

**TOWN COUNCIL
AGENDA
April 4, 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. National Public Safety Telecommunications Week
- B. Victims' Rights Week
- C. Board/Committee/Commission Updates
 - 1) Traffic Safety Comm. – Bob Ramsay

III. PUBLIC HEARING

- A. Resolution #2011-04 –Relative to the Discontinuance of a Portion of Scobie Pond Road.
- B. 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.
- C.

IV. OLD BUSINESS

V. NEW BUSINESS

- A. Order #2011-05 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects
- B.

VI. APPROVAL OF MINUTES

- A. Minutes of Council's Public Meeting of 03/21/11

VII. OTHER BUSINESS:

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

VIII. ADJOURNMENT

VIII. MEETING SCHEDULE:

- A. Town Council Meeting – April 18, 2011, Moose Hill Council Chambers, 7:00 PM
- B. Town Council Meeting – May 2, 2011, Moose Hill Council Chambers, 7:00 PM
- C. Town Council Meeting – May 16, 2011, Moose Hill Council Chambers, 7:00 PM
- D. Town Council Meeting – June 6, 2011, Moose Hill Council Chambers, 7:00 PM
- E. Town Council Meeting – June 20, 2011, Moose Hill Council Chambers, 7:00 PM

SUPPORTING DOCUMENTATION COUNCIL MEETING OF APRIL 4, 2011

I. CALL TO ORDER

II. PUBLIC COMMENT

- A. National Public Safety Telecommunications Week – Chief Hart will lead a presentation recognizing the work of public safety telecommunicators.
- B. Victims’ Rights Week – Chief Hart will lead a presentation recognizing Victims’ Rights Week.
- C. Board/Committee/Commission Updates – Pursuant to Section 9.5 of the Town Charter, the Council is required to meet at least annually with the Chairperson to review significant actions and planned activities. Scheduled for this meeting includes:
 - 1) Traffic Safety Committee - Bob Ramsay, Chair

III. PUBLIC HEARING

- A. 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. I expect principals of Jones and Beach Engineering, representing the owners and project applicants to be present to answer any questions which may arise.
- B. 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 that would update impact fee methods and rates for the Rte. 28 Western Segment. Community Development staff will be in attendance to provide additional information and answer any questions which may arise.

IV. OLD BUSINESS

- A.

V. NEW BUSINESS

- A. Order #2011-05 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects - Attached is an Order authorizing the expenditure of Expendable Maintenance Trust Funds for various projects at the Highway Garage, Senior Center, Town Hall and Leach Library.

VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 3/21/11.

VII. OTHER BUSINESS

- A. Liaison Reports –
- B. Town Manager Report –
- C. Board/Committee Appointments/Reappointments -

VIII. ADJOURNMENT –

MEETING SCHEDULE:

- F. Town Council Meeting – April 18, 2011, Moose Hill Council Chambers, 7:00 PM
- G. Town Council Meeting – May 2, 2011, Moose Hill Council Chambers, 7:00 PM
- H. Town Council Meeting – May 16, 2011, Moose Hill Council Chambers, 7:00 PM
- I. Town Council Meeting – June 6, 2011, Moose Hill Council Chambers, 7:00 PM
- J. Town Council Meeting – June 20, 2011, Moose Hill Council Chambers, 7:00 PM

**FOLLOW-UP FROM COUNCIL'S
March 21, 2011 MEETING**

| ISSUE | ACTION | RESPONSIBILITY |
|----------------------|--|----------------|
| Deliberative Session | Council need to select date between June 4 & 11 (inclusive – not 6/10/12) <i>(In process)</i> | Council |
| Cable Fees | Reschedule first read to 6/6; hearing on 6/20 <i>(Scheduled)</i> | Dave |
| Whispering Pines | Clarify 911 protocol <i>(Chief MacCaffrie has responded as follows: A telephone number is tied to a physical address so EX: Lane 4 A #45 Londonderry comes up for the phone number assigned to that address. 911 will pass that on to our dispatch and we will assign units accordingly. If that address is changed to EX: 24 Conifer Lane Londonderry it will show that with the phone number assigned. The real problem comes if a caller using a cell phone gives their postal address and not the designated physical address. Saying Derry instead of Londonderry which is why we wanted the postal address to match the physical address. In the event that happens the 911 dispatcher will confirm the address and hopefully will catch it. If not then Derry will be called to respond and they may catch the error and in the past they have responded then called us to make sure we are responding and there were no delays. During any major event there we have an automatic response from Derry and vice versa. The other issue is Voice over IP phones. If they don't notify their phone carrier they are in a different location or different address then they will dial 911 from their original address. So they could have moved to Mass and still be dialing NH 911 showing the old Londonderry address.)</i> | Kevin |
| Home Security | Public video on website <i>(In process)</i> | Dottie |

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

| ISSUE | ACTION | RESPONSIBILITY |
|------------|--|----------------|
| State Reps | Invite state representative to discuss state budget <i>(In process)</i> | Dave |

RESOLUTION 2011-04

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

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,

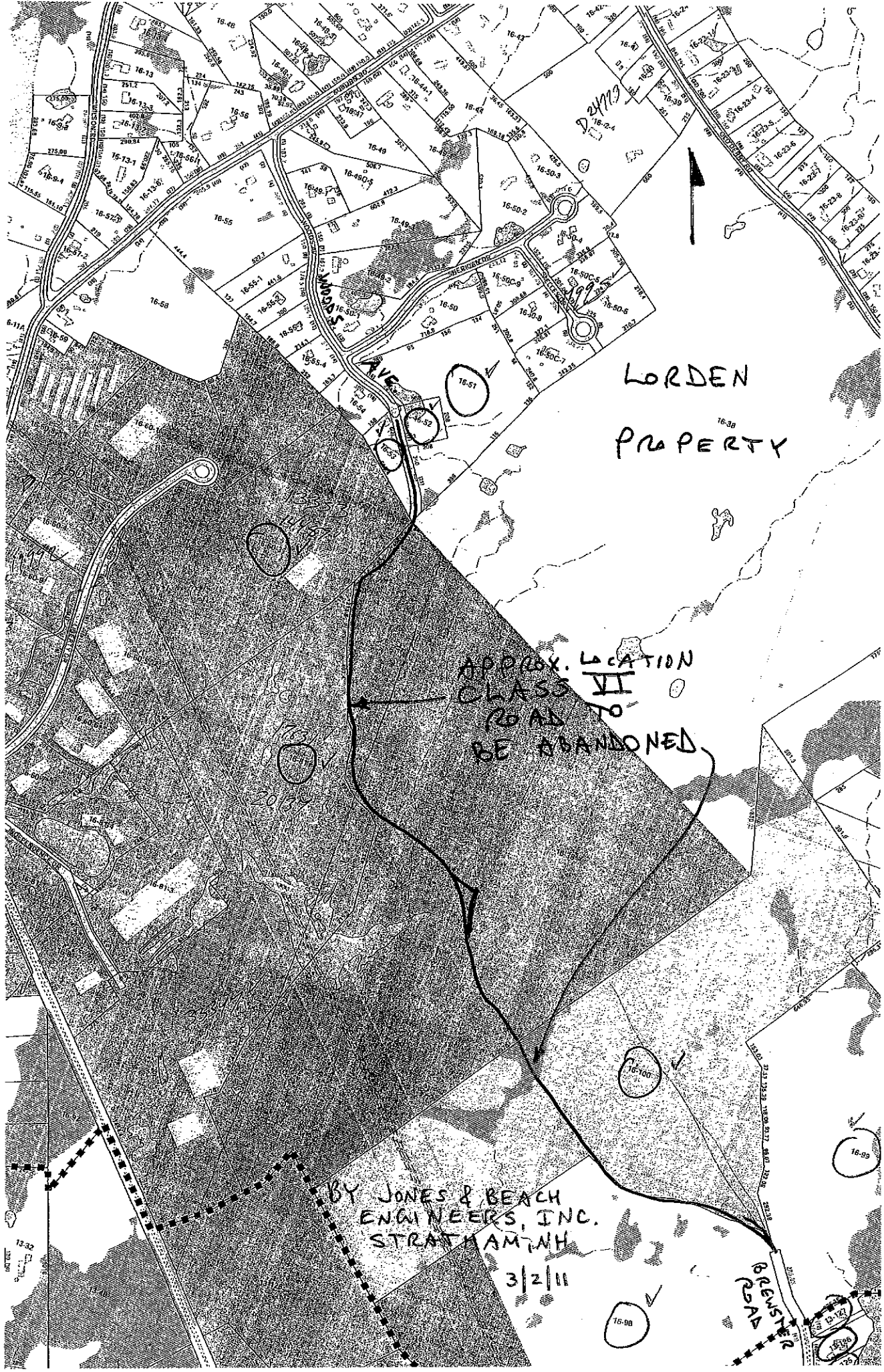
NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the discontinuance of a portion of Scobie Pond Road Drive as shown on the map entitled "Approximate Location Class VI Road to be Abandoned (Tax Map 16, Lots 38, 52, 53, 60-3, 81, 98, 99, 100), prepared by Jones & Beach Engineering, Inc., 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

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 |
| | |
| | |
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| | |
| | |

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.

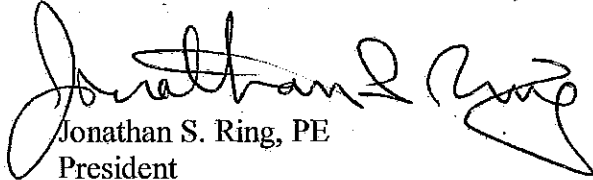
MAR 4 2011

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)

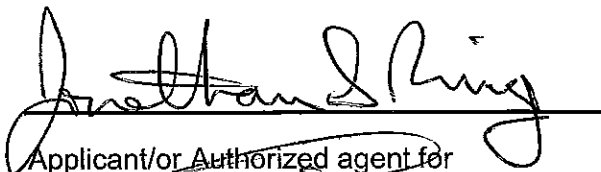
Petition for Discontinuance of Scobie Pond Road
Between Woods Avenue and Brewster Road

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.

