

TOWN COUNCIL AGENDA
June 5, 2017
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.) **Ordinance #2017-03** – Amendment to Restriction of Removing Water from Public Bodies of Water for Commercial Use

D. OLD BUSINESS

E. NEW BUSINESS

- 1.) Senior Transportation Update
Presented by Lisa Drabik
- 2.) **Ordinance #2017-04** – Ordinance Restricting Residential Outdoor Lawn Watering (**1st reading**)

F. APPROVAL OF MINUTES

- 1.) Approval of May 15, 2017 Town Council Minutes

G. OTHER BUSINESS

- Liaison Reports
Town Manager Report
Assistant Town Manager Report
Board/Committee Appointments/Reappointment
- 1.) Interview of Lynn Wiles for the Solid Waste and Environmental Committee

H. ADJOURNMENT

I. Town Council Non-Public (Personnel Matter) RSA 91-A:3 IIa

J. MEETING SCHEDULE

Town Council Meeting – 06/19/17 Moose Hill Council
Chambers, 7:00 PM

Town Council Meeting – 07/10/17 Moose Hill Council
Chambers, 7:00 PM

Town Council Meeting – 08/14/17 Moose Hill Council
Chambers, 7:00 PM

Town Council Meeting – 09/04/17 Moose Hill Council
Chambers, 7:00 PM

ORDINANCE 2017-03

Amendment to Restriction on Removing Water from Public Bodies of Water for Commercial Use

First Reading: 05/15/2017

Second Reading/Public Hearing: 06/05/2017

Adopted: 06/05/2017

WHEREAS on November 7, 2016, the Town of Londonderry, by and through the Londonderry Town Council, adopted Ordinance 2016-08, an Ordinance Relative to a Restriction on Removing Water from Public Bodies of Water for Commercial Use, specifically in response to the drought conditions then facing Town residents, thereby imposing a mandatory ban on the withdrawal of water from public bodies of water for commercial use; resting enforcement of said ban with the Town of Londonderry Police Department; and imposing certain penalties for violation of said ban pursuant to RSA 651:2;

WHEREAS although the Town is no longer experiencing “drought” conditions as classified by the US Drought Monitor Center, and therefore a portion of the stated basis for Ordinance 2016-08 does not currently exist, residents remain concerned about the impact of commercial businesses withdrawing water from the Town of Londonderry’s public bodies of water for commercial use;

WHEREAS RSA 41:11-a empowers the Town Council to “manage all real property owned by the town and to regulate its use unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes”;

WHEREAS the Town’s public bodies of water are real property and the ban on removal of water from the Town’s public bodies of water for commercial use has not been delegated to other public officers by vote of the town, nor is this particular action governed by other statutes;

WHEREAS, RSA 41:11-a thereby allows the Town Council to manage and regulate the use of public bodies of water in the Town of Londonderry;

NOW THEREFORE, the Town of Londonderry, by and through the Londonderry Town Council, **ordains** that: (1) Ordinance 2016-08 is repealed; and (2) a mandatory prohibition on the withdrawal of water from public bodies of water for commercial use is imposed. Enforcement of this restriction shall be completed by any sworn officer of the Town of Londonderry Police Department, which is hereby granted the authority to initiate any enforcement action against any violator of this prohibition. Any person failing to comply with the prohibition shall be deemed in violation and subject to the following penalties pursuant to RSA 651:2: (1) a first violation shall result in a warning; (2) a second violation shall result in a \$250 fine; and (3) each succeeding violation shall result in a \$500 fine.

Tom Dolan, Chairman
Londonderry Town Council

(TOWN SEAL)

Sherry Farrell
Town Clerk

A TRUE COPY ATTEST: 06/05/2017

ORDINANCE 2017-04

Ordinance Restricting Residential Outdoor Lawn Watering

First Reading: 06/05/2017

Second Reading/Public Hearing: 6/19/2017

Adopted: 6/19/2017

SECTION I: PURPOSE AND AUTHORITY

Pursuant to RSA 41:11-d, the Town Council has adopted this Ordinance in order to protect public health and safety by restricting the use of water from private wells and public water systems for residential outdoor lawn watering during a state or federally declared drought.

SECTION II: APPLICABILITY

This Ordinance shall apply to all residential outdoor lawn watering within the Town of Londonderry when an executive or an administrative agency of the state or federal government has designated the region that includes Londonderry as being under a declared state or condition of drought, the Town Council has recognized the existence of a drought in Londonderry, and the Town Council has implemented restrictions as described in this Ordinance.

