

TOWN COUNCIL MEETING
November 02, 2009

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

PRESENT: Town Council: Chairman Mike Brown: Vice Chairperson, Kathy Wagner; Councilors: Brian Farmer (7:37 PM); Sean O’Keefe; Paul DiMarco; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

CALL TO ORDER – PUBLIC SESSION

Chairman Brown opened the meeting at 7:05PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country. He also asked everyone to have a moment of silence for the Vernet Family.

Chairman Brown introduced Public Works Director Janusz Czyzowski whose son is serving in the Middle East. J. Czyzowski mentioned he had spoken to his son about the Council’s traditional moment of silence for the men and women in uniform who are serving their country. His son was impressed and thankful that Council would remember them, and sent a certificate and a flag that was flown over his camp in Iraq. He asked that it be presented to the Town of Londonderry. It will be permanently displayed in the Moose Hill Council Chambers.

Proclamation – November National Hospice Month – Renee Merritt from Amedisys Hospice Services was in attendance. She explained the services they offer and thanked the Council for the recognition. Councilor DiMarco read the Proclamation and presented it to her.

PUBLIC HEARING

Motion by Councilor O’Keefe to enter into public hearing, second by Councilor DiMarco. Council’s vote 4-0-0.

Ordinance #2009-04 – Relative to an Amendment to the Zoning Ordinance Regarding Workforce Housing - Chairman Brown explained the process this Ordinance has gone through to reach the Council. Community Development Director Andre Garron and Town Planner Tim Thompson were in attendance to answer questions and present a PowerPoint presentation. Councilor O’Keefe asked Tim Thompson if he was able to obtain numbers on existing homes in town that fall within the price range of affordable housing. A. Garron said that based on the assessed value there would be about 51% of existing housing stock that would fall within that price range. Based on the state statute Workforce Housing means houses that are intended for sale. Councilor DiMarco asked for clarification on what he meant when he said “available for sale” are they an occupied house that has a Certificate of Occupancy. A. Garron responded it is housing intended for sale. Town data shows that there were 103 households for sale in 2009, the median price was \$224,812; 53 were single family households which sold for \$274K, 6 were two-family homes, 37 were condominiums that sold for \$193,500 and 7 were manufactured homes. Councilor O’Keefe stated it seems that we are compliant. He said this statute is the government exercising its right to basically tell us we are not compliant. They make up a vague law with a lot of gray areas; they will not give us a definition of what is necessary to achieve

compliance. This is about putting another ordinance in an over burdened town with plenty of ordinances in place already. A. Garron clarified what Councilor O'Keefe said; that we are moving forward with an ordinance that we have already. He stated that this ordinance started with a Housing Taskforce that Councilor O'Keefe was a member of. The first question that was asked was there a need for workforce housing and if there is a need what is it. That question was defined in the Workforce Housing Report which was presented to Council. It was determined that a need existed. After that report was completed a state law was passed that required the Town to comply. This ordinance was recommended in our Master Plan and it was recommended by our Housing Taskforce. Chairman Brown asked if utilizing the taskforce was it determined that Londonderry does not have a healthy mix of housing. A. Garron stated it was determined by the Housing Taskforce that we did not have that balance and we were in need of providing workforce housing. Prior to the statute the taskforce was working with a median income of \$73K per household which has now increased to \$95,200. There still is a need for workforce housing in Londonderry that would meet the household income of \$95,200. Chairman Brown asked if the current ordinances we have do not make it possible to have more of an increased balance of housing. A. Garron responded existing ordinances were working against us. If we were to develop a single family house we would need a minimum of one acre. For multi-family you would need sewer and be in an R-3 zone of which there are only two sites available in Londonderry. Vista Ridge has already been developed, which leaves one piece that is located off of Sanborn Road and one is in the airport area. Chairman Brown asked what is the difference between what we have now and what the state requires. T. Thompson explained there are two components the Phasing Ordinance and the Growth Management Ordinance. Currently with the Phasing there are three types that Londonderry allows:

In the Conservation Subdivision Ordinance, you would be allowed 25 units per year. In the R-3 District you would be allowed 2 multi-family buildings of up to 48 units per year. In other developments serviced by public water and sewer no dwellings are allowed within 200 feet of another street except one created by the development, 20 units per year. For all other developments it is currently 15 units per year. The changes made is for multi-family workforce housing, it would be identical to the R-3 consisting of 2 multi-family buildings per year, no more than 48 units. For workforce single family housing they used the same standard for the Conservation Subdivision which will be 25 units per year. Another section is for those projects that were previously approved as Elderly Housing but converted to Workforce Housing. They would be subject either to the phasing that was provided at the Planning Board level for the elderly housing project or they will be subject to either the appropriate 25 units per year or two multi-family unit sizes per year.