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

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

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.

Sean O'Keefe, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal

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 9th 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 (Click on Boards & Commissions, then Planning Board)

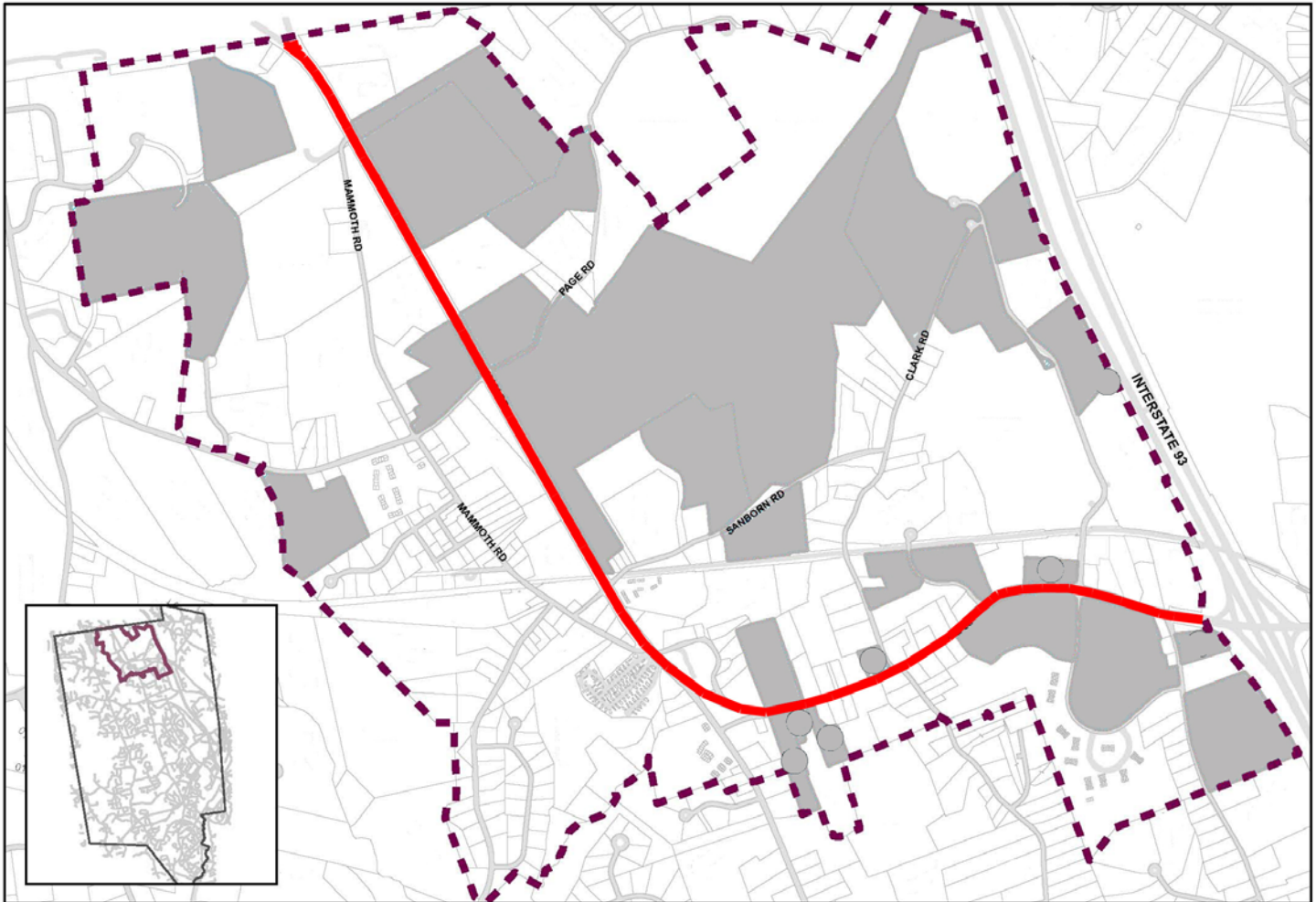


Timothy J. Thompson, AICP
Town Planner

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



Londonderry
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.

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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.

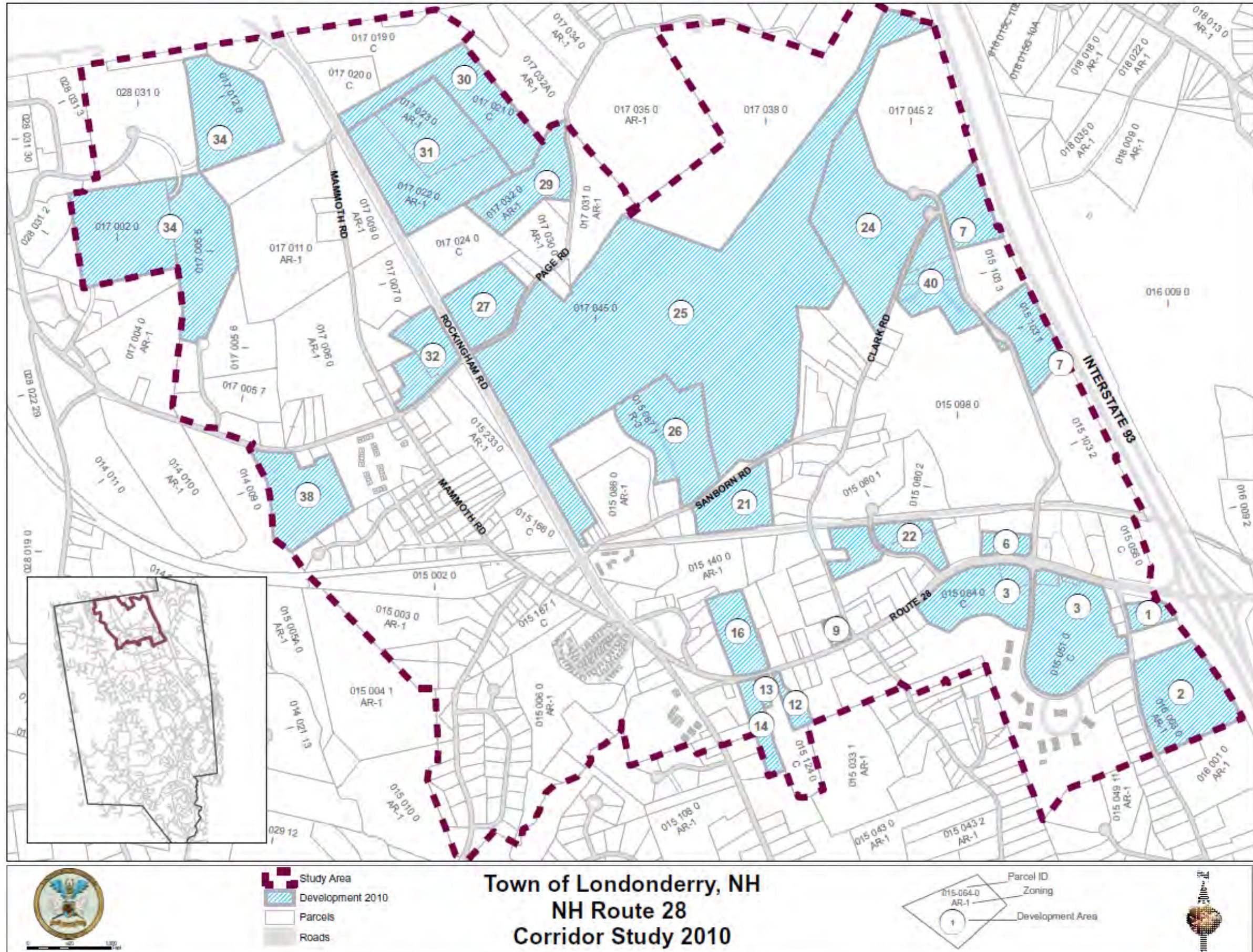
**Town Of Londonderry, NH
Route 28 Corridor Study - 2010
TABLE 1**

| 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 |
| TOTAL | | | 601.613 | 472.268 | |

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 (8th 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 | |
| | | | | | | | | Totals: | 262 | 2,636,529 | | | | | | 4485 | 1417 | 3062 | 3962 | 1161 | 2796 |