SECTION III: DEFINITIONS

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are among those used by the Town Council to determine the existence of a drought effecting the Town: i. The New Hampshire Drought Management Program, and/or ii. A drought declaration by the Governor's Office or NH DES

B. Residential Outdoor Lawn Watering: The application of water to an outdoor lawn at a property that's primary use is to provide living accommodations for people.

SECTION IV: RESTRICTIONS UNDER DROUGHT CONDITIONS

Once the Town Council has recognized the existence of a drought in Londonderry, the Town Council may implement a particular level of restrictions as deemed appropriate.

A. Level 1: 1) Residential outdoor lawn watering by odd numbered addresses is allowed on odd numbered days. 2) Residential outdoor lawn watering by even numbered addresses is allowed on even numbered days. 3) Residential outdoor lawn watering shall not occur between the hours of 8AM and 8PM.

B. Level 2: 1) Residential outdoor lawn watering by odd numbered addresses is allowed on Mondays and Thursdays. 2) Residential outdoor lawn watering by even numbered addresses is allowed on Tuesdays and Fridays. 3) Residential outdoor lawn watering shall not occur between the hours of 8AM and 8PM.

C. Level 3: 1) Residential outdoor lawn watering is prohibited.

SECTION V: PUBLIC NOTIFICATION OF WATER USE RESTRICTIONS

Notification of any intention to consider restricting residential outdoor lawn watering, such as described in Section IV, shall be given at least three (3) business days before the public meeting at which it will be discussed by the Town Council. If the Town Council decides to implement restrictions, such as described in Section IV, then notice of the chosen restrictions shall be posted in a paper of general circulation and shall be posted in at least two public places - one of which shall be the official Town website. The chosen restrictions shall become effective five calendar days from publication in a paper of general circulation.

SECTION VI: TERMINATION OF WATER USE RESTRICTIONS

Public notification for termination of residential outdoor lawn watering restrictions shall be given in accordance with Section V, except that the effective date for termination of any restrictions shall be immediate upon a decision by the Town Council.

SECTION VII: ENFORCEMENT

Any sworn officer of the Londonderry Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Ordinance.

SECTION VIII: PENALTIES

Any residential property owner failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed to be in violation and subject to penalties pursuant to RSA 651:2. Violations shall be cumulative within a given calendar year, and shall reset at the end of a calendar year (i.e., the first violation at the start of a calendar year shall be deemed to be a first violation, notwithstanding the prior calendar year's history of violations, if any). Note that a residential property owner shall be deemed to be in compliance with Level 1 restrictions if their outdoor lawn watering complies with the more restrictive parameters of the Level 2 restrictions.

- First violation: Warning
- Second violation: \$200 fine
- Additional violations: \$1,000 fine.

SECTION IX: SEVERABILITY

If any section, provision, or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, provision, or phrase of this Ordinance.

SECTION X: WAIVERS AND APPEALS

Waivers of this Ordinance may be granted by a majority vote of the Town Council for good cause shown. Upon request of a residential property owner, the Town Council shall hear appeals to any penalties assessed against that owner, subject to a 30-day limit within which to file an appeal with the Town Council.

SECTION XI: AMENDMENTS

This Ordinance may, from time to time, be amended by a majority vote of the Town Council at a regularly scheduled Town Council meeting; provided notice of said meeting has been duly posted at least seven (7) business days in advance of same.

SECTION XII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Town Council. Adopted this ____ day of _____, 2017.

Tom Dolan, Chairman
Londonderry Town Council

(TOWN SEAL)

Sherry Farrell
Town Clerk

A TRUE COPY ATTEST:
06/19/2017

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 May 15, 2017

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

5
6 Present: Chairman Tom Dolan; Vice Chairman John Farrell; Councilors Ted Combes and Joe Green;
7 Town Manager Kevin Smith; Executive Assistant Kirby Wade; Absent; Councilor Butler.

8
9 CALL TO ORDER

10
11 Chairman Dolan called the Town Council special meeting to order. Chairman Dolan led the Pledge of
12 Allegiance. This was followed by a moment of silence for those who serve us in uniform both here and
13 abroad and also for the special POWMIA dedication prior to the meeting.

