

**TOWN COUNCIL
AGENDA
May 17, 2010**

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

II. PUBLIC HEARING

- A. Resolution #2010-14 – Relative to Renaming Anderson Circle

III. PUBLIC COMMENT

- A. Proclamation “Building Safety Week”
B. Londonderry Police Department Awards

IV. OLD BUSINESS

- A. Economic Development Update – LHRA Discussion

V. NEW BUSINESS

- A. Resolution #2010-15 – Relative to the Designation of Londonderry Trailways to Coordinate the Reuse of the Abandoned Rail Line
B. Janusz Czyzowski – DPW Staffing Levels
C. Order #2010-10 – Relative to Expenditure of Maintenance Trust Funds for Various Projects
D. Council Objective #1, Goal #3 – Review of Expenditures and Revenue Sources
E. Ordinance #2010-01 – Relative to an Amendment to the Zoning Ordinance Regarding Implementation of Recommendations of the Northwest Small Area Master Plan

VI. APPROVAL OF MINUTES

- A. Minutes of Council’s Public Meeting of 5/03/10

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager Reports
 - 1. July/August Meeting Schedule
- C. Board/Committee Appointments/Reappointments
 - 1.
 - 2.

VIII. ADJOURNMENT

IX. MEETING SCHEDULE:

- A. Town Council Meeting – June 7, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- B. Town Council Meeting – June 21, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

SUPPORTING DOCUMENTATION COUNCIL MEETING OF MAY 17, 2010

- I. CALL TO ORDER

- II. PUBLIC HEARING
 - A. Resolution #2010-14 – Relative to Renaming Anderson Circle - Attached is Resolution 2010-14 which sets forth recommended a street name change which conforms to State E911 addressing standards. Staff will be in attendance to provide additional information.

- III. PUBLIC COMMENT
 - A. Building Safety Week – Attached is a proclamation for Building Safety Week; Richard Canuel will be in attendance to answer any questions.

 - B. Police Department Awards – Chief Hart – Chief Hart will present the annual awards to Police Department employees.

- IV. OLD BUSINESS –
 - A. Economic Development Update – Community Development Director Andre Garron will present Paul Donahue, LHRA Chairman to discuss LHRA’s economic development role in Londonderry.

- V. NEW BUSINESS –
 - A. Resolution #2010-15 – Relative to the Designation of Londonderry Trailways to Coordinate the Reuse of the Abandoned Rail Line - Sandy Lagueux will be present to offer Londonderry Trailways resources to coordinate the potential reuses of the abandoned rail line in North Londonderry.

 - B. Janusz Czyzowski, Director of Public Work – Janusz will be seeking authorization to fill the Environmental Engineer position and a position within the Highway Division, the former vacated due the employee relocating and the latter caused by a retirement. See attached memos concerning the positions, including an analysis completed during the FY10 budget process which supports the current staffing levels within the Highway Division.

- C. Order #2010 -10 - Relative to Expenditure of Maintenance Trust Funds for Various Projects – Attached is an Order seeking authorization to fund repairs at various locations in the amount of \$3,549.39.
 - D. Council Objective #1, Goal #3 – Review of Expenditures and Revenue Sources – A goal within the Town Council’s objective to provide a cost effective government to achieve greatest value at lowest cost is to better understand town expenditures and revenue sources by analyzing all vendors who were paid in excess of \$15,000 per year; review and understand major revenue sources, including their structure and stability over a multi-year period. Attached is information developed by staff which seeks to assist the Council in meeting this goal. Sue Hickey, ATM-F&A, will be in attendance to answer any questions on the reports.
 - E. Ordinance #2010-01 – Relative to an Amendment to the Zoning Ordinance Regarding Implementation of Recommendations of the Northwest Small Area Master Plan – Attached is an ordinance recommended by the Planning Board which seeks to implement recommendations in the SAMP regarding the appropriate types of development along Rte. 28 in the vicinity of Exit 5. A public hearing is required, and is recommended to be held on June 21 (staff scheduling conflict on June 7).
- VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 5/03/10.
- VI. OTHER BUSINESS
- D. Liaison Reports –
 - E. Town Manager Reports – Councilors are requested to review their summer schedules for the purpose of scheduling Council meetings in July and August.
 - F. Board/Committee Appointments/Reappointments -
- VII. ADJOURNMENT –

MEETING SCHEDULE:

- C. Town Council Meeting – June 7, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- D. Town Council Meeting – June 21, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

**FOLLOW-UP FROM COUNCIL'S
May 3, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Anderson Circle	Continuation of Street Numbering Program <i>(Scheduled for May 17)</i>	Committee
Summer Schedule	Council to establish summer mtg. schedule <i>(Scheduled for May 17)</i>	Council

**FOLLOW-UP FROM COUNCIL'S
April 5, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Solid Waste	Investigate additional Holiday trash collection; 95 gallon containers; expand Drop Off Center Hours. <i>(In process)</i>	Janusz

RESOLUTION 2010-14

A Resolution Relative to Renaming Anderson Circle

First Reading: 5/3/10

Second Reading/Public Hearing: 5/17/10

Adopted: 05/17/10

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 Anderson Circle has been identified as non-compliant; and

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

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that Anderson Circle be renamed "Horseshoe Lane", to become effective within 60 days of adoption of this resolution.

Paul DiMarco, Chairman
Town Council

(TOWN SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
xx/xx/xx

LONDONDERRY TOWN COUNCIL
A PROCLAMATION

Whereas, our state's continuing efforts to address the critical issues of safety, energy efficiency and sustainability in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound and;

Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U. S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council and International Code Council Foundation, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

Whereas, “Building Safety Month: Commemorating a 30-year legacy of Leadership,” the theme for Building Safety Month 2010, encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa and hot tub safety; and new technologies in the construction industry. Building Safety Month 2010, encourages appropriate steps everyone can take to ensure that the places where we live, learn, work and play are safe, and sustainable and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and,

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property;

Now, Therefore, it is Hereby Proclaimed that the month of May, 2010, is Building Safety Month in Londonderry, New Hampshire. Accordingly, our citizens are encouraged to join with their communities across America to participate in Building Safety Month activities.

Signed and sealed, this **17th day of May, in the year Two Thousand and Ten**. at the Town of Londonderry, New Hampshire in the witness thereof the seal and signature of the Town of Londonderry and its Town Council

RESOLUTION 2010-15

Relative to the
***DESIGNATION OF LONDONDERRY TRAILWAYS TO COORDINATE
THE REUSE OF THE ABANDONED RAIL LINE***

First Reading: 05/17/10

Adopted: 05/17/10

WHEREAS Londonderry Trailways has been actively involved in the development of passive recreation opportunities in Londonderry; and

WHEREAS regional interest is growing in the reuse of abandoned rail lines, one of which is located in North Londonderry; and

WHEREAS interest has been expressed by various groups concerning the reuse of the Londonderry section; and

WHEREAS Londonderry Trailways has offered its resources and expertise to assist the Town to identify potential uses of the property;

NOW THEREFORE BE IT RESOLVED that the Londonderry Town Council authorizes Londonderry Trailways to investigate potential uses of the abandoned railway and report back to the Council on its findings and recommendations.

Paul DiMarco, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
05/17/10



Memorandum

To: Dave Caron

From: Janusz Czyzowski, P.E.

Date: May 12, 2010

Re: Environmental Engineer position and Assistant Foreman position

As we previously discussed, Doris Beatty our Environmental Engineer is leaving NH and is moving back to Ohio. Her last date of employment with the Town of Londonderry is Friday, May 14, 2010. Also, Donald Blanchette, our Assistant Foreman in the Highway Division is retiring as of June 18, 2010. I would like to obtain your permission to advertise to fill these two vacant positions as soon as possible.

I understand that on May 17, 2010, the Town Council will be reviewing the need for these two positions.

I hope that the following information will be helpful for you and the Town Council to make the decision regarding these positions.

Environmental Engineer -

This position is responsible for managing two absolutely essential town services which can not be reduced or eliminated – disposing of sanitary sewer and solid waste. I believe that not replacing and leaving the position of Environmental Engineer vacant is not a viable option.

Town of Londonderry Environmental Engineer:

1. Manages the operation and maintenance of existing sewer infrastructure, including pumping stations and collections systems, as well as mobilizes and responds to emergencies in the event of a public sewer system failure.
2. Performs a variety of administrative duties pertinent to the operation of the

- division, such as recordkeeping and billing functions, report writing, and answering correspondence.
3. Prepares and/or oversees preparation of service contracts, design plans, construction specifications, schedules, cost estimates, and other documents for sewer projects.
 4. Reviews and/or conducts construction inspections, testing, and monitoring of public and private sewer projects for compliance with approved plans, specification, and correct construction methods.
 5. Prepares requests for proposals (RFP's), coordinates distribution, answers questions from bidders, reviews and evaluates responses for acceptability, completeness and cost: and makes recommendations of award to the Director of Public Works and Engineering.
 6. Prepares and maintains the Environmental Services Division budget writes and applies for grant applications.
 7. Updates rate schedules, facility plans, and ordinances.
 8. Coordinates with local, state and federal agencies to address public sewer policies to provide for inter-municipal agreements, EPA audits, and new regulations and permit requirements, and others, as necessary.
 9. Issues connection, sewer discharge permits, and administers the industrial pre-treatment program.
 10. Manages the Town's Municipal Solid Waste Collection and Recycling contracts.
 11. Receives, investigates, and answers complaints from the general public.
 12. Conducts educational workshops for students, citizens, local businesses, and organizations to increase recycling and reduce solid waste collections.
 13. Coordinates and maintains Oil Collection and Household Hazardous Waste Collection days.
 14. Attends relevant public meeting, hearings, and support committees as directed by the Director of Public Works and Engineering.
 15. Works with the Town Manager, Director of Public Works and Engineering and Director of Planning & Economic Development to establish future goals and needs for the division.

