

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1 May 15, 2017

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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 16<sup>th</sup>.

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

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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 9<sup>th</sup>.

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 and 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 5<sup>th</sup> 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

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## 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

## TOWN MANAGER REPORT

131

132

## ADJOURNMENT

133

134

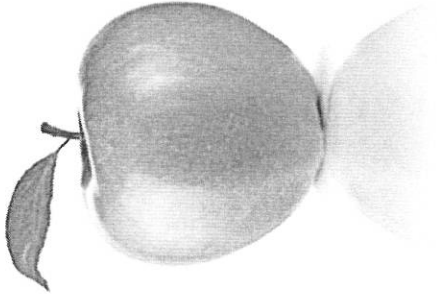
135 Motion to adjourn made by Councilor Green and second by Vice-Chair Farrell. Chair votes 4-0-0.

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...

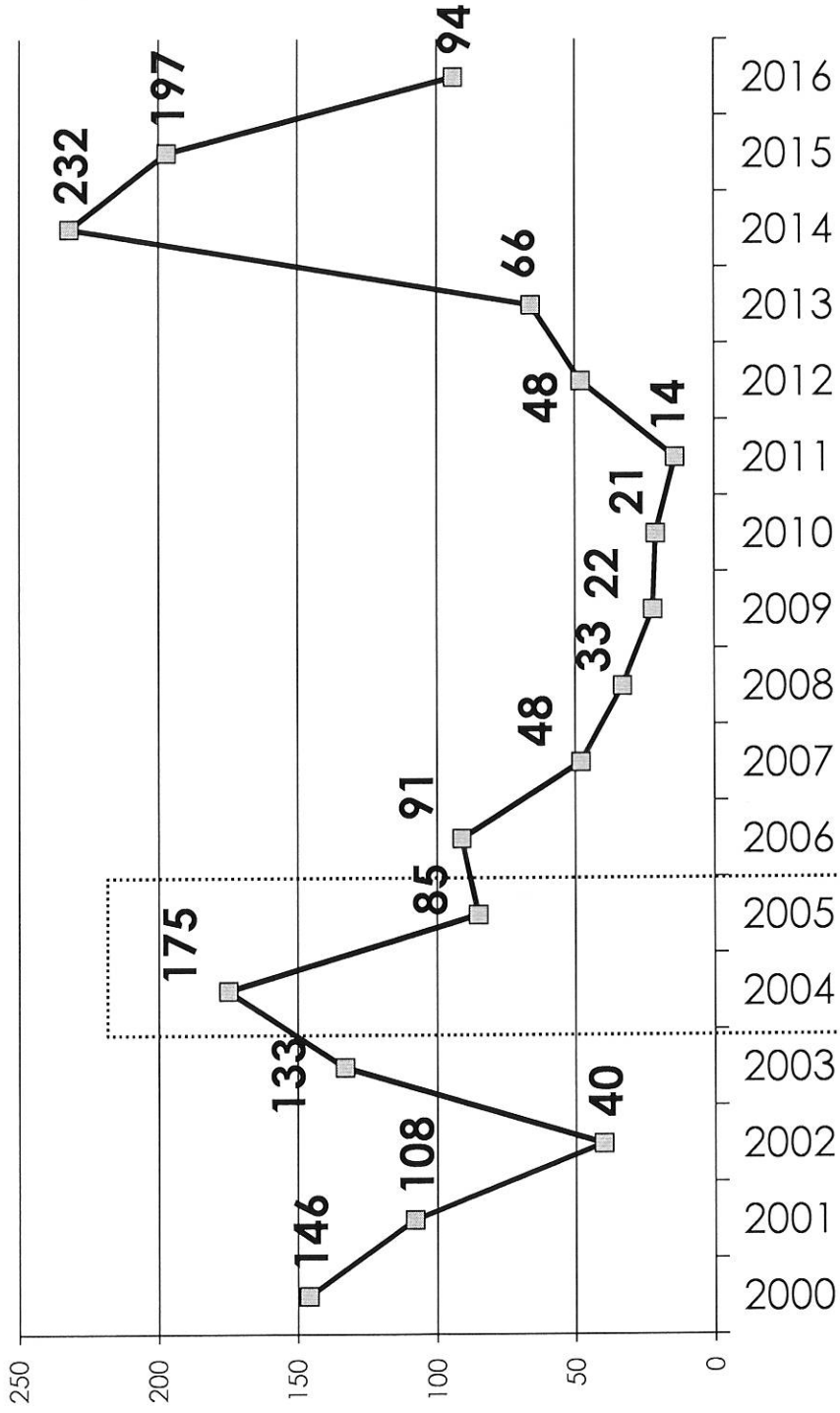
- Growth Management Ordinance was in place and allowed to sunset on January 1, 2015
  - Capacity analysis in 2014 indicated that the Town has the capacity to manage its budgetary needs in the near term and should not need to further extend the Growth Management Ordinance in the near future.
- Planning 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.



