

**TOWN COUNCIL AGENDA**  
**September 21, 2015**  
**7:00 P.M.**

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

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

**C. PUBLIC HEARING**

1.) **Resolution #2015-07** – A Resolution Authorizing the Insurance of Refunding Bonds Dated as of September 21, 2015  
**Presented by Doug Smith**

2.) **Ordinance #2015-06** – An Amendment to the Zoning Ordinance to Update Sections Related to Housing Opportunities in Londonderry

- Table of Contents
- 1.3.3 Phasing of Developments
- 2.2 Use Table
- 2.3.1 Agricultural-Residential District
- 2.3.3 Inclusionary Housing
- 2.3.4 Retention of Housing Affordability
- 2.4.5 General Standards for MUC Sub-district
- 3.4.1 Backlot Development
- 3.6 Elderly Housing
- 3.6.5 Conditional Use Permits
- 3.7 Assisted Living Facilities and Nursing Homes
- 3.10.10 Minimum Parking and Loading Required

**D. OLD BUSINESS**

**E. NEW BUSINESS**

1.) **Order #2015-29** – Expenditure of Maintenance Trust Funds for Various Projects  
**Presented by Steve Cotton**

**F. APPROVAL OF MINUTES**

Approval of September 14, 2015 Town Council Minutes

**G. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report

3. Board/Committee Appointments/Reappointment

1. Interview of Candidates for a Full Member on the Conservation Commission

**H. ADJOURNMENT**

**I. MEETING SCHEDULE**

1. Town Council Meeting – **10/05/15** Moose Hill Council Chambers, 7:00PM
2. Town Council Meeting – **10/19/15** Moose Hill Council Chambers, 7:00PM
3. Town Council Meeting – **11/02/15** Moose Hill Council Chambers, 7:00PM
4. Town Council Meeting – **11/16/15** Moose Hill Council Chambers, 7:00PM

# RESOLUTION 2015-07

## *Town of Londonderry, New Hampshire*

### *A Resolution Authorizing the Issuance of Refunding Bonds Dated as of September 21, 2015*

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First Reading: 09/21/15  
Public Hearing: 09/21/15  
Adopted: 09/21/15

**WHEREAS** the Town of Londonderry, New Hampshire (the "Town") has issued certain \$4,375,000 General Obligation Bonds dated as of August 15, 2006 (the "2006 Bonds"), which 2006 Bonds that mature on August 15 of the years 2017 through 2026, inclusive, in the aggregate principal amount of \$2,125,000 are eligible to be refunded at par on any interest payment date on or after August 15, 2016; (the "Refunded Bonds"); and

**WHEREAS** it appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

**WHEREAS** the Town may be able to realize debt service savings by issuing certain refunding bonds (the "Refunding Bonds"), the proceeds of which would be utilized to currently or advance refund the Refunded Bonds and to pay certain other costs relating thereto, including any necessary redemption premium and the costs of issuing the Refunding Bonds.

**NOW THEREFORE BE IT RESOLVED** that the Town, acting by and through its Town Council, hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d, the proceeds of which shall be utilized to currently or advance refund the Refunded Bonds, to pay the redemption premium, if any, applicable thereto, any principal and interest coming due on the Refunded Bonds prior to any redemption date, and to pay the costs of issuance of the Refunding Bonds, including costs of any credit enhancement; provided, however, that such refunding is only authorized to the extent that the same will achieve a net present value debt service savings in an amount equal to at least three percent (3%) of the aggregate outstanding principal amount of the Refunded Bonds; and

**IT IS FURTHER RESOLVED** that the Town's Town Manager is hereby authorized to finally approve the aforesaid refunding by entering into a Bond Purchase Contract with such underwriter(s) and bond purchaser(s) as she/he may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the Town's approval of the terms and conditions of the Refunding Bonds; and

**IT IS FURTHER RESOLVED** that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the Town by the aforementioned individual, or such other individuals as may be required by state law or as may be specified by bond counsel; and

***IT IS FURTHER RESOLVED*** that the Town is authorized to enter into such other documents, to engage such other professionals (including a Financial Advisor, Escrow Agent, Verification Agent and Paying Agent), and to do such other things as are necessary to consummate the aforesaid refunding; and

***IT IS FURTHER RESOLVED*** that all actions heretofore taken by the Town consistent with the foregoing are hereby confirmed, ratified and approved.

