

**TOWN COUNCIL  
AGENDA  
November 02, 2009**

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. *All regular meetings will be adjourned by 10:00pm unless otherwise notified.*

7:00 PM

I. CALL TO ORDER – PUBLIC SESSION

A. Proclamation – November National Hospice Month

III. PUBLIC HEARING

A. Ordinance #2009-04 – Relative to an Amendment to the Zoning Ordinance Regarding Workforce Housing

B.

IV. PUBLIC COMMENT

A. Richard Cantu – Manchester Sewer Presentation

IV. OLD BUSINESS

A.

V. NEW BUSINESS

A. Resolution 2009-19 – Relative to the Renaming of Cedar and Jefferson Streets

VI. APPROVAL OF MINUTES

A. Minutes of Council’s Public Meeting of 10/19/09 and Non-Public Meetings of 10/15/09 and 10/26/09

VII. OTHER BUSINESS

A. Liaison Reports

B. Town Manager Reports

C. Board/Committee Appointments/Reappointments

VIII. ADJOURNMENT

IX. MEETING SCHEDULE:

- A. Town Council Meeting, November 16, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM (Budget Presentation)
- B. Town Council Meeting – Budget Workshop, Saturday November 21, 2009, Moose Hill Council Chambers, Town Hall, 8:30AM
- C. Town Council Meeting - Budget Workshop, November 23, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- D. Town Council Meeting - Budget Workshop Follow-Up, November 30, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- E. Town Council Meeting – December 7, 2009 Moose Hill Council Chambers, Town Hall, 7:00 PM
- F. Town Council Meeting – Budget Workshop, December 14, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM

**Introduced: 10/19/09**  
**Public Hearing: 11/02/09**  
**Adopted: xx/xx/xx**

**ORDINANCE 2009-04**  
***RELATING TO AN AMENDMENT TO THE***  
***ZONING ORDINANCE REGARDING***  
***WORKFORCE HOUSING***

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

***WHEREAS*** this process includes a review of State Statutes to insure town compliance with all applicable rules, regulations and laws; and

***WHEREAS*** the State Legislature recently enacted laws requiring municipalities to include land use regulations which permit workforce housing; and

***WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon these recommendation in order to comply with State Statutes;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to address implications of the State's new Workforce Housing Statutes and to clarify numbering errors and other textual references.

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Michael Brown, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Marguerite Seymour - Town Clerk***  
*x/xx/xx*

***Town Seal***

# RESOLUTION 2009-19

## A Resolution Relative to the Renaming of the Londonderry Portion of Cedar Street and Jefferson Street

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First Reading: 11/02/09  
Second Reading: 11/16/09  
Adopted: 11/16/09

**WHEREAS** The Town of Londonderry is enabled by NH RSA 231:133 to name public highways; and

**WHEREAS** The Town Council established a Street Naming System Task Force to enhance public safety by reviewing and correcting addresses which are non-compliant with NH 9-1-1 addressing standards; and

**WHEREAS** Jefferson Street and Cedar Street have been identified as non-compliant; and

**WHEREAS** The Task Force, in cooperation and consultation with property owners recommend the following alternate street names.

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that the Londonderry portion of Jefferson Street be renamed to XXXX Way and the Londonderry portion of Cedar Street be renamed to XXX Way, to become effective within 60 days of adoption of this resolution.

Michael Brown, Chairman  
Town Council

( TOWN SEAL )

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Marguerite A. Seymour  
Town Clerk/Tax Collector

**A TRUE COPY ATTEST:**  
*xx/xx/xx*

**TOWN COUNCIL MEETING**  
**October 19, 2009**

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

PRESENT: Town Council: Chairman Mike Brown; Vice Chairperson, Kathy Wagner; Councilors: Sean O’Keefe; Paul DiMarco; Brian Farmer; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

**CALL TO ORDER – PUBLIC SESSION**

Chairman Brown 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.

**PUBLIC COMMENT**

None

**OLD BUSINESS**

**Economic Development Plan** – Community Development Dir. Andre Garron presented the monthly update.

Item “D” – Adopt the Flexible Industrial District Regulations Within the Pettengill Road Area. The Planning Board held another workshop last week for the newly named “Gateway District” and Planned Unit Development Ordinance. The Board received additional input from the board members as well as from residents who attended the meeting. The Board has directed staff to proceed to a public hearing on 11/19. He noted that staff has been working on this ordinance for the last 3 years.