14
15 PUBLIC COMMENT

16
17 Chairman Dolan invited up Police Chief Bill Hart to remember former Selectman, Sergeant Gerry
18 Gillespie. Chairman Dolan stated that getting control of the opioid crisis in the town and state. Chairman
19 Dolan stated for all those first responders to be cautious. Chief Hart stated that Gillespie was known in
20 the Police Department at Sgt. G. Hart stated that as you walk through the door of the PD, on the left side
21 of the main hall are two portraits. One of them is Sgt. G. Hart stated that he was the first sergeant to
22 serve in the capacity of supervisor in 1978. He was the town's first prosecutor. Hart stated that Sgt. G
23 was a husband, father and friend. Chairman Dolan stated that those who wish to pay their respects, the
24 wake will be from 5-8 PM on May 16th.

25
26 The Council discussed the intersection at Rt. 28 and Stonehenge Rd. Town Manager Smith stated that he
27 has been in contact with Executive Councilor Chris Papas.

28
29 Deb Paul, 118 Hardy Rd, stated that she has a couple questions. Paul asked Smith what questions he has
30 asked them. Town Manger Smith stated that Councilor Combes had an initial conversation with Chris
31 Papas to talk about that intersection if there was anything the state could do. At that time Chris had
32 mentioned to him that there were other funds possibly available rather than waiting for it to go on the
33 states ten year highway plan. Town Manager Smith stated that he followed up about where the funds
34 were coming from. Paul stated that at none of the Planning Board meetings there was a letter from the
35 DOT saying that lights wouldn't take it out of failure. Paul suggested talking to the DOT. Paul stated
36 that the left turn onto Stonehenge and the left turn out of Stonehenge is the problem. Paul stated that he
37 believes that needs to be looked at. Town Manager Smith asked Paul if she said DOT said that
38 intersection can't be fixed. Paul stated that they said it at a Planning Board meeting. A light wouldn't fix
39 it, it would relieve it but not take it out of failure.

40
41 Colleen Mailloux, Town Planner, stated that the traffic analysis did show that the intersection is
42 currently in failure. The developer, as part of Planning Board approval, is going to be adding right hand

LONDONDERRY TOWN COUNCIL MEETING MINUTES

43 turn lane. Mailloux stated that it will continue to be in failure until the light is installed.

44

45 David Nease, 11 Faye Ln, thanked the Council for looking into the intersection. Nease stated it is just
46 unfortunate now instead of the builder paying for it, the taxpayers are going to be paying for it.

47

48 Greg Stanley, 112 Hardy Rd, stated that during the last Town Council meeting, Farrell mentioned that
49 one of the things people talk about all the time when new developments go in is the amount of traffic.
50 One of the examples that was provided is when Home Depot was brought in. Vice-Chairman Farrell
51 stated that the Council has to follow the law when going about this. Chairman Dolan stated that the
52 Council is doing what they can.

53

54 Richard Flier, Adams Rd, stated that he has been a developer for a long time and many times major
55 developments he has been involved in that had bad traffic issues. Some on state roads some on town
56 roads. As a developer he had to pay for everything and go through many state reviews.

57

58 Chairman Dolan invited up Town Planner Colleen Mailloux and GIS Manager John Vogl to give a
59 growth management overview. [See attached slideshow].

60

61 Chris Davies, 29 Perkins Rd, stated that the areas that are in the Master Plan today should be looked at
62 where are areas we could have high density housing. Davies stated that we should be more up front with
63 guidance to developers for areas where things are proposed. Vice-Chair Farrell stated that by state
64 statute the Council can't give that guidance.

65

66

PUBLIC HEARING

67

68 Chairman Dolan introduced Ordinance #2016-07A, an Ordinance relative to a restriction on outside water
69 use. This was continued from May 1, 2017. Vice-Chair Farrell motioned to open public hearing. Second
70 by Councilor Green. Chair votes 4-0-0. Assistant Town Manager Lisa Drabik stated that this ordinance
71 was passed last fall and has been in effect during the drought. The drought has been lifted as of May 9th.

72

73 Vice-Chair Farrell motioned that the Town of Londonderry lift the restriction on outside water use for
74 discussion. Councilor Combes seconded the motion. Councilor Green stated that it is important for the
75 Council to show the leadership to post something on the website and try to go another step beyond the
76 Ordinance. Councilor Green stated that he knows they can't enforce an ordinance but there should be a
77 reasonable request to still keep water use to a minimum, best practice enforced.