In addition the Environmental Protection Agency (EPA) and New Hampshire Department of Environmental Services (NHDES) have recently increased demands on the operation and maintenance of sewer collection systems in an effort to reduce or prevent Sanitary Sewer Overflows (SSOs). In the latest round of National Pollutant Discharge Elimination System (NPDES) permits for Wastewater Treatment Facilities (issued to Facilities and contributing communities), there are requirements for written Collection System Operation and Maintenance Plans and annual reporting on all maintenance work performed in the collection systems. SSOs are not only illegal discharges, but they are a threat to public health, the environment, and can result in safety issues with traffic if they occur in travel ways. EPA's current stance on SSOs is that they are not acceptable and can be prevented through proper operation and maintenance of the collection system. Londonderry has submitted a Collection System Operation and Maintenance Plan to the EPA and NHDES as required. In addition to proper operation and maintenance of

pumping stations, the Plan calls for sewer system maintenance activities as summarized in the table below:

**TABLE 3-1
FREQUENCY OF MAINTENANCE ACTIVITIES**

ACTIVITY	SUGGESTED FREQUENCY	COMMENT
Sewer Pipe Cleaning/Jetting ¹	20% of the system/year	5 year revisit cycle
Sewer TV Inspection ¹	With cleaning	10 year revisit cycle
Manhole Inspections ¹	20% of the system/year	5 year revisit cycle
Flow Monitoring ²	As identified and necessary	
Smoke Testing - I/I source identification ²	As identified and necessary	
Root Removal ¹	As identified and necessary	
Dye Testing	As identified and necessary	
Private Connection/Home Inspections ²	As identified and necessary	
Inspection of Grease Traps	At least once per year	
Updating of System Mapping	Ongoing as necessary	

The Tasks associated with these activities include:

1. Oversee the Sewer Cleaning/TV inspection program. To clean 20% of the system (approximately 7 miles) each year, this work could take 2 to 4 weeks for just cleaning and twice that time if TV work is done along with the cleaning. Responsibilities include:
 - a. Review the work done in previous years to define which sewers will be cleaned/TV inspected in upcoming year.
 - b. Develop documents to solicit bids from contractors to conduct the cleaning/TV inspection work. This will include preparing a map to show the sewers needing cleaning, indicating pipe size and material, lengths of pipe, etc.
 - c. Coordinate the work with the Contractor and the Town Police department for traffic control where necessary.
 - d. Oversee the work and complete manhole inspection forms for each manhole opened.
 - e. Identify and document any problems encountered in the sewer or manholes.
 - f. Investigate and develop a list of action items to correct any problems encountered in the sewer during the program. As necessary, hire a contractor to make the corrections.

- g. Provide documentation (manhole inspection forms, TV inspection forms) to Town GIS department to tie information to the correct asset (pipe or manhole).
- 2. Develop a Grease Trap inspection program. The buildup of grease in sewer services and main lines is one of the most common factors leading to plugged sewers and Sanitary Sewer Overflows (SSOs). Restaurants and other users that process food need to have and properly maintain grease traps. Task associated with this program include:
 - a. Develop a list of all users that have grease traps. The information collected should include the name of the establishment, location of grease trap, and size of the grease trap. If available, get copies of drawings from original construction of grease trap and sewer service. Some of this information may be available from the Town's Building Division.
 - b. On an annual basis, visit each location, inspect the grease trap, and check documentation of grease trap pumping.
 - c. Work with the Building Division to review proposed grease traps for new users and assist with or conduct the inspection of the grease trap installation.
- 3. Pump Station inspections: The Town contracts with Scherbon Consolidated for maintenance of the Town's pump stations. Scherbon visits each station once every two weeks to check and maintain the equipment (pumps, generators, etc.). Town personnel should visit the station 2 to 3 times a week to check the following:
 - a. Record pump run times (unusually high run time could indicate partial plugging or air binding of pumps).
 - b. Check flow chart for unusual flow patterns, or reduction in pumping rate of pumps. Change chart weekly.
 - c. Record Totalized flow on each visit and input into spreadsheet to estimate changes in daily flows. This will help estimate I/I as required by EPA in annual report. This is an inexpensive way, using existing equipment, to gather valuable flow data to evaluate I/I and predict when stations are approaching capacity and when upgrades may be needed.
 - d. Listen to pumps run to detect unusual noise or vibration (will require opening wet well for submersible stations).
 - e. Check pump control panel for unusual alarm lights or messages on operator terminal.
 - f. Meet with Scherbon on site occasionally to check maintenance procedures and coordinate planned maintenance or corrective actions that are needed.
- 4. Review access to sewer system and look for potential problems.
 - a. Much of the Town's sewer system is along cross-country routes, which

should be checked for access regularly. Contract for clearing of cross-country routes to maintain access for trucks for maintenance and response to emergencies.

- b. Check for access to manholes ahead of Cleaning/TV contractor arriving on site to avoid lost time with contractor.

5. Update Sewer Mapping

- a. When new sewers are constructed, obtain plans to be incorporated into the Town's GIS system.
- b. If discrepancies are discovered during cleaning/TV work, provide new information to correct GIS.

6. Develop a Sand/Oil Interceptor inspection program: A sand/oil interceptor was installed on the service to the Town's Fire Station, and there may be more for users that wash down vehicles or other equipment.

- a. Develop a list of all users that have a sand/oil interceptor. The information collected should include the name of the establishment, location and size of sand/oil interceptor. If available, get copies of drawings from original construction of sand/oil interceptor and sewer service. Some of this information may be available from the Town's Building Division.
- b. On an annual basis, visit each location, inspect the sand/oil interceptor, and check documentation of pumping.
- c. Work with the Building Division to review proposed sand/oil interceptor for new users and assist with or conduct the inspection of the installation.

As you can see, Environmental Engineer who is responsible for Solid Waste Disposal and Sanitary Sewer System will never have enough time to perform many of these tasks in order to comply with the permit requirements. Some of the tasks can be conducted by our engineering consultant and contracted services. However EPA is expecting/requiring that each municipality have enough personnel on their staff to oversee the operation and the maintenance of their systems. Last February Doris and I attended a workshop with the reps from EPA who confirmed and emphasized these requirements.

We should sit down soon and discuss this to evaluate the impact to our future staffing level in order to comply with these EPA requirements.

Truck Driver/Laborer –

At this time I would like to replace Donald Blanchette with a Truck Driver/Laborer and in anticipation of promoting an existing employee to the position of Assistant Foreman.

Please see the attached memo, dated January 26, 2009, regarding the ramifications of cutting a Truck Driver/Laborer position.



Memorandum

To: Dave Caron

From: Janusz Czyzowski, P.E.

Date: January 26, 2009

Re: Ramification of cutting a position of Truck driver /laborer.

Highway Division Crew:

Our Highway Division is responsible for the maintenance of 180 miles of town roads. Our drainage infrastructure includes 55.7 miles of pipe; 2,233 catch basins; 511 outlet structures; 468 end sections; 1,215 headwalls; and 197 manholes.

Presently the Highway Division has 11 employees, which includes:

- 1 Foreman
- 1 Assistant Foreman
- 3 Equipment Operators
- 2 Mechanics
- 4 Truck Driver/Laborers

This represents only one employee per 16 miles of roads.

This division has been understaffed for several years since the staff has not increased in size at the same rate that new roads were developed.

Presently, during the winter season one truck driver is maintaining an average of 20 miles of roads. It takes between 3 to 4 hours to complete the plow route that is assigned to each driver. Eliminating one truck driver will increase the route lengths for others and consequently increase the time of plowing. The service will be reduced and overtime increased.

Employees of the division are requested not to take their vacations during the winter season which increases their absences during the summer season. To conduct safe and efficient pipe laying operation a crew of six is required; for eight weeks during summer a crew of three is performing ROW maintenance (tree and brush cutting etc).Our mechanic and his assistant work in the garage.

As you can clearly see there is nobody left for other operations such as drainage swale cleaning, patching, sign repair, etc. In addition any break downs or illness (short or long term) exasperates our staff shortage.

The following hours represent the time spent by the truck driver/laborer (last hired) in FY 2008 only on his major responsibilities/ functions:

Snow removal	- 430 hrs
Brush and tree cutting	- 261 hrs
Shoulder repair/maintenance	- 312 hrs
Drainage repair/maintenance	- 426 hrs
Roadway reconstruction	- 332 hrs

All above listed tasks are not all inclusive of his responsibilities but they are absolutely essential to provide and maintain safe roads for the traveling public.

Under snow removal, approximately 80% of 430 hrs was spent on snowplowing (driver) itself and 20% on laboring. To replace his work with a contractor will cost approximately:

80% x 430 = 344hrs x \$75 = \$ 25,800.00	(driver w/truck)
20% x 430 = 86hrs x \$22 = \$ 1,892.00	(incl.FICA,Medicare,WC)
261hrs x \$ 22 = \$ 5,742.00	
312hrs x \$ 22 = \$ 6,864.00	
426hrs x \$ 22 = \$ 9,372.00	
332hrs x \$ 22 = \$ 7,304.00	

Total \$ 56,974.00

If we hire a seasonal truck driver for snow removal (commercial license 26,000lb at \$25/hr) and let him use our truck the above number could be reduced by approximately \$17,200.00(((\$75-\$50) x 344hrs). However, I would like to stress that it is not easy to find a dependable seasonal driver (that must take required drug and alcohol tests) without a guarantee of minimum lump sum (paid for a season), to sit at home and wait for a telephone call to come to plow.

