

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF November 10, 2021, AT THE MOOSE HILL COUNCIL CHAMBERS**

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

Members Present: Members Present: Art Rugg, Chair; Al Sypek, Secretary; Jake Butler, Assistant Secretary; Lynn Wiles, alternate member; Ann Chiampa, member; Deb Paul, Town Council Ex-officio; Jason Knights, alternate member; and Bruce Hallowell (arrived at 7:05 p.m.)

Also Present: Town Planner Colleen Mailloux; John Trottier, Director of Public Works and Engineering; José Lovell, Town Engineer; 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 J. Knights to vote for J. Penta and L. Wiles to vote for C. Davies open position.

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

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

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

1. Application for a site plan amendment to merge two existing lots (Map 15 Lot 22-1 and Map 15 Lot 23-2) and construct a mixed use commercial and residential building with associated site improvements, 215 Rockingham Road, Map 15 Lot 23-2, Zoned C-II and RTE 28 POD and 217 Rockingham Road, Map 15 Lot 22-1, Zoned C-II and RTE 28 POD, V&W Investment Group, LLC (Owner & Applicant)

**Member A. Sypek made a motion to find this project is not of regional impact.**

**J. Butler seconded the motion.**

**The motion was granted, 8-0-0. The Chair voted in the affirmative.**

#### **C. Discussion with Town Staff:**

John Trottier, Director of Department of Public Works and Engineering, and Ken and Kim Taralli, from Nine Sherwood Drive in Londonderry. J. Trottier gave the Board some background, noting the Taralli's live downgradient from Braeburn Drive. He added that Braeburn Drive is a nine lot subdivision off High Range Road. He reviewed the Taralli's parcel on the screen with the Board. He noted that construction of the subdivision commenced in the spring of 2020, and all the

stormwater flows from the north to the southeast, towards Nine Sherwood Drive and 11 Sherwood Drive. He explain that for stormwater design they look at pre-development, which is the condition of the lot as it existed prior to any construction occurring and post-development. He pointed out that pre-development flow cannot exceed post-development flow. He went on noting that the detention pond was designed in accordance to the town regulation. He stated that the post-development analysis was done, unfortunately, the water flows to the left and impacts the Taralli's property. He said that K. Taralli reached out to staff when he noticed there was a problem. He told the Board that he walked out on the site in August. He commented that they have been trying to reach the developer since August to resolve the issue and this past week have made some progress. K. Taralli mentioned that the parcel before it was developed into the Braeburn Subdivision was a 17-acre parcel used by the Federal Airport Authority (FAA) in the past, noting that it is the highest point and everything would flow south. He stated that he has a concern that the developer put more effort into where the water was going to drain. He said that when they starting their excavation, the slope is even steeper and the detention pond is at the bottom of this. He said that there is swale coming in from the west, a 300-foot pipe from Braeburn underground and a swale from the east that all feed into the detention pond. He commented that the swale from the east concerns him and he does not know where the water is being pumped. He voiced his opinion the developers knew where the water would go and they designed it to syphon off the detention pond on the east side and go down the slope to his property. He stated that he thought drainage rights would need to be secured before sending water across private property. He said that he has videos of water coming down on his property and he is worried about erosion killing the trees and sending the trees towards his house. He stated that the water comes off Braeburn to his neighbor at 11 Sherwood Road and then to his property. He mentioned that he had his land surveyed by Eric Mitchell again and on the west side of his property the ground is so wet he has not been able to mow his lawn around the pool for two years. He added that the water is still there and saturated, even without rain. He asked for help to get a resolution. Chairman Rugg asked if there was a solution. J. Trottier replied that the best solution would be to find an area where the water will flow and stay in a swale to help the stormwater flow. K. Taralli said that he is okay with Eric Mitchell's office surveying the land, and he would like three or four different alternatives. He stated that the only solution he has heard is that the water has to go down across his property, which would mean digging a swale, and dropping trees. He commented that the solution should not be having the water flow to abutting properties to adjust their design that did not work. J. Butler asked if there was a way to not impact K. Taralli's property. J. Trottier replied that ultimately the water needs to discharge somewhere and they have looked at alternatives, such as increasing the size of the pond. J. Butler asked if they need to just slow it down. J. Trottier responded that was correct. L. Wiles asked what it looks like down grade from the Taralli's property. J. Trottier replied that there is a cross culvert at Sherwood where it drains to a substantial wet area. L. Wiles asked if it drains directly to the wetlands. K. Taralli said that it goes right across the street, as his driveway is the low point. D. Paul asked what stage the development is at. J. Trottier replied that they have five homes built and occupied. D. Paul asked how many more homes are to be built. J. Trottier answered four homes left to be

