

TOWN COUNCIL /BUDGET MEETING
May 20, 2013

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

PRESENT: Chairman, John Farrell; Vice Chairman Tom Dolan; Councilors: Jim Butler; Joe Green; Tom Freda; Acting Town Manager, LPD Chief William R. Hart; Executive Assistant Margo Lapietro.

Call to Order

Chairman Farrell opened the meeting at 7:05PM with the Pledge of Allegiance. This was followed by a moment of silence for Dick Higgins a former Planning Board member.

Public Comment

Proclamation – National Center for Missing & Exploited Children National Missing Children’s Day May 25, 2013 proclaimed by Chairman John Farrell.

Chairman Farrell read a letter from Jack Falvey about Woodmont and referenced the people who sent the e-mails with concerns about open space. J. Falvey also sent a letter to the Planning Board Chair with the request to keep 19 acres of the PUD along Gilchrest Road as open space in the form of a park. Chairman Farrell stated that Mr. Falvey is asking the Council to get directly involved with this process in the Planning Board. The Councilors requested advice from the Town Attorney, Michael Ramsdell. In an e-mail to Chairman Farrell, Attorney Ramsdell stated that:

“John,

The Town Council (“TC”) has no role to play in the approval or denial of a planned urban development (“PUD”). If the PUD developer and the Town negotiate a developer’s agreement, and it receives the Planning Board’s (“PB”) recommendation, the agreement must be presented to the TC because it, not the PB, is the local governing entity that can obligate the Town. However, consideration of the developer’s agreement is significantly less than approving or denying the PUD application.

The municipality may vest the PB with such powers as it deems necessary to fulfill its local land use function. RSA 674:1, VI. The PB’s authority includes the review of subdivision applications, site plans and other applications and plans involving local land use. RSA 674:35 and RSA 674:43. PUDs are one such local land use. RSA 674:21.

It is the local land use board, here the PB, not the TC, that is responsible for establishing the procedures pursuant to which a local land use permit will be considered for approval. RSA 676:4. It is the PB, not the TC, that is responsible for rendering a decision on “an application for a local permit.” RSA 676:3.

Londonderry’s Ordinance properly recognizes that consideration of the PUD is a PB, not a TC, function. The Ordinance, 2.8.3, describes the decision-making function as follows:

2.8.3.3

The **Planning Board** holds a public hearing on the PUD application and determines whether or not it is complete, in accordance with this ordinance. **The board** must take final action on the application within 65 days of a finding of completeness.

2.8.3.4

The **Planning Board** approves, denies, or approves with conditions the PUD application. An applicant may appeal any such decision of the **Planning Board** in the same manner specified for appeals for site plan determinations and subdivision determinations (RSA 677:15).

2.8.3.9

Landowners may apply to amend all or a portion of an approved PUD following the same process applicable to the establishment of a PUD. A landowner may extinguish a PUD by notifying the **Planning Board** in writing that he/she does not intend to utilize the PUD.

The TC is not mentioned in the Ordinance.

Accordingly, both state law and Town Ordinance render consideration of a PUD a function exclusively for the Planning Board. The TC and its members are entitled to share its/their views at a public hearing before the PB, as is any citizen of the Town. However, the TC does not have an official role to play in the process and must leave consideration of the PUD application to the PB.

Please let me know if you need anything further on this issue.

Michael D. Ramsdell
Ramsdell Law Firm
46 South Main Street"

Chairman Farrell explained that by statute Town Council cannot interfere with the Planning Board process. All of Mr. Falvey's letters will be added into our minutes (attached). The Planning Board Chairman, Art Rugg will read any additional letters into the Planning Board meeting minutes. Open for discussion. Chairman Farrell said the Council welcomes e-mails from citizens, and will send them along but the Town Council is not involved in the process.

Londonderry Fire Department (LFD) – Discussion on Implementing New Fireworks Regulations
– Acting LFD Chief Darren O'Brien was in attendance to discuss new fireworks regulations being put in place after the incident at the Londonderry Fish & Game Club (LF&G). First he explained that they have gone through the promotional process for a Battalion Chief, and promoted Mike McQuillen who was in the audience with his wife Deb. He also said there was a fire fighter that was out on medical leave since 12/12; that person returned to light duty on 4/1/13, and will be back on full duty the first of June. He congratulated the individual for what they have gone through and welcomed them back. He congratulated Local 3160 because they volunteered their time to cover the fire fighter's shifts. He informed the Council that saved the town close to \$20K in replacement costs. The Councilors thanked the Acting Chief. Acting Fire Chief O'Brien explained that Fire Marshall Brian Johnson polled about 8 communities to see what their regulations and permit fees were; he said there was not a lot out there, we have more.