---

John Farrell, Chairman  
Town Council

(TOWN SEAL)

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Sherry Farrell  
Town Clerk/Tax Collector

***A TRUE COPY ATTEST:***  
***09/21/15***

**TOWN OF LONDONDERRY  
TOWN COUNCIL**

The Londonderry Town Council will conduct a second reading and public hearing on Monday September 21, 2015 at 7:00 p.m. in the Moose Hill Council Chambers, 268B Mammoth Road, Londonderry, NH to consider the following:

Proposed Zoning Ordinance Amendments – Recommended by the Planning Board:

The Town of Londonderry seeks to amend the zoning ordinance to more fully comply with NH RSA 674:58-61, Workforce Housing; provide for enhanced housing opportunities throughout Town; amend Conditional Use Permit criteria to promote project feasibility; and to carry out other associated administrative changes consistent with the 2013 Master Plan goals, **as updated by the Planning Board on July 8, 2015**. The following sections (inclusive of subsections) are proposed to be amended:

- Table of Contents
- 1.3.3 Phasing of Developments
- 2.2 Use Table
- 2.3.1 Agricultural-Residential District
- 2.3.3 Inclusionary Housing
- 2.3.4 Retention of Housing Affordability
- 2.4.5 General Standards for MUC Sub-district
- 3.4.1 Backlot Development
- 3.6 Elderly Housing
- 3.6.5 Conditional Use Permits
- 3.7 Assisted Living Facilities and Nursing Homes
- 3.10.10 Minimum Parking and Loading Required

(The full text of the proposed can be found on the Town's web page, and is available for viewing in the Town Clerk's Office, Planning and Economic Development Department, and Leach Library during regular business hours.)

Introduced: 08/17/15  
Public Hearing: 09/21/15  
Adopted: 09/21/15

**ORDINANCE 2015-06**  
***AN AMENDMENT TO THE ZONING ORDINANCE***  
***TO UPDATE SECTIONS RELATED TO HOUSING OPPORTUNITIES***  
***IN LONDONDERRY***

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- WHEREAS*** the Zoning Audit commenced in 2014 identified certain inconsistencies and deficiencies within the Zoning Ordinance related to housing opportunities in Londonderry;
- WHEREAS*** it was determined that the Zoning Ordinance should be amended to better ensure compliance with state law, including NH RSA 674:58-61, Workforce Housing;
- WHEREAS*** the Zoning Ordinance shall provide for enhanced housing opportunities throughout Town in accordance with state law, but remove the ability to develop multi-family Workforce Housing in the AR-I Zone except in the limited areas as noted in the amendments;
- WHEREAS*** the Zoning Ordinance shall permit opportunities for small workforce housing developments, housing for older persons, assisted living, and elderly affordable housing that are more compatible with the character of Londonderry's existing residential neighborhoods;
- WHEREAS*** the Zoning Ordinance shall encourage the development of accessory dwellings as an opportunity to provide compatible affordable living units;
- WHEREAS*** the Conditional Use Permit criteria for inclusionary housing shall be amended to promote project feasibility;
- WHEREAS*** the amendments shall be consistent with the 2013 Master Plan goals; and
- WHEREAS*** after a series of Public Hearings in 2015, the Planning Board by unanimous vote sent a recommendation to the Town Council on July 8, 2015 to approve the Zoning Ordinance amendments related to housing opportunities in Londonderry.