constructed. A. Chiampa asked if anyone was in the lot above the Taralli's. K. Taralli replied that no one does and reviewed the land. L. Willes asked what recourse someone has when the assumptions that were made are incorrect. J. Trottier replied that there is a note on the plan that states if it is designed wrong to not construct it until it is resolved, which is where they are now. J. Butler commented that it sounds as if everyone is working to resolve this without any push back from the developer. J. Trottier acknowledged that it took a while to get things going, but now he would agree. He added that he understands the Taralli's frustration. K. Taralli stated that there has to be accountability, especially if two or three years down the road and the solution does not work. He said that the priority should be the abutter and tax paying resident, not the developers. He expressed his opinion that no more construction should be happening until this issue is resolved. Chairman Rugg noted that the Planning Board does not have the authority for enforcement, but to work with staff and the Building Inspector. D. Paul asked if there was a time line from the developer for this resident, as she felt this should be acted upon rather quickly. J. Trottier replied that they have assurances from their legal counsel that they have elevated this to make it a priority. D. Paul reiterated that she would like a firm date for the homeowner and feels this should not be tolerated to send a message to other developers that the town takes this matter seriously. She added that she would like the Board to be updated at the next meeting to see where this is headed. J. Trottier said that he thinks that is a fair request. A. Chiampa asked to see the topography. J. Trottier replied that he would be happy to review the plans with her. Chairman Rugg asked for an update at the December 1, 2021, meeting.

### **III. Old Business – N/A**

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

- A. Non-binding review and conceptual discussion of a site plan for the construction of a 4,320 SF warehouse and 1,500 SF office space building and other associated site improvements, Two Kitty Hawk Landing, Map 17 Lot 5, Zoned IND-I, Outdoor Pride (Applicant) and SWCE Holdings, LLC (Owner)

Chairman Rugg read the case into the record noting that this is a conceptual discussion only this evening. Jason Hill, P.E., TF Moran Inc., 48 Constitution Drive, Bedford, Nh and Mark Aquilino, owner of Outdoor Pride Landscaping Inc., 500 Harvey Road, Manchester, NH, addressed the Board. M. Aquilino told the Board that the business is 33-years old, he grew up in Londonderry and they have been in Manchester for 25-years. He said that his business is a full-service landscaping business, mostly serving the clients around the airport. He commented that they are excited to build something that is sustainable and will keep up with their needs. J. Hill informed the Board that the parcel a little over an acre and half in size in the Industrial zone and is a permitted use. He mentioned that the lot has sat undeveloped for about a decade, noting it is a graveled with a ledge cut on the north side. He stated that a few years ago SW Cole received site plan approval for an office and lab facility, but that has not been constructed. He said that they are

on sewer and water. He reviewed the proposal stating that they would like a 1,500 SF office in the front with a 4,300 SF warehouse/maintenance shop with four bays with garage doors. He went on stating that there will be a large lay down area for fleet and equipment storage and four covered aggregate bays for loam, mulch, salt, etc. He noted that they handle snow management, so they are proposing a brine storage tank on site. He added that the brine is made on site and trucks are filled at the brine silo. He pointed out that there is no proposed retail sales component on site. He mentioned that they are proposing a six-foot chain link fence around the lay down area with a swing gate for access. He said that the drainage system will be designed in the future depending on soils. He said that the building is metal and fairly attractive for the industrial zone. He reviewed some proposed landscaping with the Board. He said that there is limited traffic and they would submit whatever is needed for this project.