He passed out a list of ideas for the Ordinance (copy attached). He explained that when a homeowner purchases over \$500.00 of fireworks they have to come to the fire station to get a \$50.00 permit. The fire department is then required to inspect what the homeowner is going to do. He explained that there is no way they can police that. Removing the fee would be a feasible idea. Another proposal was to limit the use of Class C fireworks between 6:00PM-10:00PM to coincide with the noise ordinance. Another idea they proposed was a fee of \$1,000.00 for Class B "commercial" display of fireworks. This fee may be either waived by the Town Manager, Fire Chief or his designee. The fee in 2008 had a typo error of \$100.00 and it has been that amount ever since. Acting Fire Chief O'Brien said he would like to see Class B "commercial" displays only for Town sponsored events. We would not have to charge that \$1,000.00 fee if we were allowing town sponsored events. Chairman Farrell questioned the definition of a town sponsored event. Acting Fire Chief O'Brien said Class B "commercial" display should be required to have a LFD detail with personnel and equipment and it would be the sole responsibility of the company sponsoring the event. The rates will be listed on the website of the LFD. Chairman Farrell said the Chief should put together an Ordinance and have a public meeting. Acting Town Manager/LPD Chief Bill Hart said they were either going to amend any existing Ordinance or propose a new Ordinance. He informed the Council that a lot of people have called the Town Manager's office about the noise issues; it is a cause of concern for a number of people. Councilor Dolan asked for an explanation of what Class C fireworks are. Acting LFD Chief proceeded to explain and said that firecrackers are not allowed. Councilor Dolan talked about Class C fireworks being "permitted" between 6:00PM-10:00PM or "allowed" during that time. Acting LPD Chief said "allowed", Class C should read allowed. Councilor Dolan asked how does a homeowner know if it is below a class C. Acting LFD Chief O'Brien said they could explain the classes on their website. Chairman Farrell said the classes need to be defined. Councilor Dolan suggested if a permit is needed the display would have to be set off the day you are doing the fireworks so the fire dept. makes a judgment call on the weather, etc. He mentioned that when they get a no cost permit the fire department should give them some safety information at the same time. Acting LFD Chief O'Brien said they don't necessarily shoot off the fireworks the same day they get the permit. Chairman Farrell suggested working some partnership out with the fireworks store. Councilor Freda suggested having a permit that expires after 24 hours. Fire Marshall Johnson explained their website explains the fire danger categories. The fireworks stores already have copies of each towns Ordinances for fireworks and have safety information that they pass out for Class C fireworks. He explained that price does not matter; people can get injured from the cheapest fireworks. Councilor Dolan said that a result of the permitting process is that they will know the location of the noise. B. Johnson said if you buy up to \$500 you don't need a permit. Councilor Farrell suggested the Acting Town Manager check with the IT Department to see if we could do self-registration on the website. The website could explain the different types of fireworks and have the weather dangers listed. Councilor Green said if we didn't allow any Class B fireworks except for town sponsored events it would also exclude commercial. He said if we have a town sponsored commercial event if someone gets hurts are we responsible. B. Johnson explained that any licensed pyrotechnical company has to provide their own insurance per RSA's. Councilor Green said we should talk to an attorney about the liability issue for town events. Chairman Farrell instructed the Acting Town Manager to check that out. Councilor Butler asked if there is a rider covering the town, B Johnson responded yes. Councilor Butler asked what is a Class 3 fire danger, Acting LFD Chief. O'Brien responded that is a high condition. Councilor Freda had a concern about waiving the \$1,000.00 fee. Acting LFD Chief O'Brien said it was designed for Old Home Day (OHD) so they can waive it. Chairman Farrell said that should be specified in

the Ordinance. B Johnson said other towns only allow fireworks at the 4th of July , they charge the town for the firefighters and apparatus. Maybe it should be put in the OHD budget instead of it coming out of the operating budget. Chairman Farrell said it is just moving money around in the budget. Councilor Green responded we should waive the fee and increase the OHD budget. Waiving it can create issues we don't want. Chairman Farrell said they have good ideas but they just need to tighten things up. Open for discussion. Ann Chiampa, 28 Wedgewood, said the LF&G was the problem due to the element of surprise. She asked would it be possible when getting the permit to have the address listed somewhere on the website when purchasing class B fireworks. Acting LFD Chief O'Brian responded lots of fireworks will be going off at the 4th of July, he could look into it. A. Chiampa asked if there could be any restrictions during the workweek as opposed to holidays. Chairman Farrell responded we only have one problem centered around Class B fireworks, just focus on that. Chairman Farrell said the proposed noise ordinance will be from 6:00PM-10PM. Don Jorgenson, 6 Rolling Ridge Rd. said you stated that any fireworks from 6:00AM-10PM any day of the week is OK for Class C. Chairman Farrell corrected him and said it was from 7:00AM – 10:00 PM, right now there are no restrictions other than that. The LFD is proposing fireworks use from 6:00PM to 10:00PM. D. Jorgenson said the ordinance does not address the noise issue and the amount of times they can be set off. Chairman Farrell asked Acting Town Manager/LPD Chief Hart who receives the complaints. He responded most come to the LPD, some come to the Town Manager. The complaints that come to LPD if they are sustained will have a unit sent out. If they occur after 10:00PM we send a unit out to quiet things down. D. Jorgenson asked what is considered a noise disruption. Councilor Dolan said he thought the noise ordinance is 10:00PM to 7:00AM with fewer than 75 decibels under the current rules. They are proposing to tighten that from 6:00PM-10:00PM within the same noise ordinance. He pointed out that it was hard to determine the decibels due to the fact that we don't have the equipment to measure it. Councilor Freda said the only thing he can think off is putting a limit on someone's number of permits in a certain time period. Councilor Butler suggested either maybe changing the noise ordinance or have a petition from the citizens to look at it. Chairman Farrell suggested the LFD meet with Mr. Jorgenson and if someone is shooting off fireworks every day then they probably have over \$500.00 worth of fireworks. Investigate what is going on, talk to the townspeople and get information. Councilor Dolan thought staggering the permit issue is a good idea.