Item “E” – Update Londonderry Economic Development Website Integrating Economic Development Best Practices. Sliver Tech has been hired to develop a new Economic Development web site. They have a workable template and are soliciting more information. He stated that they are looking towards a mid November launch. Councilor DiMarco asked when would the draft be ready, A. Garron responded the draft will be available by the first part of November and the actual launch will be the end of November Chairman Brown asked if the Council could see it before it is updated, A. Garron responded he would schedule a presentation on the final product.

Item “G” – Update Londonderry Website with a Site Selector Property Search Tool Specifically Targeting Londonderry’s Commercial and Industrial Development Areas. The Economic Development Taskforce is actively marketing the town. Last October they had a business luncheon meeting and will soon hold their second business luncheon

meeting to update the airport area owners. Councilor Farmer asked A. Garron if he had a tentative date; he responded within the first two weeks of November. The Airport has offered their conference room. Chairman Brown requested that he let the Council know the luncheon date so some of them can attend.

Item “K” – Actively Work Towards Creating a Stock of Affordable Housing by Building on the Recommendation Contained in the Housing Taskforce Plan. He said the draft Ordinance recommended by the Planning Board at their last meeting is being read tonight; it is moving forward.

A. Garron stated that the Small Area Master Plan was recently adopted in September as an amendment to the 2004 Master Plan. Jack Munn, chief planner from the Southern NH Planning Commission helped develop the plan and spoke at the meeting. A. Garron explained the Planning Board funded a study through the UNH Survey Center. They conducted a telephone survey of 400 Londonderry residents on various aspects of the plan. That information along with various workshops that were held throughout the process was used in the formation of the amendment. J. Munn explained this plan gives the town the ability to look at specific areas within the community, devise strategies and opportunities to guide the growth of those areas. It is a great tool to see where growth will occur and what zoning changes will be needed. The area is bounded by I93 to the east, by Manchester to the North, by the towns of Bedford, Litchfield and Merrimack to the west and the southern edge of the area it is bounded by Stonehenge and Litchfield Roads. It is the largest growth area in the town of Londonderry. The development of this plan was funded primarily through the I93 widening Community Technical Systems Program; it was a \$15K grant. The telephone survey set the stage for the 1<sup>st</sup> workshop held on June 25, 2008. Additional workshops were held on 9/24 & 11/24. He listed the key issues that were brought up at the first workshop in a PowerPoint slide presentation. A summary of all workshops were listed on the Planning Department’s website. The Small Area Master Plan, includes some of the recommendations including the build out potential, housing information, economic development, transportation, and community appearance. One of the most important recommendations was improving the overall appearance of the Rte 28 corridor. Allow higher density, cluster mixed use of land at Exit 5 area. Another suggestion was to remove the Rt 28 corridor overlay district at the exit 5 area and replace it with either a new transit orientated development or flexible mixed-use zoning at that exit. The rest of the Rte 28 corridor Performance Overlay District would remain. Other key recommendations were to consider establishing a village district zone within the Mammoth Rd area, to safeguard the neighborhood and to allow for residential small scale commercial revitalization in the neighborhood. He also recommended protecting Rockingham Rd and the Rte 28 corridor because they are the gateways to Londonderry. It would be ideal to allow industrial zoning on the east side of Rockingham Rd. and accommodate future continued commercial zoning on the west side. They continue to work on the new airport zoning, and continue considering the TIF District and tax benefits. The new fire station is included in the plan. The Planning Board now has to implement the zoning conditions. Councilor Wagner complimented the Planning Board on a good job. Councilor Farmer asked what the next actions with recommendations for the POD are. A. Garron responded the Planning Board will take up

the recommendations. Town Planner Tim Thompson who was also in attendance stated that the Planning Board would probably direct staff to work on it within the next 6 months to a year. John Farrell, Vice Chair of the Planning Board, said the Board is looking at a January start. Councilor Wagner asked A. Garron to explain that 28 will not be turned into a South. Willow Street. Lots of people were concerned that 28 was turning into box stores. Councilor Wagner explained this is not a plan to change the zoning in that area it is a tool to make sure it is being developed appropriately. Councilor DiMarco clarified that the area being looked at for potentially removing the POD is to the west of 93, near Exit 5. Councilor Wagner clarified it is a very small area. Chairman Brown asked if the existing POD discouraged development. J. Munn said the 75K square foot building cap discouraged them. A. Garron said there were three entities looking to build there but they could not make it work. Chairman Brown clarified that the recommendation is to remove the POD from exit 5 to Symmes Drive, but to retain it west of Exit 5. T. Thompson clarified it and showed the area involved on the PowerPoint presentation.

