in this parcel now. Town Planner Mailloux reviewed what could be developed with the POD, such as a professional office, retail, restaurant without a drive-thru, the footprint of a building not to exceed 12,500 SF or a building that is 25,000 SF if parking is located in the rear of the building. She pointed out that with a CUP they could have any of the uses that are allowed in the C-I zone, but they would have to demonstrate that they meet all the requirements of a CUP. B. Hallowell expressed his opinion, that he believes R-III is a better transition in this location versus commercial as traffic is already a problem here. Chairman Rugg pointed out that J. Butler was at the meeting and L. Wiles was now an alternate member for voting this evening. R. Fillio said that a signalized light can go in if you pay for it and gave the example of the light at the Rail Trail on Route 28. Town Planner Mailloux interjected that the light on Route 28 is a pedestrian beacon and not a signalized intersection. R. Fillio commented that perhaps the state representatives should get involved and help get a traffic light on Route 102. J. Penta asked what the time table would be for this project if it was approved to be rezoned. J. Brem replied that A. Orso would like to do this as soon as possible. J. Butler stressed that the Board is voting on the rezoning request not the proposed development. He said that he believes a residential development is better than a commercial development in this location as there are already traffic concerns. He commented that he does not think that R-III is a better solution for a transition zone here and it should be AR-1. He added that he feels traffic is a huge concern and noted that some traffic would go onto Adams Road.

Chairman Rugg opened it up to the public. Town Planner Mailloux read a letter of opposition to the rezoning from Dan McLeod, 11 Copperfield Lane, Exhibit A, which is attached hereto.

Chairman Rugg told the Board that he received a call from Tom Estey, abutter

across the street, who is opposed to the rezoning.

Heidi-Leigh and Tony Bennett, 20 Young Road, addressed the Board. T. Bennet said that the traffic has been an issue since the fire station was built in 2006. He commented that the people of Young Road have to deal with this every day. He noted that Route 102 has been a nightmare since the late 1990s and did not think the rezoning would change any of the traffic. H. Bennett stated that no matter what is eventually developed here, the traffic will increase and thought this might be helpful to make the changes that the intersection needs. Chairman Rugg replied that he does not have an answer for them this evening, but it is possible. He noted that getting the state representatives involved can help.

Daniel Clark, 7 Copperfield Lane, addressed the Board. D. Clark stated that he is opposed to the rezoning proposal to R-III and thinks that the AR-1 zone would be better. He commented that traffic is a big issue with cars cutting through Young Road now. He asked if the Board could place a restriction to not have apartment buildings if the rezoning is approved.

Chairman Rugg brought the discussion back to the Board.

**C. Davies made a motion to recommend to Town Council to rezone 22 Young Road (Map 6 Lot 53) Edgar & Winnifred Pitts, Trustees (Owners) and Cedar Crest Development (Applicant) from C-I (Commercial I) and RTE 102 POD (Route 102 Performance Overlay District) to R-III (Multi-Family Residential III), and 20 Young Road (Map 6 Lot 58-2) Tony & Heidi Bennett (Owners) and Cedar Crest Development (Applicant) from AR-1 (Agricultural-Residential 1) to R-III (Multi-Family Residential III)**

**B. Hallowell seconded the motion.**

**The motion was granted, 5-3-1, by a roll call vote with D. Paul abstaining.**

A. Chiampa voted against the rezoning because of the potential increase in traffic at this intersection, where traffic is already a problem, is not advisable. J. Butler voted against the rezoning as he does not feel the R-III zone fits here and traffic is already a problem. Chairman Rugg voted against the rezoning as he does not feel it is consistent with the Master Plan.

## **V. Other**

## **VI. Adjournment**

**Member C. Davies made a motion to adjourn the meeting at approximately 8: 58 p.m. Seconded by B. Hallowell.**

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

**The meeting adjourned at approximately 8:58 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,



Name: Al Sypek

Title: Secretary

These minutes were accepted and approved on July 7, 2021, by a motion made by A. Sypek and seconded by L. Wiles.