78

79 Deanna Mele, 8 Valley St, stated that she went to some of the local towns and make inquires. Mele stated
80 Hudson sent her a letter stating that they don't have an ordinance but they have an odd and even
81 restriction on the faith of the residence participating. They have had it for fifteen years. Mele stated that
82 Windham, the DES in September of 2016 sent a letter to all the municipalities which covers all the needs
83 for people who need to water their grass, etc. Mele stated that it was said that we would address this again
84 in the spring and its spring now. Mele referred to her letter to the editor. [See attached letter]. Mele stated

LONDONDERRY TOWN COUNCIL MEETING MINUTES

85 that there should be an Ordinance ready in case the situation arises again and we are ready without having
86 to address it all over again. Chairman Dolan stated that the Council will check with the attorney to see
87 what's appropriate. Mele stated that she doesn't want to see an Ordinance passed that will give issues
88 down the road. Do it now.

89

90 Motion to close the public hearing for Ordinance #2016-07A made by Councilor Green and second by
91 Councilor Combes.

92

93 Chairman Dolan introduced Resolution #2017-03, a Resolution relative to legalizing, ratifying and
94 confirming all actions, votes and proceedings from the 2017 election. Vice-Chair Farrell motioned to
95 open the public hearing. Seconded by Councilor Green. Chair votes 4-0-0. Assistant Town Manager
96 Drabik stated that Councilor Green is automatically ratified as this Resolution has to do with bonds.
97 Chairman Dolan stated that this Resolution goes back to when the town postponed the elections due to
98 the snow storm. There was no input from the public or the Council. Vice-Chair Farrell motioned to
99 approve Resolution #2017-03. Seconded by Councilor Green. Chair votes 4-0-0.

100

101 Motion to close public hearing made by Councilor Combes and seconded by Councilor Green. Chair
102 votes 4-0-0.

103

OLD BUSINESS

104

105

NONE

106

107

NEW BUSINESS

108

109
110 Chairman Dolan introduced Order #2017-15, an Order relative to the expenditure of Maintenance Trust
111 Fund for various projects. Steve Cotton presented. There are three different invoices at the Police
112 Department and North Fire. Motion to approve Order #2017-15 made by Vice Chairman Farrell and
113 seconded by Councilor Green. Chair votes 4-0-0.

114

115 Chairman Dolan Ordinance the first reading of Ordinance #2017-03, an amendment to restriction
116 removing water from the public bodies of water for commercial use. Motion to waive the first reading
117 and schedule a public hearing for June 5th made by Vice-Chair Farrell. Seconded by Councilor Green.
118 Chair votes 4-0-0. Councilor Combes stated that this is a very important article to pass.

119

APPROVAL OF MINUTES

120

121

122 Approval of Town Council minutes from May 1, 2017 made by Vice-Chair Farrell and seconded by
123 Councilor Combes. Chair votes 4-0-0.

124

125

LONDONDERRY TOWN COUNCIL MEETING MINUTES

BOARD/COMMITTEE APPOINTMENT/RE-APPOINTMENT

126

127

128 The Council accepted the resignation of Roger Fillio from the Heritage Commission. Motion made by
129 Vice-Chair Farrell and seconded by Councilor Green. Chair votes 4-0-0.

130

131

TOWN MANAGER REPORT

132

133

ADJOURNMENT

134

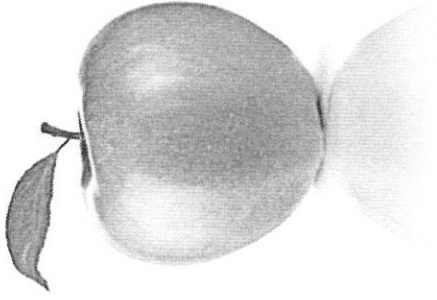
135 Motion to adjourn made by Councilor Green and second by Vice-Chair Farrell. Chair votes 4-0-0.

136

137 Notes and Tapes by: Your name Date: 05/15/2017

138 Minutes Typed by: Kirby Wade Date: 05/20/2017

139 Approved by: Town Council Date: 06/05/2017



Growth Management Ordinance (GMO) Summary

Presentation to the Londonderry
Town Council

May 15, 2017

Londonderry Planning & Economic Development

Tools for Guiding Development

- Master Plan
- Capital Improvement Plan
- Land acquisition and easement purchases
- Density Trade-offs
- Development Agreements
- Public Infrastructure including water and sewer
- Grants, tax incentives
- Elderly exemptions, current use
- Town staff technical assistance and advocacy

Checks and Balances

- Zoning Ordinance
- Land Use Regulations
- Building Code requirements
- Flood zones, Wetland Overlay
- Residential Phasing Ordinance
- Financial
- Off-site Improvements
- Access Fees to water and Sewer
- Developer Agreements
- **Growth Management Ordinance (GMO)**
- Interim GMO if needed