Martin Srugis, 17 Wimbledon Dr. talked about a recent decision of the ZBA about units per building for workforce housing. The developer at the Perkins Road development asked for variances from our town ordinances concerning the number of units per building, the workforce housing percentage and the phasing. Councilor Freda excused himself and sat in the audience due to a conflict of interest. M. Srugis stated that the Perkins Road development has ordinances that are being overturned and he felt they were being turned over too easily. Why are they being overturned in the appeals process? It seems that any developer can appeal the ordinances if they decide they are not going to make any money on the development. If the ZBA is making these decisions why not have them be reviewed by town counsel; if they are not having counsel review them then why not. Chairman Farrell explained the ZBA is a quasi-judicial board and that the Town Council under state statute does not oversee it. He explained the town attorney's time has to be approved by Council prior to his engaging. The attorney was extensively involved with the ZBA. The appeal process for the ZBA is to go to Superior Court. Councilor Butler said he is the liaison to the ZBA and it was a very tough decision, the developers attorney was very well prepared and went through the 5 cases of law. The ZBA did ask the town attorney to look at it and it was the opinion of counsel that the developer would win in Superior Court. If the

developer won then at that point the developer would be able to do anything they wanted too. M. Srugis than asked if our Ordinance holds water, is our zoning board well versed in the law. Councilor Dolan said the ZBA basically hears people who want to deviate from the zoning ordinances. If we don't allow deviations then we would not need a ZBA. If you go to Superior Court and lose, often the judge lifts all restrictions and the board has to make a decision if they want to risk that. Discussion ensued about how many units were allowed per building and the progression of the developers hearings with the ZBA. M. Srugis said he wants to bring it to someone's attention that the Ordinance should be re-written going forward. Chairman Farrell said he should go to the Planning Board. At that point, Councilor Freda returned to the meeting.

Chairman Farrell announced the candidates for the Town Manager position has been reduced to 4 candidates; they will meet in a Non-public meeting tonight to set up schedules for interviews.

Public Hearing

None

Old Business

Arnett Development Group – Acting Town Manager/LPD Chief Hart said they re-vamped the contract for Arnett Development Group to provide services to the Planning and Economic Development Department. The contract changed from a retainer based contract to an hourly based contract with a cap that can be waived by the Town Manager. It is \$100/hr. up to \$2,500. per month should that be necessary. The schedules were not included in the agenda at the last meeting and he apologized for that. He proceeded to read the Scope of Services. The key areas are the business retention and expansion and working with the various stake holders in the Pettengill Road project. The termination conditions are if we don't ask Arnett to work, they don't work and the contract expires. Mr. Arnett is in attendance tonight to answer any questions. They will look at some kind of performance based compensation down the line, and within the professional scope of services a number of sub-contracted services will be used. Acting Town Manager/LPD Chief Hart said he thinks the new agreement answers the concerns of Council. Councilor Freda said he thought in the last agreement the power to terminate was either with cause or without cause for 30 days. Acting Town Manager/LPD Chief Hart said it was without cause; the difference was that was retainer based, this is strictly hourly. The consensus was to accept the contract with Arnett.

NEW BUSINESS

Order #2013-17 – Expend Capital Vehicle Changeover and Special Revenue Funds for the Londonderry Police Department – Councilor Freda read the Order and **Councilor Dolan made a motion to accept, second Councilor Green.** Acting Town Manager/LPD Chief Hart pointed out that there was a typo error that the funds were voted in on March 13, 2012 not 2013 as typed on the Order. He also pointed out that the \$44,791.00 came from \$4.00 from every detail worked from all the police schedules. Councilor Butler asked why there is only 1 vendor. Acting Town Manager/LPD Chief Hart responded this is an excepted use because it is part of the state bid process. Our purchasing policy allows for this; the state handles the cost and value. This is stated under the Town Municipal Code, Title VI Purchasing Policy. LPD Capt. Robert Michaud thanked the Town and the Council for the new cruisers. He explained the purchase orders involved are for updating the equipment in the new cruisers totaling \$78,591.20.

Councilor Butler asked if we kept within the budget for this equipment. Acting Town Manager/LPD Chief Hart said they came a little bit over those two accounts. **Councils vote 5-0-0.**

Order #2013-18 – Expenditure of Maintenance Trust Funds for Various Projects – Councilor Dolan read the first reading and made a **motion to adopt, second Councilor Freda.** Open for discussion. Councilor Butler said Administrative Support Coordinator Steve Cotton did a great job with listing the purchase orders and worksheets for the Order, he recommended continuing doing the proper paperwork in case we have future audits. **Councils vote 5-0-0.**

APPROVAL OF MINUTES

Council meeting minutes of 05/06/13 – Councilor Green made a motion to approve, second Councilor Dolan. Councilor Butler had a change to line 339 “hope next equipment is a pumper” he corrected that to read “tanker”. **Councilor Green made a motion to approve with changes, second Councilor Dolan. Council’s vote 5-0-0.**

OTHER BUSINESS

Liaison Reports – None

Chairman Farrell said they were reviewing the upcoming budget and asked how they were going to address re-organizing the administrative line. Acting Town Manager/LPD Chief Hart recapped that during the last budget process the Council asked for a reduction in the budget up to 40% to include library reductions in salaries be made. It was made clear that further reductions were to come from non-represented folks. The Town Manager according to the Charter can take action with respect to one or all of those specific salaries and/or look for other efficiencies through re-organization. That is an on-going project and he has been looking at the various positions to see how they are going to allocate those reductions. They go into effect 7/1/13 with the beginning of the new year. He said his intent is to advise the Council before they do go into effect sometime before that. Chairman Farrell said that would be sometime before 6/17/13.

