

Mike Malaguti
Town Manager

Kellie Caron
Assistant Town Manager



Town Council
Chad Franz, Chair
Ted Combes, Vice Chair
John Farrell
Ron Dunn
Shawn Faber

Town of Londonderry • 268B Mammoth Road • Londonderry, NH 03053

Londonderry Town Council Meeting

Monday, June 3, 2024, 7:00 p.m., Moose Hill Council Chambers

A. CALL TO ORDER

- **An Update from NH Retirement System**
(Executive Director, Jan Godwin & Director of Communications, Marty Karlon)

B. PUBLIC COMMENT.

- **Concerts on the Common - Town Council Presentation**
(Londonderry Arts Council)
- **Discussion on Petitioned Warrant Article #20: [AMEND LONDONDERRY MUNICIPAL CODE TITLE I - GENERAL CODE I SECTION 8.13.A] (requiring recording of “official town meeting [sic]” and scheduling of meetings at “a time most convenient to the general public”).**
(Chairman, Chad Franz)

C. APPOINTMENTS

- **Conservation Commission interview (One (1) applicant for an alternate position)**
- **Senior Resources Committee interview (One (1) applicant for an alternate position)**
- **Planning Board/Heritage Commission interview (One (1) applicant for an alternate position)**

D. NEW BUSINESS

- **Ordinance 2024-03: An Amendment to the Storm Water Ordinance & Storm Water Regulations (First Reading)**
(Director of Engineering, John Trottier)

E. PUBIC HEARINGS

- **Municipal Aggregation Committee Hearing on Adoption of Community Choice under RSA 53-E**
(Chairman of the Utilities Committee, Lynn Wiles; Freedom Energy Logistics/Colonial Power Group)
- **Order 2024-07 - The Renewal of Junkyard Licensing per RSA 236 (Murray's Auto)**
(Assistant Building Inspector, Brad Anderson)
- **Order 2024-08 - The Renewal of Junkyard Licensing per RSA 236 (S&S Metals)**
(Assistant Building Inspector, Brad Anderson)
- **Resolution 2024-12: Acceptance of Unanticipated Revenue under RSA 31:95-b, III(a), InvestNH Municipal Planning & Zoning Grant Program received from the New Hampshire Finance Authority**
(Assistant Town Manager, Kellie Caron)

F. APPROVAL OF MINUTES

1. **May 20, 2024 Town Council Minutes**

G. OTHER BUSINESS

1. **Liaison Reports**
2. **Town Manager Report**
3. **Assistant Town Manager Report**

H. ADJOURNMENT

I. MEETING SCHEDULE

1. **June 17, 2024; Moose Hill Council Chambers; 7:00 p.m.**

In addition to the items listed on the agenda the Town Council may consider other matters not on the posted agenda and may enter a non-public session or convene in a non-meeting in accordance with RSA 91-A if the need arises.

Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

June 5, 7:00 – 8:30

**Londonderry High School Jazz
Ensembles and Orchestra**

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

June 12, 7:00 – 8:30

Jessica Lynn

Rising country music star being hailed by press around the world as a “rocket force.”

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

June 19, 7:00-8:30

Neurotic Gumbo

Great classic rock with horns

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

June 26, 7:00-8:30

Delta Generators

Our favorite blues band featuring Brian Templeton

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

July 3, 7:00-8:30

**Joslyn & the Sweet
Compression**

Hook-filled mix of funk and soul

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

July 10, 7:00-8:30

Couch

Awesome soul-pop with expressive horns, warm
vocals and bubbling synths

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

July 17, 7:00-8:30

Brian Maes Band

Boston rock royalty returns for their 9th year

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

FOR KIDS!

July 20, 1:30-2:30

Mr. Aaron Band

Special **Saturday** concert for kids

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

July 24, 7:00-8:30

East Coast Soul

Irresistible soul and Motown classics of the
1960s to the infectious energy of today's hottest
hits

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

July 31, 7:00-8:30

Chicago Total Access

Dedicated to the music of the rock band Chicago

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

August 7, 7:00-8:30

Martin and Kelly

Standouts in today's crossover country music
scene

www.concertsonthecommon.org



Community. Great Music. Summer Evenings.

CONCERTS ON THE COMMON

Presented by the Londonderry Arts Council

August 14, 7:00-8:30

Studio Two

Outstanding Beatles tribute band for Old Home
Day week

www.concertsonthecommon.org



ARTICLE NO. 20: [AMEND LONDONDERRY MUNICIPAL CODE TITLE I – GENERAL CODE I SECTION 8.13.A]

Shall the Town vote to amend the Londonderry Municipal Code Title I – General Code I Section 8.13.A. Meetings: to insert the words “and all official town meeting shall be recorded” This will allow the general public to access the recording at a time most convenient to them, to ensure access for all citizens to all committees’ meetings. **(BY CITIZENS’ PETITION)**

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 25 based upon projected assessed values.)

Non-monetary item. The Town Council will not make a recommendation; the Budget Committee will not make a recommendation.



Town of Londonderry, New Hampshire

268B Mammoth Road • Londonderry, NH 03053

(603) 432-1100 • londonderrynh.gov

ORDINANCE 2024-03

An Order Relative to

AN ORDINANCE RELATIVE TO STORM WATER RUNOFF AND MS4 COMPLIANCE

WHEREAS the Town of Londonderry, by and through the Londonderry Town Council seeks to protect, maintain and enhance the environment of the Town and the public health, safety and the general welfare of the citizens of the Town by, controlling discharges and pollutants to the Town's storm water system and maintaining the quality of the receiving waters into which the storm water outfalls, without limitation, lakes, rivers, streams, ponds, wetlands, and ground water of the town; and

WHEREAS the Town of Londonderry must update & amend language of the storm water ordinance and storm water regulations to stay in compliance with applicable law; and

WHEREAS in adopting the language of Storm Water Ordinance & Storm Water Regulations attached hereto, the Town exercises the power granted to it by the State of New Hampshire through RSA 149-I and other applicable statutes;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council, of the Town of Londonderry, adopts the amended Town of Londonderry Storm Water Ordinance & Regulations attached hereto.

Chad Franz – Chair
Town Council

Sharon Farrell – Town Clerk

A TRUE COPY ATTEST:
06/03/2024



Town of Londonderry

STORM WATER ORDINANCE

Adopted: September 16, 2019

DRAFT May 1, 2024

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STORM WATER ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to:

- A. Protect, maintain, and enhance the environment of the Town of Londonderry, New Hampshire (“Town”) and the public health, safety and the general welfare of the citizens of the Town, by controlling discharges of pollutants to the town’s storm water system and maintaining and improving the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the town.
- B. Enable the Town to comply with requirements of the Town’s Municipal Separate Storm Sewer System (“MS4”) General Permit issued by USEPA under the National Pollution Discharge Elimination System (“NPDES”) program and applicable regulations, including 40 CFR §122.26 for storm water discharges.
- C. Allow the Town to exercise the powers granted by the State of New Hampshire through RSA 149-I and other applicable statutes to:
 1. Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the town, whether or not owned and operated by the town;
 2. Adopt any rules and regulations deemed necessary to accomplish the purposes of this ordinance, including the adoption of a system of fees for services and permits;
 3. Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
 4. Review and approve plans for storm water management in proposed subdivisions, commercial and industrial developments;
 5. Issue permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;
 6. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance or condition of the permit;
 7. Regulate and prohibit illicit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
 8. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Third New International Dictionary.

1. Accidental Discharge - A discharge prohibited by these Regulations, which occurs by chance, and without planning or thought prior to occurrence.
2. Best Management Practices ("BMPs") – Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce the increase in rate of storm water runoff, and pollution of water, that have been approved by the Town and that have been incorporated by reference into the Storm Water Regulations as if fully set out therein. (See Section 6 of the Storm water Regulations for recommended Best Management Practices manuals).
3. Channel - A natural or artificial watercourse with a definite bed and banks that conveys flowing water continuously or periodically.
4. Code Enforcement Officer – A Town employee assigned to enforce the implementation of Town Ordinances
5. Construction Activity - Activities subject to the EPA Phase II Storm Water Program and the NPDES General Construction Permits, including construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
6. Contaminant - Any physical, chemical, biological, or radiological substance or matter in water.
7. Department of Engineering and Environmental Services ("DEES") - The Town of Londonderry Department of Engineering and Environmental Services.
8. Director of Engineering and Environmental Services ("Director") - The chief administrator of DEES who is authorized to assign DEES staff to oversee the implementation of the Town's Storm Water Regulations and Storm Water Ordinance (SWO).
9. Discharge - To dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of

any solid or liquid matter into the municipal separate storm sewer system or ponds, streams, lakes and wetlands.

10. Environmental Protection Agency (EPA) – The Federal agency responsible for implementing the Federal Water Pollution Control Act, (3 U.S.C § 1251 et seq.) AKA the “Clean Water Act”.
11. Illicit Connections - Illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system. A Illicit Connection is:
 - (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - (2) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
12. Illicit Discharge - Any discharge to the Municipal Storm Sewer System (MS4) that is not composed entirely of storm water and not specifically permitted through an existing NPDES Discharge Permit.
13. Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
14. Land Disturbing Activity - Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
15. Maintenance - Any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.
16. Maintenance Agreement - A document duly executed and recorded in the Registry of Deeds that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

17. Municipal Separate Storm Sewer System ("MS4") - The conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, pipes, curbs, gutters, ditches, man-made channels, and storm water detention ponds.
18. National Pollutant Discharge Elimination System Permit ("NPDES permit") - A permit issued pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
19. Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.
20. Notice of Intent ("NOI") – Application to apply for coverage under the EPA’s General Permit for Construction Activities.
21. Person - Any and all persons, including any individual, firm or association and any municipal or private corporation or other entity organized or existing under the laws of this or any other state or country.
22. Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; sediment; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.
23. Pollution - The contamination or other alteration of any water’s physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
24. Premises - Any building, lot, parcel of land, or portion of land whether improved or unimproved including sidewalks and parking strips
25. Recharge – The amount of water from precipitation that infiltrates into the ground

and is not evaporated or transpired.

26. Runoff - That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.
27. Sediment - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
28. Stabilization/Stabilized - Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
29. State Waters - Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of a boundary of the State of New Hampshire which are not entirely confined and retained completely upon the property of a single person.
30. Storm Water - water from any form of natural precipitation that is not absorbed or evaporated, and resulting from such precipitation. Street wash waters related to street cleaning or maintenance.
31. Storm Water Management - The programs to maintain quality and quantity of storm water runoff to pre-development levels.
32. Storm Water Management Facilities - The drainage structures, conduits, ditches, storm sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.
33. Storm Water Management Plan - The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.
34. Storm Water Pollution Prevention Plan ("SWPPP") - A plan that clearly describes appropriate control measures that include a description of all pollution control measures (*i.e.*, BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges and describes the interim and permanent stabilization practices for the site, including maintenance agreement.
35. Storm Water Regulations ("Regulations") - A supplement to this Storm Water Ordinance ("SWO") that includes additional conditions and requirements. Copies are available at the DEES and the Office of the Town Clerk.
36. Storm Water Runoff - Flow on the surface of the ground, resulting from precipitation and drainage consisting entirely of water from any form of natural precipitation that

is not absorbed or evaporated, and resulting from such precipitation.

37. Stream - Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.
38. Structural BMPs - Devices that are constructed to provide control of storm water runoff.
39. Structural Stormwater Control - A structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.
40. Surface Water - Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, ponds and reservoirs.

SECTION 3. ADMINISTRATION

The Director (or his/her designee) shall administer the provisions of this ordinance and is hereby authorized to promulgate and amend such regulations as may be necessary and convenient to effectuate the purposes of this ordinance.

SECTION 4. PROHIBITED DISCHARGES

No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the Town to violate a state surface water quality standard, the Town's Phase II MS4 NPDES permit, or any state-issued discharge permit for discharges from its MS4.

The specific prohibited discharges outlined in the Regulations are not inclusive of all discharges prohibited by this ordinance and the Regulations.

SECTION 5. PERMITTING REQUIREMENTS

A. Construction General Permit

No land owner or land operator shall begin any site work of any building(s), grading or other land development or any land disturbance activities as outlined in 1 – 4 below without first obtaining an EPA Construction General Permit from EPA and submitting a

Notice of Intent (NOI) to EPA Region I, receiving acknowledgement, having an approved Storm Water Pollution Prevention Plan and meeting the requirements of this ordinance.

1. Land disturbing activity of one (1) or more acres of land;
2. Land disturbing activity of less than one (1) acre of land, if such activity is part of a larger common plan of development that affects one (1) or more acres of land.
3. Land disturbing activity of less than one (1) acre of land, if in the discretion of the Director such activity poses a unique threat to water, or public health or safety;
4. The creation and use of borrow pits (the excavation of soils from one area to be used in another area) that would meet any of the criteria of 1, 2, or 3 above.

