

**TOWN COUNCIL
AGENDA
June 21, 2010**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. *All regular meetings will be adjourned by 10:00pm unless otherwise notified.*

7:00 PM

I. CALL TO ORDER

II. PUBLIC COMMENT

A. Civil Forfeiture for Dog Licenses

III. PUBLIC HEARING

A. Ordinance #2010-01 – Relative to an Amendment to the Zoning Ordinance Regarding Implementation of Recommendations of the Northwest Small Area Master Plan

B. Receipt of Unanticipated Revenues and Grants

IV. OLD BUSINESS

A.

V. NEW BUSINESS

A. Ordinance #2010-02 – Relative to Rezoning Map 15, Lot 87, Weymouth Road

B. Ordinance #2010-03 – Relative to Rezoning Map 16, Lot 38, Old Derry Road

C. Ordinance #2010-04 – Relative to a Zoning Amendment to Update Building Code Regulations to the 2009 State Building Code

D. Order #2010-12 – Relative to the Expenditure of Capital Reserve Funds

E. Resolution #2010-17 – Relative to an Amendment to a Sewer Services Contract

F. Fire Department Staffing Levels

G. Order #2010-13 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects.

VI. APPROVAL OF MINUTES

- A. Minutes of Council's Public Meeting of 6/7/10

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager Reports
- C. Board/Committee Appointments/Reappointments
 - 1. Appointment of Elizabeth Lee to the Londonderry Arts Council-Ad Hoc Position

VIII. ADJOURNMENT

VIII. MEETING SCHEDULE:

- A. Town Council Meeting – July 19, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- B. Town Council Meeting – August 2, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- C. Town Council Meeting – August 23, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- D. Town Council Meeting – September 13, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- E. Town Council Meeting – September 20, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

SUPPORTING DOCUMENTATION COUNCIL MEETING OF JUNE 21, 2010

I. CALL TO ORDER

II. PUBLIC COMMENT

- A. Civil Forfeiture for Dog Licenses – Announcement regarding civil forfeiture for failure to register dogs.

III. PUBLIC HEARING

- A. Ordinance #2010-01 – Relative to an Amendment to the Zoning Ordinance Regarding Implementation of Recommendations of the Northwest Small Area Master Plan – Attached is an ordinance recommended by the Planning Board which seeks to implement recommendations in the SAMP regarding the appropriate types of development along Rte. 28 in the vicinity of Exit 5. Staff will be in attendance to provide additional information and respond to any questions.
- B. Receipt of Unanticipated Revenues and Grants – Attached is a list of unanticipated revenues and grants received during FY10, which after public input, the Council should vote to formally accept.

IV. OLD BUSINESS –

- A.

V. NEW BUSINESS –

- A. Ordinance #2010-02 – Relative to Rezoning Map 15, Lot 87, Weymouth Road – Attached is an ordinance proposing that the aforementioned lot be rezoned to AR-I. A public hearing is required and can be scheduled for July 19, 2010.
- B. Ordinance #2010-03 – Relative to Rezoning Map 16, Lot 38, Old Derry Road - Attached is an ordinance proposing that the aforementioned lot be rezoned to AR-I. A public hearing is required and can be scheduled for July 19, 2010.

- C. Ordinance #2010-04 – Relative to a Zoning Amendment to Update Building Code Regulations to the 2009 State Building Code – Attached is an ordinance proposing to update the building code from the 2006 edition to 2009. A public hearing is required and can be scheduled for July 19, 2010.
- D. Order #2010-12 – Relative to the Expenditure of Capital Reserve Funds - Attached is an order authorizing the expenditure of \$173,241 from the Ambulance Capital Reserve Fund to purchase a replacement ambulance. Adequate funds are available in the Ambulance CRF.
- E. Resolution #2010-17 – Relative to the Award of a Contract for Sewer Services – Recent EPA and NHDES requirements increase the responsibilities for maintaining the Town’s sewer collection system, which requires an amendment to the Town’s contract with Wright-Pierce Engineers. Attached is a resolution authorizing the work, to be funded from the Sewer Special Revenue Fund.
- F. Fire Department Staffing Levels – Chief MacCaffrie will present on two issues:
 - a. Fire Marshall Mark Tetriault has resigned to accept the position of Fire Chief in Barnstead. Although the position is classified as a uniformed, emergency response position (outside of the Council’s directive to review all non-emergency positions), the Chief has reviewed the position to determine if a restructuring would increase the effectiveness of the position. Report attached.
 - b. The Federal Government is now accepting applications from local governments for SAFER grants, which assist with funding emergency response positions. Chief MacCaffrie has submitted the attached presentation for the Council’s consideration.
- G. Order #2010-13 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects - Attached is an Order seeking authorization to fund repairs at various locations in the amount of \$2,558.87.

VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 6/07/10.

VII. OTHER BUSINESS

D. Liaison Reports –

E. Town Manager Reports –

F. Board/Committee Appointments/Reappointments -

2. Appointment of Elizabeth Lee to the Londonderry Arts Council-Ad Hoc Position

VIII. ADJOURNMENT –

MEETING SCHEDULE:

F. Town Council Meeting – July 19, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

G. Town Council Meeting – August 2, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

H. Town Council Meeting – August 23, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

I. Town Council Meeting – September 13, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

J. Town Council Meeting – September 20, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

**FOLLOW-UP FROM COUNCIL'S
June 7, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Crowell's Corner	Review compliance timeline for possible Process/code revisions <i>(In process)</i>	Dave
Littering	Review current ordinances/input from Beautify L-Derry re: sign postings <i>(In process)</i>	Dave/BL
IT Services	Implement agreement with new vendor <i>(Ongoing)</i>	Dave/Sue

**FOLLOW-UP FROM COUNCIL'S
May 17, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
CBA	Review and present negotiation strategies <i>(In process)</i>	Dave/Sue

Introduced: 05/17/10
Public Hearing: 06/21/10
Adopted: 06/21/10

ORDINANCE 2010-01
RELATING TO AN AMENDMENT TO THE
ZONING ORDINANCE REGARDING
IMPLEMENTATION OF RECOMMENDATIONS OF
THE NORTHWEST SMALL AREA MASTER PLAN

WHEREAS the Town undertook a study to determine the most appropriate land uses in the vicinity of Exit 5 along the Rte. 28 corridor; and

WHEREAS this process resulted in much public input and Planning Board adoption of the Northwest Small Area Master Plan (SAMP); and

WHEREAS the SAMP recommends a new zoning sub-district (proposed as “Mixed Use Commercial” by the Planning Board) be allowed in that area; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon this amendment;

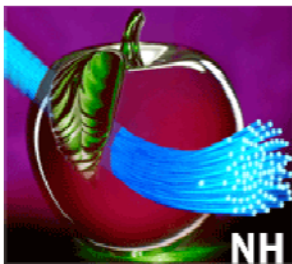
NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the creation of new sub-district “Mixed Use Commercial” and amend various sections of the Zoning Ordinance and Map, per the attached, as recommended by the Planning Board.

Paul DiMarco, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal



Londonderry

Business is good. Life is better.

TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

To: Town Council
CC: Building Division

From: Timothy J. Thompson, AICP

Date: May 13, 2010

Subject: Zoning Amendments Recommendation from the Planning Board

On May 12, 2010, the Planning Board held a public hearing relative to the Zoning Ordinance.

The Planning Board, by a unanimous vote, recommends the approval of the attached amendments to the ordinance.

Additionally, the Planning Board asks that the Council consider making a minor modification to the ordinance, adding "Hotel" as a conditional use in the proposed MUC district (amending the permitted use table to add a "C" in the row for "Hotel" and the "MUC" column)

Please feel free to contact me if you have any questions, and please advise me on when the public hearing will be held by the Council so that I can be present to present the ordinance.

Town of Londonderry, New Hampshire

LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AND ZONING MAP AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 12th day of May, 2010, at 7:00 PM on proposed amendments to the Londonderry Zoning Ordinance.

The proposed amendments were prepared by the Planning Division of the Community Development Department and Planning Board to implement recommendations of the Northwest Small Area Master Plan and to encourage responsible development of the Exit 5 area of NH Rt. 28.

The proposed changes are summarized as follows:

- Amend Section 2.1.1 (Districts) as follows:
 - Amend number of districts from 17 to 18
 - Add new "Mixed Use Commercial" (MUC) sub-district to list of districts
- Amend Section 2.2 (Use Table) to reflect the permitted and conditional uses associated with the MUC sub-district.
- Amend Section 2.4 (Commercial District) as follows:
 - Amend Section 2.4.1.1 to include MUC sub-district.
 - Add new Section 2.4.1.2.6 to include the MUC sub-district.
 - Amend Section 2.4.2 to be re-titled and revised to include general standards for all commercial sub-districts
 - Amend Section 2.4.3 to be re-titled and revised to include standards for the C-I, C-II, C-III, and C-IV sub-districts
 - Add new Section 2.4.4 to relocate standards previously in Section 2.4.1.2.5 related to the C-IV sub-district
 - Add new Section 2.4.5 to establish standards specific to the MUC sub-district
- Amend Section 2.6.2.3.1 (Rt. 28 Performance Overlay District) to remove parcels listed in the final bullet below to be re-zoned to MUC.
- Amend Section 4.7 (Definitions) to include a new definition for "Development, Commercial Mixed Use."
- Amend the Zoning Map to rezone the following parcels to MUC: On Map 15, Lots 51, 54, 55, 56, 58, 59, 60, 61-1, 62, and 64.

Copies of the full text of the proposed amendments are available at the Planning Division, Second Floor of the Town Hall & on the Town Website www.londonderrynh.org (Click on Boards & Commissions, then Planning Board)



Timothy J. Thompson, AICP
Town Planner

2 ZONING DISTRICTS

2.1 DISTRICTS AND USES

2.1.1 Districts

For the purpose of this Ordinance, the Town of Londonderry is divided into ~~seventeen~~ **eighteen (18)** districts and sub-districts as follows:

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<u>Full Name</u>	<u>Short Name</u>
Agricultural-Residential	AR-I
Multi-family Residential	R-III
Commercial-I	C-I
Commercial-II	C-II
Commercial-III	C-III
Commercial – IV	C-IV
Mixed Use Commercial	MUC
Industrial-I	IND-I
Industrial-II	IND-II
Gateway Business	GB
Planned Unit Development	PUD
Airport District	AD
Conservation Overlay	CO
Performance Overlay District	POD
Flood Plain Development	FP
Airport Approach Height Overlay	AH
Airport Approach Noise Overlay	AN
Historic District	H

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2.2 USE TABLE

2.2.1 Accessory Uses

With the exception of residential district, all uses permitted for each district shall be permitted as accessory uses within that district provided the combination of uses shall meet all other provisions of this Zoning Ordinance.

Londonderry Zoning Ordinance Use Table

Overlay Districts

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
RESIDENTIAL AND AGRICULTURAL																		
Agriculture	P	P									P ⁵							
Assisted Living Facilities		P	P	P	P		P				P ⁵		P	P				
Back Lot Development	C										P ⁵		See specific district regs.					
Dwelling, multi-family	C ³	P, C ³	C ³	C ³	C ³	C ³					P ⁵							
Dwelling, single family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³					P ⁵							
Dwelling, two-family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³					P ⁵							
Elderly Housing	P	P	P	P	P	P					P ⁵		P	P				
Manufactured housing	P, C ³	P, C ³																
Mixed use residential						P	P				P ⁵							
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P						P ⁵		P	P				
Preexisting manufactured housing parks	P																	
Presite Built Housing	P																	
	P																	
CIVIC USES																		
Community center			P	P		C					P ⁴							
Cemetery	P																	
Public Facilities	P		P	P		C		P	P	P	P ⁴	P						
Public Utilities	P	P	P	P				S	S	S	P ⁵	S						
Recreational Facilities, Public	P			P							P ⁴		P	P				
Religious Facilities	P		P	P	P	P					P ⁵		P	P				
Cultural Uses and Performing Arts							C			P	P ⁴							
BUSINESS USES																		
Aeronautical Facilities												P						
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	P ⁴							
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	P ⁴							
Bed and Breakfast Homestay	P										P ⁵							

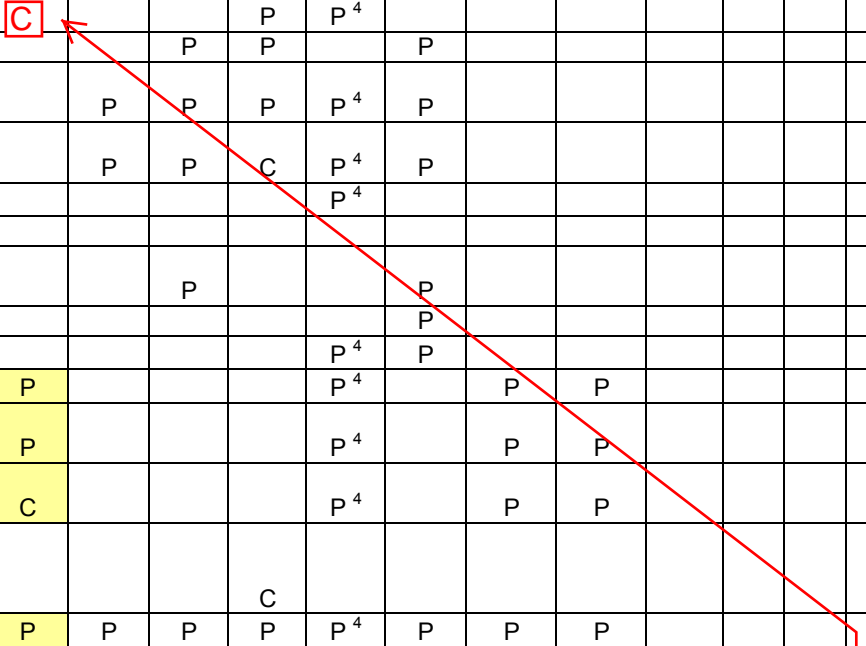
P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
Business center development			P	P			P			P	P ⁴		P	P				
Conference/Convention Center							C			P	P ⁴							
Day Care Center, Adult						C	C				P ⁴							
Drive-thru window as an accessory use			P	P			C											
Drive-in establishments			P	P														
Drive-in theatres				P														
GB District Services										(See GB District Services Use Table, Section 2.2.2)								
Financial institution			P	P			P			P	P ⁴							
Funeral homes			P	P	P													
Education and Training Facilities							C			P	P ⁴							
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	P		P	P	P			P	P			P						
Group Child Care Center					P	C		S	S		P ⁴		C	C				
Home Occupation	S										S							
Hotels				P			C			P	P ⁴							
Manufacturing, Heavy									P	P		P						
Manufacturing, Light up to 250,000 sq. ft.				P				P	P	P	P ⁴	P						
Manufacturing, Light 250,001 sq ft or larger				P				P	P	C	P ⁴	P						
Membership club			P	P							P ⁴							
Motels				P														
Motor Vehicle Maintenance, Major Repair and Painting									P			P						
Motor vehicle rental												P						
Motor Vehicle Station, Limited Service				P		C ²					P ⁴	P						
Recreation, commercial			P	P			P				P ⁴		P	P				
Retail sales establishment up to 75,000 sq. ft.			P	P		P	P				P ⁴		P	P				
Retail sales establishment 75,001 sq. ft. or larger			P	P		P	C				P ⁴		P	P				
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use										C								
Professional office			P	P	P	P	P	P	P	P	P ⁴	P	P	P				



