

**TOWN COUNCIL
AGENDA
October 6, 2008**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home.

7:00 PM

I. CALL TO ORDER – PUBLIC SESSION

II. PUBLIC HEARINGS

- A. Ordinance #2008-11 – Relative to Amendments to the Zoning Ordinance Regarding Historic Overlay District
- B. Ordinance #2008-12 – Relative to Amendments to the Zoning Ordinance Regarding Planned Residential Developments

III. PUBLIC COMMENT

A.

IV. OLD BUSINESS

- A. Resolution #2008-18 – Relative to Municipal Application of Road Salt

V. NEW BUSINESS

- A. Police Department Animal Control Officer Staffing Plan
- B. Resolution 2008-19 - Relative to the Elder Affairs Committee
- C. Resolution 2008-20 - Relative to the Transfer of Historical Records
- D. Resolution 2008-21 – Relative to the Economic Development Task Force

VI. APPROVAL OF MINUTES

- A. Minutes of the Council's September 15, 2008 Public Meeting.

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager's Report
- C. Board/Committee
Appointments/Reappointments/Resignations

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, October 20, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM – FY10 Budget Presentation
- B. Town Council Budget Workshop, October 27, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- C. Town Council Budget Workshop, November 1, 2008, Moose Hill Council Chambers, Town Hall, 8:30 AM
- D. Town Council Meeting, November 3, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- E. Town Council Budget Workshop, November 6, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM

Introduced: 8/18/08
Second Read/Pub Hrg: 9/15/08
Public Hearing Continued: 10/06/08
Adopted: xx/xx/xx

ORDINANCE 2008-11
RELATING TO AMENDMENTS TO THE ZONING
ORDINANCE REGARDING HISTORIC OVERLAY
DISTRICT

WHEREAS the Historic Properties Task Force developed a report outlining strategies for the preservation of historic properties in the community; and

WHEREAS said strategies have resulted in proposed amendments to the Zoning Ordinance to meet the goals of the Task Force and the community; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon proposed amendments;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the addition of Section 4.1.7 (Special Exceptions for Historic Structures), revisions to Section 4.1, and other miscellaneous revisions to various sections of the Ordinance to further the preservation of historic structures in the community.

Marty Bove
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/08

Town Seal

Introduced: 9/15/08
Second Read/Pub Hrg: 10/06/08
Adopted: xx/xx/xx

ORDINANCE 2008-12
RELATING TO AMENDMENTS TO THE ZONING
ORDINANCE REGARDING PLANNED
RESIDENTIAL DEVELOPMENTS

WHEREAS the Planning Board and Staff have undertaken the process of systematically reviewing and updating sections of the Zoning Ordinance; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon proposed amendment:

Rewrite Section 3.3, "Planned Residential Development," establishing the new Section, "Conservation Subdivisions"

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to rewrite Section 3.3, Planned Residential Development, including establishing a new Section "Conservation Subdivisions".

Marty Bove
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/08

Town Seal

RESOLUTION 2008-18

A Resolution Relative to the
Relating to Municipal Application of Road Salt

First Reading: 10/06/08
Second Reading: Waived
Adopted: 10/06/08

WHEREAS Beaver Brook, Dinsmore Brook, and Policy Brook do not meet water quality standards for chloride; and

WHEREAS the Total Maximum Daily Load (TMDL) studies show that municipal road salt application must be reduced to meet water quality standards, and

WHEREAS the I-93 corridor municipalities, private transportation facility managers, and the Department of Transportation are working together as the I-93 Salt Reduction Work Group to collectively reduce road salt application in impaired watersheds;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town commits to reduce municipal application of road salt and to work with the New Hampshire Department of Transportation, the New Hampshire Department of Environmental Services and private salt applicators to reduce chloride loading to impaired watersheds in the I-93 corridor.

This Resolution does not bind the Town to any specific salt reduction technique.

Marty Bove, Chairman
Town
Council

(TOWN SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
10/06/08

RESOLUTION 2008-19

Relative to the
LONDONDERRY ELDER AFFAIRS COMMITTEE

First Reading: 10/06/08
Second Reading: Waived
Adopted: 10/06/08

WHEREAS the Londonderry Town Council established the Elder Affairs Committee pursuant to Order 99-15a on June 7, 1999; and

WHEREAS the Committee in partnership with the Elder Affairs Director has successfully developed a program of services to support the needs of Londonderry's elders, including the renovation of the Mayflower Grange into a Senior Center; and

WHEREAS the Town Council and Committee recognize that a revised Committee structure is necessary to encourage additional participation on the Committee;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the "Committee Charge" of the Londonderry Elder Affairs Committee be revised in accordance with the attached, is hereby adopted.