### **NEW BUSINESS**

Resolution #2009-18 – Relative to Town Acceptance of Privately Owned Wastewater Facilities - Councilor Farmer read the second reading and made a motion to adopt, seconded by Councilor DiMarco. **Public Works Director, Janusz Czyzowski was in attendance and stated that this Resolution will provide a guideline to future developers. He stated we have one situation like this currently in town and they have already approached the town to take over the facility. He proceeded to review the entire policy. Councilor DiMarco questioned why don't we already have this. J. Czyzowski responded the town did not have a situation like this until very recently. Chairman Brown asked why a private entity would want us to take it over and why would we take it over. J. Czyzowski responded future costs do exist and they will be calculated into future sewer rates. With the infrastructure in place and if in the future the area gets subdivided and a road is in place the large pumping station can serve a much bigger area. The developer can therefore get a higher price for the lots. If the town owns it, it will be surrounded by municipal sewer as opposed to private sewer and industry will be more interested in the property. Council's vote 5-0-0.**

Ordinance 2009-04 – Relative to an Amendment to the Zoning Ordinance Regarding Workforce Housing – Councilor DiMarco read the first reading, second reading/public hearing scheduled for 11/02, made a motion to adopt, seconded by Councilor Wagner. **Town Manager Caron explained that during the public hearing process with the Planning Board they concurred with comments they received to reduce some development capacities and capabilities of multi-family housing. They asked the Council to consider those in their notification of their public hearing. If the Planning Board wanted to include it in their proposal it would require an additional public hearing for the Planning Board which would have delayed the process another 30 days. The Council has a choice of whether to include those changes in the public hearing notice which means we have the opportunity of one public**

hearing or we can move to a public hearing as presented in the written fashion to this evening so you can make those changes at the public hearing which can be done but those changes would be considered to be substantive which means you would have to have a second public hearing after that. You can accept the recommendations proposed by the Planning Board and post them on the initial public hearing on 11/2. A. Garron explained that the one change is to reduce the units from 36 – 24 which is consistent with the town’s current workforce housing ordinance. Instead of the Planning Board having another public hearing to make that one change, they have moved the ordinance to Town Council. The Council does have the opportunity to post the public meeting with those recommended changes listed and just have one public hearing. Councilor Farmer asked what is the benefit to the town to reduce the units to 24. A. Garron said that based on what the Planning Board heard at the public meetings 36 allows more density to be included in a multi-family dwelling. The Housing Taskforce repeatedly said we need density to reduce the development costs. Based on what was said at the hearings, the Planning Board felt that could still be achieved with 24 units as opposed to the 36. Councilor Wagner asked A. Garron if it is consistent with what we already have in town, he responded yes. Councilor O’Keefe said he has a lot of questions and feels we will be having more public hearings. He questioned how many units are in Century Village. A. Garron responded he was not familiar with those but was with Vista Ridge. He said they have 10 buildings, 24 units per building which is consistent with our current multi-family zoning ordinance. Councilor O’Keefe asked if they were garden style condos or apartments. A. Garron responded Vista Ridge has multi-family garden style structures. Vista Ridge has 243 total units (10 buildings and 3 town homes). Out of the 243 units there are 24 school age children based on information received from the School District. That is about 10% lower than anticipated. This ordinance encourages single family and duplex development, which is the feedback received from the residents. In accordance with state law we have to make provisions for multi-family rental housing. Councilor O’Keefe asked the Town Manager to find what the requirements are per state law. He responded there are 4 sections for workforce housing, RSA 674-58 through 61 and he proceed to briefly review the statute stating that the guidelines were quite broad. Councilor O’Keefe said he asked Tim Thompson in June to basically outline what we have for dwellings in the town. We have 2,068 condos; 1,554 are under \$200K; we have 108 duplexes of which two are under \$200K; 182 condexes, 14 of them are under \$200K; we have 472 mobile homes; 454 are under \$200K; we have 5,684, single family residences, 122 are under \$200K. We have 8,533 dwellings as of June 2009 in town. 2,146 units are under \$200K and that percentage comes out to 25%. He said he would like to know why the State determines that Londonderry doesn’t have enough low cost housing. Councilor Wagner and DiMarco both stated that he had very good points but he should be bringing those up at the public meeting. Councilor O’Keefe stated that he is not sure that he wants this ordinance brought forward to a public hearing. Chairman Brown said there have been multiple workshops that this question could have been brought to the Planning Board, Chairman Brown said he is interested in having the public hearing so he can hear what the public has to say and urged



