

**TOWN COUNCIL  
AGENDA  
March 21, 2011**

The Town Council meeting and Budget Public Hearing 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 COMMENT
  - A.
- III. PUBLIC HEARING
  - A.
- IV. OLD BUSINESS
- V. NEW BUSINESS
  - A. Ordinance #2011-02 – Relative to an Amendment to the Zoning Ordinance to Reflect Updated Traffic Impact Fee Methodology/Corridor Study and to Establish New Rates.
  - B. Resolution #2011-03 - Relative to a Renewal Agreement with the New Hampshire Flying Tigers for use of the Auburn Road Property.
  - C. Resolution #2011-04 –Relative to the Discontinuance of a Portion of Scobie Pond Road.
  - D. Resolution #2011-05 – Relative to the Allocation of Cable Franchise Fees
- VI. APPROVAL OF MINUTES
  - A. Minutes of Council’s Public Meeting of 03/07/11
- VII. OTHER BUSINESS:
  - A. Liaison Reports
  - B. Town Manager Report
  - C. Board/Committee Appointments/Reappointments
    - 1. Resignation of Joe Green from the ZBA
- VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting – April 4, 2011, Moose Hill Council Chambers, 7:00 PM
- B. Town Council Meeting – April 18, 2011, Moose Hill Council Chambers, 7:00 PM
- C. Town Council Meeting – May 2, 2011, Moose Hill Council Chambers, 7:00 PM
- D. Town Council Meeting – May 16, 2011, Moose Hill Council Chambers, 7:00 PM
- E. Town Council Meeting – June 6, 2011, Moose Hill Council Chambers, 7:00 PM

## SUPPORTING DOCUMENTATION COUNCIL MEETING OF MARCH 21, 2011

- I. CALL TO ORDER
- II. PUBLIC COMMENT
  - A.
  - B.
- III. PUBLIC HEARING
  - A. NO HEARINGS SCHEDULED
- IV. OLD BUSINESS
  - A.
- V. NEW BUSINESS
  - A. Ordinance #2011-02 – Relative to an Amendment to the Zoning Ordinance to Reflect Updated Traffic Impact Fee Methodology/Corridor Study and to Establish New Rates – Attached is an ordinance as recommended by the Planning Board which would update impact fee methods and rates for the Rte. 28 Western Segment. A public hearing is required and can be scheduled for April 4, 2011.
  - B. Resolution #2011-03 – Relative to a Renewal Agreement with the New Hampshire Flying Tigers for the use of the Auburn Road Property – The agreement with NHFT for the use of the property for its model airplane activities recently expired; staff is recommending a five-year extension of the agreement. The use has been sanctioned by the Environmental Protection Agency and the NH Department of Environmental Services, both of which have oversight jurisdiction on the property (remediated Superfund Site). The Town has not received any concerns or complaints about NHFT operations during its initial three year term. The agreement is similar to the original agreement as crafted by legal counsel; a provision was added to require NHFT to notify the parties in any change of its officers in order to facilitate better communications.

- C. Resolution #2011-04 – Relative to the Discontinuance of a Portion of Scobie Pond Road. – The Town Council has received a request to discontinue a portion of Scobie Pond Road which has been subject to gates and bars since a vote at the 1932 Town Meeting. A public hearing is required and can be scheduled for April 4, 2011.
  - D. Resolution #2011-05 – Relative to the Allocation of Cable Franchise Fees - Attached is a Resolution which reflects the adoption of the FY12 Town Budget, which includes \$104,000 in cable franchise fee revenues. The Resolution recommends depositing 3.5% of the fee into the Cable Special Revenue Fund, with 1.5% deposited into the General Fund in conformance with the FY12 Budget expectations.
- VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 3/07/11.
- VII. OTHER BUSINESS
- A. Liaison Reports –
  - B. Town Manager Report – Voters recently approved transition the Budgetary Town Meeting to the Official Ballot system. FYI, attached are language changes as drafted by Town Counsel for insertion into the charter. Also attached is a draft FY13 Budget calendar, which will be reviewed and may be adjusted accordingly this summer.
  - C. Board/Committee Appointments/Reappointments -
- VIII. ADJOURNMENT –

MEETING SCHEDULE:

- F. Town Council Meeting – April 4, 2011, Moose Hill Council Chambers, 7:00 PM
- G. Town Council Meeting – April 18, 2011, Moose Hill Council Chambers, 7:00 PM
- H. Town Council Meeting – May 2, 2011, Moose Hill Council Chambers, 7:00 PM
- I. Town Council Meeting – May 16, 2011, Moose Hill Council Chambers, 7:00 PM
- J. Town Council Meeting – June 6, 2011, Moose Hill Council Chambers, 7:00 PM

**FOLLOW-UP FROM COUNCIL'S  
March 7, 2011 MEETING**

ISSUE	ACTION	RESPONSIBILITY
State Reps	Invite state representative to discuss state budget	Dave

**FOLLOW-UP FROM COUNCIL'S  
February 7, 2011 MEETING**

ISSUE	ACTION	RESPONSIBILITY
LAFAs Surveillance	Investigate cost to install cameras at Nelson Field <i>(Staff estimates a cost of \$6,500 - \$10,000 for a four Camera system - wireless)</i>	Steve

**FOLLOW-UP FROM COUNCIL'S  
December 20, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
CART	Schedule subject meeting to discuss Rockingham County Nutrition <i>(To be scheduled at CART's request)</i>	Dave/Margo
	Determine number of CART rides to Elliott <i>(In process)</i>	Lee M.

Introduced: 03/14/11  
Public Hearing: 04/04/11  
Adopted: 04/04/11

**ORDINANCE 2011-02**  
***AN AMENDMENT TO THE ZONING ORDINANCE TO  
REFLECT UPDATED TRAFFIC IMPACT FEE  
METHODOLOGY/CORRIDOR STUDY AND TO  
ESTABLISH NEW RATES***

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***WHEREAS*** the Planning Board has periodically reviewed and amended traffic impact fee rates to reflect current development patterns and revised development forecasts; and

***WHEREAS*** the Planning Board has completed a corridor and impact fee methodology study on the Rte. 28 Western Segment, which simplifies the administration and calculation of the impact fees, updates construction costs for improvements, and sets forth the impact fees based on the private development share of said improvements; and

***WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon the request;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reference the updated Rte. 28 Western Segment Traffic Impact Fee Methodology/Corridor Study in Section 1.2.6.1, adopt said study and establish new impact fee rates, and implement rates in accordance with Alternative 2 as stipulated in the methodology report.

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Sean O'Keefe, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***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

**From:** Timothy J. Thompson, AICP

**Date:** March 11, 2011

**Subject: Zoning Amendments (Impact Fees) Recommendation from the Planning Board**

On March 9, 2011, 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, and adoption of the updated Corridor Study and Impact Fee Methodology for the Western Segment of NH Rt. 28. Additionally, the Planning Board recommends the adoption of "Alternative 2" for the implementation of the impact fee increase.

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 and methodology.

# Town of Londonderry, New Hampshire

## LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 9<sup>th</sup> day of March, 2011, 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 amend the Impact Fee reference documents in the Zoning Ordinance and to adopt a new Impact Fee Methodology for the Rt. 28 Western Segment.

The proposed changes are summarized as follows:

- Amend Section 1.2.6.1 to reference the updated Rt. 28 Western Segment Traffic Impact Fee Methodology/Corridor Study.
- Adopt the updated Rt. 28 Western Segment Traffic Impact Fee Methodology/Corridor Study and establish new traffic impact fee rates for this section of Rt. 28.

Copies of the full text of the proposed amendments and Impact Fee Methodology are available at the Planning Division, Second Floor of the Town Hall & on the Town Website [www.londonderrynh.org](http://www.londonderrynh.org) (Click on Boards & Commissions, then Planning Board)



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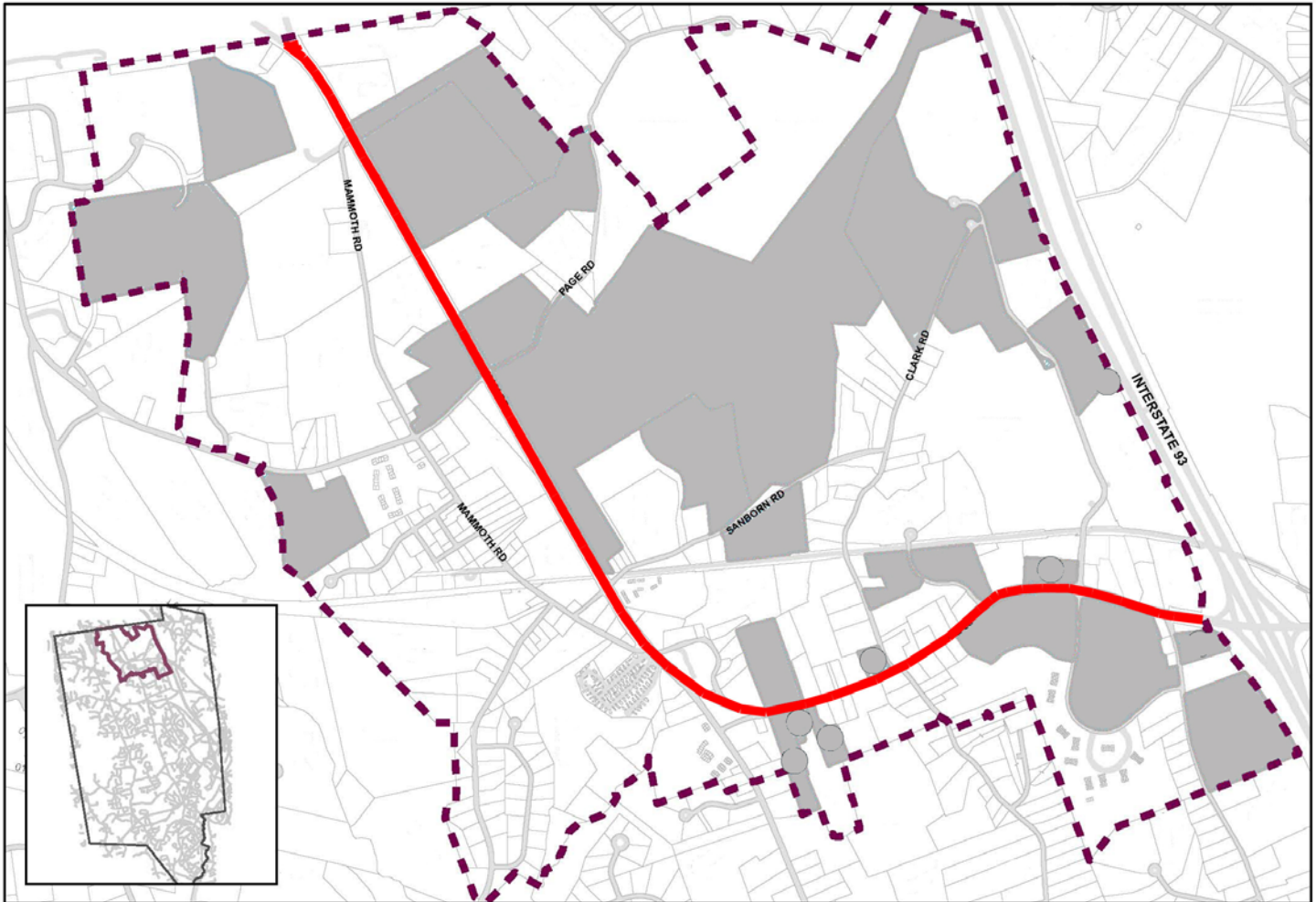
Timothy J. Thompson, AICP  
Town Planner



## 1.2.6 Computation of Impact Fee

- 1.2.6.1 The amount of the public facilities impact fee shall be determined by the Impact Fee Schedule prepared in accordance with the methodology established in a report by the Planning Board entitled, "Impact Fee Analysis: Town of Londonderry", as updated by the reports entitled, "Methodology for Assessment of Public School Impact Fees, Town of Londonderry, and "Methodology for Assessment of Recreation Impact Fees, Town of Londonderry" by Bruce C. Mayberry, as most recently adopted, "Methodology for Assessment of Public School Impact Fees, Update, Town of Londonderry, NH" by Bruce Mayberry, as most recently adopted, "Recreation Impact Fee Update" by Bruce Mayberry, as most recently adopted, "Police Department Impact Fee Methodology, Londonderry, NH" by Bruce Mayberry, as most recently adopted, "Fire Department Impact Fee Basis for Assessment, Londonderry, NH" by Bruce Mayberry, as most recently adopted, "NH Route 28 Eastern Corridor Study" prepared by Southern NH Planning Commission, as most recently adopted, "NH Route 28 Western Corridor Study" prepared by [the Community Development Department, Stantec Consulting Services, and](#) Southern NH Planning Commission, as most recently adopted, "NH Route 102 Upper Corridor Study" prepared by Southern NH Planning Commission, as most recently adopted, "NH Route 102 Central Corridor Study" prepared by Southern NH Planning Commission, as most recently adopted, "NH Route 102 Lower Corridor Study" prepared by Southern NH Planning Commission as most recently adopted, subject to annual adjustments in accordance with Section 1.2.14.
- 1.2.6.2 In the case of new development created by a change of use, redevelopment, or expansion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to that which was or would have been assessed for the previous use.

# ***Town of Londonderry, New Hampshire NH Route 28—Western Segment Traffic Impact Fee Methodology***



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Business is good. Life is better.

***Prepared by the Londonderry Community Development  
Department  
Planning & Economic Development Division***

Based on Impact Fee Methodology originally prepared by Southern NH Planning Commission



Supplemental Data and Information prepared by Stantec Consulting Services, Inc.



***Adopted by the Londonderry Planning Board - March 9, 2011  
Adopted by the Londonderry Town Council - \_\_\_\_\_, 2011***

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## Introduction

The western segment of the New Hampshire Route 28 corridor in northern Londonderry experienced considerable development activity over the course of the past 30 years. Despite this development, there remains a considerable amount of vacant land and the potential for future development along this corridor. The proximity of this vacant land to Manchester-Boston Regional Airport and to Interstate 93 makes continued future development likely.

The Southern New Hampshire Planning Commission (SNHPC) completed a long range plan for NH Route 28 in Londonderry in 1990 to assist the Town in determining the long range transportation needs for that area. That study included the western segment of New Hampshire Route 28 from Interstate 93, westward through North Londonderry Village, and then north to the Manchester city line. The original study was last updated by SNHPC in 2001. Due to the changes in the land use since then, the Town of Londonderry obtained a new corridor study from Stantec Consulting Services Inc in 2008. This updated impact fee methodology was developed by the staff of the Londonderry Community Development Department, based on the basic methodology utilized by SNHPC, the 2008 Stantec study, and a 2010 Construction Cost Analysis of the corridor, also prepared by Stantec.

Details of the 2001 SNHPC Corridor Study and the 2008 Stantec corridor study are hereby incorporated by reference, and can be found in the *"Route 28 Corridor Study, Western Segment, Londonderry, NH, Updated February 2001"* and the *"Supplemental Traffic Study for Selected Rockingham Road (Route 28) Intersections as part of Reduced Development Scenarios for the Exit 5 TIF Area"* on file with the Londonderry Community Development Department.

Maintenance responsibility for NH Route 28 lies with the State of New Hampshire. Improvements are subject to funding and scheduling constraints imposed at the state and federal levels. Improvements to a state highway are not a local responsibility, but Town officials are faced with a growing number of site plan, subdivision and building permit applications for industrial and commercial development along the highway. With growing development pressures and the subsequent traffic impact, the Town must anticipate future needs and set forth a series of transportation plans for improvements in circulation, parcel access and for projects intended to increase the overall capacity and safety of the highway system. Maintenance responsibility for local roads adjacent to NH Route 28 lies with the Town. As the area develops, the Town will be responsible for upgrading and expanding these roadway systems to accommodate future traffic. Traffic projections for the year 2021 indicate that, even without any future development within this corridor, traffic volumes could increase by 16.4% from the current 2011 volume on all of these roads. If traffic from the parcels along the corridor is included, volume could increase by 38.5% along Route 28. Given these projections, the Town must ensure that future development decisions will facilitate smooth and safe traffic flows along Route 28 and adjacent roadways. It is also important that this future decision-making is compatible with the long range improvement plans for the area.

## Introduction

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## Study Area

The study area identified as the western segment of the New Hampshire Route 28 corridor is shown on the next page. The study area extends from the intersection of Route 28 and Interstate 93 northbound ramps at Exit 5, westward through the village of North Londonderry and then north to the Manchester city line. Also shown on page 3 are various parcels identified as potential development areas as of December 2010 (utilizing the same numbering system from the SNHPC 2001 Study). These areas comprise approximately 601 acres. An examination of the development potential of these parcels revealed that approximately 472 acres were developable. Table 1 summarizes the parcels included in this study and lists them according to Development Area, Tax Map, and Lot Number.