Requested Change from Planning Board

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
Rental Car Terminal up to 50,000 sq. ft										P	P ⁴							
Rental Car Terminal 50,001 sq. ft. or larger										C	P ⁴							
Repair services			P	P		P		P	P		P ⁴	P	P	P				
Research or Development Laboratories				P			P	P	P	P	P ⁴	P						
Restaurant			P	P		C	P				P ⁴	P	P	P				
Restaurant, fast food			P	P			C				P ⁴							
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C								
School, Private					P						P ⁴		P	P				
Service establishment			P	P			P	P	P		P ⁴	P	P	P				
Sexually oriented businesses			P	P														
Storage, self serve				P				P	P				C	C				
Terminal, Airplane												P						
Terminal, Trucking up to 100,000 sq. ft.									P	P	P ⁴	P						
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P ⁴	P						
Vehicle Sales Establishment				P														
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	P ⁴	P	C	C				
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	P ⁴	P	C	C				
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	P ⁴	P						
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	P ⁴	P						

1 - Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use

2 - See section 2.4.1.2.4 for additional dimensional requirements related to fuel dispensers

3 - See Section 2.3.3 for specific requirements (workforce housing)

4 - As part of an approved PUD Master Plan, See Section 2.8

5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 2.8

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

GB District Services Use Table	GB
Accessory Uses up to 5,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	P
Accessory Uses from 5,001 – 20,000 sq. ft.-Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	C
Automotive Repair up to 5,000 sq. ft.	P
Automotive Repair from 5,001 to 10,000 sq. ft.	C
Computer Services up to 5,000 sq. ft.	P
Computer Services from 5,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 5,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 5,001 to 20,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 5,000 sq. ft.	P
Daycare from 5,001 to 10,000 sq. ft.	C
Health Clubs up to 5,000 sq. ft.	P
Health Clubs from 5,001 to 20,000 sq. ft.	C
Personal Service Businesses up to 5,000 sq. ft.	P
Personal Service Businesses from 5,001 to 20,000 sq. ft.	C

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

2.4 COMMERCIAL DISTRICTS

2.4.1 Commercial District

2.4.1.1 Objectives and Characteristics

The ~~five~~ commercial sub-districts (C-I, C-II, C-III, ~~C-IV, and MUC~~) are designed to provide areas for commercial development to include, but not limited to, retail businesses, financial institutions, service oriented businesses, office buildings, recreational facilities, and repair shops.

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2.4.1.2 Sub-district Uses

2.4.1.2.1 Commercial I (C-I)

This ~~sub~~-district is primarily intended to provide for Town-servicing business activities where the establishment of planned business center development shall be encouraged.

2.4.1.2.1.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

2.4.1.2.1.2 Prohibited uses: facilities for the maintenance or repair of machinery, large appliances, and equipment having internal combustion engines are prohibited in this district.

2.4.1.2.2 Commercial II (C-II)

2.4.1.2.3 This ~~sub~~-district is primarily intended to encourage the development of business areas designed to serve the motoring public.

2.4.1.2.3.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance

2.4.1.2.4 Commercial III (C-III) - this ~~sub~~-district is primarily intended for business-professional offices and residential use.

2.4.1.2.4.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

2.4.1.2.5 Commercial IV (C-IV) - this ~~sub~~-district is primarily intended for neighborhood commercial and office use, limiting the size, scale and expansion of neighborhood commercial uses in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which said establishments are located. All uses within the C-IV ~~sub~~-district shall be subject to the Site Plan Regulations and must have building renderings reviewed by the Heritage Commission for their recommendation on the building design prior to the Planning Board approving any site plan.

2.4.1.2.5.1 ~~Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.~~

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2.4.1.2.6 Mixed Use Commercial (MUC) - this sub-district is primarily intended for mixed use commercial development appropriate to areas adjacent to exits from Interstate 93.

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2.4.1.2.6.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

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2.4.2 General Standards for all Commercial Sub-districts

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2.4.2.1 Minimum lot size - minimum lot size and dimensions in all commercial districts are subject to Planning Board and the State of New Hampshire approval based on sewage disposal requirements, soil type, topography, vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre with at least one-hundred and fifty (150) feet of frontage on a Class V or better road.

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2.4.2.2 Outside storage - any outside storage in the commercial district is subject to Planning Board approval. If allowed, all storage areas will be visually screened from the access street, arterials and adjacent property. No storage shall be allowed between a frontage street and the building line.

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2.4.2.3 Building height - except for structures not intended for human occupancy (chimneys, water towers, etc.) Height of buildings shall not exceed 50 feet (Does not apply to C-IV District, see Section 2.4.4.1).

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2.4.2.4 Building coverage of the site will not exceed twenty-five (25) percent of the lot area.

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2.4.2.5 Building design

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2.4.2.5.1 To enhance the aesthetic quality of development in Londonderry's commercial districts, the Planning Board, during site plan review, will require a rendering of the proposed building(s). Factors that the Planning Board will consider before approving the conceptual design will include, but will not be limited to:

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2.4.2.5.1.1 Roof design

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2.4.2.5.1.2 Exterior finish

2.4.2.5.1.3 Signs and lighting

2.4.2.5.1.4 Sidewalks

2.4.2.5.1.5 Building shape

2.4.2.6 Vehicle access - see regulations listed in Section 3.10.

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2.4.2.7 Parking standards - see regulations listed in Section 3.10 and Table 1 of Section 3.10 to determine the quantity of spaces required for specific uses.

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2.4.2.8 Loading space standards

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2.4.2.8.1 No on-street loading or unloading shall be permitted.

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2.4.2.8.2 Where off-street loading is required, loading bays shall be provided and maintained in accordance with the following:

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2.4.2.8.2.1 Loading bays shall not be located on sides of buildings facing a public right-of-way except as specifically approved by the Planning Board. Where such exception is granted, the Board shall require an opaque wall, fence, natural

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terrain, vegetation or other solution to provide screening as effectively as practical.

2.4.2.8.3 Specific size of loading space shall be determined by building usage or function. ← --- Formatted: Bullets and Numbering

2.4.2.8.4 Loading areas shall be designed to permit on-site backing or maneuvering as well as forward driving to the lot exit. ← --- Formatted: Bullets and Numbering

2.4.2.8.5 Other than Planning Board approval to use parking aisles as maneuvering space, loading areas requirements shall not encroach on parking areas. ← --- Formatted: Bullets and Numbering

2.4.2.8.6 The area approved for loading or unloading shall not obstruct access to a property or right-of-way. All loading or unloading spaces shall have direct access to a public right-of-way at all times. ← --- Formatted: Bullets and Numbering

2.4.2.8.7 All loading areas shall be surfaced with a durable, asphalt material and graded and drained to dispose of all surface water accumulation. ← --- Formatted: Bullets and Numbering

2.4.2.9 Signs - all signs, their quantity and location shall comply with the Town of Londonderry sign ordinance current at the time a site plan is approved (Section 3.11) ← --- Formatted: Bullets and Numbering

2.4.2.10 Performance standards - see Town wide Section on performance standards for industrial and commercial development (Section 3.2) ← --- Formatted: Bullets and Numbering

2.4.2.11 Portable Storage Structures: The use of portable storage structures are allowed in the Commercial Districts under the following conditions: ← --- Formatted: Bullets and Numbering

2.4.2.11.1 There must be no more than one portable storage structure per property. ← --- Formatted: Bullets and Numbering

2.4.2.11.2 The portable storage structure must be no larger than ten feet wide, twenty feet long and 10 feet high. ← --- Formatted: Bullets and Numbering

2.4.2.11.3 A portable storage structure shall not remain at any property in excess of 45 consecutive days and shall not be placed on any one property in excess of 90 days in any calendar year. A building permit is required for placement of a portable storage structure on a property. ← --- Formatted: Bullets and Numbering

2.4.2.11.3.1 The Permit for a portable storage structure may be extended upon approval by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension shall be made in writing to the Building Department, and if granted, shall not result in any additional permit fees. ← --- Formatted: Bullets and Numbering

2.4.2.11.4 The portable storage structure shall be set back a minimum of 30 feet from any side or rear lot lines, and 60 feet from any front property line. ← --- Formatted: Bullets and Numbering

2.4.2.11.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building. ← --- Formatted: Bullets and Numbering

2.4.2.11.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.

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2.4.2.11.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.4.2.12.1 through 2.4.2.12.6.

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2.4.3 General Standards for C-I, C-II, C-III, and C-IV subdistricts:

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Within the commercial district and the C-I, C-II, C-III and C-IV sub-districts, the following regulations and controls are required for the development and continued use of the area.

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2.4.3.1 Minimum setback distances for structures from property line:

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2.4.3.1.1 front 60 feet

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2.4.3.1.2 side 30 feet

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2.4.3.1.3 back 30 feet

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<#>¶

2.4.3.1.3.1 If a property abuts more than one existing and/or proposed right-of-way, the building setback will be sixty (60) feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.

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2.4.3.2 Landscaping

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2.4.3.2.1 Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a "green" area shall enclose the entire lot perimeter as follows: minimum width of "green" areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet.

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2.4.3.2.2 When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required:

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2.4.3.2.2.1 The buffer zone shall be a minimum of fifty (50) feet wide.

2.4.3.2.2.2 The buffer zone shall be planted and permanently maintained to diminish the deleterious effect of the commercial activity in accordance with specifications outlined the Site Plan Regulations.

2.4.4 Additional Standards for C-IV Sub-district

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2.4.4.1 Building height: no structure in the C-IV sub-district shall be greater than 30 feet in height.

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2.4.4.2 Building footprint: no use in the C-IV sub-district shall have a building footprint greater than 3,500 square feet with the exception of except community centers, and religious facilities

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2.4.4.3 No drive-thru windows are permitted in the C-IV sub-district

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2.4.4.4 Outside storage: no outside storage or display of any kind is permitted within the C-IV sub-district.

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2.4.4.5 Standards for conditional use permits in the C-IV sub-district. In addition to the standards listed in Section 1.5.2.2, the following criteria must be met for the Planning Board to grant a conditional use permit in the C-IV sub-district:

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2.4.4.5.1 The applicant shall show that the proposed use is needed to serve primarily the convenience commercial needs of the surrounding neighborhood, considering proximity and accessibility of similar uses.

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2.4.4.5.2 The scale of the proposed structure is consistent with and complimentary to the surrounding land uses in the neighborhood.

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2.4.5 General Standards for MUC sub-district:

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Within the MUC sub-district, the following regulations and controls are required for the development and continued use of the area.

2.4.5.1 Minimum setback distances for structures from property line:

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2.4.5.1.1 Front setbacks shall be based on the following performance standards:

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2.4.5.1.1.1 Building footprint of 0 – 75,000 square feet: 60 feet

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2.4.5.1.1.2 Building footprint of 75,001+ square feet: 90 feet

2.4.5.1.1.2.1 For purposes of this sub-district the front setback shall be measured from the property line at the arterial road. Where a lot has additional "front setbacks" from other local roadways, the front setback from a local roadway shall be 60 feet

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2.4.5.1.1.3 Side setbacks shall be one-half (½) the front setback, but no less than 30 feet

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2.4.5.1.1.4 Rear setbacks shall be one-third (1/3) the front setback, but not less than 30 feet.

2.4.5.2 Building Height: As an incentive for use of steep roofs or other architectural elements (clock towers, cupolas, etc.) the Planning Board may, with recommendation from the Heritage Commission, allow for a height bonus not to exceed sixty (60) feet from grade. ← -- -- Formatted: Bullets and Numbering

2.4.5.3 Landscaping ← -- -- Formatted: Bullets and Numbering

2.4.5.3.1 Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a "green" area shall enclose the entire lot perimeter as follows: minimum width of "green" areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet. ← -- -- Formatted: Bullets and Numbering

2.4.5.3.2 When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required: ← -- -- Formatted: Bullets and Numbering

2.4.5.3.2.1 The buffer zone shall be based on the following performance standards: ← -- -- Formatted: Bullets and Numbering

2.4.5.3.2.1.1 Properties with less than 75,000 square feet of commercial structures: 50 feet ← -- -- Formatted: Bullets and Numbering

2.4.5.3.2.1.2 Properties with greater than 75,001 square feet of commercial structures: 75 feet

2.4.5.3.2.2 The buffer zone shall be planted and permanently maintained to minimize the visual impact of the commercial activity from residential districts in accordance with specifications outlined the Site Plan Regulations. ← -- -- Formatted: Bullets and Numbering

2.4.5.4 Conditional Use Permits for the MUC Sub-district ← -- -- Formatted: Heading 4

2.4.5.4.1 Uses Permitted by Conditional Use Permit: Some developments (see Use Table, Section 2.2) in the MUC sub-district will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, and the most recently adopted Town Master Plan. ← -- -- Formatted: Heading 5
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2.4.5.4.2 Dimensional Relief by Conditional Use Permit: The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, frontage, or parking) for projects that are determined to be consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan. ← -- -- Formatted: Heading 5
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2.4.5.4.3 The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. ← -- -- Formatted: Heading 5
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Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

2.4.5.4.4 Application Procedure - Applications for conditional use permits (CUP) within this sub-district shall be made in accordance with the following procedures:

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2.4.5.4.4.1 It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan.

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2.4.5.4.4.2 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.

2.4.5.4.4.3 The application will then begin Pre-Application Design review, followed by the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.

2.4.5.4.4.4 Unless otherwise addressed in this ordinance, all applications shall meet those requirements set forth in the relevant sections of the Subdivision & Site Plan Regulations of the Town of Londonderry.

2.4.5.4.5 Approval of Applications Requiring a Conditional Use Permit - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of Section 2.4.5.4.5.1. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or any other federal/state regulation or law.

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2.4.5.4.5.1 The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the MUC sub-district. The applicant shall demonstrate that:

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2.4.5.4.5.1.1 The proposed use is consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan;

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2.4.5.4.5.1.2 Granting of the application is in the public interest;

2.4.5.4.5.1.3 The property in question is reasonably suited for the use requested.

2.4.5.4.5.1.4 The design of the site represents to the extent practicable a minimization of impacts to natural resources, and maximizes the provision of green space and accommodation of non-vehicular and pedestrian traffic.

