

**TOWN COUNCIL AGENDA**  
**May 7, 2018**  
**7:00 P.M.**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM.

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

- 1.) Discussion of Drive Up Post Office Box  
**Presented by John Goglia**
- 2.) Building Safety Month Proclamation  
**Presented by Richard Canuel**
- 3.) **Discussion of High School Electronic Sign Donation**

**C. PUBLIC HEARING**

- 1.) **Ordinance #2018-02** – An Amendment to the Municipal Code, Title I, Chapter XXVIII, Relating to the Approval of Sanctioned Recreation groups, Section IV, Eligibility Criteria

**D. OLD BUSINESS**

- 1.) **Ordinance #2018-01** – An Amendment to the municipal Code Title III, Land Use Codes, Chapter IV Conservation Areas Relating to Kendall Pond Parking Lots  
**Presented by Lisa Drabik**

**E. NEW BUSINESS**

- 1.) **Order #2018-08** – An Order Relative to the Distribution of Cemetery Acquisitions, Maintenance & Repairs Capital Reserve Fund  
**Presented by Steve Cotton**
- 2.) **Order #2018-09** – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects  
**Presented by Steve Cotton**
- 3.) **Discussion of Town Council Goals**
- 4.) **Discussion of Potential Conservation Land, Map 6, Lot 81-1**

**F. APPROVAL OF MINUTES**

Approval of April 16th, 2018 Town Council Minutes

**G. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report
3. Assistant Town Manager Report
4. Board/Committee Appointments/Reappointment

**H. ADJOURNMENT**

**I. MEETING SCHEDULE**

1. Town Council Meeting – 05/21/18 Moose Hill Council Chambers, 7:00PM
2. Town Council Meeting – 06/04/18 Moose Hill Council Chambers, 7:00PM
3. Town Council Meeting – 06/18/18 Moose Hill Council Chambers, 7:00PM
4. Town Council Meeting – 07/02/18 Moose Hill Council Chambers, 7:00PM

Introduced/1<sup>st</sup> Reading: 04/16/18  
Second Read/Public Hrg.: 05/07/18  
Adopted: 05/07/18

**ORDINANCE 2018-02**  
***AN AMENDMENT TO THE MUNICIPAL CODE, TITLE I, CHAPTER XXVIII,***  
***RELATING TO THE APPROVAL OF***  
***SANCTIONED RECREATION GROUPS***

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***WHEREAS*** the Town of Londonderry owns and manages many recreation facilities; and,

***WHEREAS*** the Londonderry Recreation Commission does not directly manage many recreation programs and consequently receives numerous requests from youth and adult groups to utilize Town recreation facilities; and,

***WHEREAS*** a policy is necessary to ensure that facilities are utilized in a safe and efficient manner;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title I, Chapter XXVIII, Approval of Sanctioned Recreation Groups, is hereby adopted as attached herein.

\_\_\_\_\_  
John W. Farrell, Jr. - Chairman  
Town Council

\_\_\_\_\_  
Sherry Farrell  
Town Clerk

(TOWN SEAL)

***A TRUE COPY ATTEST: 05/07/18***

**Chapter XXVIII - APPROVAL OF SANCTIONED RECREATION GROUPS**

**SECTION I           PURPOSE**

- A. The Town of Londonderry owns and manages many recreational facilities, however, the Town does not operate many recreation programs. Youth and Adult programs are organized and managed by various non-profit groups. To ensure that town facilities are utilized in a safe manner for the benefit of town residents, the Town Council has adopted the following guidelines when recognizing Sanctioned groups.

**SECTION II           AUTHORITY**

- A. This policy is authorized under Article 3, Section 3.12 of the Town of Londonderry Charter.

**SECTION III          APPLICATION**

- A. All groups looking to be sanctioned must apply with the Recreation Commission. All applications and recommendations of the Committee will be forwarded to the Town Council for consideration.
- B. Recognition by the Recreation Commission does not guarantee exclusivity to times or locations of any facility.
- C. Upon approval of an Sanctioned Group by the Town Council, that Group is eligible to utilize town recreation facilities pursuant to the use and scheduling policies and practices as promulgated by the Recreation Commission.

**SECTION IV          ELIGIBILITY CRITERIA**

- A. In order to be considered eligible for approval as an Sanctioned Recreation Group, the following guidelines shall be met:
  - ~~1. A minimum of 60% of the participation are residents of Londonderry and the program is available to all age-appropriate Londonderry residents. The participation ratio applies to all teams within an organization with exception to adult recreation teams whose participation ratio applies to the organization. If any team within an organization is unable to meet the 60% criteria the organization may petition the Commission for a waiver to this rule.~~**

**A minimum of 60% of the participants are residents of Londonderry and all programs will be available to all age-appropriate Londonderry residents. The participation ratio applies to all players that play within the organization.**

2. A majority of the coaches/supervisors are residents of Londonderry.
3. The governing body consists of Londonderry residents
4. In recognition of the limited availability of facilities and the desire to avoid scheduling conflicts, all groups must demonstrate that the program offering is new or unique to the Town, and if not, justification for starting a similar program.
5. All groups must demonstrate that the program is not temporary, but is designed to continue to provide recreational opportunities for an indefinite period.
6. All groups must demonstrate that the program has been well planned and will be properly supervised, as set forth in the group's Articles of Agreement (if a fund-raising group), By-Laws and Code of Conduct. The charters of each organization should clearly reflect the goals of the group and should mirror the charter granted by the Town Council. Each organization must adhere to the guidelines of the resolutions approved by the town council.
7. All groups must demonstrate that they have the proper framework for leadership, and that the coaches/supervisors will provide this leadership.
8. All groups must demonstrate that the group is non-profit and does not have any outstanding obligations to the Town and has the ability to financially support the group's activities.
9. All Sanctioned groups must comply with all the rules set forth by the Recreation Commission regarding the usage of facilities. No changes can be made to the use of fields without the prior approval of the Recreation Commission.
10. The facilities exist to accommodate the new activity.
11. Once sanctioned, all groups must comply with all of the rules set forth within this eligibility criteria section.