I believe that seasonal employees are much less dependable in comparison to the permanent employees and not always available.

The future goal of the Department is to increase the highway division staff to 14 employees in order to staff two crews, which would increase the department's responsiveness to citizens' concerns with road conditions and provide better coverage during winter storms and to comply with the required permit.

Under the Town of Londonderry's current National Pollutant Discharge Elimination Systems (NPDES) Permit, known as Stormwater Phase II, The Town of Londonderry is required to perform regular cleaning of our stormwater features in order to 1) comply with the current permit, and 2) protect water quality, and satisfy the water quality requirements of the Clean Water Act and State of New Hampshire water quality standards.

The EPA will be issuing a new permit in 2009 which will include continued municipal housekeeping of swales and catch basins. In addition, the 2009 permit will require more formal inspection and maintenance frequencies and procedures for the Town's stormwater features and for all structural stormwater BMPs detention basins, structures, pipe, etc. All stormwater structures will be required to be inspected annually at a minimum.

The Town of Londonderry has a major investment in its roadway system with a replacement value estimated to be in excess of 100 million dollars. The Town has to keep up with roadway deterioration (from traffic, weathering, pavement aging), protect the investment, and to preserve the roadway system for the future. With our current limited roadway funding our roadway maintenance is already substandard. The Town of Londonderry is fortunate to have a qualified and enthusiastic highway division staff that undertakes the reconstruction of roads and drainage systems that customarily are subcontracted to construction companies. Their accomplishments help to reduce the cost of repairs and stretch the available funds.

I believe that reducing the existing manpower which is dedicated to roadway maintenance will allow our roadway system to deteriorate further to the point where roads that are still in good condition will require much more expensive reconstruction repairs.

Elimination of any personnel, in an already understaffed Highway Division, will seriously affect the amount of services provided by the division. To keep up with required services additional outsourcing to private contractors would be the only option which definitely is more costly.

ORDER 2010-10

An Order Relative to
***EXPENDITURE OF
MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS***

Reading: 05/17/2010
Adopted: 05/17/2010

WHEREAS voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

WHEREAS expenditures have been made for various projects, specifically:

- 1) HVAC/Plumbing Repairs at Leach Library at a cost of \$ 265.85;
- 2) HVAC repairs at the Police Facility at a cost of \$640.00;
- 3) Elevator repairs at Town Hall at a cost of \$1,107.49;
- 4) Pump and mechanical repairs at Continental Park at a cost of \$1,536.05

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$3,549.39 for the aforementioned repairs and improvements.

Paul DiMarco, Chairman
Town Council

Marguerite Seymour
Town Clerk

***A TRUE COPY ATTEST:
05/17/2010***

TO: Town Council

FROM: Dave Caron, Town Manager
Sue Hickey, ATM – Finance & Administration

RE: FY11 Council Goals and Objectives

DATE: May 11, 2010

Goal #3 within the Town Council’s Objective #1 to provide a cost effective government to achieve greatest value at lowest cost is to better understand town expenditures and revenue sources by analyzing all vendors which are compensated in excess of \$15,000 per year; review and understand major revenue sources, including their structure and stability over a multi-year period.

This report first presents major revenue sources available to Town government, the genesis of those revenue sources and historical performance. The report also lists those vendors to which the Town has paid at least \$15,000 in FY10 through April 30, 2010 (or 83% of the fiscal year). A cursory review indicates that these expenditure categories reflect a typical year, except those vendors associated with grant programs. Staff can provide similar information for past fiscal years should the Council desire to view trends over a longer period.

SECTION I: MAJOR REVENUE SOURCES

Included within this section is an explanation and history of the Town’s top revenue sources. These different revenue sources may react differently to economic pressures (building permit fees, motor vehicle permit fees); may be affected by state government policies (meals and room taxes, shared revenues); or correspond with outstanding town obligations (water pollution and landfill closure grants).

- **Property Assessments (To Calculate Property Tax Rates)**

The chart shown below provides a history of the annual change in the Town’s assessment base. The property tax is the predominant revenue source for local governments in New Hampshire. Once budgets are adopted by the Legislative Body (in Londonderry voters approve the budgets), the amount to be raised by property taxation is the difference between the total of the town and school budgets and Londonderry’s county assessment, and the receipt of other revenues (listed later in this report). The amount to be raised is then distributed to all

property taxpayers proportionately to the relationship between their individual assessments and the Town’s total assessment. There are some “circuit breakers” such as elderly exemptions and veterans’ credits which alter this formula.

Generally, the Town’s taxable value moves each year due to new construction in the community or changes to property assessments caused by changes in fair market value. It should be remembered that the Assessment Department adjusts values based upon the purchase and sale of properties; the Town does not establish fair market values, but rather sets assessed values based upon what the free market is paying for properties.

It is the Town’s goal that its assessed values to be at or as near to 100% of fair market value as possible; given the various property types in Londonderry, and the different impact of economic activities and conditions upon those various property types, reaching that goal is extremely difficult. Another measure, coefficient of dispersion, is seen by many as a more important indicator of assessment equity. The coefficient measures how widely dispersed properties are from the average assessment ratio. Thus, for example, if the Town’s assessment ratio is only at 80% of fair market value, but has a C.O.D. under 10.0, that tells us that most of the town’s assessment are clustered around that 80% figure, which meets the test that property taxes are proportionately assessed.

Although Londonderry has historically adjusted values proactively to meet its goals of being at or near fair market value, more recent state laws and regulations require scheduled, periodic updates to reach that goal.

<u>Year</u>	<u>Taxable Valuation</u>	<u>Change from Prior Year</u>
1999	1,171,006,212	-
2000	1,347,574,386	176,568,174
2001	1,561,803,864	214,229,478
2002	2,083,643,974	521,840,110
2003	1,883,130,774	-200,513,200
2004	2,268,925,421	385,794,647
2005	2,551,913,251	282,987,830
2006	2,864,129,439	312,216,188
2007	3,310,852,213	446,722,774
2008	3,392,542,383	81,690,170
2009	3,309,970,190	-82,572,193
2010 (est)	3,343,000,000	33,029,810

Interest and Costs on Late Property Taxes

State Law establishes the interest rate to be assessed to delinquent property tax accounts. An annual interest rate of 12% is assessed against any property owners who fail to pay their property taxes by the due date (usually July 1 and December 1). This rate continues until the property is subject to tax lien, which occurs in the Spring following the December 1st billing. After the properties are liened, the interest rate rises to 18%, and property owners have two years from the date of the lien to pay the taxes, or lose their home to the Town for non-payment of property taxes. The Town actually takes very few homes for non-payment, as taxpayers satisfy their obligations prior to that date, or the Town works with the property owners to insure that their obligations are paid in a timely manner.

There are some anomalies to the Town's collective history set forth below, however on average, collections are relatively static regardless of economic conditions. (A spike is evident in 04-05, when Granite Ridge Energy was experience an ownership transition, and made the decision to pay its property tax bill on a monthly basis, at 12% interest.)

<u>Fiscal Year</u>	<u>Revenues</u>	<u>Change from Prior Year</u>
2001	205,741	-
2002	222,569	16,828
2003	225,595	3,026
2004	300,477	74,882
2005	322,531	22,054
2006	209,870	-112,661
2007	222,237	12,367
2008	267,728	45,491
2009	266,687	-1,041

Payment in Lieu of Taxes

In 2003, the Town and the City of Manchester reached an agreement regarding taxes due the Town for taxable property located within the confines of City owned property at Manchester-Boston Regional Airport. The agreement establishes a maximum annual inflator of 2%, all subject to the continuing review of the Federal Aviation Administration.

<u>Fiscal Year</u>	<u>Revenues</u>	<u>Change from Prior Year</u>
2001	-	-
2002	-	-
2003	500,000	500,000
2004	510,000	10,000
2005	520,200	10,200
2006	530,604	10,404
2007	541,216	10,612
2008	551,828	10,612
2009	563,081	11,253

- **Motor Vehicle Permits**

The FY2010 estimated revenues include \$5,893,506 for motor vehicle permit revenue. This is a decrease of \$606,494 from what was anticipated to be collected in FY2009. Motor Vehicle Permit Fees are calculated based upon a vehicle’s age and MSRP. A vehicle in its first “model” year is assessed at \$18 per thousand of MSRP; that levy decreases by \$3.00 each year until the sixth year, when the fee reaches and stays at \$3.00/\$1,000 MSRP. Thus during periods of economic decline, the Town may actually register more vehicles as the Town grows, but receives less revenue as fewer vehicles are traded and the overall age of vehicles increases. Londonderry’s receipts are fairly unique compared to other municipalities, as many fleets are situated here in Londonderry, including rental car agencies, which generate between \$1.5 - \$1.7M annually. The chart below provides a history of the annual collections for motor vehicle permits.

<u>Fiscal Year</u>	<u>Motor Vehicle Collections</u>	<u>Change from Prior Year</u>
2001	5,145,302	-
2002	5,388,481	243,179
2003	5,747,860	359,379
2004	6,282,260	534,400
2005	6,404,091	121,831
2006	6,309,859	-94,232
2007	5,915,524	-394,335
2008	6,023,616	108,092
2009	5,910,220	-113,396

- **Building Permits**

Building permit receipts can experience significant fluctuations due to occasional large projects in the community, however, receipts generally follow overall economic trends. The fee schedule was revised a few years back to cover all Building Division expenses; this goal has not been reached due to a downturn in the economy and resulting lack of construction activity. The chart below provides a history of the annual collections for building permits.