Chairman Rugg opened up the discussion to the Board. He asked if there were any building renderings. Town Planner Mailloux replied that she does not have any and asked J. Hill if he had any with him. M. Aquilino passed out a rendering (Exhibit 1) to the Board, which is attached hereto. A. Chiampa asked if there was a picture of the building. Town Planner Mailloux replied that there is no existing building on the site now. Town Planner Mailloux recommended that the Board give input on screening and landscape screening as there is a 50-foot residential buffer to an abutter across the street. She said that the Fire Department will need to have access to the swing gate that is proposed. J. Lovell pointed out that the gravel might be a concern at this site. He stated that it is different than the BobCat site the Board heard recently, as that was for outdoor storage where the vehicles are new and only on display, and here it will be loaders driving around as well as fleet storage. He said that he is concerned about the gravel with all the activity. He asked how big the fleet would be. M. Aquilino replied that no more than 20 to 25 vehicles, and as far as equipment it might be 30 to 40, but he noted that the equipment just comes back for service. J. Lovell noted the New Hampshire Department of Environmental Services (NHDES) considers fleet storage to be a High Load Area. Chairman Rugg asked if J. Lovell recommended asphalt. J. Lovell gave an example of Trimmers Landscaping, noting that they are fully paved. He said that asphalt would be better in this scenario from a water quality and environmental standpoint. J. Hill mentioned that the drainage system is yet to be designed and said they are proposing catch basins with oil/water separators. He added that he anticipates that the lot is overburdened and would be no aquifer zone, but rather bedrock. He said that the gravel will be compacted and can be re-graded as needed. J. Lovell asked if the repair bays would include oil/water separators. J. Hill replied that it would depend as the fluids are not changed in the bays, but more blades. He said that if one is required, it would be external and they would tie into the sewer line. J. Lovell said he spoke to the sewer department today and they will require an oil/water separator for the repair bays. He noted that he had a chance to look through the test pits from the previously approved site plan that was never executed and the ledge is fairly shallow, so there will probably be blasting, which can create fissures in the rock, potentially infiltrating to an aquifer if there is in fact one there. He asked if they would have any secondary containment for the brine silo. J. Hill answered that he has not looked into the state and federal

regulations yet, but he does not anticipate the need. J. Lovell pointed out that there are a number of easements on the site and asked them to consider them with the design. A. Chiampa stated that she agreed with J. Lovell that it should be pavement instead of gravel for the parking area. J. Hill reviewed the parking area with the Board. A. Chiampa added that the pavement should go to the garage doors for the trucks coming and out of that area. J. Lovell asked if the large detention pond on the site to the west of the proposed site was being considered at all for the stormwater. J. Hill replied that he would have to look into this. Town Planner Mailloux said that there is an existing easement that benefits the Tow Kitty Hawk property and that the previously approved site plan was having the water go across the street into this existing drainage easement. J. Hill thanked them for this information. A. Chiampa asked about snow storage. M. Aquilino replied that most of the equipment is off site during snow storms, but they would utilize the east side of the property for snow storage. J. Hill added that it would be on the gravel along the side of the fence. D. Paul asked if the vehicles are washed on site and if so how they would handle the chemicals. M. Aquilino replied that washing the vehicles typically happens outside and the only chemicals being taken off the vehicles would be rock salt. D. Paul asked if the chemicals they use to treat lawns would be stored here. M. Aquilino replied chemicals would be stored in the warehouse. D. Paul mentioned that blasting creates a lot of arsenic in the water and she is concerned about this. She said that she is concerned about the gravel and asked them to reconsider having some sections paved. L. Wiles asked what the requirement is for parking in regards to pavement. Town Planner Mailloux responded that parking lots and driveways are required to be paved. She went on noting that outdoor storage areas do not have a pavement requirement, and they can be on gravel. She commented that there is a gray area with some outdoor storage, as there can be fluids or oils, and it would be preferred to be on pavement. She said that the Board can recommend more pavement for the outdoor storage. L. Wiles asked how tall the brine storage tank would be. J. Hill replied that they have not finalized it. L. Wiles asked if it would be lower than the height of the building. M. Aquilino replied that he believes the brine storage tank would be as tall or even with the proposed building. L. Wiles asked if the brine silo needs to be so close to the warehouse. M. Aquilino replied that it does need to be close, as the process they use to make it is why it needs to be on site. A. Sypek asked where the run-off from the water from washing the vehicles would go. J. Hill replied that the outdoor storage area would be on an impervious surface of compact gravel and drained into catch basins which have an oil/gas trapping device. He said that the water is filtered, like a bioretention area, to take the pretreated runoff and further treat it before it is discharged. A. Sypek asked if they wash the vehicles with pressure washers. M. Aquilino replied that is correct. A. Sypek voiced his opinion that he would prefer asphalt. J. Knights asked how tall the storage bays would be. J. Hill replied about 20-feet. J. Knights asked if they would be covered. J. Hill replied that is correct. J. Knights asked if they thought of any screening. J. Hill said that there is a potential to plant something that would grow over time, such as arbor vitae. B. Hallowell recommended that everything to the left of the trailer pad be paved and everything to the right can be the yard storage area. He added that it would be advantageous to take some of the design elements from the fire station next door to make the two parcels complementary. J. Butler asked for 30 Industrial Drive to be brought up

on the screen. He reviewed the parcel with the applicant and gave his recommendations. Chairman Rugg pointed out that the Board's main concerns were regarding the pavement. He said that the design should be fluid to the neighborhood, noting the area is a blend of all the zones. He added that the Heritage Commission likes earth tones and asphalt roofs.