**~~12. Sanctioned groups may not enter into any contracts with, or give permission to, any other unsanctioned group for use any of the fields. All field use will be arranged through the recreation commission to sanctioned groups only.~~**

**Sanctioned groups may enter into non-financial partnerships with other outside groups for use of the facilities in order to better promote their sport and improve the quality of the development of the Londonderry players. "Non-financial partnership" means that neither organization directly or indirectly receives monetary compensation from the other organization for any purpose. All facility**



**use and partnerships will be arranged and managed by the town sanctioned organization, with approval from the Recreation Commission.**

- B. Fund-Raising Groups – In addition to meeting the Eligibility Requirements as set forth in Section IV. A, Recreational Groups which seek donations and/or financial assistance to support their activities shall be required to meet the following requirements:
1. Any fund-raising recreational group has been registered as a Volunteer Corporation with the New Hampshire Secretary of State, in accordance with RSA 292, and remains in good standing.
  2. Once sanctioned by the Town Council, all Fund-Raising Groups must maintain the following documents with the Commission (documents must be current to demonstrate a group’s good standing with the appropriate agencies):
    - Articles of Agreement
    - By-Laws
    - Code of Conduct
    - IRS Filings (if applicable)
    - State of New Hampshire Filings with Secretary of State and/or Attorney General’s Office, Charitable Trust Division
    - Current board of directors with contact information (title, name, address, phone number and e-mail)
      - Proof of Insurance
      - Membership/enrollment total broken down by town
- C. Other Independent Groups - Once sanctioned by the Town Council, all non-fund raising, independent groups must maintain the following documents with the Commission (documents must be current to demonstrate a group’s good standing with the appropriate agencies):
- By-Laws
  - Code of Conduct
  - IRS Filings (if applicable)
  - State of New Hampshire Filings with Secretary of State and/or Attorney General’s Office, Charitable Trust Division (if applicable)
  - Current board of directors with contact information (title, name, address, phone number and e-mail)
    - Proof of Insurance
    - Membership/enrollment total broken down by town
- D. Any group sanctioned by the Town may at any time be subject to a financial audit by the Town or an independent third party at the Town’s request.**
- E. Exemptions to the Sanctioning Process – It is hereby recognized that the Recreation Commission may organize, sponsor and/or coordinate a number of recreational activities, with said activities not falling within the definition of Section IV. B or C. These activities

shall be exempt from the Sanctioning process. Examples, for illustrative purposes only, may include:

- Youth Camps
- Skills Training
- Coaches' Training
- Open pick up type adult activities (e.g.. free play basketball, coed volleyball, line dancing, ballroom dancing)

F. Effective Date shall be immediate upon the adoption date.

*~~End of Chapter~~*

**ORDINANCE #2018-01**  
*AN AMENDMENT TO THE MUNICIPAL CODE*  
*TITLE III, LAND USE CODES, CHAPTER IV,*  
*CONSERVATION AREAS, RELATING TO*  
*KENDALL POND PARKING LOT HOURS*

*WHEREAS* the Town of Londonderry desires to impose certain hours of operation for the parking lot servicing the walking trails of the Kendall Pond (Laycock) Conservation Area (“KPCA”) as that area is defined in the Municipal Code, Title III, Chapter IV, Section II(C) (“Kendall Pond Parking Lot”), and to prescribe penalties for violations of same; and

*WHEREAS* the Town of Londonderry desires to correct a typographical error in the definition of KPCA in Title III, Chapter IV, Section II(C).

*NOW THEREFORE BE IT ORDAINED* by the Town Council of the Town of Londonderry that the Town Municipal Code be amended as follows:

1) Title III, Chapter IV, Section II(c) is hereby amended to read, “‘Kendall Pond (Laycock) Conservation Area’ shall mean and include Londonderry Tax Map 4, Lot 56, and other lots or areas annexed thereto as purchased or gifted to the Town.”; and

2) New paragraphs “J” and “K” are hereby added to Title III, Chapter IV, Section III “Regulated Activities” as follows:

J. “No vehicle shall enter or remain in the Kendall Pond Parking Lot outside of the following hours of operation:

During daylight savings time: 5:00 AM to 8:00 PM  
During standard time: 5:00 AM to 6:00 PM”

K. “Title III, Chapter IV, Section III(J) shall be deemed a parking restriction, violations of which shall be punishable under Title III, Chapter IV, Section V. In addition to its other powers of enforcement, the Town shall have those powers set forth in RSA 231:132-a.”