**Ordinance 2015-XX Amendment to Zoning Ordinance  
Housing Opportunities**

**Introduced: 08/17/15  
Public Hearing: 09/14/15  
Adopted: xx/xx/15**

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the following Sections of the Zoning Ordinance are amended as posted:

- Table of Contents
- 1.3.3 Phasing of Developments
- 2.2 Use Table
- 2.3.1 Agricultural-Residential District
- 2.3.3 Inclusionary Housing
- 2.3.4 Retention of Housing Affordability
- 2.4.5 General Standards for MUC Sub-district
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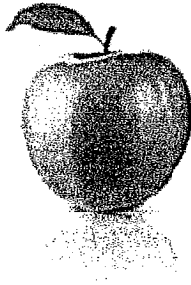
John Farrell, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Sherry Farrell - Town Clerk  
09/21/15***

***Town Seal***



# Town of Londonderry

## Planning & Economic Development Department

268B Mammoth Road  
Londonderry, New Hampshire 03053  
Phone (603) 432-1100 x134  
[www.londonderrynh.org](http://www.londonderrynh.org)



**To:** Town Council  
**CC:** Town Attorney Michael Ramsdell, Esquire; Planning Board  
**From:** Planning and Economic Development Staff  
**Date:** August 17, 2015  
**Subject:** **Zoning Ordinance Amendments – Housing Opportunities**

These proposed amendments to the Zoning Ordinance are the result of approximately 6 months of discussions among the Planning Board, Staff, planning consultant Jonathan Edwards of ADG, and the public. Concerns surrounding Workforce Housing applications were the catalyst for these amendments, which build on the findings of the 2014 Zoning Audit. The proposed amendments do not attempt to address all the issues related to housing as identified in the audit, but they do accomplish the original goal of fixing problems associated with the Workforce Housing ordinance and assuring compliance with State law.

Three major concerns were raised over the latter part of 2014 related specifically to Workforce Housing: 1) There appeared to be a high volume of Workforce Housing applications in the "pipeline" by the end of 2014; 2) There was a perceived overreliance on the ZBA for variance relief related to the feasibility/affordability of constructing Workforce Housing in Londonderry; and 3) Large-scale Multi-family Workforce Housing was permitted throughout the AR-1 district in locations that were not necessarily compatible with the majority of single-family residential neighborhoods. Each concern is addressed in the amendments.

One of the primary goals of the amendment process was to address the issue of neighborhood compatibility, as well as removing impediments to the development of elderly housing, in particular, affordable elderly housing. Another objective was to expand opportunities for accessory dwellings at a time when the State Legislature is attempting to do the same.

A workshop to discuss Zoning Ordinance housing issues was held by the Planning Board on March 11<sup>th</sup>. The first public hearing was held on May 8<sup>th</sup>, following legal review of the Department's proposal. The Planning Board subsequently held three public hearings between May and July of this year to amend significant sections of the zoning ordinance related to inclusionary, workforce and elderly housing; each time taking and addressing extensive testimony from the public.



Memo to Town Council: Proposed Zoning Amendments  
August 17, 2015

As a result of the successful completion of this collaborative process, the Planning Board voted unanimously on July 8, 2015 to send a recommendation to the Town Council to approve the amendments to the Zoning ordinance as proposed.

A copy of the proposed ordinance amendments and the Planning Board minutes for each of the five Planning Board meetings where the amendments were discussed are attached. Supporting documents are included as attachments to the Planning Board minutes, which are available on the Town's Planning Board web page.

Staff and the Planning Board's consultant will be in attendance at the public hearing to present a brief overview of the proposed zoning changes and answer questions. Please feel free to contact us if you have any questions in advance of the meeting.

# TITLE LXIV PLANNING AND ZONING

## CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

### Workforce Housing

#### NH RSA 674:58-61

##### Section 674:58

**674:58 Definitions.** – In this subdivision:

- I. "Affordable" means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.
- II. "Multi-family housing" for the purpose of workforce housing developments, means a building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household.
- III. "Reasonable and realistic opportunities for the development of workforce housing" means opportunities to develop economically viable workforce housing within the framework of a municipality's ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of workforce housing shall be considered in determining whether opportunities for the development of workforce housing are reasonable and realistic. If the ordinances and regulations of a municipality make feasible the development of sufficient workforce housing to satisfy the municipality's obligation under RSA 674:59, and such development is not unduly inhibited by natural features, the municipality shall not be in violation of its obligation under RSA 674:59 by virtue of economic conditions beyond the control of the municipality that affect the economic viability of workforce housing development.
- IV. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this subdivision.

