

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF OCTOBER 13, 2021, AT THE MOOSE HILL COUNCIL CHAMBERS**

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

Members Present: Art Rugg, Chair; Al Sypek, Secretary; Giovanni Verani, Ex-officio – Town Manager; Jake Butler, Assistant Secretary; Deb Paul, Town Council Ex-officio; Jeff Penta, member; Roger Fillio; alternate member; and Lynn Wiles, alternate member

Also Present: Town Planner Colleen Mailloux; John Trottier, Director of Engineering; 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 R. Fillio to vote for C. Davies open position and L. Wiles to vote for A. Chiampa.

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

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. Discussion with Town Staff

### **III. Old Business – N/A**

### **IV. New Plans/Conceptual Plans**

- A. Non-binding review and conceptual discussion of a proposed residential development at 171, 175, 179 & 191 Rockingham Road and 71 Perkins Road, Map 15 Lots 51, 59, 60, 60-2 & 64, Zoned Mixed Use Commercial (MUC), Jean Gagnon (Owner & Applicant)

Chairman Rugg read the case into the record. G. Verani recused himself from the case. Jason Lopez, P.E., from Keach-Nordstrom Association Inc., 10 Commerce Park North, Suite 3, Bedford, NH, and Jean Gagnon, owner, addressed the Board. J. Lopez told the Board that they are proposing a 149 unit townhouse project on multiple pieces of property on Vista Ridge. He noted that the parcels are currently within the Mixed-Use Commercial zoning (MUC) district, which have 11 properties. He pointed out that five of the parcels are owned by J. Gagnon, two are owned by the state and four other entities own the remaining four properties. He went on noting that there is about 68 acres within the MUC zoning district and J. Gagnon owns 47 acres of that. He explained that the MUC district was created in 2010, under the recommendations of the northwest small area master plan, which was completed in 2009. He commented that in 2011, there was what they are naming Vista East on the plan, a project known as the Shoppes at Londonderry, which was

100,000 SF retail, 7,000 SF restaurant and a 2,200 SF bank. He pointed out that ultimately the plan did not fulfill the conditions of approval and get signed by Planning Board. He noted that the property has been for sale since then with no buyers. He added that J. Gagnon has had conversations with his realtor for the highest and best use of the properties, which has yielded a residential use. He discussed that in 2004, the Master Plan projected about a 29% increase in population by the year 2020, and in 2013 the Master Plan projected a 16% increase in population by 2020. He said that the current 2020 Census data shows the growth from 2000 was only 9% and 2010 was only 7%. He said that the census data from 2010 had the largest age population group at 42 to 49 years of age, and in 2019 it was 50 to 54 years of age. He concluded that in general there is an aging population in town and the younger work force group is stagnant. He said that 84% of the homes in town are single family and 13% are multifamily. He stated that there is a need for multifamily housing in town, given the population, and they believe this would be a good fit for the area. He said that the location is near a high density condominium project to the south, commercial properties and the park and ride to the north, which has the potential to work well for people that commute. He noted that this is also within walking distance to the Rail Trail. He said that in order to do the multifamily in this zone, they will need a Conditional Use Permit (CUP). He asked the Board for their input, ideas, concerns, etc.