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John Farrell - Chairman  
Town Council

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Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:

Date:05/07/2018



**Chapter IV - Conservation Areas**

**SECTION I PURPOSE AND INTENT**

- A. This ordinance applies to the Town of Londonderry’s major conservation areas and all recreational facilities
- B. To encourage the physically handicapped through the use of off highway recreational vehicles to use and enjoy the conservation set aside.
- C. To protect the users of these areas from physical injury that might result from the unrestricted operation of wheeled motor driven vehicles at these facilities
- D. To limit the Town’s potential financial liability for any injuries that might result from the unrestricted operation of wheeled motor driven vehicles.
- E. To prevent damage to the playing fields, trails, roads, parking areas, steep slopes, wetlands, campsites, activity areas and other improvements, and thereby reduce the cost to the taxpayers of Londonderry for operating and maintaining these facilities.
- F. To prevent soil erosion, damage to vegetation and turf, and other injury to the environment.
- G. To reduce the risk of fire
- H. To reduce the amount of unwanted noise.
- I. To encourage indigenous wildlife to inhabit Londonderry’s major conservation areas (TM. 1989 - Article 21)

**SECTION II DEFINITIONS (Rev. 5/20/02 - Ord. 2002-06)**

- A. “Major Conservation Areas” is meant to include any lands acquired by the Conservation Commission pursuant to the provisions of RSA 36:A-4 or by any other means; including purchase, lease or easement.
- B. “Musquash Conservation Area” shall mean and include Londonderry Tax Map 8, parcels 14 and 24, and others lots or areas annexed thereto as purchased or gifted to the Town.

**Chapter IV - Conservation Areas (Cont'd)**

**SECTION II DEFINITIONS (Cont'd)**

- C. “Kendall Pond (Laycock) Conservation Area” shall mean and include Londonderry Tax Map 5, Lot 56, and other lots or areas annexed thereto as purchased or gifted to the Town.
- D. “Wheeled Motor Driven Vehicle” shall mean any and all liquid petroleum, propane or electrically powered motor vehicles which travel on one or more wheels, including “trail bikes” as defined by RSA 215-A:1, XIV. Such vehicles shall *not* include:
  - 1. Common snowmobiles operated in accordance with the laws of the State of New Hampshire, provided they are propelled on snow by tracks or cleats and steered by skis;
  - 2. Wheeled devices operated by the handicapped;
  - 3. Lawnmowers, maintenance vehicles, construction and logging equipment operated by or on behalf of the Town of Londonderry;
  - 4. Any emergency vehicles operated by or under the direction of the Londonderry Police and/or Fire Departments.
- E. “Wetland Soils” are those soil types that have been classified as poorly drained or very poorly drained by the Soil Conservation Service or the U. S. Department of Agriculture.

**SECTION III REGULATED ACTIVITIES**

- A. No person under the age of sixteen years (16) shall, at any time, operate a wheeled motor driven vehicle within any of Londonderry’s major conservation areas or recreation facilities
- B. No person of any age shall operate a wheeled motor driven vehicle on any playing field, tennis court, activity area, basketball court, or grassed area of any portion of Londonderry’s major conservation areas or recreational facilities.
- C. No person of any age shall operate any wheeled motor driven vehicle within any portion of Londonderry’s major conservation areas or recreational facilities.

**Chapter IV - Conservation Areas (Cont'd)**

**SECTION III REGULATED ACTIVITIES (Cont'd)**

- D. No person of any age shall operate a wheeled motor driven vehicle on any portion of any of Londonderry's major conservation areas or recreational facilities which has wetland soils or an average slope in excess of six percent (6%), provided it be posted.
- E. No person of any age shall operate a wheeled motor driven vehicle in any manner that will cause physical damage to the surface or vegetation of any portion of Londonderry's major conservation areas or recreational facilities.
- F. No person of any age shall operate a wheeled motor driven vehicle at an unreasonable speed in any portion of Londonderry's major conservation areas or recreational facilities
- G. Paragraphs A through F may be waived by a majority vote of the Conservation Commission upon specific application.
- H. The above restrictions do not apply to handicapped individuals under RSA 261:88. However, the right to operate may be suspended or revoked at any time for irresponsible or reckless operation.
- I. All trails and foot paths shall be kept free of berms, barways, or barriers of any kind to prevent total access to all Conservation Lands, except where said barriers are authorized by the Conservation commission for road and trail improvements on a temporary basis, or on a permanent basis for protection of a fragile or abused area.

**SECTION IV ENFORCEMENT**

- A. The provisions of this Ordinance shall be enforceable by every Police and law enforcement officer, including, but not limited to, State Police officers, sheriffs, deputy sheriffs, fish and game officers, policemen, constables, and all persons empowered to make arrests in criminal cases. (TM 1989, Art. 21)

**Chapter IV - Conservation Areas (Cont'd)**

**SECTION V PENALTIES (Rev. Aug. 26, 2002)**

- A. Any person found guilty of violating any provision of this Ordinance shall be fined as follows:
  - 1. First Offense - \$100
  - 2. Second Offense - \$250
  - 3. Third Offense - \$750
  - 4. Fourth Offense \$1,000
- B. The net proceeds of all penalties collected pursuant to this Ordinance shall be paid into the General Fund of the town of Londonderry to help defray the costs of enforcing the ordinance.
- C. Any person who, while violating the provisions of this Ordinance, causes any damage to any of Londonderry's major conservation areas or any recreational facility, shall be ordered to repair all such damage or to reimburse the town of Londonderry for the repair of all such damage.
- D. If such person is a minor, then the parents or legal guardian of said minor shall also be liable to the Town for all such damage.

