

LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF APRIL 13, 2022, AT THE MOOSE HILL COUNCIL CHAMBERS

I. CALL TO ORDER

Members Present: Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary; Lynn Wiles, Assistant Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ann Chiampa, member; Jeff Penta, member (arrived at 7:04 p.m.); Deb Paul, Town Council Ex-officio; Bruce Hallowell; Administrative Official - Ex-Officio; Jason Knights, alternate member; and Roger Fillio, alternate member

Also Present: Town Planner Colleen Mailloux; Associate Planner Laura Gandia; John Trottier, Director of Engineering and Environmental Services; 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.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES: N/A

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

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that if they have time she recommended that they attend the Southern New Hampshire Planning Commission (SNHPC) focus group on housing needs via Zoom. She added that there is a survey as well from SNHPC on housing that has been shared on the town's website looking for responses from staff and members of the community.

III. Old Business – N/A

IV. New Plans/Public Hearings/Conceptual Discussions

A. Public hearing on a waiver request to Section 6.01.c & d of the Londonderry Site Plan Regulations to allow the issuance of a certificate of occupancy prior to completion of all site improvements, 11 Ricker Avenue, Map 28 Lots 22-29, Zoned IND-II, 11 Ricker Avenue Fee Owner (Owner & Applicant)

Chairman Rugg read the case into the record noting that it has been withdrawn by the applicant.

B. Public hearing pursuant to RSA 231:158 for removal and trimming of trees by the Londonderry Department of Public Works along Adams Road, a state designated scenic road

Chairman Rugg read the public hearing into the record noting that if a road has been designated a scenic road, the Planning Board has to conduct a hearing on any changes made to the road. Town Planner Mailloux explained that in accordance with the statute there is a requirement for any scenic road prior to the cutting and removal of damaged trees by a municipality or utility provider that there be review and approval by the Planning Board. She noted that these trees pose a danger to the traveling public. J. Trottier reviewed the pictures, Exhibit 1, on the screen with the Board, which is attached hereto. He added that they did this about 20 years ago and took down approximately 40 trees. He pointed out that during the course of this work, if they see limbs that are decayed or in the process of dying, they will trim those as well.

Chairman Rugg asked for questions from the Board. A. Chiampa started with the trees by Fiddlers Ridge stating that they seemed pretty healthy and not that close to the road compared to other ones, and suggested keeping the middle two. She added that there is nothing behind these trees and this will decimate the view of the scenic nature of the road. She expressed her opinion that she does not like the trees being taken down and nothing being replaced, as there is an obligation to keep the road a scenic highway. Chairman Rugg commented that they will have to look into what can be done for replacement. D Paul asked to review picture 7385, as this is someone's property, and she struggles with what A. Chiampa suggested about planting new trees as they will require maintenance. She mentioned that she believes the salt is what takes a toll on the trees as they age. A. Chiampa remarked that she understands what D. Paul is saying, but the two areas she pointed out are focal points of the road and believes there should be replacement trees. D. Paul pointed out that it is not the town's property, but the landowner's responsibility if they want the trees there. A. Chiampa interjected that the trees are in the town's right-of-way. D. Paul asked who would water and take care of the trees when they are saplings. She suggested that the town could mail a letter to the property owners asking that a new tree be planted when one is cut down. J. Butler voiced his opinion that if the town sent out a letter to property owners asking them to plant a tree with their own money, he did not think it would go over well. J. Penta asked what the overall timeline would be for this project. J. Trottier replied that it would take a couple of days. J. Penta asked if the road would be closed. J. Trottier replied that they try not to close the road, just make it one lane. J. Penta asked where the trees go when they remove it. J. Trottier responded that the trees go back to the Department of Public Works and Engineering (DPW) yard. L. Wiles asked if the stumps are removed. J. Trottier responded that it depends on how close they can get to the ground. L. Wiles voiced his opinion that he thought it would be great for the town to buy 11 trees and plant them in other locations. A. Sypek stated that he agrees with J. Trottier and thought that the replacing of the trees might prove to be difficult, with such things as getting the homeowners permission, but might be feasible. L. Wiles explained that he would propose to plant the new trees in the

Town Common for example, as he would not entertain planting a new tree as close to the road as the dead trees are now. G. Verani commented that he believes that there is a balance with a scenic road and safety. He added that if trees are going to be planted, he recommended they be planted in the fall. B. Hallowell stated that he agrees with the DPW assessment and the trees should be removed for safety concerns. R. Fillio mentioned speaking to the Conservation Commission on their recommendation for replacement trees. J. Butler agreed that all the trees DPW marked should be taken down from a safety standpoint. He noted that when Eversource was here a year ago, they were asked to grind the stumps, but they have not taken care of this. He asked for the stumps to be ground down, perhaps in a month after they are taken down. He added that he would be in favor of replanting trees somewhere else or taking inspiration from the Town Forest. J. Trottier remarked that the grinding of the stumps might not be in 30-day timeline. He explained that they do not have replacement trees in the budget at this point. A. Chiampa suggested that one tree be a sugar maple, as they are iconic to Londonderry.