The EPA's general permit contains eligibility restrictions, as well as permit conditions and requirements. Applicant(s) may have to take certain actions to be eligible for coverage under this permit. In such cases, the applicant must continue to satisfy those eligibility provisions to maintain permit authorization. If the applicant does not meet the requirements that are pre-condition to eligibility, then the resulting discharges constitute unpermitted discharges. By contrast, if the applicant does not comply with the requirements of the general permit, the applicant may be in violation of the general permit.

B. Industrial General Permit

Any facility covered under the NPDES Multi-Sector General Permit for storm water discharges associated with industrial activities at the facility, must apply for coverage with EPA through submittal of an NOI to EPA Region I, receive acknowledgement of coverage or continuation of coverage if it is a renewal of existing coverage, and have a SWPPP for the facility.

All operators of landfills, hazardous waste treatment, disposal, and recovery facilities and industrial facilities are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, USC (S) 11023. Industrial facilities that the Town determines are contributing a pollutant load to the Municipal Separate Storm Sewer System, shall comply with Best Management Practices outlined in the Town's Storm Water Regulations.

C. Londonderry Stormwater Permit

No land owner or land operator shall begin any site work of any building(s), grading or other land development or any land disturbance activities as outlined in 1 – 5 below without first obtaining a Londonderry Stormwater Permit from DEES, receiving acknowledgement, having an approved Storm Water Pollution Prevention Plan and

approved Stormwater Operations and Maintenance plan meeting the requirements of this ordinance.

1. Any contiguous land disturbance activity that disturbs more than 5,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body including utility connections on the subject property.
2. Any cumulative land disturbance exceeding 20,000 square feet, whether the project is or is not part of a larger plan of development.
3. A subdivision of four or more lots.
4. Phasing of three or more contiguous lots per year of an existing or proposed subdivision.
5. Construction of utilities (gas, water, sewer, electric, drainage, telephone, etc.) requiring contiguous land disturbance of greater than 20,000 square feet.

D. Chloride Usage for Winter Maintenance

The owners and operators of private street and private parking lots with 10 or more parking spaces that are draining to MS4 located within any watershed that is impaired for Chlorides shall be required:

(1) that any commercial salt applicators used for applications of salt to their parking lots or streets be trained and certified in accordance with Env-Wq 2203, and

(2) to report annual salt usage within the municipal boundaries using the UNH Technology Transfer Center online tool (<http://www.roadsalt.unh.edu/Salt/>) and to NHDES's New Hampshire Salt Management System Database at: <https://www.nhms4.des.nh.gov/nh-resources/winter-maintenance/>

SECTION 6. TOWN APPROVAL PROCEDURES

Any land owner or land operator who intends to obtain coverage for storm water discharge associated with land disturbing activities described in Section 5A above whether a new development or redevelopment or associated with industrial activity under the NPDES Multi Sector General Permit for Storm Water Discharges Associated with Industrial Activity ("the Industrial General Permit") as described in Section 5B above shall, in addition to the state and federal permit requirements:

1. Secure required approvals through the Town of Londonderry's Planning Board ("Planning Board") if appropriate, and
2. At least five (5) days prior to the commencement of the land disturbing activity on the property and/or industrial activity at the facility submit to the Director for review and approval, a signed copy of its NOI and a copy the SWPPP prepared and implemented in accordance with the requirements of the EPA Construction or

Industrial General Permit or any individual or group NPDES permit issued for storm water discharges from the facility. The SWPPP shall be prepared to meet the requirements of 40 CFR 122.26.

SECTION 7. STORM WATER CONTROL REGULATIONS

Any land owner or land operator subject to the General EPA permitting requirements described in Sections 5A and/or 5B above, **the Londonderry Stormwater Permit requirements described in Section 5C; or** whose land disturbance or industrial activity is otherwise determined by the Director to have the potential to;

1. Degrade the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the Town or and
2. Increases post-development rate of storm water runoff or
3. Introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the Town to violate a state surface water quality standard, the Town's Phase II MS4 NPDES permit, or any state- issued discharge permit for discharges from its MS4.

shall be required to comply with the Best Management Practices of the Londonderry Storm Water Control Regulations dated August 16, 2019 or latest revision, **and Londonderry Site Plan Regulations dated November 10, 2021 or latest revision, or Londonderry Subdivision Regulations dated November 10, 2021 or latest revision** thereto.

SECTION 8. ACCESS AND INSPECTION OF PROPERTY AND FACILITIES

- A. A DEES representative shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance **and the Londonderry Storm Water Regulations.**
- B. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to DEES representatives.
- C. The owner or operator shall allow DEES representatives ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of a National Pollutions Discharge Elimination System Permit to discharge storm water.
- D. DEES shall have the right to set up on any property or facility such devices as are necessary in the opinion of the DEES to conduct monitoring and/or sampling of flow discharges.

- E. DEES may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to DEES. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure accuracy.
- F. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of DEES and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- G. Unreasonable delays in allowing DEES access to a facility shall be a violation of this ordinance. A delay shall be considered unreasonable if the delay a) exceeds 1 week (7 days), or b) any length of time if it is determined that the delay allowed the continuation of a discharge to the MS4 that is specifically prohibited by this ordinance.
- H. If DEES has been refused access to any part of the premises from which storm water is discharged, and DEES is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designated to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then DEES **or their designated agent reserve the right to secure an administrative inspection warrant from the district or superior court under RSA 595-B, Administrative inspection warrants. Expenses associated with obtaining the warrant and inspections shall be the responsibility of the property owner.**

SECTION 9. NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non- storm water discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into storm water, the Town's Separate Storm Sewer System, State Waters, or Waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

If the substance poses an immediate health or safety concern (emergency situation), the Town of Londonderry Emergency Services and Fire Department shall immediately be notified, and then notification shall be made to the Town of Londonderry Building and Zoning Department, Zoning Officer and DEES. Notifying the the Town of Londonderry does not preclude, supersede, or provide any liability coverage for any federal- or state-required notifications related to material spills. In nonemergency situations, notification

should be made as soon as possible; however, no later than the next business day following an event.

Any person identified above that is required to respond as described in the previous paragraph, or is otherwise required to provide notification to the State in accordance with RSA 146-A:5 (NH Oil Spillage in Public Waters) or RSA 147-A:11 (NH Hazardous Waste Management Act), shall also provide immediate notification to DEES and the Londonderry Fire Department.

SECTION 10. VIOLATIONS ENFORCEMENT AND PENALTIES

- A. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of the Town's SWO or Regulations. Any person who has violated or continues to violate these provisions may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, DEES is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. D P W E is authorized to seek costs of the abatement as outlined in Section 10.F below.
- B. Whenever DEES finds that a violation of this ordinance has occurred, a Code Enforcement Officer may order compliance by written notice of violation ("NOV"). The NOV shall contain:
1. The name and address of the alleged violator;
 2. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 3. A statement specifying the nature of the violation;
 4. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
 5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
 6. A statement that the determination of violation may be appealed to the Town Manager by filing a written notice of appeal within five (5) days of service of notice of violation.
- C. An NOV may require without limitation:
1. Performance of monitoring, analyses, and reporting;

2. Elimination of illicit discharges and illegal connections;
 3. Violating discharges, practices, or operations shall cease and desist;
 4. Abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 5. Payment of costs to cover administrative and abatement costs; and,
 6. Implementation of pollution prevention practices.
- D. Appeal of Notice of Violation - Any person receiving an NOV may appeal the determination of DEES. The appeal must be received by end of the business day at the office of the Town Manager within five (5) calendar days from the date of the NOV. Filing an appeal does not relieve the owner from full compliance with remedial actions outlined in the NOV. The decision of the Town Manager shall be final.
- E. Enforcement Measures After Appeal - If the violation has not been corrected pursuant to the requirements set forth in the NOV, then DEES representatives may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow DEES or its designee to enter upon the premises for the purposes set forth above.
- F. Costs of Abatement of the Violation - Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file to the Town Manager a written protest objecting to the assessment or to the amount of the assessment within fifteen (15) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within five (5) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the Town by reason of such violation.
- G. Civil Penalties -In the event the alleged violator fails to take the remedial measures set forth in an NOV or otherwise fails to cure the violations described therein within five (5) days, or such greater period as DEES shall deem appropriate, after the Director or the Director's designee has taken one or more of the actions described above, the Code Enforcement Officer may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the NOV.
- H. Criminal Penalties - For any wanton, willful, or malicious violation of the SWO or the Regulations adopted pursuant to the authority stated in this ordinance, the Code Enforcement Officer may issue a citation to the alleged violator requiring such person to appear in court to answer charges for such violation. Upon conviction, such person

shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person and may be punished by a fine not to exceed \$1,000 for each day the violation has occurred, or imprisonment or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

- I. Violations Deemed a Public Nuisance – In addition to the enforcement process and penalties provided in this SWO any threat to public health, safety, welfare and environment is declared and deemed a nuisance, which may be abated by injunctive or other equitable relief as provided by law.
- J. Remedies Not Exclusive - The remedies listed in this SWO and the Regulations are not exclusive of any other remedies available under any applicable federal, state or local law and the Town may seek cumulative remedies.
- K. The Town may recover attorney's fees, court costs, engineering fees and other expenses associated with enforcement of this SWO and the Regulations, including sampling and monitoring expenses.

SECTION 11. ELIGIBILITY

EPA reissued the Construction General Permit ("CGP") on **February 17, 2022**. The CGP now covers both the Phase I large construction sites greater than five acres and "Storm Water Associated with Small Construction Activity," which includes construction sites from one to five acres (or smaller than one acre if part of a larger "common plan of development or sale" that totals one acre). The permit contains conditions to protect endangered species and historic properties.

The EPA's general permit contains eligibility restrictions, as well as permit conditions and requirements. Applicant(s) may have to take certain actions to be eligible for coverage under this permit. In such cases, the applicant must continue to satisfy those eligibility provisions to maintain permit authorization. If the applicant does not meet the requirements that are pre-condition to eligibility, then the resulting discharges constitute unpermitted discharges. By contrast, if the applicant does not comply with the requirements of the general permit, the applicant may be in violation of the general permit.

SECTION 12. SEVERABILITY CLAUSE

Should any Chapter or provision of this SWO be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this SWO as a whole, or any part thereof other than the part declared to be invalid.

SECTION 13. ORDINANCE IN FORCE

This SWO shall be in full force and effect from and after its passage, approval, recording and publications as provided by law.



Town of Londonderry
**Department of Public Works &
Engineering**
STORM WATER REGULATIONS

September 16, 2019

DRAFT May 1, 2024

STORM WATER REGULATIONS

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STORM WATER REGULATIONS

SECTION 1. GENERAL PROVISIONS

A. Purpose

These Storm Water Regulations were developed in accordance with the Town of Londonderry's Storm Water Ordinance, Section 1(C)(2): "Adopt any regulations deemed necessary to accomplish the purposes of this ordinance."

It is the purpose of these Regulations to supplement to the Town of Londonderry's Storm Water Ordinance ("SWO"). The Regulations provide a more detailed guidance to the means and methods of carrying out the purposes of the SWO.

B. Administration

The Director of the **Department of Engineering and Environmental Services** or his designee shall administer the provisions of these Regulations.

The Department of **Engineering and Environmental Services** reserves the right to revise, supplement, or rescind any regulations or portion of this document as it deems appropriate.

C. Interpretations of Provisions

The provisions of these Regulations with respect to the meaning of the technical matters, terms, and phrases shall be interpreted and administered by the Director of **Department of Engineering and Environmental Services** acting in and for the Town of Londonderry.

D. Definitions

For the purpose of these Regulations and SWO, the following rules shall apply:

- a) Words used in the singular shall include the plural, and the plural shall include the singular.
- b) Words used in the present tense shall include the future tense.