He explained that for the Growth Management Ordinance instead of exempting them they have added them into the scoring system. He proceeded to explain that if they have more permits requested than they have available they go through a scoring system and give points and priorities to certain projects that better meet the goals of the community. Currently we have a standard that allows for affordable developments subject to restrictions. He explained the point system on the scoring system. They have gone from a blanket exemption to scoring these projects along with every other project that would be proposed under a growth management situation. Chairman Brown asked for clarification on what the annual impact would be for these changes. T. Thompson used 100 acres to compile the following evaluations:

Single Family Residential Development of 100 Acres

Current Ordinance (Conventional Development)

- Total Development Density: Approximately **53** (4-bedroom) single-family dwelling units
- Project Phasing: **15 dwelling units per year** from date of final Planning Board approval (**4 years for full build-out**)
- School aged Children at full build-out: **51**

Current Ordinance (Conservation Subdivision)

- Total Development Density: Approximately **61** (31 4-bedroom units, 30 3-bedroom units) single-family dwelling units
- Project Phasing: **25 dwelling units per year** from date of final Planning Board approval (**3 years for full build-out**)
- School aged Children at full build-out: **52**

Proposed Inclusionary Ordinance (Assumes 25% set aside for workforce units and 25% density bonus)

- Total Development Density: Approximately **67** (50 4-bedroom units, 17 3-bedroom units) single-family dwelling units
- Project Phasing: **25 dwelling units per year** from date of final Planning Board approval (**3 years for full build-out**)
- School aged Children at full build-out: **57**

Bedford Workforce Ordinance (Conventional Development - 33% Density Bonus, 1.5 ac standard min lot size reduced to 1 acre under their workforce ordinance)

- Total Development Density: Approximately **67** single-family dwelling units
- Project Phasing: **None (Bedford does not require residential phasing)**
- School aged Children at full build-out: **N/A (do not have multipliers applicable to Bedford)**

Bedford Workforce Ordinance (Cluster Development - overall density same as conventional development, with 33% Density Bonus for workforce housing)

- Total Development Density: Approximately **67** single-family dwelling units
- Project Phasing: **None (Bedford does not require residential phasing)**
- School aged Children at full build-out: **N/A (do not have multipliers applicable to Bedford)**

Multi-Family Residential Development of 100 Acres

Current Ordinance (R-III District - 6 units per acre, subtractions for open space and roadway/parking requirements)

- Total Development Density: **360** multi-family dwelling units (15 24-unit buildings)
- Project Phasing: **2 multi-family buildings (48 units) per year** from date of final Planning Board approval (**8 years for full build-out**)
- School aged Children at full build-out: **103**

Proposed Inclusionary Ordinance (10 units per acre, subtractions for open space and roadway/parking requirements)

- Total Development Density: **528** multi-family dwelling units (22 24-unit buildings)
- Project Phasing: **2 multi-family buildings (48 units) per year** from date of final

Planning Board approval (**11 years for full build-out**)

- School aged Children at full build-out: **152**

Bedford Workforce Ordinance (12 units per acre, subtractions for open space and roadway/parking requirements)

- Total Development Density: **648** multi-family dwelling units (Depending on the zone, Bedford either has no maximum on the number of units in a building or a maximum of 12)
- Project Phasing: **None (Bedford does not require residential phasing)**
- School aged Children at full build-out: N/A (do not have multipliers applicable to Bedford).