## **Section 674:59**

### **674:59 Workforce Housing Opportunities. –**

I. In every municipality that exercises the power to adopt land use ordinances and regulations, such ordinances and regulations shall provide reasonable and realistic opportunities for the development of workforce housing, including rental multi-family housing. In order to provide such opportunities, lot size and overall density requirements for workforce housing shall be reasonable. A municipality that adopts land use ordinances and regulations shall allow workforce housing to be located in a majority, but not necessarily all, of the land area that is zoned to permit residential uses within the municipality. Such a municipality shall have the discretion to determine what land areas are appropriate to meet this obligation. This obligation may be satisfied by the adoption of inclusionary zoning as defined in RSA 674:21, IV(a). This paragraph shall not be construed to require a municipality to allow for the development of multifamily housing in a majority of its land zoned to permit residential uses.

II. A municipality shall not fulfill the requirements of this section by adopting voluntary inclusionary zoning provisions that rely on inducements that render workforce housing developments economically unviable.

III. A municipality's existing housing stock shall be taken into consideration in determining its compliance with this section. If a municipality's existing housing stock is sufficient to accommodate its fair share of the current and reasonably foreseeable regional need for such housing, the municipality shall be deemed to be in compliance with this subdivision and RSA 672:1, III-e.

IV. Paragraph I shall not be construed to require municipalities to allow workforce housing that does not meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.

## **Section 674:60**

### **674:60 Procedure. –**

I. Any person who applies to a land use board for approval of a development that is intended to qualify as workforce housing under this subdivision shall file a written statement of such intent as part of the application. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. In any appeal where the applicant has failed to file the statement required by this paragraph, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development, or otherwise permits the proposed workforce housing development to proceed despite its nonconformance with the municipality's ordinances or regulations.

II. If a land use board approves an application to develop workforce housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1). It shall not constitute a final decision for any other purpose, including the

commencement of any applicable appeal period.

III. Upon receiving notice of conditions and restrictions under paragraph II, the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the board, which shall not be less than 30 days.

(a) Upon receipt of such evidence from the applicant, the board shall allow the applicant to review the evidence at the board's next meeting for which 10 days' notice can be given, and shall give written notice of the meeting to the applicant at least 10 days in advance. At such meeting, the board may also receive and consider evidence from other sources.

(b) The board may affirm, alter, or rescind any or all of the conditions or restrictions of approval after such meeting.

(c) Subject to subparagraph (d), the board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the board, in which case it may issue its final decision any time after the expiration of the period.

(d) If an applicant notifies the board in writing at any time that the applicant accepts the conditions and restrictions of approval, the board may issue its final decision without further action under this paragraph.

IV. A municipality may require that an applicant record restrictive covenants acceptable to the land use board that the workforce housing may not be rented to or sold to any household whose income is greater than that specified in RSA 674:58, IV. The covenant shall be for the term specified in the regulations of the land use board. The municipality may adopt regulations to insure compliance with the covenants, which regulations may include requirements for the monitoring of the project by the municipality or by a suitable third party agency qualified to carry out such requirements, including but not limited to requiring the production of annual income verification for renters and non-owner occupiers. The land use board may consider the existence of recorded covenants or income qualification and occupancy criteria as satisfying the purpose of this paragraph if such covenants or criteria are administered by a state or federal entity.