- c) The word "shall" is mandatory and not discretionary.
- d) The word "may" is permissive.
- e) Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Third New International Dictionary. The words enumerated below shall have the definition that follows:
 1. Accidental Discharge - means a discharge prohibited by these Regulations, which occurs by chance, and without planning or thought prior to occurrence.
 2. As-built Plans - means drawings depicting conditions as they were actually constructed.
 3. Best Management Practices (BMPs) - are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce the increase of rate of storm water runoff and pollution of water, that have been approved by the Town of Londonderry ("Town"), and that have been incorporated by reference into these Regulations as if fully set out therein. [NOTE: See Section 6 for recommended BMP manuals.]
 4. Channel - means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
 5. Clean Water Act - means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
 6. Code Enforcement Officer - means the Town employee assigned to enforce the implementation of the Town Ordinance.
 7. Combined Sewer Drainage System - means a single pipe conveyance system intended to receive both sewage and storm or surface water.
 8. Community Water - means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of a boundary of the Town.
 9. Construction Activity - means activities subject to the EPA Phase II Storm Water Program and the National Pollutant Discharge Elimination System ("NPDES") General Construction Permits, including construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

10. Construction Period – is defined as the date of issuance of the stormwater permit to the completion of all work and final release of financial guarantees for the project.
11. Contaminant - means any physical, chemical, biological, or radiological substance or matter in water.
12. Department of Engineering and Environmental Services (“DEES”) - means the Town of Londonderry Department of Engineering and Environmental Services.
13. Development - Any construction, land disturbance, or improvement of a site or structure with less than 40% existing impervious cover. Calculated by dividing the total existing impervious cover by the size of the site and converting to a percentage. This does not include activities for agriculture or silviculture practices.
14. Director of Engineering and Environmental Services (“Director”) - means the chief administrator of DEES, who is authorized to assign staff to oversee the implementation of these Regulations and this SWO.
15. Design Storm Event - means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.
16. Discharge - means to dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system, or ponds, streams, lakes and wetlands.
17. Easement - means an acquired right to cross or otherwise use the land of another for a specified purpose.
18. Environmental Protection Agency (EPA) – the Federal agency responsible for implementing the Federal Water Control Act, (3 U.S.C § 1251 et seq.) AKA the “Clean Water Act”.
19. Erosion - means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
20. Erosion and Sediment Control Plan - means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
21. Illicit Connections - means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system. An “Illicit Connection” is:

- a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyance which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - b) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
22. Illicit Discharge - means any discharge to the municipal storm sewer system that is not composed entirely of storm water and not specifically permitted through an existing NPDES discharge permit.
23. Industrial Activity - means activities subject to NPDES Storm Water Permits (for discharges associated with industrial activity) as defined in 40 CFR, Section §122.26 (b)(14).
24. Land Disturbing Activity - means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
25. Maintenance - means any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.
26. Maintenance Agreement - means a document duly executed and recorded in the **Registry of Deeds** that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices **and reporting**.
27. Municipal Separate Storm Sewer System (MS4) - means the conveyances owned or operated by the Town for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, pipes, curbs, gutters, ditches, man-made channels, and storm water detention ponds.
28. National Pollutant Discharge Elimination System Permit ("NPDES Permit") - means

a permit issued pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

29. Non-point Source Pollution - means water sources and inputs within a watershed, which occur over a wide area, and are associated with particular land uses, as opposed to individual point source discharges.
30. Non-Storm Water Discharge - means any discharge to the storm drain system that is not composed entirely of storm water.
31. Notice Of Intent ("NOI") - means application for coverage under the EPA's General Permit for construction activities.
32. Off-site Facility - means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
33. On-site Facility - means a structural BMP located within the subject property boundary described in the permit application for land development activity.
34. Inspection and Maintenance Program – a plan setting up the future responsible parties along with the functional, financial and organizational mechanisms for the ongoing inspection and maintenance of storm water management system to ensure that it continues to function as designed.
35. Outfall – the point at which storm water flows out from a point source discernible, confined and discrete conveyance into waters of New Hampshire or of the United States.
36. Peak Flow - means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
37. Person - means any and all persons, including any individual, firm or association and any municipal or private corporation or other entity organized or existing under the laws of this or any other state or country.
38. Pollutant - means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; sediment; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure;

concrete and cement; and noxious or offensive matter of any kind.

39. Pollution - means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
40. Post-Construction Period – the period after final release of financial guarantee in perpetuity.
41. Premises - means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
42. Recharge - means the amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.
43. Redevelopment - Any construction, land disturbance, or improvement on a site that has 40% or more of existing impervious cover area. Calculated by dividing the total existing impervious cover area by the parcel size area and converting to a percentage
44. Runoff - means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.
45. Sediment - means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
46. Sedimentation - means soil particles suspended in storm water that can settle in streambeds and disrupt the natural flow of the stream
47. Soils Report - means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a soils scientist or engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
48. Stabilization - means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
49. State Waters - means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface

and subsurface water, natural or artificial, lying within or forming a part of a boundary of the State of New Hampshire which are not entirely confined and retained completely upon the property of a single person.

50. Storm Water - means water from any form of natural precipitation that is not absorbed or evaporated and resulting from such precipitation. Street wash waters related to street cleaning or maintenance.
51. Storm Water Management - means the programs to maintain quality and quantity of storm water runoff to pre-development levels.
52. Storm Water Management Facilities - means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.
53. Storm Water Discharge Permit - means a permit issued by the Town through DEES.
54. Storm Water Management Plan - means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.
55. Storm Water Pollution Prevention Plan - (“SWPPP”) means a plan that clearly describes appropriate control measures that include a description of all pollution control measures (*i.e.*, BMPs) that will be implemented as part of the construction or industrial activity to control pollutants in storm water discharges and describes the interim and permanent stabilization practices for the site including the Maintenance Agreement.
56. Storm Water Regulations - means a supplement to the SWO that includes additional conditions and requirements. Copies are available at DEES and the Office of the Town Clerk.
57. Storm Water Runoff - means flow on the surface of the ground, resulting from precipitation and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
58. Stream - means areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.
59. Structural BMPs - means devices that are constructed to provide control of storm water runoff.

60. Structural Storm Water Control - means a structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.
61. Surface Water - includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes ponds and reservoirs.
62. Watercourse - means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
63. Watershed - means all the land area that contributes runoff to a particular point along a waterway.

SECTION 2. PROHIBITED DISCHARGES

The specific prohibited discharges in this section are not inclusive of all discharges prohibited by these Regulations.

A. Violation of Water Quality Standard

No person shall introduce or cause to be introduced into the Municipal Separate Storm Sewer System (MS4) any discharge that causes or contributes to causing the Town to violate a water quality standard, the Town's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

B. Introduction of Prohibited Substances

No person shall dump, spill, leak, pump, pour, emit, empty discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

1. New or used motor oil, antifreeze, or other motor vehicle fluid;
2. Industrial wastes;
3. Hazardous waste, including hazardous household waste;
4. Domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
5. Garbage, trash, rubbish or yard waste;

6. Wastewater from a commercial car wash facility; from any vehicle washing, cleaning or maintenance at any new or used automobile, or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning or maintenance of any business or commercial or public service vehicle, including truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;
7. Wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
8. Wastewater from commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
9. Wastewater from any floor, rug or carpet cleaning;
10. Wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
11. Effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow-down from a boiler;
12. Ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
13. Runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area;
14. Filter backwash from a swimming pool, fountain, hot-tub, or spa;
15. Swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in the pool cleaning;
16. Water from a water curtain in a spray room used for painting vehicles or equipment;
17. Contaminated runoff from a vehicle wrecking yard;
18. Any substance or material that will damage, block, or clog the MS4;
19. Any release from a petroleum storage tank, or any leachate or runoff from soil

contaminated by a leaking petroleum storage tank, or any discharge of pumped, confined, or treated waste water from the remediation of any such petroleum storage tank release, unless it complies with state and federal standards and does not contain any harmful quantity of any pollutant;

20. Any discharge not in compliance with an applicable NPDES permit (e.g., non- contact cooling water, storm water).

C. Introduction of Earth-type Materials

No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with cleaning, grading, excavation or other construction activities, (or associated with landfilling or other placement or disposal of soil, rock, or other earth materials) in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable (under the prevailing circumstances).

D. Introduction of Sewage and Grey Water

No person shall connect a pipe conveying sanitary sewage, domestic or industrial, to the MS4; this includes gray water discharge such as washing machine discharge, sink drains, floor drains, etc. or allow such a connection to continue.

E. Service Station Pavement Wash Water

No person shall cause or allow any pavement wash water from a service station to be discharged into the MS4 unless such wash water has first passed through a properly functioning and maintained, grease, oil, and sand interceptor.

F. Pesticide and Herbicide Use

No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation. Any use of any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States is prohibited.

G. Disposal of Pesticide and Herbicide

No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or a fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

H. Storage of Trash, Toxic Substances and Hazardous Wastes

No person shall store toxic or hazardous substances on property, or allow trash and debris to stand or collect on property, so as to allow exposure to precipitation and storm water runoff, which can affect storm water discharge to the MS4 or adjacent water table. Any toxic or hazardous substances stored onsite must be in accordance with EPA and State regulations.

I. Allowable Discharges

Notwithstanding any provisions to the contrary, the following types of discharges into the storm drain system are exempt from the prohibitions set herein:

1. Watering of lawns, landscaping and gardens;
2. Washing of personal motor vehicles by residents;
3. Draining of water from swimming pools or spas, after chlorine content of such water according to a test kit, shows a zero reading of chlorine;
4. Flushing of water lines or other discharges from potable water sources;
5. Flows from firefighting activities;
6. Managed minimal amounts of air conditioning condensation;
7. *Uncontaminated pumped groundwater;
8. *Discharges from rising ground waters, springs, and flows from riparian habitats and wetlands;
9. *Non-contact cooling water discharged in accordance with a valid NPDES permit.

***only if permitted by the approved design**

SECTION 3. PERMIT PROCEDURES AND REQUIREMENTS

A. Storm Water Discharge Permit

Unless otherwise excluded by these regulations, the permit outlined in Sections 5(A) and 5(C) of the SWO is required for the following activities:

1. Land disturbing activity of one (1) or more acres of land;
2. Land disturbing activity of less than one (1) acre of land, if such activity is part of a

larger common plan of development that affects one (1) or more acres of land.

3. Land disturbing activity of less than one (1) acre of land, if located within an environmentally sensitive area or if in the discretion of the Director such activity poses a unique threat to water, or public health or safety;
4. The creation and use of borrow pits (the excavation of soils from one area to be used in another area) that would meet any of the criteria of 1, 2, or 3 above.
5. Any contiguous land disturbance activity that disturbs more than 5,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body.
6. Any cumulative land disturbance exceeding 20,000 square feet, whether the project is or is not part of a larger plan of development.
7. A subdivision of four or more lots (i.e., major subdivision).
8. Phasing of three or more contiguous lots per year of an existing or proposed subdivision.
9. Construction of utilities (gas, water, sewer, electric, drainage, telephone, etc.) requiring contiguous land disturbance of greater than 20,000 square feet.

The Town's process for the Storm Water Discharge Permit program includes the following:

1. During the review phase of the project, the Applicant is required to obtain the Storm Water Discharge Permit from DEES prior to conditional or final approval of the project by the Londonderry Planning Board ("Planning Board").
2. Upon receiving approval from the Planning Board, the Applicant is required to provide to DEES evidence of the EPA's receipt of the Applicant's project Notice of Intent (NOI) submittal.
3. Upon completion of construction of the project, the property Owner shall provide to DEES a notarized affidavit acknowledging their understanding of and implementation of the Storm Water Inspections and Maintenance portion of the Storm Water Pollution Protection Plan (SWPPP) for the site and the annual reporting and a copy of the recorded Storm Water Inspections and Maintenance Plan.

B. Exemptions

The following allowed activities listed below are exempt from the requirements of the regulations:

1. Small projects that will result in less than 5,000 square feet of land disturbance and provide the minimum erosion control measures and BMPs set forth in the New Hampshire Storm water Manual, Volume 3 (2008 or as updated).
2. Normal maintenance and improvement of land in agricultural use as provided in the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire as

established by the New Hampshire Department of Agriculture, Markets and Food, dated June 2011, or as amended.

3. Maintenance of existing landscaping, gardens, or lawn areas.
4. The construction of any fence that will not alter existing terrain or drainage patterns.
5. Construction of utilities (gas, water, sewer, electric, telephone, storm drainage, etc.), disturbing less than 20,000 contiguous square feet, within the limits of an existing paved roadway that will not increase impervious area, or permanently change drainage patterns, and where construction trenches are stabilized at the end of each working day.
6. Disturbance solely related to maintenance and improvement of an existing street or road unless an increase in impervious area is proposed and the disturbance is greater than 20,000 square feet. This exemption applies for roadway projects that do not disturb highly erodible soils (e.g., reclaim and pave, resurfacing, milling).
7. Emergency repairs to any storm water management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Building Department, Zoning Officer or Department of Engineering and Environmental Services.