2.4.5.4.5.2 In addition to the criteria listed in Section 2.4.5.4.5.1, projects which seek a dimensional conditional use permit shall meet the following additional criteria:

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2.4.5.4.5.2.1 The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought

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is not feasible without relief from the strict terms of this ordinance, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with their zoning district; and

2.4.5.4.5.2.2

The application demonstrates that the alternative design for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance will all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

2.6.2.3 District Defined – Route 28 Corridor

2.6.2.3.1 The performance overlay district shall be described as including the lots identified on the “Performance Overlay Zone” Map and specifically as follows:

On Tax Map 15: 21, 21-1, 22, 22-1, 23, 23-1, 23-2, 25, 25-1, 26, 27, 28, ~~60-2, 60-2, 61, 61-2, 61-4, 61-5, 61-7, 61-8, 63, 65-2, 66, 66-1, 67, 68, 69, 70-1, 70, 71,~~
124, 125, 126, 127, 128, 133, 134, 136, 137, 146, 147, 148, 149, 150, 153, 154,
155, 156, 157

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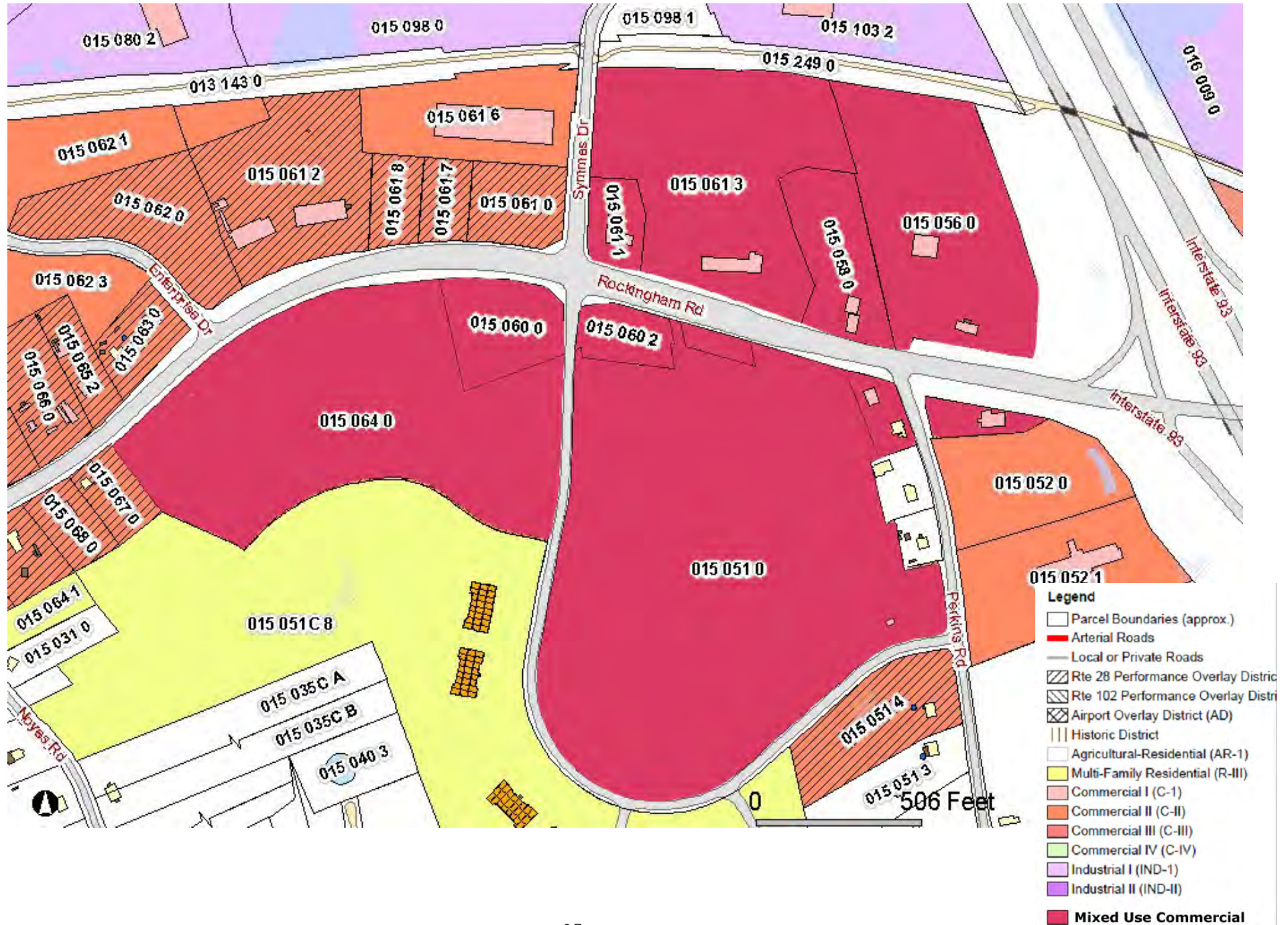
4.7 DEFINITIONS

DEVELOPMENT, COMMERCIAL MIXED USE: A tract of land or building or structure containing more than one type of land use or a single development of more than one building and use, where the different types of land uses (including, but not limited to, residential, office, manufacturing, retail, public, or entertainment) are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

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Proposed Parcels for inclusion in Mixed Use Commercial sub-district



LEGAL NOTICE

The Londonderry Town Council will hold a PUBLIC HEARING on the following:

Receipt of unanticipated revenues from various sources and expenditure of those revenues for a variety of municipal purposes during FY10.

The meeting will be held on Monday, June 21, 2010 at 7:00 PM at the Moose Hill Conference Room, 268B Mammoth Road, Londonderry. Copies of the revenue and expenditure information may be viewed at the Town Manager's office during regular business hours, or at www.londonderrynh.org.

Londonderry Town Council

Grants and Unanticipated Revenues Received in FY10

“Enforcing Underage Drinking Laws Grant Program” –State of NH	(\$4,000.00)
“Londonderry Radar” –State of NH Highway Safety reimbursement	(\$6,210.00)
“Londonderry Sobriety Checkpoints (5)” –State of NH Highway Safety grant reimbursement for overtime costs	(\$15,081.00)
“Londonderry Statewide DWI Hunter Patrols” –State of NH Highway Safety grant reimbursement for DWI overtime patrols.	(\$2,250.00)
“Londonderry ‘Join the NH Clique’ Seat Belt Campaign” – State of NH Highway Safety Grant reimbursement for seat belt and child safety seat law violators.	(\$3,750.00)
“State of NH Orange Alert Funds” – United States Government and State of NH	(\$14,600.00)
TAR Team Jackets - Chris George Trucking	(\$1,500.00)
“Byrne Grant 2011” – United States Government, police equipment	(\$10,500.00)
Butcher paper roll and holder - Mr. Steer Meats	(\$150.00)
Donation of land and construction of firearms range - Continental Paving, Manchester-Boston Regional Airport, Southern NH Concrete Systems and Eric DeCarolis –	(\$250,000.00)
Fire Alarm System and Sprinklers – Central Fire Station – Assistance to Firefighters Grant	(\$50,544.00)
FAA Nedtpane-06 – State of NH	(\$262.94)
Suppression Mayflower – State of NH	(\$1,700.44)
Wind Storm Related Reimbursement – FEMA	(\$23,917)
Equipment, Materials, Luncheons, Supplies – Londonderry Senior Citizens, Inc.	(\$6,593.45)
Energy Conservation Grant – U.S. Department of Energy	(\$106,000)
Grant/Gift Value	\$ 497,058.83
ARRA Grant (Fire Station Construction previously approved)	(\$1,655,171)
Total FY10 Grant/Gift Value	\$ 2,152,229.83

Introduced: 06/21/10
Public Hearing: 07/19/10
Adopted: 07/19/10

ORDINANCE 2010-02
AN AMENDMENT TO THE ZONING ORDINANCE &
MAP RELATING TO REZONING MAP 15, LOT 187,
WEYMOUTH ROAD

WHEREAS the Planning Board received a request to rezone the above-referenced parcel from C-I to AR-I; and

WHEREAS the requested rezoning is consistent with the lot's development capability and the spirit of the residential zoning around this parcel; and

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

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance and Zoning Map be amended to reflect the rezoning of Map 15, Lot 187 from C-I to AR-I, to become effective upon passage by the Town Council.

Paul DiMarco, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal



Londonderry
Business is good. Life is better.

TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

To: Town Council
CC: Building Division

From: Timothy J. Thompson, AICP

Date: June 10, 2010

Subject: Rezoning Recommendation from the Planning Board

On June 9, 2010, the Planning Board held a public hearing relative to the Zoning Ordinance and Map.

The Planning Board, by a unanimous vote, recommends the approval of the rezoning of Tax Map 15, Lot 187 from split zoned C-I to AR-I to the Town Council.

A copy of the staff recommendation for the rezoning is attached.

Please feel free to contact me if you have any questions, and please advise me on when the public hearing will be held by the Council so that I can be present to present the zoning change.



TOWN OF LONDONDERRY
Community Development Department
Planning & Economic Development Division



268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x134 Fax: (603) 432-1128

REZONING APPLICATION

Name of Applicant: Scott Lavoie

Name of Lot Owner: Scott Lavoie
(If different)

Address: 112 Minot Street, Manchester, NH 03109

Telephone #: 603-391-8645

Date Submitted: 5-19-2010

Tax Map # 15 Lot # 187
(Please list all if multiple lots are involved)

Current Zoning: C-1

Proposed Zoning: AR-1

Please explain the purpose and justification for your rezoning request (attach additional sheets if necessary):

The purpose of the rezoning is to be able to develop the land as residential.

The justification is that the surrounding land is also residential. Commercial development on this site seems unlikely and does not fit into the spirit of the residential zoning around this parcel.

Planning Department Comments (to be filled in by Town Staff):

See Staff Recommendation Memo dated June 9, 2010



As presented to the Planning Board conceptually May 12, 2010, the applicant seeks to develop the property as a single family home. The parcel is bounded by both I-II and AR-I zoning districts. The Board agreed in May that the rezoning was appropriate given the surrounding residential neighborhood.

This parcel was apparently used in the 1960's for a commercial use, and has been zoned commercial since Londonderry adopted its first Zoning Ordinance. The commercial use has long been abandoned from the parcel, and it currently is vacant land.

Staff Recommendation:

In summary, the rezoning is consistent with the Master Plan (this parcel or area was not specifically called out in the Master Plan) and with the surrounding residential neighborhood. As such, staff recommends that the Planning Board **RECOMMEND** this rezoning from C-I to AR-I to the Town Council.

Introduced: 06/21/10
Public Hearing: 07/19/10
Adopted: 07/19/10

ORDINANCE 2010-03
AN AMENDMENT TO THE ZONING ORDINANCE &
MAP RELATING TO REZONING MAP 16, LOT 38,
OLD DERRY ROAD

WHEREAS the Planning Board received a request to rezone the above-referenced parcels from split zoned AR-I/I-II to AR-I; and

WHEREAS the requested rezoning is consistent with the lot's development capability due to access issues, existing development patterns and the existence of a conservation easement; and

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

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance and Zoning Map be amended to reflect the rezoning of Map 16, Lot 38 from split zoned AR-I/I-II to AR-I, to become effective upon the following:

- 1) Planning Board approval of a lot line adjustment with the Waste Management parcel to the west, and that the zoning of that land transferred to Waste Management remain zoned I-II;
- 2) Planning Board approval for a conservation subdivision of the parcel reasonably consistent with that which was presented conceptually to the Planning Board on May 12, 2010.

Paul DiMarco, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal



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TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

To: Town Council
CC: Building Division

From: Timothy J. Thompson, AICP

Date: June 10, 2010

Subject: Rezoning Recommendation from the Planning Board

On June 9, 2010, the Planning Board held a public hearing relative to the Zoning Ordinance and Map.

The Planning Board, by a unanimous vote, recommends the approval of the rezoning of Tax Map 16, Lot 38 from split zoned AR-I/I-II to AR-I to the Town Council with the following conditions:

The rezoning of the parcel not become effective until:

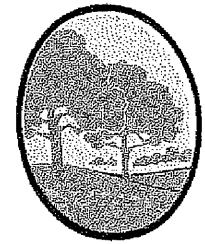
- 1. Planning Board approval of a lot line adjustment with the Waste Management parcel to the west, and that the zoning of that land transferred to Waste Management remain zoned I-II;***
- 2. Planning Board approval for a conservation subdivision of the parcel reasonably consistent with that which was presented conceptually to the Planning Board on May 12, 2010.***

A copy of the staff recommendation for the rezoning is attached.

Please feel free to contact me if you have any questions, and please advise me on when the public hearing will be held by the Council so that I can be present to present the zoning change.



TOWN OF LONDONDERRY
Community Development Department
Planning & Economic Development Division



268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x134 Fax: (603) 432-1128

REZONING APPLICATION

Name of Applicant: Chinburg Builders, Inc.

Name of Lot Owner: Kenneth A. Lorden 2001 Trust
(If different)

Address: 8 Newmarket Road, Durham, NH 03824

Telephone #: 603-868-5995 ext 11

Date Submitted: May 14, 2010

Tax Map # 16 Lot # 38
(Please list all if multiple lots are involved)

Current Zoning: Split Zoned AR-1 and I-II

Proposed Zoning: AR-1

Please explain the purpose and justification for your rezoning request (attach additional sheets if necessary):

The portion of Lorden land in the industrial zone is essentially cut off from Industrial access by wetlands and conservation land. The land is directly adjacent to Lorden land zoned AR-1. This request will be in conjunction with a Conservation Subdivision Site Plan Application that will create single family homes and over 100 acres of conservation land.

Planning Department Comments (to be filled in by Town Staff):

See Staff Recommendation Memo dated June 9, 2010

THOMAS H. LORDEN
60 STABLE ROAD
MILFORD, NH 03055

May 17, 2010

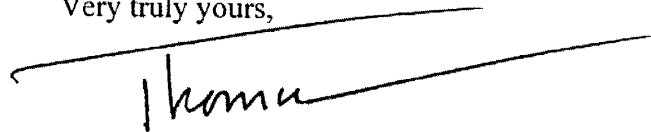
Town of Londonderry
Community Development Department
Planning and Economic Development Division
268B Mammoth Road
Londonderry, NH 03053

Re: Kenneth A. Lorden 2001 Trust
Re-Zoning Application

To Whom It May Concern:

Please be advised that I am the Trustee of the Kenneth A. Lorden 2001 Trust. As Trustee, I do hereby consent to the Zoning Application filed by Chinburg Builders, Inc., to re-zone that land of the Kenneth A. Lorden 2001 Trust which is currently zoned for industrial use to residential use. The rezoning application that I approve is attached hereto.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas", is written over a long, thin horizontal line that extends across the width of the signature area.

