

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF September 8, 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; Ann Chiampa, member; Jeff Pena, member; Bruce Hallowell – Administrative Official - Ex-officio; 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 Amy Kizak, Comprehensive Planner/GIS Manager

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.

II. ADMINISTRATIVE BOARD WORK

- A. APPROVAL OF MINUTES: N/A
- B. REGIONAL IMPACT DETERMINATIONS: N/A
- C. Discussion with Town Staff

Town Planner Mailloux informed the Board that there is one extension request this evening to satisfy the conditions of approval for Sheffield Estates. She noted that this was conditionally approved on May 12, 2021. She said that the applicant has made progress and submitted a plan for final engineering review with only one outstanding item, which is the Alteration of Terrain (AOT) permit. She stated that they are asking for an additional 90-days, which would give them until December 8, 2021.

A. Sypek made a motion to grant the request for an extension to meet the conditions of approval on a previously approved site plan for an elderly housing development with 44 townhouse units and associated site improvements, 8 Gilcreast Road, Map 7 Lot 105, Zoned AR-1, 81.5 Kendall Pond Road, Derry Tax Map 0217-6, and 83.5 Kendall Pond Road, Derry Tax Map 0217-7, N.H. Sustainable Communities, LLC (Applicant) and Property Possible, Inc. (Owner) until December 8, 2021.

J. Butler seconded the motion.

The motion passed, 8-0-0. The Chair voted in the affirmative.

III. Old Business – N/A

IV. New Plans/Public Hearings/Conceptual Discussions -N/A

V. Other

A. Groundwater Protection– Pierce Rigrod, NHDES

Town Planner Mailloux started off the discussion by stating that last month the Board was presented some information on the model ground water ordinance from the state. She said that they thought it would be great to have Pierce Rigrod from the state come and talk to the Board about this information.

Pierce Rigrod, Supervisor, NHDES, Source Protection Program, introduced himself to the Board. P. Rigrod reviewed the presentation with the Board, which is attached hereto. He informed the Board that this document was designed roughly 15-years ago. He started by stating that most people are unaware how their public water supplies in New Hampshire are protected. He discussed the DES model ordinance noting that it is an Overlay District for zoning, limits a few high-risk uses, establishes performance standards for other uses and includes guidance, citations, resources, as well as information. He commented that about 106 (45%) of the state's municipalities have adopted aquifer and/or groundwater protection zoning districts. He reviewed some common chemical substances that can lead to the contamination of ground water. He mentioned that there are common laws that allow reasonable water use by property owners, as well as standards in the state about quality of water and drinking water standards. He pointed out that there are no state standards regarding private wells. He explained some statutes in the state and how they relate to protecting ground water. He pointed out that the 2015 model ordinance by the state was to protect public health, meet and maintain ambient ground water quality standards and achieve a sustainable water supply. He stated that there are certain activities that increase the risk of potential contamination, such as chemical spills, spreading or spraying, urban cover, contaminated stormwater and poor management. He noted that major contamination results in significant costs and reviewed the superfund site, Savage Well in Milford. He reviewed a variety of land uses that may affect groundwater like new pavement, spills at fuel stations, untreated wastewater, pesticides, illicit discharges to dry wells and poorly managed agriculture. He recommended that zoning language should refer to well head protection areas (WHPAs) as defined by NHDES and stratified drift aquifers defined by USGS. He stated that the model ordinance aims at prohibiting high risk uses, which are hazardous waste disposal sites, solid waste disposal site, outdoor road salt, salvage yards, snow dumps, wastewater or septage lagoon, petroleum bulk plants and gasoline stations. He said that on-site Best Management Practices (BMP) inspections can help to enforce performance standards when adopted into a local groundwater/aquifer protection district. He gave some examples of source controls, such as having a covered fuel island, having a loading dock with an overhang, and having material covered with

plastic sheeting to prevent contaminants from leaching out. He reviewed some other planning tools, not in the model, such as an open space subdivision versus a conventional subdivision. He noted that parking lots are often underutilized and can be minimized with better site design techniques. He commented that salt is a big issue in New Hampshire and the last four years show a significant increase in sodium chloride in public water supply. He said that a town can plan development to maximize clean recharge and minimize contaminants to protect public health. He added that contamination limits growth, is expensive and can result in long-term community liabilities. He mentioned that most residents who have private wells are not testing their wells and they can be exposed to arsenic, which can have serious health impacts with long-term exposure. He recommended that residents with private wells should test their wells every three to five years for contaminants and treat it if contaminants are found. He reviewed a slide showing the Department of Health and Human Services (DHHS) lab data with the Board. He discussed the Source Water Protection Program noting that it has been around for 15-20 years, which provides guidance, training and financial assistance. He went on stating that they have source water grants, of which there is a deadline coming up on November 1, 2021, noting the money can be used in a variety of ways. He added that they also have money for land conservation. He concluded his presentation and asked if the Board had any questions.