**Town Of Londonderry, NH  
Route 28 Corridor Study - 2010  
TABLE 1**

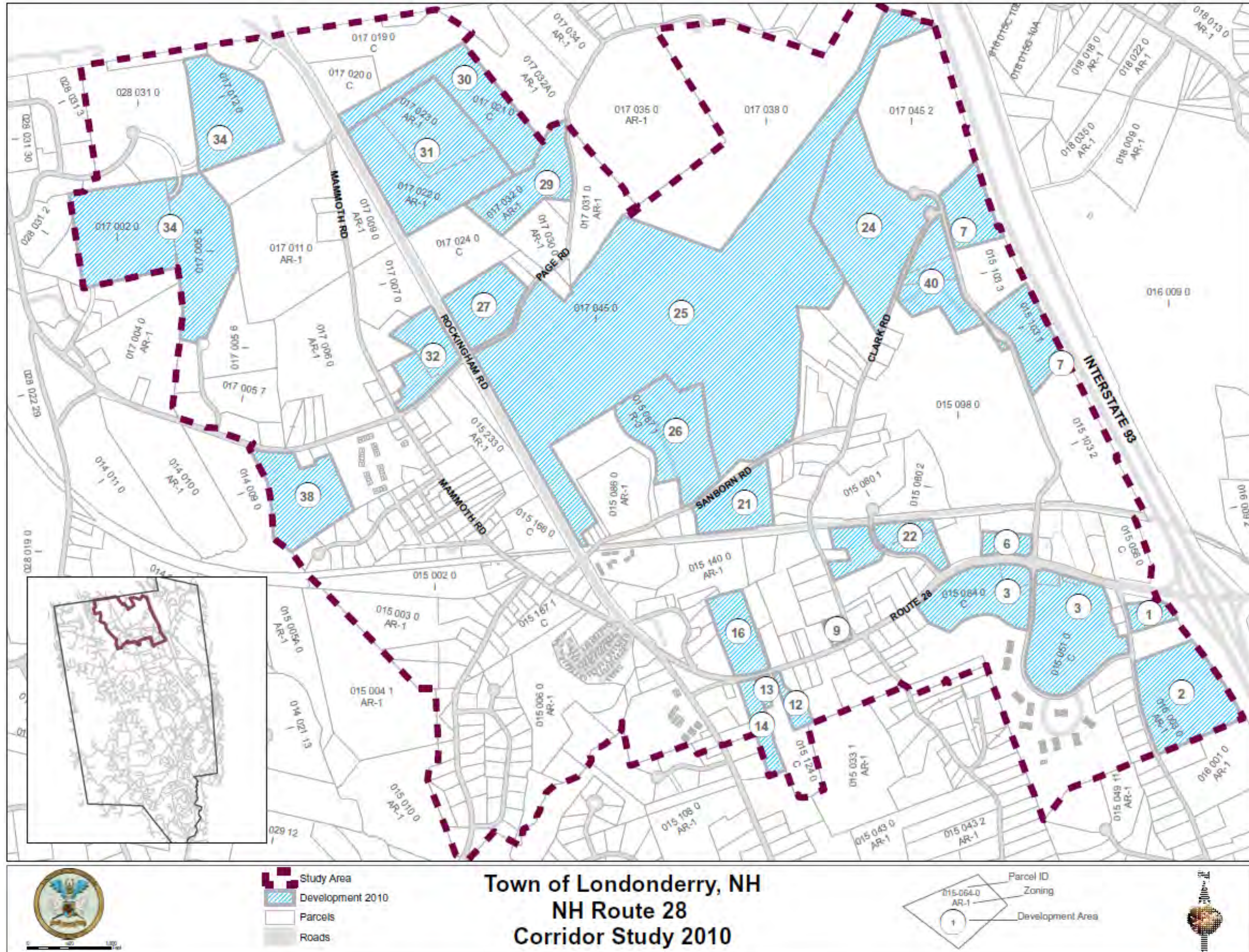
Development Area	Tax Map	Lot Number	Total Land (Acres)	Developable Land	Zoning
2	16	3	25	18.75	AR-I
3	15	51, 59, 60, 64	46.86	46.86	MUC
6	15	61, 61-7, 61-8	4.07	4.07	POD/C-II
7	15	103, 103-1	23.237	23.237	I-I
9	15	27	1.74	1.74	POD/C-II
12	15	22	3.2	3.2	POD/C-II
13	15	125	1	1	POD/C-II
14	15	126	6.1	3.05	POD/C-II
16	15	150	10	5	POD/C-I
21	15	83-2	13.67	9.08	R-III
22	15	62, 62-1	13.245	13.245	C-II, POD/C-II
24	17	44	12	10.2	I-I
25	17	45	212.495	124.5	I-I
26	15	87-1	25.4	21.59	R-III
27	17	27	13.87	11.1	C-II
29	17	32	13.25	11.26	AR-I
30	17	21	27	22.95	C-II
31	17	22, 23	23	19.55	AR-I
32	17, 15	235, 25	12.32	10.47	C-II
34	17	2, 5, 12	81.556	81.556	I-I, I-II
38	15	1	18.3	15.56	AR-I
40	15	96, 96-2, 97	14.3	14.3	AR-I
<b>TOTAL</b>			<b>601.613</b>	<b>472.268</b>	



Rt. 28  
Corridor

Western  
Segment

Development  
Areas Map





### Existing Trips

Base year 2011 evening peak hour volumes can be found in Figure 2 and Appendix C of the *"Supplemental Traffic Study for Selected Rockingham Road (Route 28) Intersections as part of Reduced Development Scenarios for the Exit 5 TIF Area"* on file with the Londonderry Community Development Department.

### Development Area Trips

The number of-site generated trips for each of the development areas were determined based on the assumptions below:

- Future land use will be consistent with existing zoning
- Floor area for commercial and industrial parcels is generally equal to 15 percent of the developable area.
- For residential parcels, the number of dwellings is equal to 1 per acre of the developable area, with a 25% bonus added to parcels suited for workforce housing development.
- Standardized trip generation rates and equations published by the Institute of Transportation Engineers (8<sup>th</sup> Edition) were applied to all future developments.

These development areas are projected to create approximately 3,962 new vehicle trips during the evening peak hour. These trips take into consideration the pass-by trip characteristics of some of the development areas in the study area. The trip generation and land use characteristics for the development areas are summarized in tabular form on the following page.

### Background Growth Rate

A background growth rate of one percent (1%) is utilized for this methodology, consistent with the Town of Londonderry and NHDOT requirements, and is indicated in section 4.1 of the *"Supplemental Traffic Study for Selected Rockingham Road (Route 28) Intersections as part of Reduced Development Scenarios for the Exit 5 TIF Area"* on file with the Londonderry Community Development Department.

### Trip Distribution

Trip distribution for the study area is summarized in section 2.6 of the *"Supplemental Traffic Study for Selected Rockingham Road (Route 28) Intersections as part of Reduced Development Scenarios for the Exit 5 TIF Area"* on file with the Londonderry Community Development Department.



Rt. 28  
Corridor

Western  
Segment

Development  
Areas Trip  
Generation

Dev Area #	Tax Map	Lot	Lot Size	Devl Acres	Current Use	Zoning	Future Land Use	Land Use Code	Poten Units	Poten Area (SF)	Rate or Equation	Daily Trip Rate	PM In Rate	PM Out Rate	Total PM Trips	PM In Trips	PM Out Trips	Total New PM Trips	PM New In Trips	PM New Out Trips	
2	16	3	25	18.75	Single Family	AR-I	Single Family	210	25		Equation				25	16	9	25	16	9	
3	15	51, 59, 60, 64	46.86	46.86	Vacant	MUC	Big Box Retail, Shopping Center, Restaurant	813, 820, 932		60,000 Shp Ctr; 6,000 Restmnt; 205,000 Big Box					1464	723	739	1102	543	557	
6	15	61, 61-7, 61-8	4.07	4.07	Vacant	POD/C-II	Specialty Retail	814		26593	Rate	44.32	1.19	1.52	72	32	40	54	24	30	
7	15	103	23.237	23.237	Vacant	I-I	Light Industrial, General Office	110, 710		196,500 Indus, 65,500 Office	Equation				343	49	294	343	49	294	
9	15	27	1.74	1.74	Single Family	POD/C-II	Specialty Retail	814		11369	Rate	44.32	1.19	1.52	31	14	17	23	10	13	
12	15	22	3.2	3.2	Single Family	POD/C-II	Specialty Retail	814		20909	Rate	44.32	1.19	1.52	57	25	32	42	19	24	
13	15	125	1	1	Single Family	POD/C-II	Specialty Retail	814		6534	Rate	44.32	1.19	1.52	18	8	10	13	6	7	
14	15	126	6.1	3.05	Single Family	POD/C-II	Specialty Retail	814		19929	Rate	44.32	1.19	1.52	54	24	30	41	18	23	
16	15	150	10	5	Single Family	POD/C-I	Shopping Center	820		32670	Equation				301	147	153	198	97	101	
21	15	83-2	13.67	9.08	Vacant	R-III	Elderly Housing	252	60		Equation				10	6	4	10	6	4	
22	15	62	13.245	13.245	Vacant	C-II, POD/C-II	Light Industrial	110		80000	Equation				78	9	68	78	9	68	
24	17	44	12	10.2	Vacant	I-I	Light Industrial	110		100000	Equation				97	12	85	97	12	85	
25	17	45	212.495	124.5	Vacant	I-I	Industrial Park	130		730000	Equation				628	132	496	628	132	496	
26	15	87-1	25.4	21.59	Vacant	R-III	Condominium	230	130		Equation				68	45	22	68	45	22	
27	17	27	13.87	11.1	Vacant	C-II	Office Park	750		72501	Equation				194	27	167	194	27	167	
29	17	32	13.25	11.26	Vacant	AR-I	Single Family	210	11		Equation				11	7	4	11	7	4	
30	17	21	27	22.95	Vacant	C-II	Light Industrial	110		149955	Equation				146	17	128	146	17	128	
31	17	22, 23	23	19.55	Vacant	AR-I	Single Family	210	20		Equation				20	13	7	20	13	7	
32	17, 15	235, 25	12.32	10.47	Vacant	C-II	Light Industrial	110		68424	Equation				66	8	58	66	8	58	
34	17	2, 5, 12	81.556	81.556	Vacant	I-I, I-II	Light Industrial	110		691238	Equation				671	80	590	671	80	590	
38	15	1	18.3	15.56	Vacant	AR-I	Single Family	210	16		Equation				16	10	6	16	10	6	
40	15	96, 96-2, 97	14.3	14.3	Single Family	AR-I	Light Industrial	110		120000	Equation				116	14	102	116	14	102	
								<b>Totals:</b>	<b>262</b>	<b>2,636,529</b>						<b>4485</b>	<b>1417</b>	<b>3062</b>	<b>3962</b>	<b>1161</b>	<b>2796</b>

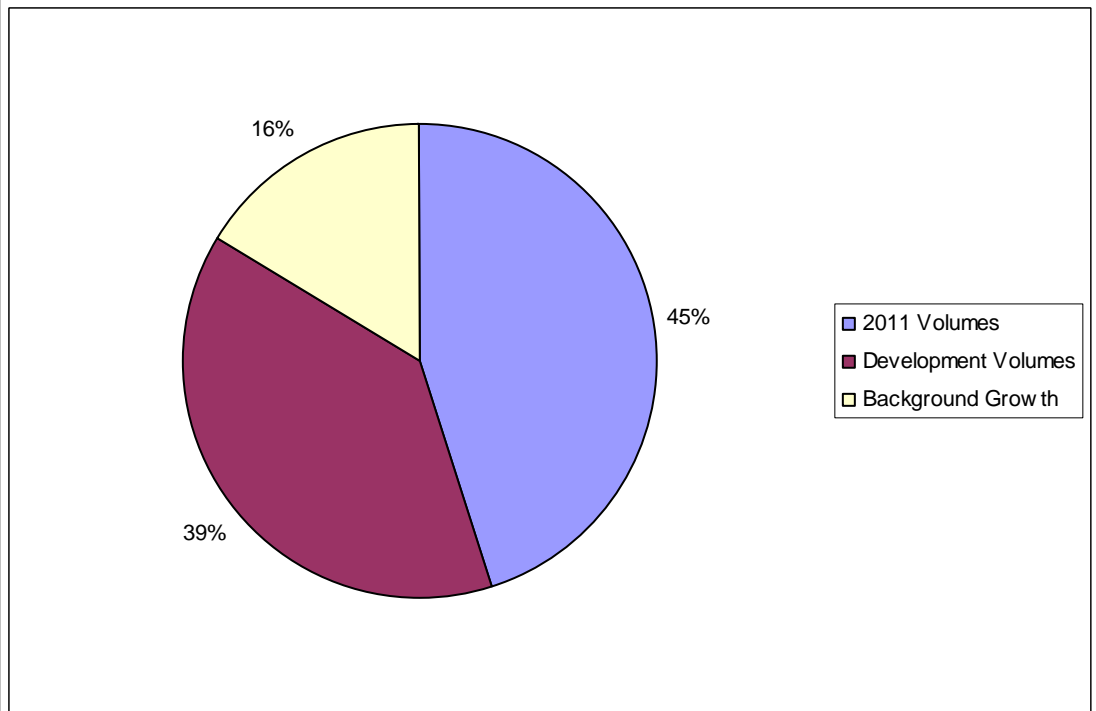
## Horizon Year Traffic

Based on analysis in the previous steps as previously prepared by SNHPC and updated by Town Staff, the background growth was added to the development area trips to determine the peak hour traffic projections for the New Hampshire Route 28 corridor for the design year 2021. These development area trips are summarized on page 5 and are based upon the following:

- Full build-out of the all the development areas by year 2021 under the existing zoning pattern; and
- A background or normal growth rate of 1% compounded annually

Figure 1 below illustrates the projected composition of the year 2021 traffic on NH Route 28 during the PM peak hour in terms of existing volume, background growth, and site specific growth. Clearly, the study area parcels account for a substantial portion of the traffic pressures that will impact the corridor.

**Figure 1—Composition of 2021 PM Peak Hour Traffic**



## Corridor Improvements Plans & Traffic Capacity Analysis

Based on the projected traffic volume and the roadway/intersection capacity analysis which was conducted for the New Hampshire Route 28 corridor, the current number of lanes on NH Route 28 and intersection configurations will not be adequate to meet the projected traffic demands for the year 2021. To accommodate all of the projected traffic, NH Route 28 will have to be improved as outlined in the Conclusions & Recommendations Section of this document.

## Cost Sharing Method

From a highway design standpoint, the primary function of NH Route 28 is to serve as an arterial highway. It should be designed to promote the movement of through traffic as efficiently as possible and still maintain safety. Providing access to abutting property should be perceived as a secondary function of this roadway. The ability to move traffic along NH Route 28 must be given the highest priority. Access points should be limited in number and located to facilitate efficient traffic flow.

Preliminary estimates indicate that the cost of recommended improvements to N.H. Route 28 between Interstate 93 and the Page Road, and of providing the necessary intersection improvements along NH Route 28, will be approximately \$19.9 million based on 2010 monetary values. This cost estimate is based upon future traffic projections and conceptual improvements as provided to the Town by Stantec with the *Traffic Study - Rockingham Road (Route 28)* dated January 8, 2007 (see table, next page).

This total improvement cost will be shared by the State of NH DOT (NHDOT), the Town of Londonderry and the developers of the areas identified earlier. The NHDOT and Town's share of the cost of improvements is based on existing volumes and background growth, as discussed previously, which makes up a cost share of 61%. The developers' share of the cost is therefore determined to be that which is made up of the development area volumes during the PM peak hour, or 39% of the costs of improvements to the corridor.

The impact fee is therefore calculated by dividing the total cost of Rt. 28 Improvements by the total number of development area generated PM peak hour trips. This number is then multiplied by 39% (and rounded to the nearest whole number), which represents the cost share of corridor improvements to be paid by development projects (the remaining 61% of the costs are to be paid by NHDOT and the Town of Londonderry). Additionally, there has been an average of 17 new PM peak hour trips per year generated from outside the studied corridor. In reviewing development potential of parcels outside the studied corridor, an additional 20 trips per year are accounted for in the impact fee calculation resulting from trips originating outside the corridor.

In order to keep this impact fee methodology relevant from now until the corridor study is re-examined in the future, the impact fee listed below shall escalate each year, based on a 3.5% anticipated increase to the costs of the improvements to the corridor. The impact fee shall be based on a fee per new PM peak hour trip impacting the Rt. 28 Western Segment, and shall be assessed on a project by project basis when development plans are approved by the Londonderry Planning Board. Traffic impact analyses are required for all site plans in Londonderry, and shall be used as the basis for calculating the impact fee due from each proposed development project in Londonderry that indicates an impact to the corridor.

See the Chart on page 9 for the per PM peak hour trip impact fee for the Rt. 28 Western Segment.