Thomas H. Lorden

THL:djl
Enclosure

MEMORANDUM

To: Planning Board

Date: June 9, 2010

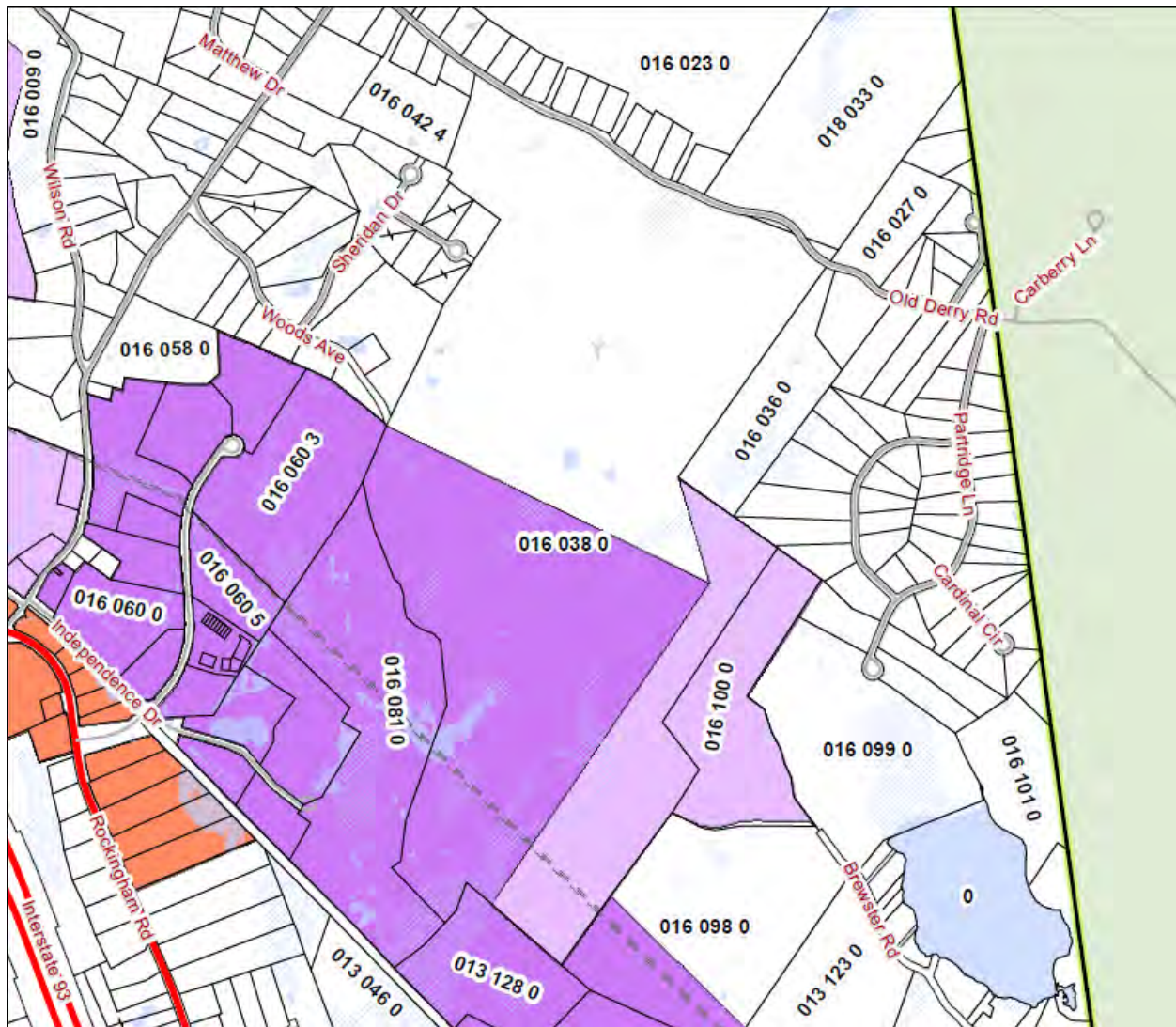
From: Timothy J. Thompson, AICP
Town Planner

Re: Rezoning Request:
Map 16, Lot 38
From AR-I/I-II to AR-I

The Planning & Economic Development Department has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The applicant requests the rezoning the above referenced lot from split AR-I/I-II to AR-I. The parcel is located at on Old Derry Road. (See below map and picture).





As presented to the Planning Board conceptually May 12, 2010, the applicant seeks to develop a conservation subdivision on this large parcel. The Planning Board was generally supportive of the development proposal. Because the lot is currently split by both AR-I and I-II, the industrial portion of the parcel needs to be rezoned to residential for the development of the parcel to commence.

Typically staff is very wary of “downzoning” industrial property to residential. In this case, however, existing development patterns, lack of access, and existence of a conservation easement to the south of the subject parcel make industrial development of this parcel extremely unlikely, if not impossible.

We understand that an additional lot line adjustment with the Waste Management parcel to the west is also part of this project, to allow for a sewer connection to the parcel. This portion of land to be transferred to the Waste Management parcel would remain zoned I-II.

Staff Recommendation:

In summary, the rezoning is consistent with the Master Plan (this parcel or area was not specifically called out in the Master Plan, and development of large residential parcels using the conservation subdivision ordinance is consistent with the land use recommendations of the plan) and was supported conceptually by the Planning Board in May. As such, staff recommends that the Planning Board **RECOMMEND** this rezoning from split zoned AR-I/I-II to AR-I to the Town Council with the following conditions:

The rezoning of the parcel not become effective until:

1. ***Planning Board approval of a lot line adjustment with the Waste Management parcel to the west, and that the zoning of that land transferred to Waste Management remain zoned I-II;***
2. ***Planning Board approval for a conservation subdivision of the parcel reasonably consistent with that which was presented conceptually to the Planning Board on May 12, 2010.***

Introduced: 06/21/10
Public Hearing: 07/19/10
Adopted: 07/19/10

ORDINANCE 2010-04
AN AMENDMENT TO THE ZONING ORDINANCE
TO UPDATE BUILING CODE REGULATIONS TO
THE 2009 STATE BUILDING CODE

WHEREAS Sections 5.1 and 5.2 of the Ordinance incorporate the Building Code, which was last revised to the 2006 State Building Code; and

WHEREAS staff recommends that the Building Code is updated to reflect the 2009 version of the State Building Code;

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

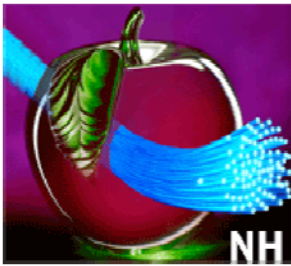
NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that Sections 5.1 and 5.2 of the Town Zoning Ordinance be amended to reflect the adoption of the 2009 State Building Code.

Paul DiMarco, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal



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TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

To: Town Council
CC: Building Division

From: Timothy J. Thompson, AICP

Date: June 10, 2010

**Subject: Zoning Amendments (Building Code) Recommendation
from the Planning Board**

On June 9, 2010, the Planning Board held a public hearing relative to the Zoning Ordinance.

The Planning Board, by a unanimous vote, recommends the approval of the attached amendments to the ordinance (Building Code).

Please feel free to contact me if you have any questions, and please advise me on when the public hearing will be held by the Council so that I can be present to present the ordinance.

Town of Londonderry, New Hampshire

LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 9th day of June, 2010, at 7:00 PM on proposed amendments to the Londonderry Zoning Ordinance.

The proposed amendments were prepared by the Building Department to amend Sections 5.1 and 5.2 of the ordinance (Building Code Amendments) by updating section to reflect the changes to the State Building Code.

Copies of the full text of the proposed amendments are available at the Planning Department, Second Floor of the Town Hall & on the Town Website www.londonderrynh.org (Click on Boards & Commissions, then Planning Board)



Timothy J. Thompson, AICP
Town Planner

5 BUILDING CODE AMENDMENTS

Article No. 14, adopted at the Town Meeting March 9, 1965;
 Article Nos. 19 and 20 March 11, 1969; Special Town Meeting June 14, 1971;
 Article No. 23, Town Meeting March 7, 1972-BOCA;
 Article Nos. 107, 108, and 109 Town Meeting March 2, 1976;
 Article No. 46 Town Meeting 1975;
 Article No. 107-76-1975 BOCA
 Article No. 108-76-Plumbing Code/1975
 Article No. 109-76-NEC 75
 Article No. 110 Town Meeting March 13, 1979).
 Article No. 103 Town Meeting May 14, 1985 - Replaced BOCA Code 1975 Th 1984 Edition
 Article No. 110 Town Meeting March 10, 1992 - Repealed current Building Codes and adopted 1990 BOCA (11th Edition)

Ordinance 99-07	11/01/99	Amend to BOCA Building Code - Fourteenth Edition
Ordinance 03-05		Not yet adopted
Ordinance 2004-4	3/8/04	Update to reflect State Building Code, Add demolition delay provisions.
Ordinance 2007-11	11/5/07	Update to reflect 2006 updates to State Building Code
<u>Ordinance 2010-??</u>	<u>??/??/??</u>	<u>Update to reflect 2009 updates to State Building Code</u>

Comment [tt1]: Ordinance # and date to be determined

5.1 BUILDING CODE AMENDMENTS - PART I

The International Building Code 2009 Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions:

Deleted: 2006

5.1.1 **Section 101.1** Insert name of jurisdiction in section as follows: These regulations shall be known as the Building Code of “the Town of Londonderry, New Hampshire”, hereinafter referred to as “this code”.

5.1.2 **Section 101.4.3 Plumbing:** Delete last sentence of this Section and insert in place thereof the following: “The provisions of the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance Chapter XX shall apply to private sewage disposal systems.”

Deleted: 4

5.1.3 **Section 103.1 Creation of Enforcement Agency:** Amend Section to read as follows: The department of building safety is hereby created “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter II, Section III”, and the official in charge shall be known as the Building **Official “or Building Inspector where the context so admits or requires.”**

5.1.4 **Section 103.2 Appointment:** Amend Section to read as follows: The building official shall be appointed “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter I, Section IV-A, and in accordance with the provisions of RSA 674:51, III. The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures.”

5.1.5 **Section 103.3 Deputies:** Delete Section 103.3 and insert in place thereof the following: “Section 103.3 Organization: The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, and other employees as shall be necessary for the administration of this code.”

5.1.6 **Section 107.2.6** Add the following section: ““Section 107.2.6 Soil and Technical Data: All technical and soil data required by the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan.”

Deleted: 106

Deleted: 1

Deleted: 106

Deleted: 1

5.1.7 **Section 107.2.7 Driveway Plan:** Add the following section: “Section 107.2.7 Driveway Plan: The driveway plan shall indicate the location and profile of the driveway(s) in accordance with the Public Works design specifications for the Town of Londonderry. The driveway plan shall be reviewed and approved by the Public Works Department prior to the issuance of a building permit.”

Deleted: 106

Deleted: 1.2

Deleted: 106

Deleted: 1.2

5.1.8 **Section 109.2 Schedule of Permit Fees:** Amend Section to read as follows: On buildings, structures, electrical, gas, mechanical, and plumbing systems or alteration requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as “determined by the Londonderry Town Council.”

Deleted: 108

5.1.9 **Section 110.3.1.1 Certified Foundation Footing Plan:** Add the following section: “Section 110.3.1.1 Certified Foundation Footing Plan: Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of NH indicating that the improvements shown on said plan are in compliance with the building setback

Deleted: 109

Deleted: 109

requirements of the Town of Londonderry, and a notation of the elevation of the top of the foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures.”

- 5.1.10 **Section 110.5 Inspection Requests:** Add the follow sentence to the Section paragraph: “Inspection requests made to the Londonderry building department shall require a minimum one day notice.” Deleted: 109

- 5.1.11 **Section 111.2.1 Approval Signature:** Add the following section: “Section 111.2.1 Approval Signature: All commercial, industrial, residential and other structures and occupancies requiring a certificate of occupancy as mandated by Section 110 of this code will require the following signatures: an authorized Building Department representative; an authorized Fire Department representative; an authorized Engineering Department representative. EXCEPTION: Structures requiring no action by the Fire or Engineering Departments will require only an authorized Building Department representative signature.” Deleted: 110
Deleted: 3
Deleted: 110
Deleted: 3

- 5.1.12 **Section 113.1 General:** Delete Section 113.1 in its entirety, (ie: 113.2 and 113.3) and insert in place thereof the following: “ Board of Appeals: In accordance with the provisions of RSA 673:3, IV., the Londonderry Zoning Board of Adjustment shall act as the building code Board of appeals, with the power as provided by RSA 674:34.” Deleted: 112
Deleted: 112
Deleted: 112
Deleted: 112

- 5.1.13 **Section 114.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: “by the provisions of RSA 676:15 and 676:17.” Deleted: 113

- 5.1.14 **Section 115.3 Unlawful Continuance:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: “ by the provisions of RSA 676:15 and RSA 676:17.” Deleted: 114

- 5.1.15 **Section 1608.2 Ground Snow Loads:** : Delete section in its entirety and insert in place thereof the following: “It has been determined by a site-specific case study conducted by the Structural Engineers of NH that the ground snow load for the Town of Londonderry is 65 pounds per square foot.”

- 5.1.16 **Section 1809.7 Frost Protection:** Amend section item 1. as follows:
1. Extending below the frost line “for the Town of Londonderry of 48” below finished grade.” Deleted: 1805
Deleted: 2.1

- 5.1.17 **Section 1809.7 Frost Protection:** Amend section exception item 2. as follows:
2. Area of 400 square feet or less for] any accessory structure; Deleted: 1805
Deleted: 2.1
Deleted: 200

- 5.1.18 **Section 2901.1 Scope:** Amend last sentence of paragraph to read as follows: “ Private sewage disposal systems shall conform to the current State of NH Env.-WS1000 Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX.”

- 5.1.19 **International Plumbing Code 2009 – Section 106.6.2 Fee Schedule:** The fees for plumbing work shall be “in accordance with the schedule as determined by the Londonderry Town Council.” Deleted: 2006

5.1.20 **International Plumbing Code 2009 – Section 106.6.3 Fee refunds:** *Delete sub-section Item 2 and Item 3 entirely.* Deleted: 2006

5.1.21 **International Plumbing Code 2009 - Section 602.3.3 Water Quality:** Insert at the end of the section paragraph, the following sentence: "A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, "standard analysis" as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants." Deleted: 2006

5.1.22 **International Mechanical Code 2009 - Section 101.1 Title:** These regulations shall be known as the Mechanical Code of the "Town of Londonderry", hereinafter referred to as "this code" Deleted: 2006

5.1.23 **International Mechanical Code 2009 - Section 106.5.2 Fee schedule:** The fees for mechanical work shall be "in accordance with the schedule as determined by the Londonderry Town Council."

5.1.24 **International Mechanical Code 2009 – Section 106.5.3 Fee refunds:** Delete sub-section Item 2 and Item 3 entirely.

5.1.25 **Appendices:** The following Appendix Chapters are hereby adopted as a part of the Londonderry Building Code:

- "Appendix C Group U - Agricultural Buildings"
- "Appendix E Supplementary Accessibility Requirements"

5.2 BUILDING CODE AMENDMENTS – PART II

The International Residential Code, ~~2009~~ Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions.

Deleted: 2006

- 5.2.1 **Section R101.1 Title:** Insert in “[NAME OF JURISDICTION]” the following: *“the Town of Londonderry”*
- 5.2.2 **Section R103.1 Creation of Enforcement Agency:** *Amend Section to read as follows:* The department of building safety is hereby created “ in accordance with the Town of Londonderry Municipal Code, Title V, Chapter II, Section III”, and the official in charge shall be known as the Building Official “or Building Inspector where the context so admits or requires.”
- 5.2.3 **Section R103.2 Appointment:** Amend Section to read as follows: The building official shall be appointed “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter I, Section IV-A, and in accordance with the provisions of RSA 674:51, III. The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures.”
- 5.2.4 **Section R103.3 Deputies:** Delete Section R103.3 and insert in place thereof the following: “Section R103.3 Organization: The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, and other employees as shall be necessary for the administration of this code.”
- 5.2.5 **Section R105.2 Work Exempt from Permit:** Amend Section as follows: Omit listed item number “1.” in its entirety. Amend listed item number 3. By replacing “4 feet” with “3 feet”.
- 5.2.6 **Section R106.2.1** Add the following section: “Section R106.2.1 Soil and Technical Data: All technical and soil data required by the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan.”
- 5.2.7 **Section R106.2.1.2** Add the following section: “Section R106.2.1.2 Driveway Plan: The driveway plan shall indicate the location and profile of the driveway(s) in accordance with the Public Works design specifications for the Town of Londonderry. The driveway plan shall reviewed and approved by the Public Works Department prior to the issuance of a building permit.”
- 5.2.8 **Section R108.2 schedule of permit fees:** Amend Section to read as follows: On buildings, structures, electrical, gas, mechanical, and plumbing systems or alteration requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as “determined by the Londonderry Town Council. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures. Town owned structures and properties shall be exempt.”
- 5.2.9 **Section R109.1.1.2 Certified Foundation Footing Plan:** add the following section: “Section R109.1.1.2 Certified Foundation Footing Plan: Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of NH indicating that the improvements shown on said plan are in compliance with the building setback requirements of the Town of Londonderry, and a notation of the elevation of the top of the

foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures.”