Town Manager Report – Planning Board Recommendation – Stantec for Planning and Engineering Review Services – Based on the concerns of Council to include the issue of cost and the number of bids his thought is to go back to the beginning. He outlined the parameter of the RFP and sent them to Counsel who advised him that we had 3 options. The RFP allows for the Council at any time prior to awarding the RFP to withdraw the RFP. Secondly, Council can reject the recommendation of the Planning Board or thirdly, they can accept the decision of the Planning Board. It is wisest to withdraw the RFP and give the Acting Town Manager guidance on how to proceed and give him guidance to include cost as a potential factor. Chairman Farrell surmised that the recommendation was to withdraw the RFP, give direction to the Town Manager to see at least 2 vendors and see the cost. Councilor Green clarified that they would like to see 3 vendors because only 2 came in. Acting Town Manager/LPD Chief Hart stated that there were actually 4 to start, one withdrew, one didn’t meet the qualifications, that left 2 vendors and the Planning Board chose to recommend 1 to the Council. Chairman Farrell stated that Council would like to see at least 2 vendors. Councilor Butler said he had an e-mail from one of the Planning Board members and it indicated that the Board received 4 responses to the

RFP, 1 was eliminated. Chairman Farrell said that the Acting Town Manager is saying that the RFP was flawed in the way it was written and in what we want to accomplish. Councilor Dolan stated we don't serve our citizens well when we spend a large amount of money without the cost being a factor. We issued an RFP that was flawed in that regard. Consensus was to pull it back, list cost and have at least 2 vendors to select from.

Adams Pond Dam – Acting Town Manager/LPD Chief Hart said there were questions from some residents about the water level. The property is owned by Andy Mack, Jr. and it is located on private property. The dam was lowered due to recommendations made by the Dam Bureau of the New Hampshire Department of Environmental Services (DES) during a routine inspection. The Town of Londonderry's easement holds the easement granting use and development rights to it from the property owner. The purchase of the easement is to allow "outdoor recreation...grant access at reasonable times, dates and seasons, construct and allow use of recreational improvements such as trail overlooks, parking lots and other improvements" through the auspices of the Town or its agents. He proceeded to review his memo. No permission has been received as yet to repair the dam. The Conservation Commission can address the concern. Councilor Dolan asked if the Conservation Commission can "improve, protect and manage..." is that only for land that we purchase; he stated that the town didn't purchase this land. Acting Town Manager/LPD Chief replied that the statute does not differentiate, the Town through the Conservation Commission have in fact purchased much more than development rights. They have purchased significant use rights which allow for essentially 365 days a year use and it is incumbent on the Conservation Commission and the Town through this easement to manage that. Councilor Dolan said it seems like the intent is that the Conservation Commission can spend the money to repair the dam; he would like Counsel to look at it. Councilor Freda said this shows some of the deficiencies we have. Deb Lievens was here at the last meeting and she thought we only bought the development rights. We need to take a look at the inventory and see what our duties are. We should have a manual on what we should do to protect these properties and the rights we have, we should be more pro-active. The issue of stewardship shows the urgency we need to address it. Chairman Farrell surmised we would like to do a complete review of all signed easements by our current town attorney for what they say and what parameter we have. Councilor Dolan said he thought Councilor Freda said he wanted to review all inventory including easements, purchases and donations; all inventory of open space and all documentation that supports it. Councilor Green said we need direction for stewardship. Councilor Dolan said he gets the sense that the Conservation Commission is looking for leadership and direction in their role of stewardship. Chairman Farrell said we should find out how stewardship is defined under law.

Board/Committee Appointments/Reappointments –.
None

ADJOURNMENT

Council will enter into a Non-Public Meeting according to RSA 91-A: 3, II (a & b) at 8:41 PM. Aye Joe Green, Aye Tom Freda, Aye John Farrell, Aye Tom Dolan, Aye Jim Butler. Councils vote 5-0-0.

Notes and Tapes by:

Margo Lapietro

Date: 05/20/13

Minutes Typed by:

Margo Lapietro

Date: 05/23/13

Approved by:

Town Council

Date: 06/03/13

Et al: 5/3/13

Not only will the apple trees be coming down (Some have asked for the photos that went out on Art Rugg's letter. You can print them out. Attached.), but we are about to have twenty springs of blasting.

When Market Basket's Londonderry store (K-Mart building taken over by Market Basket) it had to be blasted out of ledge. It took all summer. Same with Home Depot. I live a quarter mile from each. Ledge is concocted. My house moved around a lot! Cracks in our foundation developed. Who takes before photos of a foundation? The builders said outside of a few hundred yards sorry!

Woodmont is ledge city!