Chairman Rugg asked if the Board had any questions. J. Penta asked who enforces the ordinance in towns that have implemented it. P. Rigrod replied that the state works with the code enforcement officers and offer training for about 200 water operators that work for public water systems. He went on noting that the cost is a legitimate issue for small community systems. J. Penta asked if the grants he mentioned before could be used to offset some of the cost of implementing the ordinance. P. Rigrod responded that the state tends not to fund operating budgets, but rather grants to help with the program. L. Wiles asked if the rainy weather we have experienced this summer affects the water quality. P. Rigrod replied that he is not a hydrogeologist, but believes the water quality might be affected for private wells. L. Wiles asked how consistent other neighboring states, such as Massachusetts, Vermont and Maine, and the province of Quebec, are aligned with New Hampshire practices. P. Rigrod answered that each state has its own regulations, but source protection has a fairly standard tool kit on how to protect the quality of drinking water. He noted that he believes New Hampshire has a much more locally active protection effort than many states in the region. D. Paul thanked him for his presentation this evening and asked him where the starting point would be for Londonderry to implement this and how long it would take. P. Rigrod replied that based on his experience, it would start at the Planning Board level to start drafting the ordinance noting that could take one year to two years. He added that public education during this time is also important. D. Paul asked if his organization would help Londonderry. P. Rigrod answered that they will help communities as much as they can with technical assistance. A. Sypek asked how a community would know if an aquifer was shrinking or expanding, given the statement from the presentation about not drawing hard lines around aquifers. P. Rigrod replied that the way USGS delineates the lines is by looking at the material,

such as the boring holes in the ground, noting that these boundaries generally do not change. A. Sypek asked if P. Rigrod had any experience or heard of any aquifers that went dry or decreased in size. P. Rigrod responded that he has not heard of any such aquifers, as he is part of a hydrology conservation group, which is much more tuned into wetland wells and public water sources that are having problems with water levels dropping. He added that there is not a lot of data on water levels in aquifers. G. Verani asked for him to define a snow dump. P. Rigrod replied that it is when a town takes snow from parking lots or other areas and places it one big spot. G. Verani asked if there is a trade off or solution to the proposed parking areas with more landscaping that might need irrigation versus the old parking areas with more impervious surface. P. Rigrod replied that there is a field of study called xeriscaping, which is the practice of designing landscaping to reduce or eliminate the need for irrigation. R. Fillio asked if surface water, water run-off and ground water are defined the same way or if they are different from each other. P. Rigrod replied that there are legal differences between the way they are managed, controlled and protect surface water from ground water. He said that surface water has more of a focus on storm water these days, as it has been identified as the leading cause of degradation of water quality. He commented that for ground water you are talking about a facility and their operations. J. Butler asked for the alternative to a snow dump. P. Rigrod replied that one way is by creating smaller parking lots, but did recognize that there are towns where a snow dump might be needed. He discussed low salt practices and using brine. J. Butler asked how many municipalities have adopted the green snow program. P. Rigrod answered that he does not know, but he believes there are a few hundred operators. J. Trottier mentioned that all the drivers for The Department of Public Works and Engineering (DPW) have gone through the green snow program. J. Butler asked if there would be grant money to help the town put a committee together. Town Planner Mailloux replied that she would need to look at the committee charge to determine what could be absorbed with current staffing and what would need to be outsourced. A. Chiampa asked how chemicals such as PFAs flew under the radar for so long and if their model ordinance in 2015 contributed to this as well. P. Rigrod replied that over time as one high profile event of a community's water supply was contaminated, these new ordinances and laws started to be adopted to protect water resources. He said that some version of this ordinance has been around for nearly 20 years. Chairman Rugg added that there is more sensitive testing now than three to four years ago.

Deb Lievens, member of Conservation Commission, addressed the Board. D. Lievens asked if Southern New Hampshire Planning Commission (SNHPC) could get started with something like this. Chairman Rugg said that he can ask and see what could be done.