- 5.2.10 **Section R109.3 Inspection Requests:** Add the following sentence to the Section paragraph: “Inspection requests made to the Londonderry building department shall be a minimum of one day notice.”
- 5.2.11 **Section R110.3.1 Approval Signature:** Add the following section: “Section R110.3.1 Approval Signature: All commercial, industrial, residential and other structures and occupancies requiring a certificate of occupancy as mandated by Section 110 of this code will require the following signatures: an authorized Building Department representative; an authorized Fire Department representative; an authorized Engineering Department representative; EXCEPTION: Structures requiring no action by the Fire or Engineering departments will require only an authorized Building Department representative signature.”
- 5.2.12 **Section R112 Board of Appeals:** Delete Section R112 in its entirety and insert in place thereof the following: “Section R112 Board of Appeals: In accordance with the provisions of RSA 673:3, IV., the Londonderry Zoning Board of Adjustment shall act as the building code Board of appeals, with power as provided by RSA 674:34.”
- 5.2.13 **Section R113.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: by the provisions of RSA 674:15 and RSA 674:17.”
- 5.2.14 **Section R114.2 Unlawful Continuance:** amend Section to read as follows: omit at the end of the paragraph “ by law”, and insert the following: by the provisions of RSA 674:15 and RSA 674:17.”
- 5.2.15 **Table R301.2(1) Climatic and Geographic Design Criteria:** Insert design criteria in the Table as follows: Ground Snow Load - “It has been determined by a site-specific study conducted by the Structural Engineers of NH that the ground snow load for Londonderry is 65 pounds per square foot.” ;Wind Speed - “90 mph Exposure B” Seismic Design Category - “C”; Weathering - “Severe”; Frost Depth - “48”; Termite – “Moderate”; Winter Design Temp - “-3F”; Ice Barrier Underlayment – “Yes”; Flood Hazard - “1980”; Air Freezing Index – “1500”; Mean Annual Temperature – “45” Deleted: Roof
- 5.2.16 **Section R403.1.4.1 Frost Protection:** Amend section exception item 1. as follows: 400. Deleted: “200”
Delete section exception item 2. entirely.
- 5.2.17 **International Plumbing Code 2009** - Section 602.3.3 Water Quality: insert at the end of the Section paragraph, the following sentence “A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, “standard analysis” as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants.” Deleted: 2006
- 5.2.18 Appendices: The following Appendix Chapters are hereby adopted as part of this code:
“Appendix F – Radon Control Methods”
“Appendix G - Swimming Pools, Spas and Hot Tubs”

ORDER #2010-12

An Order Relative to

THE DISTRIBUTION OF CAPITAL RESERVE FUNDS

First Reading: 06/21/10

Adopted: 06/21/10

WHEREAS the Town of Londonderry by adoption of Article No. 7 at the Annual Town Meeting of March 12, 1994, created a Capital Reserve Fund to procure Ambulances, and,

WHEREAS the Town needs to replace its front-line ambulance pursuant to the Fire Department's replacement schedule; and,

WHEREAS it has been determined that sufficient funds have been allocated to the fund for the Department to now replace an ambulance and related equipment; and

WHEREAS the cost of replacing one ambulance is estimated to be \$173,241;

IT IS THEREFORE ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend, from the Ambulance Capital Reserve Fund the sum of \$173,241 to be paid pursuant to the contract with Professional Vehicle Corporation for the purpose described herein; and further, to authorize the Town Manager to sign such documents as are required to complete said transaction.

Paul DiMarco - Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk

A TRUE COPY ATTEST:
06/21/10



LONDONDERRY FIRE DEPARTMENT

280 Mammoth Road
Londonderry, New Hampshire 03053
www.londonderrynh.org



Kevin T. MacCaffrie
Fire Chief
kmaccaffrie@londonderrynh.org

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

To: Dave Caron
From: Chief Kevin MacCaffrie
Re: Fire Marshall Position
Date: 6/14/2010

The current position oversees the Fire Prevention Division consisting of the full time fire inspector and 2 public education coordinators that are firefighters with the added duties. The position includes supervision over the Communications Division consisting of 4 fulltime dispatchers and 2 part time dispatchers.

The attachment includes some of the functions, duties and responsibilities of that position including statistically information about the position.

Looking forward to the future growth of the town has been a high priority of the council and the town departments. The Fire Marshall position plays an active role in the future development of the community during every phase from planning, implementation and maintenance. Developers and contractors look to the Fire Marshall for guidance in making sure they conform to the State and municipal regulations for proper fire code compliance in their buildings.

The Fire Marshall is an extension of the State Fire Marshall in all aspects of enforcement and provides the state with documentation to evaluate the town as a whole in its fire prevention efforts.

I have looked to restructure the position to include other areas needed by the department but have found that it would not be feasible. With so many duties and responsibilities it would not be easy to delegate duties to others. We are currently doing so many other duty assignments that we would become deficient in completing the necessary job of fire prevention which has been so successful in this community.

I do plan to enhance the emergency response capabilities of this position by attempting to hire a qualified emergency responder who would be available to augment Captain shift coverage should the need arise.

RESOLUTION #2010-17

A Resolution Relative to the
Amendment of a Sewer Services Contract

First Reading: 06/21/10

Adopted: 06/21/10

WHEREAS the Environmental Protection Agency and NHDES have increased requirements upon Towns to properly maintain sewer collection systems; and,

WHEREAS the Town requires the assistance of its consulting engineer to meet these federal and state requirements; and,

WHEREAS said work will be funded through the Sewer Special Revenue Fund;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Manager is hereby authorized to execute Amendment #1 to the original DES contract between the Town and Wright-Pierce Engineers for the Collection System O&M Plan in the amount of \$136,008.54.

Paul DiMarco- Chairman
Town Council

Marguerite Seymour - Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:
06/21/10

Fire Prevention Division

The Fire Prevention Division of the Londonderry Fire Department is responsible for the less glamorous functions of the fire department. The division is assigned two full time staff, a Captain and an Inspector. The full time staff is responsible for the day to day operations of the division, these duties include Plans review, code enforcement, inspections, and fire cause determination. In addition to the full time staff the division is also responsible for the department communications center consisting of 4 full time and 2 part time emergency dispatchers. The emergency dispatchers provide clerical support for the fire prevention captain and the inspector. Two personnel assigned to fire suppression also have ancillary duties under the fire prevention division. One Lieutenant is responsible for public fire education, public relations and juvenile fire setter intervention. One firefighter is assigned duties relative to the departments computerized information system, mapping and GIS.

The primary responsibility of the fire prevention division is to prevent fires from occurring. The secondary responsibility is if a fire does occur to try to minimize the growth and spread of the fire thus minimizing the risk to the public and responding firefighters. One of the ways we accomplish this task is through plans review of new construction.

Plans Review:

The review of the plan starts with the site plan where access for fire apparatus to the site, availability of adequate water supply and the impact of the new structure to surrounding properties is evaluated. The next phase of the plans review involves evaluating the construction plans for compliance with the fire code. During this phase things like adequate egress, proper construction, emergency lighting, fire alarm systems, sprinkler systems, and heating ventilation and air conditioning systems (HVAC) are evaluated. The final phase of the plan review involves numerous site inspections to ensure the building is constructed according to the plan. Proper installation of fire stopping, fire alarms, sprinklers, fire pumps, emergency lighting, exit signs and HVAC systems are all inspected to ensure they are installed according to code and according to the approved construction plan. Part of this process also seeks to minimize false fire alarms. Ensuring the fire alarm system is programmed to recognize that steam and dust is not smoke and that the detectors are located appropriately minimizes false alarms. In areas susceptible to malicious false alarms, we ensure the manual pull stations are covered with alarmed clear plastic covers.

Plans review does generate some revenue to off set the cost of providing this service. The fire department charges a fee for reviewing fire alarm and sprinkler drawings. Below is an outline of the fire alarm and sprinkler plans reviewed and the revenue generated over the past few years.

Fiscal year	Number of Plans	Revenue Generated
2004	17	\$2,657.00

2005	16	\$1,837.00
2006	16	\$2,426.00
2007	23	\$6,602.00
2008	16	\$1,623.00
2009	18	\$5,874.00

Other plans reviewed by the fire prevention division are as follows:

Calendar Year	Type of Plan	Number of Plans
2004	Multi Family Bld.	4
2004	Commercial Bld.	41
2004	Site Plans	**
2004	Sub-division Plans	**
2005	Multi Family Bld.	3
2005	Commercial Bld	40
2005	Site Plans	**
2005	Sub-division Plans	**
2006	Multi Family	2
2006	Commercial Bld	27
2006	Site Plans	27
2006	Sub-division Plans	14
2007	Multi Family Bld	0
2007	Commercial Bld	42
2007	Site Plans	39
2007	Sub-division Plans	26
2008	Multi-Family	1
2008	Commercial Bld.	49
2008	Site Plans	22
2008	Sub-division Plans	6
2009	Commercial Bld.	48
2009	Site Plans	40
2009	Sub Division Plans	4

Permits:

The division also issues a number of permits. These permits are required for any hazardous process, the installation of heating systems, the installation of fire protection equipment, and the use and sale of consumer fire works. Once a permit is issued an on site inspection ensures the process is being conducted safely or the equipment is being installed properly. There is a fee charged for these permits to offset some of the cost of the required inspections. In addition the department has begun charging a re-inspection fee if the first inspection reveals the process or installation is not being conducted according to the fire code. Below is an outline of the number of permits issued and the revenue generated over the past few years.

Fiscal year	Number of Permits	Revenue Generated
2004	580	\$27,431.00

2005	535	\$21,363.00
2006	492	\$22,979.00
2007	553	\$21,493.18
2008	564	\$27,414.73
2009	556	\$25,154.78

Inspections:

In addition to the inspections of new properties the fire department also conducts inspections of existing properties to ensure continued compliance with the fire code. Several of these inspections are required by state law including child care and foster care licensing inspections, places of public assembly, and all educational occupancies. Statistical data is not available to break down inspections of existing buildings versus new construction however; an outline of the total number of inspections conducted is presented below.

Fiscal year	Number of Inspections
2007	708
2008	573
2009	580

Meetings:

Through out the year prevention staff participates in several meetings to discuss construction projects, as representatives on various local and state boards, or to make recommendations on various fire prevention and safety topics. Below is an outline of the meeting attended.

Fiscal Year	Number of Meetings
2007	96
2008	81
2009	75

Public Education:

Public fire education is another duty of the fire prevention division. The programs offered by the division are varied offer a wide range of educational programs. These programs include fire extinguisher training; CPR, AED and first aid training; evacuation planning and fire drills; The Firefighter Phil program in the elementary schools; the “School to Career” program in the High School; and Juvenile fire setter intervention.

Part of the public education program is web site maintenance. Keeping current information on the fire department web site falls to fire prevention. The web site is updated regularly to reflect appropriate seasonal information, technical information for contractors, updated department information, and other topics of information and interest to the public.

Fire Cause Determination:

In order to prevent fires it is important to determine what causes fires. In cases of arson the fire prevention division must work closely with police or state investigators to ensure the investigation leads to a successful criminal prosecution. Depending on the complexity and severity of the fire a fire investigation may proceed quickly or may take a much longer period of time. Even if the fire is found to be un-intentional the investigation may involve insurance investigators, agencies like the consumer product safety commission, or police agencies. Below is an outline of the fire investigations conducted.

Calendar Year	Number of Investigations
2004	24
2005	17
2006	16
2007	16
2008	20
2009	21

Mapping and GIS:

Mapping and GIS is extremely important to the department. The program provides map books in all the apparatus so they can quickly and correctly locate the exact location of an emergency.

Red Alert:

Very closely related to the mapping and GIS function is the management and implementation of the “Red Alert” computer management program. The Mapping and GIS information has been down-loaded into this program so when an emergency call comes in the location, map of the area, and nearest water source is broadcasted to all the stations. Eventually this information will be transmitted to on-board mobile data terminals in the apparatus. This program has several modules. The program will be capable of managing many aspects of department operations including computer aided dispatch; incident reporting; scheduling and payroll; training reports and tracking of continuing education; tracking of equipment maintenance and repair; inspections and permits; pre-fire plans; personnel records management; equipment inventory; hazardous materials inventory; and hydrants and water supply. Many of these modules have been partially or fully implemented. Yet to be rolled out is the fire prevention management sections; the hazardous material inventory; and implementation of the mobile data terminals.

Incident reporting is perhaps the most time consuming task associated with the program. However it is not the fault of the program but the report itself can be time consuming. We report all our incidents to the State of New Hampshire and ultimately the federal government through the National Fire Incident Reporting System. Every month the fire reports must be checked for accuracy and submitted to the New Hampshire State Fire Marshal. The reports are then evaluated at the state and any errors are referred back to Londonderry for repair. Once referred back to the department, the reports must be disseminated back to the individual officers. Once the necessary repairs are made the submittal process begins all over again. Unfortunately this incident reporting system is required in order to be eligible for federal grants. Fortunately we have continually trained our people so the errors are decreasing and the quality control is getting easier.

Grants Management:

Management of the Fire Act and SAFER grants has fallen to the fire prevention division. Approximately 40 hours goes into each grant application to prepare the application and ensure the application is accurate. Under the Fire Act the Fire Department is eligible to submit three applications one under fire operations and safety, one under vehicles and one under fire prevention. This year the department was awarded \$227,520.00 to completely replace our aging stock of breathing apparatus. In 2005 the department received \$138,500 for physical fitness evaluations and equipment. Once awarded there is significant work associated with filing correct paperwork, submitting appropriate reports and documenting the purchasing process.

The SAFER grant is designed to provide funding to communities to hire firefighters. SAFER is a five year grant with federal funding starting at 90% the first year and diminishing to 80% the second year 50% the third year 30% the fourth year and finally in year 5 the town would be responsible for the entire amount. This grant application also takes approximately 40 hours to complete. To date we have not been selected for a SAFER grant.

Over 300 hours was put into developing the grant for the North/West fire Station. We were awarded that grant of 1.65 million dollars

Communications:

The dispatch center is another vital piece in the department. Dispatchers must correctly process incoming calls and designate appropriate apparatus to respond. They must also process radio communications from the field and appropriately act on these communications. Once processed either telephone or radio communications can spur a flurry of activity and could involve calling for mutual aid from other fire departments, requesting assistance from the regional hazardous material team, requesting assistance from police agencies, or even air medical transport. Last year the dispatch center processed nearly 3500 emergency calls. The dispatcher also provides clerical support to the fire prevention bureau by fielding and directing phone calls, issuing permits, collecting fees, and scheduling inspections.

Training:

Fire Prevention Staff are required to remain proficient in all aspects of this specialized field. Different fire codes are updated every year so ongoing training on codes and standards is imperative. Training on other aspects of fire prevention includes training on fire cause determination. Refresher training, training on new technology, and updates on applicable laws are some of the training needed for fire investigators to remain current. Annually fire prevention staff attends at least one class at the National Fire Academy. These classes are on campus classes that normally last six days to two weeks. In addition staff attends various regional 1 or 2 day training programs. In a typical year the Londonderry Fire Department will host at least one of these training opportunities. Last year a representative from the Federal Bureau of Investigation conducted a full day fire investigation training program. This year the Londonderry Fire Department will be hosting a two day program on grant writing. This specialized training

is in addition to any training required to remain proficient in the more traditional aspects of the fire service like fire fighting and emergency medicine.

Emergency Response:

Like other department staff when the horn blows everyone is a firefighter. Unfortunately 2008 is the first year we have tracked these responses.