C. Application Procedure

The following application procedure will apply for any construction project, whether a Site Plan or Subdivision application as outlined within these Regulations:

1. Step 1 – Review phase of project –
 - a. Upon its receipt of complete project information as outlined under section 3(C)(1) below, DEES shall inform the Applicant whether the application for the Storm Water Discharge Permit is approved in accordance with the Town’s Site Plan and Subdivision Regulations.
 - b. If the application is not approved, DEES will issue comments to the application. The applicant shall address DEES’s review comments.
2. Step 2 – Upon receipt of Planning Board approval, the Applicant shall provide project information as outlined under Section 3(C)(2) below prior to the pre- construction meeting required under the Town’s Site and Subdivision regulations.
3. Step 3 – Upon completion of construction of the project, the property Owner shall provide the project information as outlined under Section 3(C)(3) below prior to a certificate of occupancy being issued by the Town.

D. Application Requirements

Under the Town's Storm Water Discharge Permit process, the following is required:

1. Step 1 - During the review process, the Applicant shall submit the following:
 - a. Storm Water Discharge permit application.
 - b. Project design drawings (Site plan or Subdivision application) in accordance with Planning Board requirements and the requirements of 40 CFR §122.26, including the SWPPP.
 - c. A Project Storm Water Drainage report (Site plan or Subdivision application) in accordance with Planning Board requirements and the requirements of 40 CFR §122.26.
 - d. Storm Water Pollution Protection Plan, including **inspections** and maintenance program ("I &M"), for the project including the maintenance agreement (signed by the property Owner).
2. Step 2 - Upon receiving Planning Board approval, the Applicant shall submit the following to DEES:
 - a. A copy of NOI submitted to EPA and acknowledgment of receipt by EPA.
 - b. A copy of approved SWPPP including maintenance agreement (signed by property Owner).
3. Step 3 - Upon completing construction of the project, the property Owner shall provide to DEES a signed notarized affidavit, on the Town's standard form, acknowledging understanding and implementation of the approved Storm Water I &M portion of the SWPPP and maintenance agreement for the site.

E. Permit Compliance

Approvals issued under this section shall be valid from the date of issuance through **the completion of the construction period. Compliance under this section shall be in perpetuity under the post construction period.**

SECTION 4. GENERAL PERMIT PROVISIONS

A. EPA Construction General Permit

The Permit is required as outlined in Section 5 of the Town's Storm Water Ordinance and as outlined in 40 CFR §122.26 of the USEPA Regulations.

B. Storm Water Pollution Prevention Plan (SWPPP)

The SWPPP shall be updated and modified as appropriate and as required by the Construction General Permit, Town Ordinance and these Regulations. Any update or modification to the SWPPP shall be prepared, signed, and sealed by a Professional Engineer licensed in the State of New Hampshire.

All contractors and subcontractors identified in a SWPPP shall sign a copy of the following certification statement before conducting any professional service identified in the SWPPP.

"I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with activity from the construction site identified as part of this certification, with the Storm Water Ordinance of the Town of Londonderry, New Hampshire, and with those provisions of the Storm Water Pollution Prevention Plan (SWPPP) for the construction site for which I am responsible."

This certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. The SWPPP with the certifications of document creator, contractors and subcontractors shall be retained at the construction site from the date of commencement of construction through the date of final stabilization. A copy must also be made available to DEES at least ten (10) working days before the commencement of construction.

C. Expiration of Approvals

Site plan and Subdivision approvals shall expire and become null and void if substantial work authorized by such approval has not commenced within the time frame noted in the Town's Site plan and Subdivision Regulations.

D. Notice of Construction

The applicant must notify DEES at least ten (10) working days in advance of the commencement of construction. The Owner/Operator/Contractor shall conduct regular inspections of the storm water management system during construction. Inspections shall

be performed on all areas that have not had final stabilization, areas used for storage of materials that are exposed to precipitation, structural control measures, locations where vehicles enter and exit the construction site, open manholes and piping that could collect sediment and other controls as outlined in the SWPPP. All inspections shall take place within 24-hours after any rainstorm of 0.5 inches or more of rain and once every seven days. These inspections must be documented by written reports that include the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved SWPPP;
3. Variations from the approved construction specifications;
4. Any violations that exist.

E. Joint Responsibility

Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing BMP's, is jointly and severally responsible for any willful or negligent failure to adequately implement those BMP's (if such failure causes or contributes to causing the Town to violate a water quality standard, the Town's NPDES permit, or any State-issued discharge permit for discharges from its MS4).

F. Final Stabilization

When a site has been finally stabilized and all storm water discharges from construction activities that are authorized by these Regulations and by the NPDES permit for those construction activities are eliminated, or where the operator of all storm water discharges at a facility changes, the operator of the construction site shall submit to DEES a copy of the NPDES Notice of Termination ("NOT"), or EPA reference tracking number, of coverage under a NPDES General Permit for Storm Water Discharges.

Upon final stabilization of the construction site, the owner (or duly authorized representative thereof) by submission of the NOT to the EPA is certifying that the site has been finally stabilized. The Town may withhold an occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and DEES has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

The operator shall retain copies of any SWPPP, certifications and all reports required by these Regulations or by the NPDES permit for the site, and records of all data used to

complete the NOT, for a period of at least three years from the date that the site is finally stabilized.

The operator shall assure that DEES is provided with two full sets of as-builts (to include at a minimum sewers, drains, storm water structures, swales, roads, curb lines, sidewalks, and vertical information on structures via profile or plan invert notes) of the completed project. These must be received within one hundred twenty (120) days of the submission of the NOT. If these as-builts are not received by the Town, then the Town may draw funds from any retainage or financial guarantees to have an engineer complete the as-builts with all costs being borne by the operator.

Within thirty (30) days of the submission of the NOT, the operator's construction site must be cleaned and free of any residual stock piles of materials, hay bales, silt fences or any such BMPs that were used for site erosion and sediment controls. If these are not completed to DEES's satisfaction, the Town may draw funds from any retainage, performance, or security bonds to have a contractor complete the clean-up and close out any remaining site stabilization.

G. Financial Guarantees

1. DEES will require the submittal of a performance surety in accordance with the Subdivision and Site plan regulations.
2. The performance surety shall be released only upon DEES's receipt of as-built plans and written certification by a registered professional engineer licensed to practice in the State of New Hampshire that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of these Regulations. DEES will make a final inspection of the structural BMP to ensure that it complies with the approved plan and the provisions of these Regulations. **A copy of the recorded Storm Water Inspection and Maintenance Plan for the project shall also be provided.** Provisions for a partial pro-rata release of the performance surety based upon the completion of various development stages can be made at the discretion of the DEES.

H. Responsibility.

1. **Responsible parties during construction.**
 - a. **Commercial and industrial development and/or redevelopment.** The owner, and owner's legally designated representative (if any) shall all hold responsibility for implementing the SWPPP. This includes but is not limited to the installation, construction, inspection, and maintenance of all storm water management and erosion control measures required by the provisions of this chapter.
 - b. **Residential development and redevelopment.** The owner is responsible for implementing the SWPPP. Excluding any post-development requirements of plan implementation, there are two ways for the Town to consider an owner to be

removed as the responsible party (the owner may also be required to comply with other regulating entities' additional requirements):

- 1) The owner completes the project in a manner satisfactory to the Town and if a NOI has been filed for the project, the NOI permittee files a notice of termination (NOT) with the EPA in accordance with the terms of the federal requirements.
 - 2) The owner passes legal responsibility for the SWPPP to another competent party. In the case of a new subdivision where lots may be transferred to a different entity for construction of the buildings, it is the owner's responsibility to ensure that the owner has a legal basis to require compliance by the new entity.
- c. Individual homeowner development. The homeowner or a homeowner who has taken control of a subdivided property bears responsibility for compliance with the approved SWPPP. If the homeowner is contracting building services to another person or entity, the homeowner may choose to pass legal responsibility of compliance to the contracted entity. If the responsibility is not passed, the homeowner remains the responsible party and shall comply with the terms of the original SWPPP.
2. Responsible parties, post-construction/long-term maintenance. Long-term maintenance of approved storm water practices shall be ensured through the storm water inspection and maintenance plan as described in Section 6(C) below. Responsibility for implementing the inspection and maintenance plan is as follows:
- a. Commercial and industrial development and/or redevelopment. The owner, and owner's legally designated representative (if any) shall hold all responsibility for implementing the maintenance and inspection plan. The responsible party(ies) may contract with one or more third parties to conduct the inspection and maintenance activities but shall remain responsible for ensuring long-term effectiveness and maintaining records as required by Section 6(C) below.
 - b. Residential development and/or redevelopment. For residential development and/or redevelopment where a homeowners' association will not be established, the individual homeowners share joint and several liability for implementing the maintenance and inspection plan. For residential developments where a homeowners' association will be established, the following applies:
 - 1) The homeowners' association shall assume responsibility and be specified as such in the documentation that establishes the association.
 - 2) If the homeowners' association is dissolved or discontinued, the individual homeowners share joint and several liability for maintenance and inspection activities.
 - c. The responsible party(ies) may contract with one or more third parties to conduct

the inspection and maintenance activities but shall remain responsible for ensuring long-term effectiveness and maintaining records as required by Section 6(B)4.D below.

- d. Installation, construction, maintenance and inspection requirements and responsibilities; post- construction inspection and maintenance. All applicants requiring a storm water management and erosion control plan shall submit relevant pollutant accounting information to the Planning Department as required by the Department of Public Works. Required information shall be submitted at the time of as-builts.

SECTION 5. WAIVERS

A. Conditions for Waiver

The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant if it can be demonstrated that the proposed development is not likely to impair attainment of the objectives of these Regulations.

SECTION 6. STORM WATER SYSTEM DESIGN AND MANAGEMENT STANDARDS

A. Storm Water Design or BMPs Manual - The Town adopts as its storm water design and BMPs manual the following publications, which are incorporated by reference in these Regulations as if fully set out herein:

1. New Hampshire Department of Environmental Services Storm water Manual Volume 1, 2 and 3 dated December 2008 and any and all amendments and updates.
2. The Town of Londonderry's "Subdivision and Site Plan Regulations";
3. "New Hampshire DOT Guidelines for Temporary Erosion and Sediment Control and Storm Water Management" - NHDOT Bureau of Construction.

B. Post – Construction Storm Water Management Design Standards

The following performance standards shall be applied for post-construction storm water management. [Note: These standards are in addition to requirements that may be found in other sections of the Site Plan, Subdivision, and other land use regulations or Ordinances. These standards are also in general conformance to requirements set forth in the NH Small MS4 NPDES general permit, NPDES general permit for discharges from construction activities, NHDES wetlands permits (RSA 482-A), and the NHDES alteration

of terrain rules (RSA 485-A:17).]

1. Design guidelines.

- A. All proposed storm water treatment practices and measures shall be appropriately selected, designed, installed, and maintained in accordance with manufacturers' specifications and performance specifications in the New Hampshire Storm water Manual, Volumes 1, 2 and 3 (2008 or as updated), a copy of which is available from the NHDES website at https://www.des.nh.gov/water/storm_water Design considerations shall include the following, as appropriate:
- 1) Where practical, the use of natural, vegetated filtration BMPs or subsurface gravel wetlands for water quality treatment is preferred.
 - 2) All storm water detention areas shall be designed to drain within a maximum of 72 hours for water quality and flood control.
 - 3) BMP design shall account for frozen ground conditions when the devices may not function at their optimal design.
 - 4) All storm water management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice and how and who will manage and maintain this vegetation. The use of native plantings appropriate for site conditions is strongly encouraged for these types of storm water treatment areas in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section. The landscape plan must be prepared by a licensed landscape architect, soil conservation district office, or another qualified professional.
- B. Storm water management and erosion and sediment control practices shall be located outside any specified buffer zones unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible.
- C. Low Impact Development (LID) site planning and design strategies shall be used to the maximum extent practicable (MEP) for both new development and redevelopment sites to reduce storm water runoff volumes, protect water quality, and maintain predevelopment site hydrology. Low Impact Development (LID) techniques with the goals of protecting water quality, maintaining predevelopment site hydrology. Low Impact Development (LID) techniques that preserve existing vegetation, reduce the development footprint, minimize or disconnect impervious area, and use enhanced storm water BMP's (such as raingardens, bioretention systems, tree box filters, and similar storm water management landscaping techniques) shall be incorporated into landscaped areas. Capture and reuse of storm water is strongly encouraged. The Applicant must document in writing why

the LID strategies are not appropriate when not used to manage stormwater.