## **Section 674:61**

### **674:61 Appeals. –**

I. Any person who has filed the written notice required by RSA 674:60, and whose application to develop workforce housing is denied or is approved with conditions or restrictions which have a substantial adverse effect on the viability of the proposed workforce housing development may appeal the municipal action to the superior court under RSA 677:4 or RSA 677:15 seeking permission to develop the proposed workforce housing. The petition to the court shall set forth how the denial is due to the municipality's failure to comply with the workforce housing requirements of RSA 674:59 or how the conditions or restrictions of approval otherwise violate such requirements.

II. A hearing on the merits of the appeal shall be held within 6 months of the date on which the action was filed unless counsel for the parties agree to a later date, or the court so orders for good cause. If the court determines that it will be unable to meet this requirement, at the request of either party it shall promptly appoint a referee to hear the appeal within 6 months. Referees shall be impartial, and shall be chosen on the basis of qualifications and experience in planning and

zoning law.

III. In the event the decision of the court or referee grants the petitioner a judgment that allows construction of the proposed development or otherwise orders that the proposed development may proceed despite its nonconformance with local regulations, conditions, or restrictions, the court or referee shall direct the parties to negotiate in good faith over assurances that the project will be maintained for the long term as workforce housing. The court or referee shall retain jurisdiction and upon motion of either party affirming that negotiations are deadlocked, the court or referee shall hold a further hearing on the appropriate term and form of use restrictions to be applied to the project.

**Source.** 2008, 299:2, eff. Jan. 1, 2010.

# **ORDER #2015-29**

An Order Relative to

## ***EXPENDITURE OF***

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

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Reading: 09/21/2015

Adopted: 09/21/2015

### ***WHEREAS***

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

### ***WHEREAS***

by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$903.69 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$903.69 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

---

John Farrell, Chairman  
Town Council

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Sharon Farrell  
Town Clerk

***A TRUE COPY ATTEST:***  
*09/21/2015*

**Expendable Maintenance Trust TC Order Request  
for Town Council Meeting \*9/21/15\***

Description	Vendor	Amount
<u>Plumbing Repairs - Access Center</u>	Sloan and Nolan - Invoice #TOL-12	\$ 903.69
The following items were addressed: Repaired toilet, replaced restroom faucet, installed thrust block on the 2" water main, installed a pressure reducing valve, and cemented in the hole in the floor due to the repair of the main water line repair. This EMTF request is for the labor and materials for these various plumbing repairs at the Access Center.	EMTF Request Amount	\$ 903.69
<i>Total Town Council EMTF Order</i>		\$ 903.69

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1  
2 **September 14, 2015**

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

6  
7 Present: Chairman John Farrell; Councilors Tom Freda and Tom Dolan; Town Manager Kevin Smith; Executive Assistant  
8 Kirby Wade; Absent: Vice Chairman Jim Butler

9  
10 **CALL TO ORDER**

11  
12 Chairman Dolan opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for Bob Early,  
13 a previous Selectman and Fire Commissioner, who passed away last week. Chairman Farrell also asked for a moment of  
14 silence for Bob Lincoln, one of the greatest men of Londonderry. He would build new fields for the Town, served on the  
15 school committee and a good friend to everyone. Chairman Farrell stated that there will be a service in Florida as well as in  
16 New Hampshire. Also for all first responders and those who did not survive 9/11.

17  
18 **PUBLIC COMMENT**

19  
20 Chairman Farrell invited up Tom Roy, IT Manager, to give a small presentation on the new Town website proposal.

21  
22 Chairman Farrell invited up Elizabeth LaRocca and Brian Bosse from Eversource to do a Scobie Pond Station upgrade.  
23 Bosse gave an update to the Council. Bosse stated that there will be a capacitor bank, which supports the voltage of the  
24 system that will be put on. It will be enclosed in a fenced area. Councilor Green asked how it would affect the residents.  
25 Bosse stated that it will not affect the residents. The Council thanked Eversource for their presentation.

26  
27 **PUBLIC HEARING**

28  
29 Motion to enter Public Hearing made by Councilor Dolan and second by Councilor Green. Chair votes 4-0-0.