Chairman Rugg opened up the discussion to the public and there was none.

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

Member A. Sypek made a motion to allow the Department of Public Works and Engineering to remove the designated trees on Adams Road.

J. Penta seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

V. Other Business

A. Public hearing on a proposed amendment to the Londonderry Zoning Ordinance Section 4.2.1.4 Livestock as it relates to changing the acreage necessary and amount of poultry allowed in the AR-1 district. The full text of the amendment is available at the Planning & Economic Development Department, the Town Clerk's Office, and the Leach Library.

Chairman Rugg read the public hearing into the record. Town Planner Mailloux told the Board that this proposed amendment would allow the keeping of poultry on lots less than two acres in size. She explained that there is no change to lots that are over two acres in size. She noted that there are restrictions on rooster and on how the poultry must be contained on the property owner's lot to not create a nuisance to abutting property owners.

Chairman Rugg opened the discussion up to the Board. J. Butler, R. Fillio, J. Knights, G. Verani, A. Sypek, L. Wiles and J. Penta agreed with the proposed amendment. D. Paul asked if residents can have turkeys on a lot that is 0.5 acres

to one acre. Town Planner Mailloux replied that they cannot have turkeys, but can have six poultry, as this was based on the guidance from UNH Cooperative Extension. A. Chiampa commented that she believes the language around the acreage is confusing and should be further delineated. Town Planner Mailloux agreed that they can clarify the language, as this is a nonsubstance change, and this could go to the Town Council if recommended this evening. She stated that the language can be clarified to state 0.5 acres up to one acre and then one acre or more. D. Paul pointed out that a resident cannot have turkeys if they have .999 acres. A. Chiampa replied that is correct, only one acre or more. D. Paul suggested a half acre and under should not be able to have turkeys, as the lots are close. Town Planner Mailloux explained that she will get a gradient and have the Town Attorney come up with language that is defensible and clearly understood. A. Sypek offered language stating 0.5 acres to less than one acre and then one acre and more. J. Penta asked if the Town Attorney has reviewed this proposed amendment. Town Planner Mailloux replied that the Town Attorney will review it before the Town Council were to adopt it. She mentioned that if this was a more complicated ordinance, the Town Attorney would review this. A. Chiampa asked if the poultry have to be fully enclosed. Town Planner Mailloux replied that enclosures are required.

Chairman Rugg opened up the discussion to the public.

Kim Stratmeigher, Three Pine Street, said that this change is needed, as people want chickens on a one-acre lot. She disagreed with not allowing the poultry to free range, as they are great pest control. She added that if they are only in one spot, the pest control will not be good. She said that she would not want to hold this up though because of the free-range comment. Chairman Rugg commented that this has been thoroughly discussed and neighbors do not want chickens on their lawn that are not theirs.

Town Planner Mailloux read three emails into the record, Exhibit 1, which is attached hereto.

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

Member A. Sypek made a motion to amend the Section B.5.b. to read "lots between 0.5 acres and less than one acre in size are permitted to have:"

J. Butler seconded the motion.

A. Chiampa said that the language in Section B.5.a states "between one and two acres" but it should say "one acre or larger." A. Sypek said he thought that language was fine. A. Chiampa asked if between included one acre. A. Sypek replied that he believed it did. B. Hollowell offered the language should read "lots greater than one acre and less than two acres in size."

A. Sypek withdrew his motion and J. Butler withdrew his second.

Member A. Sypek made a motion to recommend to the Town Council to the proposed amendment to the Londonderry Zoning Ordinance Section 4.2.1.4 Livestock as it relates to changing the acreage necessary and amount of poultry allowed in the AR-1 district with the following changes to the language for Section B.5.a. to read: "lots one to two acres in size are permitted to have" and Section B.5.b. to read "lots a half acre to less than one acre in size"

J. Butler seconded the motion.

B. Hallowell discussed defining what an enclosure is under Section B to be kept within 25-feet of the property line, which would give residents the ability of somewhat free range. Chairman Rugg noted that this is more of a substantial change and would need another public hearing. Town Planner Mailloux pointed out that there was previous public testimony that people wanted enclosures.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

B. Public hearing on a proposed amendment to the Londonderry Zoning Ordinance adding a new section entitled 4.6.8 Groundwater Protection District. The full text of the amendment is available at the Planning & Economic Development Department, the Town Clerk's Office, and the Leach Library.