Mike Speltz, member of Conservation Commission, addressed the Board. M. Speltz asked if the town's that have taken a more stringent approach to requiring infiltration that goes beyond the state's requirements have been successful and have they experienced any push back. P. Rigrod replied that he does not have a

specific answer to this question, but believes that the 45 communities that are under the MS4 program would have ordinances. He asked if Londonderry was a part of the MS4 program. Town Planner Mailloux replied that Londonderry is a part of the MS4 program. P. Rigrod asked if there was an ordinance about storm water. Town Planner Mailloux replied that there is a storm water ordinance. P. Rigrod asked if it requires on-site infiltration measures. J. Trottier replied that Londonderry does not yet, noting it was still a couple years away for a low impact development (LID) in town. He said that this is always a balancing act as NHDES requires infiltration, but if the infiltration does not work, there is excess surface water.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin thanked P. Rigrod for his time and information this evening. He stated that he believes a town committee should be formed and thought that this could be done with volunteers. He mentioned that he would like to see this information presented to the schools in town to get the children involved. J. Penta agreed that trying to get children in the schools involved is a great idea.

B. Capital Improvement Plan Presentation

Chairman Rugg told the Board that they are responsible by statute for the Capital Improvement Plan (CIP), which covers a six year period. A. Kizak commented that the CIP document is a six-year financial planning advisory document to help guide the Town Council, School Board and Budget Committee in the budgeting process. She added that it also helps to inform the public on land improvements. She said that since the Town Council passed the Taxpayer Relief Act 2020, there were no town projects submitted. She noted that this resolution states that there shall be no town-side projects prior to the fiscal year 2024. She pointed out that in addition, with the COVID pandemic ongoing, it impacted the school for the completion of the school facility ten year master plan. She said that the projects and priority rankings from the 2022-2027 CIP were carried forward and moved out one year. She emphasized that these school projects are placeholder projects only, which gives the school district a chance to finish the schools facilities master plan, so they will have a better understanding of their needs for future CIP plans. She asked if the Board had any questions for her.

Chairman Rugg opened up the discussion to the Board. J. Penta asked what has been accomplished with the schools' facilities master plan and when it will be finished.

Peter Curro, Business Administrator, addressed the Board. P. Curro replied that an assessment of the buildings as they exist has been completed. He asked if the Board received the power point he presented to the CIP Committee. A. Kizak replied the Board did not, but she would email them. P. Curro noted that the power point A. Kizak will email them points out the deficiencies that were noted in the buildings as they exist today. He mentioned that in his opinion, one question that needs to be answered before they go forward is in relation to the kindergarten

program, as that affects all the schools. J. Penta asked when he thought this decision would be made. P. Curro replied it would take several workshops with the Board and parents input. J. Penta asked about district wide renovations. P. Curro answered that back in the 90s they doubled the size of the middle school, but did not address the core of the building, and this is part of the district renovation plan. He mentioned that right now there are two projects they are working on that are facility based. He said the first one is to convert the fixtures to touch less and an HVAC project. J. Penta asked if these two projects would need to be reflected in the CIP document. Town Planner Mailloux replied that they will be, but until the facilities master plan is completed, they do not know the dollar figure of the projects, so the projects in the CIP are carry overs from last year. She added that the reason they are not saying there is no CIP this year, is because they do not want to give the false impression that all the facilities are good with no projects on the horizon. She went on noting that is why they kept last years projects as placeholders, stating that both the descriptions and the numbers are not correct, as the school district is still working on it. She said that they did not want to zero things out and give the impression that there are no needs. A. Kizak added that is why the descriptions of the projects are no longer in the document, but are just placeholders until the school district knows what it needs in the future. P. Curro informed the Board that a member of the School Board, Bob Slater, has received the School Board's permission to accelerate the construction of a new district office. He noted that this piece has been taken out of the ten year plan and accelerating it all by itself, with the idea that this can be fast tracked with a structure, plan and funding in place for the March town vote. He stated that since the interest rates for schools and municipalities is around 2%, the annual bond payments would be slightly higher than the current lease payments for the school district office. J. Penta voiced his opinion, that he likes that this part is accelerated as he feels that it is important. D. Paul asked about the number that was calculated for the kindergarten project, specifically it this is just building costs or adding more teachers. P. Curro replied that he believes this number is just related to construction cost, as it is a CIP document, so the operating cost would not be included yet. He added that the main issue with full day kindergarten is classrooms because with a full day requirement, they would need gym, library, cafeteria and kitchen. D. Paul asked how much money the school district received for COVID funding and if it was used, what did they use it on. P. Curro answered that the total amount received was \$3.8 million and noted that on the September 21, 2021 School Board meeting there is an agenda item related to COVID funds. He said that they have used monies for air filters, as each class now has a HEPA filter, and they did do some HVAC work with the other two ESSER grants. He said that they also added three custodians at each elementary school for the sole purpose of sanitizing the buildings. D. Paul asked if he could tell her how much money was spent towards HVAC. P. Curro replied that they are about two weeks away from what the HVAC project will look like. D. Paul asked when the last time the fields were done in relation to the high school gym and turf field project. P. Curro responded that they do annual work on the fields, but the project itself is about finishing the gym, as the parking lot that is currently there to the left of the gym was supposed to be a multi-purpose room. D. Paul asked why the cost of the new SAU office project states \$4 million, when at the meeting it was \$2.5 million. P. Curro replied that the \$4 million