# Corridor Improvements Cost Estimate

	2010 Dollars	2011 Dollars*	2012 Dollars*	2013 Dollars*	2014 Dollars*	2015 Dollars*
<b>Major Intersections</b>						
Rockingham Road at Page Road	\$1,650,000	\$1,708,000	\$1,768,000	\$1,830,000	\$1,894,000	\$1,960,000
Rockingham Road at Sanborn Road	\$1,777,000	\$1,840,000	\$1,904,000	\$1,971,000	\$2,040,000	\$2,111,000
Rockingham Road at Old Mammoth Road	\$2,318,000	\$2,400,000	\$2,484,000	\$2,571,000	\$2,660,000	\$2,754,000
Rockingham Road at Mammoth Road (Route 128)	\$2,424,000	\$2,509,000	\$2,597,000	\$2,688,000	\$2,782,000	\$2,879,000
Rockingham Road at Clark Road and Noyes Road	\$1,373,000	\$1,422,000	\$1,471,000	\$1,523,000	\$1,576,000	\$1,631,000
Rockingham Road at Symmes Drive and Vista Ridge Road	\$1,979,000	\$2,049,000	\$2,120,000	\$2,195,000	\$2,271,000	\$2,351,000
Rockingham Road at Perkins Road	\$948,000	\$982,000	\$1,016,000	\$1,052,000	\$1,088,000	\$1,126,000
Rockingham Road at 1-93 Exit 5	\$1,226,000	\$1,269,000	\$1,314,000	\$1,360,000	\$1,407,000	\$1,457,000
<b>Roadway Segments</b>						
Road Segment Between Page Road and Sanborn Road	\$1,308,000	\$1,354,000	\$1,402,000	\$1,451,000	\$1,501,000	\$1,554,000
Road Segment Between Sanborn Road and Old Mammoth Road	\$600,000	\$632,000	\$654,000	\$677,000	\$700,000	\$725,000
Road Segment Between Old Mammoth Road and Mammoth Road (Rt. 128)	\$902,800	\$935,000	\$968,000	\$1,001,000	\$1,036,000	\$1,073,000
Road Segment Between Mammoth Road (Rt. 128) and Clark/Noyes Road	\$1,471,000	\$1,523,000	\$1,576,000	\$1,631,000	\$1,689,000	\$1,748,000
Road Segment Between Clark/Noyes and Symmes Drive/Vista Ridge Road	\$1,914,000	\$1,981,000	\$2,051,000	\$2,123,000	\$2,197,000	\$2,274,000
<b>Roadway Corridors</b>						
Rockingham Road from Page Road to Symmes Drive	\$15,747,800	\$16,299,000	\$16,870,000	\$17,460,000	\$18,071,000	\$18,704,000
Rockingham Road from Symmes Drive to 1-93 Exit 5	\$4,153,000	\$4,299,000	\$4,449,000	\$4,605,000	\$4,766,000	\$4,933,000
<b>TOTAL</b>	<b>\$19,900,800</b>	<b>\$20,598,000</b>	<b>\$21,319,000</b>	<b>\$22,065,000</b>	<b>\$22,837,000</b>	<b>\$23,636,000</b>

\* Escalation of construction estimate was calculated using a rate of 3.5% per year

Notes:

1. Costs presented herein do not include costs associated with Right of Way/easement acquisition.
2. Costs presented herein do not include upgrades to the existing water and sewer system.

**Rt. 28 Western Segment Traffic Impact Fee per new PM Peak Hour Trip**

2011 Impact Fee:	<b>\$ 1,998</b>
2012 Impact Fee:	<b>\$ 2,057</b>
2013 Impact Fee:	<b>\$ 2,118</b>
2014 Impact Fee:	<b>\$ 2,181</b>
2015 Impact Fee:	<b>\$ 2,202</b>
2016 Impact Fee:	<b>\$ 2,313</b>

The updated impact fee for the Western Segment of Rt. 28 has increased approximately 100% from when it was last calculated in 2001. The primary factor in the increase of the fee is the estimated costs of improvements within the corridor have increased from \$10.83 million in the 2001 Corridor Study to \$19.9 million in this updated analysis.

It should be noted, however, that the cost share for the improvements has also changed since 2001. In the 2001 study, development area trips were responsible for 50% of the total costs of improvements. In this updated analysis, development is responsible for 39% of the costs of improvements. The tables below illustrate the changes in the cost share between 2001 and this updated methodology.

**2001: SUMMARY OF TOTAL COST OF IMPROVEMENTS**

Item	Basis	Cost
Total Project Cost	Improvements Per 2001 Study	\$10.83 Million
NHDOT/Town's Share	Background Growth	\$5.37 Million
Developers' Share	Development Area Trips	\$5.46 Million

**2011: SUMMARY OF TOTAL COST OF IMPROVEMENTS**

Item	Basis	Cost
Total Project Cost	Improvements Per 2011 Study	\$19.9008 Million
NHDOT/Town's Share	Background Growth	\$12.139 Million
Developers' Share	Development Area Trips	\$7.761 Million

## Conclusions & Recommendations

In view of the traffic impacts projected for the year 2021 for the western segment of the New Hampshire Route 28 corridor, it is the recommendation of this study that Route 28 is widened and intersections be improved as outlined in the Corridor Improvement Plans on the following pages

The number of trips, and hence the dollar amounts presented in this document, are preliminary in that they represent a hypothetical development situation for each vacant/developable parcel in the study area. Nevertheless, this should provide the Town officials with a sense of what could occur in the future, given current trends in development of some parcels in this area of Town.

The actual number of trips generated for a particular development area may well vary from those projected here. Thus, the number of trips and hence the proportionate share of the cost of improvements should be refined on a site - by - site basis as more information becomes available (i.e, conceptual plans or site plans). The standard traffic impact studies that are normally required by the Town for a site plan or subdivision could provide the necessary detailed information to determine the proportionate share for a particular site.

This study should be updated on a regular basis as site plans, subdivisions, and conceptual plans become available. If zoning changes occur in the proposed development areas and they become developed as uses other than those that have been projected, or if new traffic circulation concepts emerge, this document should be revised accordingly. This would entail the reassessment of traffic impacts, transportation improvements, and cost allocations. In conclusion, this study is intended to be a working document. It should be viewed as a tool to guide the decision-making process.

In summary, the recommended improvements for NH Route 28 Corridor in the study area are as shown in the Recommended Corridor Improvements Plans on the following pages.

The following assumptions are related to the future improvements:

1. The improvements at Exit 5 of I-93 are based upon the eight-lane section for Route 28 as designed by the NHDOT, which is the future intersection configuration allowed for with NHDOT's I-93 widening project. Please refer to NHDOT's concept plan for this location.
  - A. The assumptions and description of work for the future improvements at the Intersection of I-93 and Rockingham Road is as follows:
    - i. Widening of the northbound off ramp from I-93 to Rockingham Road.
    - ii. Widening of the northbound on ramp to I-93.
    - iii. Modification of two (2) existing signalized inter sections.
    - iv. Add additional left turns lanes on to Route 28 to the northbound and southbound on ramps by removing concrete island.
    - v. Widening of southbound on ramp to I-93 from Rockingham Road.
    - vi. Widening of southbound off ramp from I-93 to Rockingham Road.
2. The bridge at Stokes Road is assumed to be removed and Stokes Road to be ended with a cul-de-sac as part of the future improvements. Reconstruction of Stokes Road is not included with the work.
3. The intersection of NH Routes 28 and 128 is assumed to be reconfigured and the section of Route 128 adjacent to the Mobil Gas Station is assumed to end in a cul-de-sac.
4. The work along the corridor is assumed to be divided into roadway segments with assumptions relative to drainage system components based upon the available information at this time. The Town may need to combine or reorganize segments based upon the scale of future development projects and the extent of their impacts and required off-site improvements.
5. Future utility improvements, including water and sewer infrastructure, are not included in the estimate of construction costs.

## Alternative Fee Implementation Scenarios

In light of the significant cost increases to the construction of improvements within the corridor, and the corresponding increase to the impact fees, staff understands that there is concern about adopting such a dramatic increase in the traffic impact fees for this corridor all at once and its impact on the Town's ability to attract potential economic development.

Because of that concern, staff offers the following alternative implementation scenarios for the new impact fees, in order to make the fees correspond to the construction costs, while gradually implementing the increases to minimize the impact to development efforts. At the March 9, 2011 Public Hearing, the Planning Board recommends that the Town Council adopt Alternative 2 for the implementation of the impact fee increases.

### ***Alternative 1: Implementation of new Impact Fees per the Construction Cost Estimates (no gradual implementation)***

2011 Impact Fee:	\$ 1,998
2012 Impact Fee:	\$ 2,057
2013 Impact Fee:	\$ 2,118
2014 Impact Fee:	\$ 2,181
2015 Impact Fee:	\$ 2,202
2016 Impact Fee:	\$ 2,313

### ***Alternative 2: Graduated Increase 1 (50% of Construction related increase in year 2011, 75% Construction related increase in year 2012, 100% each subsequent year)***

2011 Impact Fee:	\$ 1,189
2012 Impact Fee:	\$ 1,836
2013 Impact Fee:	\$ 2,118
2014 Impact Fee:	\$ 2,181
2015 Impact Fee:	\$ 2,202
2016 Impact Fee:	\$ 2,313

### ***Alternative 3: Graduated Increase 2 (50% of Construction related increase in year 2011, 60% of Construction related increase in year 2012, 75% of Construction related increase in year 2013, 100% each subsequent year)***

2011 Impact Fee:	\$ 1,189
2012 Impact Fee:	\$ 1,469
2013 Impact Fee:	\$ 1,890
2014 Impact Fee:	\$ 2,181
2015 Impact Fee:	\$ 2,202
2016 Impact Fee:	\$ 2,313

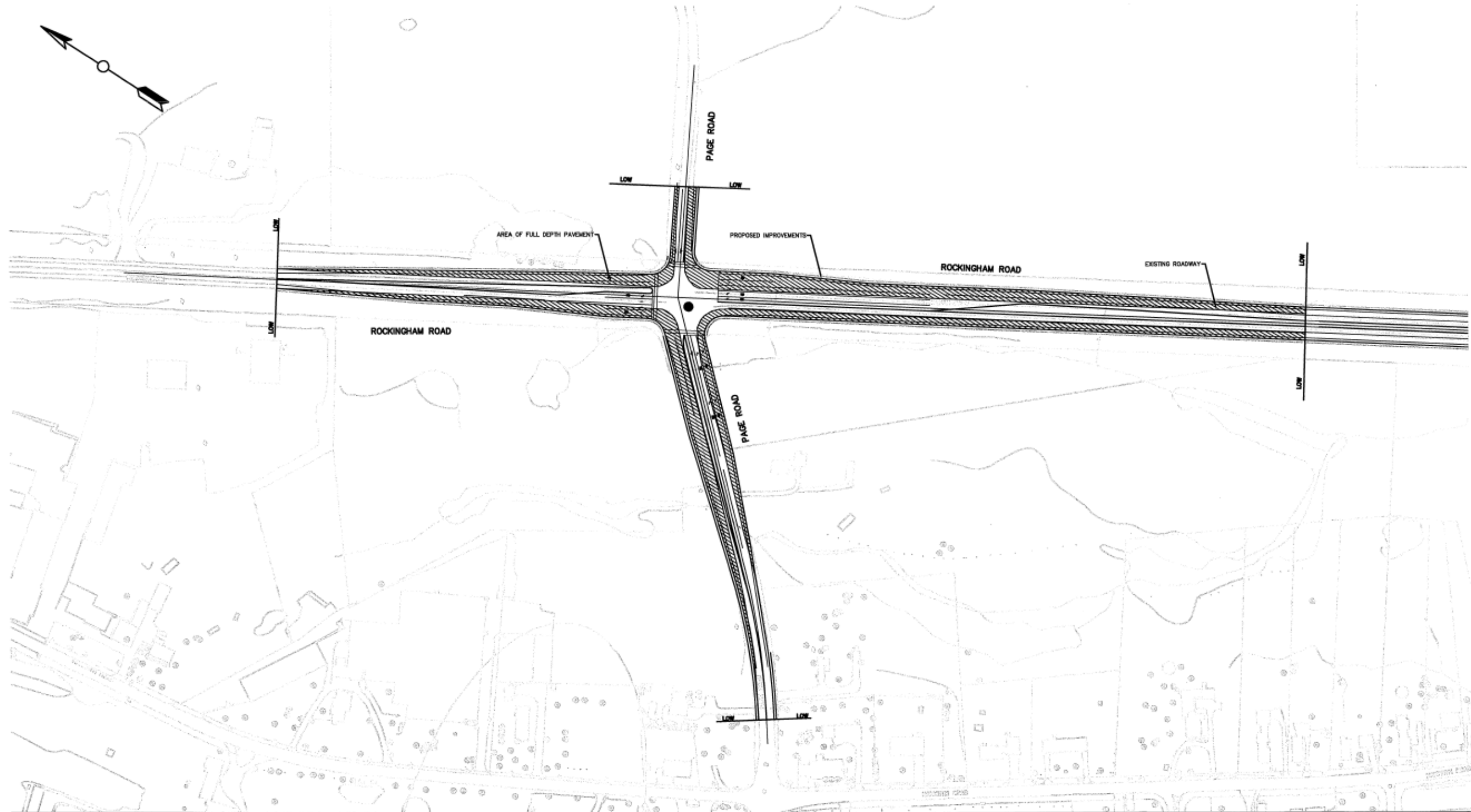


Rt. 28  
Corridor

Western  
Segment

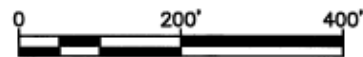
Page Road  
Intersection

Proposed  
Improvements  
Map



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Legend



Notes

- SIGNAL MODIFICATION
- FULL DEPTH BOX WIDENING IN HATCHED AREAS
- OVERLAY EXISTING PAVEMENT AREA

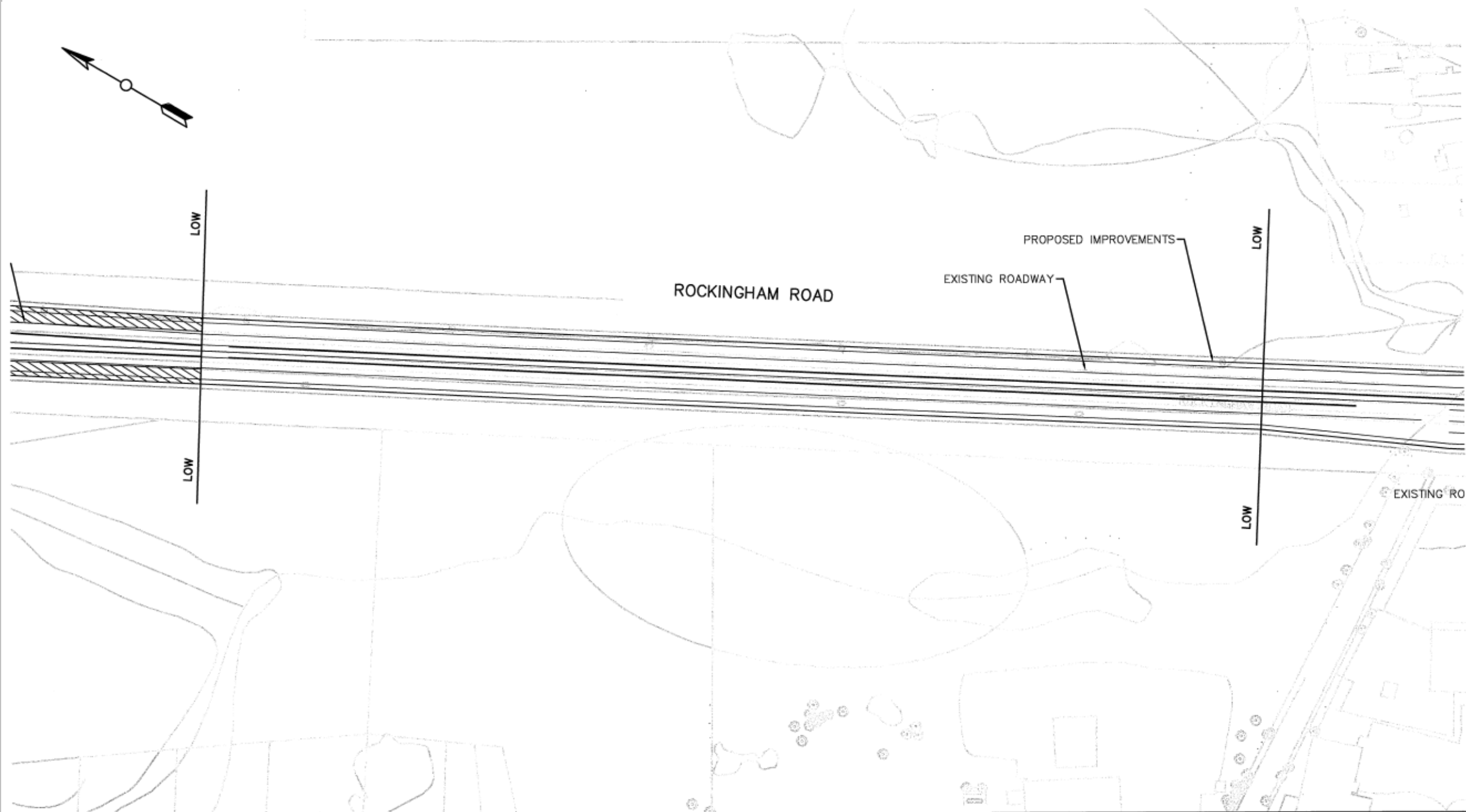
Client/Project  
TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS  
Figure No.  
1  
Title  
PAGE ROAD INTERSECTION