Marty Bove, Chairman
Town Council

Marguerite Seymour - Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:
10/06/08

LONDONDERRY ELDER AFFAIRS COMMITTEE
“TOWN COUNCIL CHARGE”

PURPOSE:

The Londonderry Elder Affairs Committee (“Committee”) shall exist to review and make recommendations regarding existing services, programs and elder issues available to Londonderry’s elderly residents. The Committee shall also identify and advocate for additional services and programs that would support and promote financial and social independence.

REPRESENTATION:

The Committee shall consist of seven (7) voting members of which at least four (4) shall be at least 55 years of age, *and three alternate members of which at least two (2) shall be at least 55 years of age. Terms of office shall be three (3) years, except for the initial terms, which shall be staggered (one, two or three years).* Members will be appointed by majority vote of the Town Council and shall be residents of the Town of Londonderry. The Committee shall choose from its members a Chairperson, Vice-Chairperson and Secretary. The Town Council will select one Liaison Representative; other town departments may send liaisons.

DUTIES / RESPONSIBILITIES:

1. Hold meetings, in accordance with RSA Chapter 91-A
2. Review and make recommendations regarding existing services, programs and elder issues.
3. Identify the need for additional social and economic programs.
4. Maintain a permanent project file that at a minimum includes:
 - A. Committee minutes and progress reports.
 - B. Project correspondence
 - C. Other materials as deemed necessary
5. Submit a written report by December 31 of each year, outlining of activities and events for inclusion in the Town’s Annual Report.

RESOLUTION 2006-20

Relative to the
Transfer and Preservation of Historic Records

First Reading: 10/06/08
Second Reading: Waived
Adopted: 10/06/08

WHEREAS the Town has in its possession historical general assistance records dating back to 1806; and

WHEREAS the Town Council is desirous of properly preserving its historical records; and

WHEREAS the Londonderry Historical Society is uniquely positioned to safeguard, preserve and display town historic artifacts;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the historical general assistance records be transferred to the stewardship of the Historical Society.

Marty Bove, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
10/06/08

RESOLUTION 2008-21

Relative to the
ECONOMIC DEVELOPMENT TASK FORCE

First Reading: 10/06/08
Second Reading: Waived
Adopted: 10/06/08

WHEREAS the Londonderry Town Council reviewed the draft Economic Development Plan at its September 29, 2008 meeting; and

WHEREAS the Council embraced the recommendation to constitute a task force to assist with the promotion and marketing of Londonderry; and

WHEREAS the Town Council determined that assigning this task to the Capital Improvements Planning Committee is the most efficient manner to achieve the Task Force's mission,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the "Committee Charge" of the Londonderry Economic Development Task Force be adopted in accordance with the attached.

Marty Bove, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
10/06/08

LONDONDERRY
“ECONOMIC DEVELOPMENT TASK FORCE”

PURPOSE & MISSION:

The purpose and mission of the Londonderry Economic Development Taskforce shall be to develop a marketing and promotion strategy for the Town building upon the goals and recommendations of the 2008 (Draft) Economic Development Plan and 2004 Master Plan.

REPRESENTATION:

The Committee shall consist of the members of the Capital Improvements Program Committee as constituted pursuant to Section 5.5 of the Town Charter.

DUTIES / RESPONSIBILITIES:

1. Hold meetings, in accordance with RSA Chapter 91-A
2. Provide periodic reports to the Town Council
3. Act as liaison to the Town Council and other Town Boards and committees on issues relating to the project.
4. Maintain a permanent project file that at a minimum, includes:
 - a. Committee minutes;
 - b. Project plans, contracts and payment requests;
 - c. Project correspondence;
 - d. Other material as deemed necessary.
5. Submit a written report by April 1, 2009, outlining activities and events towards completion of the Task Force’s Mission.

TOWN COUNCIL MEETING
September 15, 2008

The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry.

PRESENT: Town Council: Chairman Marty Bove; Vice Chairman, Brian Farmer; Councilors Kathy Wagner, Paul DiMarco and Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Bove opened the meeting at 7:01 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

Councilor Farmer requested that Council take some matters out of order in order to accommodate the large crowd in attendance. He said he would like to move up the American Red Cross and New Business Item C-Resolution #2008-07 for the Londonderry youth Wrestling Organization. Chairman Bove agreed.

PUBLIC COMMENT

American Red Cross – Lisa Michaud Exec. Dir., and Michael Foster, Emer. Service Dir. were in attendance. Thanked Londonderry for their support. Serve 16 other communities. Listed all their services that they provide to all the communities. They provide a full circle network of support, they have a state recognized program from Homeland Security and Gov. Lynch. M. Foster described his role in providing basic emergency needs. Generosity of donors sustains their operation, Red Cross carries out the services. L. Michaud reviewed emergency training/disaster services. Thanked everyone in attendance and offered her full support to the townspeople.