30  
31 Councilor Freda read amended Ordinance #2015-07, an Ordinance restricting target shooting in the Musquash [see attached].  
32 Motion made by Councilor Freda and second for discussion but Councilor Green. Chairman Farrell stated that the Town  
33 Council operates by Town Council rules. He will be asking for any questions from the Council and will be going to the  
34 public after.

35  
36 Eric Melanson, 7 Jewel Ct, stated that there's a line in the Ordinance about twenty-two caliber and twenty-two long rifle that  
37 was removed from the reading on line two. Police Chief Hart stated that that changed was made to keep the guidelines very  
38 simple and identical with the NH Fish and Game regulations with regard to hunting, which are published in the NH Fish and  
39 Game rules.

40  
41 Tony Ramy, 15 Faucher Rd, thanked the Task Force for all their work. Ramy stated that what was read this evening was  
42 compromise. Ramy stated that eight weeks is plenty of time for folks to utilize the Musquash to shoot and hunt.

43  
44 Lara McIntyre, 6 Red Fern Circle, stated that PollyAnn Winslow could not make it to the meeting but wanted a letter read  
45 into the record. McIntyre read the letter into the record. Winslow's letter thanked the Musquash Task Force for working hard



# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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46 to come up with a reasonable compromise. McIntyre stated that she agrees, they are happy with the results. McIntyre asked  
47 Chief Hart how the public will be notified of this change.

48  
49 Chief Hart stated that much of the conduct that occurs out there is legal, if it doesn't violate the three hundred foot rule. There  
50 is not a lot the police can do today, but once this passes, target shooting will be illegal. The first thing that the Police  
51 Department will do it to educate people on this change. The areas will be appropriately posted. Check in procedures will be  
52 pu into place for when people check in with the Police Department before target shooting. A brief handout will be put  
53 together stating it is illegal and here are the rules and regulations, to hand out to people.

54  
55 Lara McIntyre, 6 Red Fern Circle, asked why the Council feels it needs to be put up as a vote to the public and not that the  
56 data can be gathered and the Council make the final decision in the end. Chairman Farrell stated that when Londonderry  
57 moved to an SB2 Town form of government, it gave the voters an opportunity to have a voice. Chairman Farrell stated that  
58 we should let the voters vote. Councilor Freda stated that he agrees. Councilor Freda stated that laws are easy to enforce  
59 when they have the approval of the vast majority of people.

60  
61 Steve Glynn, 33 Rolling Ridge Dr., stated that if his kids are playing in the backyard and they are three hundred feet from  
62 where shooter are with a twenty-two, are they at risk? Dan Watson, Task Force, stated that it depends on how the weapon is  
63 used. That is what the task force is trying to get rid of, people who don't know how to use these guns. Watson stated that that  
64 risk is potential if someone is not shooting correctly. Councilor Dolan stated that he thinks it is an unsafe environment.

65  
66 Chairman Farrell stated that from what he has gathered there are a few options. One is a complete ban, the other is allowing  
67 twenty-twos and siting of rifles. Councilor Freda stated that he thinks there is a difficulty with a part of section five.  
68 Councilor Freda suggested some changes. Councilor Freda stated that he would like to amend it to say "by a fine of not less  
69 than one hundred and not more than two-fifty" and on the second violation state "not less than two-fifty and not more than  
70 five hundred" and the third violation to state "shall be punishable by a fine of not less than one thousand". Second by  
71 Councilor Green. Attorney Mike Ramsdell stated that it is the Councils prerogative but his experience is that when you put in  
72 the three steps, that all of your first offenses are going to get a one hundred dollar fine. Attorney Ramsdell stated that whe  
73 you have an Ordinance like this, if you make a first offense not more than one hundred dollars, you get a judge who doesn't  
74 care for the Ordinance and you have expended your prosecution resources and the judge has given the convicted person a five  
75 dollar fine, suddenly you're not enforcing the Ordinance anymore. Attorney Ramsdell stated that he would suggest that that is  
76 not a change courts are familiar with. The amendment was withdrawn.