Rt. 28  
Corridor

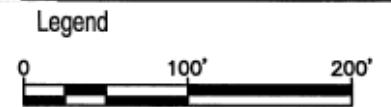
Western  
Segment

Road Section  
Between Page  
Road &  
Sanborn Road

Proposed  
Improvements  
Map



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Notes

- FULL DEPTH RECONSTRUCTION

Client/Project  
TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN—FUTURE IMPROVEMENTS

Figure No.  
2

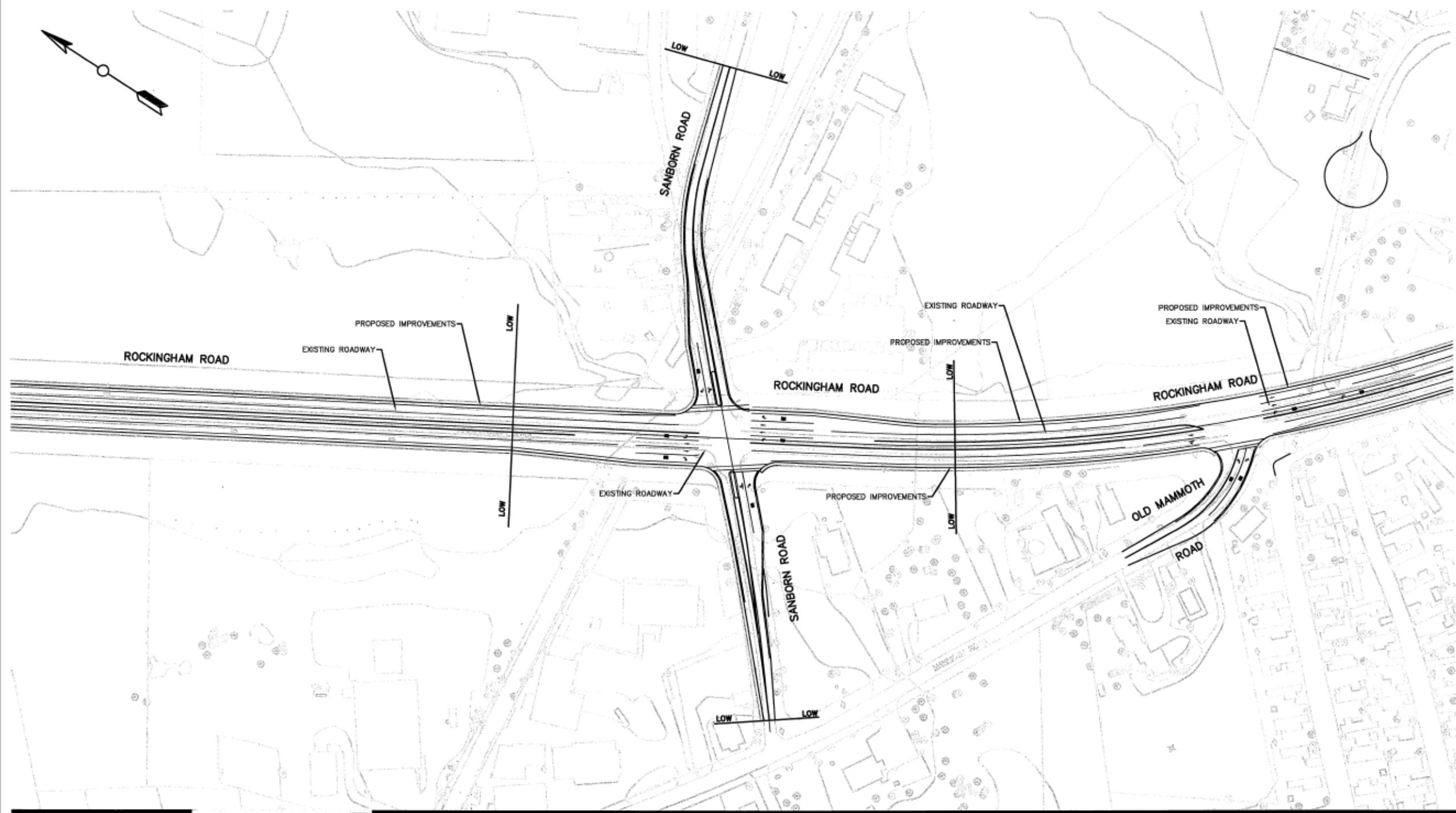
Title  
ROAD SECTION BETWEEN PAGE  
ROAD AND SANBORN ROAD

Rt. 28  
Corridor

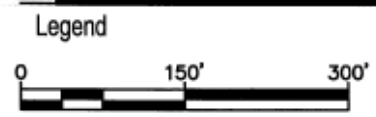
Western  
Segment

Sanborn Road  
Intersection

Proposed  
Improvements  
Map



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- Notes
- FULL DEPTH RECONSTRUCTION
  - SIDEWALK EXTENDS TO NORTH SCHOOL

Client/Project  
TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS

Figure No.  
3

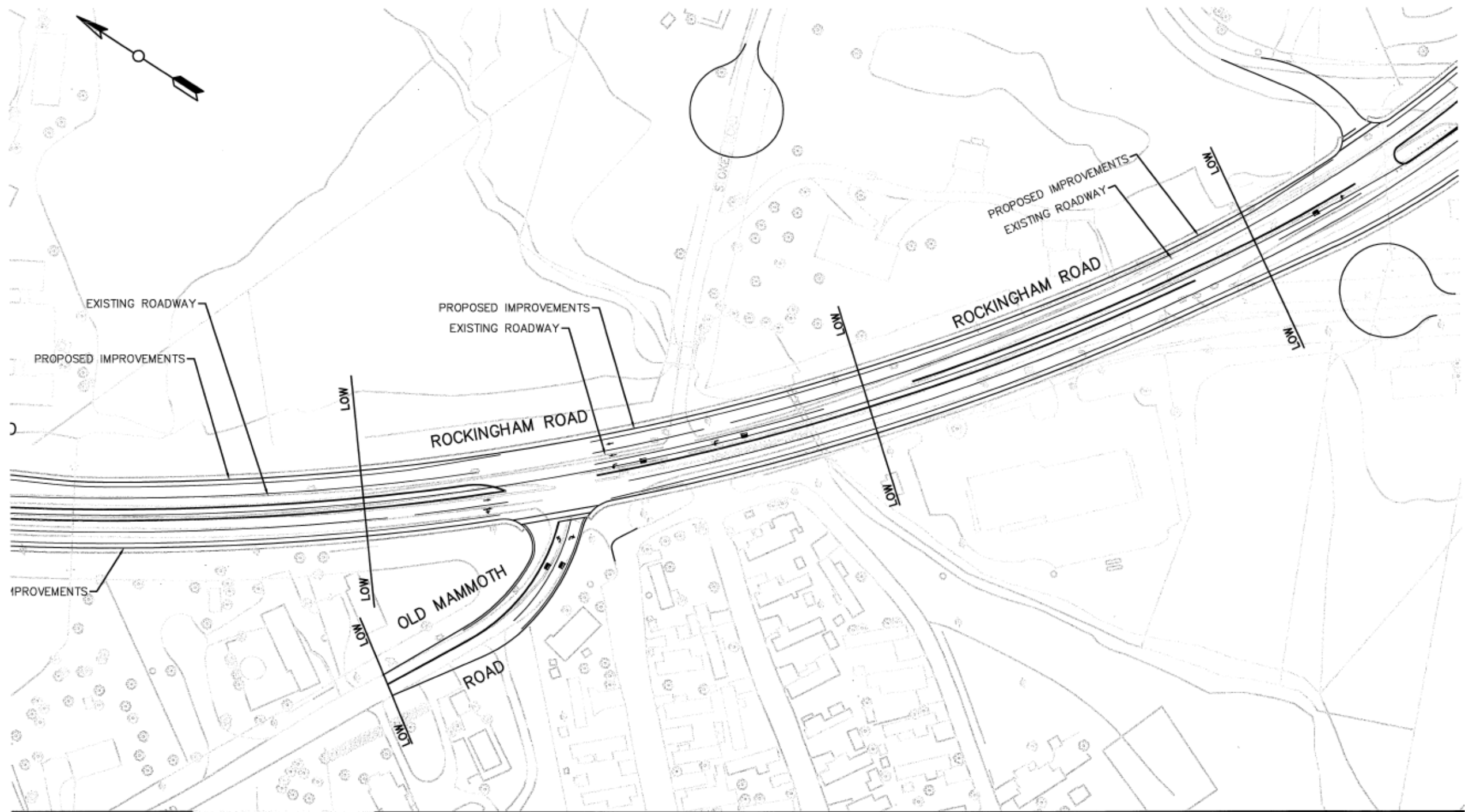
Title  
SANBORN ROAD INTERSECTION

Rt. 28  
Corridor

Western  
Segment

Area between  
Sanborn &  
Mammoth  
Road (N),  
Intersection

Proposed  
Improvements  
Map



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Legend



Notes

- FULL DEPTH RECONSTRUCTION
- REMOVAL OF BRIDGE ON STOKES ROAD
- NEW CUL-DE-SAC ON STOKES ROAD
- NEW BRIDGE UNDER ROUTE 28

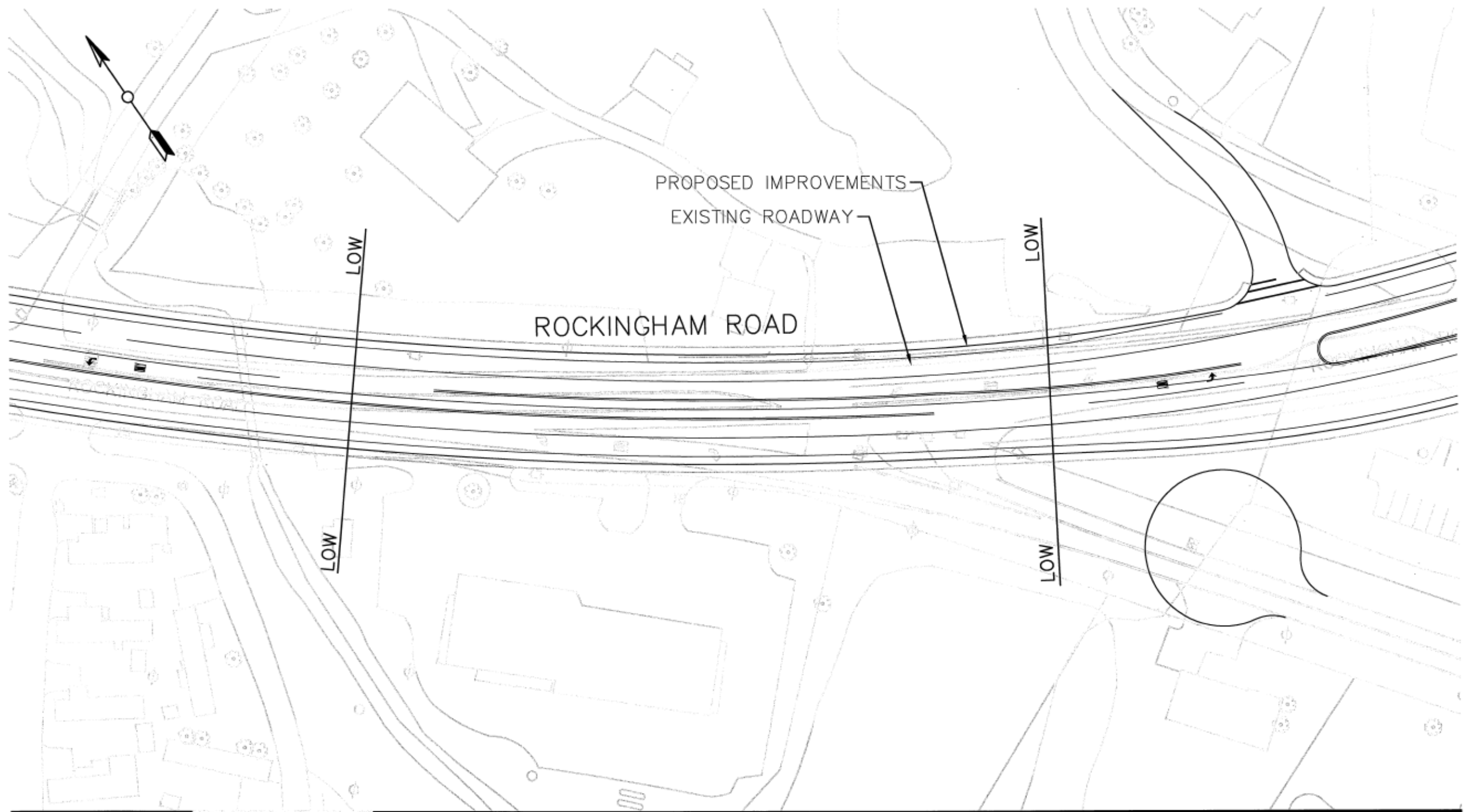
Client/Project  
TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS  
Figure No.  
4  
Title  
AREA BETWEEN SANBORN AND  
OLD MAMMOTH RD, INTERSECTION

Rt. 28  
Corridor

Western  
Segment

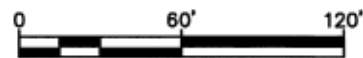
Area between  
Mammoth  
Road (N) and  
Mammoth  
Road (S)

Proposed  
Improvements  
Map



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Legend



Notes

- FULL DEPTH RECONSTRUCTION

Client/Project

TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN—FUTURE IMPROVEMENTS

Figure No.

5

Title

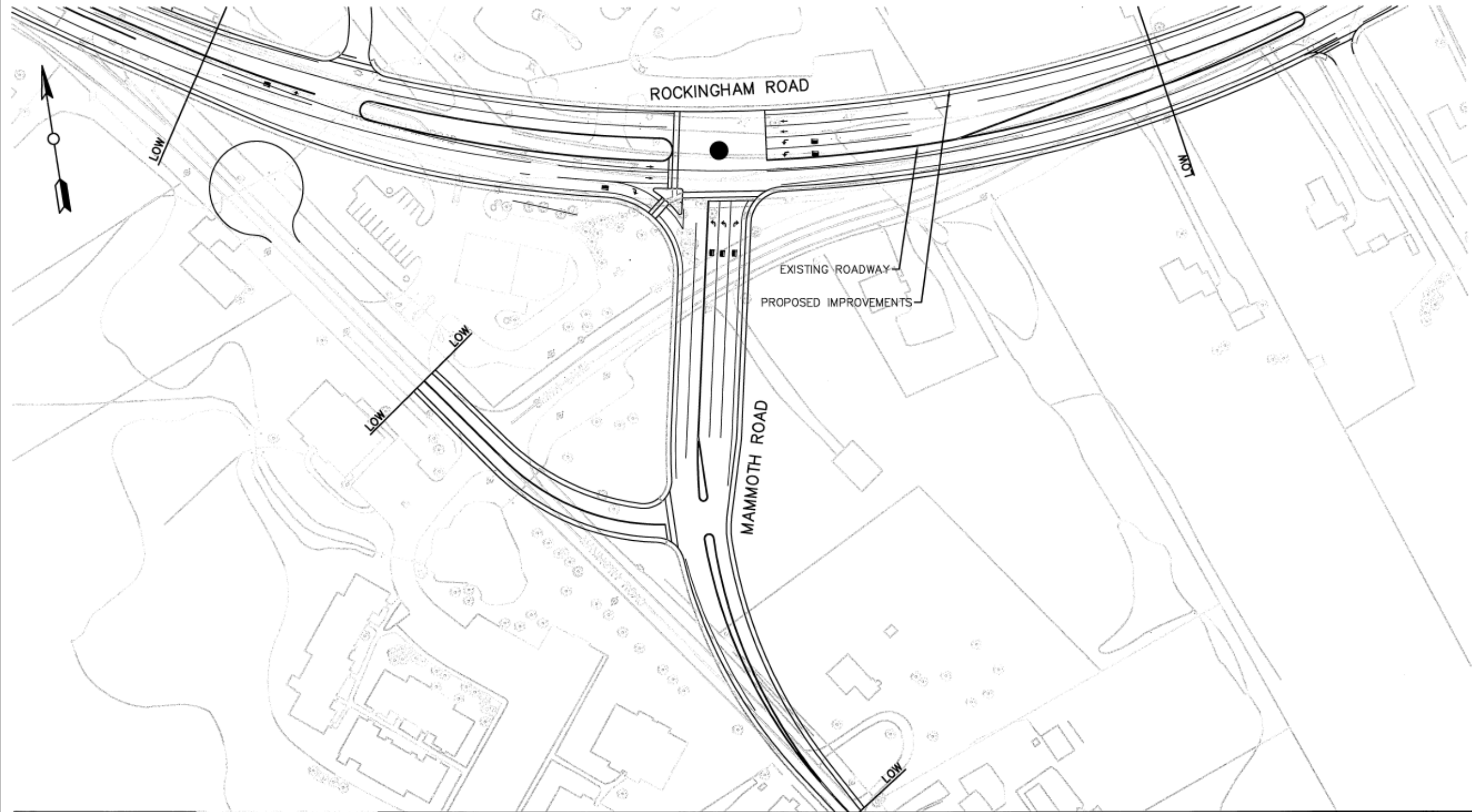
ROAD BETWEEN OLD MAMMOTH  
AND MAMMOTH ROAD