**SECTION VI EVIDENCE OF VIOLATION**

- A. Notwithstanding any other provision of law to the contrary, any wheeled motor driven vehicle used in violation of this Ordinance shall be deemed evidence of the violation and may be seized by a law enforcement officer and retained for up to twenty four (24) hours or until released to a parent, guardian or owner upon payment of the cost of such seizure and retention. (TM 1989, Art. 21)

**SECTION VII VALIDITY**

- A. If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause or provision, portion or phrase of this Ordinance.
- B. The provisions of this Ordinance shall be valid and in full force and effect whether or not there is snow cover on the ground or whether or not any, all or none of the borders of Londonderry's major conservation areas or recreational areas are posted or identified by signs. (TM. 1989 Art. 21)

**Chapter IV - Conservation Areas (Cont'd)**

**SECTION VIII ACQUISITION OF LAND**

- A. The Town Council is authorized to accept private donations of land, interest in land, or money to be deposited into the Conservation Fund for the purpose of contributing to the local matching portion required for acquiring conservation land or interest in land or other costs associated therewith for permanent conservation use under the NH Land Conservation Investment Program (LCIP), RSA 221-A.
  
- B. The Town Council is authorized to apply for and accept the State matching funds under the LCIP for the purposes of acquisition of the fee or lesser interest in conservation land. Said appropriated or donated funds and State matching funds may be expended by majority vote of the Conservation Commission. (TM 1992 Art. 38)

*~~ End of Section~~*



# ORDER 2018-08

An order relative to  
*The Distribution of Cemetery Acquisitions, Maintenance & Repairs  
Capital Reserve Fund*

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First Reading: 05/07/2018  
Second Reading: Waived  
Adopted: 05/07/2018

**WHEREAS** the Town of Londonderry, by adoption of Article No. 12 at the March 12, 1996 Town Meeting, approved funding for the Cemetery Acquisitions, Maintenance and Repairs; and,

**WHEREAS** the Administrative Support Coordinator has completed the review of retaining wall in the Glenwood Cemetery, and has made a recommendation to replace the deteriorated retaining wall; and,

**WHEREAS** the Administrative Support Coordinator further recommends that \$4,990.00 be withdrawn from the Capital Reserve Fund for Cemetery Acquisitions, Maintenance and Repairs;

**NOW THEREFORE BE IT ORDERED** by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend from the Cemetery Acquisitions, Maintenance and Repairs Reserve Fund the sum \$4,990.00.

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John Farrell - Chairman  
Town Council

(TOWN SEAL)

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Sharon Farrell - Town Clerk

**A TRUE COPY ATTEST:**  
**05/07/2018**

# **ORDER #2018-09**

An Order Relative to

## ***EXPENDITURE OF MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS***

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Reading: 05/07/2018

Adopted: 05/07/2018

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

***WHEREAS*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$26,580.03 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$26,580.03 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

---

John Farrell, Chairman  
Town Council

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Sharon Farrell  
Town Clerk

***A TRUE COPY ATTEST:***  
05/07/2018

## Stephen R. Cotton

**From:** Stephen R. Cotton  
**Sent:** Monday, April 30, 2018 2:19 PM  
**To:** Kevin Smith; Kirby Brown  
**Cc:** Stephen R. Cotton  
**Subject:** EMTF and Cemetery Maintenance Capital Reserve for 5/7/18 TC Meeting  
**Attachments:** 2018-xx.doc

Kevin/Kirby, please schedule EMTF and Cemetery Maintenance CR for the 5//7/18 TC Meeting. Kirby, I have drafted the Oder for the Cemetery Maintenance, please update with the proper number. Steve

Expendable Maintenance Trust & Cemetery Maintenance CR TC Order Request for Town Council Meeting *5/07/18*		
Description	Vendor	Amount
<b>Glenwood Cemetery - Replace retaining wall</b>	<b>Green Magic - Quote 1022</b>	\$ 4,990.00
We have a 25' section of retaining wall that has deteriorated, and needs to be replaced. Our DPW department will assist with the removal of the existing wall, the EMTF request is for the labor/materials to install a new concrete retaining block wall.		\$ 4,990.00
<b>Siding &amp; Trim Replacement - North Fire Station</b>	<b>Homescapes of New England</b>	\$ 26,580.03
In 2010 the new North Fire Station was sided/trim with a fiber cement product from Certainteed, after about 2-3 years we noticed cracks and discoloration in the siding and trim. We learned that this issue was not just Londonderry, and there was a CertainTeed Fiber Cement Siding Litigation throughout the US and Canada. In 2016, we submitted a claim against the product, in January of 2018 we received a settle check in the amount of \$11,573.97. After working with Benson's Lumber and the Hardie Fiber Siding Company (Hardie Fiber Siding was used on South Fire, and we have not had any issues since it was installed in 2006), they recommended their qualified Hardie installation team Homescapes of New England to come up with the quote to replace the siding and trim on the building. This EMTF request is the for the materials and labor to replace the existing siding/trim it with Hardie Fiber Siding and PVC trim.		\$ 26,580.03
	<b>Quote Breakdown with refund/credit</b>	
	Total Quote - \$43,154.00	
	Certainteed Settlement - \$11,573.97	
	Hardie Credit - \$5,000.00	
	Final amount - \$26,580.03	
<b>Total Town Council EMTF &amp; CR Order</b>		<b>\$ 31,570.03</b>

Steve R. Cotton  
 Town of Londonderry  
 Administrative Support Coordinator  
 268B Mammoth Road  
 Londonderry, NH 03053  
 603-432-1100 x119  
 FAX (603) 432-1128



**Town of Londonderry**  
**Planning and Economic Development Department**  
268B Mammoth Road  
Londonderry, NH 03053  
Phone 603.432.1100 x 134  
[www.londonderrynh.org](http://www.londonderrynh.org)

To: Londonderry Conservation Commission  
From: Colleen P. Mailloux, AICP, Town Planner and Amy M. Kizak, GIS Manager/Comprehensive Planner  
CC: Kevin H. Smith, Town Manager  
Date: 4/17/2018  
Re: Development review of Map 6 Lot 81-1

The Planning and Economic Development (PED) Department has been asked to prepare an analysis of the development potential of an 11.9-acre parcel of land at Map 6, Lot 81-1, owned by Cross Apple Farm.