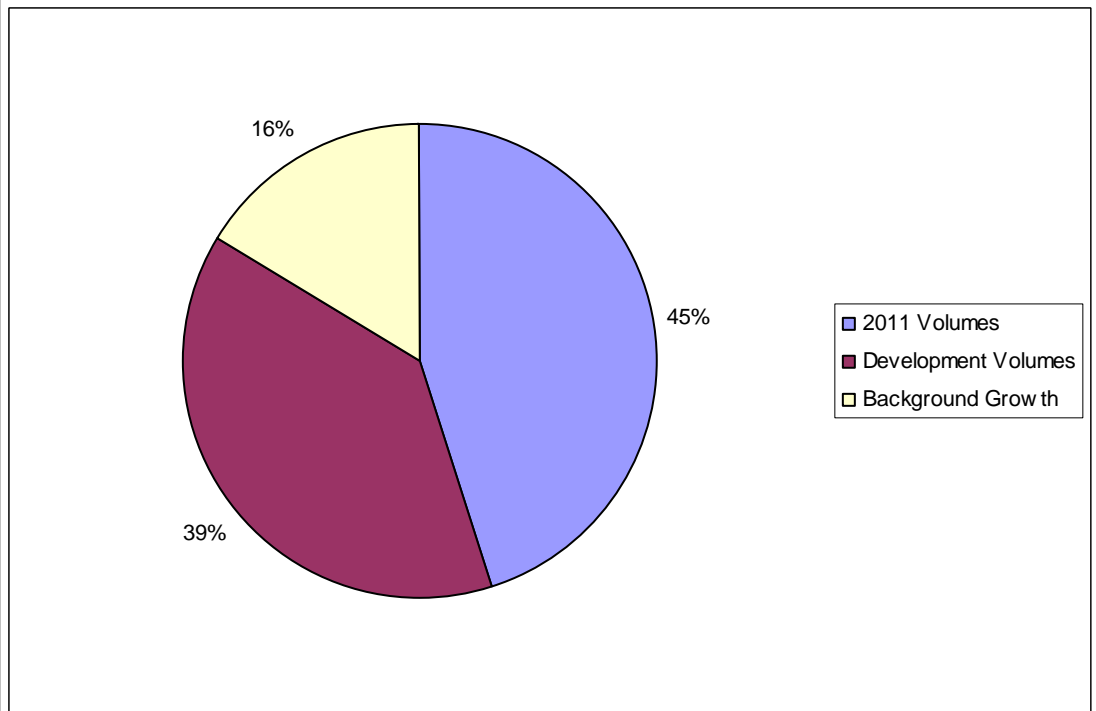
Horizon Year Traffic

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* |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Major Intersections | | | | | | |
| 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 |
| Roadway Segments | | | | | | |
| 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 |
| Roadway Corridors | | | | | | |
| 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 |
| TOTAL | \$19,900,800 | \$20,598,000 | \$21,319,000 | \$22,065,000 | \$22,837,000 | \$23,636,000 |

* 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: | \$ 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 |

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)

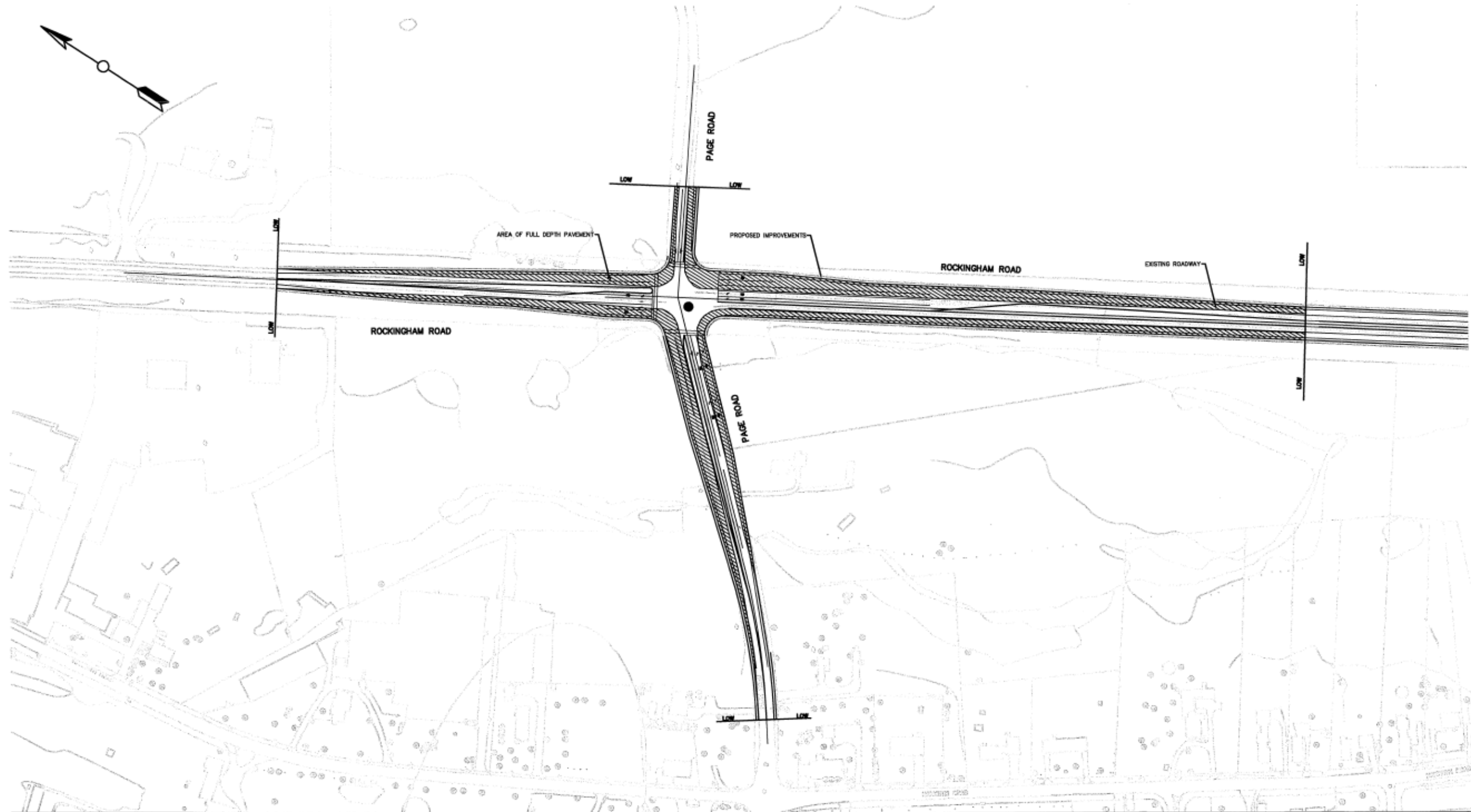
| | |
|------------------|----------|
| 2011 Impact Fee: | \$ 1,189 |
| 2012 Impact Fee: | \$ 1,469 |
| 2013 Impact Fee: | \$ 1,890 |
| 2014 Impact Fee: | \$ 2,181 |
| 2015 Impact Fee: | \$ 2,202 |
| 2016 Impact Fee: | \$ 2,313 |

Rt. 28
Corridor

Western
Segment

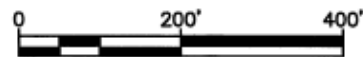
Page Road
Intersection

Proposed
Improvements
Map



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Legend



Notes

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

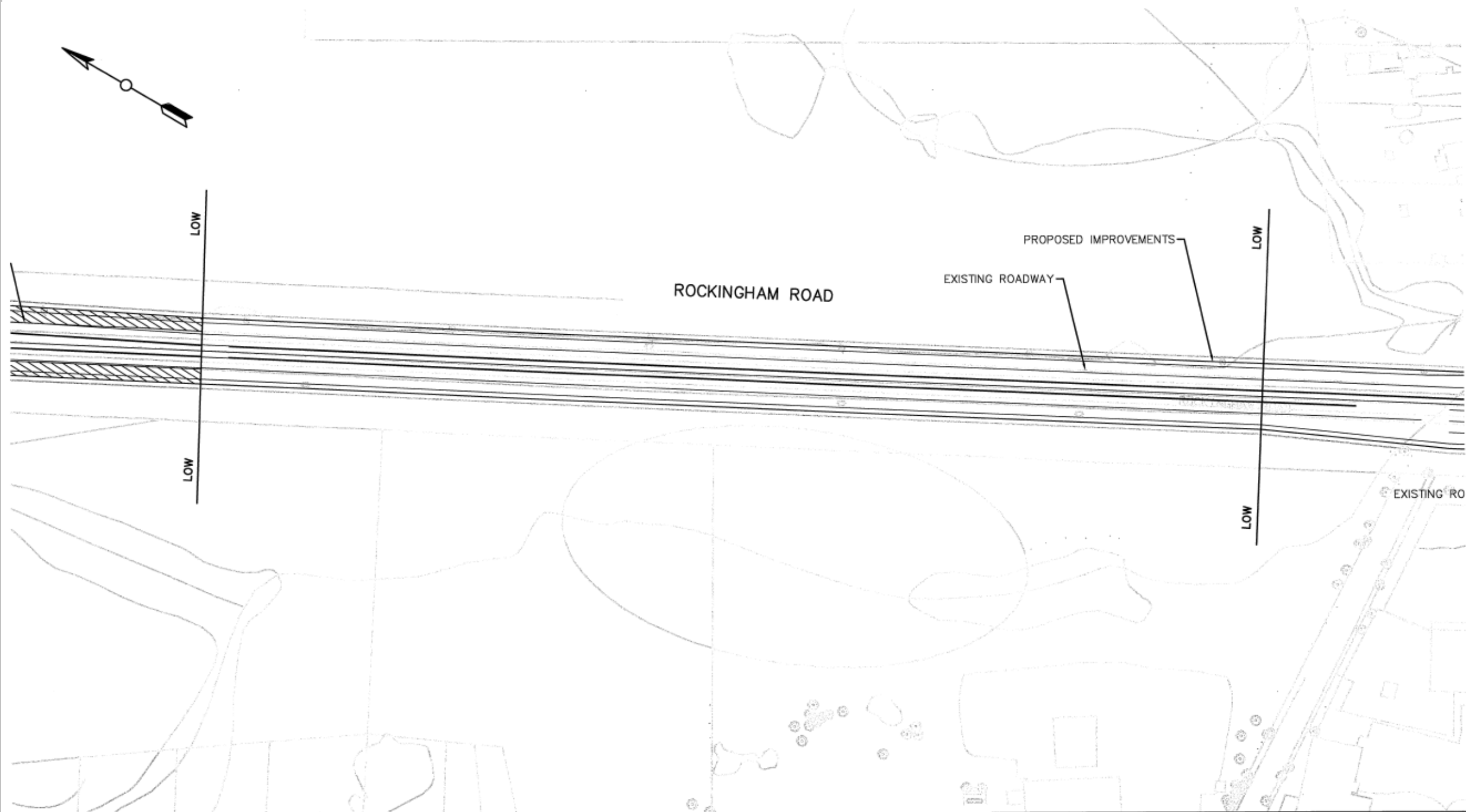
Client/Project
TOWN OF LONDONDERRY
ROCKINGHAM ROAD
CONCEPTUAL DESIGN—FUTURE IMPROVEMENTS
Figure No.
1
Title
PAGE ROAD INTERSECTION