Rt. 28  
Corridor

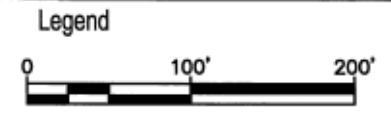
Western  
Segment

Mammoth  
Road (S)  
Intersection

Proposed  
Improvements  
Map



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- Notes
- FULL DEPTH RECONSTRUCTION
  - NEW SIGNALIZED INTERSECTION
  - CUL-DE-SAC ON OLD ROUTE 128

Client/Project  
TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS

Figure No.  
6

Title  
MAMMOTH ROAD INTERSECTION

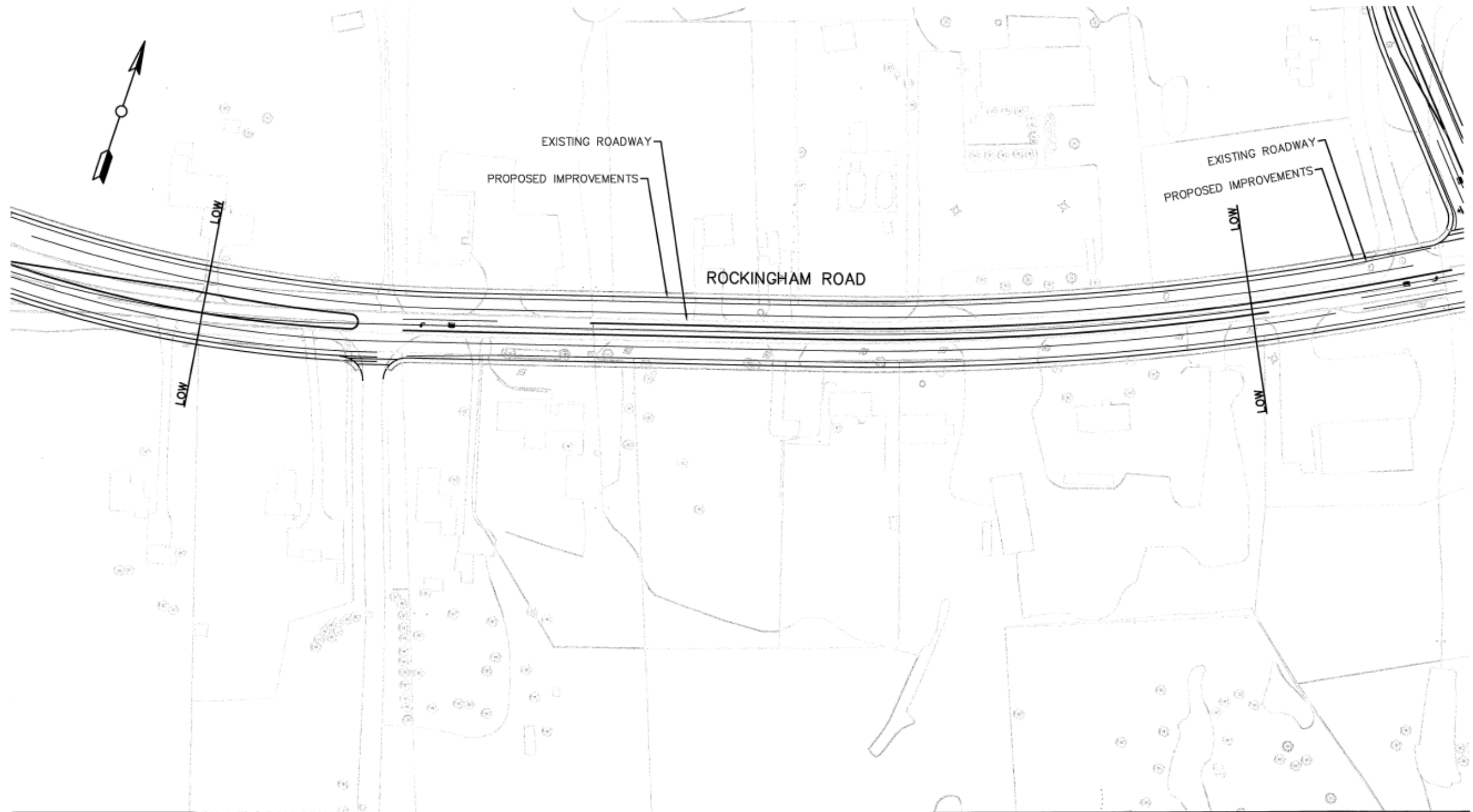


Rt. 28  
Corridor

Western  
Segment

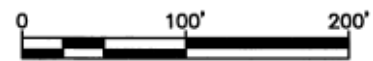
Road Section  
between  
Mammoth (S)  
and Clark/  
Noyes Road

Proposed  
Improvements  
Map



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Legend



Notes

- FULL DEPTH RECONSTRUCTION

Client/Project

TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS

Figure No.

7

Title

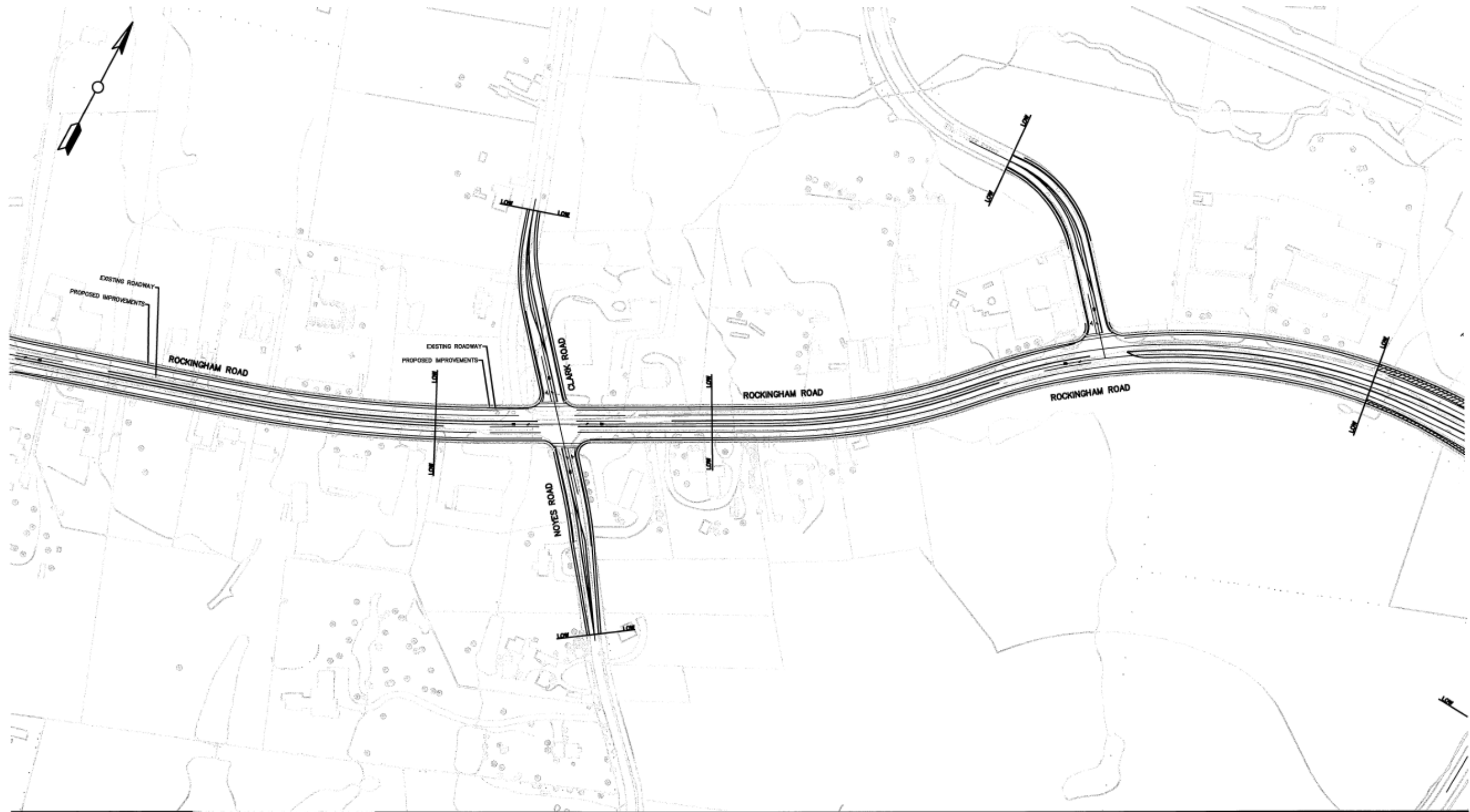
ROAD SECTION BETWEEN  
MAMMOTH AND CLARK/NOYES RD

Rt. 28  
Corridor

Western  
Segment

Clark/Noyes  
Road  
Intersection to  
Symmes Drive  
Intersection

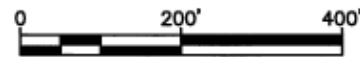
Proposed  
Improvements  
Map



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Notes

- FULL DEPTH RECONSTRUCTION

Client/Project

TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS

Figure No.

8

Title

CLARK/NOYES ROAD INTERSECTION  
TO SYMMES DRIVE INTERSECTION

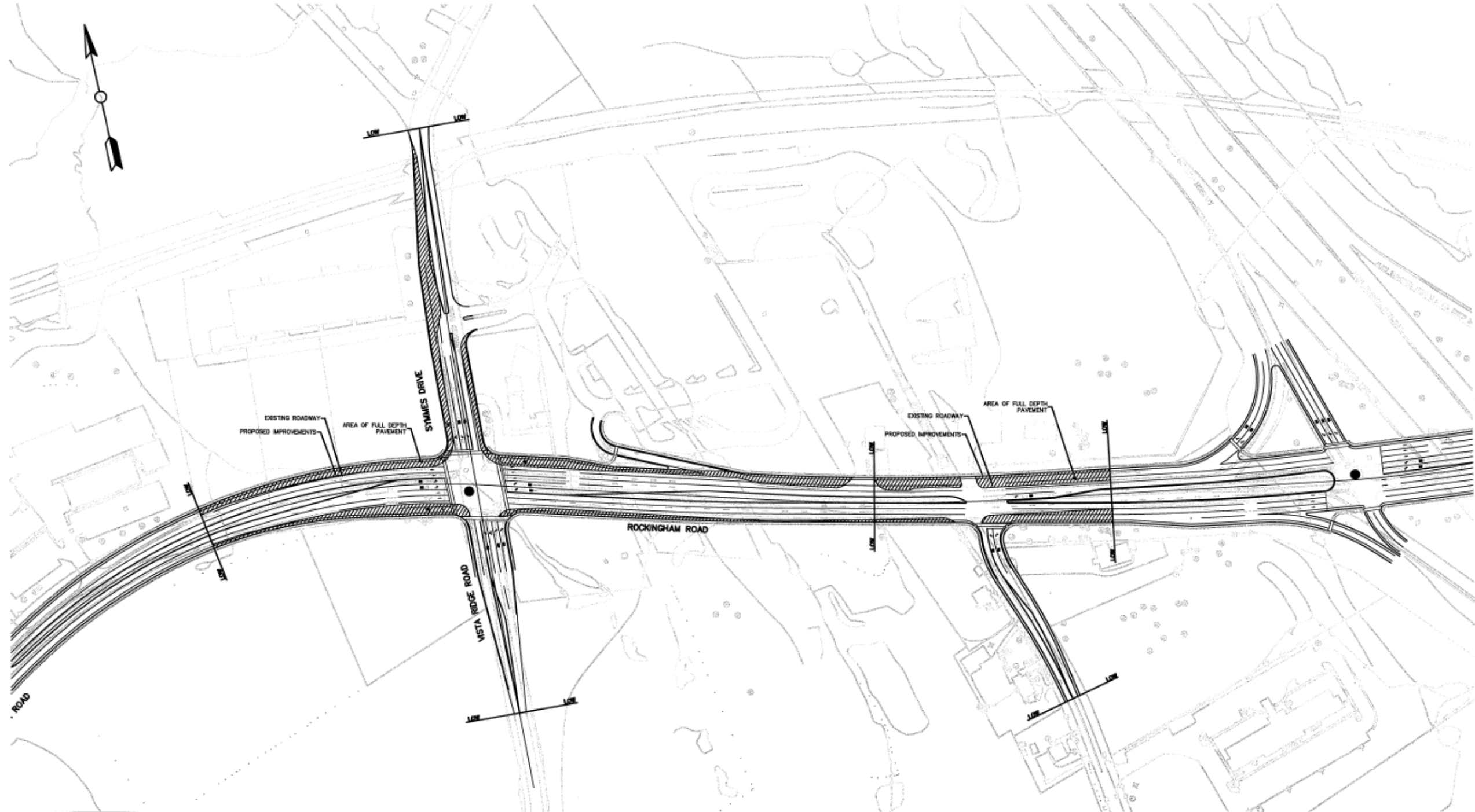


Rt. 28  
Corridor

Western  
Segment

Symmes  
Drive/Vista  
Ridge Drive &  
Perkins Road  
Intersection

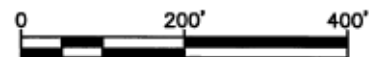
Proposed  
Improvements  
Map



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Legend



Notes

- FULL DEPTH BOX WIDENING IN HATCH AREAS
- MODIFICATIONS TO SIGNALIZED INTERSECTION AT SYMMES DRIVE
- OVERLAY EXISTING PAVEMENT AREAS

Client/Project

TOWN OF LONDONDERRY  
ROCKINGHAM ROAD  
CONCEPTUAL DESIGN—FUTURE IMPROVEMENTS

Figure No.

9

Title

SYMMES DRIVE/ VISTA RIDGE  
ROAD & PERKINS RD INTERSECTION

# RESOLUTION 2011-03

Relative to an  
*Agreement with the New Hampshire Flying Tigers  
for use of the Auburn Road Property*

---

First Reading: 3/14/11  
Adopted: 3/14/11

**WHEREAS** the Town has participated in the remediation of the former Auburn Road Landfill; and

**WHEREAS** the Town is interested beginning the process of reutilizing the property; and

**WHEREAS** the New Hampshire Flying Tigers has expressed an interest in using the property for its model flying club; and

**WHEREAS** the proposed agreement would allow use of the property by the Flying Tigers, with the Town retaining control and flexibility regarding re-use of the property;

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that the Town Manager is hereby authorized to execute the Agreement between the New Hampshire Flying Tigers and the Town of Londonderry for the use of the Auburn Road Property.

---

Sean O'Keefe, Chairman  
Town Council

---

Marguerite Seymour - Town Clerk/Tax Collector

(TOWN SEAL)

**A TRUE COPY ATTEST:**  
**03/14/11**

**Renewal Agreement for the Use and Supervision of the Auburn Road Property**

**Between the Town of Londonderry, New Hampshire and  
The New Hampshire Flying Tigers RC Club  
For exclusive use by the New Hampshire Flying Tigers Radio Control Club for  
model activities.**

This Agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the New Hampshire Flying Tigers RC Club (hereinafter referred to as the "NHFT,") a New Hampshire non-profit corporation, and the Town of Londonderry, New Hampshire, hereinafter referred to as the "Town," for the use of that certain portion of the Auburn Road Landfill Site (hereinafter referred to as the "Property") identified on the Property Plan attached as Exhibit 1 hereto (hereinafter referred to as the "NHFT Area") for model activities.

WITNESSETH THAT:

A. WHEREAS, the Auburn Road Landfill Site is an EPA Superfund site which is listed on the National Priorities List and which is in the process of being remediated under a consent decree<sup>1</sup> entered in United States District Court, District of New Hampshire, and

B. WHEREAS, Area 1 is a portion of the Auburn Road Landfill Site encumbered by a use restriction in the consent decree limiting the use of the property for a period of fifteen (15) years to public recreational purposes approved by EPA after consultation with the State, and

C. WHEREAS, under the consent decree, the Town must demonstrate to EPA and the State of New Hampshire that the proposed use will not adversely affect the remedy for the Site, or the public health, welfare, or the environment, and

D. WHEREAS, the NHFT Area is located on Area 1 of the Auburn Road Landfill site and the use of the NHFT Area for model activities will not adversely affect the implementation of the remedy at the site, and will also promote the operation of models, a hobby which is recognized as a recreational activity, and

E. WHEREAS, the successful operation of a model activities field, and the protection of the model operators and the general public from improper use of the FCC assigned radio frequencies requires that such a facility be under the supervision of a competent authority that is familiar with the requirement of proper utilization of these radio frequencies, and the NHFT is such an authority;

F. WHEREAS, the Academy of Model Aeronautics (hereinafter known as the "AMA") is the chartering organization for more than 1600 model clubs across the

---

<sup>1</sup> *United States of America and State of New Hampshire v. Exxon Corporation et al.*, C-92-486, C-94-148-L, District Court, District of New Hampshire, May, 2000.