- D. The design of the storm water treatment systems shall account for upstream and upgradient storm water runoff that flows onto, over, or through the site to be developed or redeveloped and provide for this contribution of storm water runoff.
- E. Surface runoff shall be directed into appropriate storm water control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.
- F. All newly generated storm water from new development shall be treated on the development site. A development plan shall include provisions to retain natural predevelopment watershed areas on the site by using the natural flow patterns.
- G. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids (TSS) and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Storm Water Manual. Volumes 1 and 2, December 2008, as amended or other equivalent means. Where practical, the use of natural, vegetated filtration practices or gravel wetlands for water quality treatment are preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with storm water BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Storm Water Center and/or included in the latest version of the NH Storm Water Manual.
- H. Pollutant discharge minimization requirements.
 - 1) Storm water runoff shall not be discharged to municipal drainage systems or privately owned drainage systems (whether enclosed or open drainage) or to surface water bodies and wetlands, unless it meets the minimum pollutant discharge requirements in Subsection B(1)(H) above or is from a vegetated area conveyed as sheet flow.
 - 2) Storm water treatment practices shall be designed for the water quality volume (WQV) or water quality flow (WQF), as applicable, calculated in accordance with Code of Administrative Rules Env-Wq 1504.10 and 1504.11, respectively.
 - 3) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair, or not meet water quality standards of such waters.
 - 4) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of NHDES, including

those involving underground storage tanks, aboveground storage tanks, hazardous waste, and required BMPs for groundwater protection (Code of Administrative Rules Chapter Env-Wq 401).

- 5) The physical, biological, and chemical integrity of the receiving waters shall not be degraded by the storm water runoff from the development site.
 - I. Measures shall be taken to control the post-development peak runoff rate so that it does not exceed pre-development runoff rate. Drainage analyses shall include calculations comparing pre- and post-development storm water runoff rates (cubic feet/second) and volumes (cubic feet) for the 1-inch rainstorm and the 2-year, 10-year, 25-year, and 50-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GR_v) in accordance with NH DES Alteration of Terrain requirements. For sites where infiltration is limited or not practicable to provide the minimum GR_v, the Applicant must demonstrate that the project will not create or contribute to water quality impairment.
 - J. The sizing and design of storm water management practices shall utilize new precipitation data from the Northeast Region Climate Center (NRCC), or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all storm water management practices. See the NRCC website at <http://precip.eas.cornell.edu/>
 - K. The design of the storm water drainage systems shall provide for the discharge of storm water without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
 - L. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
 - M. Access drive of a minimum width of 12 feet for maintenance of storm water facilities including sediment forebays and outlet structures shall be provided as part of the design. Access easements may be required.
 - N. Salt storage areas shall be fully covered with permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with NH DES published guidance. Runoff from snow and salt storage areas shall enter treatment areas before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at:

<http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>.

2. Additional Submission Requirements for Drainage Study/Storm Water Management Report and Plans:

- A. All applications shall include a comprehensive Storm Water Management Plan (SWMP). The SWMP shall include a narrative description and an Existing Conditions Site Plan showing all pre-development impervious surfaces, buildings and structures; surface water bodies and wetlands; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.
- B. The SWMP shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent storm water management elements and best management practices (BMP); GIS files containing the coordinates of all storm water infrastructure elements (e.g. catch basins, swales, detention/bioretention areas, piping); important hydrologic features created or preserved the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum 2-foot intervals. The plans shall provide calculations and identification of the total area of disturbance proposed on the site (and off site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms at each of the outlet locations shall be included.
- C. The SWMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Subsection A and Subsection B noted above under this section. The SWMP shall include design plans and/or graphical sketch(es) of all proposed above ground LID practices.
- D. The SWMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice.
- E. The SWMP shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NHDES Storm Water Manual Volume 3 (most recent version) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.
- F. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
- G. Where proposed changes are anticipated within mapped limits of the 100-year floodplain, the Applicant must meet the requirements of the Zoning Ordinance regarding the Floodplain Overlay District.
- H. For sites meeting the definition of a redevelopment site, the project shall meet one of the following storm water treatment standards:

- 1) Implement measures on-site that result in disconnection or treatment of at least 30% of the existing impervious cover and 50% of the additional proposed impervious cover and pavement areas preferably using infiltration or filtration practices.
 - 2) Implement other LID techniques on-site to the maximum extent practicable to provide treatment for at least 50% of the entire site area.
- I. The SWMP shall include a long-term storm water management BMP inspection and maintenance plan (see Subsection C below) that describes the responsible parties and contact information for the qualified individuals who will perform future BMP inspections. The inspection frequency, maintenance and reporting protocols shall be included.
 - J. The SWMP shall describe and identify locations of any proposed deicing chemical and snow storage areas. SWMP will describe how deicing chemical use will be minimized or used most efficiently.
 - K. In urbanized areas that are subject to the EPA MS4 Storm Water Permit and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage, and track and report amounts applied using the UNH Technology Transfer Center online tool (<http://www.roadsalt.unh.edu/Salt/>) and to NHDES's New Hampshire Salt Management System Database at: <https://www.nhms4.des.nh.gov/nh-resources/winter-maintenance/>

3. Spill Prevention, Control and Countermeasure (SPCC) Plan

Any existing or otherwise permitted use or activity having regulated substances in amounts greater than five gallons, shall submit to the local official such as the Fire Chief, **Building Inspector, and DEES**, a SPCC plan for review and approval. The Plan will include the following elements:

- A. Disclosure statements describing the types, quantities, and storage locations of all regulated substances that will be part of the proposed use or activity.
- B. Owner and spill response manager's contact information.
- C. Location of all surface waters and drainage patterns.
- D. A narrative describing the spill prevention practices to be employed when normally using regulated substances.
- E. Containment controls, both structural and non-structural.
- F. Spill reporting procedures, including a list of municipal personnel or agencies that will be contacted to assist in containing the spill, and the amount of a spill requiring outside assistance and response.
- G. Name of a contractor available to assist in spill response, contaminant, and cleanup.
- H. The list of available clean-up equipment with instructions available for use on-site and the names of employees with adequate training to implement containment and clean up response

4. Storm Water Management Plan and Site Inspections

- A. The Applicant shall provide that all storm water management and treatment practices shall have an inspection and maintenance plan in place with an agreement to ensure the system will continue to function as designed in perpetuity. This agreement will include all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water system. The inspections and maintenance plan shall specify the parties responsible for the proper maintenance of all storm water treatment practices. The inspection and maintenance plan document shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.
- B. The Applicant shall provide legally binding documents for filing with the registry of deeds which demonstrate that the obligation for maintenance of storm water best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite storm water infrastructure when necessary to address emergency situations or conditions.
- C. The property owner shall bear responsibility and all costs for the installation, construction, inspection, and maintenance of all storm water management and erosion control measures required by the provisions of these regulations and as approved by the Planning Board, including emergency repairs completed by the Town, when necessary.
- D. An inspection and maintenance plan for post-construction monitoring of storm water BMPs is required to ensure long-term performance and functionality, and shall include the following elements:
 - 1) Site name, address, tax map, lot number, and Owner's name and address.
 - 2) Name of responsible party for inspections and maintenance including name, address, telephone, and e-mail.
 - 3) General description of the site, the site BMPs and the intent of the inspection and maintenance plan for the site and the BMPs.
 - 4) Description of specific maintenance actions for each BMP and include construction details of each BMP.
 - 5) A plan showing the location and labeling of each BMP. The plan shall also show and label locations of snow storage areas.
 - 6) Proposed schedule of inspection frequency consistent with the New Hampshire Storm Water Manual.
 - 7) A sample inspection log/checklist to document each inspection and maintenance activity for each BMP. The log shall include maintenance of site impervious areas such as parking lots and sidewalks and maintenance of pervious areas such as lawns and landscaping that contribute runoff to the BMPs. The inspection checklist should include photo documentation requirements for the BMPs.
 - 8) A sample deicing log to track amount and type of deicing materials applied to the site.

- 9) Description of maintenance response actions, including actions to be taken if invasive species begin to grow in the BMPs.
- 10) Documentation of how reports will be completed, submittal and retention procedures, and contingency plans if future maintenance is required.

SECTION 7. INDUSTRIAL ACTIVITY DISCHARGES

Industrial activity discharges as outlined in Section 5(B) of the Storm Water Ordinance shall comply with the following requirements (unless they have their own private, NPDES permitted outfalls):

1. Storm Water Activity Associated with Industrial Discharge - Any operator who intends to obtain coverage for storm water discharge associated with industrial activity under the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity (“the Industrial General Permit”) shall submit a signed copy of its NOI to the Director at least five (5) business days prior to the commencement of the industrial activity at the facility. If industrial activity is already underway upon the effective date of the Storm Water Regulations, the NOI shall be submitted within thirty (30) days.
2. Industrial General Permit SWPPP - A SWPPP shall be prepared and implemented in accordance with the requirements of the Industrial General Permit or any individual or group NPDES permit issued for storm water discharges from the industrial facility, and with any additional requirement imposed by or under these Regulations.
3. Preparation of SWPPP - The SWPPP shall be prepared, signed and sealed by a Professional Engineer licensed in the State of New Hampshire.
4. Qualified personnel (provided by the operator) shall conduct comprehensive site compliance evaluations as required by the Storm Water Multi Sector General Permit for Industrial Activity at intervals of no less than annually. Based on the results of the compliance prevention measures and controls identified in the SWPPP, the Plan shall be revised as appropriate within two (2) weeks of such evaluation and shall provide for implementation of any changes to the SWPPP in a timely manner, but in no case more than twelve (12) weeks after the compliance evaluation.
5. A report summarizing the scope of the comprehensive site compliance evaluation required by the Multi Sector General Permit personnel making the compliance inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with necessary and appropriate plan revisions shall be made and retained as part of the SWPPP for at least one (1) year after all storm water discharges from the facility are eliminated and the required NOI has been submitted. The report shall identify any incidence of noncompliance; or, if the report does not identify any incidence of noncompliance,

the report shall contain a certification that the facility complies with the SWPPP, the applicable NPDES permit, and these Regulations. The individual responsible for the comprehensive site compliance evaluation shall sign the report, and it shall be submitted to the Director within ten (10) days of completion.

6. If the industrial facility is required by the Multi Sector General Permit to conduct semi-annual monitoring, a signed copy of each storm water analytical monitoring report prepared in accordance with the Multi Sector General Permit shall be submitted to the Director.
7. By written notice, the Director may require any industrial facility identified in accordance with this Section 7 to implement a monitoring program that includes the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable, any pollutant listed in an existing NPDES permit for the facility, oil and grease, COD, pH, BOD5, TSS, Total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under 40 CFR §122.21(g)(7)(iii) and (iv). The Director may require written reports of any such monitoring to be submitted to DEES.
8. Where all storm water discharges associated with industrial activity authorized by the SWO and the NPDES permit for those discharges from industrial activities are eliminated, or where the operator of storm water discharges associated with industrial activity at a facility changes, the facility operator shall submit to the Director a Notice of Termination that includes the information required for Notices of Termination by Part IX of the Storm Water Multi-Sector General Permit for Industrial Activity.

SECTION 8. ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES

Access and inspection shall be as outlined in Section 8 of the Ordinance

SECTION 9. NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS

A. Notification.

Notice shall be provided as outlined in Section 9 of the SWO.

B. Release Notification and Reporting

Any person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing or any other release of any substances that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States, shall immediately telephone

and notify DEES and the Town of Londonderry Fire Department of nature, quantity and time of occurrence of the event. Such events include all spills of any size that enters a catch basin, culvert, or structure that conveys runoff from the site. Such events also include any material that spills outside the limits of the approved work area of the site and any spill that breaches a silt fence, or other BMP control structure. Spills that reach a wetland, stream, brook, pond, etc. whether within the work site or outside the work site, also are to be reported.

In this section, "substances" include any reportable quantity as outlined in 40 CFR Part 302; any extremely hazardous substance as established under 40 CFR Part 355; and any oil that causes a film or sheen or discolors the surface of the water or causes a sludge emulsion to be deposited beneath the surface of the water or any harmful quantity of pollutant.

All spills other than those described above are to be recorded within the daily activity log of the site contractor or industrial operator, as well the remediation taken, and the extent and quantity of the spill

C. Immediate Notification Required

Following notification as required in Section 9(B) above, written notice addressed and mailed to the Director or his duly authorized agent shall be provided within three (3) business days of the phone or in person notice and shall include the chemical or substance name, exact location of release, time and duration of release, estimated quantity and concentration of release, source of release, precautions that should be taken in regards to release, steps taken to contain and /or clean up release and the telephone numbers given of the person or persons to be contacted for further information.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. Information regarding the steps taken to ensure no reoccurrence shall be submitted to DEES in writing within five (5) days of the incident.

D. Liability for Damage and Loss

The notifications required in Section 9(B & C) shall not relieve the responsible person of any expense, loss, damage or other liability which may be incurred as a result of the release. This includes liability for damage to the Town, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to the SWO, these Regulations, or state or federal law. Any person responsible for a release shall comply with all state, federal, and any other local requiring reporting, cleanup, containment, and any other

appropriate remedial action in response to the release. The responsible person shall reimburse the Town for any cost incurred by the Town in responding to the release. Failure to provide notification of a release as provided above is a violation of the SWO.