T. Thompson stated the way this ordinance is established for single family housing development is based upon the number of units within the total development that you would set aside for workforce housing. You would not need to include every unit within the development as workforce housing. The ultimate target is 80-100% of median income being the major goal for workforce housing development. You will be able to set aside up to 25% of the units in a development as workforce housing; by doing that you have the option of either getting a 25% density bonus for the development or 50 foot frontage reduction for the lots as you do the development. It will be one or the other but not both, it would be up to the developer to choose. Part of the requirements of the ordinance is that the units designated as workforce housing would be indistinguishable from those that are market rate. Chairman Brown asked if that was for the AR-1 zone. T. Thompson responded they would be AR-1. In an R-3 basically right now the inclusionary housing would be allowed by conditional use permit by the Planning Board in any residentially owned district in town. A. Garron explained the builder has to declare a portion of the development will be workforce housing. It binds the developer to not only create workforce housing today but be part of the retention model in our regulations, it makes sure that not only the first wave of buyers will benefit from workforce housing but buyers thereafter will benefit as well. Councilor O'Keefe asked how can you keep a ceiling price on the sale price and not go over it. A. Garron responded that in accordance with the New Hampshire Finance Authority there is a provision in the retention model that 2% of the sale price will go into managing that to make sure for 20 years that particular unit is maintained to be affordable. T. Thompson explained there is a subsidy lien placed on the property at time of the sale that runs with the property. There are some relatively complicated mechanics that go into the fact that the seller will get equity when they sell the next time and that subsidy lien goes to the next buyer to help subsidize the cost and moves on through the process. The owners of these units will get equity but it is limited by that subsidy lien so it remains affordable over the long term. T. Thompson said this Statute and Ordinance provides opportunities. In NH you cannot mandate workforce housing or affordable housing it has to be voluntary by the property owner. Chairman Brown said most people are comfortable with the single family home model. He asked where can the proposed density (528) go if we only have 3 R-3 lots. T. Thompson responded they would go on parcels that have access to both water and sewer and are consistent with the sewer facilities master plan. That would add 8 additional parcels to the current 3. A. Garron explained that you still need a minimum of 20 acres to qualify for workforce housing and not all the existing R-3 parcels listed are 20 acres. Chairman Brown asked where can this increased density end up other than Sanborn Rd, near the airport and the sliver on Rt 28. A. Garron explained that based on the sewer facilities plan there are 7 sites where these can go. Three of the 7 are approved for age restricted housing. If those three convert to affordable housing that would reduce that by 3. He explained there is a provision in workforce housing that allows for the conversion of existing age

restricted development into affordable housing. T. Thompson explained it is proposed for those developers that have received approval from the Planning Board but have not been constructed, such as the Whittemore Estates project on Mammoth Rd., The Cider Mill project off of Grenier Field Rd. and Mammoth Rd., and the project on Hillside Avenue. They all are approved for elderly housing and are consistent with the sewer facilities master plan and would have an opportunity to convert to workforce housing under the proposed ordinance. Chairman Brown asked why would the Town recommend this change. A. Garron explained they are not moving forward, it is a possible re-use of those properties. T. Thompson explained when we provide workforce housing there has to be some provision specifically for multi-family and rental units. Councilor Wagner questioned the location of the other 4 lots that qualify. A. Garron said there is one lot that is zoned R-3 that is over 20 acres off of Sanborn Road, another lot is located off of Grenier Field Rd. that is over 20 acres, a site off of Stonehenge Rd., and Mill Pond in North Londonderry off Old Derry Rd. T. Thompson stated that that number is a significant decrease from the original proposal which was for an overlay district that identified about 20 parcels.

At this point in the meeting Chairman Brown introduced State Rep. William O'Brien who represents 5 towns in Hillsborough County and is the Co-Chair of the House Republican Alliance. He is proposing an amendment to the Workforce Housing law to allow more rural counties to let them opt out of workforce housing by easing up some of the land use regulations. If any municipality does away with minimum frontage, building setbacks, lot restrictions and commercial and residential use restrictions they could opt out of workforce housing. It will be a relief for more rural towns. He said the next step would be to look at this process and see if is working out and have an additional amendment for more densely developed towns; designate areas where they can essentially allow this type of village development to take place. This bill will come up for a Committee Hearing in January and will be voted on by the House floor late winter or early spring.