<u>Fiscal Year</u>	<u>Building Permit Collections</u>	<u>Change from Prior Year</u>
2001	249,473	-
2002	244,972	4,501
2003	198,916	-46,056
2004	265,916	67,000
2005	212,891	-53,025
2006	244,125	31,234
2007	216,923	-27,202
2008	224,023	7,100
2009	154,190	-69,833

- **Intergovernmental Revenue**

Intergovernmental revenue are predominantly from state sources and include shared revenues, meals and room taxes, highway block grants, water pollution grants and other state grants such as landfill closure grants. In FY10, in response to its own budget crisis, the State suspended shared revenues to municipalities; in FY11 the State cut communities' anticipated meals and rooms revenues by 10%. Highway Block Grant funds are distributed based upon a formula which includes miles of roads in a community and gas tax receipts; this source of revenue has been steady with slight increases in recent years. Water pollution and landfill closure decline each year, mirroring the Town's declining balances on long-term debt issued for those projects.

<u>Fiscal Year</u>	<u>Revenue</u>	<u>Change from Prior Year</u>
2001	1,497,482	-
2002	1,494,171	-3,311
2003	1,618,208	124,037
2004	1,638,915	20,707
2005	1,743,946	105,031
2006	1,760,541	16,595
2007	1,919,207	158,666
2008	1,994,637	75,430
2009	2,135,649	141,012

- **Interest on Investments**

The FY2010 estimated revenues include \$300,000 for investment income revenue. The town is restricted per state statues regarding investment options. Income on investments is earned on checking and savings accounts, certificates of deposit and money market accounts. The account classification must be “risk-free” and charge no penalties for early withdrawal. The Town’s performance in this area reflects prevailing investment rates, which currently could be classified as dismal. The chart below provides a history of the annual revenue for investment income.

<u>Fiscal Year</u>	<u>Revenue</u>	<u>Change from Prior Year</u>
2001	872,108	-
2002	385,637	-486,471
2003	308,861	-76,776
2004	244,972	-63,889
2005	384,339	139,367
2006	619,149	234,810
2007	769,843	150,694
2008	599,574	-170,269
2009	256,008	-343,566

- **Income from Departments**

The FY2010 estimated revenues include \$839,150 for departmental income. Income from departments includes zoning permits, police department fees such as report fees, pistol permits, false alarms, parking tickets, court time and gun storage fees; fire department fees such as burn permits and ambulance fees, drop off center revenues, and recreation revenues. These revenue sources have been grouped together in the history below.

<u>Fiscal Year</u>	<u>Revenue</u>	<u>Change from Prior Year</u>
2001	607,668	-
2002	691,671	84,003
2003	588,593	-103,078
2004	731,309	142,716
2005	533,300	-198,009
2006	651,143	117,843
2007	852,696	201,553
2008	920,641	67,945
2009	897,782	-22,859

- **Grant and Donation Revenue**

The FY2010 estimated revenues include \$1,167,000 for grant revenue. Income from grants has been included for one time projects such as Page Road/Route 28 Intersection, CMAQ Sidewalk grants, Fire Department breathing apparatus grants and West Road recreation improvements. The grant revenue is offset with corresponding project expenditure; accordingly, does not impact the tax rate. A history of the revenues received is summarized below.

<u>Fiscal Year</u>	<u>Revenue</u>	<u>Change from Prior Year</u>
2001	18,795	-
2002	13,284	-5,511
2003	14,771	1,487
2004	17,438	2,667
2005	165,393	147,955
2006	751,828	586,435
2007	47,328	-704,500
2008	425,703	378,375
2009	328,801	-96,902

Fund Balance

The table below shows the results of the Town's sound fiscal condition through its cooperative program of fiscal management and tax rate target setting. The Town does not use undesignated fund balance as an offset against operating expenses, as it is not sound fiscal management to use one-time, non-recurring revenues for recurring operating expenses. Any fund balance expended was used for capital or one-time, non-recurring expenses.

<u>Year</u>	<u>Fund Equity</u>	<u>Undesignated Fund Balance</u>	<u>Amount Used</u>
1996	3,690,776	2,655,233	-
1997	4,229,577	2,424,313	-
1998	4,368,876	2,733,444	-
1999	4,504,748	3,764,933	-
2000	6,168,846	3,040,936	-
2001	3,723,943	2,918,126	2,090,000
2002	3,424,923	2,622,771	520,000
2003	5,665,603	3,636,998	688,000
2004	7,182,689	3,833,991	1,532,936
2005	5,806,613	3,826,613	647,500
2006	7,044,632	3,886,856	511,698
2007	6,901,147	4,375,300	766,819
2008	6,872,773	4,363,212	1,476,820
2009	8,225,058	4,786,216	1,115,759

SECTION II – EXPENDITURES OVER \$15,000

Listed below are vendors which have received at least \$15,000 for services rendered or goods delivered during the first ten months of the current fiscal year. Notes attached to each vendor are included in order to provide an explanation of the expense, particularly if the expense is a one-time event (legal settlement, grant); payments from other accounts such as the Sewer Fund; and funds which are originally deducted from employee compensation and paid on their behalf (union dues, deferred compensation contributions).

<i>Vendor</i>	<i>Amount</i>	<i>Notes</i>
National Grange Mutual Insurance Company	15,000.00	Wagon Wheel settlement - This amount was demanded by the surety holder on the project and was recovered from Wagon Wheel; no net cost to the Town.
CLEAN HARBORS ENV SRVS, INC.	15,013.67	Household hazardous waste activities
SEA CONSULTANTS INC.	15,600.00	Auburn Road landfill engineering fees - Other PRP's, such as Exxon, are responsible for ongoing mitigation, should it be required. The Town is responsible for testing, inspections and surface maintenance.
SNHPC	15,628.36	Dues - Southern NH Planning Commission
TREASURER, STATE OF NH	15,694.44	Signs, vital record fees, etc - Payments to the State include a number of different services, from Secretary of State info to street signs for the Highway Division
Nature's Pride	15,975.00	Cemetery mowing - paid partially by Trustees of Trust Funds
JAF INDUSTRIES	15,980.00	DPW - pipe
MAYNARD & LESIEUR, INC.	16,197.84	Fire - tires
REHRIG PACIFIC COMPANY	16,545.00	Recycle bins
ELLIOT HOSPITAL	16,720.00	Paramedic school - 2 FF
VALLEY TRANSPORTATION, INC.	16,805.52	Fire - engine truck repairs
TIRES TOO	16,939.26	Police Dept vehicle tires
INTERWARE DEVELOPMENT COMPANY	17,172.85	Clerkworks support fees, which is the software used in the Town Clerk's Office
ROCKINGHAM VNA & HOSPICE	17,400.00	Social service agency annual appropriation
PITNEY BOWES	19,000.00	Postage for meter, shared by all departments according to usage
CRACK-SEALING, INC	19,998.22	Crack sealing expenses incurred by the Highway Division
MASSACHUSETTS DEPT. OF REVENUE	20,602.20	Payroll taxes, collected from town employees who are Massachusetts residents
AFSCME - COUNCIL 93	21,619.23	Union dues - employee paid only

SANBORN, HEAD & ASSOCIATES	22,357.63	Holton Circle superfund costs - monitoring, decommissioning wells, other services are required by the US EPA
MCDEVITT TRUCKS, INC.	22,435.88	DPW - heavy truck, from Capital Reserve Fund
02 - Creative Energy Advertising, LLC	22,668.08	Economic Development website
MOTOROLA	22,922.05	Fire - radio equipment
Coastal Medical Billing, Inc.	23,592.81	Ambulance company contractual payment; 5% fee on collections of ambulance invoices
DONOHUE GROUP, INC	23,920.05	Library - cataloging services
DELL MARKETING L. P.	24,188.37	Computers and equipment
CONTROL TECHNOLOGIES	24,270.27	HVAC maintenance expenses at Town Hall predominantly funded through Expendable Maintenance Trust Fund
IAFF - LOCAL 3160	24,447.40	Union dues - employee paid only
NH Municipal Association	24,592.80	Membership dues, to cover training, advisory services and legislative advocacy services to insure that the State Legislature does not pass down costs or obligations to Londonderry
ADAMSON INDUSTRIES CORP	25,025.75	Police – cruiser light bars and sirens
Kansas State Bank	25,622.73	Lease payment on three first responder/inspection vehicles in the Fire Department
ENVIROSENSE, INC	25,713.82	Ground water monitoring at a number of locations, including North Fire, Central Fire, Sanborn Road, etc...
WRIGHT-PIERCE	26,264.07	Sewer engineering, paid from Sewer Special Revenue Fund
CART	26,500.00	Social service agency annual appropriation
FIRST PERIOD COLONIAL	26,709.80	Morrison House renovation, funded from a Special Warrant Article approved by the voters in 2007.
Accurate Tree Service, LLC	27,600.00	DPW - tree removal assistance
JANR CORP DBA DOMAIN DEV.	27,600.00	Morrison House renovation, funded from a Special Warrant Article approved by the voters in 2007.
BERGERON PROTECTIVE CLOTHING, LLC	27,698.79	Fire protective clothing
DEVINE, MILLIMET & BRANCH	27,873.60	Legal fees - personnel
TETON ENVIRONMENTAL, PLLC	27,942.00	Sewer pump station testing
DRAGON MOSQUITO CONTROL, INC.	31,617.00	Mosquito control program which to date the Town has funded with savings from other areas of the operating budget.
W.B. MASON, INC.	32,898.40	Office supplies, for all Departments
MARKINGS, INC.	33,061.88	Pavement markings
All Green Commercial Janitors, LLC	35,477.00	Janitorial services