figure is for a standalone building. Town Planner Mailloux reiterated that these are just placeholder projects at this point in time. She stated that the number will not be changed in the CIP document, as the committee has made a recommendation recognizing as it is written here that all of these projects are placeholders, with the descriptions and numbers not being real, until they receive this information from the school district. P. Curro noted that the numbers will be available by January 11, 2022. D. Paul commented that she is struggling with the population buildout number and how to deal with 13,000 more people on the road, when it is already congested. Town Planner Mailloux replied that is from the master plan. D. Paul mentioned that does not mean it is correct and asked for this to be reexamined. Chairman Rugg pointed out that this number has come down from where it used to be, noting that it is based on available land to be developed. D. Paul commented that she is concerned about having 37,000 residents in Londonderry, noting that is more than Derry. Town Planner Mailloux clarified that the number of residents is not a goal to reach. D. Paul remarked that she understands that, but said that she hears from many people the phrase, "but it says in your master plan." Town Planner Mailloux reiterated that it does not say that Londonderry wants to achieve a population of 37,000 in the master plan. D. Paul interjected that it says that Londonderry can handle that many residents. Town Planner Mailloux stated that the master plan does not state that. R. Fillio asked if Moose Hill School was built to have a second floor. P. Curro replied that Moose Hill was built to be a middle school, but a kindergarten cannot have a second floor. P. Curro asked the Board to look at the rating sheet, noting the public safety language, stating that this language is good for the town, but the school system deals with education. Chairman Rugg informed the Board that there will be a public hearing on the CIP plan on October 6, 2021.

C. Growth Management Update

Town Planner Mailloux told the Board that when Londonderry had a growth management ordinance in place, annually the growth in Londonderry was compared to growth in surrounding communities, which served to determine if the ordinance would be triggered and building permits would be restricted. She noted that this ordinance has not been used for three years now. She pointed out that instead, the Board is provided with an update on the number of residential building permits in Londonderry compared to surrounding communities. She reviewed the numbers with the Board stating that in 2020, there were a total of 123 new residential units constructed in Londonderry. She said that 97 of those were for single-family residential units, six for two-family residential homes and 15 were accessory dwelling units. She commented that there were no permits for multi-family residential units in 2020. She mentioned that most of the growth was from Cross Farm, Catesby Lane and Lorden Commons. She stated that the growth rate was 1.25% in 2020, which was a decrease of 1.49% from the previous year. She remarked that Litchfield and Auburn had slightly higher rates of residential growth in 2020 than Londonderry, but overall the region saw a decrease in the residential growth rate in 2020. D. Paul asked if most of the homes that Town Planner Mailloux mentioned were 55+ and older. Town Planner Mailloux replied that she would need

to look and see how many out of the 97 new residential homes were Cross Farm, but guessed that it could be 50%.

VI. Adjournment

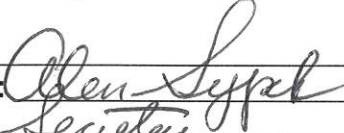
Member A. Sypek made a motion to adjourn the meeting at approximately 9:45 p.m. Seconded by B. Hallowell.

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

The meeting adjourned at approximately 9:45 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: 
Title: Secretary

These minutes were accepted and approved on October 6, 2021, by a motion made by A. Sypek and seconded by J. Butler.