Chairman Rugg opened up the discussion. Town Planner Mailloux explained that a CUP would be required for a multifamily residential use in the MUC zone. She told the Board that she printed the criteria for a CUP in general and then the criteria for a CUP within the MUC zone. She pointed out that the northwest area in the Master Plan was intended to encourage higher density, mixed-use development, transitory development and provide services and residential growth in this area. She asked the Board to give input if they feel the townhomes project would meet the criteria for the CUP within the MUC zone. She pointed out that the plan should not have any encroachment in the Conservation Overlay (CO) District, and on the rendering, there are a few areas that look very close to this. J. Lovell commented that from an engineering standpoint, traffic is going to be a concern here with the intensity of the use, and even if it does not trip a full traffic study, the Board can consider requiring a full study given the unique nature of the use. He said that currently there are no sidewalks to walk to the Rail Trail. He noted that there are potentially one or more services that were left under Route 28 to some of the parcels in question this evening, but they are 6-inch services if they exist, and it is not clear if they could be used for a project like this. He also noted that there are wetlands and possibly a lot of ledge. He stated that it appears that all the stormwater from this project would flow down the hill on the east side to an existing detention pond that leaves the site through an existing 36-inch culvert. Chairman Rugg mentioned that the Master Plan recommended this area to be mixed use, to serve the motoring public. D. Paul commented that conceptually she likes the idea of mixed use, but wished that it was down scaled a little bit, as she believes it is too much for this space. She said that she is concerned about the traffic and the run-off into the wetlands. She stated that she is not worried about enrollment for the schools. Town Planner Mailloux clarified that this proposal is only for residential townhomes with no commercial development. D. Paul recommended that there be office space or

retail on the lower floors and then residential above. J. Penta shared some of the same concerns with D. Paul, especially the traffic study, drainage and snow removal. He stated that he felt that 149 units would be putting a new community within the current Londonderry community and would like him to tie in the Master Plan. He liked the idea of the sidewalks as well. L. Wiles echoed concerns of fellow Board members, specifically traffic down Perkins Road. He said that he does not know where the traffic light stands for Route 28. Town Planner Mailloux noted that this is on the 10-year plan. L. Wiles stated that a commercial type development would lessen the traffic impact in his opinion. He added that he would prefer to see something closer to the Master Plan, as there is some property where retail or a restaurant could come in. J. Lopez told the Board that an original concept was commercial, which would be a separate, distinct lot that he would try and market. A. Sypek commented that there are two entrances, but one appears to be in the middle of the curb. J. Lopez said that they were lining it up with access across the way and the sight distance would be reviewed. A. Sypek noted that drainage and the wetlands are a concern for him. He mentioned that if engineering informed them that a bigger capacity culvert was needed, he does not think that the state would dig the road up. He voiced his opinion that he does not have enough information on these issues to come up with a conclusion this evening. J. Lopez mentioned that this project is going to be well in excess of 100,000 SF of disturbance, which would trigger an AOT permit with the state. He said that they will not be able to increase the rate of run-off to get the permit, and if the pipe is a 36-inch pipe, it will have to be designed to work with the 36-inch pipe. A. Sypek asked if this would affect what could be built. J. Lopez replied that was correct. He added that this is the first step, to see if the Board even thinks that a type of project like this would be a good idea. He said that they are proposing 2,900 SF of wetland impact for 149 units, which he thought was a small amount for this type of project. J. Knights commented that he would like to see less density and his main concern is the traffic on Perkins Road. R. Fillio said that he is for this type of project. J. Butler asked how many units are in Vista Ridge. Town Planner Mailloux replied that Vista Ridge has 364 units and Wallace Farms has 240 units, but they are not at full built out. J. Butler stated the biggest issue is traffic. He said that this project is a little too big and echoed the concerns of traffic. He noted that this use might be a good fit, seeing how they cannot get anything commercially. Chairman Rugg stated that they should cut down the number of units and get some commercial in there. He noted that the residents of Vista Ridge will be vocal about this project. J. Knights stated that he does feel that this will fill in the housing gap. D. Paul mentioned a gated community on the border of Revere and Saugus that was built years ago, which was a self-contained, walkable, village that had a beauty shop, daycare, convenience store, apartments, etc. She thought something like that would be a great idea. J. Butler asked why there is not much interest in this commercially. J. Lopez replied that the terrain. He noted that the wetland complex shown on the east today, did not exist for the plan for the Shoppes for Londonderry project, as this was a parking lot, which has further impacted the use of the site.

Chairman Rugg opened up the discussion to the public.

Giovanni Verani, 73 Page Road, addressed the Board. G. Verani noted that there

has been retail interest off and on over the years at this site. He said that when Home Depot came to town, at the time, the town did not want to see anymore big box retail, which is why the POD was passed, to restrict the big box retail. He said that the Shoppes at Londonderry tried to make it work with a smaller footprint at the site, but Woodmont was happening around the corner. He mentioned that this location does not have a lot of interest as everyone wants to be near Exit 4. He offered that this area might not be suitable for commercial, as it has a nice transition from workforce housing, to garden level apartments, into town house apartments. He added that if an industrial building could be put in, he thought it would be sold easily. He said that he did not think that they would want the commercial traffic going through residential traffic to get to the retail.

Town Planner Mailloux clarified that the proposal before the Board this evening is just for residential townhomes. She said that she heard some discussion from members that want retail in the first floor with residential above, which might not be realistic or financially feasible. She asked the Board to answer the question if just residential use would work here, even with all the work that they would need to do, or if they would like it to be a commercial use here. J. Lopez explained that Jean Gagnon builds residential homes and does not develop commercial properties. He said that if there needs to be a commercial component, then there needs to be some out parcels. J. Butler asked what parcel or parcels they are thinking about. J. Lopez replied that the parcels would have to be on Route 28 for commercial in his opinion. Chairman Rugg asked for the Board's consensus. The Board agreed that that the land would be best used for residential. Town Planner Mailloux summarized that the Board would like this to be configured to eliminate any wetland impact and decrease the number of units, which will help achieve the balance.

Mike Speltz, 18 Sugar Plum Lane, addressed the Board. He commented that a common misconception is that this is wasted land, but it is not as it is detaining stormwater and filtering the stormwater. He mentioned that one component of the Master Plan was to keep a rural feel in Londonderry, which should be factored into the decision. He noted that the combination of steep slopes, shallow depth to bedrock, and shallow depth to groundwater is going to be an engineering challenge. He went on stating that because of this, there may be an overwhelming urge to get relief with waivers to the site plan regulations and maybe the zoning ordinance. He urged the Board, since they are starting with a clean slate here, to not compromise on the standards that are in place. He said that if this means fewer units, keeping units out of the wetlands and wetland buffer, then the Board should do this. He stated that he feels the Master Plan is right and it should be a mixed use development. He asked the Board to think twice before abandoning the goal of mixed use here.

## **V. Other**

### **A. Water/Sewer regulations discussion**

G. Verani came back to the Board for this discussion. Town Planner Mailloux started off the discussion noting that when they last spoke the Board was comfortable with the language regarding the changes to the water language of the site plan and



subdivision regulations. She noted that they have spoken to Manchester Water Works (MWW) and Pennichuck Water Works (PWW) and they are both okay with the water language. She stated that to be blunt, the language allows an exemption where determined by the water systems applier to be technically infeasible. She pointed out that nothing is technically infeasible, but rather how much money would it cost to do this. She added that technically if they cannot connect, then this is not a waiver, and they would be exempt. She said that she would like to post this for a public hearing to amend the site plan and subdivision regulations, but said that the question came up regarding if this should also apply to extend the sewer. She said that John Trottier, Director of Public Works and Engineering, is here this evening to discuss this.

J. Trottier said that when Londonderry started building sanitary sewer, the intent was to sewer the commercial and industrial areas throughout the town. He explained that it started at the airport area, then down towards Exit 5, which is all commercial. He said that on the south end of town, there is a forced main under I-93 to a pump station to Gilcreast Road and Route 102 to service the commercial entities. He pointed out that the sewer facilities plan was started in the 1970s and it was never intended to sewer residential areas in town. He said that the average lot size in town is one to two acres, and onsite septic systems are recommended. He said that the only area the town is aware of that is distressed right now would be Winding Pond, noting that hopefully they can tie into the south interceptors that were built two years. He said that they recently updated the intermunicipal agreement with the town of Derry, noting that Londonderry is allotted 2.9 million gallons per day now, but Derry will only allow 500,000 gallons a day. He noted that there might be areas in the south where they might not be able to meet the demands. D. Paul asked who has responsibility in a situation such as Century Village, as they are having problems with their septic system and drinking water. She noted that she is concerned about the bigger developments. J. Trottier replied that with Century Village, the home owner's association has by-laws that have to be followed. D. Paul asked if the town can enforce that. Town Planner Mailloux replied that they have learned along the way from the older developments that there has been a lack of education with what needs to be done for maintenance operations. She went on stating that now they have been requiring how often a septic system should be pumped and maintained written into home owners' associations documents of bigger developments. D. Paul asked if the town can enforce this by putting this into the home owner's association documents. Town Planner Mailloux stated that by having it written into the documents, it gives the town the authority to enforce the covenants and restrictions. She said that if a septic system is in failure, there is a health code violation that needs to be addressed. D. Paul reiterated that her biggest concern is Century Village with water. Town Planner Mailloux explained that they are pursuing a source water protection grant and are completing a septic risk assessment to find particular areas of town that need to be addressed. J. Trottier stated that the conceptual discussion they just heard would need to connect to sewer. G. Verani asked if sewer was put in, would it make sense to put water in at the same time. J. Trottier replied that is correct, but stressed that the town does not operate the water in town. R. Fillio asked if the water and sewer line have to be apart. J. Trottier replied that they cannot be in the same trench. R. Fillio noted that if a septic system fails, the responsible home owner needs to repair

it. J. Butler asked if Century Village fails, are they required to hook up to public services. J. Trottier replied that if it is in 100-feet of connection. G. Verani asked if a home owner cannot fix it, what happens next. Town Planner Mailloux replied that there is a fine system in the Building Department and Code Enforcement. She said that if the Board is okay with the changes to the water language for the site plan and subdivision regulations, she will schedule a public hearing. L. Wiles read from the proposed language and asked when the psi water level was determined. Town Planner Mailloux replied that would be determined before the development comes in. J. Trottier commented that they go out to a fire hydrant and do a fire flow and work backwards to determine the pressure. L. Wiles asked if there is an issue with 35.2 versus 35. Town Planner Mailloux said that in speaking to someone from MWW, they felt that 35 was a good number and gives the town a bit of wiggle room. L. Wiles asked if this was the minimum. Town Planner Mailloux said that it was above the minimum. D. Paul asked what might happen if developer did not hook up to water, as they were 175 feet away, and after development the abutters are having problems with their water. Town Planner Mailloux replied that the Planning Board can require hydrogeological testing to demonstrate that there is a not sufficient water. J. Trottier said that the abutters would have to come together and figure out how to get municipal water to them. Town Planner Mailloux added that would be a civil matter. She said that the Board can require all the studies to be done to make sure they demonstrate the requirements of the site plan, but at the end of the day if something failed or is impacting another development, and is built per the plan, there is not really much else the town can do. Chairman Rugg reviewed Lorden Commons. The Board agreed that they were in agreement to move forward with the amended language to the site plan and subdivision regulations to a public hearing. Town Planner Mailloux said that this would be on the second meeting in November, which would be November 10, 2021.

D. Paul noted that an issue came up at the traffic safety committee meeting regarding speed limit signs. J. Trottier said that someone is complaining that people are speeding on Calla Road and they want the town to put up speed limit signs. He noted that the design criteria for roads in Londonderry is 35-mph. He said that one recommendation that when subdivision is approved, the developer should post the speed limit sign.

## **VI. Adjournment**

**Member A. Sypek made a motion to adjourn the meeting at approximately 8:51 p.m. Seconded by R. Fillio.**

**The motion was granted by a unanimous vote, 8-0-0.**

**The meeting adjourned at approximately 8:51 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Planning Board Meeting

Wednesday 10/13/2021 - APPROVED

  
Name: Al Sypek  
Title: Secretary

These minutes were accepted and approved on November 3, 2021, by a motion made by A. Sypek and seconded by J. Butler.