We need a blasting regulation for the next twenty years. We need construction regulations as they plan on using existing town roads as construction roads. Back up bells and pickup parked wherever.

How about blasting only between ten and two? (A damages council of citizens be set up to process damage claims from an escrow or bond fund.)

Construction week days only.

Construction hours from May till November 9:00 a.m. to 5:00 p.m. (When windows and doors are open.) All other times 8:00 a.m. to 6:00 p.m.

With out these regulations in writing no one within a half mile of Woodmont would ever be able to sell (or rent) their house.

Lets have your comments and I will go to a PB meeting and read them to the public which looks like the only way we can keep Cynthia May from burying them in a web file!

What say you?

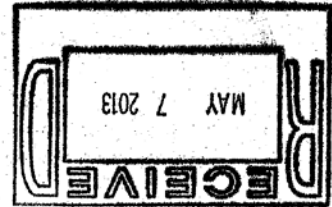
Jack Falvey
22 Cortland Drive
Londonderry,
New Hampshire 03053
Jack@Falvey.org

Reviewed
5/8/2013



May 6, 2013

John Farrell, Chairman
Londonderry Town Council
268B Mammoth Road
Londonderry, NH 03053



Dear John:

I know you are truly concerned about our town and the concerns of our taxpayers. I share your feelings. In order to get an easy exchange of facts and opinion I chose not to publish the names of my neighbors and friends when we began to see how Woodmont would play out. I stand behind that decision.

I asked the following contributors to our dialog if I could send you their comments and names. They agreed. There is of course much more, but because we are limited by Art Rugg's PB agendas few can get to speak to these questions:

If you and the Town Council could become more active and involved in these issues our town would benefit greatly from the skills and talents you could bring to controlling the massive changes to the land use and economic and population base of Londonderry.

It is not too late to act. Please feel free to pass this letter along to your fellow councilors.

Jack,

I have also thought about what may occur with my well if single family homes on wells were built in the section behind the Kitt Lane. I was hoping water and sewer would be run to that section, but have not heard. Reading these comments posted here, I now have new concerns, as I never considered the blasting, and the possible effects. Most of my foundation has inside walls hiding the concrete, so I may not notice damage until I start seeing water coming in during a spring thaw. I have only had water in my basement once,

the Mothers Day flood years ago. And then, what will be done to protect my water supply from being compromised by the blasting? When will these concerns, as well as all of the others submitted, be discussed? Or better yet, why haven't they been discussed? Yes, you may use my name.

Ken McLoon
19 Kitt Lane

Good morning, Jack.

Since I live in the same neighborhood as you, I am very aware of the blasting situation. I am very concerned since it will affect all of us in the neighborhood. The suggestions that you make are all valid. However, if the Board cannot put forth other, just as credible guidelines associated with construction and environmental issues, how will they ever address an issue such as this? How can they address this subterranean issue when they haven't addressed ANY pertinent issue that have been sent to their attention by people who will be affected the most? I guess the only way to address this situation is to seek out a legal, advocate type organization to "watchdog" this situation to bring additional scrutiny to our Board. The days of being able to view Apple Blossoms are coming to an end. The epic saga of Wally World continues and the board is mesmerized by it. I am embarrassed by their discounting the negative impact that constituents will be left with due to their lack of action on these issues.

Thank you for efforts.

Dick Salcito

Jack,

For starters I would propose that a traffic control person or person's be on duty at the corner of Gilcrest and Cortland any time construction is in progress , as it is now almost impossible to get in or out of Cortland at times.

As you know the end of Devonshire Lane is blocked off to Rt #102 so no other way out is possible for hundreds of residents. Also as you know in this part of town we are all on water wells and we have had problems in the past with blasting changing the underground water channels. How many wells will go dry or stop producing from this blasting? The last Market Basket blast cost me a large foundation crack and nothing more than a big smile from the developer and the Town. Thanks.

Have a nice day,

Gary Stapleford

I wish the Londonderry Times would get more investigative and publish more on this subject. I for one am tired of the residents' concerns being ignored. I have sat through a few of these dog and pony shows and have heard no real questions and worst no answers to any of the questions. It seems everything is conceptual. We need to show up in force on May 8th and put their feet to the fire. Why are there cuts on to Gilcrest?? Why can't the traffic be routed out to the Market basket area where there is a median strip and access to Rt. 102. The Planning Board should be asking these questions.

Joe Maggio
Cortland Street

We ought to be able to bring some balance to this situation. I'm in favor of many parts of the Woodmont plan. I can see the merit in high density residential development, in a walkable commercial mixed use around Market Basket. Office space and even big box store go naturally along the high ground next to I-93.