### Property Narrative

Map 6 Lot 81-1 is located on Adams Road in the southern part of Londonderry and consists of 11.9 acres (see Figure 1). The parcel has approximately 675 feet of frontage along Adams Rd and approximately 650 feet of frontage along Cross Rd. There is an existing homestead on the property that will be subdivided out bringing the total parcel area for this development review to approximately 10.75 acres. There are conservation easements in place on the Moose Hill Orchards parcels directly abutting and immediately across the street from the subject parcel. The subject parcel is currently in agricultural use. There appears to be an area of very poorly drained soils bisecting the eastern side of the parcel but absent a wetland delineation this cannot be confirmed. The parcel is within the Pennichuck Water franchise area, but there is no existing water main adjacent to the parcel and public water is assumed to be unavailable for the development of this site. Access to municipal Sewer is not available in the area. The parcel is zoned AR-1 and permitted uses are single family residential and elderly (age 55+) housing. Multi-family and work force

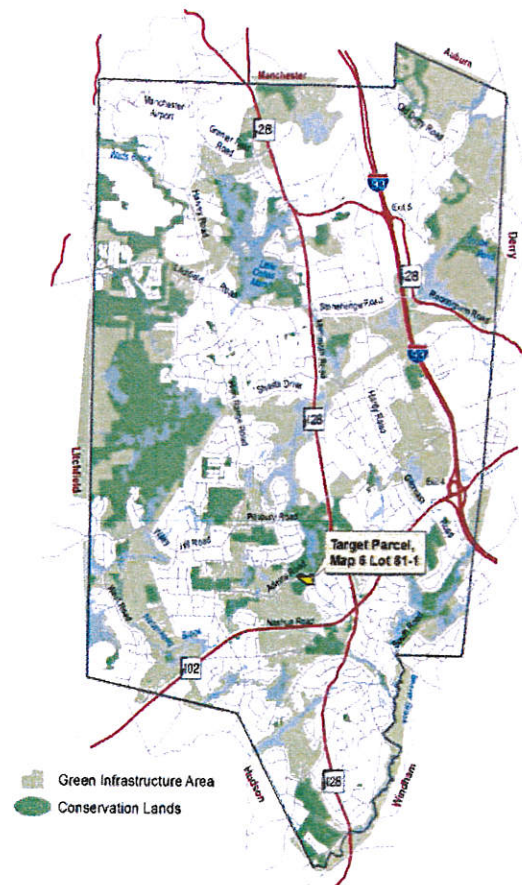


Figure 1: Parcel Location



housing are not permitted uses on this parcel. Should it be developed, the change would most likely take the form of a residential subdivision.

### Analysis of Development Potential

#### Theoretical Lot Yield

Lot sizing in the AR-1 district is soil based, with the best possible conditions supporting lots as small as 1 acre (43,560 square feet). Soil, slope and drainage conditions on most subdivisions contribute to larger lot sizes and thus the typical lot in Londonderry is approximately 1.5 acres in size. It is assumed that Map 6 Lot 81-1 could be subdivided into 1.5 acre lots. Roadway lengths in Londonderry are governed by the Zoning ordinance which permits a minimum 450' length and a maximum of 1200' cul-de-sac length, supported by a 50' Right of Way.

Assuming the longest length of road to support maximum frontage lots, (840 lf of road plus 360 lf cul-de-sac) and 50' of frontage, the maximum dedication for roads is 1.4 acres, per the formula:

$$(((840*50))+[(3.14)75*75])=59,663 \text{ sf (1.4acres)}$$

Theoretical lot yield for the 10.75 acres parcel with 1.5 acre lots is  $(10.75 - 1.4) = 9.35 / 1.5 =$  approximately 6 lots

Theoretical lot yield for the 10.75 acre parcel with 1.25 acre lots is  $(10.75 - 1.4) = 9.35 / 1.25 =$  approximately 7 lots