NEW BUSINESS

Resolution #2008-17 – Relative to the Sanctioning of the Londonderry Youth Wrestling Organization. Councilor Farmer read the first reading, second reading waived. **Made a motion to accept. Second Councilor Wagner.** Open for discussion. Recreation Director Art Psaledas, said it is a youth group, they have had wrestling at the high school. The middle school was being under served, kids were very interested in this sport. Now offering the sport at both the middle and high school. **Councils vote 5-0-0.**

PUBLIC HEARING

Councilor Farmer made a motion to go into public hearing. Seconded by Councilor DiMarco, Council's vote was 5-0-0. **Chairman Bove set some ground rules for the large audience:**

- 1) **Shut off all cell phones**
- 2) **Identify yourself when speaking at microphone with name and residence**
- 3) **Time limit of 2 hours maximum on Ordinance #2008-10, with the understanding that there is a possibility that this hearing will be continued, if any citizen who wishes to speak on the matter has not had an opportunity.**

Ordinance #2008-10 – Relative to an Amendment to the Municipal Code, Title VI, Section XXVI, Code of Ethics **Councilor Farmer read the second reading, public hearing, and** made a motion to accept, seconded by Councilor DiMarco. Councilor Brown explained that Council was adding an exclusion to the Code of Ethics pertaining to donations to a non-profit organization in which Town officials may also volunteer. Richard Belinski, Hall Rd. disagrees with it being added, he said it is unethical. He asked Council why bother with an ethics code? It can be perceived as having an unethical overtone. He further stated that an official has a choice, they can stay with the issue, vote it up or down, or don't accept donation; this action eliminates anything that can be perceived as happening behind closed doors. Councilor Farmer said volunteers are always advocating for their organizations, all board members are involved in all kinds of volunteer work. He said that the code could be used by people who wanted to get back at someone. No money comes through the program, no money exchanges hands. He asked the public if they wanted a town with no ethics code or one that is reasonable and fair and leaves it to the discretion of people that they are doing the right thing. Councilor Farmer read all 5 exclusions at the request of Joe Paradis. Councilor Wagner reviewed all her enrollments in volunteer organizations. She said she was against the Code of Ethics because it could be used as a witch hunt. She recommended either throw it out or continue with it as is. Councilor Farmer read a conflict of interest case from the Supreme Court. Atherton vs. Concord case "...it is a general rule of law and the law in NH that there is a conflict of interest when a public officer votes on a matter in which he has a direct, personal or pecuniary interest. However, the rule is also well established that to disqualify the personal pecuniary interest of the official must be immediate, definite and capable of demonstration. Not remote, uncertain, contingent and speculative that is such that men of ordinary capacity and intelligence would not be influenced by it. If every possibility of conflict, no matter how remote, uncertain, contingent, insubstantial, or speculative or cause for disqualification, many persons who are peculiarly suited for public office by the very reason of their commercial or professional experience would be prevented from contributing their services to the community." Mary Wing Soares, 2 Gail Rd., said that these are the same arguments that were brought to Council in the beginning as to why it should not be enacted, had now come to fruition. She suggested eliminating the code. Joe Paradis, 65 Auburn Rd., said he was not sure if we need the amendment. Council knew when this was put in place someone would complain about it, and try to find some way to use it. They tried, it didn't go anywhere. You can't make amendment

after amendment, and the code should be left as is. Gerard Adams, 64 Hall Rd. said if you see a conflict recuse yourself. Forget the amendment, leave it the way it is and recuse yourself. Dan Vecchione, 7 Rev. Parker Rd., said everyone takes an oath to uphold Londonderry and State of NH, you didn't need a piece of paper, you and your conscience know what is right and wrong. Take it upon yourself, throw ordinance out and continue with the oath you took. Chairman Bove said he has been a member of the Council for 8 ½ years and a member of a number of committees. They have solicited money and he as a member does not feel that he violated the code of ethics. He supports this amendment so that all volunteers should understand they are not unethical because they solicit money. **Council's vote 4-1-0.**

Ordinance #2008-11 – Relative to Amendments to the Zoning Ordinance Regarding Historic Overlay District. Councilor Wagner recused herself. Councilor Farmer read the Ordinance at the second reading and public hearing **made a motion to accept, seconded by Councilor DiMarco.** Town Planner, Tim Thompson gave a brief history of the historic property preservation effort in Town. In 2003 the Master Plan Steering Committee discussed the preservation of old homes and barns in town. In 2004 the demolition delay provisions of the building code were adopted by Council. He pointed out the sections in the Master Plan that referenced historic preservation. The Historic Properties Taskforce in 2006 met a number of times and identified homes over 100 years old and narrowed that list from 200 properties to 141, reduced to 139 by the Heritage Commission. In March of 2007, Historic Properties Taskforce held a workshop meeting with over 100 residents and property owners to brainstorm methods of restoring those historic properties. Their report listed criteria for historic homes, and definitions of historic site. He proceeded to list all the criteria and definitions. That taskforce made several recommendations one specific to zoning. The Town Council should direct the Planning Board to investigate and develop zoning ordinance amendments that address:

- 1) Development of a mechanism within the zoning ordinance to allow relief when appropriate from dimensional requirements of the zoning ordinance for historic structures.
- 2) Development of an overlay district with appropriate zoning technique to allow for very light commercial re-use of historic structures in appropriate areas that are adjacent to commercial or industrial areas or located along an arterial roadway. Identification of those properties will be determined by the Planning Board with recommendations from the Historic District Commission.
- 3) To ensure that any proposed new ordinance of the regulations are on an “opt-in” or voluntary basis per property owners, the Planning Board or Town Council should not force any new regulation or ordinance on property owners that do not wish to become part of the new overlay zone.