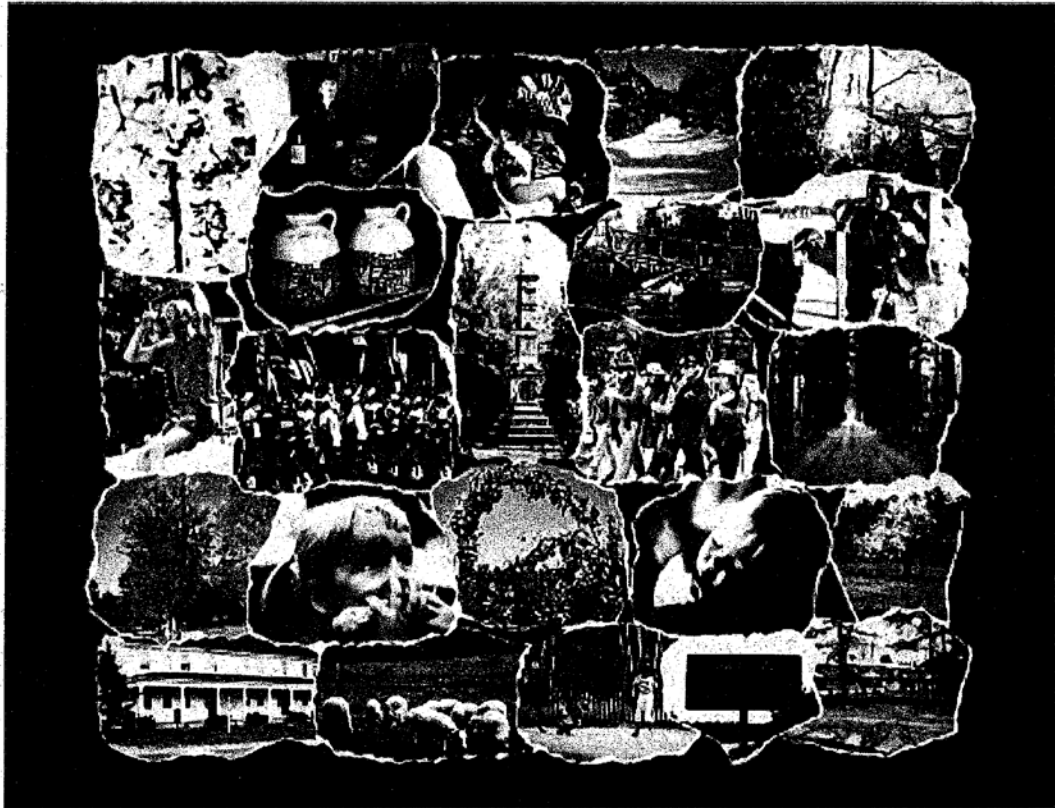
Doing something on the east side of I-93 has merit, but should be considered separately.

Open space would be welcome as recommended along Gilcrest and would mitigate somewhat the traffic and construction zone elements that will have to be dealt with for the next twenty years.

Let's work this project hard. So far it has been disproportionately one sided as all have noted.

Regards,

Jack



LONDONDERRY, NEW HAMPSHIRE — 1999 TOWN REPORT



*Woodmont Orchards — Gilcrest Road
Photo by Jack Falvey*

May 9, 2013

John Farrell, Chairman
Londonderry Town Council
268B Mammoth Road
Londonderry, NH 03053

Dear John:

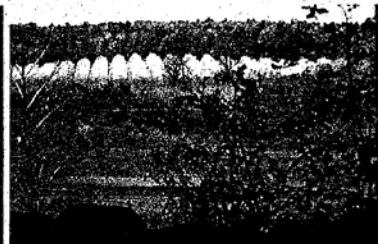
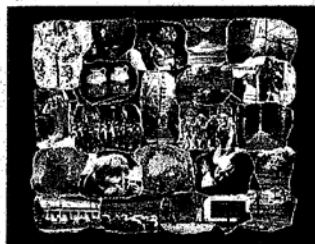
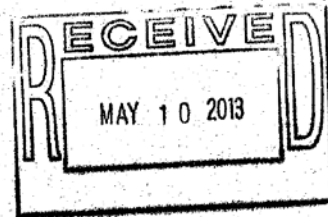
Please accept the enclosed signed manifesto of concern and share it and its 177 companion documents with your fellow Town Council members. If you could read this letter into the record at the public comment segment of your next meeting I'll keep it short and to the point:

I would like to suggest a shift from frustrated protest over Woodmont to a positive call for action,

I recommended to Art Rugg that the 19 acres along Gilcrest Road be open space. (Only 3% of the PUD.) and that it be maintained by the developer as an apple preservation park. (Letter enclosed.) It can have a working name of "Saint Michael's Park" until naming rights are established. How about a vote of support from your council? This is a deadly serious and positive proposal. I hope you agree.

Regards,

Jack
CC Et al.



We the people: on Woodmont.

Prepared by Jack Falvey as a summary of fifteen months of citizen input maintaining a 90 plus person email chain of neighbors and interested others commenting on the transformation of the Woodmont Apple Farm to a proposed new urban village. 12/17/11

If you are in agreement with this citizen view of the Woodmont Project, please sign this document to express your will to the elected and appointed officials of our town:

Londonderry is not River City, Portsmouth, Boston, or some at risk victim of sprawl.

The New Hampshire Municipal Association and the office of State Planning define "Urban Sprawl" as:

"Inflation over time, in the amount of land consumed per unit of human activity, and the degree of dispersal between such land areas, brought about as the consequence of society's use of automobiles."

A bias against automobiles is just that.

Those that choose to live without automobiles may do so in an urban environment with mass transit and a mass population in nearby Mass.

We do not have trouble right here in Londonderry or in River City as the Music Man con artist proposed when selling band instruments and uniforms in the Broadway show and subsequent motion picture.