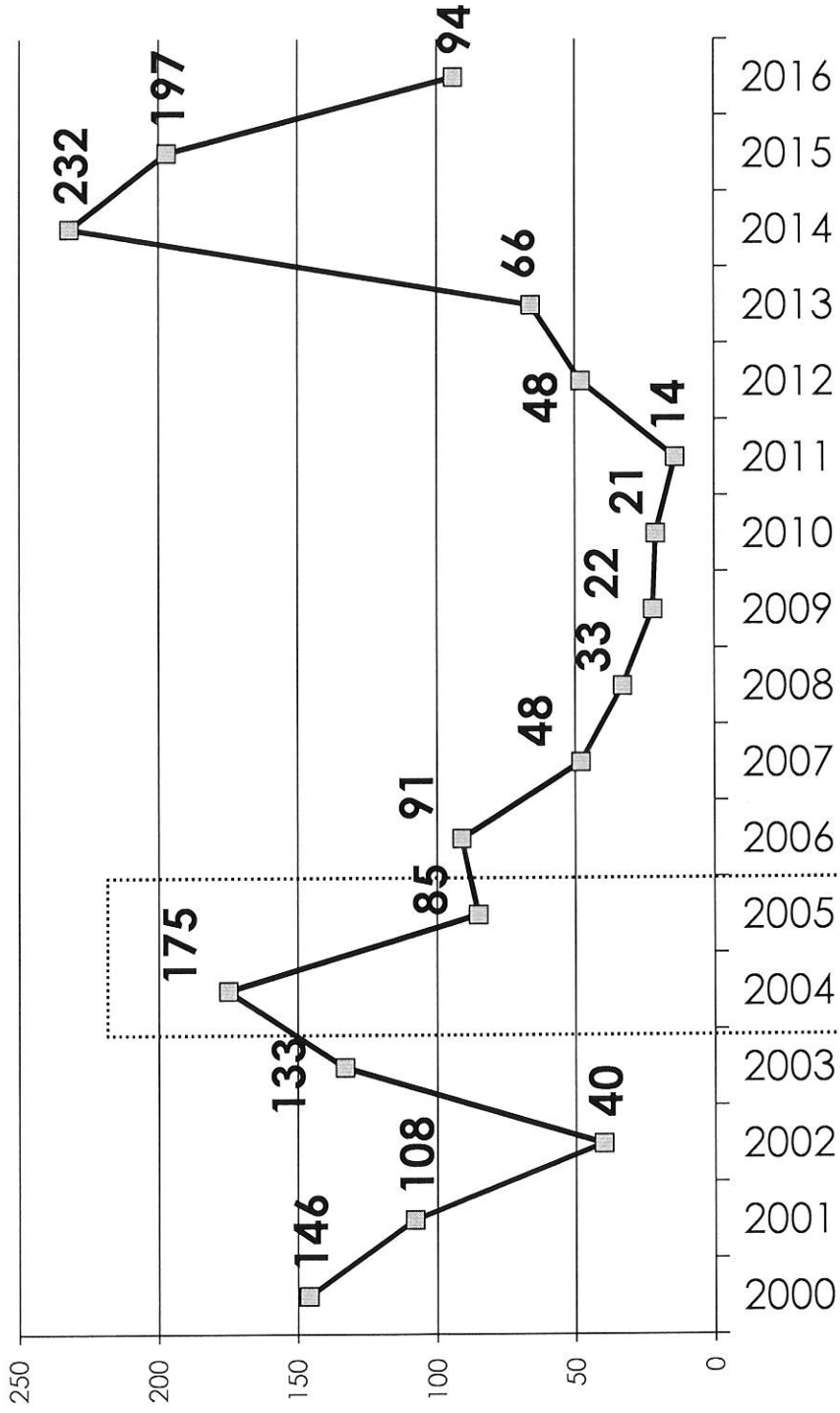
Where we are today...

- Growth Management Ordinance was in place and allowed to sunset on January 1, 2015
 - Capacity analysis in 2014 indicated that the Town has the capacity to manage its budgetary needs in the near term and should not need to further extend the Growth Management Ordinance in the near future.
- Planning Staff continued to provide annual reports to the Planning Board as informational item.
- After a period of slow growth, the number of building permits issued annually has trended upwards.
- The community has expressed concerns with this upward trend and the Council has requested discussion of a GMO and the statutory requirements for its implementation.