Pat Webb, who lives at Mountain Home Estates, said she went to the Assessor's Office to find out how many homes, apartments, condos, duplexes and trailer parks there are in Town and what the prices were. She proceeded to list the statistics that she was able to find and stressed that the towns people need to know exactly what the inventory is. Councilor O'Keefe stated that on 6/09 he asked Town Planner, T. Thompson and Rick Brideau from the Assessor's Department to provide that information. They reported that we have the following under \$200K:

- There are 2,068 condos in Londonderry 1,554 are under \$200K
- There are 108 duplexes, 2 are under \$200K
- We have 182 condexes, 14 under \$200K
- We have 472 mobile homes, 454 were under \$200K
- We have 5,684 single family homes, 122 were under \$200K

We have a total of 8,533 units, 2,146 at the time were under \$200K which approximately is 25% of the town. He said at the time the figure for a workforce unit was under \$200K it is now between \$260K - \$290K. Councilor O'Keefe further stated that if the taxes go up that will be the crux of what you can afford and what you can't. Pat Webb asked if the workforce people were going to get a discount on their taxes versus the house that looks just like it. Councilor O'Keefe stated it will be based on the value of the home. David Nease, 11 Faye Lane congratulated the Council that tonight was the first night in 6 months that the public got the exact numbers. He cautioned the residents that the numbers are based on the towns assessed value, not what the actual market is. We could have potentially more than what is counted. He explained that the

big rush for workforce housing is because the government is helping the developers to build the units. He further stated that if he sold his house he would have to disclose that a development is going in near his house; his house value will go down. He asked if the town will drop his taxes if that happens. He also stated that large rental units will cost the town money in services. He said that he is in favor of affordable housing but he would prefer the single family residential homes, he is not in favor of large apartment style complexes. Councilor Brown asked if the property on Stonehenge Rd. has an approved ordinance for that land to be something other than single family homes. T. Thompson responded that right now they could go multi-family if they went for elderly housing. That property can have age restricted, multi-family on it. D. Nease responded he doubted that buyers would have trouble with age restricted units as they would with an apartment development. T. Thompson explained the current 2009 year household family income for the area that includes Londonderry is \$95K it may go up or down. Each fiscal year it will change. Councilor Farmer asked if a developer comes back and the income figure has changed does the developer have to change the site plan to reflect that the housing has to stay within a certain price parameter in order to still qualify for workforce housing. T. Thompson responded if it is rental they would have to complete a yearly evaluation based on the way the ordinance is written. If not rental affordability is based on the purchase price at the time then subsidy retention moves forward. It accounts for appreciation in both housing price values and changes in income as well as every year. Councilor Farmer asked if they cannot substantiate that they have maintained affordability what happens. T. Thompson stated that they get into enforceability. On the rental side NH Housing & Finance Authority or whoever is being used for monitoring would be able to put a lien on the property and it will be recorded with the deed. A. Garron responded we have a retention model in place if there is a violation then we have the mechanisms in place to go after the owner. Councilor Farmer verified that site plan approval depends on maintaining the affordability. A. Garron responded they have to declare the project beforehand. Chairman Brown verified that Whittemore, Cider Mill and Westside are all ready approved age restricted and owner occupied properties. T. Thompson stated that he thought Whittemore was town house style, he was not sure if the garden styles were rental or condos. Cider Mill and Hillside he thought were going to be individually owned. Chairman Brown asked if Stonehenge has been approved as age restricted yet, T. Thompson responded there has been no approval on that site because they do not have an approved site plan; the ordinance is in place for affordable elderly housing. Chairman Brown then asked if the Whittemore, Cider Mill and Westside age restricted properties would qualify for Single Family Residential Development of 100 acres at this time. T. Thompson responded with less density, yes. Councilor O'Keefe stated that the state can change what they did yesterday. T. Thompson said the difference in the workforce multi-family is that if it is going to be established as rental they have to make agreements that it will remain rental for a period of 20 years. Vista Ridge did not have any requirements for them to declare it is going to stay rental. Laura El-Azem, 22 Summer Drive stated that A. Garron and T. Thompson put together a great ordinance on what they thought the state wanted us to do. She stated that the state is not clear; we might be doing well enough right now. We have no benchmarks, no standards just a threat that we could be sued by a developer and if we loose it allows the developer to put anything up they want. We might be doing enough now to satisfy the state. Steve Homsley, 16 Royal Lane said he has an issue with the small area master plan listing the property located at Grenier Field for affordable housing. If housing is built in that area it is just out of the noise contours listed with Wiley Laboratories for the airport. That area is in a heavily noise impacted area and that area does not qualify for noise mitigation by the FAA. He stated it is not an acceptable area for housing and he doubted that the builder would sound insulate the buildings. He also talked about the fact that auction and foreclosure rates are going up and they have long term effects. He said making a decision now with no idea