Rt. 28
Corridor

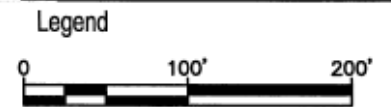
Western
Segment

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

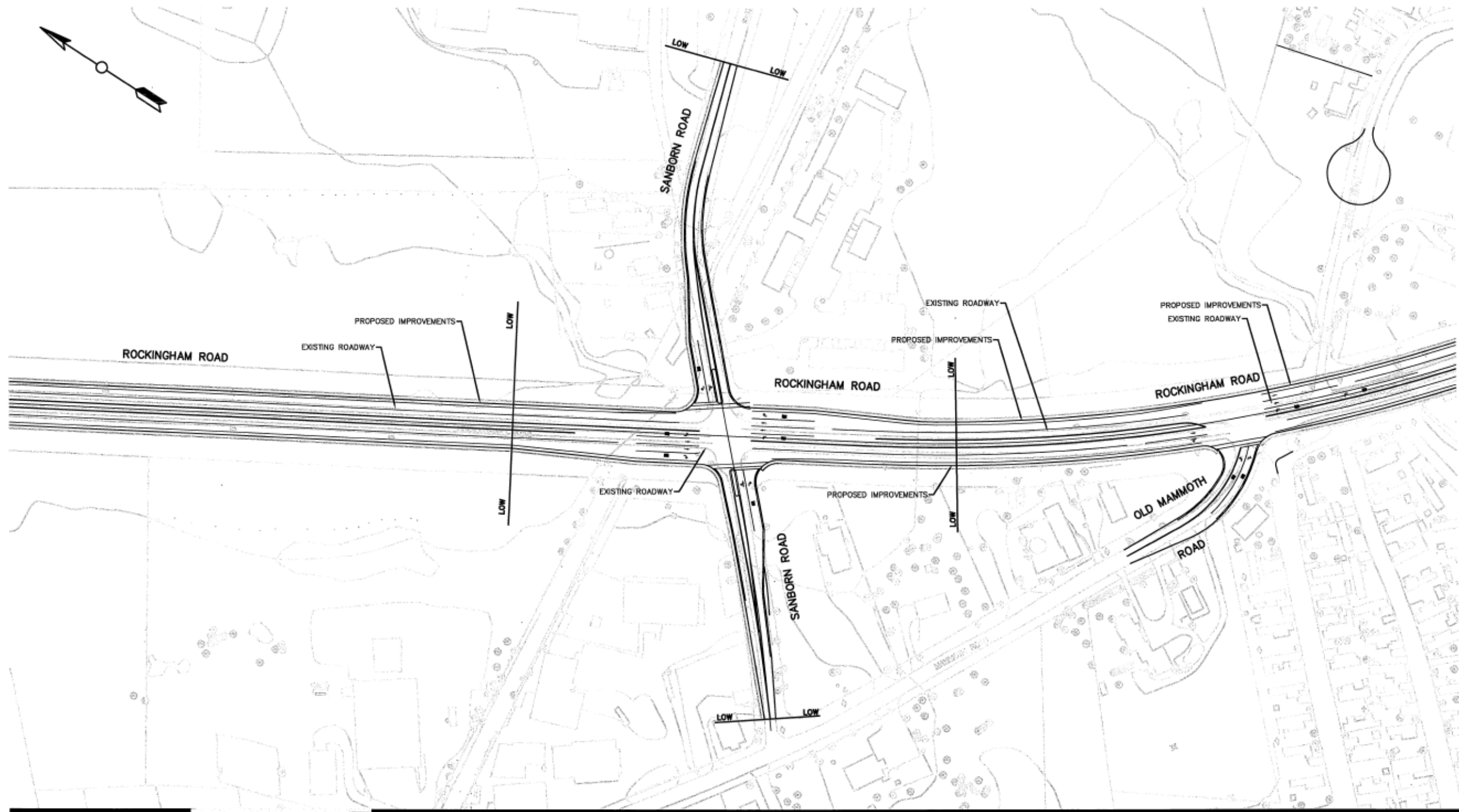
Title
ROAD SECTION BETWEEN PAGE
ROAD AND SANBORN ROAD