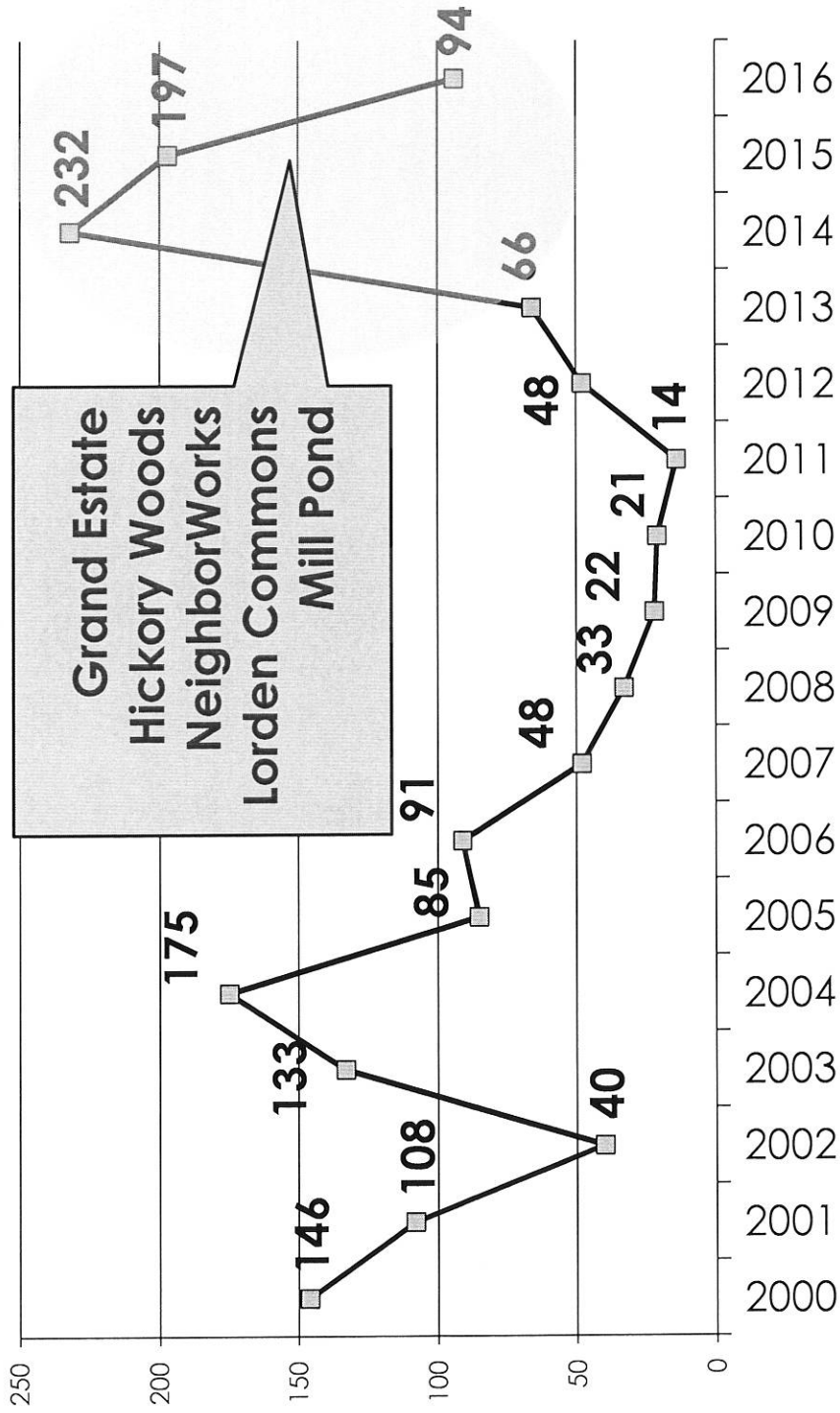
## RSA 674:22 Growth Management; Timing of Development

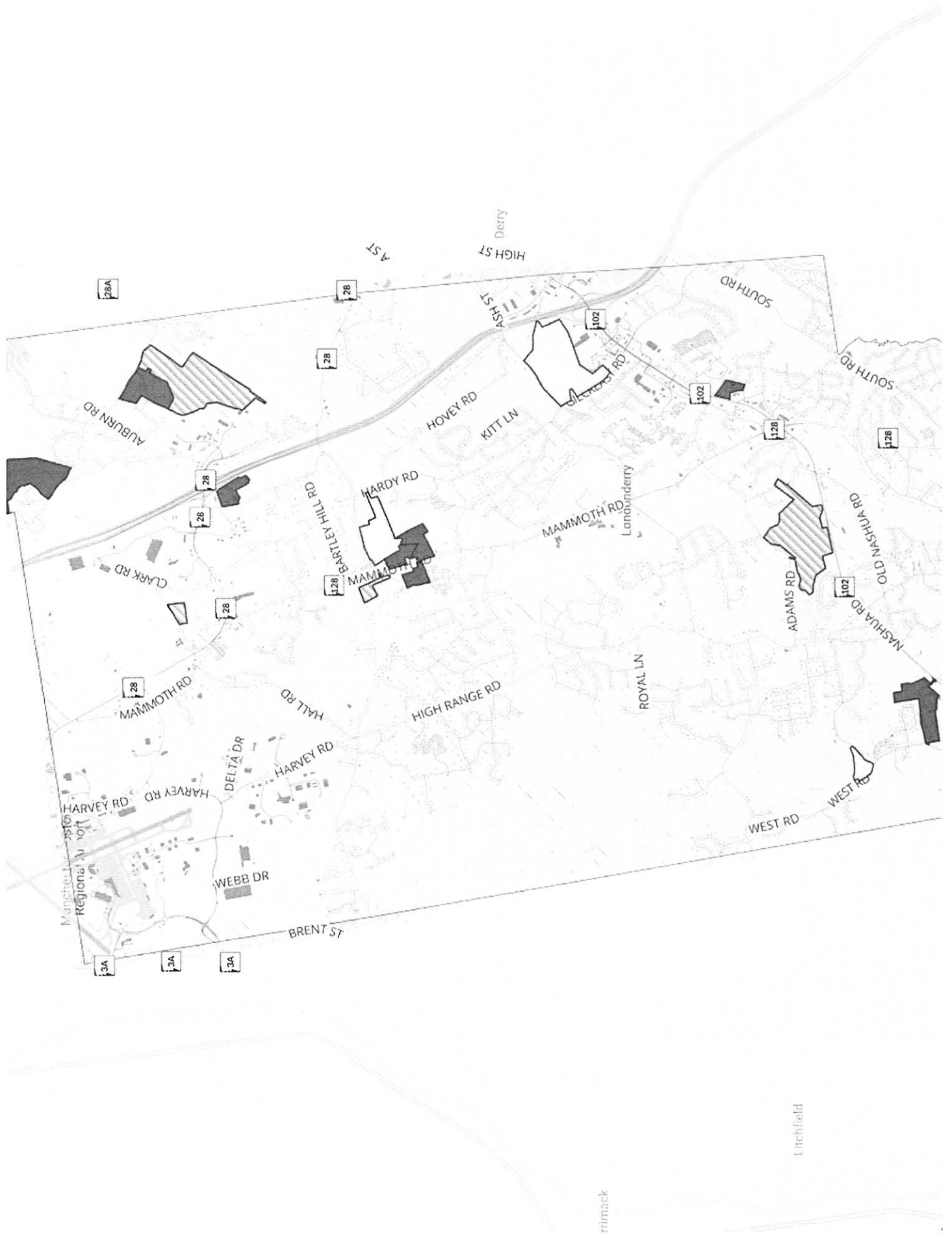
- Section 674:22 Growth Management; Timing of Development. –
  - I. .... To regulate and control the timing of development.....
  - II. ....demonstrated need to regulate the timing of development, based on the municipality's lack of capacity to accommodate anticipated growth.....
  - III. ....shall include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

# Historic Activity Levels



# Historic Activity Levels





## 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

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<b>Total</b>			<b>1,781 Units</b>

737  
Units

286  
Units

758  
Units

Total  
1,781  
Units

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# 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

Londonderry Planning & Economic  
Development

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](http://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](mailto: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.

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TELL US WHAT **YOU** THINK AT W