**V. Other**

A. Public hearing on proposed changes to the Londonderry Site Regulations section 3.05 Water System, and the Londonderry Subdivision Regulations section 3.06 Water System. A full copy of the proposed amendments can be viewed on-line or during business hours at the Planning & Economic Development Department and at the Town Clerk's Office.

Chairman Rugg read the case into the record. Town Planner Mailloux reviewed the proposed changes with the Board. She said that there are other water issues that will be coming in the future, but this is the first step. She said that she has not received any public comment since it has been posted.

Chairman Rugg opened up the discussion to the Board. B. Hallowell commented that this is a personal issue of his especially navigating future developments in town. He said that he is in favor of the development of a water system in the town in the future. He added that the Fire Department is okay with the language. He thanked staff for working on this. J. Knights echoed B. Hallowell's comments. D. Paul mentioned that she has concerns about adding more public water in the town because it could allow higher density. Town Planner Mailloux interjected that having a municipal water supply alone would not increase density, but rather you would need both sewer and water. D. Paul mentioned that the wells of new developments should be tested and the results should come to the town. She noted that if the wells test positive for PFOAs, the developer should put in the filtration system in. Town Planner Mailloux noted that well testing is through the Building Department. She asked if D. Paul was asking for something in the subdivision regulations that requires up front well testing for approval. She said that she would have to get back to her on the logistics of how this would work, noting it would be added to something else, but not part of this public hearing this evening. A. Chiampa said that she is concerned about extending the water line might open Londonderry to larger and denser developments. She asked why the state subdivision approval number was deleted and asked if something else was substituted for this. Town Planner Mailloux replied that it is not relevant to the site plan regulations. A. Chiampa reviewed a typographical error on line A.

Chairman Rugg opened up the discussion to the public.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin said that he feels that this is a good step in the right direction. He said that the New Hampshire Department of Environmental Services (NHDES) has \$25 million for PFOAs for the whole state of New Hampshire. He said that there are well head protection areas that are now contaminated. Chairman Rugg said that he believes that the Board has the same concerns, but would like to stay on topic.

Tom Estey, Nine Old Nashua Road, addressed the Board. T. Estey asked why there is not a bigger push to hook up to sewer, when over the next twenty or forty years all the septic system leach into the ground and contaminate the water. Chairman Rugg replied that he felt this was a better issue for the Town Council. He said that John Trottier, Director of Public Works and Engineering and Bob Kerry, Environmental Engineer, would also be a good point of contact. T. Estey noted all the developments that have recently been constructed around his property, such as Old Nashua Road, Cross Farm and Young Road. Town Planner Mailloux pointed out that Young Road is going before the Zoning Board of Adjustment (ZBA) next week and stated that it would probably be coming back to this Board for site plan approval; therefore, the Board should not comment on it. D. Paul informed T. Estey that he can go before the ZBA to speak his concerns. T. Estey asked why they are going before the ZBA. Town Planner Mailloux replied that they are asking for a variance to increase the density to have additional units. She reiterated that this is not a discussion for the Planning Board and offered to follow up with him on Friday. Town Planner Mailloux informed the Board that working with Marge Badois, Chair of Conservation Commission and Mike Speltz, alternate member of Conservation Commission, they submitted a grant application to NHDES for their source water protection grant. She said that she believes that the grant is compelling and a pilot program.

Chairman Rugg brought the discussion back to the Board as there was no further comment.

**Member B. Hallowell made a motion to adopt the proposed changes to the Londonderry Site Regulations section 3.05 Water System, and the Londonderry Subdivision Regulations section 3.06 Water System .**

**J. Knights seconded the motion.**

**The motion was granted, 8-0-0. The Chair voted in the affirmative.**

L. Wiles said that the household hazard waste is this Saturday behind the fire station. He said that this is an important step as a household. A. Sypek asked what cannot be accepted. L. Wiles replied latex paint, fluorescent light bulbs and waste oil.

## **VI. Adjournment**

**Member A. Sypek made a motion to adjourn the meeting at approximately 8:34 p.m. Seconded by B. Hallowell.**

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

**The meeting adjourned at approximately 8:34 PM.**

These minutes were prepared by Beth Morrison.

Planning Board Meeting

Wednesday 11/10/2021 - APPROVED

Name: Jake Butler 

Title: Asst. Secretary

These minutes were accepted and approved on December 1, 2021, by a motion made by JAKE and seconded by DEB.



Ex. 1  
2 Kitty Hawk  
Map 17 Lot 5