He proceeded to outline the timeline of the events including workshops, meetings with the Planning Board, Heritage Commission, etc.

The proposed changes are:

- 1) Add Historic District and Historic Overlay District to the zoning district list.
- 2) Add permitted uses by conditional use permit for the Historic Overlay District

- within the permitted use tables.
- 3) Re-title the Historic District to Historic District and Historic Overlay District
 - 4) Re-number the existing Historic District section; add references to the Demolition Delay section to the existing Historic District which did not exist at the time of its development
 - 5) Add the Historic Overlay District which establishes this new overlay district with sections.
 - 6) Add a new section which allows the ZBA to grant special exceptions for dimensional relief for historic structures
 - 7) Re-number the remainder of Section 4.1.

Only 17 lots with frontage on either Mammoth Rd. or Nashua Rd. would be eligible for potential light commercial use if they are able to obtain a conditional use permit (CUP) and site plan approval from the Planning Board. The remaining 122 historic properties located on any other road in town are not part of this overlay district and are not eligible for commercial use. All 139 historic properties would be eligible for that special exception for dimensional relief from the zoning board. He proceeded to show the 17 homes on a power point display. Uses that will be allowed by CUP would include multi-family dwellings of 3 units or less; day care; retail sales; professional office; restaurant. They will be reviewed on a case-by-case basis by the Planning Board. Conditional use is based on but not limited to the size of the parcel, the effect on abutting properties, traffic access impact, pedestrian impact, preservation of historic qualities, making sure use is consistent with the purpose or intent, that it satisfies a public need and public interest, design is reasonable for the requested use, that the design of the site preserves that historical and cultural value, the site should reflect the time period it was erected in. The Planning Board will need to receive written recommendations from the Historic District Commission before making a decision on a permit. A Historic Preservation Easement to protect the external features of the structure would be required of any CUP. CUP is not-transferable; any change in use will require a new CUP. Any property that does not opt for a CUP is still governed by the underlying zone which is AR-1. Those properties will need to maintain at least 75% of the original external features of the building in order to be maintained as a historic property under this ordinance. If new additions need to be built they must not harm the property's environment. He proceeded to review all the conditions. Councilor DiMarco asked T. Thompson to define what a service establishment is. He responded it is like a barber shop. He read the definition from zoning ordinance for a service establishment as "any establishment whose primary activity is the provision of assistance as opposed to products that individuals, business, industry, government, or other enterprises." Councilor DiMarco questioned if the overlay district included Old Mammoth Rd, he responded no, just the Rte. 128 area. Councilor DiMarco said he was concerned with high volume type uses - restaurants, retail sales, and wants to put appropriate controls around it so we don't have a large restaurant establishment with residential homes right next to it. Councilor Farmer asked Town Manager Caron about working with the state to investigate tax credits to go along with aiding, preserving historic structures. He asked if there was any activity with state to get legislation to help

people with the costs of historic homes. The Town Manager responded that this issue had not yet been researched. Art Rugg, Heritage Commission and Planning Board member said Heritage Commission has had some discussion about this matter, at some point they will appear before the Council to elicit support of state reps. Councilor Farmer explained the town on its own can't give tax benefits or credits to any business or residence until state enacts legislation, then the town has to decide if that is what they want to do. He encouraged state legislature to create enabling legislation that allows for tax credits for historic structures. Councilor Farmer said that 75% must be retained on the original house, asked T. Thompson if he had any sense on how that affects state or national historic registers. T. Thompson said it would not work for the state for national historic register, as they have to be mostly 100% original for listing in national register of historical houses. He was unsure of state regulations, however, the consensus of the Londonderry group was 75%. Councilor Brown said when Master Plan was completed in 2004 the Town organized a Rte. 128 Corridor Workshop. He said he clearly remembers the feedback received when that topic came up then; commercial use for Mammoth Rd which is predominantly AR-1 from end to end, heard loud and clear that people wanted to leave it AR-1 Was that fact taken into account by either the taskforce or the Planning Board? T. Thompson responded Master Plan specifically allows for some small scale commercial, the Planning Board adopted investigation of light commercial use. Councilor Brown said that commercial creep came up at that meeting, decision was to be careful and cognizant. T. Thompson responded that the CUP will make sure it is appropriate before it happens. Councilor Brown cited the Robie House as a professional office, located next to adjacent commercial areas. He said he is troubled by restaurant, retail, in an AR-1 zone. Chairman Bove said one of the concerns is just not the house but land that goes with it. T. Thompson responded it may make sense to take definition from the Historic Properties Report and make it part of the zoning ordinance as well and specifically reference the 75% rule. Community Development Director Andre Garron said the ordinance only pertains to the structure itself. A. Rugg said the property at 2 Litchfield Road is the model for the whole ordinance; the Robie House was remodeled too much. Councilor DiMarco questioned parking and traffic control will require taking land, are they allowed to disturb area around house. A. Garron said CUP is required, and that as a condition for alteration of land does not take away too much historic value from the land. Joe Paradis, 55 Auburn Rd. talked about 22 acres off of Old Derry Rd. He said it is not the property but the structures on the property, can't add or double the property. John Michels, identified himself as an attorney, a resident and represent Dennis and Janice Griffin, stated he reviewed the ordinance. The goal is to preserve historic buildings. Historic Property Preservation Report recommended development of an overlay district to allow light commercial re-use of historical structures in appropriate areas. He stated that there are lots of things are not aimed at structure. The ordinance does not match the goals that everyone has spoken about tonight. He further stated that some of the references were wrong. Historic District Ordinance says the Historic District Commission is responsible for administrating the ordinance in a Historical District This ordinance talks about the Planning Board administering provisions. It talks about preserving buildings; it does not stop developing land in the surrounding area. Purpose stated in