United States and provides its chartered clubs with substantial insurance and other hobby and professional assistance, and

G. WHEREAS, The New Hampshire Flying Tigers Radio Control Club, Inc. (NHFT) is a chartered club of the AMA.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties hereto do hereby mutually agree as follows:

### **Demised Property, Use**

1. The area of the Property which is to be utilized by the NHFT as a model activities field and which is directly subject to this Use and Supervision Agreement is limited to the NHFT Area, located within Area 1 of the Auburn Road Property, located in the Town of Londonderry, New Hampshire, on Auburn Road (EPA ID# NHD980524086, Site ID# 0101137) and as set forth in the Property Plan attached as Exhibit 1. It is agreed that during the term of this Agreement, the NHFT Area shall be utilized by the NHFT solely for the purpose of operating a model activities field and for ancillary and related purposes. All persons operating models in the NHFT Area must be current members in good standing, or guests, of the NHFT and are subject to the rules and regulations of the NHFT and the AMA. NHFT shall be solely responsible for insuring that the NHFT Area is utilized in a manner consistent with the terms, conditions and limitations of this Agreement. This Agreement does not give NHFT any right to use any other portion of the Property.

### **Limitation on Use; EPA Approval**

2. The NHFT Area is located within Area 1 as such term is defined in the Consent Decree. Use of Area 1 (including the NHFT Area) is limited by the Consent Decree to:

public recreational purposes approved by EPA, after consultation with the State, and ... a use restriction limiting the use of the property from January 1, 2013, through January 1, 2038, to a public purpose approved by EPA, after consultation with the State. ... EPA may approve a proposed use of Area 1 for public recreational purposes upon a showing by the Town and determination by EPA that the proposed use will not adversely affect the remedy for the Site, or the public health, welfare, or the environment. Any such proposal by the Town shall be submitted to EPA, the State, and the Performing Parties simultaneously. EPA and the State shall coordinate review of any such proposal.

The NHFT understands that use of the NHFT Area is subject to prior approval by the US EPA, and use under this Agreement may not commence until such approval is obtained.

### **Term, Renewal, Cancellation**

3. This Agreement will become effective on the date on which all necessary approvals from EPA have been obtained (the “Effective Date”), as provided for in paragraph 39(a) of the Consent Decree, attached hereto as Exhibit 2.

4. This *Renewal* Agreement shall remain in force for a period of *five* years after the Effective Date; however, the Town reserves the right to terminate this Agreement with ninety (90) days’ written notice, unless a material breach of this Agreement occurs, in which case this agreement will terminate as of the date of breach, without prior notice. After *this five*-year period this Agreement may be renewed by mutual agreement of the parties. Written Notice to be sent to:

New Hampshire Flying Tigers R/C Club, Inc.  
P.O. Box 99  
Derry, NH 03038-0099

### **Consideration**

5. In consideration of the supervisory services and other obligations to be undertaken by the NHFT pursuant to the terms of this Agreement, the Town hereby agrees to grant the NHFT (including its members and guests) the right to use the NHFT Area for model activities; the Town reserves the right to use the NHFT Area for other activities, so long as these other activities do not interfere with the rights granted to NHFT.

### **Rights and Obligations of the NHFT**

6. Only the NHFT, including its members and guests, will have use of the NHFT Area for model activities during the term of this Agreement. This is to ensure that the NHFT can safely control and conduct model activities in the NHFT Area without concern for interference by other activities or uses of the NHFT Area.

7. The NHFT shall be solely and exclusively responsible for operating on the NHFT Area in accordance with all applicable Town, State and federal laws, rules, regulations, orders, consent decrees, and/or other applicable controlling documents.

8. All guests of the NHFT must always be under direct supervision of a NHFT member while in the NHFT Area. The NHFT will not be responsible for any person, nor the actions of any person who enters the NHFT Area without the permission and direct supervision of the NHFT. The NHFT will notify the Town immediately of the presence of, or evidence of, trespassers on the Property.

9. The NHFT agrees to carry, during the term of this Agreement, insurance through the Academy of Model Aeronautics (AMA), covering the NHFT, its members and the Town, in the amount of \$2,500,000 combined single-limit for personal injury or property damage. Such insurance shall be evidenced by filing with the Town and attaching hereto as Exhibit 3, prior to the Effective Date, of an AMA chartered club additional insured certificate, naming the Town as an additional insured under the AMA general liability policy. The NHFT will cover all costs of this insurance through its Academy of Model Aeronautics insurance policy. The company providing the insurance shall be licensed to do business in New Hampshire. No modifications or termination of insurance shall be permitted without first providing the Town with ten (10) days' notice of any action to be taken by the insurance company.

10. The NHFT will be responsible for maintaining the NHFT Area in use for model activities, and will be responsible for keeping the area clear of debris and maintaining a runway and parking area, and cutting and keeping any vegetation growth down to an acceptable level in the runway and primary operational area.

11. The NHFT will control access to the NHFT Area by providing its members with a key or combination to the entrance gate on Auburn Road. Unless personally attended by an NHFT member, said gate must be kept locked at all times. Members must immediately lock the gate behind them as they enter or leave the NHFT Area. The NHFT will keep a list of members who have been provided keys or a combination to the lock, and will produce this list upon demand by the Town Manager. The NHFT will provide the Town with sufficient keys or copies of the combination, as applicable; to assure the Town will have access whenever needed. The NHFT may not change the lock cylinder or combination without prior written approval of the Town Manager. The NHFT will be responsible for the cost of providing said keys or changing said combination. The NHFT will have the right to sponsor and to supervise model related special public events at the Property, subject to the prior written approval of the Town Manager. Please note the number of keys that will be issued has not been specified in this document. The NHFT shall keep a log on site which shall include the names of members and guests who use the site, the dates and times of their entry and exit, and any other observations of note.

12. The NHFT may use the Property seven days a week for modeling operations. Engines may only be run from 10 AM to Sunset and are subject to maximum sound output per the NHFT operational rules, contained in the Club Bylaws set forth in the NHFT Membership Handbook attached hereto as Exhibit 4. Operation of engines during any other times will require prior written approval of the Town Manager on a case-by-case basis.

13. As long as no action interferes with implementation of the remedy at the Auburn Road Landfill Superfund Site, the NHFT will be allowed to make certain improvements to the NHFT Area, such as to create a runway suitable for model use, and a parking area. Improvements may include clearing stones and rubble, making the area smooth by raking, rolling and leveling, and growing of grass or the use of another material suitable

for use as a model runway. However, NHFT may not pave the runway or use any materials that would seal the surface or make it impervious to rainwater, other than at the Filling Station, as defined below. The NHFT may also erect a sun shelter and install picnic tables for the use and benefit of its members and guests. The NHFT will be allowed to either repair current fencing or to install additional fencing to protect the model activity areas from damage due to vandalism. The NHFT will be responsible for maintaining said improvements during the term of this Agreement at no cost to the Town. All improvements must be approved by the Town before being constructed. Upon expiration of this Agreement, at the Town's sole option, all improvements shall remain on the site and become property of the Town at no cost to the Town. Otherwise, NHFT agrees to remove improvements within thirty (30) days of the expiration of this Agreement, at NHFT's sole expense.

14. The NHFT will be allowed to keep a small storage shed or container on the NHFT Area, which will be used for the storage of maintenance equipment and other model related operational items. Any fuels or other liquids (such as gasoline or oil for lawn mowers) to be stored in the storage shed or container must be kept in an EPA and/or DOT approved container. No such fuel or other liquid is to be spilled or disposed of within the Property at any time. Fueling must be done at the Filling Station, as defined below.

15. The NHFT will be allowed to provide for a sanitary portable toilet to be located on the NHFT Area and the Town will allow the service of said portable toilet by the vendor chosen by the NHFT. The NHFT will pay for all costs for the said portable toilet and for coordination of its service with its vendor of choice.

16. The location of all proposed improvements, including but not limited to the runway, sun shade, picnic tables and portable toilet, are marked by NHFT on the Property Plan attached as Exhibit 1 hereto, and are subject to the prior approval of the Town Manager. The runway must not be closer than One Hundred (100) feet to the fence which surrounds the capped landfill areas. Also, the EPA monitoring wells shall be protected from damage by placing barriers around each well. If the NHFT wishes to make additional improvements during the term of this Agreement, it must submit a marked map and a narrative description of the improvement, including its specifications, to the Town Manager for prior written approval.

17. To minimize the risk of spilling fuel onto the bare ground, the NHFT will require the use of a double containment system to be used when fueling models with liquid fuel, as specified in the Auburn Road Flying Site Usage Rules attached hereto as Exhibit 5. Additionally, the NHFT will build a concrete pad to be used as a so-called "Filling Station." NHFT shall be responsible for remediation of any spills or discharges, in accordance with all applicable Federal, State, and local laws, rules, regulations, orders, and consent decrees.

18. The NHFT will not enter the capped and fenced-in areas anywhere on the Property at any time without the prior written approval from the Town Manager. If for some reason a model strays into one of the capped and fenced-in areas, the NHFT will contact the Town for direct assistance by a person approved to enter said capped areas. The Town reserves the right to assess a small fee to have Town personnel respond to requests for retrieving model aircraft.

19. There will be no disposal of batteries or other “trash” on the NHFT Area or the Property. The NHFT will maintain a “carry in, carry out” policy in regards to all consumable items. In the event the Town incurs costs to clean up any trash generated by NHFT, it shall be reimbursed by NHFT for such costs.

20. The NHFT will not use any ground or surface water from the Property. This includes any type of drilled or dug well. The NHFT understands that water from this site may not be suitable for consumption or use of any kind. Tests have found that the water is not suitable for use. As a result, institutional controls in the form of easements have been implemented to restrict use of the surface water and ground water at the site. Additional institutional controls such as a groundwater management zone are being established in order to further restrict use of groundwater. Any water use at the Property shall be from potable water supplies only.

21. At a minimum, a once per year review meeting shall be scheduled between an authorized officer of the NHFT, the EPA Remedial Project Manager (RPM), the NHDES project manager, and an authorized representative of the Town to review the site usage and to address any issues which may have developed during the use of the Property. The RPM and NHDES project manager are:

Byron Mah, Remedial Project Manager  
NH/RI Superfund Section  
1 Congress Street  
Mail Code: HBO  
Boston, MA 02114

Email: [mah.byron@epa.gov](mailto:mah.byron@epa.gov)  
Telephone: 617-918-1249

Tom Andrews  
New Hampshire Department of Environmental Services  
29 Hazen Drive  
Concord, NH 03302-0095

Email: [thomas.andrews@des.nh.gov](mailto:thomas.andrews@des.nh.gov)  
Telephone: 603-271-2910



22. All users of the Property for model activities are subject to the NHFT Constitution and By-laws, as well as the NHFT Safety and Operational guidelines which are in effect at any given time. Copies of the NHFT Constitution, By-laws and the NHFT Safety and Operational Guidelines are all included within the Membership Handbook attached as Exhibit 4. During the term of this Agreement, the NHFT will promptly notify the Town Manager of any amendments to the Constitution, By-laws, or Safety and Operational Guidelines, and will deliver amended copies to the Town Manager.

23. In the event that legal action is required in order to enforce NHFT rules and regulations, then the NHFT shall be entitled to bring such action for the use and benefit of the NHFT, but at no cost to the Town.

24. The NHFT shall indemnify and hold the Town harmless for all claims, demands, damages, costs, fines, penalties, attorneys' fees, and all other expenses arising out of or related in any way to activities in the NHFT Area or on the surrounding Property undertaken pursuant to this Agreement.

*25. The NHFT agrees to provide the Town with an updated list of officers and representatives responsible for executing the terms and conditions of this agreement at least once annually, but within 30 days of any changes to that list.*

### **Rights and Obligations of the Town**

*26.* The Town, EPA, the State, and its designees reserve the right to enter the NHFT Area at any time for any purpose related to the environmental monitoring, remediation, or operating and maintenance activities at the Property. If the Town, EPA, the State or any of their designees need to stop model activities for periods of time to allow for such environmental activities to be completed, it shall give as much advanced notice as possible to NHFT, and shall place a sign on the entrance gate stating that model activities are suspended during the defined environmental activities period.

*27.* This Agreement constitutes the sole and entire agreement between the NHFT and the Town concerning the use of the Property and may not be modified orally or in any other manner other than by written agreement signed by all parties.

*28.* If any portion of this Agreement is determined by a court or administrative agency as being in conflict with the Consent Decree, then the language of the Consent Decree shall govern and all other sections of this Agreement shall remain in effect as written.

IN WITNESS WHEREOF, The Town and the NHFT have executed this Agreement on the day and year first written above.

Town of Londonderry, New Hampshire

NH Flying Tigers R/C Club

\_\_\_\_\_

\_\_\_\_\_

Its : \_\_\_\_\_  
(Duly Authorized)

Its: \_\_\_\_\_  
(Duly Authorized)

Date \_\_\_\_\_

Date \_\_\_\_\_

**EXHIBIT 1**

Property Plan

(Attached)

[Designate locations of NHFTA Area and proposed sunshelter, picnic tables, portable toilet, Filling Station Area, and other improvements, if any]

**EXHIBIT 2**

Consent Decree

(Attached)

**EXHIBIT 3**

NHFTA Insurance Certificate

(Attached)

**EXHIBIT 4**

NHFTA Membership Handbook

(Attached)

**EXHIBIT 5**

NHFTA Auburn Flying Site Usage Rules

(Attached)

**RESOLUTION 2011-04**

A Resolution Relative to the  
***DISCONTINUANCE OF HIGHWAY***  
***(Portion of Scobie Pond Road)***

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First Reading: 03/21/11  
Second Reading/Public Hearing: 04/04/11  
Adopted: xx/xx/xx

***WHEREAS*** the Town Council, in accordance with RSA 231:43 has received a petition to discontinue and relinquish all public interest in a portion of Class VI highway known as Scobie Pond Road between Woods Avenue and Brewster Road;  
and

***WHEREAS*** the matter of discontinuing a highway under RSA 231:43 is within the authority of the Town Council; and

***WHEREAS*** the aforementioned highway was discontinued subject to gates and bars by voters at the 1932 Town Meeting,

***NOW THEREFORE BE IT RESOLVED*** by the Londonderry Town Council that the discontinuance of a portion of Scobie Pond Road Drive as shown on the map entitled "Approximate Location Class VI Road to be Abandoned (Tax Map 16, Lots 38, 52, 53, 60-3, 81, 98, 99, 100), prepared by Jones & Beach Engineering, Inc., Stratham, NH, dated March 2, 2011, is hereby approved subject to the condition that the Trustees of the Kenneth A. Lorden Trust shall indemnify and hold harmless the Town of Londonderry from any claims arising from the Town Council's decision to discontinue said portion of Scobie Pond Road.

Sean O'Keefe, Chairman  
Town Council

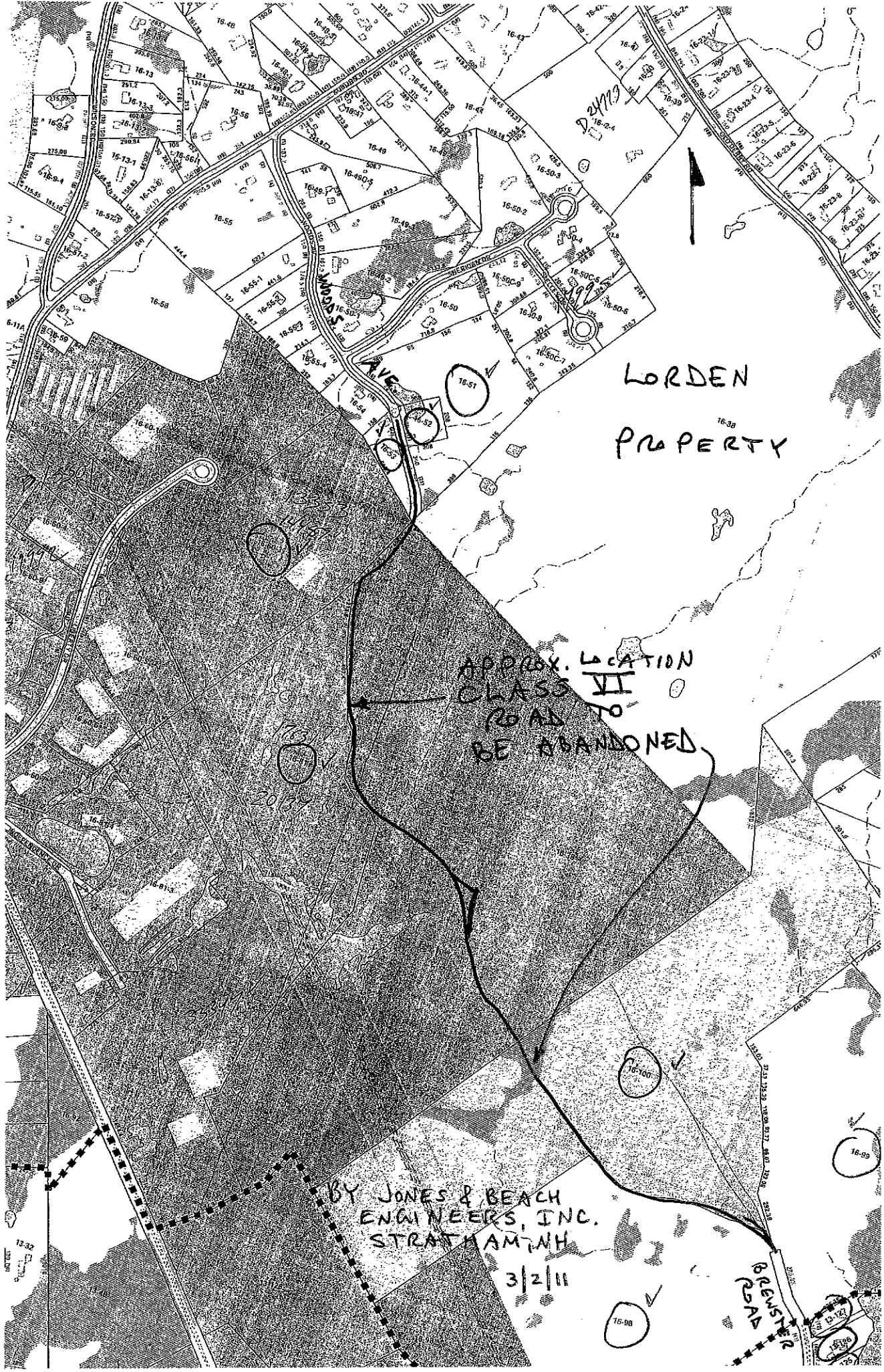
( TOWN SEAL )

---

Marguerite Seymour  
Town Clerk/Tax Collector

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





LORDEN  
PROPERTY

APPROX. LOCATION  
CLASS VI  
ROAD TO  
BE ABANDONED

BY JONES & BEACH  
ENGINEERS, INC.  
STRATHAM, NH  
3/2/11

BREWSTER  
ROAD

# JONES & BEACH ENGINEERS, INC.

85 Portsmouth Avenue  
Post Office Box 219  
Stratham, NH 03885  
Telephone: (603) 772-4746  
Fax: (603) 772-0227

Post Office Box 484  
Alton, NH 03809  
Email: jbe@jonesandbeach.com  
www.jonesandbeach.com

March 2, 2011

Londonderry Town Council  
268B Mammoth Road  
Londonderry, NH 03053

**RE: Petition for Approval of NH PUC Grant  
Petition for Discontinuance of Scobie Pond Road  
Lorden Estates Conservation Subdivision – Phase 1  
17 Old Derry Road, Londonderry, NH  
Tax Map 16, Lot 38  
JBE Project No. 10070**

READ FILE	
TOWN	DATE
TOV	ATE

Dear Council Members:

On behalf of our clients, Chinburg Builders, Inc., and Kenneth A. Lorden Trust, we herewith submit two (2) Petitions for consideration by the Town Council.