of the numbers is not right. Eric Witkop, 14 Haywood stated that at the last Town Council meeting held on 10/19/09 Chairman Brown had requested a table showing the difference between the current ordinance and what is being proposed. He asked where was the table. T. Thompson showed a slide on a PowerPoint presentation he had that explained the language of the law. Deb Nowicki, 89 Fieldstone Dr. said that the median income for a family of 4 was currently \$95,200 and the 2000 census was had it at \$75K, based on 4 a family of 2 adults, 2 kids. She asked about inclusionary housing and questioned the amounts given on 6/12/09 for assessed prices. She stated she wants a clear definition of the requirements of the statute and we need real inventory in today's terms; she felt that the assessments are inflated. She then asked if we have to do the whole town, A. Garron responded it is all or nothing. He explained that HUD figures out the median income, Londonderry has no control over it. Councilor Wagner asked how is the inventory being assessed? Is it buildings that are for sale? Andre responded it is based on buildings for sale. Councilor Farmer clarified that based on the state RSA's because a building is not available for sale it is not considered inventory; that means that 2,146 homes are not counted because they are not for sale. Mary Soares, 17 Gail Road pointed out that underdeveloped property should be taken into account. T. Thompson stated that by creating this ordinance it will allow us to have some control. Councilor DiMarco questioned why the Planning Board did not look into the existing housing stock prior to the workforce housing coming in front of the Council. Councilor Farmer asked how long would it take for the Community Development Department to calculate the current inventory available. A. Garron responded they would come back to the next Council meeting with up-to-date information. Todd Joncas, 11 Robin Hood Dr. said nobody would want large developments next to their homes. The Community Development Department is trying to protect us with the re-write to prevent that. It should be made clear we protect Londonderry; if we have to comply make the homes acceptable. Deb Paul, 118 Hardy Rd. expressed concern over the perception, interpretation, and the vagueness of the law. She questioned who and how the members of the Housing Taskforce were picked, she questioned if there were any conflicts of interest. She also stated that back in July homeowners asked for an exact inventory before all the meetings. She mentioned she would like to see a buffer between commercial at the airport and residential properties because most of the traffic impact will be in the north end of town. The charm and character of Londonderry is being changed. She said that there were so many violations that go on at our Planning Board at any given time that we are always set up to being sued by a developer. Heather Anderson, 31 Perkins Rd. disputed the median income numbers, she stated that with the amount of people being laid-off it will not go up in the next few years as predicted. She is a part-time realtor and proceeded to review the existing prices of condos in town. She also asked for a validated inventory. Tom Freda, 30 Buckingham Dr. asked how many areas will qualify for multi-family? A. Garron responded 7 will qualify; 3 are incomplete age restricted developments. The remaining 4 areas have over 20 acres each. He asked if the 20 acre minimum was imposed by the Planning Board, A. Garron responded it is. T. Freda asked if that condition has been tested by a developer. T. Thompson responded there is language in the ordinance for a conditional use permit that would allow the Planning Board to relax dimensional standards provided they meet certain conditional use criteria. T. Freda asked if that meant we have more than 7 potential unavailable areas for work force housing. T. Thompson stated it has to be consistent with the existing sewer plan and there would not be many other lots. T. Freda asked if the 20 acre minimum is typical of other towns. T. Thompson responded the Planning Board established it as a reasonable start. T. Freda stated that he assumed the Town is not in compliance with the statute. T. Thompson said he would not wager a guess if they did a fair share analysis that analysis would hold up. Based on the Housing Taskforce Report there is a need for affordable housing; because of the statute we are trying to meet our statutory obligations

to be in compliance. T. Freda asked if we could just allow single family homes and be in compliance or do we have to do single and multi-family. T. Thompson responded the statute allows for multi-family homes and rentals to comply. T. Freda questioned the amount or percentage we need to comply. A. Garron said our fair share based on the Southern NH Planning Housing Needs assessment that was last updated in 2005 is 1,313 units defined as up for sale or rental. T. Freda asked what the time period is to put the home up for sale. A. Garron said he would have to ask legal counsel what constituted a reasonable time.