Chairman Rugg read the public hearing into the record. Town Planner Mailloux informed the Board that the current map illustrates wellhead protection areas. Town Planner Mailloux commented that a concerned citizen contacted the New Hampshire Department of Environmental Services (NHDES) about a wellhead protection area, and read an email from NHDES, Exhibit 2, into the record, which is attached hereto. She noted that they have removed a wellhead protection area that was identified as an error in the NHDES data set from the map that the Board has in front of them this evening. She added that they went through and verified the remaining wellhead protection areas and have removed two other wellheads from the map. She said that although they are public water supply wells, they were listed as non-transient, non-community water sources, which were for two daycare centers. She went on stating that it is a water supply that is providing a water source for more than 25 people, but it is not a community water supply well that requires a wellhead protection area. She recognized that there will be a yearly administrative review that will be done by the GIS Manager to make sure the data is up-to-date from NHDES. Chairman Rugg asked how often NHDES updates their map. Town Planner Mailloux replied that she is not sure how often they update them.

Chairman Rugg opened the discussion up to the Board. A. Chiampa commented that she thought this was a great start. D. Paul said that she is happy to see something started and agreed that the town should be constantly looking at the

information moving forward. J. Penta agreed with an annual update or every six months. L. Wiles asked if the two wellhead protection areas that extend into other towns have an ordinance like this in place. Town Planner Mailloux replied that there is one wellhead protection area in Derry, but she could not confirm if they have an ordinance or not. She noted that the wellhead protection area in Hudson has language that is unclear, but they default to the state ordinance.

Chairman Rugg opened up the discussion to the public and there was none.

Member A. Sypek made a motion to recommend to the Town Council the proposed amendment to the Londonderry Zoning Ordinance adding a new section entitled 4.6.8 Groundwater Protection District.

B. Hallowell seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

D. Paul asked for an update on finding someone to help with the sign ordinance. Town Planner Mailloux reiterated that the RFP came back way over budget and will now have to be handled internally. Chairman Rugg noted that the sign ordinance takes a lot of work as this deals with the first amendment. D. Paul asked if the Board could review the sign ordinance or other issues like that when the agenda is low. B. Hallowell asked if the Town Council could form a task force. Chairman Rugg mentioned that the sign ordinance is complicated and should be handled by professionals. G. Verani agreed with Chairman Rugg. J. Butler suggested placing this on the agenda for workshop meetings to get input from the public. Town Planner Mailloux agreed with J. Butler's idea of putting this on the agenda for a workshop meeting.

J. Butler asked if there could be more design/architectural guidelines. Town Planner Mailloux replied that the site plan regulations have architectural standards and guidelines. She noted that there are other communities that have more strict guidelines, but the challenge is that if you have more strict guidelines, it makes projects very expensive and there will be push back. She mentioned that the Londonderry Look Book is a guideline, but if the Board would like stricter standards, she will put together some information on this. A. Sypek pointed out that he was on the Planning Board years ago, and they were very strict and not business friendly, and he does not want to get back in that position. J. Butler commented that he is not against new business, he just wants it to look the same. He asked if staff will tell an applicant that their design will not go over well with the Heritage Commission. Town Planner Mailloux replied that they do. G. Verani mentioned that everyone has a different opinion and if everything looks the same, creativity is taken away. J. Penta asked how often the Look Book should be updated. Town Planner Mailloux replied that it should be updated more than it has been.

VI. Adjournment

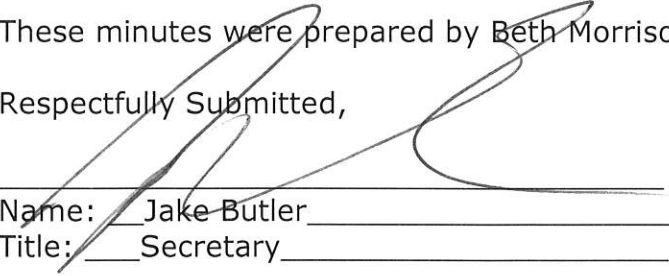
Member D. Paul made a motion to adjourn the meeting at approximately 8:34 p.m. Seconded by A. Sypek.

The motion was granted, 8-0-0.

The meeting adjourned at approximately 8:34 PM.

These minutes were prepared by Beth Morrison.

Respectfully Submitted,


Name: Jake Butler
Title: Secretary

These minutes were accepted and approved on May 4, 2022, by a motion made by A. Sypek and seconded by J. Butler.