During 2008 The fire marshal responded to 106 calls while the fire inspector responded to 99 calls. In addition fire prevention staff will often assist in dispatch if there is a large or multiple emergencies. Duties such as answering telephones, making calls for mutual aid apparatus, or assisting with customers are typical duties assumed. The frequency of this is not tracked.

Time Management:

The nature of fire prevention is somewhat dynamic, as such it is very difficult to estimate the number of hours spent on each duty. An inspection of gas piping to a furnace may only take one hour total to complete while an inspection at the high school may take 8 hours or more. A plan for residential lot line adjustment may take a few minutes to complete, but a plan of a building like Harvey industries may take several days. Finally a small fire that is quickly extinguished may take a short period of time to investigate and complete the report while a large fire will take much longer. Fire Prevention is an exercise in time management and continually adjusting priorities. For example during the recent ice storm it was necessary to cancel a number of inspections so that staff was available to respond to incidents. Should we have a fire investigation, plans review gets put on the back burner so the immediate need can be addressed. Based on very rough estimates the amount of time spent by full time personnel assigned to the fire prevention division on a daily basis are as follows:

Inspections:	6 hours
Plans Review	1.75 hours
Meetings	.75 hours
Training	1 hours
Grants Management	.5 hours
Fire Investigations	.5 hours
Emergency Response	1 hour
Red Alert / Data Entry	1 hour
Public Education/ Web Site	.5 hours

The remaining three hours a day are taken up with office duties such as filing, assisting in dispatch, conducting research, assisting the public and working on special projects. As stated earlier the work load in fire prevention is very fluid so there would likely never be a day organized as the averages indicate above.

Staffing for Adequate Fire and Emergency Response

SAFER

Goal

- “ ...to enhance local fire departments’ ability to comply with staffing ,response, and operational standards established by the National Fire Protection Association (NFPA) and the Occupational Safety and Health Administration (OSHA).”

Objective

- “SAFER intends to improve local fire departments’ staffing and deployment capabilities so that they can more effectively respond to emergencies whenever they occur.”
- “as a result of this enhanced staffing, a SAFER grantee’s response time should be significantly reduced ... and should achieve a safer incident scene.”

National Standard

NFPA 1710

- **5.2.4.2.1 The fire department shall have the capability to deploy an initial full alarm assignment within a 480-second travel time to 90 percent of the incidents as established in Chapter [4](#).**
- **Full Alarm Assignment = Minimum of 14 firefighters.**

2010 Changes

2008

- Performance period of 5 years
- Matching funds required w/ no federal funding in year 5
- Salary and benefits limitation of 100K
- Total Funds for hiring firefighters 152 million

2010

- Performance period of 3 years
- No match for 2 years w/ no federal funding in year 3
- No salary and benefits cap
- Total funds for hiring firefighters 55.5 million (minimum).
- Can be used for rehire

Grant requirements

- Must keep funded firefighters for three years, no other staffing reductions allowed.
- Fire department funding cannot fall below 80% of a the average budget of the previous three years.
- Pre-employment physical in accordance with NFPA 1582 required.
- Soft cost such as protective clothing, uniforms, training and pre-employment physical are not covered by the grant.
- Overtime costs are not covered under this grant.

2008 Proposed SAFER Budget

Hiring 4 Firefighter/EMTs

Budget

Budget Matrix

	First 12-Month Period	Second 12-Month Period	Third 12-Month Period	Fourth 12-Month Period	Fifth 12-Month Period	Total
<u>Personnel</u>	155,252	170,777	187,854	206,640	227,304	947,827
<u>Fringe Benefits</u>	100,913	111,005	122,105	134,316	147,747	616,086
<u>Travel</u>	0	0	0	0	0	0
<u>Equipment</u>	0	0	0	0	0	0
<u>Supplies</u>	0	0	0	0	0	0
<u>Contractual</u>	0	0	0	0	0	0
<u>Other</u>	0	0	0	0	0	0
<u>Indirect Charges</u>	0	0	0	0	0	0
Federal Share	156,060	138,700	86,680	52,080	0	433,520
Applicant Share	100,105	143,082	223,280	288,876	375,052	1,130,395
Total:	256,165	281,782	309,960	340,956	375,052	1,563,915

2009 Proposed SAFER Budget to Hire 4 Firefighter/Paramedics

	First 12 months	Second 12 months	Third 12 months
Personnel	\$170,248.00	\$186,468.00	\$203,628.00
Fringe Benefits	\$110,340.00	\$129,596.00	\$141,748.00
Travel	0	0	0
Equipment	\$10,000.00	0	0
Supplies	0	0	0
Contractual	\$2,000.00	\$2,000.00	\$2,000.00
Other	\$2,750.00	0	0
Indirect Charges	0	0	0
Federal Share	\$280,588.00	\$316,064.00	0
Applicant Share	\$14,750.00	\$2000.00	\$347,376.00
Total	\$295,338.00	\$318,064.00	\$347,376.00

2009 Proposed SAFER Budget to Hire 8 Firefighter/Paramedics

	First 12 months	Second 12 Months	Third 12 months
Personnel	340,496.00	\$372,936.00	\$407,256.00
Fringe Benefits	\$220,680.00	\$259,192.00	\$283,496.00
Travel	0	0	0
Equipment	\$20,000.00	0	0
Supplies	0	0	0
Contractual	\$4,000.00	\$4,000.00	\$4,000.00
Other	\$5,560.00	0	0
Indirect Charges	0	0	0
Federal Share	\$561,176.00	\$632,128.00	0
Applicant Share	\$29,560.00	\$4,000.00	\$694,752.00
Total	\$590,730.00	\$634,128.00	\$694,752.00

2010 Proposed SAFER Budget to Hire 4 Firefighter/Emts

	First 12 months	Second 12 months	Third 12 months
Personnel	\$159,912.00	\$164,709.00	\$174,788.00
Fringe Benefits	\$122,352.00	\$126,022.00	\$127,748.00
Travel	0	0	0
Equipment	\$10,000.00	0	0
Supplies	0	0	0
Contractual	\$2,000.00	\$2,000.00	\$2,000.00
Other	\$2,750.00	0	0
Indirect Charges	0	0	0
Federal Share	\$282,264.00	\$290,732.00	0
Applicant Share	\$14,750.00	\$2000.00	\$304,536.00
Total	\$297,014.00	\$292,732.00	\$304,536.00

2010 Proposed SAFER Budget to Hire 4 Firefighter/Paramedics

	First 12 months	Second 12 months	Third 12 months
Personnel	\$175,353.00	\$191,856.00	\$203,628.00
Fringe Benefits	\$126,052.00	\$131,752.00	\$141,748.00
Travel	0	0	0
Equipment	\$10,000.00	0	0
Supplies	0	0	0
Contractual	\$2,000.00	\$2,000.00	\$2,000.00
Other	\$2,750.00	0	0
Indirect Charges	0	0	0
Federal Share	\$301,378.00	\$323,618.00	0
Applicant Share	\$14,750.00	\$2000.00	\$347,376.00
Total	\$302,828.00	\$325,618.00	\$347,376.00

2010 Proposed SAFER Budget to Hire 8 Firefighter/Paramedics

	First 12 months	Second 12 Months	Third 12 months
Personnel	\$350,706.00	\$383,712.00	\$407,256.00
Fringe Benefits	\$252,050.00	\$263,504.00	\$283,496.00
Travel	0	0	0
Equipment	\$20,000.00	0	0
Supplies	0	0	0
Contractual	\$4,000.00	\$4,000.00	\$4,000.00
Other	\$5,560.00	0	0
Indirect Charges	0	0	0
Federal Share	\$602,756.00	\$647,216.00	0
Applicant Share	\$29,560.00	\$4,000.00	\$694,752.00
Total	\$632,316.00	\$651,216.00	\$694,752.00

2010 Proposed SAFER Budget to Hire 4 Firefighter/Paramedics and 4 Firefighter/Emts

	First 12 months	Second 12 Months	Third 12 months
Personnel	\$335,265.00	\$356,565.00	\$378,416.00
Fringe Benefits	\$248,404.00	\$257,774.00	\$269,496.00
Travel	0	0	0
Equipment	\$20,000.00	0	0
Supplies	0	0	0
Contractual	\$4,000.00	\$4,000.00	\$4,000.00
Other	\$5,560.00	0	0
Indirect Charges	0	0	0
Federal Share	\$583,669.00	\$614,339.00	0
Applicant Share	\$29,560.00	\$4,000.00	\$651,912.00
Total	\$613,229.00	\$618,339.00	\$651,912.00

Federal funding

- 2008 program hiring 4 firefighters federal funding over 3 years = 45%
- 2009 program hiring 4 firefighters, funding over 3 years = 63%
- 2009 program hiring 8 firefighters, funding over 3 years = 63%
- 2010 program hiring 8 firefighters, funding over 3 years = 63%

Chance of grant being awarded based on meeting guidelines

- 2 Firefighters 0-10%
- 4 Firefighters 50-60%
- 8 Firefighters 60-80%
- 12 Firefighters 70-90%
- 16 Firefighters >90%

RESOLUTION #2010-17

A Resolution Relative to the
Amendment of a Sewer Services Contract

First Reading: 06/21/10

Adopted: 06/21/10

WHEREAS the Environmental Protection Agency and NHDES have increased requirements upon Towns to properly maintain sewer collection systems; and,

WHEREAS the Town requires the assistance of its consulting engineer to meet these federal and state requirements; and,

WHEREAS said work will be funded through the Sewer Special Revenue Fund;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Manager is hereby authorized to execute Amendment #1 to the original DES contract between the Town and Wright-Pierce Engineers for the Collection System O&M Plan in the amount of \$136,008.54.

Paul DiMarco- Chairman
Town Council

Marguerite Seymour - Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:
06/21/10



Memorandum

To: Dave Caron

From: Janusz Czyzowski, P.E.

Date: June 15, 2010

Re: Amendment to Agreement with Wright-Pierce for Collection System O&M Plan

As we previously discussed, the Environmental Protection Agency (EPA) and New Hampshire Department of Environmental Services (NHDES) have recently increased demands on the operation and maintenance of sewer collection systems in an effort to reduce or prevent Sanitary Sewer Overflows (SSOs). In the latest round of National Pollutant Discharge Elimination System (NPDES) permits for Wastewater Treatment Facilities (issued to Facilities and contributing communities), there are requirements for written Collection System Operation and Maintenance Plans and annual reporting on all maintenance work performed in the collection systems. SSOs are not only illegal discharges, but they are a threat to public health, the environment, and can result in safety issues with traffic if they occur in travel ways. EPA's current stance on SSOs is that they are not acceptable and can be prevented through proper operation and maintenance of the collection system.

Londonderry has submitted a Collection System Operation and Maintenance Plan to the EPA and NHDES as required. In addition to proper operation and maintenance of pumping stations, the Plan calls for sewer system maintenance activities as summarized in the table below:

FREQUENCY OF MAINTENANCE ACTIVITIES

ACTIVITY	SUGGESTED FREQUENCY	COMMENT
Sewer Pipe Cleaning/Jetting	20% of the system/year	5 year revisit cycle
Sewer TV Inspection	With cleaning	10 year revisit cycle
Manhole Inspections	20% of the system/year	5 year revisit cycle
Flow Monitoring	As identified and necessary	
Smoke Testing - I/I source identification	As identified and necessary	
Root Removal	As identified and necessary	
Dye Testing	As identified and necessary	
Private Connection/Home Inspections	As identified and necessary	
Inspection of Grease Traps	At least once per year	
Updating of System Mapping	Ongoing as necessary	

Amendment No.1 to the original DES contract and agreement between Town of Londonderry and Wright – Pierce for the Collection System O&M Plan is for \$136,008.54. The proposed work under this amendment will fulfill a part the Town’s obligation for FY 2011 as outlined in O&M plan.

The Tasks associated with this amendment include:

- Meet with the Town to review the flushing work done in 2009 and develop a plan for which sewers will be flushed and inspected with TV equipment this year
- Develop documents to be used to solicit quotes from one or more contractors. The documents will include a map showing the sewers to be cleaned/TV, and a listing of the pipe sizes and lengths.
- Select and enter into a contract with a Contractor for the work. The Contractor shall be responsible for traffic control during the work, and shall coordinate this with the Town.
- Provide a person on-site to oversee the work, complete manhole inspection forms and coordinate with encountered during the work. Twenty days on site is

- envisioned.
- Develop a list of action items for the Town to correct identified problems.
 - Provide manhole inspection forms, written TV logs and digital recordings of the TV inspection to the Town. These items will be identified by the Town's GIS manhole numbering system to allow the Town to link to its sewer GIS data.

Please let me know if you need any additional information.

Thank you, Janusz

ORDER #2010-13

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

Reading: 06/21/2010
Adopted: 06/21/2010

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

WHEREAS expenditures have been made for various projects, specifically:

- 1) HVAC repairs at Leach Library at a cost of \$1,791.42;
- 2) Dedication expenses for Chief Hicks Central Fire Station at a cost of \$767.45;

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$2,558.87 for the aforementioned repairs and improvements.

Paul DiMarco, Chairman
Town Council

Marguerite Seymour
Town Clerk

***A TRUE COPY ATTEST:
06/21/2010***

TOWN COUNCIL MEETING
June 7, 2010

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

PRESENT: Town Council: Chairman, Paul DiMarco; Vice Chairperson, Sean O’Keefe; Councilors: Mike Brown, Tom Dolan, John Farrell; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

CALL TO ORDER

Chairman DiMarco opened the meeting at 7:02 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC COMMENT

Chairman DiMarco mentioned a reminder from the Town Clerk that dog licensing was due by the end of May and there is now an additional \$1 late fee. On 6/21 the Council will be presented with a list of owners of unlicensed dogs who will receive a civil forfeiture. Rabies vaccine has to be current and any one can call the Town Clerk’s Office to get information. Civil forfeitures are \$25 for each dog plus the certified letter fee of \$5 and any late fees beyond that. As of now there are 1,200 unlicensed dogs; last year at this time there were 800 not licensed.

Tax bills have been mailed out and if people have not received their bill they should contact the Clerk’s Office.