The Woodmont developers want to sell Londonderry on a high density, high profit (For them.) massive subdivision of 1300 dwellings on 650 acres. Under existing zoning laws, which we all are in compliance with, and which they want changed, the 650 acres in question would support less than 300 dwellings if they were crammed in.

Citizens have raised the alarm that a whole new set of very negative consequences will result from the developer's high density, high profit business model if existing zoning is done away with. New costly expansions of fire, police, highway and schools would be required and these additional costs have not been estimated or addressed as the developer wants the zoning changed first and the costs dealt with after the fact. This document opposes that order.

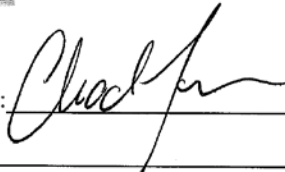
The developers have paid lip service to concerns of the residents of the town and are in the process of ramrodding their project down the throats of our Planning Board under the newly codified Plan Unit Development ordinance. This citizen document opposes that process and recommends that deliberations be deliberate and complete before a Master Plan, which contains zoning changes, is considered.


Over one hundred specific citizen questions have been submitted to town staff in writing on the Woodmont project and none have been answered or discussed in a public planning board meeting. Long term issues must be on the table before short term zoning changes can be voted on. This document requests full disclosure and full public discussion of all relevant issues. Staff to developer dialog is no substitute for open to the public meetings. Meetings run by the developer are not a substitute for public meetings run by our elected and appointed officials. Zoning changes by town charter are in the province of the town council. They would be a preferred body to discuss zoning changes of these magnitudes (6 dwellings per acre versus the 50 year one acre per dwelling town wide standard.). This document supports open public discussions of zoning changes before specific plans are considered.

This project may or may not work for Londonderry but the process definitely does not work for Londonderry. Both the developer and the community are not pleased with progress of either the project or the discussion and disclosure of the details and probable costs and consequences to all the citizens of Londonderry. This document supports a tabling of the Master Plan application until such time as a complete third party review is submitted and citizen input is heard in public session by that third party and other relevant bodies.

The residents of Londonderry have invested their savings, taxes, time and energy to build our town into a country living model acceptable to all those who have moved here. This type of town is friendly to the environment both human and wild life with open spaces, natural versus artificial wetlands and forested green spaces. Lacking urban mass transit and concentrated population mass in excess of 100,000 residents, walkable employment is a myth that cannot be achieved on a 650 acre Potemkin village no matter what the density, to include high rise construction which has not been ruled out under the PUD. This document opposes the destruction of the existing one acre per dwelling economic model of Londonderry that all residents have agreed to for the past fifty years.

Sign here:

 8 Crestview Cir Londonderry

(Received May 3 2013)


Margo Lapietro

From: John Farrell <jwfarrelljr@hotmail.com>
Sent: Thursday, May 09, 2013 2:05 PM
To: Margo Lapietro
Subject: FW: Saint Michael's Park

To: jwfarrelljr@hotmail.com
Subject: Fwd: Saint Michael's Park
From: mghmas@aol.com
Date: Thu, 9 May 2013 12:31:05 -0400

-----Original Message-----

From: mghmas <mghmas@aol.com>
To: Jack <Jack@Falvey.org>
Sent: Thu, May 9, 2013 12:29 pm
Subject: Re: Saint Michael's Park

Mr. Farrell & Mr. Rugg,

We also agree with the letter from Jack Falvey regarding the setting aside of park space on Gilcrest Rd and ask that it be read and recorded into the minutes at the next Town Council meeting. We also agree that the Town Council become more involved in the development of Woodmont Commons going forward as we believe an unprecedented endeavor such as this requires the attention, involvement and input of a maximum number of appointed officials not a minimum.

Sincerely,

Matt Hogan & Marcela Smith-Hogan

-----Original Message-----

From: Jack <Jack@Falvey.org>
To: Jack Falvey <jack.falvey@bc.edu>
Sent: Thu, May 9, 2013 11:54 am
Subject: Fw: Saint Michael's Park

Et al.

I'm running low on Comcast capacity so I may have to hold off emails till tomorrow.

Jack Falvey

Jack

Please feel free

John

From: Jack@Falvey.org
To: jwfarrelljr@hotmail.com
Subject: Re: St. Michael's Park.
Date: Thu, 9 May 2013 10:55:08 -0400

Dear John:
You're good.
Can I run your reply on the email chain?
Regards,
Jack
MakingTheNumbers.Com 603.432.5715
22 Cortland Drive
World Headquarters
Londonderry, New Hampshire 03053
USA

From: [John Farrell](mailto:John.Farrell)
Sent: Thursday, May 09, 2013 10:23 AM
To: Jack@Falvey.org
Subject: RE: St. Michael's Park.

Jack

Please be advised that I will be reading your letter into the public record at our next meeting on May 20th. This is the same process I followed for your last letter received. Everyone is welcome to e mail me as you suggested. Please let them know that I will not be responding to each e mail. The Town Council will respond in public at our meeting. I want to make sure each councilor has the opportunity if the so choose to comment. Also, I will read a statement at the conclusion of presenting your letter.

Thank you

John Farrell
Chairman, Londonderry Town Council

From: Walter
Sent: Thursday, May 09, 2013 11:08 AM
To: <mailto:Jack@Falvey.org>
Subject: Re: Saint Michael's Park

Yes.