the Ordinance is to encourage development and re-use of historic properties. A property is not a building. It also talks about assisting in preservation of historic properties, it is not the building. To get a conditional use permit it has to provide an economic benefit to town. We are saying encourage development and provide economic benefit, that is not what we want to do. When you look in the uses retail sales, include appliance, hardware department, auto accessory grocery, supermarkets and drug stores, etc..., if a second building is built there is no easement to restrict what you are doing with the building. Non-transferable conditional use permit means you can't sell or transfer building. Ordinance needs to be tweaked, needs to be re-worked. Tom Board from Crosby Lane, expressed concerns about property values and wants input to everything going on, on all 22 acres next to his property. If the owner puts up extra buildings they can fit a lot on the property, when property changes hands can we have any input. What happens if existing structures are unsound, T. Thompson said they can't use it. Nicole Virgin 6 Lance Ave asked how are the abutters going to be notified. She expressed concern about the vernal pool behind her house and the wildlife in the woods and fields. T. Thompson explained Old Derry Rd is not being proposed for this overlay district and existing wetland protection regulations address the vernal pool issue. There are only 17 parcels located on Mammoth Rd or Rt 102 that are being proposed. At this point in the meeting Community Development Director A. Garron asked the public to direct their questions to the Council rather than to T. Thompson. Ray Young, 38 Parmenter Rd. asked if there has been any impact analysis to abutters of properties that gain these type of privileges. T. Thompson said at this point, no. R. Young asked if there was any consideration by Council to see if that type of analysis exists. Councilor Farmer said Council has not discussed that issue at all. R. Young suggested if we continue to move forward he would like to have an analysis. Councilor Farmer said this issue will probably be continued, and might need more re-work. The Town should take a go slow approach, with everybody's input, and lots of options. Mark Lamarrre 4 Chase Rd. said use of word "commercial" should be removed, then protect the old houses. T. Thompson said that property could be removed because it originally had frontage on Mammoth Rd. when the Ordinance was originally drafted, it does not now. Councilor Farmer said it should be taken off tonight, its condition was not the same as it was. Cathy Lynch 194 Mammoth Rd. agreed to preserving the old houses, but don't go commercial. She asked why her rights are any less than somebody who owns an old house. Janet Griffin, 211 Mammoth Rd., not opposed to preserving historic properties, opposes commercial use. Twin Gate Farm is not located in a commercial zone. She said it is spot zoning at its worse. She said 24 Griffin Rd was built in 1722, the first house build in Londonderry. It sits on 48 acres and will not qualify for the overlay district, so the other 30 homes on Mammoth Rd. that are also over 100 years old will not qualify. T. Thompson said the only homes are just the 17 selected by the Heritage District. She asked what made them special from others. T. Thompson responded their location on an arterial road, the age of the structure, and qualifying for the 75%. Anything on Mammoth Rd. in the Rte. 128 portion was considered by the Historic District Commission and the Planning Board. Ken Lynch, 194 Mammoth Rd., said he was against commercial building. Everyone should have the same right if they have an old home. No other towns have this type of historical

