

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF MARCH 9, 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; Roger Fillio, alternate member; and Ted Combes, alternate member

Also Present: Town Planner Colleen Mailloux; Associate Planner Laura Gandia; José Lovell, Assistant 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:**

**Member A. Sypek made a motion to approve the minutes of February 9, 2022, as presented.**

**J. Butler seconded the motion.**

**The motion was granted, 6-0-1, with A. Chiampa abstaining. The Chair voted in the affirmative.**

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

1. Application for design review of a site plan for the construction of a two one story warehouse and storage facility buildings (24,800 SF and 25,800 SF) and associated site improvements, 88A Harvey Road, Map 14 Lot 17, Zoned IND-II, Patriot Holdings, LLC (Applicant) and VAB Properties, LLC (Owner)

**Member A. Sypek made a motion that this project is not a development of regional impact.**

**J. Butler seconded the motion.**

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

2. Application for design review of a site plan amendment for the construction of a 7,500 SF two story building addition and associated site improvements, 136 Pillsbury Road, Map 6 Lot 18-2, Zoned AR-1, Orchard Christian Fellowship (Owner & Applicant)

**Member A. Sypek made a motion that this project is not a development of regional impact.**

**J. Butler seconded the motion.**

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

C. Discussion with Town Staff:

Town Planner Mailloux informed the Board that she had several items to discuss with the Board this evening, of which are mostly informational only. She started with Stonyfield, noting that they are proposing an expansion to their pre-treatment facility, which would entail a new control building that is approximately 4,300 SF and an additional equalization tank. She added that the expansion will update, modify and improve efficiency and ease of operations of their pre-treatment system. She noted that this falls under the administrative review process because it is in the Industrial District, the size of the accessory structure and the fact that it is not visible from an abutting property or right-of-way. She said that if the Board has any questions, they can email or call her.

She went on to the next topic of the Braeburn Subdivision update. She told the Board that there has been ongoing review and discussion and the issues are being worked out between the parties.

She explained that Auto Auction is looking to have a temporary tent on a property for 60 days to 90 days behind their current intake building. She commented that they are looking to use the tent as a trial run before they go through the site plan review process for a new building. She mentioned that both the Building and Fire Department do not consider this a permanent structure based on the limited time it is going to be there. She remarked that if this is successful, she anticipates they will be coming before the Board for site plan approval for a permanent structure.

She informed the Board that they approved a Conditional Use Permit (CUP) for Eversource for work in the wetland buffer associated with the maintenance and pole replacement program. She said that the total impact of the CUP was 648,330 SF of impact to the buffer. She commented that the applicant has identified three to four additional poles to be relocated for an additional 49 SF of impact.

She pointed out that back in 1991 Mack's Apples received a special exception from the Zoning Board of Adjustment (ZBA) for an ice cream shed. She said that there has never been any site plan review or approval required for this as it is an agricultural use. She mentioned that they are looking to make changes, specifically

of a couple of feet in either direction of the shed itself and raising the roof line. She explained that this will require them to go back to the ZBA to amend their special exception, as the shed is bigger and the roof will be higher. G. Verani asked if the improvements will be done to the barn as well. Town Planner Mailloux replied that they are proposing just the roof line of the shed. She noted that what is in front of the Board this evening, Exhibit 1, is a rendering of what they may intend to do in the future.

Chairman Rugg told the Board that the emails have been sent to register for the New Hampshire Planning and Zoning spring conference. He said that this would be online, no cost to Planning Board and Zoning Board members, and registration opens on March 28, 2022. He commented that the Southern New Hampshire Planning Commission (SNHPC) is doing a survey for housing needs and encouraged everyone to do this. A Sypek told everyone that they can get a print out of the new planning manual.

### **III. Old Business – N/A**

### **IV. New Plans/Conceptual Discussions – N/A**

### **V. Other**

#### **A. Zoning Discussion**

##### **1. Poultry**

Town Planner Mailloux informed the Board that she did research from the last meeting and received information from the University of New Hampshire (UNH) cooperative extension. She explained that UNH cooperative extension recommended 12 poultry, other than turkeys, on a lot between one to two acres was a reasonable number. She went on noting that UNH cooperative extension recommended no more than six poultry, other than turkeys, for lots 0.5 to one acre in size. She reviewed the recommended number of turkeys, noting that six turkeys are allowed on a lot between one to two acres. She pointed out that no turkeys are allowed on a lot less than one acre. She mentioned that they updated the language on enclosures, minimum square footage for the coop, outside enclosures, as well as the roof. She said that the word "vermin" will be inserted into C of the draft document. She commented that there was a discussion at the last meeting regarding geese, noting that UNH cooperative extension did not have any guidelines, but wanted input from the Board. She noted that the code enforcement officer is aware that if this is adopted, they will get more complaints. A. Sypek voiced a concern regarding Guinea fowl, as they are loud. A. Chiampa expressed her concern regarding geese as they are aggressive and loud. L. Wiles echoed the concerns. G. Verani asked if C and D apply to all livestock. Town Planner Mailloux replied that is how it is written in the current ordinance. G. Verani asked if a property owner that has more than two acres could have geese. Town Planner Mailloux replied that is correct, and if the Board wanted to exclude geese and Guinea fowl, it would be for lots that are less than two acres. G. Verani asked about

enforcement and where the line is drawn. Town Planner Mailloux replied that in New Hampshire and in Londonderry, agriculture is protected. She said that several years ago there was an issue with goats on the road that needed to be addressed, but the sights and smells on a farm do not constitute a public nuisance. She added that it will be the interpretation of the code enforcement officer. G. Verani asked if there could be language added "outside of the norm." Town Planner Mailloux replied that she believes this is better handled by code enforcement, noting the language has been working in the ordinance and she would not want to change this. A. Chiampa voiced her opinion that there is a big jump in the number of poultry allowed from 1 acre to 0.5 acres and asked if this was concerning to anyone else. Town Planner Mailloux responded that following the numbers that UNH cooperative extension recommends is a good rule to follow. A. Chiampa asked if the poultry would be free ranging. Town Planner Mailloux replied there is no free ranging allowed. T. Combes commented that he thinks some people might read this wrong, specifically in regard to roosters. Town Planner Mailloux replied that the poultry definition includes roosters, but they are prohibited. She noted that geese will also be prohibited. T. Combes asked if it can be highlighted or better differentiated. Town Planner Mailloux replied that she would adjust the format so the last bullet point would be what is prohibited. Chairman Rugg pointed out that Guinea fowl should also be added to the prohibited list. T. Combes asked what a resident does if they believe their neighbor has a rooster. Town Planner Mailloux replied that the resident would contact code enforcement. R. Fillio mentioned that turkeys are mostly raised to be food, so he does not think that they would be year-round on someone's property. Chairman Rugg asked if the Board is comfortable with the proposed language for a public hearing on April 13, 2022. The Board was in agreement to hold a public hearing on April 13, 2022.

## 2. Groundwater Protection

Town Planner Mailloux told the Board that at the last meeting, when the map had both wellhead protection areas and aquifer protection areas, it became clear that there might be concerns about the impact of the restrictions on such things as current gas stations in town. She explained that she spoke to some people at the New Hampshire Department of Environmental Services (NHDES) and rather than amending the language, as it has been working state-wide, an initial first step would be to adopt the ground water management ordinance which would only apply to wellhead protection areas. She added that there are currently not any gas stations in the wellhead protection areas on the map. She discussed that the wellhead protection areas noted on the map are associated with community water supply wells that people are getting their drinking water from. She commented that it is important for the Town to take responsibility to protect or eliminate allowing the expansion of uses or new uses that have the potential to contaminate water sources. She noted that this is different from the last meeting, but would be a good start to get this ordinance in the books and to hold a public hearing, so the Board can hear from the residents. A. Chiampa expressed her concern with ground water and aquifer protection because of all the issues Londonderry is having currently with drinking water. She added that she does not think it should be delayed very long after the adoption of this proposed ordinance. She mentioned that so much of

the town is dependent on wells and there is no plan for town water line expansion that she is aware of. J. Penta asked how snow dumps are regulated. Town Planner Mailloux replied that it would have to be on an approved site plan for non-residential use. She pointed out that there are none that she is aware of in town. She explained that snow storage is indicated on a site plan, but if they need to move the snow off site, it should not be in any of these wellhead protection areas. Chairman Rugg mentioned that on site plans, snow cannot be dumped in detention ponds. Town Planner Mailloux stated that code enforcement will receive complaints if snow is dumped where it should not be. L. Wiles asked how the wellhead protection areas were established. Town Planner Mailloux responded that the wellhead protection areas were based on the volume of the well. L. Wiles pointed out that there are two areas that appear to cross over into abutting towns, such as Litchfield and Auburn. Town Planner Mailloux replied that the well is in a different community, but would still be protected. L. Wiles asked if the abutting towns have such an ordinance in place. Town Planner Mailloux replied that she did not know and would get back to the Board. G. Verani asked if the snow dump is where someone would store snow on their site. Town Planner Mailloux replied that it would be off site. R. Fillio commented that this is excellent first step to get this moving. J. Butler said that there is a huge difference from the map presented last time. Town Planner Mailloux reiterated that this gets the process started without amending the language the state has used for years. Chairman Rugg mentioned that there needs to be more thought with the aquifer protection areas and existing, non-conforming uses. J. Lovell informed the Board that he was a design engineer for 15 years in water distribution, storage, and waste water for municipalities. He reviewed an example with the Board that he worked on about a gas station tank that failed a routine leakage test around 1995. He said that several years later methyl tertiary-butyl ether (MTBE) was found in surrounding wells. He explained that they agreed to build a water system extension that was built in 2016 and last year about 200 homes that were associated with the contamination hooked up to the water system extension system. (J. Butler stepped out of the room at 7:51 pm and came back at 7:55 p.m.). Chairman Rugg asked if the Board would like to go forward with a public hearing in April 13, 2022. The Board's consensus was to have the public hearing on April 13, 2022.

#### B. Election of Officers

**Member J. Butler made a motion to keep the current officers in their current positions for this year.**

**J. Penta seconded the motion.**

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

#### C. Capital Improvement Committee appointments

**Member A. Sypek made a motion to have Jake Butler and Jeff Penta as members of the Capital Improvement Committee.**



**L. Wiles seconded the motion.**

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

D. Heritage Commission appointments

**Member A. Sypek made a motion to have Chairman Rugg as the liaison to the Heritage Commission.**

**J. Butler seconded the motion.**

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

**VI. Adjournment**

**Member A. Sypek made a motion to adjourn the meeting at approximately 7:56 p.m. Seconded by J. Butler.**

**The motion was granted, 7-0-0.**

**The meeting adjourned at approximately 7:56 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Name: Jake Butler

Title: Secretary

These minutes were accepted and approved on April 6, 2022, by a motion made by A. Sypek and seconded by J. Butler.