77  
78 The Council discussed a motion to extend the period of time for citing a weapon. The motion failed.

79  
80 Chairman Farrell stated that there is only one amendment. Chief Hart suggested that at the end of the last sentence that reads  
81 "for hunting deer and turkey in Londonderry, New Hampshire" it should state after that "there shall be an additional  
82 allowance for rim fire twenty-two and twenty-two long rifles". Councilor Freda amended his motion to include that.  
83 Councilor Green amended his second. Chair votes 4-0-0. Ordinance passes and is in effect starting today (09-14-2015).  
84 Chairman Farrell stated that the beginning of January the Police Department will come back with all information collected.

85  
86 Motion to close public hearing made by Councilor Dolan and second by Councilor Green.

## OLD BUSINESS

87  
88  
89  
90 Town Manager Smith reintroduced the MOU with the New Hampshire Fish and Game Department. Smith stated that he  
91 worked with NH Fish and Game to come up with a modified version to satisfy both parties. It was reviewed and approved by  
92 Attorney Ramsdell. Smith stated that the agreement "becomes effective upon the signatures of all parties and shall remain in  
93 effect for three year terms. If neither party proposes modification within sixty days of the end of each term, the agreement  
94 shall automatically be renewed for an additional three years. If the parties are unable to reach an agreement on a proposed  
95 modification, the agreement shall terminate upon the expiration of the three year term in which the unresolved modification

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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96 was proposed". Heidi, NH Fish and Game stated that she has no comments. Chairman Farrell stated that Smith has a  
97 consensus from the Town Council to approve the MOU.

## NEW BUSINESS

98  
99  
100  
101 Chairman Farrell invited up Doug Smith, Finance Director, for a budget update. [See attached]

102  
103 Chairman Farrell introduced Order #2015-28, expenditure of Maintenance Trust Funds for various project. Steve Cotton  
104 presented. Motion to approve Order #2015-28 made by Councilor Green and second by Council Dolan. Chair votes 4-0-0.

105  
106 Chairman Farrell introduced Ordinance #2015-08, An Amendment to the Zoning Ordinance Relating to Rezoning Map 17  
107 Lot 17-A, 345 Rear Mammoth Road, from Multi-Family Residential III (R-III) to Industrial I (IND-I), first reading. Motion  
108 to waive first reading and set the public hearing for October 19<sup>th</sup> made by Councilor Green and second by Councilor Freda.  
109 Chair votes 4-0-0.

110  
111 Chairman Farrell introduced Resolution #2015-05, A Resolution Relative to Re-Naming a Portion of Meadow Drive. Motion  
112 to waive first reading made by Councilor Green and second by Councilor Freda. Chair votes 4-0-0. The public hearing will  
113 be held on October 5<sup>th</sup>.

114  
115 Chairman Farrell introduced Resolution #2015-06, establishing a Committee for the 300th Anniversary of the Nutfield  
116 District. Town Manager Smith read in the Resolution. Motion to accept the motion as read made by Councilor Dolan and  
117 second by Councilor Green. Reed Clark presented. Town Manager Smith stated that the second "Derry" listed there should  
118 say "Chester". Motion to Resolution #2015-06 as amended made by Councilor Dolan and second by Councilor Green. Chair  
119 votes 4-0-0.

## APPROVAL OF MINUTES

120  
121  
122  
123 Motion to approve minutes from August 17, 2015 made by Councilor Dolan and second by Councilor Freda. Chair votes 4-0-  
124 0.

## BOARD/COMMITTEE APPOINTMENT

125  
126  
127  
128 Chairman Farrell invited up Michael Noone, 114 Chase Rd, candidate for Conservation Commission. Noone stated that he  
129 has lived in town since 1989 and has raised all of his children in Town. He has worked in medical device industry for his  
130 entire career. Noone stated that he has attended last month's meeting. Noone stated that he has reviewed all of the materials  
131 presented to him. Councilor Dolan asked if there was any conflict of interest. Noone stated that there is not. Motion to  
132 appoint Noone as a member of the Conservation Commission made by Councilor Dolan, second by Councilor Freda. Chair  
133 votes 4-0-0.