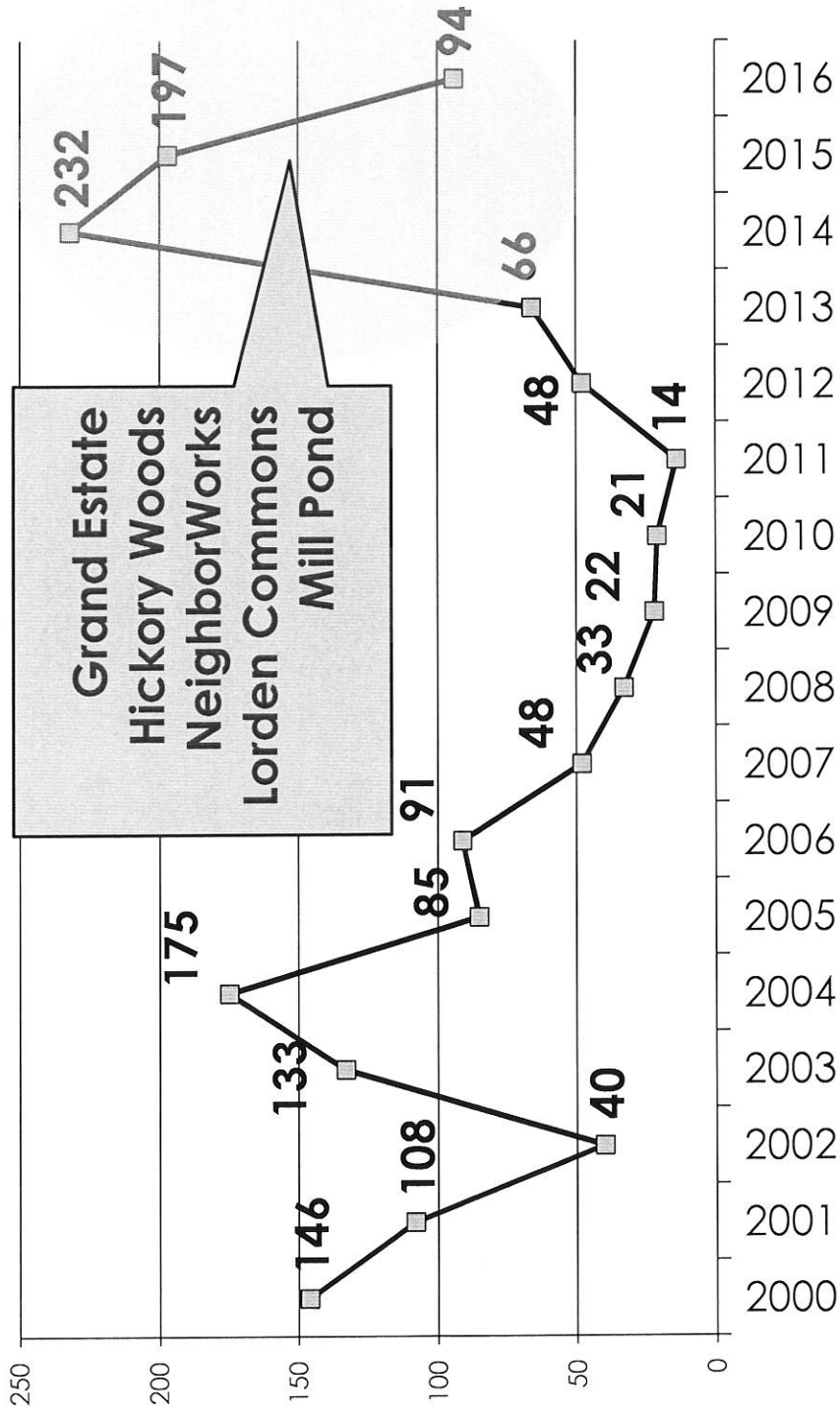
RSA 674:22 Growth Management; Timing of Development