Carol Bartlett, Beautify Londonderry Participant – Carol Bartlett, 10 Tokanol Drive addressed the continuing litter problem in Londonderry. She was a team leader in picking up garbage. Her team consisted of 15 people who picked up litter at Home Depot on Gilcreast Rd. to the bridge which is 3/10 of a mile. They picked-up over 55 bags of garbage. The South Rd. team leader also experienced similar problems with dumping. She talked about littering in general and asked if “No-Littering” signs could be erected. She quoted research she had completed; out of 50 states, 46 have fines for littering or some kind of penalty. RSA 163 Section B3 –B6 states specific littering criteria. It is a misdemeanor in NH and a person can be fined up to \$2K and/or receive jail time. Londonderry has litter laws and a fine of \$300. She asked that the signs be posted on Gilcreast, South Rd., and Rte 102 and stated there are other areas in town which would benefit from signage. She said that litter devalues the town, it affects property values. As a group they realize the town would take responsibility for paying for signs, installations and enforcement. Their solution is to ask the businesses who customers that contribute to the problem also contribute to the cost of the signs. She quoted prices and provided research on the

prices for signs. She said it is tough to enforce the law but if someone knows there is a deterrent they might think twice about littering. Councilor Brown stated that the major roads are mostly state roads and the erection of signs is their responsibility. He acknowledged that the cost of signs and the cost of staff is another consideration; it is a great idea but it has a lot of implications. C. Bartlett said picking up the garbage bags and disposal resulted in a cost to the town. She said it has been her experience in looking at other towns that signage decreased garbage. Councilor Farrell cited a town in NY that makes the private owner responsible for the litter on their property; they created an atmosphere of no littering. He said C. Bartlett has come up with a plan and we consider her suggestions. Councilor Brown said he believed the Town has a Litter Ordinance and asked the Town Manager to research the Ordinance. Councilor Dolan also asked the Town Manager to check any statistics we have with the Londonderry Police Department for citations and past history. State Rep. Al Baldasaro said he will check with the state to see if they can erect signs on state roads. Chairman DiMarco said we could potentially have a way of privately funding the signs with C. Bartlett's offer to visit local business for donations. He requested the Town Manager find out the cost and see if it could be privately funded. Councilor Dolan said the Beautify Londonderry participants could supply us with targeted litter areas in town. Councilor Farrell asked if there were any restraints from the state that would allow us not to fine more than \$300. Town Manager Caron said there is a state law that limits the amount of money we can fine for violation of municipal codes. Anne Gaffney, 28 Tokanel Rd. suggested having a notation on the sign that the town enforces littering laws; that would send the message more globally. Frank Dromgoole 1 Tokanel Dr. says the state of Conn. has signs for \$347 for littering, make the sign have an odd amount which makes somebody look at the sign because it is not a uniform sign.

OLD BUSINESS

Order #2010-03 – Relative to the Licensing of a Junkyard Pursuant to RSA 236, Murray's Auto Recycling – Councilor O'Keefe made a **motion to accept, second Councilor Farrell.** Town Manager Caron explained that state law was adjusted last year to change the effective date for junkyard licenses from 4/1 to 7/1. Unless the Council believes that the re-issuance of a license is in jeopardy then no public hearing is required. Back in March we heard from Code Enforcement Officer Richard Canuel who at that time did not express any concerns about the operations of three other junkyards in Town. All were renewed. There were some issues with Murray's and Mr. Canuel recommend deferring action to this meeting. He recommend Council listen to R. Canuel for a current status of the junkyard. R. Canuel said a few issues were left over from the meeting of 3/1/10. One recommendation is to omit one of the conditions on the license; the storage shed for tires was no longer necessary. Mr. Dudek met all the condition requirements from previous site visits, which included reconstruction of the berm, fence repair and state requirements, all conditions are in compliance. The major concern is the issue of hours of operation. Last March there was concern about late deliveries and the decision by the board to see if that was part of the operation of a junkyard. Town attorney said deliveries are considered part of junkyard operations and should be limited to the hours of operation

and no deliveries after 5:00 PM. That is part of the condition of the license. As of the March 1st hearing we have received 24 reports of late deliveries by the abutting property owner. After discussion with the town attorney he sent notification to Mr. Dudek regarding the late deliveries and reminded him of impending enforcement action if they continue. Since the March 1st meeting he has received a report of 22 individual incidents. The town attorney's concern is the town taking enforcement action without having substantial evidence regarding those late deliveries rather than a written note from one abutter. He recommended that the complaints should be accompanied by photographic evidence to substantiate and Mr. Dudek has been told this information. With that exception Mr. Dudek has done everything he has been required to do to meet the requirements of his license presently. Al Baldasaro, 41 Hall Rd said he is an abutter and quoted the NH constitution. He says this is out of control; we are taking away Mr. Dudeck's right to have a business and provide for his family. He is proud that Mr Dudek has turned it into a "green yard" He said he does not hear any noise from the trucks and he abuts the property, it is only 2 people on the street complaining and one of them lives at the end of the street. He said if his driver gets back after 5:00 PM he is authorizing the driver to back the truck onto his property for the night. Attorney Peter McGrath who represents Mr. Dudek explained that Town Council is misinformed. It comes down to the definition of the word "operate" He showed the photos of the sign indicating the hours of operation, they close for business at 5:00, (copy attached). He explained that the word "operate" in the dictionary talks about "to be open for business". They close their business at 5:00 PM so they are in compliance. He is allowed to do personnel business on his own property. He stated that former Code Enforcement Officer Frank Holdsworth, on 5/6/08 discussed this condition of closing at 5:00PM with a witness present and Mr. Dudek agreed to close at 5:00PM with no public business after 5:00PM. Sometimes a truck arrives after 5:00PM to pick-up or deliver that would not be considered a violation. He attempted to contact F. Holdsworth for an affidavit but was unsuccessful. The other witness to the conversation, Dan Dyer was present on 5/6/08; he was involved with the discussion with Dudek and Holdsworth. In his affidavit Dyer said they discussed the questions about the operating hours and F. Holdsworth explained that they could not conduct business after 5PM but they could open the gate after 5:00 PM to bring trucks into the property and that would not be considered operating business because they are not open to the public for business. The complainant does not get this and it might be handled as a civil matter that does not involve the town. He gave Council a copy of the affidavit (copy attached). The 22 complaints received were tainted and there were no violations. Suzanne Bilodeau, 63 Hall Rd. said she has lived there for 17 years. Of all the junkyards Murray's is the cleanest and most presentable. She said she does not hear anything, he has improved the property and this harassment has to stop. Richard Belinski, 89 Hall Rd. said they are not allowed to put anymore signs up if they have they are in non-compliance. They went to court two years ago and the judge found that he was in violation of after hour business. Frank Holdsworth testified on behalf of the Town, Kevin Coyle was the attorney for the town. He asked why are there 5 companies registered at that address, he is in non-compliance. The soil is tainted with oil again per the state per a letter received from the state. R. Belinski said there was concern about one of the monitoring wells not being able to be tested again because it was covered with crushed cars as stated in the letter. Councilor Farrell asked R. Canuel if he knew anything about these items. R. Canuel said there were some concerns regarding the testing

of the wells and one of those concerns was from an abutting property owner, the Adams's. The latest report from DES from 1/10 came back negative, the test included their well. Other testing wells were tested, one was not accessible at the time it has been corrected but he has not received the latest paperwork from DES. All other wells have been tested and came back negative. J. Farrell asked if they were soil samples, R. Canuel said they were taking water samples from the monitoring wells. Councilor Farrell asked if the fact that there were 5 purported business there; does that have anything to do with this permit. R. Canuel responded it had no bearing whatsoever on Mr. Dudek's ability to operate a junkyard. If he is actively conducting other business from that site it would require a site plan approval because it is a change of use and he stated he has not seen any evidence of that. There is no sign for any other business on the site. If he is using his office as a phone contact to conduct other business it's no different than someone making a phone call inquiring about auto parts. If he has customers coming to the site and conducting business for those businesses then he is running another business but he has not seen any evidence of other business. Gerard Adams, 54 Hall Road said on 3/1/10 he wanted to know if anyone has any comment from the correspondence received from DES whereby they said there was no documentation of weekly inspections and the fact that significant oil staining was evident throughout the site. R. Canuel said he has a copy of the letter and those issues have been addressed. G. Adams clarified that the 22 complaints they made covered deliveries anywhere from 5:15PM to after 11:00PM at night. Claudette Adams, 54 Hall Rd. said when she returns home from work she passes those tow trucks at 5:15PM on their way out. It is not the case of being stuck on the road. She said what they are just trying do is to make him compliant. She said there is an outstanding court order for the signs. Dina Jenkins 38 Hall Rd, offered her driveway if trucks come in after 5:00PM. She said enough is enough the man is trying to run a business, he is in compliance. Ronald Jenkins, 38 Hall Rd. agreed with his wife. Lee Leblanc, 58 Hall Rd lives across from the Adams. He said people turn around in his yard because people pass the junkyard because there is no sign to indicate where it is. He said he thinks he should be allowed to have a sign. R. Canuel said there was a court decision several years ago and one of the conditions was that there will be no additional signage added. The sign that exists is an address sign that says 55 Hall Rd., that is not considered an advertisement sign. He suggested leaving it as is and he is in compliance with this condition. Councilor Dolan said it makes sense that the operating hours sign should be allowed and made a recommendation to move the question. Councilor Brown said he would like to comment before the question is moved. He clarified that junkyards are no longer allowed in residential areas, they are not compatible, and in this case it is grandfathered. We do have a signed agreement for hours of operation. In March we were asked if deliveries after 5PM were to be considered part of a junkyard operation, the answer from our lawyer is yes. Mr. Dudek has done everything we have asked him to do but the hours of operation have to be adhered to. Councilor O'Keefe said he agreed with what Councilor Brown said, the agreement was signed by both parties, and he has to comply with the agreement of hours of operation. He has made every attempt to make the property as non-descript as possible. **Council's vote was 5-0-0.**

NEW BUSINESS

Resolution #2010-16 - Relative to an Agreement for Technology Support Services -

Councilor O'Keefe **made a motion to adopt, second Councilor Dolan.** Town Manager Dave Caron stated that one of the goals of Councilors was to periodically seek proposals for IT services. He said he received a total of 7 bids and proceeded to list the criteria used to determine the successful proposal. Although the Town is quite pleased with the excellent service provided by EagleVue, there is an opportunity to save \$75K over the next three years by recommending contracting with Spaulding Hill Networks. Councilor Dolan asked if this contract provides offset server hosting for our website. Town Manager Caron responded no, the Town recently contracted with a separate national firm to host our website security just last week. Councilor Brown asked if they provide this service for other municipalities. Town Manager Caron responded they provide a comparable service to the Pelham School District and completed technology studies for the Town of Merrimack and both of those references came back as very strong. Councilor O'Keefe stated Council appreciates EagleVue's services; this was a chance to save some money over the next three years. Chairman DiMarco asked if we have a plan for the transitional period. Town Manager Caron said the plan is to ask EagleVue to stay through a transition period. Chairman DiMarco said IT services are important and the savings over the next few years will help. **Council's vote was 5-0-0.**

Order #2010-11 – Relative to Expenditure of Maintenance Trust Funds for Various Projects

Councilor Dolan made a motion to adopt, second Councilor O'Keefe. Councilor Brown asked are these Orders an on-going thing. Town Manager Caron said although the Town has provided quality facilities, the mechanical systems are getting older and in need of more frequent repairs. The Council was provided information on the nature of the expenditures. Chairman DiMarco questioned the repairs at Leach Library and asked if there is a separate maintenance trust fund for the Library. Town Manager Caron responded no; the Library is allocated a portion of the Expendable Maintenance Trust on an annual basis. **Council's vote was 5-0-0.**

Planning Board Request - Town Manager Caron said at the 6//2/10 Planning Board meeting a motion passed to request that the Council investigate the why and how that Crowell's Corner, LLC (Nutfield Publishing) was allowed to occupy and operate for 4 yrs at 2 Litchfield Road without a Certificate of Occupancy (COA). He proceeded to quote Section 3.14 from the Town Charter that allows the Council by a majority vote to require any appointed Town Staff or Board or Commission Member to appear before it and give such information as it may require in relation to this office, its functions and performance. From staff's perspective code compliance at 2 Litchfield Road did meet the Planning Board goal of equal treatment for all applicants. There is a significant time difference in this particular process. The Town's goal has always been to encourage compliance and proceed to enforcement only when it becomes apparent that the relationship between the town and the property owner is not producing a timely response. Town Code Enforcement Officers have maintained a very successful record of achieving code compliance and maintained a high conviction rate. He reviewed the conviction rate of the Code

Enforcement Officers and the method used. The town was not satisfied with the pace of compliance of the owner; it was brought to court and the court approved an agreement which established standards with respect to achieving site plan approval which was the ultimate resolution of this matter. The entire process culminated in site plan approval by the Planning Board on 6/10/09. The property owners are required to meet site plan conditions within one year or seek an extension from the Planning Board. The Planning Board recently denied the extension request; consequently the site plan expires on 6/10/10. The Code Officer will then establish a path to compliance to cease the current use of the property. He compared the timeframe between the Planning Board versus the ZBA site plan review process whereby the Planning Board process is much lengthier. This is the first incident that we have seen, and he asked for Council's guidance for enforcement. Councilor Farrell who is the liaison to the Planning Board was unable to attend that meeting. He spoke to the Chair and their point of view is that enforcement should have been on-going; even during the site plan process they would not have allowed another business to occupy the premises during the site plan process. Their view is they operated illegally; no CO and the enforcement should have begun on day one. They are looking for some transparency to the process so it doesn't get repeated. This project was the exception, most previous cases involved new construction when CO's were denied. Councilor Brown pointed out that there are technically people operating businesses out of their homes illegally all over town. The applicants are directed to go to the ZBA for a permit and while that is occurring they are still doing what they are doing and it takes 30-60 days. The site plan process takes longer for approval. He said this topic should have come up at the Planning Board over the past years particularly with Councilors as liaison. Why is the Planning Board coming to this conclusion now? Councilor Farrell said it is a commercial property; it came about because of all the happenings in the past two months. Mary Wing Soares, Vice Chair of the Planning Board said it has come up several times over the past four years at a Planning Board Meeting. That is why the site plan was moved forward originally, why the compliance officer went originally, why we were willing to give the first extension to have the first site plan come forward. We've worked with them for a long time. From day one there should not have been anyone occupying that building until the CO was given and that is the question. Councilor Brown said the Planning Board and the Council Liaison knew the business was in there all this time. M. Soares said that question has been brought up many times. Councilor O'Keefe asked if we are going to have the Town Manager launch an investigation into why it operated for four years without a CO we need to ask what is going to be the result of the investigation. If the Town Manager finds out someone did not do their job are there going to be consequences to the person. Over a year ago the Planning Board granted an extension to Crowell's Corner for completion of its work. Is this investigation going to look into why the Planning Board did not only consider but granted an extension with no CO existing, why didn't they ask the status of the CO at the time of approval. Are there going to be consequences to the Planning Board members for the decision of not asking the questions? Were the members who voted to extend which was unanimous; are they going to be asked to resign? What are the consequences, what are we asking to do here. He said if the Planning Board wanted an answer they could have asked the Town Manager to answer the question without having to go public. It was not handled the right way. It is a unique circumstance, you can't change what happened, staff is doing what they are told to do. Politics are the reason we are here