134  
135 Motion to accept the resignation of Kelly Walsh from the Conservation Commission. Motion to accept the resignation made  
136 by Councilor Green and second by Councilor Freda. Chair votes 4-0-0.

137  
138 Motion to accept the resignation of Matthew Newman from the JNC. Motion to accept the resignation made by Councilor  
139 Green and second by Councilor Freda. Chair votes 4-0-0.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## ADJOURNMENT

Motion to adjourn made by Councilor Freda and second by Councilor Green. Chair votes 4-0-0.

Notes and Tapes by:	Kirby Wade	Date: 09/14/15
Minutes Typed by:	Kirby Wade	Date: 09/17/15
Approved by:	Town Council	Date: 09/21/15

**TOWN OF LONDONDERRY, NEW HAMPSHIRE**

Revenue by Source  
General Fund

**June 30, 2015 - Unaudited**

Description	Original Budget	Adjusted Budget	Revenue This Period	Revenue Year To Date	Revenue Due	% Recvd	June - 100% Collected Notes
Property Taxes	-	-	-	-	-	0.00%	
Land Use Chant Tax	-	-	279,233	279,233	(279,233)	#DIV/0!	
Yield Taxes	5,000	5,000	-	5,803	(803)	116.06%	
Other Taxes	643,877	643,877	-	633,877	10,000	98.45%	PILOT (May), Excavation
Interest & Costs on Late Property Taxes	300,000	300,000	-	304,017	(4,017)	101.34%	
Business Licenses & Fees	7,000	7,000	-	5,340	1,660	76.29%	
Motor Vehicle Permits	6,200,000	6,200,000	-	6,998,740	(798,740)	112.88%	
Building Permits	225,000	225,000	-	680,153	(455,153)	302.29%	
Other Licenses, Permits & Fees	38,000	38,000	-	38,741	(741)	101.95%	Dogs, Marriage, Reclam, Other
Federal Grants & Reimbursements	-	-	-	-	-	0.00%	
Revenue Sharing Grant	-	-	-	-	-	0.00%	
Meals & Room Tax	1,076,695	1,167,136	-	1,167,136	-	100.00%	
Highway Block Grant	500,541	508,931	-	513,632	(4,701)	100.92%	
Water Pollution Grant	45,531	42,926	-	42,926	-	100.00%	
Other State Grants	75,000	75,000	-	8,614	66,386	11.49%	
Income From Departments (A)	999,300	999,300	-	1,347,464	(348,164)	134.84%	Zoning, PD, FD, PW, Cable, Rec, Sen Aff.
Sale of Town Property	-	-	-	2,050	(2,050)	0.00%	
Interest on Investments	20,000	20,000	-	9,512	10,488	47.56%	
Insurance Reimbursements	75,000	75,000	-	17,036	57,964	22.71%	
Grant & Donation Revenue	-	-	-	-	-	0.00%	
Other Miscellaneous Revenue	50,000	50,000	-	75,439	(25,439)	150.88%	
Transfers from Special Revenue Fund	455,000	455,000	-	416,433	38,567	91.52%	Budget = MAA 120K, Sewer 320K, 15K
Transfers from Capital Reserve Fund	-	-	-	-	-	0.00%	
Transfers from Trust & Agency Fund	254,398	254,398	-	260,587	(6,189)	102.43%	
Proceeds from Long Term Bonding	-	-	-	-	-	0.00%	
Other Financing Sources - Use of Fund Balance	-	-	-	-	-	0.00%	
Total Revenue	10,970,342	11,066,568	-	12,806,733	(1,740,165)	115.72%	FY2014 - 107.18 %

(A) Ambulance 130K, dispatch-Hampstead 50K, drop off center 28K, cable 108K, fire grant 26K