Rt. 28
Corridor

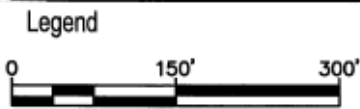
Western
Segment

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

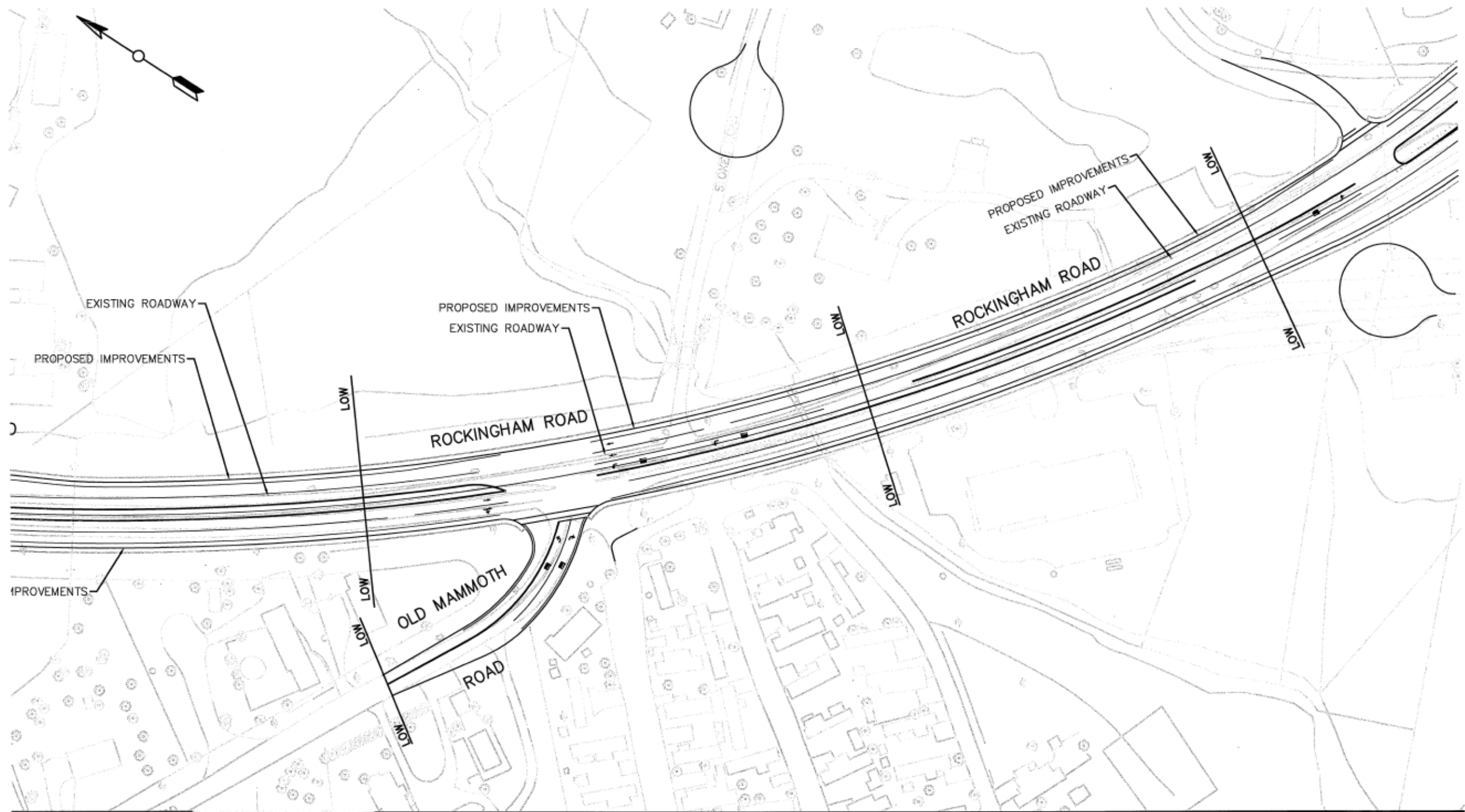
Title
SANBORN ROAD INTERSECTION

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

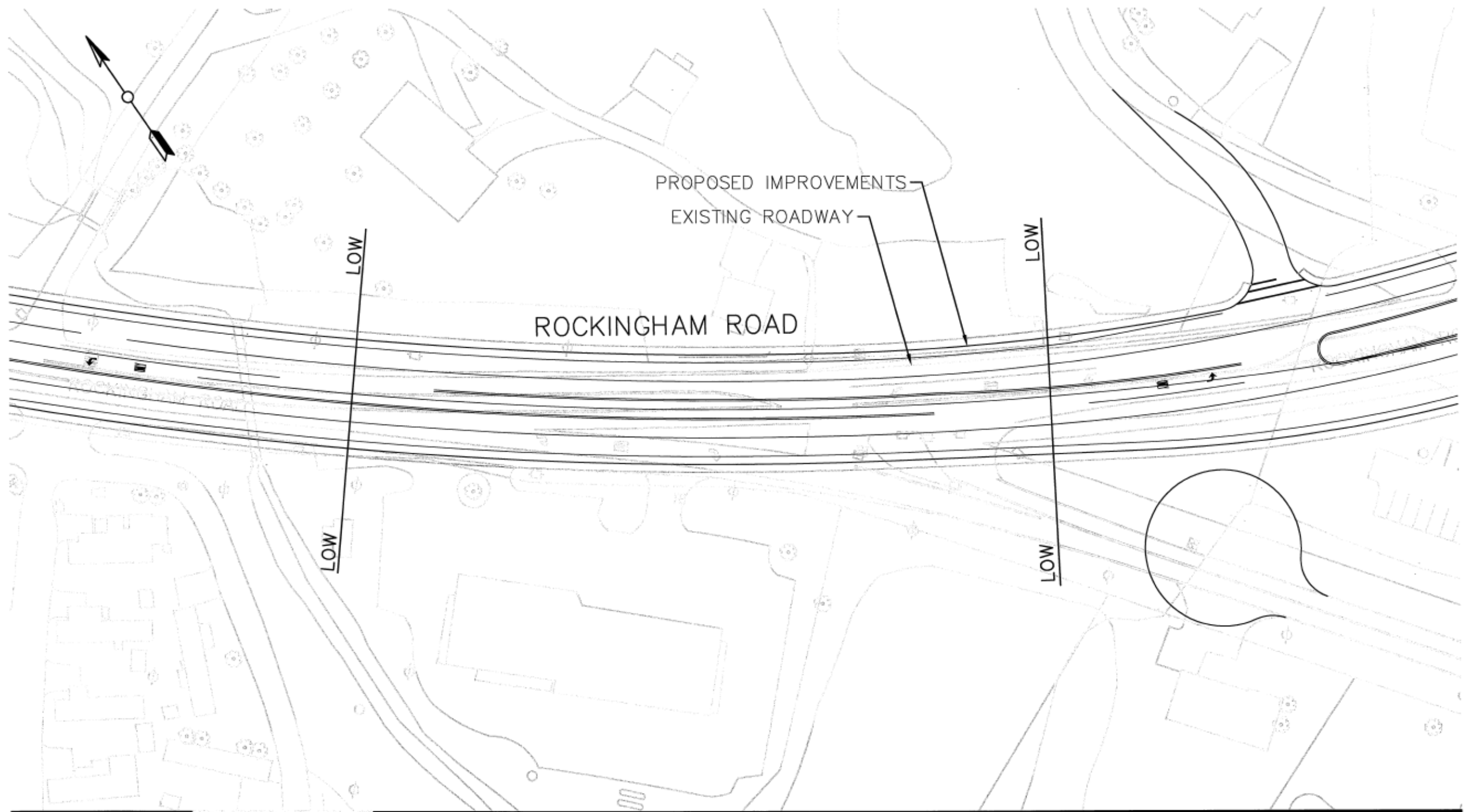
Client/Project
TOWN OF LONDONDERRY
ROCKINGHAM ROAD
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS
Figure No.
4
Title
AREA BETWEEN SANBORN AND
OLD MAMMOTH RD, INTERSECTION

Rt. 28
Corridor

Western
Segment

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

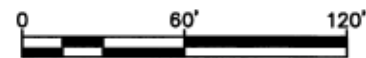
Proposed
Improvements
Map



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Notes

- FULL DEPTH RECONSTRUCTION

Client/Project

TOWN OF LONDONDERRY
ROCKINGHAM ROAD
CONCEPTUAL DESIGN—FUTURE IMPROVEMENTS

Figure No.

5

Title

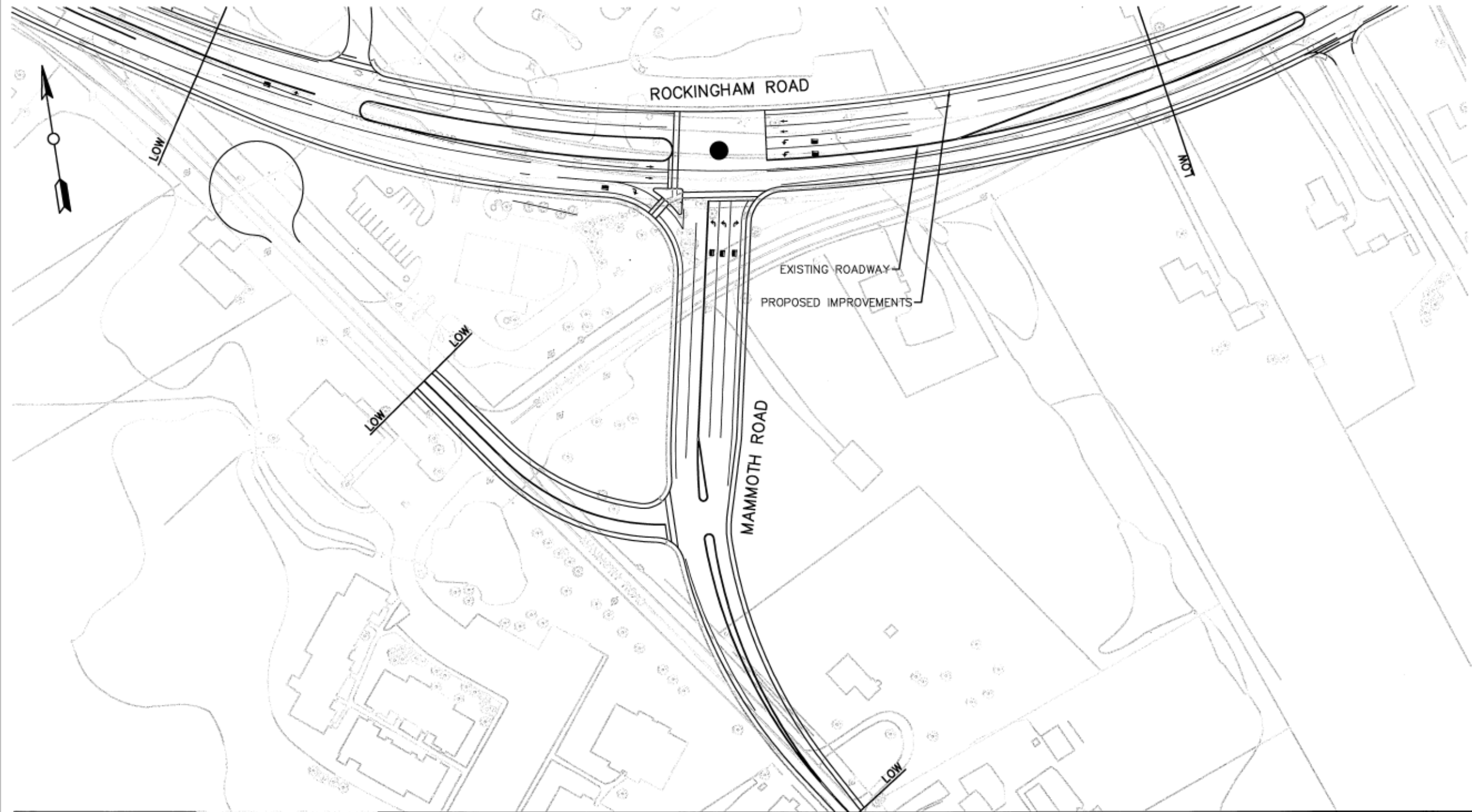
ROAD BETWEEN OLD MAMMOTH
AND MAMMOTH ROAD

Rt. 28
Corridor

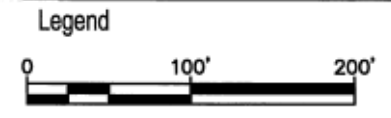
Western
Segment

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

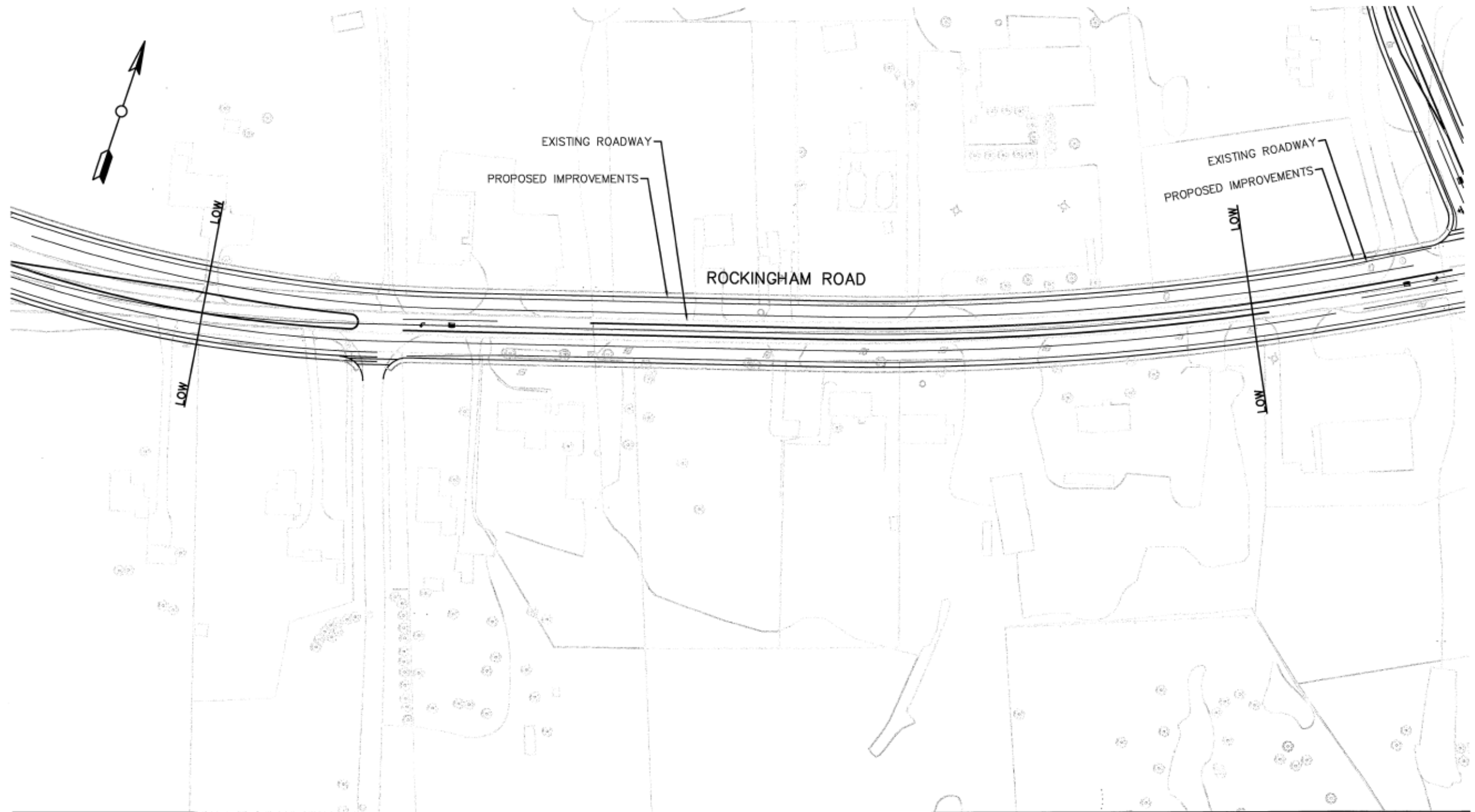
Title
MAMMOTH ROAD INTERSECTION

Rt. 28
Corridor

Western
Segment

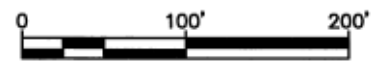
Road Section
between
Mammoth (S)
and Clark/
Noyes Road