1. "Petition for Approval of NH PUC Grant" is requested to provide for a new franchise area for sewer in the Town of Londonderry. Enclosed please find the following:
  - A. "Petition for Approval of NH PUC Grant".
  - B. Sheet OV1 of the Subdivision Plan Set, "Overview Conceptual Conservation Subdivision and Phasing Plan," last revised 2/10/11.
2. "Petition for Discontinuance of Scobie Pond Road Between Woods Avenue and Brewster Road." Please find the following items attached:
  - A. "Petition for Discontinuance of Scobie Pond Road Between Woods Avenue and Brewster Road."
  - B. Letters of Authorization from Kenneth A. Lorden Trust, Chinburg Builders, Inc., and Waste Management of New Hampshire, Inc.
  - C. Abutters List with three (3) copies of address labels for certified mail letters.

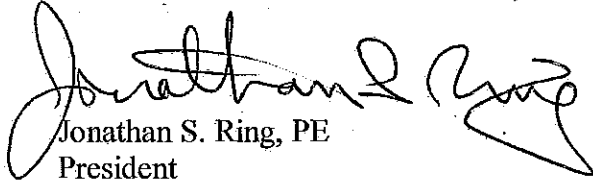
MAR 4 2011

D. Plan showing approximate location of the Class VI Road to be abandoned – 15 color copies.

We respectfully request that these two (2) Petitions be placed on the next available agenda for the Town Council, which we believe to be March 21, 2011. We understand that the Town will use these address labels for the certified mail letter regarding the Class VI Road Petition, once the agenda date is verified.

Please call me with any questions that you may have regarding this matter. Thank you very much for your time.

Very Truly Yours,  
**JONES & BEACH ENGINEERS, INC.**



Jonathan S. Ring, PE  
President

cc: Eric Chinburg, Chinburg Builders, Inc. (Letter via E-mail)  
Dave Lauze, Chinburg Builders, Inc. (Letter via E-mail)  
Tom Lorden, Trustee of Kenneth A. Lorden Trust (Letter via E-mail)  
Wil Sullivan, Esq. (Letter via E-mail)  
Anne Crotty, Esq. (Letter via E-mail)

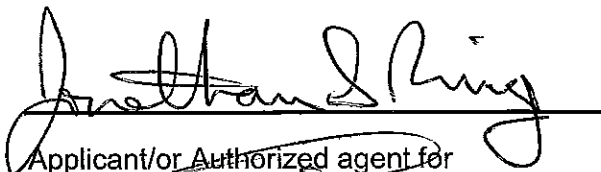
**Petition for Discontinuance of Scobie Pond Road  
Between Woods Avenue and Brewster Road**

The below-listed citizen and/or taxpayer hereby petitions the Town Council of the Town of Londonderry to discontinue and relinquish all public interest in the highway known as Scobie Pond Road between Woods Avenue and Brewster Road as shown the attached plan pursuant to NH RSA 231:43. Further, the undersigned petitions that any right, title and interest the Town of Londonderry may have in Scobie Pond Road be relinquished by quitclaim deed to the abutters with each abutter being given that portion of the highway abutting their property to the center-line of the highway.

This highway was discontinued subject to gates and bars in 1932. This highway is not used by any property owner for access to their property.

<u>NAME</u>	<u>Location of Property</u>	<u>Mailing Address (if different)</u>
	<u>Map16 / Lot38</u>	<u>8 Newmarket Rd., Suite 2</u>
	<u>17 Old Derry Road</u>	<u>Durham, NH 03824</u>
	<u>Londonderry, NH</u>	

By: Kenneth A. Lorden Trust



Applicant/or Authorized agent for  
Thomas A. Lorden, Trustee

Dated: March 2, 2011

PURSUANT TO RSA 231:43, 14 days prior written notice of the hearing of this Petition will be given to the owners of property abutting the Class VI highway, as shown on the attached list.

**RESOLUTION #2011-05**

A Resolution Relative to

***The Allocation of Cable Franchise Fees***

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First Reading: 03/21/11

Adopted: xx/xx/xx

***WHEREAS*** the Town has entered in an agreement with Comcast to provide cable television services in Londonderry; and

***WHEREAS*** part of the agreement requires the collection of a franchise fee, of which a portion is surplus to the needs of the Cable Division; and

***WHEREAS*** the Town Council formulated its FY12 General Operating Budget which included revenues from the cable franchise fee to offset the community's property tax burden,

***NOW THEREFORE BE IT RESOLVED*** by the Londonderry Town Council that of the 5% cable franchise fee, 1.5% shall be deposited into the General Fund and 3.5% deposited into the Cable Special Revenue Fund, effective July 1, 2011.

Sean O'Keefe, Chairman  
Town Council

( TOWN SEAL )

---

Marguerite Seymour  
Town Clerk/Tax Collector

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

**TOWN COUNCIL MEETING**  
**March 07, 2011**

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

**PRESENT: Town Council: Chairman Paul DiMarco; Vice Chairman Sean O’Keefe; Councilors: Mike Brown, John Farrell, Tom Dolan; Town Manager Dave Caron; Assistant Town Manager – Finance and Administration Sue Hickey; Executive Assistant, Margo Lapietro.**

**CALL TO ORDER**

**Chairman DiMarco 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**

Chairman DiMarco reminded the public on behalf of Town Clerk/Tax Collector, Meg Seymour that residents can register at the polls tomorrow with proper proof of citizenship. The polls will be open from 7 AM - 8 PM tomorrow at the Londonderry High School (LHS) Gym. The Annual Town Meeting will be held Saturday, March 12, 2011 at the LHS Cafeteria at 9:00 AM. He also reminded the public that April is dog registration month.

**Presentation of Volunteer Awards, Citizen of the Year & Volunteer of the Year –**

Councilors passed out service awards to Budget Committee members Don Jorgensen, Mark Oswald; Trustee of Leach Library, Richard Matckie; Trustee of Trust Fund, Scott Knox; Elder Affairs members Peg Johnson & Sandra Weston; Heritage Commission members, Deb Paul & Lara McIntyre; Planning Board members, Cole Melendy & John Farrell; Town Historian, Marilyn Ham. Volunteers of the Year were Joel Sadler, Kerri Stanley and Maureen Pauwels. Outstanding Citizen of the Year was Father Bob Couto. Retiring Town Councilors Mike Brown and Paul DiMarco were also presented with awards.

Lara McIntyre, 6 Red Fern Circle, said she is a staff member of Kelly Ayotte’s office and wanted the public to know that her office in DC and in Manchester are open for business. She is looking forward to hearing from the citizens of Londonderry and invited comments tonight.

Al Baldasaro said he was here tonight as the State Representative and said he got a number of calls about SB2 flyers being put into mailboxes. He stated it is against the law and asked if the town has any recommendation or should he go to the Attorney General’s office. Chairman DiMarco responded he would need to take it up with the post office. He said he is not familiar with any town ordinances or RSA’s that would address it. He suggested that he talk to the Town Manager or if he feels a crime has been committed he should go to the police.

46 **Home Security** – Chief William Hart and Lt. Chris Gandia were in attendance with a  
47 presentation on how to be prepared for home invasions & residential burglaries. He said the first  
48 thing you should do is be safe and be situational aware of your home and have a plan of action.  
49 Lt. Gandia proceeded to show a PowerPoint presentation. The key points he made were:

50

51 Risk Mitigation:

52 Definition of Home Invasion

53 Reviewed statistics from the Bureau of Justice and the Town of Londonderry.

54

55 Motives of the Perpetrator

56

57 Layered Security Measures:

58 Prevention.

59

60 Neighborhood Environmental Awareness

61 Make observations, write it down and report it to the police.

62 Be Aware of Suspicious people

63 Deterrents:

64 Dogs

65 Locks

66 Lighting

67 Signage

68 Alarms

69

70 Know Your Residential Environment

71

72 Have a Plan of Action

73

74 He reviewed RSA 627:4 that dealt with physical force in defense of a person. He said a person is  
75 not required to retreat if he is within his dwelling but it is more prudent to escape. Defense of  
76 premises allows a person to use non-deadly force to remove someone who is trespassing on their  
77 property to prevent the crime of trespass.

78

79 Conclusion:

80 Have Environmental Awareness

81 Have Layered Security Measures

82 Have a Plan of Action

83

84 Preparation will mitigate these risks.

85

86 Chairman DiMarco asked if a vehicle was parked on the owner's property and someone breaks  
87 into it is that considered burglary. Lt. Gandia responded no – it would have to be an occupied or  
88 un-occupied dwelling to be considered a burglary. The scenario of breaking in a car would be  
89 considered criminal trespassing, criminal mischief, theft or motor vehicle theft. Councilor Dolan  
90 asked Lt. Gandia what a person would expect when they call 911 and Lt. Gandia proceeded to  
91 talk about the procedure. Councilor Brown asked about door-to-door sales people who have to  
92 register with the town for a permit. Lt. Gandia said they do need to register with the town. A  
93 newly passed bill allows the town the option to do a criminal background check on a national



94 level for door-to-door solicitors. Councilor Brown asked if the person had no identification or  
95 permit is it OK to call the police, he responded by all means it would be highly encouraged.  
96 Councilor Brown asked is it better to call if in doubt, Lt. Gandia responded absolutely. If you  
97 don't want to see an officer you can just provide information like a license number if there is no  
98 need for the police. Chris Paul, 19 Hardy Road, questioned why there was a rise in burglaries  
99 in Londonderry. Lt Gandia responded there were a lot of reasons including drugs and  
100 unemployment. Chris Paul asked how we compare with other communities; Lt. Gandia  
101 responded he didn't have the statistics to compare to other areas in the state. Chief Hart said that  
102 Londonderry is one of the safest communities in the state and the country. We have 2 exits to  
103 the highway that exit almost directly into residential areas. That provides ease for the potential  
104 criminal. We have layered security in the community by having uniformed officers driving  
105 around in their cruisers. Fewer officers on the road could also be another reason for the rise in  
106 burglaries. The Councilors thanked the officers for their presentation.

107  
108 Reed Clark, Stonehenge Road said he hopes people come to the polls tomorrow and vote against  
109 the SB2 proposal.

110  
111 Chris Paul, 19 Hardy Rd. said he was on the Charter Commission and he feels the new proposal  
112 opens up doors to a lot more voters. He said he feels it is good for the town.

113

114

115

116

117 **Councilor Farrell made a motion to go into public hearing, second Councilor O'Keefe.**  
118 **Council's vote to go into public hearing was 5-0-0.**

119

120 **Ordinance #2011-01 – Relative to Amendments to the Zoning Ordinance & Map Relating**  
121 **to Rezoning Map 15, Lots 22 & 124, Rockingham Road Councilor O'Keefe made a motion**

122 **to accept, second by Councilor Farrell.** Tim Thompson, Town Planner said this is a request to  
123 rezone the parcel that currently has the Londonderry Freezer Warehouse situated on it and an  
124 adjacent parcel. This will allow for an expansion of approximately 84,000 square feet of the  
125 existing facility. Currently the zoning is Commercial II with the Performance Overlay District.  
126 The current lot coverage requirement for the district would limit the amount of expansion  
127 without undertaking a variance. The Planning Board agrees allowing it to be rezoned to  
128 Industrial I to allow the expansion without the need of getting zoning relief from the Zoning  
129 Board of Adjustment. They will likely be before the Planning Board next month for a public  
130 hearing. Councilor Brown asked if the addition will be attached to the existing building and go  
131 toward Rockingham. Road. T. Thompson responded it will be towards Rockingham Road onto  
132 the adjacent parcel. He said he has Bob Baskerville from Bedford Design Consultants and Ed  
133 Dougherty from Freezer Warehouse in attendance tonight. B. Baskerville displayed the mock-up  
134 of the lot. Councilor Brown asked if they received any comments from abutters, Tim said there  
135 were no abutters in attendance. Community Development Director, Andre Garron commented  
136 that expansion of existing buildings is a key element; it represents 80-90% of business success in  
137 each community. He said that Londonderry Freezer Warehouse and Highwood Cold Storage  
138 represent close to over 200,000 square feet right now in Londonderry. The fact that Mr.  
139 Dougherty chose to expand in Londonderry is a move that is consistent with the direction we  
140 want to see. Councilor Brown asked why they chose to stay in Londonderry. Ed Dougherty, the  
141 Manager of Londonderry Freezer Warehouse and Highwood Cold Storage explained they had an



142 opportunity to move and expand their facility in Hooksett. They decided to expand in  
143 Londonderry because they could not get the funding for the big expansion they planned for  
144 Hooksett. Councilor Brown said if they ever change their mind and were looking to relocate in  
145 the future he said he would appreciate it if they would come back in and discuss options to stay  
146 in Londonderry. Mr. Dougherty stated the community has been great to them and they enjoy  
147 being in town and would do that. A. Garron said it is good that Londonderry has an Open Space  
148 Plan because when developments come in and need mitigation we can point out areas to be  
149 preserved which is a DES requirement. **Council's vote was 5-0-0.**

150  
151 **Councilor Dolan made a motion to close the public hearing, second Councilor O'Keefe.**  
152 **Council's vote was 5-0-0.**

### 153 OLD BUSINESS

154  
155  
156 **FY12 Budget Review** - Chairman DiMarco stated that Gov. Lynch recently released his  
157 proposed FY12-13 State Budget, which may result in significant financial implications to local  
158 governments. This agenda item provides the Council with an opportunity to review options to  
159 respond to any adverse impacts upon Londonderry. Town Manager Caron said this year's  
160 proposed state budget recommends that the state completely stop paying their portion of  
161 retirement costs for police, fire fighters and teachers. The rates for FY12 are a little over 30% of  
162 payroll for fire fighters and about 25% for uniformed police. If the state does not contribute at  
163 all, we will have an additional \$460K in obligations for the Town in FY12. He stated that he  
164 was finalizing the health insurance rates for FY12 and thinks that will absorb around \$90K,  
165 therefore the net impact of approximately \$368K. It is premature to look at solutions at this  
166 point because we are not sure what the ultimate problem is going to be; we won't know for the  
167 next 60 days. There are three options the Council can look at:

- 168  
169 1) Request an amendment to the Operating Budget at Town Meeting to reflect this  
170 additional potential cost.  
171 2) Consider a Special Town Meeting  
172 3) Manage with whatever is decided at Town Meeting by reducing services and reallocating  
173 costs to the retirement line items.

174  
175 He recommended discussing the issue at Town Meeting for feedback.