FIRST AMERICAN R.E. TAX SRVS	35,601.69	Refund of duplicate property tax payments made by citizens, no tax dollars involved.
UPTON & HATFIELD, LLP	38,707.68	Legal fees - general
NEW WORLD SYSTEMS	38,914.34	New World support fees for software used by most departments in Town Hall
CHS	40,097.99	Human service contractual payment
MELANSON HEATH & COMPANY, PC	45,500.00	Independent audit firm annual payment
SCHERBON CONSOLIDATED INC.	46,447.91	Pump station charges, paid by the Sewer Special Revenue Fund
National Grid	50,038.98	Utility, gas for heating most of municipal buildings
Fairpoint Communications, Inc.	51,193.12	Utility, phone charges for all town departments
GRANITE STATE MINERALS, INC.	52,530.40	Road salt
All Points Public Funding, LLC	53,169.24	Bond payment
2-WAY COMMUNICATIONS SERVICE, INC	63,193.52	Fire - radio system
CITIZENS BANK	67,007.89	Banking fees, for all accounts
TOWN OF DERRY	88,738.71	Charges associated with treating septage at the Derry Treatment Facility (South Londonderry); paid by the Sewer Special Revenue Fund.
SUMNER DAVIS ARCHITECTS, INC.	89,389.55	N/W Fire Station design; paid by the first Fire Bond; fire impact fees and ARRA Grant
EAGLEVUE - GUY BLANCHETTE	99,749.97	Information technology contractual annual payment
Nationwide Retirement Solutions	106,928.20	Employee contributions - 457 plan
LEACH LIBRARY TRUSTEES	110,000.00	Annual book payment; funds are transferred to the Trustees, who then make book purchases for the library.
FORD MOTOR CREDIT COMPANY	120,227.96	Annual lease for police vehicles
MANCHESTER WATER WORKS	126,917.47	Hydrant fees
MORTON SALT	154,356.21	DPW - salt
Corporate Trust Services & Operations	154,500.00	Annual bond payment
CLD CONSULTING ENGINEERS	159,390.35	Exit 4A Engineering expenses which are shared with the Town of Derry.
EASTERN PROPANE GAS, INC.	170,493.72	Utility, predominantly fuel for vehicles
WASTE MANAGEMENT OF NH-LONDONDERRY	173,917.60	Trash disposal, partial services as most services provided by Allied Waste
ICMA-30	185,832.95	Employee contributions - 457 plan
PSNH	203,648.49	Electricity, which includes sewer pump stations paid through the Sewer Special Revenue Fund
STANTEC CONSULTING SERVICES, INC.	207,596.08	Engineering services, which include operating fund projects and capital projects.

PENNICHUCK WATER WORKS	232,617.97	Water Utility & Hydrant Rental
FIRE TECH & SAFETY OF NEW ENGLAND	275,691.83	Fire - Equipment - Breathing Apparatus approved by the voters at the 2009 Town Meeting - 90% grant funded
MANCHESTER, CITY OF	502,110.95	Sewer processing fees, paid by users through the Sewer Special Revenue Fund
TOWN OF LONDONDERRY	678,845.70	Capital reserve transfers, sewer payments, details, misc transfers between bank accounts
CONTINENTAL PAVING INC	965,888.28	Paving services, for projects funded by the General Fund and the Highway Bonds
ALLIED WASTE SERVICES	1,139,691.73	Trash disposal, pursuant to the contract approved by the Town Council
NEW HAMPSHIRE RETIREMENT	2,066,220.59	Employee / Employer contributions for employees retirement
IRS CENTER	2,108,272.48	Employee / Employer contributions for payroll taxes
LOCAL GOVERNMENT CENTER	2,408,962.83	Employee / Employer contributions for health insurance, life, STD, LTD, dental, etc...
ROCKINGHAM COUNTY TREASURER	3,107,368.00	Annual payment of taxes to county

Introduced: 05/17/10
Public Hearing: 06/21/10
Adopted: 06/21/10

ORDINANCE 2010-01
RELATING TO AN AMENDMENT TO THE
ZONING ORDINANCE REGARDING
IMPLEMENTATION OF RECOMMENDATIONS OF
THE NORTHWEST SMALL AREA MASTER PLAN

WHEREAS the Town undertook a study to determine the most appropriate land uses in the vicinity of Exit 5 along the Rte. 28 corridor; and

WHEREAS this process resulted in much public input and Planning Board adoption of the Northwest Small Area Master Plan (SAMP); and

WHEREAS the SAMP recommends a new zoning sub-district (proposed as “Mixed Use Commercial” by the Planning Board) be allowed in that area; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon this amendment;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the creation of new sub-district “Mixed Use Commercial” and amend various sections of the Zoning Ordinance and Map, per the attached, as recommended by the Planning Board.

Paul DiMarco, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal



Londonderry
Business is good. Life is better.

TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

To: Town Council
CC: Building Division

From: Timothy J. Thompson, AICP

Date: May 13, 2010

Subject: Zoning Amendments Recommendation from the Planning Board

On May 12, 2010, the Planning Board held a public hearing relative to the Zoning Ordinance.

The Planning Board, by a unanimous vote, recommends the approval of the attached amendments to the ordinance.

Additionally, the Planning Board asks that the Council consider making a minor modification to the ordinance, adding "Hotel" as a conditional use in the proposed MUC district (amending the permitted use table to add a "C" in the row for "Hotel" and the "MUC" column)

Please feel free to contact me if you have any questions, and please advise me on when the public hearing will be held by the Council so that I can be present to present the ordinance.

Town of Londonderry, New Hampshire

LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AND ZONING MAP AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 12th day of May, 2010, at 7:00 PM on proposed amendments to the Londonderry Zoning Ordinance.

The proposed amendments were prepared by the Planning Division of the Community Development Department and Planning Board to implement recommendations of the Northwest Small Area Master Plan and to encourage responsible development of the Exit 5 area of NH Rt. 28.

The proposed changes are summarized as follows:

- Amend Section 2.1.1 (Districts) as follows:
 - Amend number of districts from 17 to 18
 - Add new "Mixed Use Commercial" (MUC) sub-district to list of districts
- Amend Section 2.2 (Use Table) to reflect the permitted and conditional uses associated with the MUC sub-district.
- Amend Section 2.4 (Commercial District) as follows:
 - Amend Section 2.4.1.1 to include MUC sub-district.
 - Add new Section 2.4.1.2.6 to include the MUC sub-district.
 - Amend Section 2.4.2 to be re-titled and revised to include general standards for all commercial sub-districts
 - Amend Section 2.4.3 to be re-titled and revised to include standards for the C-I, C-II, C-III, and C-IV sub-districts
 - Add new Section 2.4.4 to relocate standards previously in Section 2.4.1.2.5 related to the C-IV sub-district
 - Add new Section 2.4.5 to establish standards specific to the MUC sub-district
- Amend Section 2.6.2.3.1 (Rt. 28 Performance Overlay District) to remove parcels listed in the final bullet below to be re-zoned to MUC.
- Amend Section 4.7 (Definitions) to include a new definition for "Development, Commercial Mixed Use."
- Amend the Zoning Map to rezone the following parcels to MUC: On Map 15, Lots 51, 54, 55, 56, 58, 59, 60, 61-1, 62, and 64.

Copies of the full text of the proposed amendments are available at the Planning Division, Second Floor of the Town Hall & on the Town Website www.londonderrynh.org (Click on Boards & Commissions, then Planning Board)



Timothy J. Thompson, AICP
Town Planner

2 ZONING DISTRICTS

2.1 DISTRICTS AND USES

2.1.1 Districts

For the purpose of this Ordinance, the Town of Londonderry is divided into ~~seventeen~~ **eighteen (18)** districts and sub-districts as follows:

Deleted: seventeen

Deleted: 17

<u>Full Name</u>	<u>Short Name</u>
Agricultural-Residential	AR-I
Multi-family Residential	R-III
Commercial-I	C-I
Commercial-II	C-II
Commercial-III	C-III
Commercial – IV	C-IV
Mixed Use Commercial	MUC
Industrial-I	IND-I
Industrial-II	IND-II
Gateway Business	GB
Planned Unit Development	PUD
Airport District	AD
Conservation Overlay	CO
Performance Overlay District	POD
Flood Plain Development	FP
Airport Approach Height Overlay	AH
Airport Approach Noise Overlay	AN
Historic District	H

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2.2 USE TABLE

2.2.1 Accessory Uses

With the exception of residential district, all uses permitted for each district shall be permitted as accessory uses within that district provided the combination of uses shall meet all other provisions of this Zoning Ordinance.