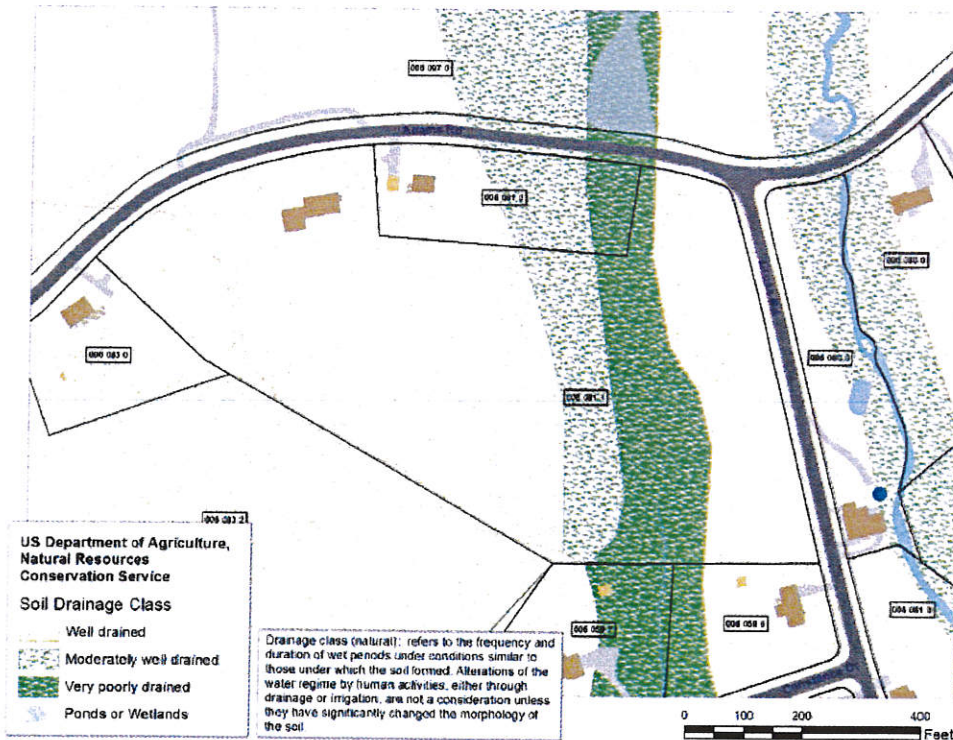


Figure 2: Soil Drainage Classification



### Feasible Lot Yield

Feasible development scenarios were carried out to develop a subdivision that was realistic with the land potential in consideration of development constraints.

A conventional subdivision scenario was carried out and was based on the following assumptions:

- 1 acre minimum lot size
- 150' minimum frontage
- Apparent best location for roadway off of Cross Road
- Approximately 950' cul-de-sac length to maximize number of lots

The scenario yielded 7 lots, 6 lots with frontage on a new road and 1 with frontage on Adams Road. The lot size varied from 1.03 to 1.59 acres (see Figure 3). An area of very poorly drained soils was accounted for in sizing of the lots (see Figure 2). No assumptions were made about land required to be set aside as easements for drainage or slope easements to permit grading for an acceptable roadway. This appears to be the most straight forward and likely development scenario.

A conservation subdivision scenario was also considered and it was determined that it would not increase the number of lots over the standard subdivision due to the shape of the parcel requiring potential parcels be wider with more frontage than the 150' standard subdivision.

**It appears, based on preliminary analysis, that 7 single family residential house lots is a reasonable assumption for the development potential of this parcel.**

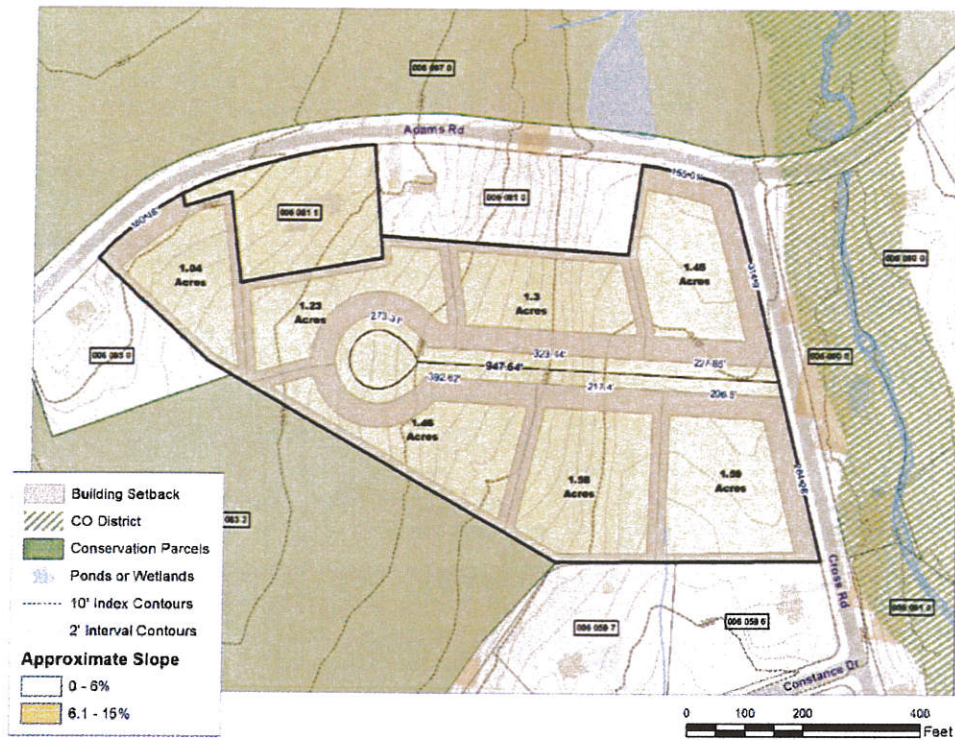


Figure 3: Conventional Subdivision with Cul de Sac

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1 **April 16, 2018**

2  
3 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall,  
4 268B Mammoth Road, Londonderry, NH.  
5

6 Present: Chairman John Farrell; Vice-Chairman Joe Green; Councilors Tom Dolan, Jim  
7 Butler & Ted Combes; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik;  
8 Executive Assistant Kirby Brown;  
9

## 10 **CALL TO ORDER**

11  
12 Chairman Farrell called the Town Council special meeting to order. Councilor Combes led  
13 the Pledge of Allegiance. This was followed by a moment of silence for those who serve  
14 us both here and abroad.  
15