SECTION 10. VIOLATIONS, ENFORCEMENT AND PENALTIES

As outlined in Section 10 of the Ordinance.

SECTION 11. ELIGIBILITY

As outlined in Section 11 of the Ordinance.

EPA reissued the Construction General Permit (“CGP”) on February 17, 2022. The CGP now covers both the Phase I large construction sites greater than five acres and "Storm Water Associated with Small Construction Activity," which includes construction sites from one to five acres (or smaller than one acre if part of a larger "common plan of development or sale" that totals one acre). The permit contains conditions to protect endangered species and historic properties and places requirements on the owner and operator of the construction site, including to:

1. Develop and implement a SWPPP.
2. Post a visible public notice at the main entrance of the construction site (or if unfeasible, at a local public building) containing confirmation of permit coverage and details on where the SWPPP may be viewed.
3. As part of the SWPPP, develop a site map showing surface waters, disturbed areas, BMPs, etc.
4. Have "qualified personnel" inspect all erosion and sediment control BMPs, maintain BMPs after storm events and keep records in the SWPPP of all inspections and maintenance performed.
5. Control wastes, such as discarded building materials, concrete truck washout, and sanitary wastes.
6. File a Notice of Termination when the construction site is stabilized and revegetated.



Londonderry Community Choice Aggregation Program Public Hearing

June 3, 2024



What is a Community Choice Aggregation Program?

- A CCA Program is an optional buying group organized by a municipality to benefit electric consumers in the community.
- The Program enters into electricity supply contracts for all residential and business consumers currently receiving default service from Eversource or NH Coop (“Eligible Consumers”).
- Eligible Consumers are automatically enrolled, unless they opt-out.
- Consumers currently under contract directly with third-party suppliers will not be automatically enrolled in the program but may opt-in later.



Benefits of Community Choice Aggregation

- > **Choice:** No longer “stuck” with electric utility default rates
- > **Leverage:** Community buying power; larger buying group attracts robust participation from leading suppliers
- > **Price Stability:** Ability to secure long-term rates and avoid market price volatility
- > **Optionality:**
 - Opt-out anytime without penalty
 - Opt-in at a later time
- > **Public Oversight:** Electricity supplier and consultant accountable to town officials
- > **Local Control:** Operate program based on community priorities and preferences
- > **Product Options:**
 - Define a standard product
 - Offer one or more other opt-in products, e.g., greater renewable power content
 - Program offerings may change over time as new market opportunities develop
- > **Self-funded:**
 - No burden on municipal staff or local budgets
 - No costs imposed on non-participating consumers
 - Program administration outsourced to town consultant



CCA Overcomes Shortcomings of Electric Market Choice

- **Predatory Business Practices:** Specific targeting of vulnerable consumer segments and customer inattention.
- **Predatory Contract Terms:** Beneficial rate at start converts to a much higher 'market-based' rate after initial term expires.
- **Limited Purchasing Power:** Difficult to profitably serve individual residential consumers absent imposing outsized margins.
- **Presents an Additional Market Option:** Program will not interfere with consumers who prefer to shop for themselves.



Important Elements

- > **Choice** – Consumers may:
 - opt-out of the Program and continue receiving supply from utility
 - leave subsequent to launch without penalty
 - opt into the Program after initial launch
- > **Who keeps my lights on?** Utility will continue to be responsible for maintaining service to your home; if you lose power, you still contact your utility
- > **Billing** – You will continue to receive a single bill from your utility; the only change is a separate line item for Program supply replacing utility default service
- > **Customer Service – who do I contact?**
 - **Utility:** power outage, metering, billing, payments, start/stop service
 - **Town Consultant or Program Supplier:** issues regarding opting in or opting out
- > **Utility Services** – Utility services unaffected (budget billing, electronic payment, payment arrangements, energy assistance, energy efficiency programs)
- > **Are Savings Guaranteed?** The goal is to deliver savings over the life of the Program compared to utility default service. However, such savings and future savings cannot be guaranteed



Net Metered Consumers

- Net metered consumers may participate in the Program on an **opt-in basis**
- Net metered consumers may be unable to benefit by enrolling in the program
 - **Consider opt-in:** if kWh consumption consistently > kWh generation
 - **Don't opt-in:** if kWh generation > kWh consumption
- Currently active discussions amongst regulators, utilities, and aggregation advocates to try to facilitate participation for net metered consumers (work-in-progress).

Staying Informed

- Dedicated Program website:
 - Program details and reference material;
 - Customer service number
- Town website and social media
- Community meetings



Plan Development and Approval Process

- Town Council votes to form an Electric Aggregation Committee (“Committee”) (*Oct 2022*)
- **Committee prepares CCA Program Plan (“Plan”)** in coordination with town’s consultant and in accordance with state statute and rules of the Public Utilities Commission (“PUC”) (*2023*)
- **Committee holds two public hearings to receive comments on Plan** (*June 2024*)
- Town Council approves Plan (*July 2024*)
- Plan filed with PUC for review & approval (*July 2024*)
- PUC approves Plan (*Sep 2024*)
- Program launch (*early 2025, depending on market conditions*)



Program Launch and Implementation

- Program will not commence unless and until it can offer initial rates below utility default service rates
- Town signs electric services agreement with supplier selected in competitive bid process
- Town/Consultant mails notifications to all Eligible Consumers at least 30 days prior to program launch.
- Town/Consultant hold public information session prior to launch
- Consumers that have not opted-out are enrolled in the Program
- Consultant manages the transition and on-going Program administration



Questions?



Town of Londonderry, New Hampshire

268B Mammoth Road • Londonderry, NH 03053

(603) 432-1100 • londonderrynh.gov

ORDINANCE 2024-07

An Order Relative to

The Renewal of Junkyard Licensing per RSA 236

WHEREAS Edward Dudek Jr., who resides at 19 Maple Rd, North Hampton, NH, and is the owner of Murray's Auto and Recycling, 55 Hall Rd, Londonderry, NH, desires the renewal to continue operations of said business; and

WHEREAS Edward Dudek Jr. has complied with the requirements of RSA 236; 111-129; and

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that Edward Dudek Jr., doing business as Murray's Auto and Recycling, be granted a renewal to operate an auto recycling facility in accordance with RSA 236; 111-129.

Chad Franz – Chair
Town Council

Sharon Farrell – Town Clerk

A TRUE COPY ATTEST:
06/03/2024



Town of Londonderry, New Hampshire

268B Mammoth Road • Londonderry, NH 03053

(603) 432-1100 • londonderrynh.gov

ORDINANCE 2024-08

An Order Relative to

The Renewal of Junkyard Licensing per RSA 236

WHEREAS Vito J. Solomini who resides at 39 Tsienneto Road, Derry, NH, and is the owner of S&S Metals, 196 Rockingham Road, Londonderry, NH desires a renewal to continue operations of said business; and

WHEREAS Vito J. Solomini has complied with the requirements of RSA 236; 111-129; and

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that Vito J. Solomini doing business as S&S Metals, be granted a renewal to operate an auto recycling facility in accordance with RSA 236; 111-129.

Chad Franz – Chair
Town Council

Sharon Farrell – Town Clerk

A TRUE COPY ATTEST:

06/03/2024



Town of Londonderry, New Hampshire

268B Mammoth Road • Londonderry, NH 03053

(603) 432-1100 • londonderrynh.gov

RESOLUTION 2024-12

A Resolution Relative to

Acceptance of Unanticipated Revenue 31:95-b, III(a)

WHEREAS the Town of Londonderry adopted the provisions of RSA 31:95-b with the passage of warrant article 18 at their March, 1994 town meeting; and,

WHEREAS the Town Council desires to and has complied with RSA 31:95-b, III (a) relative to unanticipated moneys received in amounts greater than \$10,000; and,

WHEREAS the Town of Londonderry has received the InvestNH Municipal Planning & Zoning Grant Program for Housing Opportunity Planning; and

WHEREAS the funds are in the amount of \$50,000.00 and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Londonderry that the Town of Londonderry hereby accepts the unanticipated revenue under 31:95-b, III(a), and further authorizes the Town Manager, to move forward in accepting this award and to sign any paperwork associated with such grant on behalf of the Town.

Chad Franz – Chair
Town Council

Sharon Farrell – Town Clerk

A TRUE COPY ATTEST:

06/03/2024

**InvestNH Municipal Planning & Zoning Grant Program
Housing Opportunity Planning Grant**

GRANT AGREEMENT

This agreement ("Agreement") is by and between New Hampshire Housing Finance Authority, 32 Constitution Drive, Bedford, NH 03110, ("NHHFA") and the Town of Londonderry, New Hampshire ("Grantee").

NHHFA is administering the InvestNH Municipal Planning & Zoning Grant Program ("the Program") under contract with the NH Department of Business and Economic Affairs ("BEA"). BEA has established the Program using funds awarded for these purposes under Section 9901 of the American Rescue Plan Act (Pub. L. No. 117-2 (March 11, 2021)).

Pursuant to a competitive application process NHHFA will provide a grant to Grantee for a project consistent with the Program objectives and Grantee's approved application ("the Project").

Grantee will undertake and complete the Project pursuant to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

1. GRANT AMOUNT: \$50,000.
2. EFFECTIVE DATE: May 9th, 2024.
3. COMPLETION DATE: September 30, 2026.
4. PROGRAM ADMINISTRATOR. This Program is administered by Plan NH on behalf of NHHFA. Project communications with Grantee will generally be by and with the Program Administrator, but NHHFA may communicate directly with Grantee on some matters as stated in this Agreement.
5. PROJECT PERFORMANCE AND CONSULTANT SELECTION. Grantee agrees to perform work to complete the Project pursuant to the terms and conditions of the Scope of Work (Exhibit A). Grantee's application to the Program is considered part of this Agreement and any commitments included within the application will be binding on Grantee. Program application instructions, forms, and associated materials are also conditions to this Agreement.

Grantee acknowledges that it is responsible to complete all Project work and that it will deliver to the Program Administrator (a) all required work under the Scope of Work; (b) all required documentation under the Scope of Work; and (c) all other requirements,

duties, obligations and responsibilities of Grantee under the Scope of Work. Grantee acknowledges and agrees that NHHFA, acting at times through the Program Administrator, will have the sole authority and discretion to determine whether Grantee has met the requirements set forth in this Agreement.

Grantee shall subcontract with a consultant to perform the work of the Project. Grantee may select its consultant from the list of qualified contractors published as part of the Program without engaging in a competitive process. Grantee may otherwise engage in a competitive process to choose its consultant, but the consultant chosen by the Grantee will be subject to approval by the Program Administrator. Acting through the Program Administrator, NHHFA reserves the right to assess the qualifications of such consultants and to reject those it deems to be unqualified to perform the proposed work. Grantee's contractor may subcontract Project work only upon review and written approval of subcontractor's qualifications by the Program Administrator. Grantee will at all times be responsible for Project performance under this Agreement.

6. MONTHLY PROGRESS REPORTS. Grantee will report to Program Administrator on monthly progress toward implementing its proposed Scope of Work, completed tasks, and metrics of success including documentation on public meetings, workshops and hearings, public participation levels, and additional outreach efforts. Grantee will submit a progress report to the Program Administrator that includes a draft of any proposed regulations for the purpose of allowing NHHFA to comment on the draft prior to notice of public hearings held by the Grantee's planning board or other cognizant body.

7. CLOSE OUT OF CONTRACT. Grantee must submit its final invoice on or before the Completion Date. Any invoice submitted after that date will not be eligible for reimbursement. Grantee must submit a final report to the Program Administrator on or before the Completion Date. Any funds remaining unexpended after the final invoice will not be eligible for any further reimbursement. Any funds used for unallowed costs shall be returned with the final report to Program Administrator by check payable to New Hampshire Housing Finance Authority.

8. POST-COMPLETION PROJECT REPORTS. If Grantee adopts ordinances or regulations paid in whole or part with these grant funds, Grantee will report on permitting and development activity under the regulations for a period of three (3) years after Completion Date in a form determined by NHHFA.

9. PROJECT TERM EXTENSION. Grantee will ensure that the Project work is performed in a manner that is consistent with the time periods set forth in the Scope of Work and with the Completion Date.

10. COMPLIANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL LAWS, REGULATIONS, AND RULES. By signing this Agreement, Grantee covenants and agrees that it will fully comply with all applicable provisions of these documents as well as all other applicable local, state and federal laws, regulations and rules that may

be applicable to the conduct of this Project.