Londonderry Zoning Ordinance Use Table

Overlay Districts

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
RESIDENTIAL AND AGRICULTURAL																		
Agriculture	P	P									P ⁵							
Assisted Living Facilities		P	P	P	P		P				P ⁵		P	P				
Back Lot Development	C										P ⁵		See specific district regs.					
Dwelling, multi-family	C ³	P, C ³	C ³	C ³	C ³	C ³					P ⁵							
Dwelling, single family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³					P ⁵							
Dwelling, two-family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³					P ⁵							
Elderly Housing	P	P	P	P	P	P					P ⁵		P	P				
Manufactured housing	P, C ³	P, C ³																
Mixed use residential						P	P				P ⁵							
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P						P ⁵		P	P				
Preexisting manufactured housing parks	P																	
Presite Built Housing	P																	
	P																	
CIVIC USES																		
Community center			P	P		C					P ⁴							
Cemetery	P																	
Public Facilities	P		P	P		C		P	P	P	P ⁴	P						
Public Utilities	P	P	P	P				S	S	S	P ⁵	S						
Recreational Facilities, Public	P			P							P ⁴		P	P				
Religious Facilities	P		P	P	P	P					P ⁵		P	P				
Cultural Uses and Performing Arts							C			P	P ⁴							
BUSINESS USES																		
Aeronautical Facilities												P						
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	P ⁴							
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	P ⁴							
Bed and Breakfast Homestay	P										P ⁵							

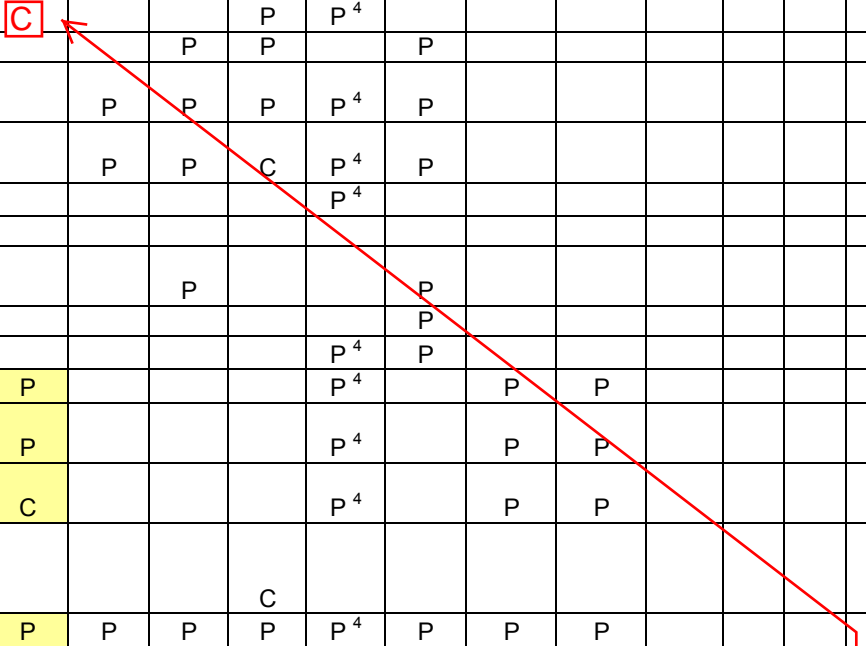
P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
Business center development			P	P			P			P	P ⁴		P	P				
Conference/Convention Center							C			P	P ⁴							
Day Care Center, Adult						C	C				P ⁴							
Drive-thru window as an accessory use			P	P			C											
Drive-in establishments			P	P														
Drive-in theatres				P														
GB District Services										(See GB District Services Use Table, Section 2.2.2)								
Financial institution			P	P			P			P	P ⁴							
Funeral homes			P	P	P													
Education and Training Facilities							C			P	P ⁴							
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	P		P	P	P			P	P			P						
Group Child Care Center					P	C		S	S		P ⁴		C	C				
Home Occupation	S										S							
Hotels				P			C			P	P ⁴							
Manufacturing, Heavy									P	P		P						
Manufacturing, Light up to 250,000 sq. ft.				P				P	P	P	P ⁴	P						
Manufacturing, Light 250,001 sq ft or larger				P				P	P	C	P ⁴	P						
Membership club			P	P							P ⁴							
Motels				P														
Motor Vehicle Maintenance, Major Repair and Painting									P			P						
Motor vehicle rental												P						
Motor Vehicle Station, Limited Service				P		C ²					P ⁴	P						
Recreation, commercial			P	P			P				P ⁴		P	P				
Retail sales establishment up to 75,000 sq. ft.			P	P		P	P				P ⁴		P	P				
Retail sales establishment 75,001 sq. ft. or larger			P	P		P	C				P ⁴		P	P				
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use										C								
Professional office			P	P	P	P	P	P	P	P	P ⁴	P	P	P				



Requested Change from Planning Board

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
Rental Car Terminal up to 50,000 sq. ft										P	P ⁴							
Rental Car Terminal 50,001 sq. ft. or larger										C	P ⁴							
Repair services			P	P		P		P	P		P ⁴	P	P	P				
Research or Development Laboratories				P			P	P	P	P	P ⁴	P						
Restaurant			P	P		C	P				P ⁴	P	P	P				
Restaurant, fast food			P	P			C				P ⁴							
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C								
School, Private					P						P ⁴		P	P				
Service establishment			P	P			P	P	P		P ⁴	P	P	P				
Sexually oriented businesses			P	P														
Storage, self serve				P				P	P				C	C				
Terminal, Airplane												P						
Terminal, Trucking up to 100,000 sq. ft.									P	P	P ⁴	P						
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P ⁴	P						
Vehicle Sales Establishment				P														
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	P ⁴	P	C	C				
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	P ⁴	P	C	C				
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	P ⁴	P						
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	P ⁴	P						

1 - Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use

2 - See section 2.4.1.2.4 for additional dimensional requirements related to fuel dispensers

3 - See Section 2.3.3 for specific requirements (workforce housing)

4 - As part of an approved PUD Master Plan, See Section 2.8

5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 2.8

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

GB District Services Use Table	GB
Accessory Uses up to 5,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	P
Accessory Uses from 5,001 – 20,000 sq. ft.-Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	C
Automotive Repair up to 5,000 sq. ft.	P
Automotive Repair from 5,001 to 10,000 sq. ft.	C
Computer Services up to 5,000 sq. ft.	P
Computer Services from 5,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 5,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 5,001 to 20,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 5,000 sq. ft.	P
Daycare from 5,001 to 10,000 sq. ft.	C
Health Clubs up to 5,000 sq. ft.	P
Health Clubs from 5,001 to 20,000 sq. ft.	C
Personal Service Businesses up to 5,000 sq. ft.	P
Personal Service Businesses from 5,001 to 20,000 sq. ft.	C

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

2.4 COMMERCIAL DISTRICTS

2.4.1 Commercial District

2.4.1.1 Objectives and Characteristics

The ~~five~~ commercial sub-districts (C-I, C-II, C-III, ~~C-IV, and MUC~~) are designed to provide areas for commercial development to include, but not limited to, retail businesses, financial institutions, service oriented businesses, office buildings, recreational facilities, and repair shops.

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2.4.1.2 Sub-district Uses

2.4.1.2.1 Commercial I (C-I)

This ~~sub~~-district is primarily intended to provide for Town-servicing business activities where the establishment of planned business center development shall be encouraged.

2.4.1.2.1.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

2.4.1.2.1.2 Prohibited uses: facilities for the maintenance or repair of machinery, large appliances, and equipment having internal combustion engines are prohibited in this district.

2.4.1.2.2 Commercial II (C-II)

2.4.1.2.3 This ~~sub~~-district is primarily intended to encourage the development of business areas designed to serve the motoring public.

2.4.1.2.3.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance

2.4.1.2.4 Commercial III (C-III) - this ~~sub~~-district is primarily intended for business-professional offices and residential use.

2.4.1.2.4.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

2.4.1.2.5 Commercial IV (C-IV) - this ~~sub~~-district is primarily intended for neighborhood commercial and office use, limiting the size, scale and expansion of neighborhood commercial uses in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which said establishments are located. All uses within the C-IV ~~sub~~-district shall be subject to the Site Plan Regulations and must have building renderings reviewed by the Heritage Commission for their recommendation on the building design prior to the Planning Board approving any site plan.

2.4.1.2.5.1 ~~Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.~~

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2.4.1.2.6 Mixed Use Commercial (MUC) - this sub-district is primarily intended for mixed use commercial development appropriate to areas adjacent to exits from Interstate 93.

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2.4.1.2.6.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

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2.4.2 General Standards for all Commercial Sub-districts

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2.4.2.1 Minimum lot size - minimum lot size and dimensions in all commercial districts are subject to Planning Board and the State of New Hampshire approval based on sewage disposal requirements, soil type, topography, vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre with at least one-hundred and fifty (150) feet of frontage on a Class V or better road.

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2.4.2.2 Outside storage - any outside storage in the commercial district is subject to Planning Board approval. If allowed, all storage areas will be visually screened from the access street, arterials and adjacent property. No storage shall be allowed between a frontage street and the building line.

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2.4.2.3 Building height - except for structures not intended for human occupancy (chimneys, water towers, etc.) Height of buildings shall not exceed 50 feet (Does not apply to C-IV District, see Section 2.4.4.1).

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2.4.2.4 Building coverage of the site will not exceed twenty-five (25) percent of the lot area.

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2.4.2.5 Building design

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2.4.2.5.1 To enhance the aesthetic quality of development in Londonderry's commercial districts, the Planning Board, during site plan review, will require a rendering of the proposed building(s). Factors that the Planning Board will consider before approving the conceptual design will include, but will not be limited to:

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2.4.2.5.1.1 Roof design

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2.4.2.5.1.2 Exterior finish

2.4.2.5.1.3 Signs and lighting

2.4.2.5.1.4 Sidewalks

2.4.2.5.1.5 Building shape

2.4.2.6 Vehicle access - see regulations listed in Section 3.10.

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2.4.2.7 Parking standards - see regulations listed in Section 3.10 and Table 1 of Section 3.10 to determine the quantity of spaces required for specific uses.

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2.4.2.8 Loading space standards

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2.4.2.8.1 No on-street loading or unloading shall be permitted.

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2.4.2.8.2 Where off-street loading is required, loading bays shall be provided and maintained in accordance with the following:

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2.4.2.8.2.1 Loading bays shall not be located on sides of buildings facing a public right-of-way except as specifically approved by the Planning Board. Where such exception is granted, the Board shall require an opaque wall, fence, natural

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terrain, vegetation or other solution to provide screening as effectively as practical.