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

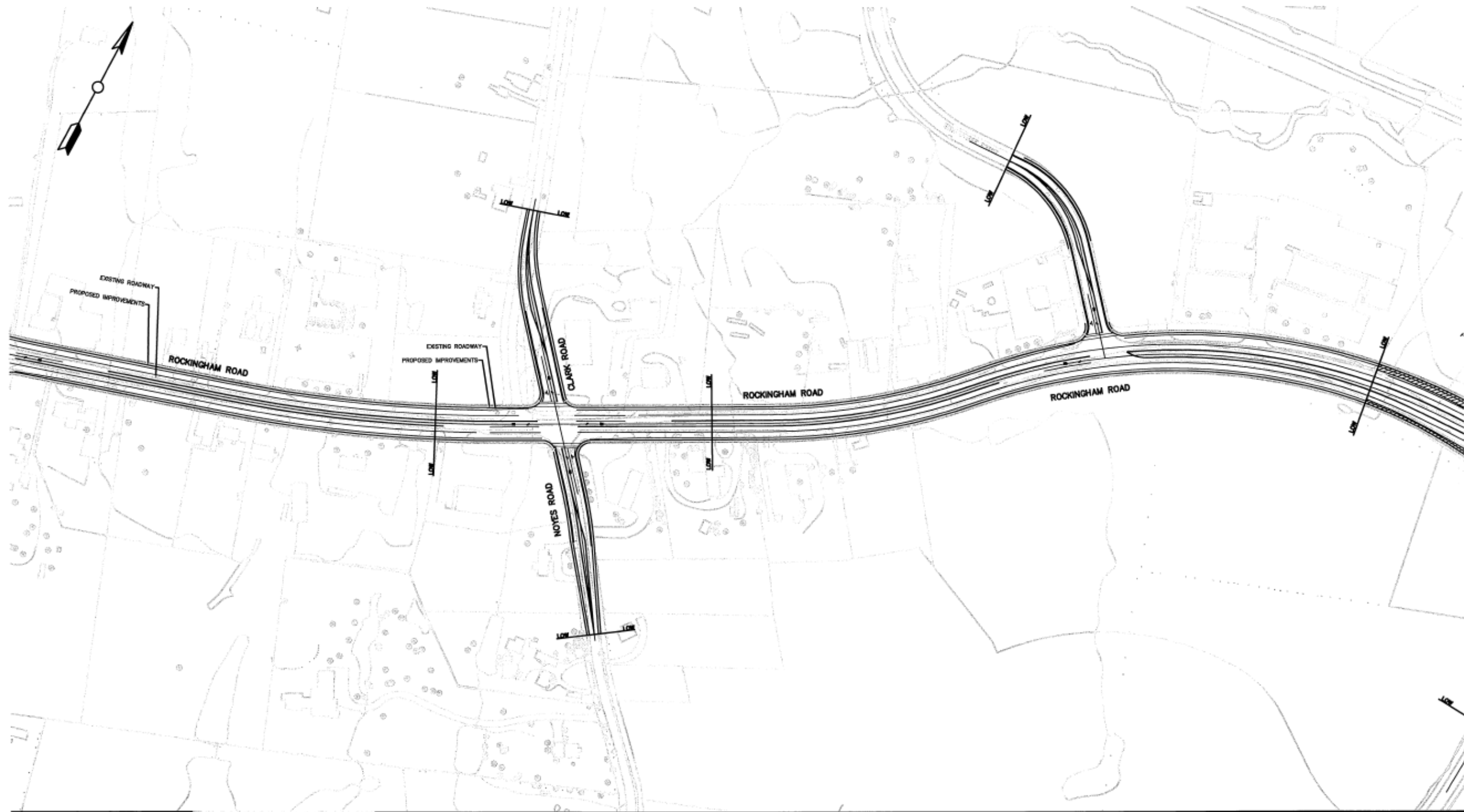
ROAD SECTION BETWEEN
MAMMOTH AND CLARK/NOYES RD

Rt. 28
Corridor

Western
Segment

Clark/Noyes
Road
Intersection to
Symmes Drive
Intersection

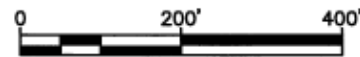
Proposed
Improvements
Map



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Legend



Notes

- FULL DEPTH RECONSTRUCTION

Client/Project

TOWN OF LONDONDERRY
ROCKINGHAM ROAD
CONCEPTUAL DESIGN-FUTURE IMPROVEMENTS

Figure No.

8

Title

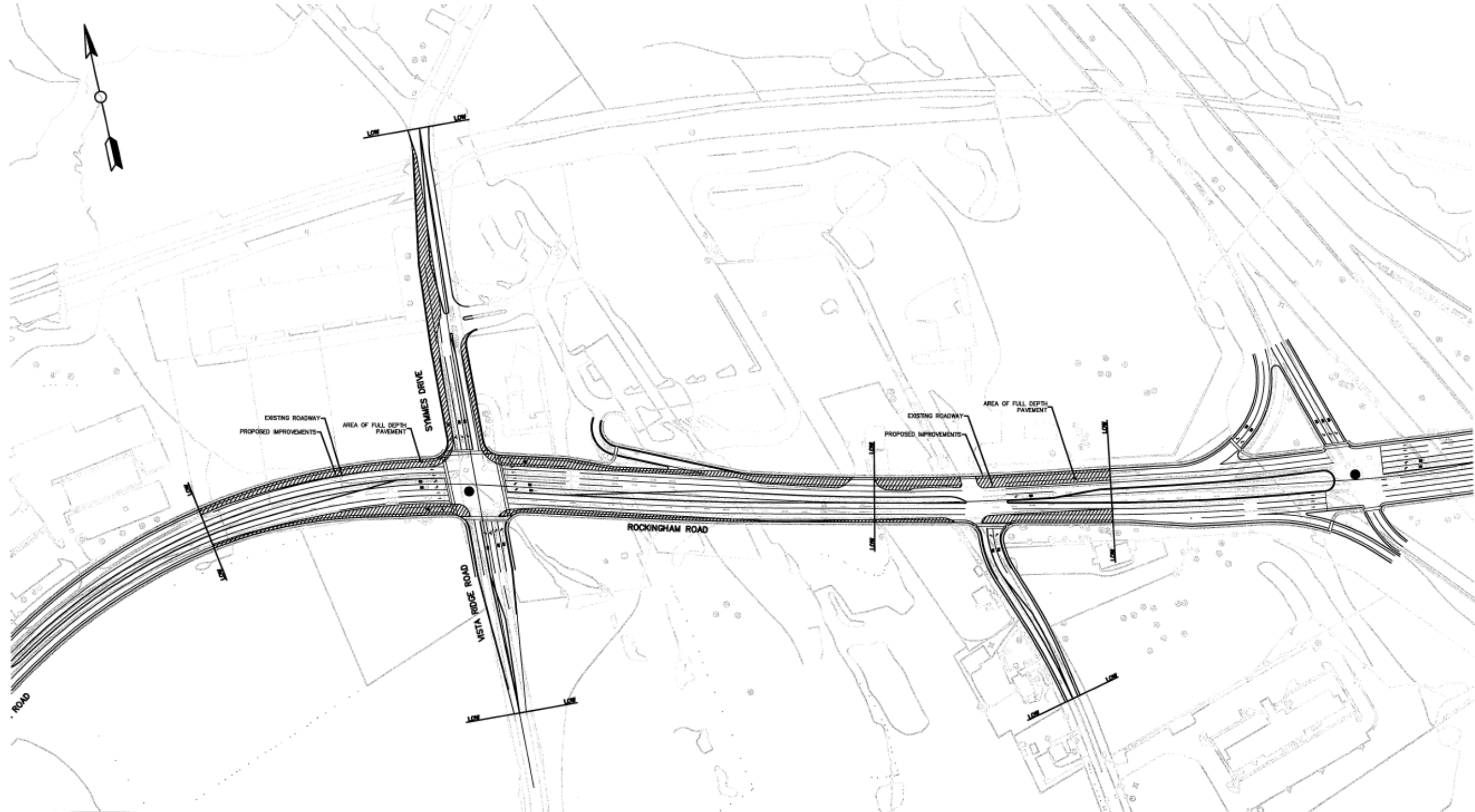
CLARK/NOYES ROAD INTERSECTION
TO SYMMES DRIVE INTERSECTION

Rt. 28
Corridor

Western
Segment

Symmes
Drive/Vista
Ridge Drive &
Perkins Road
Intersection

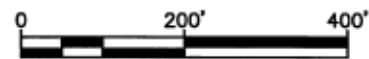
Proposed
Improvements
Map



Stantec

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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

ORDER #2011-05

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

Reading: 04/04/2011

Adopted: 04/04/2011

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

WHEREAS expenditures have been made for various projects, specifically:

- 1) Install flood lights at the Highway Garage at a cost of \$832.86
- 2) HVAC repairs at Leach Library at a cost of \$792.12
- 3) HVAC repairs at Town Hall at a cost of \$464.70
- 4) Plumbing, fire suppression and structural analysis at the Senior Center at a cost of \$3,642.57

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$5,732.25 for the aforementioned repairs and improvements.