## 16 **PUBLIC COMMENT**

17  
18 Chairman Farrell invited up Town Clerk Sherry Farrell to discuss the new Town Clerk hours  
19 which will be 8 AM – 5 PM now. Farrell stated that she hopes this will help the public with  
20 being able to get to the Town Hall to do car registration or dog licensing before they have  
21 to go to work. Town Manager Smith commended Farrell for being attentive to the needs of  
22 the residents.  
23

24 Chairman Farrell invited up Police Chief Bill Hart to recognize the telecommunication  
25 officers and give an introduction of the new Police Department Employee. Chief Hart  
26 invited up Fire Chief Darren O'Brien to present the telecommunication operators with him.  
27 Chief Hart stated that most often these people are the true first responders.  
28

29 Will Lyman, 3 Timber St, stated that he has lived in Londonderry on and off for fifty years.  
30 Lyman spoke on behalf of the Kendall Pond neighborhood and their group called friends of  
31 Kendall Pond. Lyman stated that they all use those trails and they are here to promote low  
32 impact use of that land. Chairman Farrell stated that Kendall Pond will be discussed under  
33 Public Hearing if he wants to wait to discuss it then.  
34

35 Councilor Dolan read into the record a letter he wrote about the school board shortfall. See  
36 attached for letter.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## PUBLIC HEARING

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Motion to enter public hearing made by Councilor Dolan and second by Vice Chairman Green. Chair votes 5-0-0.

Chairman Farrell introduced Ordinance #2018-01, an amendment to the Municipal Code, Title III Land Use Codes, Chapter IV Conservation Area relating to Kendall Pond parking lots. Town Manager Smith presented the Ordinance change. Smith stated that it was discussed last fall that this area has been a problem area with unwanted behavior. The parking lot has been closed off for the winter. Smith stated that the Conservation Commission decided not to have a gate and instead they want to amend the Ordinance to add two new paragraphs and the hours of operation. Smith stated that this is what the Conservation Commission has come up with to police the area.

Will Lyman, 3 Timber St., related that they are a group of concerned residents and neighbors and the support public access but at the same time they would like additional measures to keep an eye on the area since there have been things happening there over the past few years. Lyman stated that it is a conservation area.

Councilor Butler stated that the Council recently saved the Conservation Commission \$20,000. Councilor Butler stated that he does not understand why the Conservation Commission cannot pay for a gate.

Chairman Farrell discussed two options that the Council can recommend. One is to close the area all together. The second is to not remove the logs. The third option is what the Council has in front of them. Councilor Dolan stated that we should figure out a path on how to use it since we purchased the conservation land we should not be shutting it down unless we are going to stop buying conservation land if we aren't going to use it. Town Manager Smith stated that what is we keep the logs there but open the park. You just wouldn't have a parking area. Or there could be a non-electric gate and one of the neighbors could open and close the gate each date. Chairman Farrell stated that we would have to check legal liability on that.

John Kelly, 3 Grove St, stated that the only problem with the logs is that it is going to create an accident or traffic issue.

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73 Marge Badois stated that the Conservation Commission has weighed all of their options.  
74 Councilor Butler motioned to table to Ordinance and public hearing for further discussion.  
75 Second by Vice Chairman Green. Chair votes 5-0-0.

76  
77 Motion to close public hearing made by Councilor Dolan and second by Vice Chairman  
78 Green. Chair votes 5-0-0.

79

### **OLD BUSINESS**

80  
81  
82 Chairman Farrell introduced the Town Council public comment rules. Councilor Dolan  
83 stated that this is from training the Council received from the Municipal Association, how  
84 to run public comment. Councilor Dolan suggested that the Council passes the comment  
85 rules. Councilor Dolan motioned to accept the rules for public comment. Second by Vice  
86 Chairman Green. Chair votes 5-0-0.

87

### **NEW BUSINESS**

88  
89  
90 Chairman Farrell introduced the review of the contract between the Town of Londonderry  
91 and Superfund Solar, LLC. Steve Cotton and Chris Stewart presented. Town manager Smith  
92 stated that they are looking at the superfund site off of Auburn Road. It would be the largest  
93 solar in the state to date. Cotton stated that it is 200 acres but they will not be using all 200  
94 acres. Cotton stated it used to be the former town dump and solid waste area. Cotton stated  
95 that they will be using 85 acres. Stewart went over the lease agreement. The Council gave  
96 their consensus to move forward with the project.

97

98 Chairman Farrell introduced Order #2018-07, an Order relative to the expenditure of  
99 Maintenance Trust Fund for various projects and winter maintenance. Steve Cotton  
100 presented order #2018-07. Motion to approve Order #2018-07 made by Councilor Dolan  
101 and second by Vice Chairman Green. Chair votes 5-0-0.

102

103 Chairman Farrell introduced Resolution #2018-03, an amendment to the Municipal Code  
104 Title VI, Town Policy, Chapter XVII, Financial Management Policy, Section XI, Budget  
105 Guidelines. Town Manager Smith presented. Smith stated that what we are faced with  
106 currently is that we have to make up a \$600,000 shortfall. Smith stated that the Resolution  
107 doesn't need a public hearing. Councilor Combes asked how much available balance does  
108 this leave for the town. Smith stated that this would free up approximately 3 million dollars



## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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109 of the fund balance. After covering the shortfall it will leave 2.8 million of available fund  
110 balance going into the new fiscal year. Chairman Farrell read the Resolution into the record.  
111 Motion to approve Resolution #2018-03 made by

112  
113 Chairman Farrell introduced Resolution #2018-04, a Resolution relative to the process for  
114 Conservation Land acquisitions. This essentially will get rid of the JNC in the lane  
115 acquisition process. Smith discussed the new process. Vice Chairman Green read the  
116 Resolution into the record. Motion to approve Resolution #2018-04 made by Councilor  
117 Dolan and second by Councilor Butler. Chair votes 5-0-0. The Conservation Commission  
118 stated that they had wished the Council had given the Commission a copy.