2.4.2.8.3 Specific size of loading space shall be determined by building usage or function. ← --- Formatted: Bullets and Numbering

2.4.2.8.4 Loading areas shall be designed to permit on-site backing or maneuvering as well as forward driving to the lot exit. ← --- Formatted: Bullets and Numbering

2.4.2.8.5 Other than Planning Board approval to use parking aisles as maneuvering space, loading areas requirements shall not encroach on parking areas. ← --- Formatted: Bullets and Numbering

2.4.2.8.6 The area approved for loading or unloading shall not obstruct access to a property or right-of-way. All loading or unloading spaces shall have direct access to a public right-of-way at all times. ← --- Formatted: Bullets and Numbering

2.4.2.8.7 All loading areas shall be surfaced with a durable, asphalt material and graded and drained to dispose of all surface water accumulation. ← --- Formatted: Bullets and Numbering

2.4.2.9 Signs - all signs, their quantity and location shall comply with the Town of Londonderry sign ordinance current at the time a site plan is approved (Section 3.11) ← --- Formatted: Bullets and Numbering

2.4.2.10 Performance standards - see Town wide Section on performance standards for industrial and commercial development (Section 3.2) ← --- Formatted: Bullets and Numbering

2.4.2.11 Portable Storage Structures: The use of portable storage structures are allowed in the Commercial Districts under the following conditions: ← --- Formatted: Bullets and Numbering

2.4.2.11.1 There must be no more than one portable storage structure per property. ← --- Formatted: Bullets and Numbering

2.4.2.11.2 The portable storage structure must be no larger than ten feet wide, twenty feet long and 10 feet high. ← --- Formatted: Bullets and Numbering

2.4.2.11.3 A portable storage structure shall not remain at any property in excess of 45 consecutive days and shall not be placed on any one property in excess of 90 days in any calendar year. A building permit is required for placement of a portable storage structure on a property. ← --- Formatted: Bullets and Numbering

2.4.2.11.3.1 The Permit for a portable storage structure may be extended upon approval by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension shall be made in writing to the Building Department, and if granted, shall not result in any additional permit fees. ← --- Formatted: Bullets and Numbering

2.4.2.11.4 The portable storage structure shall be set back a minimum of 30 feet from any side or rear lot lines, and 60 feet from any front property line. ← --- Formatted: Bullets and Numbering

2.4.2.11.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building. ← --- Formatted: Bullets and Numbering

2.4.2.11.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.

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2.4.2.11.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.4.2.12.1 through 2.4.2.12.6.

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2.4.3 General Standards for C-I, C-II, C-III, and C-IV subdistricts:

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Within the commercial district and the C-I, C-II, C-III and C-IV sub-districts, the following regulations and controls are required for the development and continued use of the area.

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2.4.3.1 Minimum setback distances for structures from property line:

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2.4.3.1.1 front 60 feet

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2.4.3.1.2 side 30 feet

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2.4.3.1.3 back 30 feet

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2.4.3.1.3.1 If a property abuts more than one existing and/or proposed right-of-way, the building setback will be sixty (60) feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.

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2.4.3.2 Landscaping

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2.4.3.2.1 Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a "green" area shall enclose the entire lot perimeter as follows: minimum width of "green" areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet.

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2.4.3.2.2 When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required:

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2.4.3.2.2.1 The buffer zone shall be a minimum of fifty (50) feet wide.

2.4.3.2.2.2 The buffer zone shall be planted and permanently maintained to diminish the deleterious effect of the commercial activity in accordance with specifications outlined the Site Plan Regulations.

2.4.4 Additional Standards for C-IV Sub-district

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2.4.4.1 Building height: no structure in the C-IV sub-district shall be greater than 30 feet in height.

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2.4.4.2 Building footprint: no use in the C-IV sub-district shall have a building footprint greater than 3,500 square feet with the exception of except community centers, and religious facilities

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2.4.4.3 No drive-thru windows are permitted in the C-IV sub-district

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2.4.4.4 Outside storage: no outside storage or display of any kind is permitted within the C-IV sub-district.

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2.4.4.5 Standards for conditional use permits in the C-IV sub-district. In addition to the standards listed in Section 1.5.2.2, the following criteria must be met for the Planning Board to grant a conditional use permit in the C-IV sub-district:

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2.4.4.5.1 The applicant shall show that the proposed use is needed to serve primarily the convenience commercial needs of the surrounding neighborhood, considering proximity and accessibility of similar uses.

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2.4.4.5.2 The scale of the proposed structure is consistent with and complimentary to the surrounding land uses in the neighborhood.

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2.4.5 General Standards for MUC sub-district:

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Within the MUC sub-district, the following regulations and controls are required for the development and continued use of the area.

2.4.5.1 Minimum setback distances for structures from property line:

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2.4.5.1.1 Front setbacks shall be based on the following performance standards:

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2.4.5.1.1.1 Building footprint of 0 – 75,000 square feet: 60 feet

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2.4.5.1.1.2 Building footprint of 75,001+ square feet: 90 feet

2.4.5.1.1.2.1 For purposes of this sub-district the front setback shall be measured from the property line at the arterial road. Where a lot has additional "front setbacks" from other local roadways, the front setback from a local roadway shall be 60 feet

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2.4.5.1.1.3 Side setbacks shall be one-half (½) the front setback, but no less than 30 feet

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2.4.5.1.1.4 Rear setbacks shall be one-third (1/3) the front setback, but not less than 30 feet.

2.4.5.2 Building Height: As an incentive for use of steep roofs or other architectural elements (clock towers, cupolas, etc.) the Planning Board may, with recommendation from the Heritage Commission, allow for a height bonus not to exceed sixty (60) feet from grade. ← --- Formatted: Bullets and Numbering

2.4.5.3 Landscaping ← --- Formatted: Bullets and Numbering

2.4.5.3.1 Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a "green" area shall enclose the entire lot perimeter as follows: minimum width of "green" areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet. ← --- Formatted: Bullets and Numbering

2.4.5.3.2 When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required: ← --- Formatted: Bullets and Numbering

2.4.5.3.2.1 The buffer zone shall be based on the following performance standards: ← --- Formatted: Bullets and Numbering

2.4.5.3.2.1.1 Properties with less than 75,000 square feet of commercial structures: 50 feet ← --- Formatted: Bullets and Numbering

2.4.5.3.2.1.2 Properties with greater than 75,001 square feet of commercial structures: 75 feet

2.4.5.3.2.2 The buffer zone shall be planted and permanently maintained to minimize the visual impact of the commercial activity from residential districts in accordance with specifications outlined the Site Plan Regulations. ← --- Formatted: Bullets and Numbering

2.4.5.4 Conditional Use Permits for the MUC Sub-district ← --- Formatted: Heading 4

2.4.5.4.1 Uses Permitted by Conditional Use Permit: Some developments (see Use Table, Section 2.2) in the MUC sub-district will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, and the most recently adopted Town Master Plan. ← --- Formatted: Heading 5
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2.4.5.4.2 Dimensional Relief by Conditional Use Permit: The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, frontage, or parking) for projects that are determined to be consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan. ← --- Formatted: Heading 5
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2.4.5.4.3 The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. ← --- Formatted: Heading 5
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Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

2.4.5.4.4 Application Procedure - Applications for conditional use permits (CUP) within this sub-district shall be made in accordance with the following procedures:

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2.4.5.4.4.1 It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan.

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2.4.5.4.4.2 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.

2.4.5.4.4.3 The application will then begin Pre-Application Design review, followed by the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.

2.4.5.4.4.4 Unless otherwise addressed in this ordinance, all applications shall meet those requirements set forth in the relevant sections of the Subdivision & Site Plan Regulations of the Town of Londonderry.

2.4.5.4.5 Approval of Applications Requiring a Conditional Use Permit - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of Section 2.4.5.4.5.1. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or any other federal/state regulation or law.

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2.4.5.4.5.1 The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the MUC sub-district. The applicant shall demonstrate that:

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2.4.5.4.5.1.1 The proposed use is consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan;

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2.4.5.4.5.1.2 Granting of the application is in the public interest;

2.4.5.4.5.1.3 The property in question is reasonably suited for the use requested.

2.4.5.4.5.1.4 The design of the site represents to the extent practicable a minimization of impacts to natural resources, and maximizes the provision of green space and accommodation of non-vehicular and pedestrian traffic.