Sean O'Keefe, Chairman
Town Council

Marguerite Seymour
Town Clerk

A TRUE COPY ATTEST:
04/04/2011

TOWN COUNCIL MEETING
March 21, 2011

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

PRESENT: Town Council: Chairman Sean O’Keefe; Vice Chairman Joe Green; Councilors: John Farrell, Tom Dolan, Tom Freda; Town Manager Dave Caron; Executive Assistant Margo Lapietro.

CALL TO ORDER

Chairman O’Keefe 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

Marty Srugis, 17 Wimbledon Drive asked if the Council would consider moving the Deliberative Session to April or May due to the possibility of better weather.

Councilor Freda asked the Town Manager if that would require a Charter Amendment, he responded yes it is an action which the Council can vote to place on the ballot for next year’s Town Meeting. According to statute, the Town needs to schedule its Deliberative Session between 2/4 – 2/11; the School District has already reserved Friday 2/10/12 for its meeting.

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

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 -
Councilor Green read the first reading, Public Hearing and Second Reading scheduled for 04/04/11. **Councilor Green made a motion to adopt, second Councilor Freda to accept and schedule a public hearing for April 4, 2011.** Councilor Freda asked if this is an increase in existing fees or are they new fees. Town Manager Caron responded they are an increase in existing fees and staff will be in attendance on April 4 to explain all the suggested changes. **Council’s vote was 5-0-0.**

Resolution #2011-03 – Relative to a Renewal Agreement with the New Hampshire Flying Tigers for use of the Auburn Road - Councilor Farrell made a motion to adopt, second Councilor Dolan. **Council’s vote was 5-0-0.**

47 **Resolution #2011-04 – Relative to the Discontinuance of a Portion of Scobie Pond Road -**
48 **Councilor Freda made a motion to schedule a public hearing for 04/04/11, second by**
49 **Councilor Green.** Councilor Green asked why we do this. Town Manager Caron responded it
50 was requested by a person who hopes to develop the property; state law requires a public hearing
51 and action on the petition. Once a road is discontinued one of the potentials is that may claim
52 damages for no longer having access over that road; the Town has included a provision in the
53 Resolution to assign any liabilities onto the petitioner. This is an old road that was discontinued
54 in 1932 by Town Meeting, subject to gates and bars. Councilor Green asked if we are still
55 responsible for it, Town Manager Caron responded it has not been maintained by the Town since
56 1932. Councilor Farrell added that the Council is the only body who can discontinue. **Council's**
57 **vote was 5-0-0.**

58
59 **Resolution #2011-05 – Relative to the Allocation of Cable Franchise Fees - Councilor**
60 **Freda made a motion to adopt, second by Councilor Dolan.** Councilor Farrell said he would
61 like to make an amendment due to the fact that at Town Meeting we went into several funds to
62 fund the Fire Department volunteers and the unknown factor of the state budget. We know we
63 are not going to be able to reduce expenses dramatically so we always look to increase revenues.
64 He would like to propose a two piece proposal. Move to 2.5% this year into the General Fund
65 and 2.5% into the Cable Fund this year and continue to do it in out years; we'd still have three
66 years before we run out of money in the Cable Division. It would gain about \$70K in revenue
67 with the flexibility of being able to move that back into the Cable Division if we desired to. That
68 would give us about \$170K to handle whatever happens with increases from the state. He said
69 he would propose this later but would like to get a feeling from the Council now in regards to the
70 Open Space money that has been given to them over the years for Change of Use. Under our
71 new form of government by a simple vote of the Council we could send that to the ballot. With
72 the future development that is coming a large portion of revenue could come back into the
73 control of the Council from the standpoint of being able to protect ourselves going forward. He
74 asked the Councilors to take that into consideration and opened it up for discussion. Councilor
75 Green asked why continue to dip into the money. He says he understands putting 2.5% into the
76 General Fund and 2.5% into the Cable Special Revenue Fund. That is taking it away from the
77 Cable Special Revenue Fund what effect will that have; it is just less money going into it.
78 Councilor Farrell said we will have about a three year window where we are 100% funded. He
79 said he is just looking to protect us this year, we can change it again next year, we can change it
80 every year. We could take all 5% if we wanted and just fund the Cable Department out of the
81 General Fund not out of our own Operating Budget and control all those dollars. We are not
82 going to find anymore tax revenue, so we need to get as much revenue we can to provide the
83 services that everyone is looking for. Town Manager Caron said it would be about \$70K for
84 every 1% of the franchise fee. Councilor Green said he would like to hear from the public.
85 Councilor O'Keefe said in the last budget season we saved a position in the Cable Studio by
86 using that money. Councilor Farrell said he also wanted their opinion about the Change of Use
87 money going forward. If they don't have an opinion now at least consider it as a Council goal
88 going forward. Councilor Freda asked the Town Manager about the 1% changes? Town
89 Manager Caron responded the Town collects approximately \$350K from the franchise fee which
90 is about \$70K for every 1%. During the budget session there was a concurrence to use \$104K to
91 support General Government however a Resolution should be adopted to reflect the change. The
92 1.5% that was originally proposed is about \$105K. We knew there would be a deficit in the
93 Cable Division funding this year as the budget is about \$366K and revenues are at about \$350K.
94 With the 1.5% transfer, in FY12 the net income to cable operations will be approximately
95 \$245K, resulting in a draw on the Special Revenue Fund to fund a portion of this year's

96 operations. Councilor Freda asked about the LUTC tax, if we do as Councilor Farrell is
97 suggesting by proposing a change to the voters next March between today and next March any
98 LUTC tax goes directly to Conservation; Town Manager Caron responded that is correct.
99 Councilor Freda asked if we had any ideas about when impact fees will be coming out of
100 Woodmont. Town Manager Caron responded at this point we don't know. Councilor Farrell
101 said he does not either; they are presenting conceptual ideas nothing has been formal. Councilor
102 Freda asked if the vote to change that is a simple majority, the Town Manager responded yes.
103 Councilor O'Keefe said Councilor Farrell has a valid point, we need to look at all revenue
104 streams and recognize the impact on the departments that they come from. He said he would be
105 supportive of the LUTC at this point; it would be a large sum of money and is a good option and
106 should come back to the taxpayers. Councilor Freda said the Budget Committee used to do the
107 taxpayer white paper. The Cable Fees do not impact the tax rate per the Finance Dept. and
108 whatever came in should not have affected the tax rate. Town Manager Caron responded under
109 the previous policy that was correct, the Cable Division is self-funding; however the Council
110 now relies upon a portion of that revenue to provide property tax relief. There is no statutory
111 requirement to leave the Cable Franchise Fees in the Cable Fund; it is within the jurisdiction of
112 the governing body to direct its use. Further, there are no requirements in the franchise
113 agreement regarding the use of cable funds. The Town does receive funds for equipment which
114 are to be used for cable equipment per the franchise agreement.

115
116 Cable Access Director Dottie Grover said she has a few questions. The \$28K is for equipment
117 only and it was not mentioned in the Resolution. She asked if that \$28K was part of the \$350K,
118 Town Manager Caron responded no. She said she appreciated Council keeping the employee in
119 place during the last budget season. She questioned Article 8 of the Special Revenue Fund; she
120 quoted the last sentence regarding surplus funds not being part of the General Fund and being
121 expended for a specific amount for a specific purpose related to a purpose of the fund or source
122 of revenue. She said it sounds like we could make some changes but it reads to her that the
123 money should not be touched. We don't take money from any other Special Revenue Funds she
124 said she would like that to be considered when they are making their final decision. Past
125 precedent concerns her; this was the 3rd year in a row that \$40K was taken from the Cable
126 Revenue Fund and transferred into the General Fund. This year it says annual transfer of \$40K.
127 It was not an annual transfer due to a decision of the Board as far as she knows. The money in
128 that fund has no legal restriction on it; Council can take all that money. People are concerned
129 that it is a tax on a tax. She stated that she is concerned that this not become a standard. She is
130 confused about the new Resolution being proposed, she said she cannot tell if this Resolution
131 stands for one withdrawal on 7/1/11. She said her understanding on a Resolution is that they
132 establish a policy on how you are going to proceed in the future. She asked them to look at it
133 and questioned if we need to do a one year resolution that negates the one we had from 2000 that
134 puts the full 5% into the Cable Fund. Make it clear that it happens on 7/1/11 and goes back into
135 effect after the year. It needs to be clear if it is a one time deal. Town Manager Caron clarified
136 that the Resolution as written will be a Council policy until such time as it is amended.
137 Councilor Green asked how do we make it not a policy, how do we make it for one year only.
138 Town Manager Caron stated you can make it effective 7/1/11 and terminate it on 6/30/12.
139 Councilor O'Keefe said that would not be necessary because the Council could change and this
140 could come up as another Resolution. Councilor Green said he is concerned it will come up
141 every year and does not want to do it which is why he wants it for a year. Councilor Dolan asked
142 D. Grover what her thoughts would be if we put the Cable Studio 100% into the General
143 Operating Fund and make it another budgeted department and what do you think the impact will
144 be. D. Grover responded they are allowed to save up for future large purchases unlike other