## STAFF RECOMMENDATION

**To:** Planning Board  
**From:** Colleen P. Mailloux, AICP, Town Planner  
**Re:** Rezoning Request

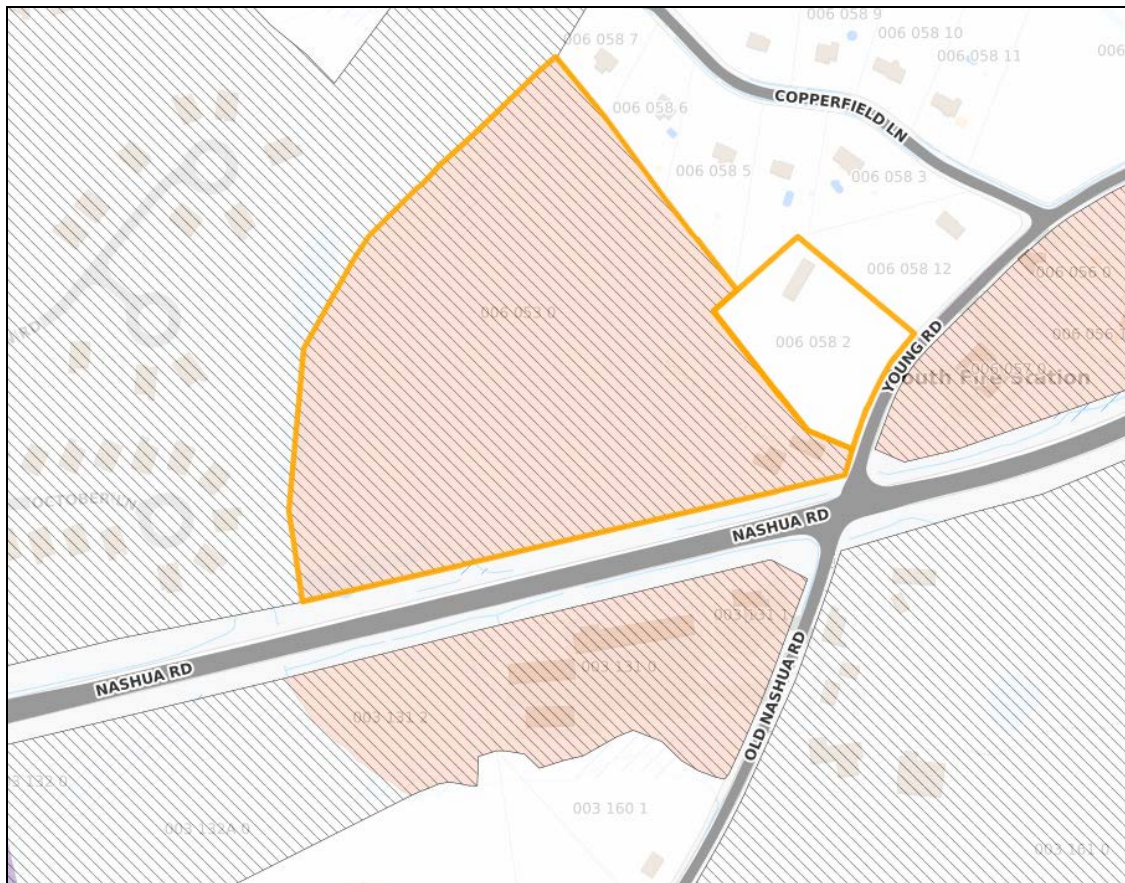
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**Date:** June 2, 2021

Rezoning request to rezone 22 Young Road (Map 6 Lot 53) Edgar & Winnifred Pitts, Trustees (Owners) and Cedar Crest Development (Applicant) from C-I (Commercial I) and RTE 102 POD (Route 102 Performance Overlay District) to R-III (Multi-Family Residential III), and 20 Young Road (Map 6 Lot 58-2) Tony & Heidi Bennett (Owners) and Cedar Crest Development (Applicant) from AR-1 (Agricultural-Residential 1) to R-III (Multi-Family Residential III)

### Existing Conditions and Background:

The Applicants are requesting rezoning of two adjacent properties to Multi-Family Residential (R-III).