Margo Lapietro

From: John Farrell <jwfarrelljr@hotmail.com>
Sent: Thursday, May 09, 2013 2:04 PM
To: Margo Lapietro
Subject: FW: FSt. Michael's Park.

Please include in TC Packet all the responses I send you

From: Don.Sommese@morganstanley.com
To: jwfarrelljr@hotmail.com
CC: Jack@Falvey.org
Date: Thu, 9 May 2013 09:22:06 -0400
Subject: FSt. Michael's Park.

Dear John:

I am wholeheartedly in support of the attached proposal.

Sincerely,

Don Sommese
380 Winding Pond Road
Londonderry, NH 03053
603-432-6851



May 9, 2013

John Farrell, Chairman
Londonderry Town Council
2613 Mainwood Road
Londonderry, NH 03053

Dear John:

Please accept the enclosed signed manifestation of concern and share it and the 177 companion documents with your fellow Town Council members. If you could read this letter into the record at the public comment segment of your next meeting I'll keep it short and to the point:

I would like to suggest a shift from frustrated petition waver Woodmont to a positive call for action.

I recommend to Art Bagg that the 18 acres along Filbert Road be open space. (Only 2% of the PUD) and that it be maintained by the developer as an apple preservation park. (If ever established) It can have a working name of "Saint Michael's Park" until easement rights are established. How about a vote of support from your council? This is a deadly serious and positive proposal. I hope you agree.

Regards,

Jack
CC: Margo



Margo Lapietro

From: John Farrell <jwfarrelljr@hotmail.com>
Sent: Thursday, May 09, 2013 2:04 PM
To: Margo Lapietro
Subject: FW: Woodmont

> Subject: Woodmont
> To: jwfarrelljr@hotmail.com
> CC: jack@falvey.org
> From: heyray7@aol.com
> Date: Thu, 9 May 2013 13:31:56 +0000

>

> Hi John, I would like to add myself to the list proposed by Jack Falvey, that would like to see " Saint Michaels Park" go forward to salvage some of our Towns' biggest assets...Apple Orchards. It would be a very positive step forward by the applicant. Sincerely, Ray Adams, 22 Devonshire Lane, Londonderry.

> Sent via BlackBerry from T-Mobile

With attribution.

Thanks,
Walter & Marilyn Stocks

Sent from my iPad

On May 9, 2013, at 10:53 AM, <Jack@Falvey.org> wrote:

Dear Walter:
Can I run this with attribution on our email chain? (Or without attribution?)
Regards,
Jack
MakingTheNumbers.Com 603.432.5715
22 Cortland Drive
World Headquarters
Londonderry, New Hampshire 03053
USA

From: Walter
Sent: Thursday, May 09, 2013 10:45 AM
To: jwfarrelljr@hotmail.com ; Arthur_rugg@vrtx.com
Cc: <mailto:Jack@Falvey.org>
Subject: Fwd: Saint Michael's Park

Mr Farrell & Mr Rugg

We agree with this letter from Jack Falvey.
The exterior apple trees along Hovey Rd and Pillsbury Rd should also be saved.
Fewer curb cuts need to be incorporated on Hovey Rd.

We also think the town council should be more involved with this project.
40,000 to 50,000 additional vehicles a day from this project will create a traffic nightmare for the citizens of Londonderry.
In our opinion, the taxpayers of Londonderry will end up paying for all the needed improvements and additional costs associated with this project.
It will create more schools, police, firemen, town personnel, town vehicles, improved town buildings, improved existing roads, repaired existing roads damaged by construction vehicles etc etc etc. We will have to put up with construction noise from this project for 20 years. Our quiet neighborhoods will be turned into construction zones.

Please read this letter into the minutes of our next meeting.

Thank you,
Walter & Marilyn Stocks
39 Gordon Dr
Londonderry, NH

Dear John:

I am wholeheartedly in support of the attached proposal.

Sincerely,

Don Sommese
380 Winding Pond Road
Londonderry, NH 03053
603-432-6851

Hi Jack:

I think this open space concept is a good idea – perhaps the compromise that breaks the log jam that’s been created on this Woodmont deal.

Earle (Anderson Lane Londonderry.)

Earle F. Rosse
Vice President
20 Trafalgar Square, Suite 471



Darren M.O'Brien
Acting Fire Chief
dobrien@londonderry.org

LONDONDERRY FIRE DEPARTMENT
280 Mammoth Road
Londonderry, New Hampshire 03053
www.londonderry.org



Business (603) 432-1124
FAX (603) 432-1129

The Town of Londonderry would hereby follow the following ordinance.

- Remove the fee schedule for Class C “homeowner” fireworks.
- The use of Class C fireworks will be permitted between 6pm-10pm. This will coincide to the Town’s noise ordinance
- The use of Class C fireworks will only be permitted on days at or below a Class 3 fire danger predicted day.
- A fee of \$1000.00 will be charged for Class B “commercial” display of fireworks. This fee may be either waived by the Town Manager, Fire Chief or his designee.
- The use of Class B fireworks within the Town of Londonderry shall only be permitted for a Town sponsored event.
- Any Class B “commercial” display shall be required to have a Fire department detail with personnel and equipment to be the sole responsibility of the company sponsoring the event. The rate for the detail is defined on the Fire Departments web site under rules and regulations.