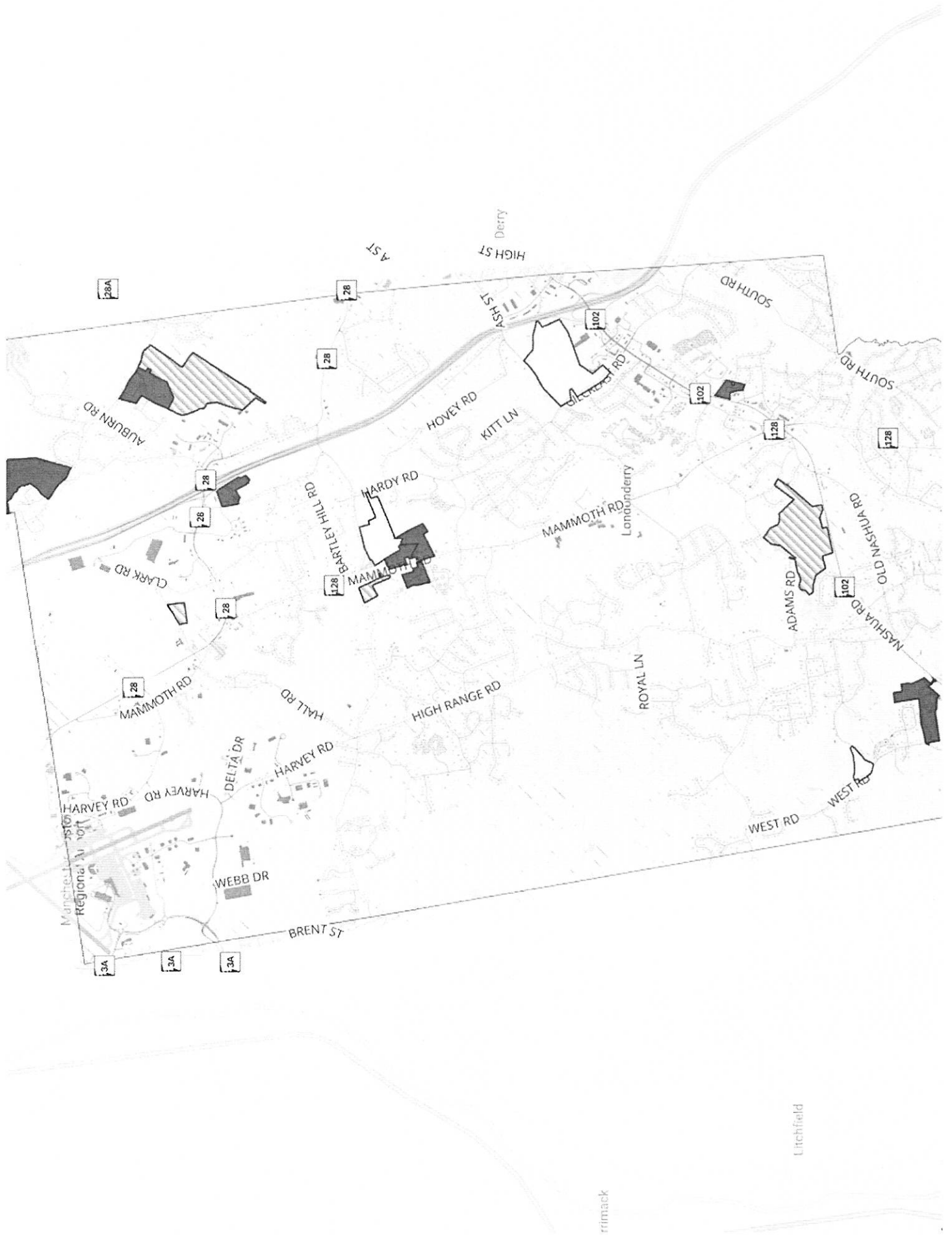
- Section 674:22 Growth Management; Timing of Development. –
 - I. To regulate and control the timing of development.....
 - II.demonstrated need to regulate the timing of development, based on the municipality's lack of capacity to accommodate anticipated growth.....
 - III.shall include a termination date and shall restrict projected normal growth no more than is necessary

Historic Activity Levels



Historic Activity Levels





Manchester Regional Airport

Litchfield

rimack

Contributing Projects

<u>Complex</u>	<u>Year</u>	<u>Units</u>	<u>Type</u>
Mill Pond	1999	105	Single Family
Trail Haven Estates	2004	28	Age Restricted - Multi-Family
Lorden Commons	2011	51	Single Family
Hickory Woods	2013	98	Age Restricted - Single Family
Townhomes at Whittemore Place	2014	78	Multi-Family (Workforce)
Grand Estate	2014	110	Age Restricted - Multi-Family
Wallace Farms	2014	240	Multi-Family (Workforce/Market Rate)
School House Square	2015	27	Single Family
Woodmont Commons (Phase 1)*	2017	286	Multi-Family
Residences at MacGregor Cut	2017	288	Multi-Family (Workforce/Market Rate)
Elwood Farm	-	19	Single Family
Eagle's Nest	-	66	Age Restricted - Multi-Family
Lorden Commons (Phase 3/4)	-	83	Single Family
Sanborn Station	-	102	Age Restricted - Multi-Family
Cross Farm	-	200	Age Restricted - Single Family