119  
120 Chairman Farrell introduce Resolution #2018-05, the sanctioning of Londonderry Soccer  
121 Club. Smith stated that this is a long time coming. Smith stated that soccer in Londonderry  
122 has operated under two different organizations, recreation and travel. Now they are coming  
123 together as one and known as Londonderry Soccer Club. Motion to approve Resolution  
124 #2018-05 made by Vice Chairman Green and second by Council Butler. Chair votes 5-0-0.

125  
126 Chairman Farrell introduced Ordinance #2018-02, an amendment to the Municipal Code,  
127 Title I, Chapter XXVII, relating to the approval of sanctioned recreation groups, Section  
128 IV, eligibility criteria. There will be a Public Hearing on this Ordinance at the next meeting  
129 on May 7<sup>th</sup>. This would allow the Town to randomly audit the recreation groups if they ever  
130 needed to. Motion to waive first reading made by Vice Chairman Green and second by  
131 Councilor Dolan. Chair votes 5-0-0.

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134

### **APPROVAL OF MINUTES**

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136 Motion to Approve Town Council minutes from April 2, 2018 made by Councilor Dolan  
137 and second by Vice Chairman Green. Chair votes 5-0-0.

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139

### **TOWN MANAGER REPORT**

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**NONE**

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### **ASSISTANT TOWN MANAGER REPORT**

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# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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**NONE**

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147

**ADJOURNMENT**

148

149 Motion to adjourn made by Councilor Dolan and second by Vice Chairman Green. Chair  
150 votes 5-0-0.

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152 Notes and Tapes by: Kirby Brown Date: 04/16/2018

153 Minutes Typed by: Kirby Brown Date: 04/20/2018

154 Approved by: Town Council Date: 05/07/2018

School Board says “No” to helping town with \$600,000 shortfall”

“...town made error”

“...town was resp for the shortfall”

“...take care of your mistake”

I want to correct the record. And will be suggesting ways to address this problem with the most important element being: **What’s right for the taxpayers?**

First of all, the town never asked the school for help with the shortfall. We simply identified that the town government had a \$160,000 problem and the School District had a \$440,000 problem. Once explained, the school’s Finance leader understood and wanted to pay for a portion of the school’s shortfall and suggested the town help the school district to make up the rest of the school shortfall. Reason being, they didn’t have very much in their rainy day fund. The TC was very sympathetic but wanted the School Board themselves to determine the amount they would contribute and how much help they wanted from the town.

But let me pause for a moment and review what happened.

Each year the State's financial authority (The Department of Revenue Administration DRA) determines the local tax rates. They traditionally have the town submit all the property values to the state. They process that information along with the taxpayer approved budgets and determine the tax rates (both town and school) to collect enough taxes to cover the money needed for the budgets. This past year, a new system was introduced. The state went digital and had the town submit electronic inputs to a software algorithm to achieve the same end result. However, it was determined after the fact that those towns with TIF properties were not properly accounted for in the algorithm. Hence, the wrong tax rate was determined by the state. By state statute, it is the state's responsibility to get that right. Once the error was determined, it was up to the town govt to come with an additional 160k and the school district to come up with an additional 440k. To not do so would mean the two governments would be spending money they don't have.

Since both governments knew they had a problem, the School District's Finance Leader discussed with the town if the School District paid some of the shortfall, would

the town help. The town was prepared to pay our shortfall and willing to help the SD pay a portion of theirs

Other alternatives that could be pursued:

1. The town could sue the School District to pay their own bill. That would cause legal expenses by both the school and the town to expend. Consequence: Taxpayer dollars spent for legal costs with no net gain.
2. The School District could reduce their expenditures by the 440K shortfall. Consequence: perhaps layoffs and/or a reduction in services to the children.
3. A second tax bill could be issued to collect additional school taxes. Consequence: Financial disruption to taxpayers and especially to those that use escrow accounts to pay taxes.

BTW, if you make a deposit to your bank for \$500 and the bank makes a mistake and adds an extra zero, you don't get to keep the extra \$4500 with the attitude that it was the bank's mistake. You have to give the money back. That's the right thing to do.

So Mr Chairman, what should we do in the face of the School District walking away from their \$440K



obligation? My recommendation is we do the best thing for our taxpayers and help the School Board this year. In fact, my recommendation will be two fold. First, it will be to help the School District and pay their obligations out of our UFB thereby protecting the taxpayers from any harm/hardship. Second, modify our policy so that this be the last time we do this and make it clear that the School District will be responsible to pay their own obligations going forward.

I am disappointed that the School Board has not stepped up to pay for their obligations and budget, but I am thankful that the town through sound financial management has the rainy-day funds available to protect our taxpayers from any additional unnecessary/unscheduled costs – should we vote to do so.

Let's never forget who our Customers are and who we work for. The taxpayers expect us to make good decisions for their best benefit. They pay their taxes with one check. They don't need costly drama playing out between their governing bodies.