176  
177 Councilor Brown talked about the retirement costs; the governor stated that the state does not  
178 have to subsidize retirement costs as we have been doing, especially since the state does not have  
179 a say in how those costs are driven. He is saying that while the state has had an obligation up to  
180 this point to contribute to the retirement fund it is the contracts that are negotiated and agreed  
181 upon at the local level and approved by the local voters that really determine the ultimate cost  
182 that the taxpayer is bearing. The Governor is saying that the local people have to look at their  
183 contracts which impact retirement costs. He recommends we not request any additional money  
184 at Town Meeting; he likes the bottom line budget we have, and is not inclined to change our  
185 budget. He is not in favor of a Special Town Meeting it is time to live within our means; we  
186 should find money locally and not request any additional money at any Special Town Meeting.  
187 He said he somewhat in favor of what the governor is imposing; we have to live within our  
188 means. Chairman DiMarco said he agrees with Councilor Brown. Council and staff put a lot of  
189 work into keeping the tax rate flat, and he would like to see it stay that way. He suggested

190 planning budgets accordingly to live within our means. Councilor Farrell said we don't have  
191 enough information at this point, wait to see what the legislative body does. We do pay a state  
192 wide property tax, we pay a county tax, we pay a town property tax; it is all our money and the  
193 state is taking some of it to do other things. Councilor O'Keefe agreed with everyone. He said  
194 we are still donating a percentage of our taxes to the state. If they are shortening us on one end  
195 they should be considering not taking money out from us on other things; can't have it both  
196 ways. He said he is not willing to go to the public for a special meeting, go with the budget that  
197 was decided. Councilor Dolan said he has issues with the state on a fiscal management  
198 standpoint. The state has a legal requirement to pay towards retirement funds and that is how we  
199 plan our budgeting. The school and town budgets are done; now the state is coming at this late  
200 date with this new information. We can't react without some type of cutting or having Special  
201 Town Meetings to raise taxes. The state is down shifting those costs to us, he is disappointed  
202 with the State's method and timing of these decisions. Councilor O'Keefe suggested that we  
203 invite our state representatives to the next meeting to discuss what their plans are for the  
204 retirement system.

### 205 206 NEW BUSINESS

207  
208 **Resolution #2011-01 – Relative to an Agreement to Provide Law Enforcement Services at**  
209 **Manchester-Boston Regional Airport (MHT)** - Londonderry Police Department's (LPD)  
210 Chief Hart and Capt. Paul Fulone were in attendance. Chief Hart thanked both of the retiring  
211 Councilors for all the work they have done. **Councilor O'Keefe made a motion to adopt,**  
212 **second by Councilor Dolan.** Chief Hart informed Council that the terms of the agreement have  
213 changed from 3 years to a 5 year agreement with five, 2 year extensions available. Chief Hart  
214 explained this contract will take the 13 officers hired in 2006 through a 20 year career in law  
215 enforcement. He stated that enhanced communication contributed to the agreement. He also  
216 stated that they are required to have an annual meeting to discuss the contract to allow  
217 amendments if needed. The calculation of the administrative fee will change. Under this  
218 agreement it is based on the total hours sold to the airport; previously it was on staffed hours  
219 based on a percentage. Staffing will change with flexible staffing from year to year. He said that  
220 a very successful five year run has led to this opportunity for the people of Londonderry.  
221 Councilor O'Keefe asked that a press release be prepared to the taxpayers regarding this new  
222 contract. Councilor Brown asked if we competed with anyone else in the bidding process. Capt.  
223 Hart responded that the NH State Police expressed interest after the bidding had closed.  
224 Councilor Brown stated that the ability this contract allows to have officers that can be trained  
225 and qualified over time is a value to the town. Chief Hart stated the reason that MHT kept the  
226 LPD was because of the excellent hiring, training and professional employees we have.  
227 Councilor Brown said we have a great partnership with MHT. Councilor Dolan said about 75%  
228 of MHT is located in Londonderry. **Council's vote was 5-0-0.**

229  
230 **Resolution #2011-02 – Relative to the Demolition of North Fire Station – Councilor Brown**  
231 **made a motion to adopt, second by Councilor Farrell.** Town Manager Caron said the value of  
232 the soil remediation activities at that site is \$24K, for which the State has funds available until  
233 the end of June to complete that so it makes sense for us to move forward now. Bids have been  
234 received for demolition and we think it will cost \$20K from the Expendable Maintenance Trust  
235 Fund. He said he did get a call today from someone who expressed an interest in renting the  
236 facility through the end of spring to maintain and repair busses at the site. He said due to the  
237 timing he does not think he will be able to reach an agreement, and he is not sure that the site

238 will work out for them. His recommendation is to adopt the Resolution. We are scheduled to  
239 have a meeting on 3/15/11 with the Demolition Delay Committee because the building is over 50  
240 years old. Councilor Dolan asked if we were to delay this, would the DES funding go away and  
241 would the taxpayers be responsible for remediation costs. Town Manager Caron responded that  
242 DES told him the funds have to be expended by 6/30/11. The potential for funding next year is  
243 not known. Councilor Brown questioned if we submit the request we will be assured to get the  
244 money; Town Manager Caron responded that is correct. Open for discussion. **Council's vote**  
245 **was 5-0-0.**

246  
247 **Order #2011-03 – Relative to the Distribution of Reclamation Fee Funds for Recycling and**  
248 **Associated Expenses.** – **Councilor DiMarco made a motion to adopt, second by Councilor**  
249 **Farrell.** Town Manager Caron said that the Order has been amended. The Treasurer is seeking  
250 authority to expend \$108,251.26 for recently completed improvements and the Town Manager is  
251 asking for authorization to execute documents for a contract with Southern NH CCI for  
252 \$192,985.00 for the second phase of the work. He stated the bidding environment is very  
253 favorable currently, these are funds that have been raised since 2003 so they won't impact  
254 property taxes. Councilor Brown clarified that we are authorizing the \$108,251.26 from the  
255 Reclamation Trust Fund. Town Manager Caron said that was correct and he will come before  
256 Council for the \$192,985.00 later for an Order to withdraw that amount from the trust fund  
257 money. **Chairman DiMarco made a motion to amend his vote to have the correct wording**  
258 **of "...and the Town Manager is authorized to execute all necessary documents with**  
259 **Southern NH CCI for concrete and other site work at a cost of \$192,985.00", second by**  
260 **Councilor Farrell. Council's vote was 5-0-0.**

261  
262 **Order #2011-04 – Relative to the Expenditure of Maintenance Trust Funds for Various**  
263 **Projects** - **Councilor Dolan made a motion to adopt, second by Councilor O'Keefe.**  
264 **Council's vote was 5-0-0.**

#### 265 266 **APPROVAL OF MINUTES**

267  
268 **Councilor Farrell made a motion to approve the Public Meeting Minutes of 02/14/11,**  
269 **second by Councilor Brown. Council's vote was 5-0-0.**

#### 270 271 **OTHER BUSINESS**

272  
273 **Liaison Reports** – Councilor Farrell said the Planning Board meeting is this Wednesday; the  
274 developer for Woodmont is coming in with their next conceptual plan. They are moving towards  
275 the Master Plan. He said he will have to leave the ballot session tomorrow morning at 7:30 AM  
276 for business.

277  
278 Chairman DiMarco said he had no reports.

279  
280 Councilor O'Keefe has no reports. He said he will be at the ballot session tomorrow between  
281 noon and 1:00 PM.

282  
283 Councilor Dolan met with the Conservation Commission and at a future meeting they will be  
284 talking about acquiring an additional easement.

285

286 Councilor Brown attended the Anti-Litter Sub-Committee of the Solid Waste Advisory  
287 Committee (SWAC). They reviewed the Charge, their roles and their responsibilities. They will  
288 report back to the SWAC and the Council in the future with a report.  
289

290 Councilor O’Keefe thanked the departing Councilors.  
291

292 Chairman DiMarco said he and fellow Councilors’ Brown, Farrell and Dolan will be at the ballot  
293 session tomorrow to officially open the polls at 7:00 AM.  
294

295 **Town Manager Report** – Town Manager Caron said that he will be posting a notice for a  
296 Council meeting immediately following the Town Meeting for election of officers. Committee  
297 assignments will be made at the regularly scheduled meeting of 3/21/11.  
298

299 **Board/Committee Appointments/Reappointments** – None  
300

301 **ADJOURNMENT**  
302

303 Councilor Farrell made a motion to adjourn at 9:15 P.M., second by Councilor Brown.  
304 Council’s vote was 5-0-0.  
305

306  
307 Notes and Tapes by: **Margo Lapietro** Date: **03/07/11**  
308

309 Minutes Typed by: **Margo Lapietro** Date: **03/09/11**  
310

311 Approved; **Town Council** Date: **03/ /11**  
312

## Chapter I - Town Charter (Cont'd)

### ARTICLE 5 - Finance

#### Section 5.1. Fiscal Year

The fiscal and budget year of the Town shall begin on the first (1st) day of July and end on the thirtieth (30th) day of June.

#### Section 5.2. Budget Procedure

At such time as may be requested by the Manager or specified by the Administrative Code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control to the Manager. The Manager shall, based on these estimates and other data, prepare a recommended budget which shall, together with these department estimates, be submitted to the Council on such date as the Council shall establish. The Council shall review the budget for the following fiscal year and make such modifications and amendments as it desires.

#### Section 5.3. Budget Hearings

The Council shall hold in convenient places as many public hearings on the budget as it deems necessary, but at least two public hearings on the budget shall be scheduled on dates consistent with those specified in the Municipal Budget Act before its final adoption by the ~~Budgetary~~ **Official Ballot Session of the Budgetary** Town Meeting, **held on the second Tuesday in March** at such ~~time~~ ~~and~~ place, convenient to the public, as the Council shall direct. Notice of such public hearing, **The Deliberative Session of the Budgetary Town Meeting** and ~~Budgetary~~ **Official Ballot Session of the Budgetary Town Meeting**, together with a copy of the budget as submitted, shall be posted in two public places. A copy of the budget shall be available to the public at the office of the Clerk during regular business hours. In addition, notice of such public hearing, **The Deliberative Session of the Budgetary Town Meeting** and ~~Budgetary~~ **Official Ballot Session of the** Town Meeting shall be published in a newspaper of general circulation in the Town at least one week prior to said meeting by the Clerk.

#### Section 5.4. Final Date for Budget Adoption

A. The warrant for the annual meeting shall prescribe the place, day and hour of the **Deliberative and Official Ballot** sessions of the **Budgetary Town** meeting, and notice shall be given in accordance with State Law.

## Chapter I - Town Charter (Cont'd)

### ARTICLE 5 - Finance (Cont'd)

#### Section 5.4. Final Date for Budget Adoption (Cont'd)

- B. The *Deliberative* first session of the annual meeting shall be for the election of officers as provided in Section 2.5., and to act upon, by official ballot, such articles for bonds or notes as may be presented. The second Tuesday in March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles, and any special articles on the warrant *held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and for the consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the official ballot session. Warrant articles may be amended at the deliberative session, subject to the following limitations:*
1. *Warrant articles whose wording is prescribed by law shall not be amended.*
  2. *Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.*
- All votes of the Town Council and Advisory Budget Committee shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.*
- C. The clerk of the Town shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for bonds or notes articles *and all warrant articles* to be voted on by official ballot.
- D. The *official* second session of the annual meeting, which shall be for the transaction of all business other than the election of officers, *and to vote on bonds or notes articles, and all warrant articles from the deliberative session on official ballot shall be held on the second Tuesday in March. Bonds or notes shall require a 3/5 (or 60%) majority for passage*, as per Section 5.4.A. and any bond or note articles to be acted upon by official ballot shall be held between the second Tuesday of March and the Saturday following the second Tuesday of March, at a time prescribed by the Council. *In addition to acting upon warrant articles, voters shall choose between the proposed Operating Budget as may be amended during the Deliberative Session, and the Default Budget, which shall be calculated pursuant to RSA 40:13 IX (b). In the event that the proposed Operating Budget and Default Budget receive an equal number of votes, the Default Budget shall be considered approved.*

## Chapter I - Town Charter (Cont'd)

### ARTICLE 5 - Finance (Cont'd)

#### Section 5.4. Final Date for Budget Adoption (Cont'd)

- ~~E.~~ ~~The second session of the annual meeting will be held on the date specified to explain, discuss, debate, amend, finalize and vote on the Town budget; and special warrant articles calling for appropriations, except those articles calling for the issuance of bonds or notes.~~
- ~~EF.~~ Voters at the ~~first~~ **official ballot** session shall follow the procedures set forth in State Law including all requirements pertaining to absentee voting, polling place, and polling hours.
- ~~FG.~~ Votes taken on the official ballot shall be subject to recount as set forth in State Law.
- ~~GH.~~ Votes taken on bonds or notes at the ~~first~~ **official ballot** session shall not be reconsidered, except by warrant article at a subsequent annual or special meeting.
- ~~HI.~~ The warrant for any special meeting shall prescribe the date, place, and hour for both a **deliberative** ~~first~~ session and **official ballot** ~~second~~ session, if required. The ~~first and second~~ **deliberative and official** ballot sessions shall conform to state Statutes and applicable provisions of this Charter.

# ***FY 2013 Budget Calendar***

*(All meetings at 7:00 PM unless otherwise noted)*

<b>Tues., Oct. 4, 2011</b>	<b><u>Budget Information due to Finance Director</u></b>
<b>Mon., Oct. 24, 2011</b>	<b><u>Budget Information due to Town Manager</u></b>
<b>Mon., Nov. 7, 2011</b>	<b><u>TOWN COUNCIL MEETING - Budget presented to Town Council</u></b> – General Overview of Proposed Budget and Estimated Revenues
<b>Sat., Nov. 19, 2011 8:00 AM</b>	<b><u>Budget Workshop</u></b> <b>Community Dev.:</b> - Planning - Zoning - Building/Health <b>Capital Improvements Plan (CIP)</b> <b>Public Safety:</b> - Fire/Rescue - Police <b>Public Works:</b> - Highway Sewer <b>Gen Gov't:</b> - Town Council - Moderator - Budget Committee - Legal - General Government - Town Manager <b>Finance &amp; Admin:</b> - Finance - Human Services - Human Resources - Assessing - Town Clerk/Tax Collector - IT - Debt Service - Revenues - Municipal Insurance - Supervisors of Checklist <b>Gen Gov't:</b> - Cemeteries, HDC/Morrison House - Conservation Commission <b>Comm. Services:</b> - Cable - Recreation, Senior Affairs - Library - Family Mediation



## ***FY 2013 Budget Calendar*** (con't.)

Mon., Nov. 21, 2011	<b><u>TOWN COUNCIL BUDGET WORKSHOP – Budget Discussion</u></b>
Mon., Nov. 28, 2011	<b><u>TOWN COUNCIL BUDGET WORKSHOP – Follow-up Budget Workshop &amp; Preliminary Budget Recommendations</u></b>
Thurs., Dec. 1, 2011	<b><u>TOWN COUNCIL BUDGET WORKSHOP – Follow-up Budget Workshop &amp; Preliminary Budget Recommendations and determination of Bond Hearing (if any)</u></b>
Thurs., Dec. 8, 2011	<b><u>Public notice of first budget hearing</u></b> <i>(Note: - RSA 32:5- I - Seven (7) days' notice required)</i>
Thurs., Dec. 15, 2011	<b><u>Public notice of bond hearing (if necessary) and preliminary warrant approval</u></b> <i>(Note: RSA 33:8-a - Seven (7) days' notice is required)</i>
Mon., Dec. 19, 2011	<b><u>First budget hearing, preliminary budget adoption</u></b>
Thurs., Dec. 29, 2012	<b><u>TOWN COUNCIL MEETING – (Mon., 12/26 is a holiday) Bond hearing (if necessary) /warrant approval</u></b>
Tues., Jan. 3, 2012	<b><u>Public notice of second budget hearing</u></b> <i>(Note: RSA 32:5-I. Seven days' notice required)</i>
Tues., Jan. 10, 2012	<b><u>Deadline for petitioned warrant articles</u></b> <i>(RSA 40:13 II-a (b) - Must be received by the 2nd Tues. in Jan.)</i>
Thurs., Jan. 12, 2012	<b><u>Second budget public hearing, adoption of FY 13 Budget and final vote on warrant</u></b> <i>(RSA 40:13 II-a (c) require hearing by the 3<sup>rd</sup> Tuesday in Jan.)</i>
Mon., Jan. 16, 2012	<b><u>TOWN COUNCIL MEETING</u></b> <b><u>Town Council signs Warrant</u></b> <b><u>Annual Town Report to printer</u></b>
Jan. 19 - 26, 2012	<b><u>Last day to post warrant for Deliberative Session and Town Meeting</u></b> <i>(RSA 39:5)</i>

## ***FY 2013 Budget Calendar (con't.)***

- Jan. 27 – Feb. 3, 2012**      **Notice of Deliberative Session to be published in newspaper and posted in two public places**  
*(At least one week prior to meeting per Town Charter 5.3)*
- Feb. 4 – 11, 2012**      **Deliberative Session TBD by Town Council**
- Thurs., March 01, 2012**      **Notice of Budgetary Official Ballot Town Meeting to be published in newspaper and posted in two public places**  
*(At least one week prior to meeting per Town Charter 5.3)*
- Tues., March 06, 2012**      **Minimum of one hundred copies of Annual Report made available to public**
- Tues., March 13, 2012**  
**7 AM – 8 PM**      **Annual Town Meeting:** - Official Ballot session; election of Town/School Officers, Town/School budget adoption and Town/School bond articles  
*(RSA 39:1)*