program, everyone in town will be impacted. John Joyce 196 Mammoth Rd. wants to know what is happening to his property. He stated that elderly housing was originally proposed at Twin Gate Farm in the beginning, wants to know what is going to be built on it now. He wants to know if it will devalue his property. Councilor Farmer asked T. Thompson to explain. He said they have been in front of the Planning Board a couple times with conceptual plans. The first concept was to build the entire property as elderly housing, density was a concern because it developed the entire lot. A second conceptual proposal came through that would have utilized the existing farmhouse structure with an addition, saving that for commercial use and doing less density on elderly housing. That proposal has not been reviewed to see if it is in compliance with this ordinance. If the property was to be done entirely as elderly housing it fits our current standards. Councilor Farmer clarified if nothing is done now, elderly housing units could be built on the property as residential. Mike Roberts, 5 Charmarand Row Rd. supports the preservation of historical properties but not in favor of commercial properties. A. Garron said when taskforce was established they received a lot of input from residents. Recommendations that came out of the taskforce were incorporated into the Ordinance. Dan Vecchione, Rev. Parker Rd. said we don't have a historic district, we have historic homes. When you put industrial and commercial in, it is spot zoning. Councilor Farmer told the public that the town is losing historic homes and barns and this ordinance was an effort to save the properties. Londonderry does not have a concentrated area that could be labeled a historic district. Because buildings are scattered all over town the historic overlay was the next best thing to employ. Karen Creed, 30 Otterson Rd. said she did not get certified mail regarding the hearings. T. Thompson explained that the Planning Board sends out certified letters to abutters, there is no requirement to notify abutters for Public Hearings on Zoning Ordinances. Notice is given through a standard legal notice in the paper, and postings in two public places. Councilor Farmer asked Town Manager Caron if they can do something different, like compile a list of e-mails and notify them of meetings. Town Manager Caron said it could be done. T. Thompson gave his e-mail address out to the public. K. Creed stated that the foot traffic is heavy in that area. Beverly Wheeler, 328 Mammoth Rd., said that Old Mammoth Rd. goes thru her driveway and she has a lot of wetlands on her property. She said she has lived there 33 years and her land will never be commercial. Her property contains the Old Town Pound. Chairman Bove said this ordinance was never intended to turn things into commercial, it gave people the opportunity to preserve their property. He cited homes in North Manchester that had businesses in them that retain their historical nature. This hearing is to hear your ideas, objections, etc. Peter & Karlene Makelroy 20 Crosby Lane said they attended the February, 2008 ZBA meeting. Twin Gates variance was denied at the meeting because of the Master Plan strongly recommending avoidance of commercial creep. He said that the roughly 83 acres involved in this ordinance had the potential for a lot of commercial creep. Only people who benefit are the developers, no benefit to the abutters. Marie Evans, 18 Crosby Lane, not opposed to preserving historic homes, or 55+ developments. She does not want commercial property, she bought in a residential zone to live in a residential area. David Colglazier, 6 Moulton Dr., member of the Heritage Comm. and a member of the Historical Society, said this ordinance should be the last thing

that should be used as a tool for the preservation of a historic property. Most people who live in historic homes keep the property maintained, if they fall behind, they either sell or develop the property. He said this ordinance is a tool to save property in case they need it. Stephen Young, 7 Fiddlers Ridge Rd, said he has an interest in one of the historic properties, but his name is not on the deed. He said the Homestead Restaurant was a stage coach stop located on an arterial road. It has been maintained as a historic house because they run a good business and can keep it up. In the 1990's Crosby Lane area neighbors were upset that CVS was coming in and tearing down the Robie House and using it for a parking lot. The Robie House was purchased, kept barn, upgraded interior. In 2003 he worked on historical preservation of barns, he worked with Eagle Scout Ross Dailey who created a website listing the 50 barns left in community. He described the Demolition Delay Committee. He said he was approached by Marilyn Ham and Ginny Dahlfred about putting something in Master Plan dealing with historical properties, this was done to save historical properties. He said the Master Plan also spoke against commercial creep. He described his involvement with the Housing Taskforce and how they catalogued 100 homes, targeted the 17 properties and provided a detailed report available to the public. He spoke about the arterial roads and about the original proposal by the developer to put high density over 55+ housing on the Twin Gates Farm property. That plan has now been changed to reflect less housing. He explained the performance overlay district and the ability to tear down a historic building in the Rt. 102 area and put in whatever is allowed in a performance overlay district. Bill Gardocki, 10 Sheridan Drive, thanked the committee for putting together the proposal. He is not an abutter but urged both sides to come together in a compromise to benefit the Town. Hank Peterson, 28 Peabody Row attended the ZBA hearing for the Twin Gates Farm. He said he has a problem with the commercial definition, would rather see senior housing rather than commercial. He said there has been development around him on Buttrick Rd., his property value went up. He also talked about House Bill 1442, which deals with the assessment of property under agricultural building. In order to get that bill passed they stipulated that it had to be approved by the particular town. If this ordinance is approved it will lower his assessment. Dana Rizika, Harmony Drive said he was opposed to commercial, does not want to lose residential property. Barbara Scott, Griffin Road said she does not want to see commercial property in a residential area of 48 acres. T. Thompson said 48 Griffin is not part of the overlay district. Alicia Rice, 39 Otterson Rd. asked if Nelson Rd. which is a dead end, could be opened up. A. Garron said they could approach the Planning Board about that. She stated that she wants to keep the area residential. Nicole Virgin, 6 Lance Rd. asked if the ordinance could specify what the business are that would be in the historic homes.