* Per the Woodmont Commons Development Agreement, this project is exempt from future GMO efforts

Contributing Projects

<u>Complex</u>	<u>Year</u>	<u>Units</u>	<u>Type</u>		
Mill Pond	1999	105	Single Family	737 Units	
Trail Haven Estates	2004	28	Age Restricted - Multi-Family		
Lorden Commons	2011	51	Single Family		
Hickory Woods	2013	98	Age Restricted - Single Family	286 Units	
Townhomes at Whittemore Place	2014	78	Multi-Family (Workforce)		
Grand Estate	2014	110	Age Restricted - Multi-Family		
Wallace Farms	2014	240	Multi-Family (Workforce/Market Rate)		
School House Square	2015	27	Single Family		
Woodmont Commons (Phase 1)*	2017	286	Multi-Family		
Residences at MacGregor Cut	2017	288	Multi-Family (Workforce/Market Rate)		758 Units
Elwood Farm	-	19	Single Family		
Eagle's Nest	-	66	Age Restricted - Multi-Family		
Lorden Commons (Phase 3/4)	-	83	Single Family		Total 1,781 Units
Sanborn Station	-	102	Age Restricted - Multi-Family		
Cross Farm	-	200	Age Restricted - Single Family		

* Per the Woodmont Commons Development Agreement, this project is exempt from future GMO efforts

Numeric Impacts

- 6 year average growth rate: 1.13%
- Year over Year growth rate:
 - (2014-2015) 0.79%
 - (2015-2016) 2.74%
 - (2016-2017) 2.27%
- 2014 Population: 24,247
- Possible increase to 27,000 in 2020 (~2,700 new residents)

Based on recent growth, Planning Staff estimates 1.5-1.7% annual growth rate for foreseeable future.

Summary and Recommendations

- Capacity Analysis for GMO
- Fiscal Impact Analysis Tracking (ongoing)
- Coordination with SAU on student multiplier analysis

Questions and Discussion

Anyway, we haven't been able to train Jack Bauer to So of course Collette got from L

LETTERS

Lobby for a water ordinance that protects us

To the editor,

I've been attending Council meetings concerning suggestions about a lawn ordinance. John Farrell said he wanted to get one that is fair to those who want to water their lawns. I am more concerned and interested in having an ordinance that leans more towards fairness for the 88 percent of well users in Londonderry who have no water, or problems with their wells since or before October 2016.

Both can be accomplished.

The state gave all municipalities a model ordinance 41:11-D other towns chose what I feel is more applicable to all. I suggest you all, especially those with wells, read it at des.nh.gov. Look for "Drought Guidance for Municipalities."

Call the town manager and council members. Do not allow them to pass an

TO OUR READERS

- The Derry News welcomes signed letters to the editor.
- Include your name, address and telephone number for verification.
- Letters are printed on a space available basis.
- We reserve the right to reject slanderous letters and to shorten letters.

SEND LETTERS TO

- **MAIL:** Derry News
46 West Broadway
Derry, NH 03038
- **EMAIL:** editor@derrynews.com
- **FAX:** 603-432-4510

ordinance to date that really does not protect you. Ours, I feel, does not.

The state breaks it down to three categories and restrictions. They also break it down after time for not watering 8 a.m. to 8 p.m. The fine for the third violation is \$1,000.

Maybe that will get the

attention of those who are not following the ordinance.

DEANNA J. MELE
Londonderry

Zoning laws should be enforced

To the editor,

I am writing to express my displeasure in the process to subdivide the lot at 154 Hampstead Road.

Primarily, I am disappointed with the Zoning Board of Adjustment for allowing the subdivision.

The biggest problem was the circumvention of the zoning ordinance that requires 150 feet of frontage on a lot by creating a shared driveway.

The developer purchased the property with full knowledge of the ordinance and then requested a variance based on "hardship."

A hardship is not created by a developer purchasing property with full knowledge of the limitations of a lot and then trying to maximize their profit by dividing the lot.

The and r

board hired

the re

Non

but wh

appro

sonin

hastil

vide "

to the

If th

board

might

zonin

ordina

season

Give

to slo

the z

remin

ing or

sons f

Cur

a lot

conse

more

just

laws

the ex

TELL US WHAT **YOU** THINK AT W