H. Anderson asked if we can get clarification of the statute somewhere on the website or send it to Deb Paul whether the property is intended for sale or is available inventory, what the true classification is of the statute. If this ordinance is passed and the state comes back and says you have only 2 places can the town get rid of the sewer requirement. T. Thompson responded the state does not mandate sewer for any of these, it is a local requirement. Councilor DiMarco said we can only do what the state tells us to do. Joe Adams, 4 Verdi Lane said he was not in favor of high density housing in the town; taxes will be going up. He said nobody wants this; we should remain calm and wait for the state to force us. Pat Vitali, 75 Mammoth Rd. questioned whether the Town is already in compliance with this statute. Why didn't we spend the time to see if we were already in compliance with our existing inventory before we wrote this ordinance? We don't have all the information to pass this ordinance, not all the facts are known. John Curran, 6 Faye Lane said it would be best to pass some kind of ordinance; we need some protections in place. He said he read nothing in the statute that said we had to have 24 units. He said he has less of a problem with senior housing than he has with apartments and rentals in his back yard. There is nothing in the statute that says we have to have the large sprawling developments. He proceeded to list all the organizations that advocate work force housing. He said the townspeople don't want big developments, smaller units are preferable. He proposed just 5 units if we have to have more work force housing, protect the town. Councilor Wagner asked Town Manager Caron if the Local Government Center was directly involved with workforce housing. Town Manager Caron responded they were involved and tried to soften the impact of the legislation, however lobbyists and trade groups such as the Homebuilders Association are more influential with the Legislature. Councilor Wagner agreed with J. Curran we should implement the ordinance the way we want it. She said that everyone is comfortable with the single family; they are uncomfortable with the multi-family. She asked if we went down from 24 units to 5 or 12 would we be penalized. T. Thompson said the statute said 5 or more because in certain towns they were restricting multi-family to 3 unit buildings. A. Garron said the Housing Taskforce said if we go down to 5 it would require more buildings to make it affordable, density is needed to reduce the price. T. Thompson said the state leaves it up to the community for density. The density we have now is almost identical to what is in our R-3 district. Chris Davis, Perkins Rd. said the town is covered because the Ordinance is being proposed and published, there is no rush, the process is in place. The town is therefore legally protected from the state. It is at the developers risk to put something in place right now. Councilor Farmer expressed concern as a Council to re-write the ordinance and concern to send it back to the Planning Board. He said we still have a lot to talk about this ordinance before adopting it. Councilor Wagner stated we followed the state rules by getting it out there, is there a time limit on when we have to adopt this ordinance. T. Thompson responded the statute's effective date is 1/1/10 so that zoning amendments for town meeting have to be posted during the month of December, 2009. In order for those ordinances to be posted for public hearing, which will take place at town meeting, they are then in effect from the period of 1/1 until those towns hold their town meeting. As long as we have an ordinance posted that ordinance is technically in effect today. If the Council makes changes we would have to post a new public hearing, so whatever is posted at that point becomes

effective and that is what will be enforced. Councilor Wagner asked by law do we have to have this adopted by 1/1/10 the statute does not give us a cut-off date. T. Thompson responded if he were to read the intent of the legislature that by town meeting 2010 these ordinances would be in effect. C. Davis said until someone comes in front of the Planning Board nothing will be done. R. Clark clarified that if the Council makes substantial changes they would have to have another public hearing. John Michaels, 11 Nutfield Dr. asked to have the Planning Board answer the questions that were brought up tonight. Address them and come back. He stated he is an advocate of workforce housing but workforce housing done the correct way. D. Nowicki said in light of the economy people are unable to sell due to the poor market so there could be more properties. She also said that questions should be answered by the Planning Board they have been coming up through out the process. She asked what is the impact on services for our community. D. Nease asked how do we know when we have met a threshold.

Councilor Farmer said if Council “strikes” something and it is considered substantial it has to have a re-hearing which can take place with Council; it does not have to necessarily go back to the Planning Board. It can go back to the Planning Board for suggestions. Councilor Wagner said we got a lot of information and received a lot of questions, the public hearing should continue to the next meeting. Councilor DiMarco wants clarification on the definition of existing housing stock. If it means houses that are for sale today and what is the range of years that homes are to be sold in. A. Garron questioned if Council wants to find out if we meet the fair share housing now and in the foreseeable future? Councilor DiMarco said he would like to see that answer but if you come back and say yes we do meet it he would concentrate more on the single family home portions versus the multi-family part of it. He said his oath of office states that he is going to comply with the laws of the state of NH. If our town is not making reasonable accommodations we have to do something about it. Councilor Farmer said if we find out we have a fair share already, we have to do something in this ordinance. We need data on what it looks like right now; do we already meet the guidelines what will it take to actually get to where we understand what our fair share analysis is and what is the timeline. Chairman Brown clarified that staff will not come back in two weeks with answers they will give us an idea on how long it will take to get those answers. A. Garron said the question for affordable workforce housing came out of the Master Plan and the answer was yes. They looked at the inventory based on sales and the median income in Londonderry. Based on that study a lot of people making the median income could not afford a household in Londonderry. A. Garron verified that the question was if the existing inventory met the definition that you see in Section 674.59 of Workforce Housing. The other question was the one from Tom Freda who asked of what parameter was the term “intent for sale” for. Councilor Farmer stated we should continue this subject to the next meeting and after that meeting give the Planning Board specific items that Council would like them to address or incorporate. Councilor O’Keefe said he still has a lot of questions; he would like to continue to the next meeting. Councilor DiMarco’s question about getting the definition clear as to whether or not we have met that obligation is a good question. T. Thompson questioned when Council would like the time line presented; Chairman Brown said that would be at the 11/16/09 meeting. Council also asked for an updated inventory. Chairman Farmer said he would like to see an actual table used for existing stock. Chairman Brown said he would like to discuss AR-1 zoning at the next meeting, He said he is uncomfortable with the fact that the Planning Board would like to see approved age restricted projects to be something other than what they were originally approved for. He said he is uncomfortable with converting existing projects and would like to talk more about it. He said he would like to talk more about Paragraph III of the Workforce Housing Zoning Regulations where it uses the sentence “Reasonable and realistic opportunities for the development of workforce housing” **Councilor**

O’Keefe made a motion to continue the public hearing on Ordinance 2009-04 to 11/16/09, second by Councilor O’Keefe. Open for discussion. Council’s vote 5-0-0.

PUBLIC COMMENT

Councilor DiMarco informed the public that the Boy Scouts are conducting their Annual Food Drive and will be delivering their food bags to households on 11/7. They will return on 11/14/09 to collect the non-perishable food items. They will be taken to the Londonderry Central Fire Station for sorting and pick up by the Londonderry food pantries.

OLD BUSINESS

None.

NEW BUSINESS

Resolution #2009-19 – Relative to the Renaming of Cedar and Jefferson Streets – Councilor Farmer read the first reading, the second reading is scheduled for 11/16. **He made the motion to move the resolution to 11/16/09, second by Councilor DiMarco.** Councilor O’Keefe asked Town Manager Caron why the streets were not in compliance. He responded there could be a variety of different reasons; it will be explained on 11/16/09. Chairman Brown said at one of the Heritage meetings they met with the Street Naming Taskforce who involved the Town Historian and the residents of the streets about re-naming the streets. **Council’s vote 5-0-0.**

APPROVAL OF MINUTES

Minutes of Council’s Public Meeting of 10/19/09 and Non-Public Meetings of 10/15/09 and 10/26/09. Councilor O’Keefe made a motion to accept the public meeting minutes of 10/19/09 and the non-public meeting minutes of 10/15/09 and 10/26/09, second by Councilor Farmer. **Council’s vote 5-0-0.**

OTHER BUSINESS

Liaison Reports – None

Town Manager’s Report – Town Manager Caron informed the public that the tax bills are in the mail. He told residents if they don’t receive their tax bill by the middle of next week to call the Town Clerk.

Board/Committee Appointments/Reappointments - Chairman Brown announced that Earle Rosse from the Londonderry Housing & Redevelopment Authority, Pauline Caron from the Heritage Commission and Yves Steger from the ZBA all have terms that are expiring this December and have they decided not to run again.

ADJOURNMENT

Councilor DiMarco made a motion to adjourn at 10:30 PM, second, Councilor O’Keefe. Council’s vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 11/02/09

Minutes Typed by: Margo Lapietro Date: 11/05/09

Approved; Town Council Date: 11/16/09