now, the Planning Board said no, the Council said yes to rezoning this parcel. He said he has no idea why they went in before the CO was given. We should be presenting an image to encourage business to come to town, this is bad press for the town, there is a lot of ways to fix this and he does not agree with the way we are doing it. Councilor Dolan said in the Planning Board meeting minutes of 6/2 Laura El Azem said she was glad that the motion was on the table and that she was sorry that the Pauls were caught up in this. She hopes we can reach a point where this will not happen again. Councilor Dolan said we should find out what happened and make sure it does not happen again. It is a complex issue over four years. It is two things, if everything did happen the way it should have happened our process is such that it takes four years to get to this point; the second possibility is that our process was subverted somehow and was unnecessarily extended. If the first part happened then he suggested we have a broken process. We should never have a situation that extends out over four years, it is too long. If it is the second part then we need to see what happened and try to prevent it from happening again. If we made mistakes along the way we should own up to them and move forward. If we have a broken process then we should fix it and make it a better process. We have a good summary of what happened from the Town Manager. He would ask the Town Manager to do a more detailed review over the four years as to what happened to whom along the way and make some recommendations back to Council. If we have a broken process what are his recommendations. If he finds we made mistakes let's acknowledge them, agree not to make the same mistakes any more and move forward. Pauline Caron 369 Mammoth Rd. said she has an issue with the vote of the Planning Board on 6/2/10. She states it is illegal. The subject matter was not on the Planning Board Agenda. The subject matter of the motion is not permitted for a Non-Public Session under RSA 91a. The members of the Planning Board arrived at a decision amongst themselves not in public session but either by in person, telephone or electronic media. The decision was made in secret behind closed doors and was illegal. Further evidence was that Mary Soares read the motion into the record from a prepared statement. In addition Chairman Rugg read into the record an e-mail from Lynn Wiles approving the motion. Mr. Wiles was not at the Planning Board meeting but he knew of the motion before hand evidencing a conspiracy of a secret behind the closed doors action of the Planning Board which is not legal. The Town Council discussing this matter which was brought forward by the Planning Board compounds the illegal actions of town officials. Adrianna Komst, 5 Manasquan Circle said the Council should consider that a business is at risk and their name is in jeopardy because of the appearance in the media and discussions in the town. Using their name as an example could be hurtful to this business and operation. You are using the name the Nutfield Publishing very often, the owner of the building is Crowell's Corner which is not mentioned. Nutfield Publishing, LLC is the renter and you should not generate negative media towards this company or the landlord of this building during this investigation. Chris Paul, 118 Hardy Rd is the owner of the building and said he did not think it would take this long for the process. They agreed that they would move out. He said he does not understand why they are still being singled out. It seems like there is some ax to grind. The Planning Board gave them the ability to be there to begin with. Why are they going to the Council at this point they knew who did it. Deb Paul, 118 Hardy Rd. the publisher and owner of Nutfield Publishing said she is the renter and rents the property from her husband. She said this is a personal and political attack on her business. Chairman DiMarco reminded the public that the Planning Board

has asked Council to investigate why this business at Crowell's Corner, LLC was allowed to occupy and conduct business at 2 Litchfield Rd. for four years without a CO. Pam McFarland, 4 Buckingham Drive said she wants to know why as well. She questioned the size of the parking lot required and said it is no wonder we are not able to attract business to come to town because they are treated poorly. Councilor Farrell read the meeting minutes of 6/2/10 and they talked about a letter being read but no motion was made by a letter and they are not in the draft minutes. Brian Farmer 106 Chase Rd said the comment was not about the letter, the person in the audience was saying there was something wrong about the timeline. There was no item on the agenda that spoke specifically about the project yet there was an e-mail from a Planning Board member supporting a motion that had not been made in public. Councilor Farrell said according to the minutes, there is no letter there for him to read what the letter says; he will have to wait for the formal minutes. B. Farmer said if the Council is doing an in depth look into it, it would involve all aspects of it and should be done in public. The issue at first had to do with historic preservation of the property. Spot zoning was another issue. He said there is a whole lot of process issues and to look at the time line. There were conditional approvals at the zoning changes. He said the work "investigate" is a term reserved for an implication of wrong doing. He said he would like to know who thinks somebody has done something wrong and everybody who thinks that to come forward. He said if anybody is accused everyone should have an opportunity to answer their accusers. It is a waste of time to investigate if we don't do it all. Councilor Farrell said this Council shouldn't be doing the investigation; it should be done by somebody independent because everyone on the Council is involved. Councilor Farrell said he can't do anything about yesterday and he would be happy to take responsibility for it. Glen Douglas, 6 Overlook Drive said he read the minutes and watched the tape several times. When something comes up that is not on the agenda, and someone reads a motion and a minute and thirteen seconds later an e-mail is read stating the same motion and that person agreed with the motion it appears darn clear that this was discussed outside the meeting. He said he sees this over and over, he attends meetings that are over before they start; he says this is not the first time it happened. It is obvious this was discussed before, it is about the process. It was about saving a building and it is about politics. John Curran, 6 Faye Lane said don't spend time and money fixing blame and doing investigations. The issue going forward is if they can come into compliance or is a court action necessary. There is enough blame going around. Keith Gagne, 84 Hall Rd said somebody let this business operate for 4 years that shouldn't have. What happens now? Town Manager Caron said the ultimate resolution of the situation was to obtain site plan approval and implement conditions of the site plan. Since the deadline to achieve that expires in 4 days the Code Officer will meet with the property owner to make sure that the property's use is allowed under the zoning ordinance, which he believes is residential by special exception or commercial with an completed site plan. K. Gagne asked if they will have to stop doing business, Town Manager Caron responded that was correct. K. Gagne said there have been a lot of mistakes; look at the procedures to fix the system. Mary Wing Soares said the Planning Board is looking at it as a compliance issue, from a legal point of view. We have allowed something for four years in this town that other business can come to us and say you allowed them to do that why can't we do that. The Planning Board does not want to set a precedent any further than they have. They need to find out why this was allowed, why our town has the policy of saying as long as you work with us we'll let you

stay there. We have done this in other situations as well and the Planning Board is concerned that Council will set themselves up for trouble down the road. Councilor Farrell asked Town Manager Caron if he made a motion along the lines that we understand that there were probably some procedures that we did not follow, we need to scrutinize more closely going into the future and we give you some direction to look at those and fix them in the future as well as take some responsibility that there were probably some mistakes made and that there were probably some people that got involved in some areas that they should not have gotten involved in. Would something along those lines give you enough direction on what to do? He responded the middle part would have to be more specific. Councilor Farrell told Council he was looking for suggestions on the wording of the motion. Councilor O'Keefe said he is not looking to assess blame on anybody and does not want staff to waste time on it; it ends today with the Council. The Town Manager can look at the process to see if it is broken but that is the extent of what he wants done. Chairman DiMarco said the Town Manager is looking for guidance from us going forward on how we are going to address these types of situations. Councilor O'Keefe asked the Town Manager if his statement gives him enough to determine that this is the process now. The Town Manager responded we can tighten the time frame very easily, no extensions for submission of plans or continuances for Planning Board Meeting; that will shorten the timeline considerably. That sort of blanket process is adverse in his opinion to attracting businesses to town. He is suggesting the timeframe on this situation was more of an anomaly to what customarily occurs. Whatever direction Council gives him he will follow, however, the direction should be specific so as to avoid varying interpretations. Councilor Dolan said if we have a broken process, it needs to be fixed and if it is not fixed now we are dooming other Councils to make the same mistake. What we did needs to be better, go forward and fix it. Councilor Brown said this is the first time this has happened, accept that and start the review process. It is not typical and due to specific circumstances, it is very unusual. He won't support trying to investigate how it happened. He said he is okay with having the Town Manager review it as an action item. Chairman DiMarco explained the Planning Board can ask the Town Council to do anything, it doesn't mean they have to act on it. He said we should acknowledge that if the Town Council should accept the blame for it he is willing to participate in that. He said he is not in support of an investigation; he does support finding out what could be done differently making sure the mistakes do not happen again. Councilor O'Keefe said he likes the idea of it being an action item for the Town Manager and to look at the process and procedures to review it and this does not need a motion. Councilor Farrell disagreed he said he thinks it needs a motion that we take responsibility and move on, the "buck stops here". **Councilor Farrell made a motion that this Council takes responsibility for the unfortunate happenings of Crowell's Corner and that we will direct the Town Manager to look into the procedure and the process over the last four years; make recommendations on how to improve our processes and also provide us with direction so that this no longer further happens in the future, second Councilor Dolan for discussion.** Councilor O'Keefe said he is not comfortable with this motion. Councilor Farrell explained when the Council re-zoned it in 06 or 07 that was the last time the Council had it. Councilor O'Keefe clarified that Councilor Farrell's motion is to accept the blame for what the Council did in 06 for the rezoning. Councilor Dolan said the issue is not the rezoning. Three members of the Council in 06 made a motion to rezone that property and they did it under advice of legal

counsel. That had to do with the historic nature of the property. Now the issue is once that was resolved we went through a period of quasi code enforcement activity over a four year period and site plan activity. He said the question is do we want this process to continue that takes this long or do we want to say our process should be streamlined. The issue is how to fix it. Councilor Farrell is saying whatever went wrong from the time it was rezoned to the present that we are accepting responsibility for it. Councilor Farrell is saying he is not assessing blame for what happened on anybody; just stop it and we will take responsibility. Councilor Brown said he is not comfortable with the beginning of the motion either. Chairman DiMarco said we are assuming responsibility because the policies that were followed were established by the policy making board which is the Town Council. Councilor Dolan stated that we are ultimately responsible there is no higher authority in the town. Chairman DiMarco said what he would like to say is that the Town Council takes responsibility for the processes that led up to this point and the remainder of the motion. Councilors O'Keefe and Brown restated they are not comfortable with this. Councilor Dolan stated the motion says we are taking responsibility. It eliminates some kind of witch hunt and takes that off the table. It allows the Town Manager to look at the process to find where the problems were. Councilor O'Keefe said he is not accepting blame for the Planning Board actions, the past Councils actions. He said he is sitting here as a leader but he is not accepting blame for what happened. Councilor Dolan said that from time to time we have to stand up take our lumps and admit that something was done wrong. We are not going to spend a lot of time and money investigating what happened, just accept it and move on. Reed Clark, 79 Stonehenge Rd said if you all don't accept responsibility for all the other boards you will have finger pointing all the years after. If you don't accept the motion then ask the Town Manager to look into it, there is no acceptance of responsibility by doing that. **Council's vote was 2-3-0.**

Chairman DiMarco suggested we separate the two items in the motion and vote on them separately.

Councilor O'Keefe make a motion to instruct the Town Manager to look at the processes and procedures we currently have from the Planning Board and find out where the issues are that allowed the loopholes in the amount of extensions and the amount of time that it took to where we are today. A few of the Councilors stated they do not understand the motion. Adrianna Komst, 5 Manasquan Circle recommended that the Town Manager develop a time line or a process flow of the events that occurred over the past four years and to dissect each of those pieces to see where the timeline could have been cut or where changes could have been made to shorten it or to see whether that was actually the proper amount of time that should have been taken for this procedure. Councilor Farrell said the time line is done it is 88 pages long.

Chairman DiMarco made a suggestion that someone make a motion that instructs the Town Manager to find out what has transpired to get us to this point and identify places where improvements could be made. **Councilor Farrell made the motion, second by Councilor O'Keefe.** Councilor Dolan said he would support the motion but was disappointed that we did not accept responsibility for the mistakes made on Boards/Commissions/Committees and it was an opportunity missed. Chairman DiMarco said the motion on the floor is to

provide direction to the Town Manager. **Council's vote was 5-0-0.**

Councilor Dolan said he would make a motion that the Council accepts responsibility for anything that did not happen that should have with regard to this particular case and that no further review be conducted, second Councilor Farrell. Council's vote 3-2-0.

Brian Farmer, 106 Chase Road said Councilor Farrell referred to an 88 page report that summarizes this matter. B. Farmer asked if it is a publicly released document, Councilor Farrell replied it has been publicly released multiple times. Town Manager Caron explained the first three pages summarize the time line and the rest of it is supporting documentation, design review meeting minutes, minutes of Planning Board meetings, minutes of Town Council meetings. B. Farmer asked if it was available on the website, the Town Manager responded not but he would send him a copy. B. Farmer said he would like to read it.

APPROVAL OF MINUTES

Minutes of Council's Public Meetings of 05/17/10. Councilor Farrell made a motion to accept, second Councilor Brown. Council's vote was 4-0-0, with Councilor O'Keefe absent.

OTHER BUSINESS

Liaison Reports - Councilor Dolan said he has a draft from the Conservation Commission for a new committee charge for a Taskforce. He said he shared it with the Town Manager and would recommend they initiate it for an agenda item for an upcoming meeting. A member of the Conservation Commission will attend the meeting to review the proposed document. He suggested coordinating with Mike Speltz for a mutually agreed meeting date.

Councilor Brown is working with the Chair of the Solid Waste Advisory Committee to line up a potential agenda item for the 6/21 meeting to recognize the volunteers that ran the Beautify Londonderry program.

Councilor Farrell attended the Elder Affairs meeting and they are planning to attend the Planning Board meeting about multi-family housing. They have a number of questions about the Auburn Rd site. They want 20 units not the 16. Counsel will offer advice. Chairman DiMarco stated he got a question from a citizen if the senior housing project for Sanborn Rd. has ever been submitted or is it just a conceptual or has it been grandfathered. Councilor Farrell responded it is a 96 unit apartment complex that has been on the books for about 5-6 years. He does not recall how many units were in each building and it has had multiple extensions as multi-family.

Councilor O'Keefe said he had a Traffic Safety Committee tonight and they met

with a citizen who was concerned about switching a sign from a yield sign to a stop sign which will remain the same. The issue of the speed posting on High Range Road will be on the October agenda to discuss because they ran out of time.

Chairman DiMarco said he has the SNH Hazemat next week; he was not able to meet with the Leach Library Trustees this past week. He attended the Manchester Airport Authority meeting and they have a new board member, Dan O'Shaughnessy. Airport Director Mark Brewer gave insight to vision goal of becoming the premier aviation gateway to the region. Parking going up from \$2-\$3 and hour and the cell phone lot remains free. Their revenue is down 12% but their expenses are down 16%. Air service traffic is down 17% but cargo is up 2.8%.

Town Manager Reports – The Town Manager said the N/W Fire Station has commenced; they have one change order during excavation they discovered a dug well. Completion is targeted for the first of November.

Board/Committee Appointments/Reappointments -

Resignation of Larry Casey from the Londonderry Arts Council – Ad Hoc Position. Councilor Dolan made a motion to accept the letter of resignation and asked the Town Manager to issue a letter for appreciation of his work, second Councilor O'Keefe. Council's vote was 5-0-0.

Appointment of Elaine Farmer and Barbara Scott to the Londonderry Arts Council – Ad Hoc Position. Councilor O'Keefe made a motion to appoint Elaine Farmer and Barbara Scott to the Ad Hoc positions on the Londonderry Arts Council, second Councilor Dolan. Council's vote was 5-0-0.

Councilor Dolan made a motion to go into a non-public meeting according to RSA 91A -3-II-b at 9:50 PM, second Councilor Farrell.

Aye John Farrell, Aye Paul DiMarco, Aye Sean O'Keefe, Aye Tom Dolan, Aye Michael Brown.

ADJOURNMENT

Notes and Tapes by: **Margo Lapietro** Date: **06/7/10**

Minutes Typed by: **Margo Lapietro** Date: **06/9/10**

Approved; **Town Council** Date:

AFFIDAVIT OF DAN DYER

DAN DYER, being duly sworn, deposes and says:

1. I am over the age of 18 and am familiar with the facts and circumstances set forth herein.
2. I offer these statements as the truth under penalty of perjury.
3. I was present on approximately May 6, 2008, at Murray's Auto Recycling on Hall Road in Londonderry, NH.
4. With us discussing the auto recycling operation was Ed Dudek from Murray's Auto Recycling and Frank Holdsworth from the Town office.
5. We discussed the questions we had about operation. Frank from the Town explained that we could not "operate" business after 5:00 p.m. Frank explained that we could open the gate after 5:00 p.m. and return trucks onto the facility and that would not be considered "operation". I remember we discussed this because at the time it was important and we had a neighbor that was complaining frequently about us. I remember this conversation because Ed and I discussed it afterward. Some years afterward we received a complaint from the Town of Londonderry whereby they suggested that we were "operating" after 5:00 p.m. We do not operate after 5:00 p.m. Sometimes a truck may go out in the afternoon for a delivery and not return to the facility until after 5:00 p.m. and the truck may go on to the property, get locked up and left there and the employee may then drive home. We are not operating after 5:00 p.m.
6. If called to testify, I would testify as to the statements present in this affidavit.