145 departments. She also mentioned at some point in time there could be no cable fee source, we
146 would not be able to take the funds from them. Councilor Dolan said over the last budget season
147 we were committed to \$104K he asked the Town Manager what he thought about taking all the
148 funds and putting them into the General Fund. Town Manager Caron said Dottie made a good
149 point; a Special Revenue Fund allows the Town to fund equipment replacements with surplus
150 fees from previous years. Councilor Dolan asked if that could come out of the Maintenance
151 Trust Funds. Town Manager Caron responded that is for physical structures like buildings and
152 grounds. We do not fund equipment from the Expendable Maintenance Trust Funds. Councilor
153 Dolan asked if we could set up a Cable Maintenance Trust Fund, the Town Manager responded
154 yes. Town Manager Caron said by having a Special Revenue Fund it allows us to segregate
155 those funds; if included in the General Fund any surplus revenue for the last several years would
156 be available to reduce the tax rate by funding town projects, or the entire revenue stream would
157 be budgeted which would reduce the property tax support for operational costs. Mary Soares, 2
158 Gail Rd. said there was a lot of opposition to the cable fees going someplace else. The people
159 paying the cable fees felt that they were willing to pay the tax that they already pay in the town;
160 they were willing to not have it reduced by whatever amount it would be reduced by removing
161 the monies from the Cable Fund. They don't want their fees to offset the taxes of others. Don't
162 create this as part of the General Fund Budget because you are opening it to more possible
163 reductions where there isn't a value on it. There is a specific reason it was set up to give us the
164 opportunity to create television that we can't create anywhere else. She asked if a decision will
165 be made tonight. Chairman O'Keefe responded it is a Resolution that the Council can adopt
166 tonight. She asked if Councilor Farrell's amendment was seconded. Chairman O'Keefe
167 responded there was no second it was offered up to discussion. Councilor Dolan said the 100%
168 is just for discussion and he would like to hear more from the public. Marty Srugis, 17
169 Wimbledon Dr. said he thought the funds were supposed to be directed to the studio. If they are
170 not why are we calling it a cable fee? He suggested reducing the fee to cover the cost of the
171 cable franchise and put money aside for equipment. We need to look at the long term purpose of
172 the Cable Studio. He would rather have it pay for the cost of the cable; he would like to keep it
173 at that. Councilor Dolan said the franchise fee is a negotiated part of the contract. It is not a fee
174 that is established each year, it will be re-negotiated with the next cable provider. Councilor
175 Farrell explained it is a "pass through" fee that we pay. M. Srugis said he heard that it was unfair
176 because some people are paying an extra tax for the town. He said he would like to direct that
177 money to the cable studio so it doesn't go to the town. Mary Soares said should the cable fees be
178 brought into the town, if the cable funds go away the tax payers would be paying because that is
179 part of the General Fund. Councilor Farrell stated that he is bringing this up as a one year thing.
180 This year go to the 2.5% to give us the flexibility if we get bad news from Concord. If no bad
181 news from Concord we can give it back. Councilor Dolan asked the Town Manager if there is
182 language to capture what John Farrell is saying? Town Manager Caron responded we should
183 know by 7/1/11 about the state budget. The Council can adopt the Resolution this evening. If
184 they need to amend this to re-direct more of the franchise fees coming in you can do that by
185 June. Currently the Town budget anticipates \$105K so action is needed by 7/1/11. Councilor
186 Dolan suggested to the Council that they table this Resolution to our second meeting in the
187 month of June when we will have more information on what the state is going to do. Councilor
188 Dolan said we should invite the public to think about it and discuss their feelings about the
189 proposed changes if we want to move the whole thing into the General Fund. Pat Vitali, 75
190 Mammoth Rd. said the franchise fee is not a tax. 80% of the people in Londonderry have cable,
191 they are paying for their taxes and the money from the franchise fees is going into the taxes. He
192 suggested taking the money out of the sewer and the police overtime fund. Town Manger Caron
193 responded the sewer fund pays the General Fund about \$325K a year. The police funds pay for

194 the expense of the officer and cruiser, and a portion is retained for equipment like installing
195 computers in the cruisers. P. Vitali said RSA31:95-c says once a Special Reserve Fund is
196 established the money that is in that fund can only be used for the reason that fund was set-up for
197 unless you have change by a legislative vote. He said the last three years there has not been a
198 legislative vote. Town Manager Caron said when the Town Meeting adopts the annual budget it
199 made a policy decision in the last two years to move \$40K over to the General Fund. The
200 proposed Resolution redirects 1.5% of the 5% fee to the General Fund, with the balance
201 deposited into the Special Revenue Fund. **Councilor Dolan made a motion to table**
202 **Resolution 2011-03 to our second meeting in June, second by Councilor Farrell.** Councilor
203 Green said he would like to have a public hearing on it, Councilor Dolan stated if he wants to
204 make it a public hearing then we can move the Resolution to the first meeting in June and
205 announce a second public hearing the second meeting in June. **Councilor Dolan amended his**
206 **motion to make the Resolution to be tabled until the first meeting in June with a public**
207 **hearing for the second meeting in June, Councilor Farrell seconded the amendment.**
208 **Council's vote was 5-0-0.**
209

210 APPROVAL OF MINUTES

211
212 **Councilor Farrell made a motion to approve the Public Meeting Minutes of 03/07/11,**
213 **second by Councilor Green. Council's vote was 5-0-0.**
214

215 OTHER BUSINESS

216
217 **Liaison Reports –** No reports.
218

219 Discussion ensued about liaison appointments, specifically Alternate positions; Town Manager
220 Caron pointed out the Alternate position on the Planning Board has to be designated by the entire
221 Council. Councilor Dolan explained that the Planning Board is different because you are a full
222 member of the Board not just the Liaison. The Liaison just observes and provided input if
223 requested, they participate nominally. With the Planning Board you are a voting ex-officio
224 member. Councilor Farrell said being on this board gives you a lot of visibility of what is going
225 on in the Town and usually the freshmen Councilor is appointed to that board. Councilor Dolan
226 said it is an opportunity to learn land use rules and regulations. The logical choice should be
227 Councilor Green for the Planning Board and use Councilor Freda's expertise as an attorney for
228 the ZBA. Chairman O'Keefe asked Councilor Green if he wanted to reconsider and he
229 responded no; he was on the ZBA for the past couple of years and he would like to stay there; his
230 schedule is currently full. Councilor O'Keefe volunteered to be the Planning Board Alternate.
231 After further discussion Councilor Green was appointed the Alternate to the Planning Board.
232 **Councilor Dolan made a motion to accept the Liaison Assignments as provided to the**
233 **Secretary, second Councilor Freda. Council's vote was 5-0-0.**
234

235 **Town Manager Report** – Town Manager Caron said the revised language for the Charter as
236 developed by Town Counsel was included in the packet for tonight, and will be incorporated into
237 the Town Charter. Also enclosed is a draft of the FY13 budget calendar. The Council last year
238 had a discussion about meeting with all the Chairs of Boards/Committees/Commissions per the
239 Charter, which could begin in April. The consensus was to start scheduling a few at each
240 meeting. Town Manager Caron said Council should start establishing their goals and objectives
241 for FY12. The Fire Department will have an open house 4/16/11 at the new North Fire Station.
242 The re-naming of streets at Whispering Pines has been delayed due to the zip code issue with the

243 post office. The new street numbers will become effective 4/20/11 per Karen Marchant, Town
244 Assessor. Councilor Farrell asked about the survey that the post office sent out to those
245 residents. K. Marchant explained the post office sent out a survey because they wanted all the
246 mailing addresses to be from Londonderry for 911 purposes. Of the approximately 258 units
247 only 71 sent back the survey, 40 something wanted it to remain Derry so it will stay a Derry
248 address. She said they filed an appeal through Sen. Sheehan's office but they have to get the
249 address out there with an actual street address and not Lane 1, Lane 2, etc. as they are currently
250 listed. Chairman O'Keefe asked if they pay taxes to Derry, K. Marchant said no they paid
251 Londonderry. She said there are 37 units in Derry and 221 in Londonderry and all have a Derry
252 zip code in the mailing address; that is controlled by the Federal Government. K. Marchant
253 explained the confusion between their actual residence and their post office boxes, etc. It is very
254 confusing to rescue responders so they have assigned them street address. Town Manager
255 Caron related they had a similar case on Rte 102 and it took 3 years to resolve the issue.
256 Councilor Freda asked when someone calls 911 what shows up at the dispatcher center. Town
257 Manager Caron said it should show the address but the confusion comes when the caller says
258 they live in Derry. When this happens both towns will be dispatched. Councilor Green asked
259 who can clear this up. Councilor Farrell said they have to contact the Postmaster General in DC.
260 K. Marchant said we have contacted them but it didn't favor us. Town Manager Caron will
261 provide information on 911 response protocol for this area.
262

263 Councilor Dolan said he has received a lot of positive feedback about the presentation made
264 from Chief Hart about home invasions. He wondered if we can ask the Cable station to run that
265 presentation. Councilor Dolan also brought up the fact that the LGC is offering workshops for
266 new Councilors. He recommended the new Councilors attend the seminars.
267

268 **Board/Committee Appointments/Reappointments** – Resignation of Joe Green from the ZBA.
269 **Councilor Freda made a motion to accept, second by Councilor Farrell. Council's vote 4-**
270 **0-1, with Councilor Green abstaining.**
271

272 **ADJOURNMENT**

273
274 **Councilor Farrell made a motion to adjourn at 8:30 PM, second, Councilor Dolan.**
275 **Council's vote was 5-0-0.**
276

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| 277 | Notes and Tapes by: | <u>Margo Lapietro</u> | Date: <u>03/21/11</u> |
| 278 | | | |
| 279 | Minutes Typed by: | <u>Margo Lapietro</u> | Date: <u>03/23/11</u> |
| 280 | | | |
| 281 | Approved; | <u>Town Council</u> | Date: <u>03/ /11</u> |