Councilor DiMarco said we need to do more work on it. He has received a lot of feedback, and suggested having Atty. Michels work with Staff on the ordinance. He said he was more comfortable with the professional office aspect like lawyer, office space, and would like to clarify controls before considering supporting this. Councilor Farmer said he would like more restrictions. He is not happy with restaurants, retail sales, type of signs allowed. The ordinance needs to be re-worked he suggested sending it back with a time frame. Councilor Brown stated that he is not

comfortable with commercial aspect, people intentionally live in a residential area they have an expectation that it remains that way. He suggested developing an ordinance to preserve old homes, prefer commercial aspect be taken out. Lots of good things in the ordinance, don't disrupt hundreds of other homes to save just a few. Councilor DiMarco asked if was possible to split off the ZBA (4.17) section "Special Exceptions for Historic Structures". Town Manager Caron said Section 4.1.7 can be acted upon separately. It was decided to adopt it separately and to continue to the 10/6/08 meeting to consider this section only. **Motion by Councilor Farmer to continue this public hearing on Ordinance 2008-11 to 10/6/08 at 7:00 PM for the purposes of allowing the Planning Department to continue to work the language and for the Council to hear specifically on Section 4.1.7. Councilor DiMarco seconded the motion.** At this point Chairman Bove read letters from Sandra L. Camire, address unknown, who supported the proposed historic overlay district and from Debra L. Landoni from 200 Mammoth Road who opposed the proposed historic overlay district and stated she opposed the commercial development of Twin Gate Farm. **Council's vote 4-0-0 to continue to 10/6/08, with Councilor Wagner not voting.**

Councilor Brown made a motion to come out of public hearing, with a second by Councilor DiMarco, Council's vote 5-0-0.

OLD BUSINESS

Brookview Drive Mitigation Grant Update – Town Manager Caron said staff was investigating the possibility of a mitigation grant to remove 4 buildings and elevate two buildings. He will bring an application back to Council in October for review/action, prior to the grant deadline of 11/12/08. The Town has the potential for leveraging some of the conservation purchases the Town has made along Beaver and Black Brook watersheds which will reduce development upstream and reduce flooding downstream.

Economic Development Plan – The Council decided to hold a special workshop on Monday, September 29, at 7:00 PM in the Moose Hill Council Chambers to discuss this item.

NEW BUSINESS (Con't.)

Resolution #2008-15 – Relative to the Extension of the Cable Television Franchise Agreement - Councilor Wagner read the first reading, second reading waived, made a motion to adopt. **Seconded by Councilor Farmer, Council's vote 5-0-0.**

Resolution #2008-16 – Relative to the Naming of Central Fire Station - Councilor DiMarco read first reading, second reading waived. **Councilor DiMarco make a motion to adopt, second by Councilor Farmer.** Councilor Bove explained that we are not under any obligation to be held by previous decisions made by former Selectmen but in 1989 they announced that they were renaming Central Fire Station for David A. Hicks.

Councilor DiMarco asked if there were plans to erect a plaque or sign. Town Manager Caron stated that there will either be a sign erected or plaque inside, he will work with the Chief. Former Selectman Doyon thanked the Council for their action. **Council's vote 5-0-0.**

Order #2008-18 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects – Councilor Farmer read the first reading, second reading waived. **He made a motion to approve the Order, seconded by Councilor DiMarco.** Councilor Brown questioned the fence around the basketball courts falling under Maintenance Trust Funds rather than impact fees. Town Manager Caron said this is more of a maintenance/improvement item. Councilor Brown stated he was approached by citizens about re-surfacing the basketball courts and questioned if that would fall under maintenance trust vs. going to the Recreation Commission to make a request. Town Manager Caron responded it would fall under maintenance trust, however, residents should approach the Recreation Commission because he would ask for their recommendation prior to presenting to Council. **Council's vote 5-0-0.**