people to come back for the public hearing. He requested that Tim and Andre prepare a simple table showing the difference between the current ordinance and what is being proposed for the next meeting. Councilor Wagner stated we will need ample time to discuss this at the next 11/2 meeting. Discussion ensued about the time needed to properly discuss this item in the public meeting. J. Farrell stated that the Planning Board moved ahead on this ordinance because they wanted to provide the Council ample time to listen to the public. T. Thompson stated that we have already met the requirements of the law because once an ordinance is posted for a public hearing it is considered to be in effect. The consensus was to have **24 units per building**. Councilor Farmer made a motion to amend the ordinance to include the changes noted by the Town Council memo received from Tim Thompson dated 10/15/09 to modify the number of units as appropriate from 36 units to 24 units in the sections as noted, Councilor DiMarco seconded. Council's vote 5-0-0. Councilor Farmer made a motion to bring Ordinance 2009-04 to a public hearing on 11/2/09, seconded by Councilor DiMarco. Council's vote 5-0-0.

#### APPROVAL OF MINUTES

Minutes of Council's Non-Public Meeting of 8/31/09 and Public Meeting of 10/05/09. Councilor DiMarco made a motion to accept the non-public meeting minutes of 8/31/09, seconded by Councilor O'Keefe. Council's vote 5-0-0. Councilor DiMarco made a motion to accept the public meeting minutes of 10/05/09, seconded by Councilor Wagner. Council's vote 4-0-1, with Councilor Farmer abstaining.

#### OTHER BUSINESS

Liaison Reports – Councilor DiMarco stated he attended the Planning Board meeting this past week where they discussed the Workforce Housing Ordinance discussed by Council this evening. The other item discussed at the Planning Board meeting was the Gateway Business District and the Planned Unit Development Ordinance. Both items are going to go to a public hearing on 11/19/09. The Gateway Business District is the area located around the airport and the Planned Unit Development is a creative new way of developing very large parcels of land. It allows the developer to specify a “mini-master plan” for that lot and then it has to go through the Planning Board approval process as well as Council approval. It is used to guide the development of large areas. He also said he attended the Eagle Scout ceremony for Wesley Axtell and presented a plaque from the Council.

Town Manager Reports – Town Manager Caron mentioned the letter that the Community Development Office received from the Southern NH Planning Commission (SNHPC) about applying for a 2010 Source Water Protection Grant. The SNHPC will implement the grant on behalf of the Town and the Environmental Baseline Committee will be the committee which will work on developing the plan

and recommending regulations as necessary to the Planning Board. The consensus of the Council was to go forward with the Taskforce.

Staff did poll the Council to see if they would be comfortable with staff sending letters for an application for a grant submitted by the Grange to repair the siding on the Grange Hall. The unanimous consensus of Council was to pursue the grant. A letter of support went out last week in order to meet the grant deadline.

The tax rate will be established next Friday, we will receive confirmation of the tax rate probably a week from tonight or tomorrow. He stated that a press release will be developed as soon as the tax rate has been confirmed by the Department of Revenue Administration.

There is no action required tonight on the appointment of a Taskforce to the SNHPC Regional Economic Development Steering Committee because the Planning Board is currently interviewing for the positions.

Board/Committee Appointments/Reappointments - Chairman Brown explained that it has been the policy of the Council since last year to interview land use board volunteers whose terms are up for re-appointment. He said there are 11 positions whose terms expire on 12/31/09. Councilors DiMarco, O’Keefe and Brown wanted to interview for the land use boards. Councilor Wagner said she is in agreement with the interview but felt we are questioning the volunteers’ abilities. It is hard to get volunteers and we might be pushing out good volunteers by re-interviewing them. Some of the people we have on these boards do a really good job and they volunteer to help their community and she does not want to lose that. She stated she is not in favor of this action. Councilor Farmer said he has no preference, he can see the plusses and minuses. Councilor DiMarco said all land use boards have to comply with state RSA’s, he feels that Council has a duty to review the members of land use boards. The consensus was to re-interview and advertise the expiring positions on the land use boards. Town Manager Caron reminded Council that the town will be electing 9 Charter Commission Members. He then referred to Section 6.1 c of the Town Charter where it states that any town officials elected or appointed who choose to run for the elected Charter Commission must relinquish their elected or appointed positions on any town board or commission if they are elected. This only applies to the Town and does not apply to the school.

**ADJOURNMENT**

Councilor DiMarco made a motion to adjourn at 8:25 P. M., seconded by Councilor O’Keefe. Council’s vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 10/19/09

Minutes Typed by: Margo Lapietro Date: 10/21/09

**Approved;**

**Town Council**

**Date:**