11. CONFLICT OF INTEREST. Grantee agrees that it will maintain in effect a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) covering each activity funded under this Agreement. Grantee will disclose in writing to Program Administrator any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

12. RESTRICTION ON ADDITIONAL FUNDING. Grantee acknowledges and agrees that no portion of the funds under this Agreement may be used for the purpose of obtaining additional Federal funds under any other law of the United States, except if authorized under that law.

13. UNIQUE ENTITY IDENTIFIER. Grantee must (i) be registered in SAM.gov; (ii) provide a valid unique entity identifier; and (iii) continue to maintain an active SAM.gov registration with current information at all times during the term of the Project. Registration instructions are here: <https://sam.gov/content/home>.

14. PUBLICATIONS. With the exception of ordinances, regulations, and rules proposed or adopted by Grantee, any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part by, federal award number SLFRP0145 awarded to the State of New Hampshire by the U.S. Department of the Treasury."

15. LIABILITY AND INDEMNIFICATION. NHHFA will not be liable for the action or inaction of Grantee in the performance of its duties under this Agreement. Further, Grantee will indemnify NHHFA and its employees, members, officers, counsel, and other representatives from all claims, causes of action, liability, loss, damage, or expense arising or resulting from Grantee's actions, including, but not limited to negligence and willful or intentional conduct in performing the work contemplated under this Agreement or arising in any way under this Agreement.

16. NHHFA'S RIGHT TO TERMINATE AGREEMENT. In the event of a violation of any term or condition of this Agreement by Grantee, NHHFA will have the right to terminate this Agreement by giving Grantee ten (10) days written notice of such termination. NHHFA will reimburse Grantee for its Project expenses incurred prior to the effective termination date indicated in its written notice.

17. GRANTEE'S ADMINISTRATIVE AND FINANCIAL REPORTS AND INFORMATION. Grantee will maintain full and accurate accounts and records, including personnel, property and financial records, adequate to identify and account for all costs and expenses pertaining to the work performed by Grantee pursuant to this Agreement and such other records and information as may be deemed necessary by NHHFA to assure proper accounting and use for all Program funds. Between the Effective Date and the date five (5) years after the Completion Date, Grantee will keep, or require to be kept by subcontractors, detailed records of all services performed in

connection with the Grant. At any time during Grantee's normal business hours, and as often as NHHFA, the State, the U.S. Department of Treasury or OMB may demand, Grantee will make available to the NHHFA, State, the U.S. Department of Treasury or OMB all records pertaining to matters covered by this Agreement. Grantee will permit NHHFA, the State, the U.S. Department of Treasury or OMB to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data, and other information relating to all matters covered by this Agreement.

18. NO INTELLECTUAL PROPERTY RIGHTS. Grantee acknowledges and agrees that any and all reports, plans, drawings or other documents produced or generated in whole or in part under this Agreement will not be the subject to copyright or other intellectual property right by Grantee or Grantee's contractors and subcontractors. All such documents will be in the public domain.

19. NO AGENCY. Grantee acknowledges and agrees that it has no authority to act on behalf of NHHFA as its agent, representative or in any other capacity whatsoever and that it will not hold itself out as an agent or representative of NHHFA. Further, Grantee acknowledges and agrees that it does not and shall not claim or assert to have the right to act for, bind or take any action whatsoever in any capacity whatsoever on behalf of NHHFA.

20. WAIVER. The waiver of a breach of any provision of this Agreement by either party or the failure of either party otherwise to insist upon strict performance of any provision hereof shall not constitute a waiver of any subsequent breach or of any subsequent failure to perform.

21. NOTICE. Any notice required under this Agreement shall be given as follows:

Notice to Program Administrator:

Tiffany Tononi McNamara
Plan NH
info@nhhopgrants.org

Notice to NHHFA:

George Reagan
New Hampshire Housing
32 Constitution Drive
Bedford, NH 03110
greagan@nhhfa.org

Notice to Grantee:

Name: Kellie Caron, Assistant Town Manager

City/Town: Town of Londonderry

Address: 268B Mammoth Road

Londonderry, NH 03053

Email: kcaron@londonderrynh.org

22. APPLICABLE LAW AND VENUE. This Agreement is governed by and construed in accordance with the laws of the State of New Hampshire. Any legal proceeding relating to this Agreement will be brought in the proper state or federal court in the State of New Hampshire.

23. SEVERABILITY. If any provision of this Agreement is for any reason held illegal, void or invalid, such illegality or invalidity will not affect the remaining provisions hereof, and this Agreement will be construed and enforced as if such illegal, void or invalid provisions(s) were not a part hereof.

24. ENTIRE AGREEMENT. This writing along with the exhibits and attachments constitutes the entire agreement of the parties and all other writings, statements, agreements, or representations whether oral or written are superseded and replaced hereby. No alteration, change or modification of this agreement may be made except in writing signed by all parties.

25. BINDING EFFECT. This Agreement is binding upon the parties hereto and upon their successors, heirs, personal representatives and assigns.

Signature page follows.

AGREED:

New Hampshire Housing Finance Authority

By: _____ Date: _____
Benjamin D. Frost
Deputy Executive Director

Town of Londonderry, New Hampshire

By: _____ Date: _____
Signature (Duly Authorized)

Name and Title Printed

EXHIBIT A

Scope of Work

1. Grantee acknowledges and agrees that the funds awarded under this Agreement will be used solely for purposes identified in this Agreement. Funds are awarded for these purposes under Section 9901 of the American Rescue Plan Act (Pub. L. No. 117-2 (March 11, 2021)), for which Grantee has not received payment or reimbursement from any other source and the State has determined is an allowable purpose as defined in Section 9901.

2. Services to be Provided:

Services to be provided include all deliverables as presented in the approved application as well as the below scope of work and budget from the grantee’s application packet.

Narrative

Task 1 Name: Determining Housing Market Barriers	Task Summary: Examine the extent to which Londonderry’s zoning ordinance, supplementary standards, and amendments support or pose barriers to our housing market.			
	Who is Responsible: Primarily the Community Housing Development Committee and the Londonderry Planning and Economic Development team; guidance from at least one regulatory auditing team member	Milestones: 1. Written list of demographic obstacles (aging, single choice housing units, diminishing young adult population segment, etc.) 2. Report on how climate change poses a barrier 3. Written report on barriers in Londonderry zoning ordinances and subdivision bylaws		
	Deliverables: A report detailing all existing barriers	Partners: Community Housing Development Committee, Planning and Economic Development team, and subcontracted audit team member		
	Steps To Be Taken: 1. Review Londonderry Zoning Ordinance General Provisions, including Purpose (1.1), Short Title (1.2), Authority (1.3), Applicability (1.4), Rules of Construction (1.5), Interpretation of Certain Terms (1.6), Severability (1.7), and Effective Date (1.8) 2. Compare all Zoning Map Boundaries, original Use and Dimensional Regulations, Supplemental Regulations and Standards, Conditional Use Permits, and Building Code Amendments; from this information, build a precise list of Ordinance items that barriers to the housing market and define why/how 3. Present findings in a final Housing Barrier Report		Timetable: Ongoing for a 21-to 28-day period, leading to a final report which will be shared publicly at a Town Board Meeting	Cost/Expense: Meals, supplies, printing, and audit contract time

**Housing Opportunity Planning Grant
Grant Agreement**

Task 2 Name: Alignment of Local Ordinances and Bylaws with Outside Regulations	Task Summary: Compare alignment of local zoning ordinance, supplementary standards, and amendments with outside regulatory components		
	Who is Responsible: Primarily the Auditing team; input from Planning and Economic Development team and the Housing Development Committee (comprised of community stakeholders and interested parties)	Milestones: 1. Compare/find conflicts of zoning ordinance and bylaws to NH and federal regulations 2. . Compare/find conflicts of zoning ordinance and bylaw to proposed statutes 3. Compare/find conflicts of zoning ordinance and bylaw to “Enabling Better Place Guide” 4. Compare/find conflicts of zoning ordinance and bylaw to Comprehensive Master Plan	
	Deliverables: A matrix overview of alignment with: New Hampshire statute and other state or federal regulations; potential changes in New Hampshire statute under consideration; and Comprehensive Master Plan	Partners: Subcontracted Regulatory Auditing team, partnering with Planning and Economic Development team and the Housing Development Committee	
	Steps To Be Taken: 1. Conduct an entrance conference to introduce auditor, address community questions, and collect data needed to conduct survey 2. Conduct survey to gather needed information 3. Compare alignment (described earlier) 4. Draft report on overall alignments, inclusive of matrix overview		Timetable: Ongoing for a 14- to 20-day period

Task 3 Name: Revision Methods Pertaining to the Diversified Housing Strategy	Task Summary: Identification of methodology to revise our current form-based Diversified Housing Strategy to provide greater range of housing choices for Londonderry population segments (taking identified barriers into consideration)		
	Who is Responsible: Primarily the Planning and Economic Development team; guidance from at least one regulatory auditing team member	Milestones: 1. Written step-by-step methods to be used for reviewing and rewriting the Town’s Diversified Housing Strategy 2. Hold a information workshop on understanding Form-Based Code 3. Share findings on the barriers to the local housing market	
	Deliverables: Recommendations for revision methods/steps of the Diversified Housing Strategy	Partners: Planning and Economic Development team, partnering with subcontracted audit team	
	Steps To Be Taken: 1. Rewrite a updated draft of the Diversified Housing Strategy 2. Present overview in a public forum		Timetable: Ongoing for a 20- to 22-day period

**Housing Opportunity Planning Grant
Grant Agreement**

Task 4 Name: Final Audit Fieldwork and Final Audit Report	Task Summary: Conduct Final Audit and write Final Report of overall alignment between Town Zoning Ordinances, Subdivision Regulations, and Site Plan Regulations		
	Who is Responsible: Primarily the subcontracted Auditing team; input from Planning and Economic Development team	Milestones: 1. Outline of all audit findings 2. Final Report completion 3. Audit Resolution Report, overcoming barriers and challenges	
	Deliverables: Detailed final report/findings of the alignment between Town Zoning Ordinances, Subdivision Regulations, and Site Plan Regulations	Partners: Subcontracted Regulatory Auditing team, partnering with Planning and Economic Development team	
	Steps To Be Taken: 1. Conduct audit fieldwork 2. Outline all findings 3. Based on fieldwork results, draft Final Report 4. Develop an audit resolution process, reaching overall consensus on how to best overcome barriers and challenges	Timetable: 60 to 70 days to complete all auditing tasks	Cost/Expense: Meals, printing, and audit time

**Housing Opportunity Planning Grant
Grant Agreement**

Budget Template			
Task #	Task Name	Details	Cost
Task 1	Determining Housing Market Barriers	Audit Consultant Team: Time: \$ 3,450 Direct Costs: \$ 650 Indirect Costs: \$ 200 Administrative Costs: Printing/Copy Costs: \$ 85 Office Supplies: \$ 30 Participant Meals: \$ 60 Overhead: \$ 25 Subtotal:	\$ 4,600
Task 2	Alignment of Local Ordinances and Bylaws with Outside Regulations	Audit Consultant Team: Time: \$ 9,300 Direct Costs: \$ 1,750 Indirect Costs: \$ 550 Administrative Costs: Printing/Copy Costs: \$ 295 Office Supplies: \$ 250 Participant Meals: \$ 180 Overhead: \$ 75 Subtotal:	\$ 12,400
Task 3	Revision Methods Pertaining to the Diversified Housing Strategy	Audit Consultant Team: Time: \$ 3,450 Direct Costs: \$ 650 Indirect Costs: \$ 200 Administrative Costs: Printing/Copy Costs: \$ 85 Office Supplies: \$ 30 Participant Meals: \$ 60 Overhead: \$ 25 Subtotal:	\$ 4,600
Task 4	Final Audit Report of Alignment 26,550	Audit Consultant Team: Time: \$21,250 Direct Costs: \$ 3,950 Indirect Costs: \$ 1,375 Administrative Costs: Printing/Copy Costs: \$ 1,200 Office Supplies: \$ 275 Participant Meals: \$ 200 Overhead: \$ 150 Subtotal:	\$ 28,400
		Grand Total:	\$ 50,000

EXHIBIT B

Methods and Conditions of Payment

Grantee acknowledges and agrees that funding under this Agreement may be withheld, in whole or in part, in the event of Grantee's non-compliance with any Federal or State law, rule or regulation applicable to the Project, or if the Project has not been satisfactorily completed in accordance with the terms and conditions of this Agreement.

REIMBURSEMENT OF GRANTEE'S COSTS. Grant funds will be paid as reimbursement by NHHFA to Grantee for its costs within 30 days of presentation of an invoice to the Program Administrator by Grantee. NHHFA reserves the right to request further information in support of Grantee's invoice; such requests will toll the reimbursement period until requested information is provided by Grantee.