2.4.5.4.5.2 In addition to the criteria listed in Section 2.4.5.4.5.1, projects which seek a dimensional conditional use permit shall meet the following additional criteria:

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2.4.5.4.5.2.1 The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought

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is not feasible without relief from the strict terms of this ordinance, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with their zoning district; and

2.4.5.4.5.2.2

The application demonstrates that the alternative design for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance will all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

2.6.2.3 District Defined – Route 28 Corridor

2.6.2.3.1 The performance overlay district shall be described as including the lots identified on the “Performance Overlay Zone” Map and specifically as follows:

On Tax Map 15: 21, 21-1, 22, 22-1, 23, 23-1, 23-2, 25, 25-1, 26, 27, 28, ~~60-2, 60-2, 61, 61-2, 61-4, 61-5, 61-7, 61-8, 63, 65-2, 66, 66-1, 67, 68, 69, 70-1, 70, 71,~~
124, 125, 126, 127, 128, 133, 134, 136, 137, 146, 147, 148, 149, 150, 153, 154,
155, 156, 157

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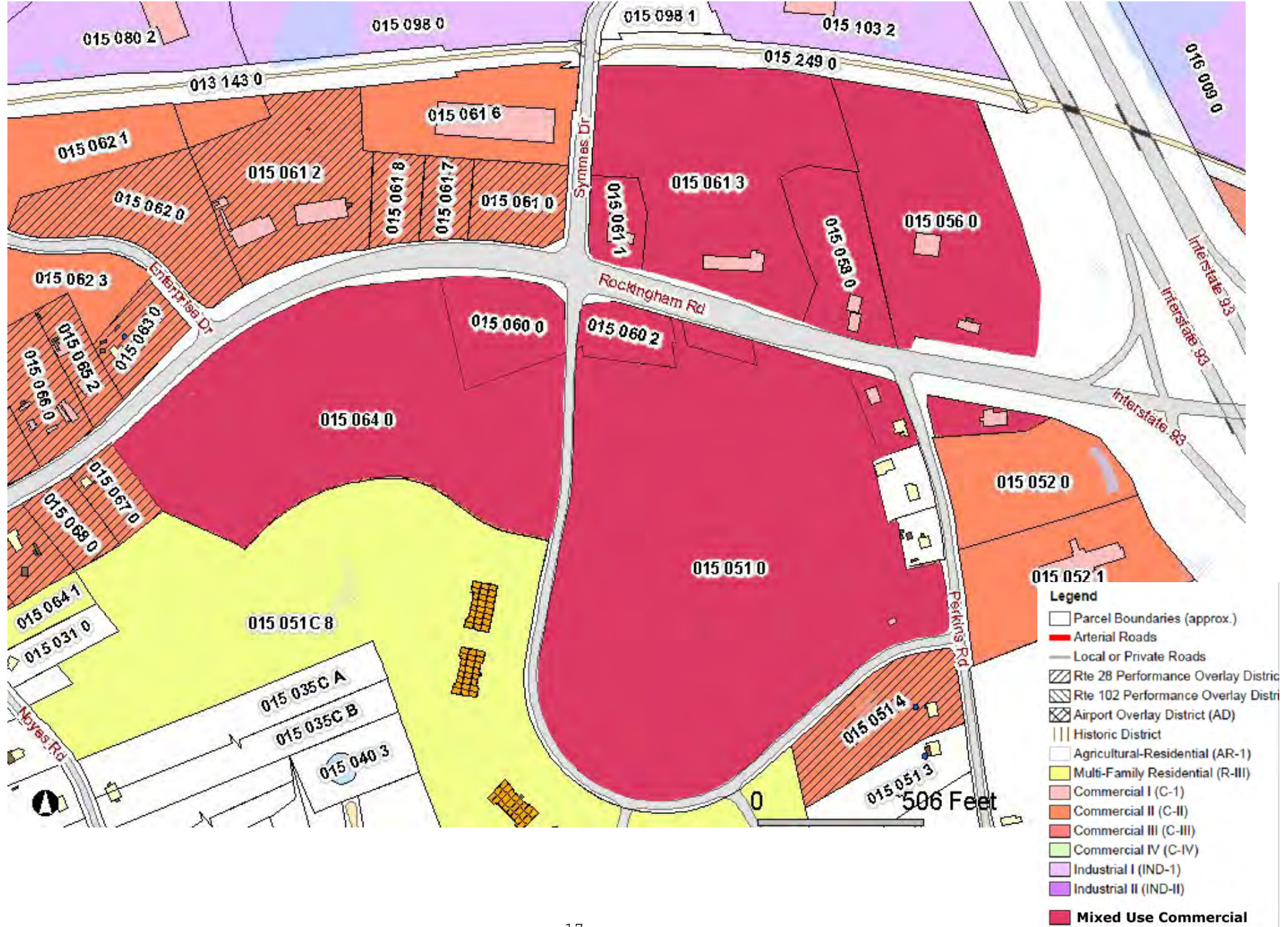
4.7 DEFINITIONS

DEVELOPMENT, COMMERCIAL MIXED USE: A tract of land or building or structure containing more than one type of land use or a single development of more than one building and use, where the different types of land uses (including, but not limited to, residential, office, manufacturing, retail, public, or entertainment) are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

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Proposed Parcels for inclusion in Mixed Use Commercial sub-district



TOWN COUNCIL MEETING
May 3, 2010

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

PRESENT: Town Council: Councilors: Mike Brown; Tom Dolan; John Farrell; Town Manager Dave Caron; Executive Assistant, Margo Lapietro. Absent, Chairman DiMarco and Vice-Chair O'Keefe.

CALL TO ORDER

Councilor Brown opened the meeting at 7:00 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

Reed Paige Clark, III asked when the street naming system will be done. Town Manager Caron said it will continue through the balance of the year.

Mr. Jerome McColligan, 75 Hall Rd. provided photos and spoke to the Council about a culvert over-flowing in his back yard. He asked what gave the Town the authority to install a culvert without written consent or an easement that drains onto private property. Councilor Brown asked him if he has spoken to the town's Public Works Dept. (DPW) about the issue. Mr. McColligan responded he had a number times and was told the problem was due to the erection of a home behind his property. He said when he first brought his property the culvert was dry, when the house was build behind him for two years he had no problem. Once they fixed the culvert on the opposite side of the road that is when he started having problems. The Town Engineer states it is not the responsibility of the Town and he asked who is responsible for it. Town Manager Caron said the DPW visited Mr & Mrs. McColligan last Friday. There is a culvert that discharges on the high side of the property and the water historically flows toward the south. Their son built a new home south of their home and the new home's septic is built right in the depression where the water historically flowed. The septic plan for the new home shows the old depression. Staff spoke to the McColligans and advised them to work it out with their son who owns the home behind him and create an outlet for the water. Town staff would be available to give advice and recommendations to the son. Mr. McColligan said the water has leaked into his basement. The flowing water has uprooted trees in his back yard. Town Manager Caron said he will follow up with DPW and get back to Mr. McColligan and the Council.

OLD BUSINESS

None

NEW BUSINESS

Resolution #2010--14 – Relative to Renaming Anderson Circle - Councilor Dolan read the first reading, second reading and public hearing is scheduled for 5/17. He made a **motion to accept, second Councilor Farrell. Council's vote was 3-0-0.**

FY11 Budget Adjustments – Town Manager Caron explained that at the Annual Town Meeting voters approved two amendments to the Operating Budget which resulted in a reduction of \$142,852 for the FY11 budget. He plans to address the reductions as follows:

Town Manager's Budget will be reduced by \$40K. The position of Administrative Support Coordinator will remain a part-time position rather than considering a return to full-time status in the fall.

The Legal Budget will be reduced by \$10K.

Health Insurance Expense will be reduced by \$25,628 due to the fact that the final rates were 1% lower than anticipated.

The Remaining Balance of \$67,224 has been distributed to all departments except for Debt Service, Insurances, Town Manager and Legal. He stated the Police and Fire are not impacted due to changes in the State Budget requiring funding of retirement costs at the 80% level instead of the budgeted 75%. This unbudgeted expense is estimated at \$51K for Police and \$35K for Fire.

Councilor Farrell asked how much does the Cable Studio contribute. Town Manager Caron stated the Cable Studio is not impacted by this reduction because it is a special revenue fund and that budget was approved as recommended at Town Meeting. This change will not impact Cable, police details or the sewer division. Councilor Farrell asked is that per RSA or can we re-allocate money from those funds for other reasons. Town Manager Caron responded the Council may allocate money from the Cable Fund annually during the budget process. The request at Town Meeting was a reduction in expenditures not a reduction in the tax rate. A reduction in the tax rate can be addressed by either a reduction in expenses or an increase in revenues, or a combination of both. The motion approved at Town Meeting was to reduce the budget. Councilor Brown verified the costs to be assumed by the Police and Fire Departments and confirmed that the remaining balance of \$67,224 was spread across to all other departments.

APPROVAL OF MINUTES

Minutes of Councils Public Meetings of 04/190. Councilor Farrell made a motion to adopt, second Councilor Dolan. Council's vote was 3-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Farrell said he got an e-mail from the Chairman of the Planning Board which he proceeded to read verifying there was no meeting on 5/5. The regular meeting will be on 5/12 with a non-meeting at 6:00PM with the Town Attorney. One issue for the 6/12/10 meeting is the request to extend the site plan for Nutfield Publishing located at 2 Litchfield Road since it expires on 6/10/10. It has been operating without a Certificate of Occupancy. He said the Elder Affairs meeting was cancelled.

Councilor Brown said he had no meetings.

Councilor Dolan said the Budget Committee held their organizational meeting and elected officers. The Conservation Commission met and talked with the owners of homes flooded at the south end of town. He did not attend that meeting.

Town Manager Reports – Town Manager Caron said the Street Light Upgrade project will be starting; contracts have been signed with PSNH. This project supplies more energy efficient lighting and replaces current fixtures. The only additional lights installed are located at 22 Grenier Field Rd in anticipation of the new NW Fire station. A pre-construction meeting was held this afternoon and all anticipate starting construction around 5/17/10. An environmental assessment had to be completed; a notice to proceed from FEMA should be forthcoming shortly. Completion is due by snowfall. He asked the Councilors to review their vacations schedules to schedule meetings in July and August, which will be addressed on 5/17.

Board/Committee Appointments/Reappointments -

None

ADJOURNMENT

Councilor Farrell made a motion to adjourn at 7:25 PM, second, Councilor Dolan. Council's vote was 3-0-0.

Notes and Tapes by: Margo Lapietro Date: 05/03/10

Minutes Typed by: Margo Lapietro Date: 05/04/10

Approved: Town Council Date: