

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

4  
5           **I. CALL TO ORDER**  
6

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

11  
12 Also Present: Town Planner Colleen Mailloux; Associate Planner Laura Gandia and  
13 Beth Morrison, Recording Secretary

14  
15 Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and  
16 emergency procedures, and began with the Pledge of Allegiance. He appointed A.  
17 Chiampa to S. Benson.

18  
19           **II. ADMINISTRATIVE BOARD WORK**  
20

21           A. APPROVAL OF MINUTES: N/A  
22

23           B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the  
24 Board that she had no projects for their consideration this evening.  
25

26           C. DISCUSSIONS WITH TOWN STAFF:  
27

28 Town Planner Mailloux informed the Board that there are two requests for  
29 extensions tonight. She explained the first request is from Bay Communications,  
30 LLC for the 11 Mohawk Drive cell tower (Map 6 Lot 35-3), noting that a month and  
31 a half ago, they requested a 45-day extension to meet the conditions of approval,  
32 which the Board granted and expires March 22, 2020. She commented that they  
33 have just submitted plans for final engineering review and are asking for an  
34 additional 45-days, which would extend the deadline to May 6, 2020. M. Soares  
35 asked if Town Planner Mailloux thought that was enough time. Town Planner  
36 Mailloux said that more time would not be a bad idea to refrain from them having  
37 to come back to this Board and suggested a 90-day extension. She stated that 90-  
38 days would extend the deadline to June 10, 2020.  
39

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

43  
44           **R. Brideau seconded the motion.**

45  
46           **The motion was granted 7-0-0. The Chair voted in the affirmative.**  
47

48 Town Planner Mailloux told the Board that the second extension request is from The  
49 Meadows of Londonderry at 48 Old Nashua Road (Map 3 Lot 155), which was  
50 conditionally approved in November of 2019. She stated that they have requested a  
51 90-day extension to meet the conditions of approval, noting they submitted plans  
52 for final engineering review.

53  
54 **Member M. Soares made a motion to grant the 90-day extension**  
55 **request to the Meadows to fulfil the conditions of approval until June**  
56 **10, 2020.**

57  
58 **R. Brideau seconded the motion.**

59  
60 **The motion was granted 7-0-0. The Chair voted in the affirmative.**

61  
62 Chairman Rugg told the Board that Tom Doan, one of the Town Council members,  
63 is going to come speak to the Board about state legislation regarding 55+ and older  
64 housing. Town Planner Mailloux noted that there are a number of bills going  
65 through state legislature, some of which will have significant impacts on local  
66 zoning and regulation. M. Soares asked what kind of changes might have to be  
67 made. Town Planner Mailloux told her that one of the bills HB1629 in particular has  
68 a provision in there related to housing. She stated that where a town provides  
69 housing density incentives or has a housing ordinance targeted for 55+ and older  
70 housing, if passed, would then apply to workforce housing starting on July 20,  
71 2021. She explained that if the 55+ and older ordinance allows eight units per acre,  
72 then this would apply to workforce housing, if the bill is passed. M. Soares asked if  
73 she thought the elderly housing density was high. Town Planner Mailloux said that  
74 she does think so, as elderly housing can currently be developed in town where  
75 workforce housing cannot, and that would change. M. Soares suggested that Town  
76 Planner Mailloux present the Board with the amount of land that is available for  
77 either elderly or workforce housing in Londonderry sometime in the future.  
78 Chairman Rugg said that Russ Thibeault will still be in to speak to the Board about  
79 demographics in the state of New Hampshire and Londonderry.

80  
81 **III. Old Business – N/A**

82  
83 **IV. Public Hearings**

84  
85 A. Proposed changes to the Londonderry Zoning Ordinance, Section 5.15.1  
86 Portable Storage Structures in the AR-1 District, 5.15.2 Portable Structures in  
87 Commercial Districts, and 5.15.3 Portable Structures in Industrial Districts as  
88 it relates to provisions concerning placement, length and permitted time of  
89 these structures. The full text of the amendment and changes are available  
90 at the Planning & Economic Development Department the Town Clerk's  
91 Office, and the Leach Library

92  
93 Chairman Rugg read the public hearing into the record noting the Board has been  
94 working on this for a year now. T. DeFrancesco recused himself. Town Planner  
95 Mailloux commented that the Board recommended language that went before the

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

115  
116 Chairman Rugg opened it up to questions from the Board. A. Chiampa asked when  
117 taxes would come into play with a portable storage structure. Town Planner  
118 Mailloux said that if it is rented storage structure, it absolutely cannot be taxed, but  
119 asked R. Brideau how he would handle this if it were to be there permanently. Rick  
120 Brideau, Town Assessor, said it would be taxed as a shed if it was owned by the  
121 property owner. C. Davies asked about a time frame. Town Planner Mailloux said  
122 that a special exception runs with the applicant, not the property as a variance  
123 does, so if the applicant were to move, the special exception would no longer apply.  
124 J. Butler asked about the plastic green storage unit would be a portable storage  
125 structure. Town Planner Mailloux said it does not fall under the portable storage  
126 structure.

127  
128 Marc Fortin, 574 Mammoth Road, addressed the Board. M. Fortin told Town Planner  
129 Mailloux and the Board that he thought this was an improvement from the last  
130 draft. He asked what the time frame would be for someone to request a special  
131 exception. Town Planner Mailloux told him the ZBA meets monthly. M. Fortin said in  
132 his opinion he would like some sort of temporary relief if a resident needed storage  
133 quickly, but would not be at the ZBA meeting for a month. He asked if a resident on  
134 a farm or a 40-acre parcel would have to ask for a special exception from the ZBA.  
135 Town Planner Mailloux told him that anyone in the AR-1 district has to go before the  
136 ZBA for a special exception for a portable storage unit. M. Fortin said he thought  
137 there should be an exception if it was a property that had 40 acres, like a farm. He  
138 added that he would like to see an exception for a larger container. Town Planner  
139 Mailloux told him that if a resident needed a larger container, they would ask for a  
140 variance on top of the special exception. Chairman Rugg noted that if this language  
141 changes, the Board would have to have another public hearing and prolonging this  
142 even further before it could go to Town Council. M. Soares said that she would not  
143 feel comfortable adding that language. She also noted that there are many

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

150  
151 Tony DeFrancesco, One Cheshire Court, addressed the Board. T. DeFrancesco said  
152 that he thought this language was good and fair to everyone. He restated that he  
153 thought the ZBA was the best scenario as it would be fair to everyone. He added  
154 that if someone were to need a portable storage unit quickly, it is already covered  
155 in the ordinances now.

156  
157 Chairman Rugg brought the discussion back to the Board.

158  
159 **M. Soares made a recommendation the proposed changes to the**  
160 **Londonderry Zoning Ordinance, Section 5.15.1 Portable Storage**  
161 **Structures in the AR-1 District, 5.15.2 Portable Structures in**  
162 **Commercial Districts, and 5.15.3 Portable Structures in Industrial**  
163 **Districts as it relates to provisions concerning placement, length and**  
164 **permitted time of these structures to the Town Council.**

165  
166 **R. Brideau seconded the motion.**

167  
168 **The motion passed, 7-0-0. The Chair voted in the affirmative.**

169  
170 **V. Other** – Chairman Rugg thanked M. Soares for her 16 years of service on  
171 the Board for all her contributions noting that she will be missed.

172 **VI. Adjournment**

173  
174 **Member M. Soares made a motion to adjourn the meeting at**  
175 **approximately 7:37 p.m. Seconded by R. Brideau. The motion was**  
176 **granted, 7-0-0. The meeting adjourned.**

177  
178 These minutes were prepared by Beth Morrison.

179  
180 Respectfully Submitted,

181  
182 \_\_\_\_\_

183 Name: \_\_\_\_\_  
184 Title: \_\_\_\_\_

185  
186 These minutes were accepted and approved on April 1, 2020, by a motion made by  
187 \_\_\_\_\_ and seconded by \_\_\_\_\_ c