22 Young Road (Map 6, Lot 58-2) is a 21 acre parcel with a single family residence and barn located near the intersection of Route 102 and Young Road. The property is relatively flat,

gently sloping up and away from the road to a high point in the center of the property and sloping down to wetland areas along the northwesterly property line. There is also a wetland system adjacent to Route 102. Access to the lot is via a driveway on Young Road. It is unclear if this lot has a deeded curb cut onto Route 102 from NHDOT. The lot is bisected by a utility easement associated with the natural gas transmission line running north to south through the property. The parcel is currently zoned Commercial-I (C-I) and Route 102 Performance Overlay District (Rt. 102 POD). Uses currently permitted on this parcel include professional office, restaurants or cafés without drive-through windows, retail, recreation (Londonderry Zoning Ordinance (LZO) Section 4.6.6.5). Uses in the underlying C-I district are permitted by Conditional Use Permit. In the Route 102 POD, a commercial building may not have a building footprint in excess of 12,500 feet. An exception may be granted to allow a building footprint not to exceed 25,000 square feet when certain conditions are met.

20 Young Road (Map 6 Lot 58-2) is a 2.91 acre parcel with a single family residence. The lot slopes gently up from Young Road with the existing house situated on a high point at the rear of the parcel. A 1995 subdivision plan and survey indicated a small pocket of hydric soils towards the front of the parcel. The parcel is currently zoned Agricultural-Residential-1 (AR-1). Permitted uses then on this lot include single and two-family dwellings, agriculture, religious facilities, public facilities, etc in accordance with LZO Tale 4-1.

The parcel immediately abuts the Cross Farm 55+ community to the west (Zoned AR-1 and Route 102 POD), and a single-family residential neighborhood (Copperfield Lane) to the east (Zoned AR-1). Across Route 102, properties are zoned C-I and AR-1 and are also within the Route 102 POD. Existing uses on these adjacent parcels are office, warehouse, vehicle repair and Esty's Country Store. The South Fire Station is located across the street from the subject parcels on Young Road.

The 2013 Master Plan identifies this area as a "G-2 Controlled Growth Sector". According to the Master Plan:

*The Controlled Growth Sector is assigned to areas that may support mixed use development due to proximity to one or more existing or planned thoroughfares. Development in this Sector should occur in the form of conservation subdivisions containing open space or activity centers.*

### **Rezoning Request:**

The Applicants are requesting rezoning of the two subject parcels to Multi-Family Residential (R-III). Please see the attached rezoning request. The Applicant has provided a conceptual plan for a multi-family development on the parcels. Access to the site is proposed from Young Road. The conceptual plan has not been fully reviewed by staff for compliance with ordinance and site plan regulations, but it appears that, in general, the proposed layout would comply with the density and open-space requirements of the R-III district. LZO Section 4.2.2.2.B permits single family dwellings in the R-III district provided that at least 75% of the units be restricted housing for older persons.

The site would be served by Pennichuck Water Works and on-site septic. Natural gas is available at the site from Liberty Utilities.

**Board Action Required**

Should the Board find that the request is reasonable and consistent with the surrounding uses and the Master Plan, the Board may make a recommendation motion as follows:

Move to ***recommend*** to the Town Council approval of the rezoning request to rezone 22 Young Road (Map 6 Lot 53) Edgar & Winnifred Pitts, Trustees (Owners) and Cedar Crest Development (Applicant) from Commercial I and Route 102 Performance Overlay District to Multi-Family Residential III, and 20 Young Road (Map 6 Lot 58-2) Tony & Heidi Bennett (Owners) and Cedar Crest Development (Applicant) from Agricultural-Residential-1 to Multi-Family Residential III.

Conversely the Board may make a motion to recommend that the Town Council deny the request for re-zoning, if it finds that the request is not consistent with the Master Plan and the surrounding uses.