ELIGIBLE COSTS. In addition to the cost of consulting services as required in this Agreement for conduct of the Project, Grantee may expend grant funds for the purpose of acquiring materials and other services necessary to perform tasks identified in the Scope of Work, including but not limited to costs of public notices for meetings.

Food and beverage costs will qualify for reimbursement provided its primary purpose is for the Project and for the purpose of engaging with the public or groups of stakeholders, such as public meetings or focus groups, or is for the dissemination of information about the Project and gathering of public input regarding the Project. Prior to any such expenditure, Grantee must secure the approval of the Program Administrator. Grantee can secure approval for a recurring series of expenditures in a single request. The cumulative amount of funds used to purchase food and beverages will not exceed one percent of Grantee's total project budget or \$2,500, whichever is greater, without prior approval by the Program Administrator. Grant funds cannot be used for the purchase of alcoholic beverages.

Grantee may use up to 7.5% of grant funds for its administrative costs.

Grant funds may not be used for the acquisition of property, to pay for equipment, or to pay for consultant services rendered prior to the Effective Date.

Any invoice submitted for reimbursement after the Completion Date will not be eligible for reimbursement.

1 **Londonderry Town Council Minutes**
2 **Monday, May 20 2024**
3 **7:00 PM**
4 **Moose Hill Council Chambers**

5
6 **Meeting Link:** <http://173.166.17.35/CablecastPublicSite/show/12587?channel=4>
7

8 **Attendance:** Chairman Chad Franz; Vice Chairman Ted Combes; Councilor Shawn Faber;
9 Councilor Ron Dunn; Councilor John Farrell; and Assistant Town Manager Kellie Caron.
10

11 **CALL TO ORDER**

12
13 Chairman Franz called the Town Council meeting to order at 7:00 PM. The Pledge was led by
14 Chairman Franz. This was followed by a moment of silence led by Chairman Franz in honor of all
15 the veterans.
16

17 Franz opened up the meeting discussing Military Appreciation month and explained the council
18 honors all people who have sacrificed their time for this country.
19

20 **PUBLIC COMMENT**

21 Chairman Franz opened public comment Chairman Franz said the first portion of public comment
22 will be discussion on Warrant Article 19 and the second half being general public comment.
23 Chairman Franz read the proclamation acknowledging the Town of Londonderry as a Purple Heart
24 community.
25

26 Franz called Director Matlin to the stand for an update on the Library before any discussion begins.
27

28 **Name:** Erin Matlin

29 **Address:** Library Director

30 Matlin shared about a recent incident with the pipe burst in the building. Matlin reassured the
31 library is reopened. Matlin shared 4,554 items were removed and assessed for damage. 1,670
32 were determined to be beyond repair where as the remaining were re shelved Matlin explained.
33 Matlin thanked the DPW Department and Dave Wholley for contacting the correct people to get
34 this incident squared away. Matlin ended her public comment thanking her wonderful staff for
35 their proactive approach on the situation.
36

37 Chairman Franz opened discussion for Warrant Article 19.
38

39 **Name:** Deb Paul

40 **Address:** 118 Hardy Rd

41 Paul shared she was the citizen for this petition. Paul continued by sharing the reason is the
42 meetings are held at night and people can't make it. Paul shared an example where this week
43 conservation commission didn't get recorded, nor did the utilities committee. Paul explained she
44 thinks for people to know what is going on is important and questioned why they were not
45 recorded. Paul questioned why there is so much pushback from the council when there was 75
46 percent voter support. Franz explained the reason is he wanted to lay out the articles which where

47 petitioned to gather a better understanding on them due to the first time it being discussed was at
48 the deliberative. Franz asked Paul when the best time would be for meetings. Paul shared when
49 the general population is able to attend, example being people who work 9AM-5PM, leaving time
50 for people to commute, starting a meeting after the commute around 6:30-7PM.

51
52 Farrell explained every board is regulated by the charter and do their own rules and also are able
53 to change the meeting start time if they wish to do so. Farrell also shared he checked with the Cable
54 department and 99 percent of the meetings are being recorded. The state statute is to only take the
55 minutes; however, it appears everyone is doing their best Farrell shared. Faber reiterated we cannot
56 enforce rules upon on another board without a charter amendment.

57
58 General Public Comment is now open.

59
60 **Name:** Deb Paul

61 **Address:** 118 Hardy Rd

62 Paul agreed to open up the charter. Paul suggested to look outside the box for recordings on the
63 meetings to improve the recording quality.

64
65 **Name:** Mike Parnell

66 **Address:** 28 Holton Circle

67 Parnell thanked the Town Council for their time and communication over the past few weeks.
68 Parnell shared he is a coach of the NH Charge Flag Football team and around 2 weeks ago he
69 began researching on how to get access to North or South school fields. Parnell explained he wants
70 to make sure he has everything he needs regarding approvals and clearance before doing anything
71 else for a formal application. Director Psaledas shared the sanctioning of recreation teams was
72 created due to an over abundance of teams being created which could not fit the fields. Psaledas
73 expressed concern regarding the possibility of the “floodgates” being opened if we allow one team
74 in through the sanctioning process. Franz directed Executive Assistant Cameron Maher to gather
75 more information on the sanctioning process and to create an application based on the sanctioning
76 criteria to provide to council and the Recreation Commission.

77
78 **Name:** Mr. Olson

79 **Address:** President of Londonderry Fish & Game

80 Olson explained he has been a member of the Fish & Game since 1977 and awhile back it was
81 proposed to build a clubhouse. Olson shared thy went through the whole process for their septic to
82 be designed and approved by DES then they received a conditional site plan approval, met the
83 conditions and then received full approval in 2021 and began site work. Olson shared his general
84 contractor reached out and explained no building permit may be issued because there are additional
85 variances needed. Olson explained he is very frustrated because now the project is stalled. Farrell
86 explained he found out about this issue today at 5:30pm and has a meeting tomorrow at 8am to
87 discuss the issue.

88
89 **Name:** Kristine Perez

90 **Address:** 5 Leslie Dr

91 Perez explained last meeting it was mentioned the town does not vote on budget but moves it to
92 the voters for consideration. Perez referenced many passages in the charter including 5.2, 2.4b,

93 and 5.3d3. Perez ended her comment by correcting her past statement regarding the charter being
94 revised and clarified it has been revised a total of 7 times since 7/1/1976 and 4 times the past 20
95 years.

96
97 **Name:** Richard Belinski

98 **Address:** 89 Hall Rd

99 Belinski explained over the past few weeks 91A's have been mentioned and the cost associated to
100 them. Belinski shared the reason 91A's are being done is because questions are not being
101 answered. Belinski brought attention to the Town Clerks office being closed and not having a clear
102 answer as to why.

103
104 **Name:** Glen Douglas

105 **Address:** 6 Overlook Ave

106 Douglas questioned why public comment is being changed to 1 person and 1 time per section of
107 public comment. Douglas asked if this would be a rule change when Faber suggested a change and
108 was told it was a rule change. Douglas claimed two boards refused to record the meetings and he
109 has not received an answer from them.

110
111 **Name:** Ann Chiampa

112 **Address:** 28 Wedgewood Circle

113 Chiampa questioned the reappointments. Franz clarified.

114

115 Chairman Franz closed public comment.

116

117 **APPOINTMENTS**

118

119 **Interview for Heritage Commission**

120 Megan Thompson of 2 Severance Dr shared she wanted to join the community and help. Thompson
121 explained she was a journalist and finds the meetings interesting and believes she could learn and
122 assist in the community.

123

124 Councilor Farrell moved to appoint Megan Thompson to a 3-year alternate position to the Heritage
125 Commission. Seconded by Councilor Dunn.

126

Chad Franz	Yes
Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

127

128 Motion passed 5-0-0.

129

130 **Interview for Beautify Londonderry**

131 Beth Murray of 28 Forest St shared she was not aware of this committee and once she learned
 132 more, she had to be involved. Murray explained Londonderry is a beautiful place to be and would
 133 love to help improve it.

134
 135 Councilor Dunn moved to appoint Beth Murray to an Ad-Hoc Alternate position to Beautify
 136 Londonderry. Seconded by Vice-Chair Combes.

137

Chad Franz	Yes
Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

138

139 Motion passed 5-0-0.

140

141 **Resignation of Roger Fillio from the Planning Board**

142

143 Councilor Farrell moved to accept the resignation of Roger Fillio from the Planning Board.
 144 Seconded by Vice-Chair Combes.

145

Chad Franz	Yes
Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

146

147 Motion passed 5-0-0.

148

149 **PUBLIC HEARINGS**

150

151 None

152

153 **NEW BUSINESS**

154

155 **Resolution 2024-11 Establishing the Lions Hall Study Committee**

156

157 Assistant Town Manager Caron explained the Lion’s Hall remains in the same position it was a
 158 when initial discussions about its status began. No decisions have been made with regard to the
 159 Lion’s hall, the purpose of the committee is to research and make recommendations to the Town

160 Council regarding the use, restoration, maintenance and funding options for the Lion’s Hall,
 161 ideally before budget season.

162 Franz explained the Town Manager requested this to be an agenda item and asked the council what
 163 they want to do. Franz shared essentially what this would do is create a committee for an ADHOC
 164 use and create a plan to present to the council and the public on what suggestions there are for the
 165 Lions hall. Combes questioned if there is enough time for this even to be created and have a good
 166 effort. Farrell explained it is best to move the deadline of presentation of findings to October 21st
 167 before budget season since anything later would not work. Farrell explained the charge does not
 168 give the committee defined timelines which would be needed for completion.

169
 170 Councilor Farrell motioned to accept Resolution 2024-11. Seconded by Vice-Chair Combes.
 171

Chad Franz	Yes
Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

172
 173 Motion passed 5-0-0.
 174

175 **Playground Update**

176
 177 Assistant Director Cole & Administrative Support Coordinator Hildonen presented their findings
 178 with the inspection of the playground with Primex. Cole shared there are long term fixes as well
 179 as short term and will be doing yearly inspections with Primex. Cole explained the ask is \$19,044
 180 dollars or \$14,350 depending on how the mulch is spread.

181 Assistant Town Manager Caron said ARPA funds may be allocated for this project. She
 182 recommended the council allocate up to \$20,000.

183 The council agreed to proceed with expending up to \$20,000 in ARPA funds for the project.
 184

185 **Order 2024-06 Relative to a Withdrawal from the Fire Equipment Capital**
 186 **Reserve**

187
 188 Deputy Chief Leblanc discussed his request to withdraw 99,942.47 dollars from the capital
 189 reserves to fully equip the additional firefighters come July. Leblanc explained the current pumps
 190 are 7 years old and the medication library can no longer be updated which is why this is one of the
 191 items they have requested. Furthermore, Leblanc pointed out the remaining items requested
 192 including, fire hose, radios, and gear.

193
 194 Councilor Dunn motioned to approve Order 2024-06. Seconded by Councilor Faber.
 195

Chad Franz	Yes
------------	-----

Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

196
197 Motion passed 5-0-0.

198
199 **OLD BUSINESS**

200
201 **None**

202
203 **APPROVAL OF MINUTES**

204
205 Vice-Chairman Combes moved to approve the May 6th, 2024, Town Council minutes. Councilor
206 Dunn seconded the motion.

207

Chad Franz	Yes
Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

208
209 Motion passed 5-0-0.

210
211 Vice-Chairman Combes moved to approve the May 6th, 2024, Non-Public Town Council minutes
212 as amended with the request to add roll call vote. Councilor Dunn seconded the motion.

213

Chad Franz	Yes
Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

214
215 Motion passed 5-0-0.

216
217 **OTHER BUSINESS**

218

219 **None**

220

221 **Liaison Reports**

222 Chairman Franz provided his report which involved thanking the Purple Heart recipients by name
223 from the start of the meeting and apologized for not naming them earlier.

224

225 Vice Chairman Combes provided his report.

226

227 Councilor Dunn provided his report.

228

229 Councilor Faber provided his report.

230

231 **Town Manager Report**

232

233 Assistant Town Manager provided her report.

234

235 **MEETING SCHEDULE**

236

- June 3, 2024: Moose Hill Council Chambers, 7:00 p.m.

238

239 **ADJOURNMENT**

240

241 Vice Chairman Combes moved to adjourn. Councilor Dunn seconded the motion.

242

Chad Franz	Yes
Ted Combes	Yes
John Farrell	Yes
Ron Dunn	Yes
Shawn Faber	Yes

243

244 Motion passed 5-0-0.

245 The meeting adjourned at 8:58 p.m.

246 Minutes prepared by Cameron Maher