FY10 Budget Directive – Councilor Brown questioned if Council approved an under default budget last year, Town Manager Caron responded yes. Council eliminated 4 positions that were in the default budget. Councilor Farmer questioned what do we expect from the Town Manager? Town Manager Caron said he gave direction to department heads to adjust some specific operating line items, like fuel, and utilities. Balance of operating items have been either level funded for the past half dozen years or actually reduced. He asked the Dept. Managers to develop a budget based on current services and prioritize any operating items they feel are required to provide a level of service with documentation. This information will be shared with Council. The Undesignated fund balance is getting smaller each year. ATM/Fin. Dir. S. Hickey said she believed the unexpended appropriations from last years budget was \$120K, net increased fund balance from last year to this year was about \$30K. Councilor Brown said default budget brings forward increases due to contractual obligations and eliminates one-time expenses. There is an expectation that the budget will increase a certain percentage. Councilor Brown said his direction to the Town Manager is for a budget that is at or below default. Councilor DiMarco said we will be sacrificing some services to meet that request. At what point will the public be able to live without services. Councilor Brown replied that he was fairly sure we have been below default for the past two years, and services were not impacted. Councilor DiMarco responded that many of our services involved fuel, that line item will have to be increased, something is going to be cut. Chairman Bove said we make recommendations to voters. He said he wants to hear from the dept. heads as to what is realistic, and wants to see the number that will bring us to default and what we can do to come in under default. Town Manager Caron said that the debt service is increasing this year, fuel usage inventory being completed. He stated that the Town has just been notified by Public Service about municipal accounts increasing from 5-10% next year. Pennichuck Water Works re-worked rates structure, higher rate on hydrant rentals. He will outline those costs and present to the Council. Councilor Wagner agreed with Councilor Brown, would like to see a default budget, but if the Town Manager comes back with below default, it will go even further.

Wants to know what the consequences will be if he comes back with numbers 2-3% below default so we can see where we would be in services on town side. Councilor Farmer said he is OK with Dave's direction to dept. heads, look at what you have and see how it stacks up against default. We can't go anymore down without crippling some departments' abilities to do their job. Chairman Bove said we might get more creative and wants to hear from the department heads.

Ordinance 2008-12 - Relative to Amendments to the Zoning Ordinance Regarding Planned Residential Developments. Councilor DiMarco read first reading, second reading and scheduled public hearing for 10/6/08. Councilor Wagner seconded the Ordinance, **Council's vote 5-0-0.**

APPROVAL OF MINUTES

Minutes of the Council August 18, 2008 Public Meeting. Councilor DiMarco made a **motion to accept with the following amendment:** Add to line 71 "Councilor DiMarco asked Director Brewer if he could break down the use of runways by takeoffs and landings and in which direction. Director Brewer indicated that he would have to follow up but would provide an answer to the Town Manager." **Seconded Councilor Wagner with amendment, Council's vote 5-0-0 with amendments.**

OTHER BUSINESS

Liaison Reports

Chairman Bove reminded everyone about the Open House being held at the Candia Fire/Rescue Station for the So. NH HazMat District and to announce that they are not increasing their request for funding this year. An Open House is being held on 10/18/08 at 5:00 PM, food being served at 6:00 PM.

Councilor Brown –He attended last month's Budget Meeting, and the Red Cross was in attendance, to make budget request. The Committee recommended allocating \$1,400 for each of the next two years. Joe Green, the new member to the committee was welcomed. The Committee discussed potential to analyze fee based services, future potential discussion point with Council. Councilor Brown reported that ZBA activities were quiet.

Councilor Farmer – He attended Art on Common, which went well despite the economy and weather. The Londonderry Arts Council has had discussions on Town Common priorities, e.g. the drainage is bad during moderate rain.

Councilor DiMarco – Elder affair meeting tomorrow, Heritage next week, MHT cancelled this month, with the next meeting scheduled for November. ALERT is writing up by-laws possible; asked Town Manager if Town Attorney can take a look at it, he responded it could be done. He and Councilor Wagner attended election training at the state house a few weeks ago, which was a very long process.

Councilor Wagner said Old Home Day will have a follow-up meeting this Thursday, meeting for new year planned for 1/15/09. She attended two Planning Board meetings in which revised road standards were discussed. She announced that Oct. 5 there will be an Open House at LFD. She stated she was amazed at the councilor's responsibilities with elections, that she learned in Concord. She said that Londonderry was 99.99% correct, and learned that we are the largest single polling place in NH. Councilor Farmer said councilors are going to be at the polls on Election Day for the whole day. He suggested his fellow Councilors find somebody to take their place for a few hours so they could get some rest.

Town Manager's Report - Town Manager Caron suggested bringing Economic Development print-outs back for the 9/29/07 workshop. He said he will be working with the financial information. Chairman Bove said first presentation of the budget will be 10/20/08.

Councilor Brown said he was approached by a citizen at the polls about no thru trucking on High Range Rd, and asked Town Manager Caron to bring it to the attention of the Chief of Police to enforce "no through trucking" and enforce it to the fullest extent. Town Manager Caron said he has previously spoken with the Chief, who is putting more patrols in the area. Councilor Brown asked if there was any way to relay to the Chief that they would like the fullest enforcement possible; no warnings, actual summons. Town Manager said he will ask the Chief to have strict enforcement, but suggested that those decisions are best left with our law enforcement personnel. Councilor Brown asked for an update of consolidation of School and Town, Town Manager Caron said hopefully MRI will be delivering their report this week. This project is planned to be wrapped up when the Town begins the budget process.

ADJOURNMENT

Councilor Farmer made a motion to adjourn at 10:42, seconded by Councilor DiMarco, Council's vote, 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 09/15/08

Minutes Typed by: Margo Lapietro Date: 09/18/08

Approved: Town Council Date: