

## Town of Londonderry Town Council Agenda

June 15, 2020

7:00 p.m.

### IN-PERSON MEETING WITH TELEPHONE ACCESS

Per Emergency Order #12 Pursuant to Executive Order 2020-04, during the current declared State of Emergency, the Governor has waived the requirement in RSA 91-A:2, III (b) that a quorum of a body be physically present as it relates to public meetings. Under the same directive, the Governor has also waived the requirement in RSA 91-A:2, III(c) that each part of a meeting of a public body be audible or otherwise discernable to the public "at the location specified in the meeting notice as the location of the meeting." These two requirements are waived so long as the public body:

1. Provides public access to the meeting by telephone, with additional access possibilities by video or other electronic means;
2. Provides public notice of the necessary information for accessing the meeting;
3. Provides a mechanism for the public to alert the public body during the meeting if there are problems with the access; and
4. Adjourns the meeting if the public is wholly unable to access the meeting.

In accordance with this directive, while the Town Council will be physically present for this meeting, the public shall have access as follows:

1. The public may attend the meeting in the Moose Hill Council Chambers at Londonderry Town Hall as follows: the chairs in the room shall be set up in a socially distanced manner, and if enough members of the public attend in person such that appropriate social distancing cannot be maintained, some or all members of the public may be asked to depart and participate via telephone as provided in paragraph 2, below.
2. The public shall have access to participate in the meeting by telephone. To join via telephone, the public may call 1-312-626-6799 and when prompted enter Meeting ID # 837 2716 4718 and Password 534498.
3. The meeting will also be broadcast on Londonderry Access Center TV channel GOV-22 or via live stream at <http://www.lactv.com/>
4. This notice serves as the public notice of the necessary information for accessing the meeting.
5. You may also provide public testimony via e-mail. Please e-mail your testimony to [kbrown@londonderrynh.org](mailto:kbrown@londonderrynh.org) by June 15, 2020 no later than 12:00 PM. Your testimony will be read into the public record at the meeting.
6. The Council encourages that any documentation that you wish for the Council to consider be submitted by June 12, 2020 no later than 12:00 PM to allow distribution to the Board at the virtual meeting. You can submit documentation electronically to [kbrown@londonderrynh.org](mailto:kbrown@londonderrynh.org), drop it in the black Drop Boxes located outside the Town Hall front or back doors (and clearly mark your envelope for "Kirby Brown"), or mail it to Town Council c/o Kirby Brown, 268B Mammoth Road, Londonderry, NH 03053.
7. If you attempt to call in to the meeting to provide public testimony and are unable to access the meeting, please notify Kirby Brown during the meeting by calling 603-432-1100 x 120 or sending an email to [kbrown@londonderrynh.org](mailto:kbrown@londonderrynh.org).
8. If during the meeting there are problems with access, Kirby Brown will alert the public and the Council members; and
9. If at any time the public is wholly unable to access the meeting, the meeting will be adjourned and continued to a date certain.

**TOWN COUNCIL AGENDA**  
**June 15, 2020**  
**7:00 P.M.**  
**VIRTUAL MEETING**

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**

1.) **Presentation by Members of Londonderry Gardening Club**

**C. PUBLIC HEARING**

1.) **Ordinance #2020-01** – An Amendment to the Zoning Ordinance Relative to Rezoning 603 Mammoth Rd, Map 17, Lot 13

**Presented by Colleen Mailloux**

2.) **Ordinance #2020-02** – An Ordinance Relative to Section 5.15 of the Londonderry Zoning Ordinance Relating to Portable Structures

**Presented by Colleen Mailloux**

**D. OLD BUSINESS**

**E. NEW BUSINESS**

1.) **Order #2020-11** – An Order Relative to Licensing of a Junkyard Pursuant to RSA 236 (**Murray Auto**)

**Presented by Richard Canuel**

2.) **Order #2020-12** – An Order Relative to Licensing of a Junkyard Pursuant to RSA 236 (**S&S Metals**)

**Presented by Richard Canuel**

3.) **Conceptual Discussion – Rezoning of 595 Mammoth Rd, Map 17, Lot 11**

4.) **Brewster Road- Building Permit Request on Class VI Road**

**F. APPROVAL OF MINUTES**

Approval of June 1, 2020 Town Council Minutes

**G. APPOINTMENTS/REAPPOINTMENTS**

**H. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report
3. Assistant Town Manager Report

**I. ADJOURNMENT**

**J. MEETING SCHEDULE**

- A. Town Council Meeting – 07/20/20 Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 08/17/20 Moose Hill Council Chambers, 7:00PM

## **LEGAL NOTICE**

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

Ordinance #2020-01 – An Amendment to the Londonderry Zoning Ordinance Relative to Rezoning 603 Mammoth Rd (Map 17, Lot 13)

The Public Hearing is scheduled to occur during the Town Council meeting on Monday, June 15, 2020 at 7:00 PM. You can participate in the meeting by video (zoom.us) or by telephone (dial 1-301-715-8592) and then for either method, enter the Webinar ID (837 2716 4718) and Password (534498).

Londonderry Town Council

First Reading: 3/16/2020  
Second Reading/Public Hearing: 06/15/2020  
Adopted: 06/15/2020

**ORDINANCE #2020-01**  
***AN AMENDMENT TO THE ZONING ORDINANCE***  
***RELATIVE TO REZONING MAP 17, LOT 13***

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- WHEREAS*** the existing parcel, Map 17 Lot 13 at 603 Mammoth Road is split-zoned Commercial-II and Agricultural Residential-I; and
- WHEREAS*** the Planning Board has received a request to rezone the above-referenced parcel from Agricultural Residential-I to Commercial-II; and
- WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon the request; and
- WHEREAS*** the requested rezoning is consistent with the purpose and intent of the Londonderry Master Plan and the Londonderry Zoning Ordinance;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 17, Lot 13 to Commercial-II, to become effective upon passage by the Town Council.

\_\_\_\_\_  
John Farrell - Chairman  
Town Council

\_\_\_\_\_  
Sharon Farrell  
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:  
06/15/2020



**Town of Londonderry**  
**Planning and Economic Development Department**

268B Mammoth Road  
Londonderry, NH 03053  
Phone 603.432.1100 x 134  
[www.londonderrynh.org](http://www.londonderrynh.org)

**To:** Town Council  
**From:** Colleen Mailloux, AICP, Town Planner  
**CC:** Kevin Smith, Town Manager  
**Date:** March 13, 2020  
**Re:** Rezoning Recommendation from Planning Board

On December 4, 2019 and February 12, 2020, the Planning Board held a public hearing relative to a request for rezoning two parcels, Map 17, Lot 11 and 13.

Lot 11 is an undeveloped 20.858 acre parcel located at 595 Mammoth Road that is zoned Agricultural Residential (AR-I). The Planning Board did not recommend rezoning this parcel. A separate agenda item has been scheduled for April 6, 2020 for the Applicant to conceptually discuss the re-zoning of Map 17, Lot 11 and receive input from the Town Council on that parcel.

Lot 13 is a 23.5 acre parcel that is currently developed with an existing commercial office and warehouse building housing Thibeault Corporation located at 603 Mammoth Road. This parcel is currently split zoned, with the northeast portion of Lot 13, fronting on Mammoth Road, zoned Commercial-II (C-II) and the southwesterly portion of the lot zoned Agricultural Residential (AR-I).

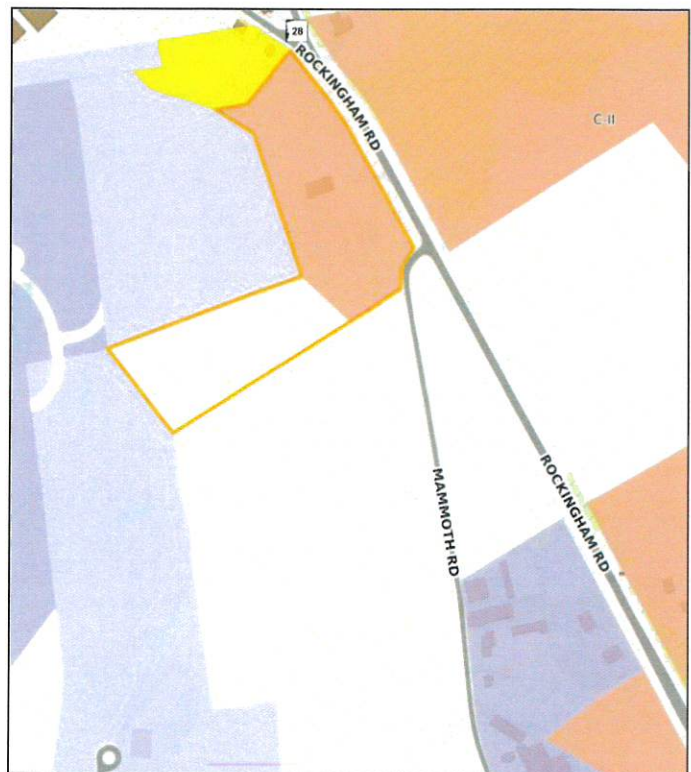


Figure 1. Map 17, Lot 13 – 603 Mammoth Road

**The Planning Board, by unanimous vote, recommends to the Town Council to approve rezoning Map 17, Lot 13 from Commercial-II and Agricultural Residential-I to Commercial-II.**

A copy of the application, staff recommendation to the Planning Board, and the Planning Board minutes are attached.



TOWN OF LONDONDERRY

**LONDONDERRY PLANNING BOARD & TOWN COUNCIL**

268B Mammoth Road Londonderry, NH 03053 Phone: 432-1100, ext.134 Fax: 432-1128

**APPLICATION FOR REZONING REQUEST**

**LOCATION OF PROPERTY:**

Street address 595 and 603 Mammoth Road  
Tax map 17 Parcel 13 and 11

**CURRENT ZONING: ARI AND CII                      PROPOSED ZONING: ALL CII**

Owner's name (s) Thibeault Corporation of NE                      Tel. No. 603-669-6114

Owner's address 603 Mammoth Road  
Londonderry, NH 03053

Owner's Email address viacozzi@tcorpne.net

Applicant's name(s) Same                      Tel. No. \_\_\_\_\_

Applicant's address \_\_\_\_\_

Applicant's Email address Same

Representative's name Vincent Iacozzi                      Tel. No. 603-669-6114

Representative's address 603 Mammoth Road  
Londonderry, NH 03053

Representative's Email address viacozzi@tcorpne.net

Please explain the purpose for your rezoning request including how the proposed zoning fits in with the neighboring properties and can be justified on the bases of the health, safety and general welfare of the community. Also, please provide an explanation as to how the request is in accordance with comprehensive plan and/or master plan. Attach additional sheets if necessary.

Parcel 17-13 is currently split zoned as ARI and CII (see map)  
Parcel 17-11 is zoned ARI  
Both Parcels abut Parcel 17-5, zoned INDI  
Parcel 17-13 abuts 17-12 and 17-5, zoned INDI

We are seeking to reclassify and rezone the ARI portion of 17-13 and all of Parcel 17-11 to zone CII to be able to expand our business and more fully blend in with surrounding parcels.

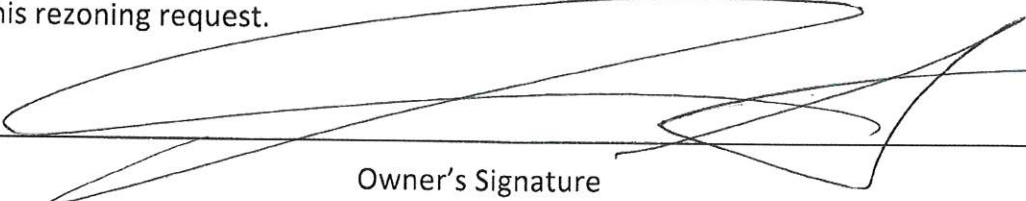
The total area surrounding Parcel 17-13 and 17-11 is made up of several conflicting zones as shown on the plan.

Parcel 17-13 abuts RIII, CII, INDI, and ARI.


Parcel 17-11 abuts CII, ARI and INDI. The rezoning will create a CII buffer between the INDI zone to the north and west, and the ARI parcels to the south.

The new CII zone will allow us to expand our commercial operations in Londonderry with enhanced tax revenues to the town.

I understand that I must appear in person at any public hearing scheduled by in this matter. If I cannot appear in person, I will designate a representative or agent in writing below to act on my behalf. I hereby designate Vincent Iacozzi to represent me as a representative/agent in the pursuance of this rezoning request.

  
\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature

  
\_\_\_\_\_  
Applicant's Signature

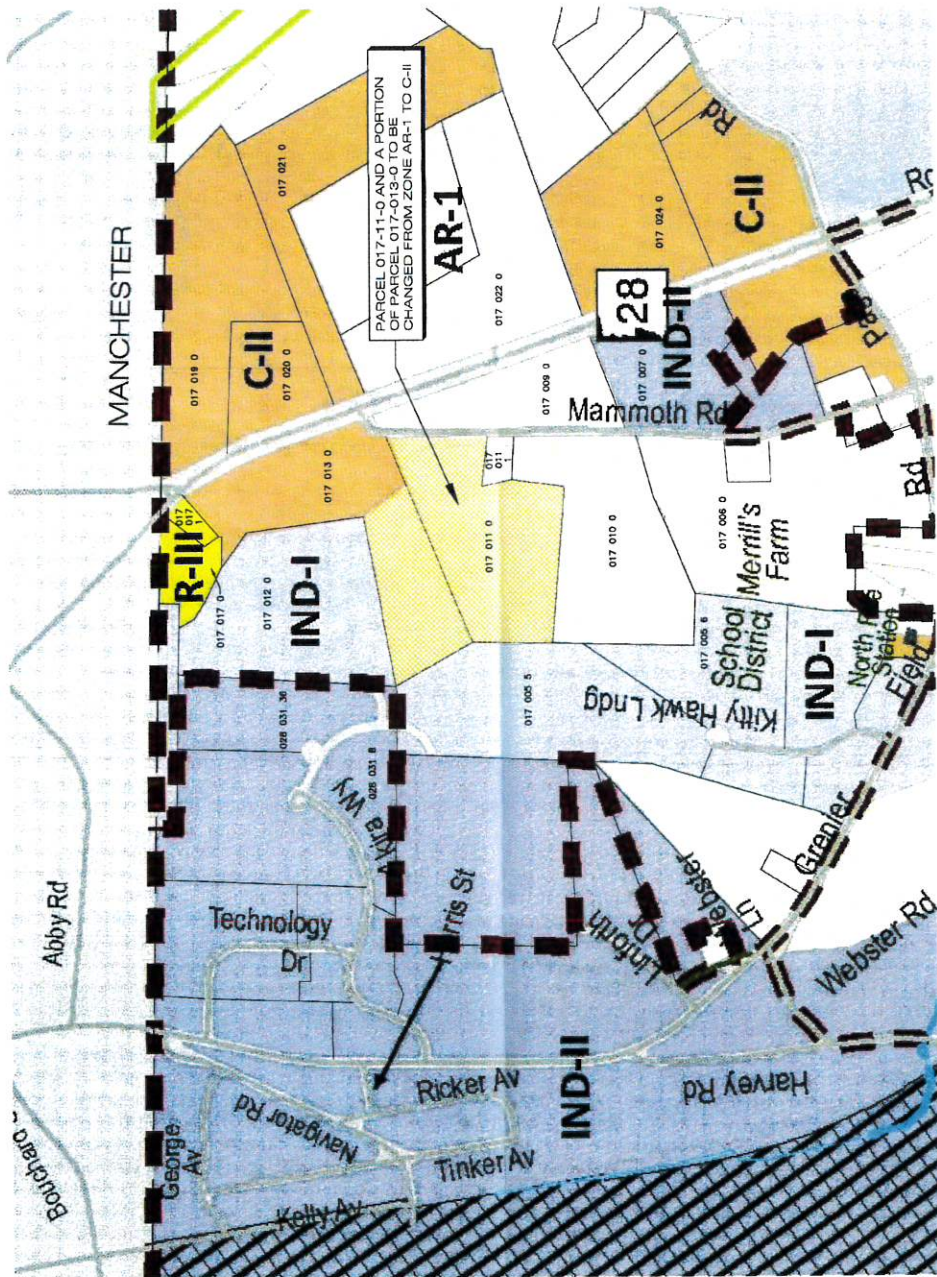
\_\_\_\_\_  
Applicant's Signature

11/4/19  
\_\_\_\_\_  
Dated

Total fee due (to be calculated by the Planning Department): \$ \_\_\_\_\_

**NOTE: PLEASE REFER TO THE INSTRUCTION SHEET PROVIDED AS A REZONING REQUEST REQUIRES PUBLIC HEARINGS WITH BOTH THE PLANNING BOARD & TOWN COUNCIL. ADDITIONAL FEES ARE DUE TO THE TOWN COUNCIL FOR ITS PUBLIC HEARING. YOU WILL BE CONTACTED BY THE TOWN MANAGER'S OFFICE FOR FURTHER INSTRUCTION.**





**NOTES**  
 1. PURPOSES OF THIS PLAN IS TO SHOW A PROPOSED ZONING CHANGE TO PARCELS 017-11 & 017-13 FROM AR-1 ZONE TO C-II ZONE.  
 2. THIS PLAN IS AN OVERLAY OF THE TOWN OF LONDONDERRY ZONING MAP DATED APRIL, 2016.

NO.	DESCRIPTION	DATE

**REZONING MAP**  
 MAP 17, LOTS 11 & 13  
 MAMMOTH ROAD  
 LONDONDERRY, NEW HAMPSHIRE  
 PREPARED FOR: THE BEAUTY CORPORATION OF THE TOWN OF LONDONDERRY, NH 03083  
**DATE: SEPTEMBER 23, 2019**



PREPARED BY:  
**RJB ENGINEERING, LLC**  
 2 CLEVELAND ROAD  
 LONDONDERRY, NH 03083  
 PL 030830194

**LONDONDERRY, NH PLANNING BOARD  
MINUTES OF THE MEETING OF DECEMBER 4, 2019, AT THE MOOSE  
HILL COUNCIL CHAMBERS**

**I. CALL TO ORDER**

Members Present: Art Rugg, Chair; Rick Brideau, Ex-Officio – Town Employee; Chris Davies, Secretary; Giovanni Verani, Ex-Officio – Town Manager; Ted Combes, Town Council Ex-Officio; Ann Chiampa (alternate member); and Roger Fillio (alternate member)

Also Present: Town Planner Colleen Mailloux and Associate Planner Laura Gandia

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed A. Chiampa to vote for M. Soares and R. Fillio to vote for A. Sypek.

**II. ADMINISTRATIVE BOARD WORK**

**A. APPROVAL OF MINUTES:**

**Member C. Davies made a motion to approve the minutes of November 6, 2019, as presented.**

**T. Combes seconded the motion.**

**The motion was granted 4-0-3, with C. Davies, G. Verani and R. Brideau abstaining. The Chair voted in the affirmative.**

**Member C. Davies made a motion to approve the minutes of November 13, 2019, as presented.**

**R. Brideau seconded the motion.**

**The motion was granted 6-0-1 with R. Brideau abstaining. The Chair voted in the affirmative.**

**B. REGIONAL IMPACT DETERMINATIONS:** Town Planner Mailloux informed the Board that she had no projects for their consideration this evening.

**C. DISCUSSIONS WITH TOWN STAFF:**

Town Planner Mailloux told the Board that there are two requests for extensions on deadlines to meet the conditions of approval for two projects this evening. She explained that the first request is from Three Akira Way site plan that was signed by the Board on December 10, 2014. She stated that the applicant is requesting an extension and as Staff does not foresee any changes to the zoning that would impact this project; therefore, Staff recommends granting the two-year extension.

Chairman Rugg asked if the applicant could get this done in a one-year extension. Brian Pratt, P.E. from Fuss and O'Neill, addressed the Board. B. Pratt commented that the applicant is hoping for a two-year extension, as they have had deals fall through, and this would allow a buffer for that. Town Planner Mailloux informed the Board that the second extension request is from Page Road Site plan that was conditionally approved by the Board on April 3, 2019. She explained that the applicant has been working with both Staff and New Hampshire Department of Environmental Services (NHDES) to questions and concerns related to environmental permitting. She noted that the applicant is on the Board's December 11, 2019, agenda with a revised submission for the driveway location. She commented that the applicant is requesting a 120-day extension and Staff recommends approval. G. Verani asked if there was a way the Board could put a condition on the extension as the applicant's property across the street has a very large gravel pile, excavating trucks, etc. that have been there a very long time. Town Planner Mailloux told the Board that this property is a different situation, as it never came before the Board and received site plan approval, so it is now being handled by Code Enforcement. She noted that when the applicant is before the Board next week that is when the Board can discuss conditions to the site plan.

**Member R. Brideau made a motion to grant a two-year extension request to Three Akira Way Site Plan until December 4, 2021.**

**T. Combes seconded the motion.**

**The motion was granted 7-0-0. The Chair voted in the affirmative.**

**Member R. Brideau made a motion to grant a 120-day extension request to Page Road Site Plan until April 2, 2020.**

**C. Davies seconded the motion.**

**The motion was granted 7-0-0. The Chair voted in the affirmative.**

Chairman Rugg informed

**III. Old Business- N/A**

**IV. New Plans/Public Hearings**

- A. Rezoning request to rezone 595 Mammoth Road (Map 17 Lot 11, Zoned AR-1) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-1 & C-II) to C-II, Vincent Iacozzi (Applicant) and Thibeault Corporation of NE (Owner)

Chairman Rugg read the case into the record. Vincent Iacozzi, applicant, addressed the Board. V. Iacozzi told the Board that he has been in business in the north end of Londonderry for over twenty years and are looking to expand the operation. He

said they acquired parcel (Map 17 Lot 11) in August of this year and through discussion with Staff they found out that parcel (Map 17 Lot 13) is zoned AR-1 in the back of the parcel, which they were not aware of. He explained that they would like to rezone the two parcels to C-II. He noted that they abut parcels that are zoned Residential-III, Industrial-II, Industrial-I, C-II and Agricultural-I. He stated that they abut Merrill's farm, which has a conservation easement on it.

Chairman Rugg opened it up to the Board for questions. Town Planner Mailloux commented that this request would help to clean up the split zoning of parcel (Map 17 Lot 13) and converting parcel (Map 17 Lot 11) to C-II would act as a buffer to the adjacent industrial properties. She said that Staff has no objection and would support making a recommendation to rezone the parcels as requested. G. Verani asked for clarification on the buffer requirements from residential and commercial zones. Town Planner Mailloux explained that the buffer between the commercial and residential is 50 feet. A. Chiampa said in her opinion, she does not agree with changing the zone to commercial as the parcels in question abut the AR-1 zone with houses on them and are not just empty lots.

Chairman Rugg opened it up to the public.

Ken Merrill, 587 Mammoth Road, addressed the Board. K. Merrill told the Board that he owns parcels (Map 17 Lot 10, Map 17 Lot 9 and Map 17 Lot 6). He explained that he feels it would be inappropriate to rezone parcel (Map 17 Lot 11) to C-II as it is too close to the residential zone in his opinion. He said that parcel (Map 17 Lot 11) has been regarded as a buffer between the residential and commercial zones in that area. He stated that Mr. Iacozzi bought the property with the knowledge that the parcel was zoned residential and therefore cannot claim a hardship. He commented that he has had surveyors tell him this land would be very hard to develop, as it has steep slopes and swamps. He said that he does not object to rezoning parcel (Map 17 Lot 13), and asked the Board to consider this separately. A. Chiampa asked if the Old Stage Coach Road went through K. Merrill's properties with old stonewalls. K. Merrill said that on parcel (Map 17 Lot 10) there are stonewalls and the last part of untouched Old Stage Coach Road. He told the Board that 15 years ago, a conservation easement was placed on Merrill Farm to preserve a working farm and there was federal money involved. He explained that they are part of the Federal Food Safety and Modernization Act, which was put in place by the government to protect food sources from "off-farm inputs," which could be anything off-site that would contaminate the crop. He said that if parcel (Map 17 Lot 11) is changed to C-II it is upwind from a conservation farm and thought this could potentially pose a problem related to the stringent regulations the federal government is putting in place. Chairman Rugg asked if the federal government is changing setback requirements. K. Merrill stated that these requirements were put in place by the Obama administration and have been slowed by the Trump administration, so he does not know what the future will hold. A. Chiampa asked what the topography of the land is. V. Iacozzi stated that there is a plan on file from 2011 from when the parcels (Map 17 Lot 10 and Map 17 Lot 11) were subdivided. He said that he had some exploratory test pits done on the land before they closed on it and believes the parcel to be very developable. He noted that they

would not need to do any blasting and are also going to leave a big part of the parcel in Current Use. He informed the Board that he owns parcels (Map 17 Lot 19 and Map 17 Lot 20), which are across the street and abut residential townhouses on the Manchester line. He would like to protect the commercial nature of his properties along this roadway. K. Merrill said in his opinion, he does not believe that Mammoth Road can handle any more truck traffic. T. Combes asked the applicant if he would subdivide a strip of land in-between his property and the Merrill's. V. Iacozzi said he does not plan on subdividing and noted that if the rezoning was approved they would be back before the Board with a site plan for the Board's review. He added that they have many businesses in New Hampshire and work very well with other communities regarding buffers and conservation easements to become a good neighbor. G. Verani asked if the applicant would use the existing driveway or add another driveway. V. Iacozzi said they would be adding another driveway and reviewed the plan with the Board. G. Verani asked if there was water and sewer on site. Town Planner Mailloux said there was water but no sewer.

Caroline Shultz, 587 Mammoth Road, addressed the Board. C. Shultz stated that if the zoning is changed to C-II, the property could be anything allowed under the C-II use, not what is currently being proposed, and that concerns her.

Bob Merrill, 569 Mammoth Road, addressed the Board. B. Merrill stated that in his opinion, he would recommend rezoning to something that is more restrictive than the C-II zoning.

Chairman Rugg brought the discussion back to the Board. G. Verani asked when or if the Board would be revisiting the commercial zoning overhaul. Town Planner Mailloux told the Board that this had been taken off the table by the Board, but can be revisited anytime the Board would like. Chairman Rugg noted that this is a particularly complicated area of town related to zoning. V. Iacozzi informed the Board that when speaking with Staff regarding the potential use, it was decided that the C-II zone would be the best fit. He said that the soils could support multi-density housing, but not enough to make it an economically viable project.

Chairman Rugg opened it up to the public, as there was more input.

Ken Merrill, 587 Mammoth Road, addressed the Board again. K. Merrill asked when the Master Plan needs to be updated. Chairman Rugg told him that the Master Plan is updated every ten years and the last one was in 2013, so ideally the planning process would start in 2020 or 2021. K. Merrill said that he believes there should be more focus on the conservation easements around the working farms with the new governmental regulations. R. Fillio asked if his farm abuts Industrial-1. K. Merrill stated that was correct. R. Fillio asked how this has affected his farm. K. Merrill said that when FedEx was there the noise and light pollution was quite intense, mostly during construction. He noted that with the blasting there were dust showers that affected his crop. R. Fillio asked when the construction was finished if there were any more issues. K. Merrill said that there has always been noise.

Chairman Rugg brought the discussion back to the Board, as there was no further

public input. A. Chiampa stated in her opinion, she does not think this is an appropriate area for C-II zoning. G. Verani said that he believes Route 28 is such a mix of zoning that it creates problems. C. Davies said that he has no problem rezoning parcel (Map 17 Lot 13) but does have a concern with parcel (Map 17 Lot 11) being C-II. Town Planner Mailloux suggested that the Board could make a recommendation separately for each parcel in question, if the applicant would be amenable to that, or recommend the parcels together. T. Combes commented that he believes this is difficult, as they do not know what could be developed on the property, as there is no plan. Town Planner Mailloux expressed her concern regarding a conditional rezoning, where the Board would rezone the parcel conditioned on a provided site plan by the applicant. She added that it would be a lot to ask the applicant to submit a plan knowing it is not allowed in that zone. V. Iacozzi asked the Board to look at the surrounding parcels around this land, which include Remi-Fortin, Kitty Hawk Landing, Akira Way that is all Industrial in nature. G. Verani asked if parcel (Map 17 Lot 11) was developed residentially, could the back half of parcel (Map 17 Lot 13) be developed residentially as well. Town Planner Mailloux noted that this is an interesting question because the more restrictive zone governs the entire parcel when the parcel is split zoned. V. Iacozzi offered to have the Board table this and he would come in with a conceptual drawing with expanded buffers to present to the Board. T. Combes said he would be in favor of this.

**T. Combes made a motion to table the rezoning until February 12, 2020, to allow the applicant to provide a conceptual drawing of how to use the property in the C-II zone.**

**R. Fillio seconded the motion.**

**The motion was granted 7-0-0. The Chair voted in the affirmative.**

Chairman Rugg noted that the rezoning is continued until February 12, 2020, at 7 p.m. at the Town Hall and this would be the only formal public notice.

**V. Other – N/A**

## **VI. Adjournment**

**Member T. Combes made a motion to adjourn the meeting at approximately 8:20 p.m. Seconded by R. Brideau.**

**The motion was granted, 7-0-0.**

**The meeting adjourned at approximately 8:20 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

Planning Board Meeting  
Wednesday 12/4/19 - APPROVED

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

These minutes were accepted and approved on January 8, 2020, by a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

## **LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF FEBRUARY 12, 2020, AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. CALL TO ORDER**

Members Present: Art Rugg, Chair; Mary Wing Soares, Vice Chair; Rick Brideau, Ex-Officio – Town Employee; Chris Davies, Secretary; Al Sypek, member; Giovanni Verani, Ex-Officio – Town Manager; Jake Butler, member; Ann Chiampa (alternate member); Roger Fillio (alternate member) and Tony DeFrancesco (alternate member)

Also Present: Town Planner Colleen Mailloux, Associate Planner Laura Gandia and Beth Morrison, Recording Secretary

Chairman Rugg called the meeting to order at 7:00 PM, explained the exit and emergency procedures, and began with the Pledge of Allegiance. He appointed A. Chiampa to vote for S. Benson.

### **II. ADMINISTRATIVE BOARD WORK**

A. APPROVAL OF MINUTES: N/A

B. REGIONAL IMPACT DETERMINATIONS: Town Planner Mailloux informed the Board that she had no projects for their consideration this evening.

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux informed the Board that there is one request for an extension tonight. She explained the request is from DeCarolis Estates Subdivision at 7 Litchfield Road, which was conditionally approved in February of 2017. She said the request is for a 90-day extension, as they are working on finalizing easements and conditions of approval. She said the extension would be until May 12, 2020, and noted that Staff supports granting the extension.

**Member M. Soares made a motion to grant the 90-day extension request to DeCarolis Estates Subdivision to fulfil the conditions of approval until May 12, 2020.**

**R. Brideau seconded the motion.**

**The motion was granted 8-0-0. The Chair voted in the affirmative.**

Chairman Rugg told the Board that the first meeting in March will be the election of officers. He reminded the Board that M. Soares last day will be April 1, 2020, so they will be looking for another board member to become Vice Chair.



### **III. Old Business**

A. Rezoning request to rezone 595 Mammoth Road (Map 17 Lot 11, Zoned AR-1) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-1 & C-II) to C-II, Vincent Iacozzi (Applicant) and Thibeault Corporation of NE (Owner) – continued from December 4, 2019

Chairman Rugg read the case into the record noting it was continued from December 4, 2019. He said that the applicant was going to bring a conceptual rendering to the meeting, which is illustrative and for discussion purposes. Town Planner Mailloux pointed out that the Board should not condition the recommendation on the rendering that is presented this evening, as this is for discussion purposes only. She noted that the town attorney has reviewed the conservation deed and did not find any evidence of restriction for the zoning of the property. Ernest Thibeault, owner of Thibeault Corporation of New England and Vincent Iacozzi, applicant, addressed the Board. E. Thibeault told the Board that he missed the December 2019 meeting due to travel and would like to address some concerns he had when reviewing the minutes from the last meeting. He stated that there are commercial businesses which already surround the Merrill property that would already have potential airborne dust issues. He stated that he looked through records and cannot find any evidence of any contamination to the Merrill property from the commercial businesses that are there now. He commented that he realizes once a property is rezoned, it could potentially open up to more heavy uses, but he just would like more storage area. M. Soares asked where the trucks/tanks fuel up. E. Thibeault stated that they do fuel up on site and just recently had an Environmental Protection Agency (EPA) monitoring that came back without any concerns. He reviewed where the fuel is located on the property with the Board. He told the Board that the last tax bill for the property was \$39 dollars, so placing a 10,000 SF warehouse building on the property would add to the tax base. V. Iacozzi informed the Board that the plan presented was redone and all the names of the adjacent property owners were put on the plan for reference. He pointed out that there is a spectrum of different industries that already surround the Merrill property, from the Fortin Company, a brewery and the school bus parking lot to name a few. He said that this is a unique area, as there are multiple zones already there now. He added that they believe zoning the parcel to C-II would be the best transition for the area. E. Thibeault told the Board that the trucks all exit left (southerly) from the site, not northerly.

Chairman Rugg opened it up to questions from the Board. A. Chiampa asked why there would be more parking than what the regulations provide. E. Thibeault said that they thought they could put more parking since they had the space. A. Chiampa asked about the septic design. V. Iacozzi said it would be a conventional septic system. Town Planner Mailloux told the Board that there is no municipal sewer available there. C. Davies asked if there would be a 30-foot side setback. Town Planner Mailloux said that if this was rezoned to C-II there be a 50-foot buffer to all surrounding residential properties. T. DeFrancesco asked for clarification since he was not a member of the Board in December when this was first presented. Town Planner Mailloux reviewed the parcels, Map 17 Lot 13 and Map 17 Lot 11,

with the existing zones and the proposed zones. T. DeFrancesco recommended the applicant remove the curb cut from Mammoth Road and use the current access if this was to be rezoned. He told the applicant that this site, in his opinion, would be part of what he terms "urban creep" allowing commercial to creep into residential. He said that this road is commercial on the east side and residential on the west. V. Iacozzi said that everything to the west is zoned industrial all the way to Manchester. T. DeFrancesco said that the Board tries to balance the needs of the community and wrestles with where the commercial should stop creeping into residential. E. Thibeault commented that in his opinion, he has been a good neighbor and is just looking to expand his business. T. DeFrancesco said that the applicant bought the property with the understanding that it was AR-1. E. Thibeault responded that he understood it was AR-1 when he bought the property and restated that he is looking to expand his business. Chairman Rugg said that Old Village was established a long time ago and can be a problematic area trying to balance where to draw the line with commercial/industrial abutting residential. G. Verani said that this is a tough decision and, in his opinion, it could potentially be dangerous to put residential homes there as well. He said that he agrees with T. DeFrancesco if this is rezoned to C-II, to limit the access and impact to surrounding properties. He pointed out that this is somewhat of a village zone, which they have been trying to incorporate, where someone can work, play and live. R. Fillio asked if the applicant did not use the curb cut, could he still use it in the future. E. Thibeault responded that he believed that was true. J. Butler asked if Map 17 Lot 11 was buildable. E. Thibeault said not in its current condition and would require blasting ledge. A. Chiampa stated that she believes rezoning this lot will forever change the character of the neighborhood and read from the table of uses. T. DeFrancesco asked if the applicant would be better off going before the Zoning Board of Adjustment (ZBA), as it would be plan specific. Town Planner Mailloux said that the applicant could pursue a variance from the ZBA, but in meeting with Staff, the applicant decided to go before the Planning Board to try and clean up the current zoning.

Chairman Rugg opened it up to the public.

Caroline Shultz, 587 Mammoth Road, addressed the Board. C. Shultz said that she went on google maps to look at the existing property on 603 Mammoth Road. She presented pictures (Exhibit A) to the Board for them to review. She said that she does not want that in her backyard and is worried about what might be allowed given the wide array of uses in the C-II zone. She said that she believes her property value would be affected. She said that when she first spoke to V. Iacozzi about E. Thibeault purchasing the property, he stated the land was just going to be a buffer between his business and any residential business. She said that she believed if he bought the land, it could not be developed and there would be nothing to worry about.

Ken Merrill, 587 Mammoth Road, addressed the Board. K. Merrill said that the Town put a conservation easement on the farm in 2005, which dictates that the farm will be agricultural forever. He said that in his opinion, since the Town paid for the conservation easement, the Town has an obligation to provide an environment for

the farm to sustainably produce products for sale. He told the Board that he needs government certification to be able to sell products, which look at the air, water, and suitable industries surrounding the farm. He said that in the past three to four years, he has passed all the government inspections, but had more questions regarding why there is a school bus parking lot next to the farm and a smoke stack factory next to him, etc. He said that in his opinion, Mammoth Road should be residential in Londonderry.

Ray Breslin, Three Gary Drive, addressed the Board. R. Breslin stated in his opinion, he believes this is spot zoning. He said that the applicant has the right to develop his property in the right way. He said that he believes the farm should be protected. He said that there should be a buffer between Manchester, the airport, and other commercial businesses. He commented that he believes the historic areas should be protected in Londonderry, such as north Londonderry. Chairman Rugg told him that the residents of the area in question now were offered this about 25 years ago, and even though they would like it protected, they did not want to be in an historic district. R. Breslin said that he would like to see the residents asked again, as a lot of time has passed and things can change.

Deb Paul, 118 Hardy Road, addressed the Board. D. Paul told the Board that she is against this. She said that she was on the Master Planning Committee and they wanted to make this area of town, Old Mammoth Road, more artesian in nature, not more commercial. She stated she does not believe that this plan is in accordance with the Master Plan. She added that developers do not always do what they propose.

Chairman Rugg brought the discussion back to the Board as there was no further public comment. E. Thibeault read from the minutes of December 4, 2019, regarding Town Planner Mailloux's opinion to clean up the zoning in the area. He told the Board that he owns a lot of acres in the state and is a good neighbor and would like to continue to be a good neighbor. He said that they could put 10-12 residential houses in that area, which would incur blasting. M. Soares said that there is a positive recommendation from Staff to the Town Council, but she would like them to go before the ZBA to protect it from future use.

**M. Soares made a recommendation to Town Council to approve the rezoning request to rezone 595 Mammoth Road (Map 17 Lot 11, Zoned AR-1) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-1 & C-II) to C-II, Vincent Iacozzi (Applicant) and Thibeault Corporation of NE (Owner).**

**R. Brideau seconded the motion. The motion failed, 1-7-0.**

**M. Soares made a motion to recommend the Town Council not approve the rezoning request to rezone 595 Mammoth Road (Map 17 Lot 11, Zoned AR-1) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-1 & C-II) to C-II, Vincent Iacozzi (Applicant) and Thibeault Corporation of NE (Owner).**

**R. Brideau seconded the motion.**

Town Planner Mailloux suggested an amendment to the current motion, to have the Board take the parcels separately. She pointed out that parcel Map 17 Lot 13 is currently split zoned, AR-1 and C-II, and Staff recommends making this parcel zoned AR-I. G. Verani asked if the applicant wanted this zoning change to the parcel. E. Thibeault stated that they would be okay with the recommendation from Town Planner Mailloux on parcel Map 17 Lot 13. M. Soares rescinded her above two motions. She asked if the public had any other questions at this time and there was none.

**M. Soares made a motion to recommend the Town Council approve the rezoning request for parcel Map 17 Lot 13 to C-II in its entirety (603 Mammoth Road).**

**R. Brideau seconded the motion.**

**The motion, passed, 6-1-0. The Chair voted in the affirmative.**

**M. Soares made a motion to recommend the Town Council not approve the rezoning request for parcel Map 17 Lot 11 from AR-1 To C-II (595 Mammoth Road).**

**R. Brideau seconded the motion.**

**The motion passed, 8-0-0. The Chair voted in the affirmative.**

**IV. New Plans/Public Hearings – N/A**

**V. Other – N/A**

**VI. Adjournment**

**Member M. Soares made a motion to adjourn the meeting at approximately 8:09 p.m. Seconded by R. Brideau. The motion was granted, 8-0-0. The meeting adjourned at approximately 8:09 PM.**

These minutes were prepared by Beth Morrison.

Respectfully Submitted,

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

These minutes were accepted and approved on March 4, 2020, by a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_c

## STAFF RECOMMENDATION

**To:** Planning Board

**Date:** February 12, 2020

**From:** Colleen P. Mailloux, AICP, Town Planner

**Re:** Rezoning Request, 595 Mammoth Road (Map 17 Lot 11) and  
603 Mammoth Road (Map 17 Lot 13)

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

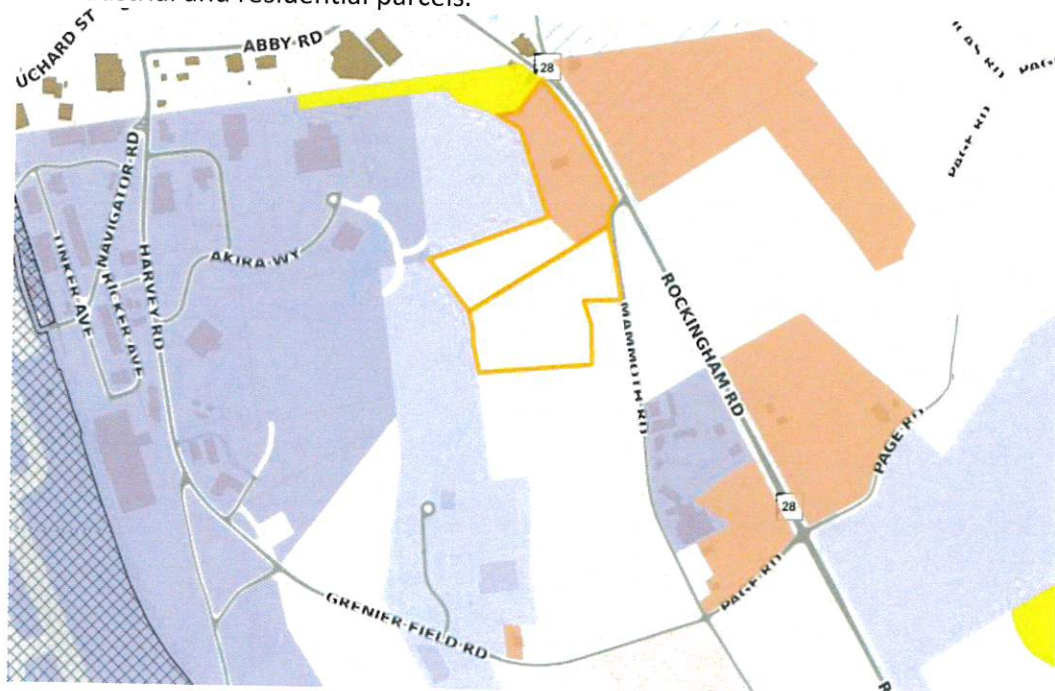
### Review Comments:

The Applicant, on behalf of the property owner (Thibeault Corporation of New England) requests the rezoning of two adjacent parcels: 595 Mammoth Road (Map 17 Lot 11, Zoned AR-I) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-I & C-II) to C-II.

Lot 13 is a split-zoned 23.50 acre developed parcel with an existing commercial office and warehouse building housing Thibeault Corporation, a business offering site work, demolition, excavation services as well as real estate development. The northeast portion of Lot 13, fronting on Mammoth Road, is zoned Commercial-II (C-II) and the southwesterly portion of the lot is zoned Agricultural Residential (AR-I). The properties to the north and west of this parcel are zoned Residential-III, Industrial-II and Industrial-I. Parcels across Mammoth Road to the east are Zoned C-II.

Lot 11 is an undeveloped 20.858 acre parcel with frontage on Mammoth Road which is zoned AR-I. The properties to the west and south west of this parcel are zoned Industrial-I, with other abutting parcels zoned AR-I.

The applicant is requesting that both parcels be rezoned to more fully blend with the industrial/commercial nature of the corridor and to provide a commercial buffer between adjacent industrial and residential parcels.



**Additional Information:**

At its meeting on 12/4/2019, the Planning Board asked the Applicant to provide a conceptual plan for commercial development of the site. The concept plan has been included in the Board's packet for illustrative and discussion purposes only. Staff does not recommend that a recommendation on rezoning be conditioned upon the conceptual plan provided.

At the meeting on 12/4/2019, the Board also heard testimony regarding the use of town funds and funding from the USDA NRCS Farmland Protection Program to acquire a conservation easement over the nearby Merrill Farm. There was a question as to whether the town could be in violation of the easement deed or the USDA NRCS funding program if it were to rezone or allow development on parcels in proximity to the conservation easement. The Town attorney was asked to review the matter and provided the following opinion:

*I have reviewed the Conservation Easement Deed and the relevant sections of the current iteration of the former Farm and Ranch Lands Protection Program, 16 USC 3838h and i. I find no prohibition on rezoning property located outside the easement deed. I also cannot conceive of a legal basis to enforce a prohibition development of land located adjacent to or otherwise nearby a conservation easement.*

**Staff Recommendation:**

The proposed rezoning is consistent with the use and neighboring zoning in that area and would reflect the current use of the property as well as eliminate the conflicting zoning on Lot 13. The C-II use would provide a buffer between the adjacent industrial and residential zones.

Staff supports a Planning Board **RECOMMENDATION** to the Town Council to approve the rezoning of 595 Mammoth Road (Map 17 Lot 11, Zoned AR-1) and 603 Mammoth Road (Map 17 Lot 13, Zoned AR-1 & C-II) to C-II.

## **LEGAL NOTICE**

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

Ordinance #2020-02 – An Amendment to Section 5.15 of the Londonderry Zoning Ordinance Relating to Portable Structures

The Public Hearing is scheduled to occur during the Town Council meeting on Monday, June 15, 2020 at 7:00 PM. You can participate in the meeting by video (zoom.us) or by telephone (dial 1-301-715-8592) and then for either method, enter the Webinar ID (837 2716 4718) and Password (534498).

Londonderry Town Council

Introduced: 06/1/2020  
Public Hearing: 06/15/2020  
Adopted: 06/15/2020

**ORDINANCE 2020-02**  
***AN AMENDMENT TO SECTION 5.15 OF THE***  
***LONDONDERRY ZONING ORDINANCE RELATING TO***  
***PORTABLE STRUCTURES***

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***WHEREAS*** it was determined that changes were necessary to address issues of location and duration of portable structures throughout the Town; and

***WHEREAS*** Town Staff have prepared amendments to address those issue; and

***WHEREAS*** the Planning Board has voted to recommend Town Council adoption of the proposed amendments;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that Section 5.15 of the Zoning Ordinance shall be amended as posted.

To become effective upon passage of this Ordinance.

---

John Farrell, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Sherry Farrell - Town Clerk***  
***06/15/2020***

***Town Seal***





## **5.15 Portable Storage Structures**

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### **5.15.1 Portable Storage Structures in the AR-I District**

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- A. Portable storage structures may be permitted by Special Exception of the Zoning Board of Adjustment in the AR-I District providing that the general requirements of Section 8.1.5.1 and the following criteria are met:
1. There must be no more than one portable storage structure per property.
  2. The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.
  3. The portable storage structure shall be located to the side or rear of the principal structure on the property.
  4. The portable storage structure shall be set back a minimum of 15 feet from any side or rear lot lines, and 40 feet from any front property line
  5. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
  6. The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks.
  7. The Zoning Board of Adjustment may impose additional conditions such as appropriate screening, landscaping, fencing or other requirements that it deems necessary to protect the character of the neighborhood.
- B. 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 Section 5.15.1(A).
- C. All portable storage structures shall be maintained in good condition and free from evidence of deterioration.

### **5.15.2 Portable Storage Structures in Commercial Districts**

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The use of portable storage structures are allowed in the Commercial Districts under the following conditions:

- A. There must be no more than one portable storage structure per property unless otherwise approved as part of a site plan
- B. The portable storage structure must be no larger than ten feet wide, forty feet long and 10 feet high.
- C. A portable storage structure shall not remain at any property in excess of six (6) consecutive months, unless otherwise approved as part of a Site Plan.
- D. 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.
- E. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.



- F. 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.
- G. 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 5.15.2(A) through 5.15.2(F)**

### **5.15.3 Portable Storage Structures in Industrial Districts**

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The use of portable storage structures are allowed in the Industrial Districts under the following conditions:

- A. There must be no more than one portable storage structure per property unless otherwise approved as part of a Site Plan.
- B. The portable storage structure must be no larger than ten feet wide, forty feet long, and 10 feet high.
- C. A portable storage structure shall not remain at any property in excess of six (6) consecutive months unless otherwise approved as part of a site plan.
- D. The portable storage structure shall be set back a minimum of 20 feet from any side or rear lot lines, and 30 feet from any front property line.
- E. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
- F. 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.
- G. 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 5.15.3(A) through 5.15.3(F)**.



**5.15 Portable Storage Structures**

**5.15.1 Portable Storage Structures in the AR-I District**

~~A. The use of portable storage structures are allowed in the Portable storage structures may be permitted by Special Exception of the Zoning Board of Adjustment in the AR-I District under the following conditions: providing that the general requirements of Section 8.1.5.1 and the following additional criteria are met:~~

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- ~~A.1.~~ There must be no more than one portable storage structure per property.
- ~~B.2.~~ The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.

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~~C. A portable storage structure shall not remain at any property in excess of 6 consecutive months in any calendar year. A building permit is required for placement of a portable storage structure on a property. 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.~~

~~3. The portable storage structure shall be located to the side or rear of the principal structure on the property.~~

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~~D.4.~~ The portable storage structure shall be set back a minimum of 15 feet from any side or rear lot lines, and 40 feet from any front property line.

~~E.5.~~ The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.

~~6.~~ The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks.

~~F.7. The Zoning Board of Adjustment may impose additional conditions such as appropriate screening, landscaping, fencing or other requirements that it deems necessary to protect the character of the neighborhood.~~

~~B. 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 5.15.1(A) through 5.15.1(F)~~

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~~G.C. All portable storage structures shall be maintained in good condition and free from evidence of deterioration.~~

**5.15.2 Portable Storage Structures in Commercial Districts**

The use of portable storage structures are allowed in the Commercial Districts under the following conditions:

- A. There must be no more than one portable storage structure per property unless otherwise approved as part of a site plan.
- B. The portable storage structure must be no larger than ten feet wide, ~~twenty forty~~ feet long and 10 feet high.



- C. A portable storage structure shall not remain at any property in excess of ~~45 consecutive days~~ six (6) consecutive months, and shall not be placed on any one property in excess of 90 days in any calendar year ~~unless otherwise approved as part of a Site Plan. A building permit is required for placement of a portable storage structure on a property.~~
  - 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.~~
- D. 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.
- E. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
- F. 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.
- G. 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 5.15.2(A) through 5.15.2(F)

### 5.15.3 Portable Storage Structures in Industrial Districts

The use of portable storage structures are allowed in the Industrial Districts under the following conditions:

- A. There must be no more than one portable storage structure per property unless otherwise approved as part of a Site Plan.
- B. The portable storage structure must be no larger than ten feet wide, ~~twenty-four~~ feet long, and 10 feet high.
- C. A portable storage structure shall not remain at any property in excess of ~~45 consecutive days~~ six (6) consecutive months ~~unless otherwise approved as part of a site plan, 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.~~
  - 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.~~
- D. The portable storage structure shall be set back a minimum of 20 feet from any side or rear lot lines, and 30 feet from any front property line.
- E. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
- F. 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.
- G. 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 5.15.3(A)** through **5.15.3(F)**.

48 Town Planner Mailloux told the Board that the second extension request is from The  
49 Meadows of Londonderry at 48 Old Nashua Road (Map 3 Lot 155), which was  
50 conditionally approved in November of 2019. She stated that they have requested a  
51 90-day extension to meet the conditions of approval, noting they submitted plans  
52 for final engineering review.

53  
54 **Member M. Soares made a motion to grant the 90-day extension**  
55 **request to the Meadows to fulfil the conditions of approval until June**  
56 **10, 2020.**

57  
58 **R. Brideau seconded the motion.**

59  
60 **The motion was granted 7-0-0. The Chair voted in the affirmative.**

61  
62 Chairman Rugg told the Board that Tom Doan, one of the Town Council members,  
63 is going to come speak to the Board about state legislation regarding 55+ and older  
64 housing. Town Planner Mailloux noted that there are a number of bills going  
65 through state legislature, some of which will have significant impacts on local  
66 zoning and regulation. M. Soares asked what kind of changes might have to be  
67 made. Town Planner Mailloux told her that one of the bills HB1629 in particular has  
68 a provision in there related to housing. She stated that where a town provides  
69 housing density incentives or has a housing ordinance targeted for 55+ and older  
70 housing, if passed, would then apply to workforce housing starting on July 20,  
71 2021. She explained that if the 55+ and older ordinance allows eight units per acre,  
72 then this would apply to workforce housing, if the bill is passed. M. Soares asked if  
73 she thought the elderly housing density was high. Town Planner Mailloux said that  
74 she does think so, as elderly housing can currently be developed in town where  
75 workforce housing cannot, and that would change. M. Soares suggested that Town  
76 Planner Mailloux present the Board with the amount of land that is available for  
77 either elderly or workforce housing in Londonderry sometime in the future.  
78 Chairman Rugg said that Russ Thibeault will still be in to speak to the Board about  
79 demographics in the state of New Hampshire and Londonderry.

80  
81 **III. Old Business – N/A**

82  
83 **IV. Public Hearings**

84  
85 A. Proposed changes to the Londonderry Zoning Ordinance, Section 5.15.1  
86 Portable Storage Structures in the AR-1 District, 5.15.2 Portable Structures in  
87 Commercial Districts, and 5.15.3 Portable Structures in Industrial Districts as  
88 it relates to provisions concerning placement, length and permitted time of  
89 these structures. The full text of the amendment and changes are available  
90 at the Planning & Economic Development Department the Town Clerk's  
91 Office, and the Leach Library

92  
93 Chairman Rugg read the public hearing into the record noting the Board has been  
94 working on this for a year now. T. DeFrancesco recused himself. Town Planner  
95 Mailloux commented that the Board recommended language that went before the

96 Town Council for a public hearing and at that hearing the Town Council asked the  
97 Town Attorney what the likelihood of a variance being approved by the Zoning  
98 Board of Adjustment (ZBA) would be. She stated that the Town Attorney was not  
99 convinced a variance could meet the five points of law, so the Town Council asked  
100 staff to take a look at the language again, specifically concerning the AR-1 district.  
101 She pointed out that the language before the Board this evening relating to  
102 portable storage structures in the commercial and industrial districts is the same as  
103 the draft language that has previously been talked about. She said that the new  
104 language before the Board tonight would permit portable storage structures by  
105 special exception in the AR-1 district. She stated that if an applicant meets the  
106 criteria for the special exception, the ZBA must approve it. She read from special  
107 exception criteria that must be met by the applicant to be granted by the ZBA. She  
108 mentioned that the ZBA could place conditions or restrictions on the special  
109 exception, such as requiring a landscape buffer, fencing or timing. She pointed out  
110 that if someone has construction or flood damage and needs a portable storage  
111 structure this is currently allowed in the ordinance and will not change. She said  
112 that with the special exception the Building Department will be notified that a  
113 resident has a portable storage structure and can monitor the situation if it were to  
114 become an issue.

115  
116 Chairman Rugg opened it up to questions from the Board. A. Chiampa asked when  
117 taxes would come into play with a portable storage structure. Town Planner  
118 Mailloux said that if it is rented storage structure, it absolutely cannot be taxed, but  
119 asked R. Brideau how he would handle this if it were to be there permanently. Rick  
120 Brideau, Town Assessor, said it would be taxed as a shed if it was owned by the  
121 property owner. C. Davies asked about a time frame. Town Planner Mailloux said  
122 that a special exception runs with the applicant, not the property as a variance  
123 does, so if the applicant were to move, the special exception would no longer apply.  
124 J. Butler asked about the plastic green storage unit would be a portable storage  
125 structure. Town Planner Mailloux said it does not fall under the portable storage  
126 structure.

127  
128 Marc Fortin, 574 Mammoth Road, addressed the Board. M. Fortin told Town Planner  
129 Mailloux and the Board that he thought this was an improvement from the last  
130 draft. He asked what the time frame would be for someone to request a special  
131 exception. Town Planner Mailloux told him the ZBA meets monthly. M. Fortin said in  
132 his opinion he would like some sort of temporary relief if a resident needed storage  
133 quickly, but would not be at the ZBA meeting for a month. He asked if a resident on  
134 a farm or a 40-acre parcel would have to ask for a special exception from the ZBA.  
135 Town Planner Mailloux told him that anyone in the AR-1 district has to go before the  
136 ZBA for a special exception for a portable storage unit. M. Fortin said he thought  
137 there should be an exception if it was a property that had 40 acres, like a farm. He  
138 added that he would like to see an exception for a larger container. Town Planner  
139 Mailloux told him that if a resident needed a larger container, they would ask for a  
140 variance on top of the special exception. Chairman Rugg noted that if this language  
141 changes, the Board would have to have another public hearing and prolonging this  
142 even further before it could go to Town Council. M. Soares said that she would not  
143 feel comfortable adding that language. She also noted that there are many

144 temporary storage units in town that a resident could use until they can go before  
145 the ZBA. M. Fortin asked about the church. Town Planner said they would need a  
146 special exception with a variance for the 40 feet length. Chairman Rugg said that in  
147 his opinion, this new language with the special exception, is fair for the residents as  
148 it notifies the abutters to what might be happening and they will have the chance to  
149 voice their opinion.

150  
151 Tony DeFrancesco, One Cheshire Court, addressed the Board. T. DeFrancesco said  
152 that he thought this language was good and fair to everyone. He restated that he  
153 thought the ZBA was the best scenario as it would be fair to everyone. He added  
154 that if someone were to need a portable storage unit quickly, it is already covered  
155 in the ordinances now.

156  
157 Chairman Rugg brought the discussion back to the Board.

158  
159 **M. Soares made a recommendation the proposed changes to the**  
160 **Londonderry Zoning Ordinance, Section 5.15.1 Portable Storage**  
161 **Structures in the AR-1 District, 5.15.2 Portable Structures in**  
162 **Commercial Districts, and 5.15.3 Portable Structures in Industrial**  
163 **Districts as it relates to provisions concerning placement, length and**  
164 **permitted time of these structures to the Town Council.**

165  
166 **R. Brideau seconded the motion.**

167  
168 **The motion passed, 7-0-0. The Chair voted in the affirmative.**

169  
170 **V. Other** – Chairman Rugg thanked M. Soares for her 16 years of service on  
171 the Board for all her contributions noting that she will be missed.

172 **VI. Adjournment**

173  
174 **Member M. Soares made a motion to adjourn the meeting at**  
175 **approximately 7:37 p.m. Seconded by R. Brideau. The motion was**  
176 **granted, 7-0-0. The meeting adjourned.**

177  
178 These minutes were prepared by Beth Morrison.

179  
180 Respectfully Submitted,

181  
182 \_\_\_\_\_  
183 Name: \_\_\_\_\_

184 Title: \_\_\_\_\_

185  
186 These minutes were accepted and approved on April 1, 2020, by a motion made by  
187 \_\_\_\_\_ and seconded by \_\_\_\_\_c



# ORDER #2020-11

An Order Relative to

## ***THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236***

---

First Reading: 06/15/2020

Adopted: 06/15/2020

***WHEREAS*** Edward Dudek, Jr., who resides at 36 Strafford Lane, Bedford, NH and is the owner of Murrays Auto Recycling, 55 Hall Road, Londonderry, NH desires a license to continue operations of said business; and

***WHEREAS*** Edward Dudek, Jr. has complied with the requirements of RSA 236; 111-129 and

***IT IS THEREFORE ORDERED*** by the Londonderry Town Council that Edward Dudek, Jr., doing business as Murrays Auto Recycling, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

---

John Farrell - Chairman  
Town Council

( TOWN SEAL )

---

Sharon Farrell - Town Clerk

***A TRUE COPY ATTEST:***  
***06/15/2020***



TOWN OF LONDONDERRY  
**Building, Health & Zoning Enforcement**

268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 115 Fax: 432-1128

**MEMORANDUM**

To: Town Council  
From: Richard G. Canuel, Chief Building Inspector  
Date: June 4, 2020  
Subject: Murray's Auto Recycling, 55 Hall Rd.

An inspection of the subject junkyard was conducted on this date to determine compliance with license conditions in preparation for renewal.

No adverse conditions were observed during inspection that would prohibit renewal of this license.

The applicant continues to work with DES to maintain compliance with the recommended Best Management Practices (BMP). During my visit it appeared that Mr. Dudek is following proper BMP.

On occasion during the year there have been times when I needed to remind Mr. Dudek that his vehicles were visible above the fence line. Also, the fence fabric along the west side of the yard needed attention from time to time. When I brought those to Mr. Dudek's attention, he made effort to correct those issues.

**Recommendation:** Based on the recent inspection and other visits to the property during the year, it appears that the applicant is operating within the requirements of their license, and renewal of the license is recommended.



TOWN OF LONDONDERRY  
**Building, Health & Zoning Enforcement**

268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 115 Fax: 432-1128

May 15, 2020

Mr. Edward Dudek  
55 Hall Road  
Londonderry, NH 03053

Re: Murray's Auto Recycling 55 Hall Rd., Londonderry, NH Map 15 Lot 13

Dear Mr. Dudek:

It is time once again to begin the process of renewing your Junkyard Dealers license for the upcoming year in accordance with the provisions of RSA 236:121, II. As you know, this annual license expires on July 1<sup>st</sup> each year. A renewal application form is attached for your convenience.

A renewal application form is attached for your convenience. The Town Council is scheduled to review your application at their June 15, 2020 meeting.

Please complete the application form and Compliance Certification Statement return those along with the application fee in the amount of \$250 prior to the scheduled hearing date.

Prior to the application hearing an inspection of the premises will need to be conducted by this office for the purpose of determining that your junkyard operation remains in compliance with the conditions of your license. **An inspection appointment has been tentatively scheduled for Thursday June 4, 2020 at 10:00 am.** Please contact this office if this date and time is not convenient, and we can reschedule.

If you have questions at any time, please do not hesitate to contact me. Your cooperation in this matter is greatly appreciated.

Sincerely,

Richard G. Canuel  
Chief Building Inspector



TOWN OF LONDONDERRY  
268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 120 Fax: 432-1128

RENEWAL APPLICATION FOR MOTOR VEHICLE  
JUNKYARD DEALER'S LICENSE

Name of Applicant: EDWARD DUDEK Date: 5/21/20  
Address: 19 MAPLE RD N HAMPTON NH 03862  
Location of Junkyard: 55 HALL RD.

An application for renewal of a junkyard license must be made to the Town Council of the Town of Londonderry annually, on or before July 1<sup>st</sup> pursuant to RSA 236:121.

Accompanying this application form please attach the following:

- a. All state permits and supporting documentation, e.g., motor vehicle dealer's permit, inspection station's permit, etc.
- b. Any environmental studies, reports developed by or on behalf of or in the possession of the applicant or notices from the New Hampshire Department of Environmental Services.

In order for a renewal license to be issued, the junkyard:

- a. May not become a public nuisance, RSA 236:119;
- b. May not violate the terms of RSA 236:111-129;
- c. May not have an adverse impact on the surrounding environment, RSA 236:111; and
- d. Must be completely surrounded with a solidly constructed fence at least six feet (6') in height which substantially screens the area and includes a suitable gate which shall be closed and locked, except when the applicant or his agent is at the site. All motor vehicles and parts must be stored within the fenced area.

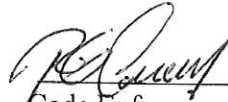
Each motor vehicle dealer is required to file with the state annually bonds in the following amounts, dependent upon the length of time said dealer has done business under the same name in the community: (a) one year, \$20,000; (b) over one year, but less than two (2) years, \$15,000; and (c) over two (2) years, \$10,000. RSA 261:98. Any dealer failing to post a bond in accordance with the provisions of the statute shall be guilty of a misdemeanor. RSA 261:102.

I hereby certify, under penalties prescribed for perjury, that this application is complete and that the junkyard for which I seek application meets the standards set forth under the applicable statutes.

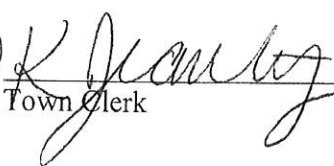


(signature of applicant)

I hereby certify, under penalties prescribed for perjury, that the junkyard has been inspected and remains in compliance with town and state regulations, as required by statute.



Code Enforcement Officer  
Town of Londonderry

Fees Paid: \$ 250 Date: 5/26/20   
Town Clerk

### Compliance Certification Statement

for obtaining a license to operate an automotive recycling yard or motor vehicle junkyard license pursuant to RSA 236:115, II and RSA 236:121

Facility Name: MURRAY'S AUTO RECYCLING  
Facility Street Location: 55 HALL RD. Town: LONDONDERRY  
Facility Owner / Operator: ED DWORC  
This facility is an:  existing facility (complete statement 1 below)  
 proposed facility (complete statement 2 below)

#### 1. For an EXISTING facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry\* and to the best of my knowledge and belief based in part on my own inspection and review of facility operations, I certify hereby that the facility is: (check one and sign beneath):

- Operated in compliance with the BMPs established by DES  
OR  
 NOT operated in compliance with the BMPs. (Attach a full description of all aspects of the facility that are non-compliant, and provide a plan and schedule for achieving compliance. Prepare to present the same information at a hearing, to be scheduled by town officials pursuant to RSA 236:111-129).

Signed under penalty of unsworn falsification:

[Signature]  
Facility Owner / Operator Signature

5/21/20  
Date

#### 2. For a PROPOSED facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry\* and to the best of my knowledge and belief based in part on my personal inspection and review of the plans and specifications for the proposed facility, I certify hereby that the facility is designed and shall be operated in compliance with the BMPs established by DES.

Signed under penalty of unsworn falsification:

\_\_\_\_\_  
Facility Owner / Operator Signature

\_\_\_\_\_  
Date

\* For a complete list of the referenced BMPs, see booklet titled "Motor Vehicle Salvage Yard Environmental Compliance Manual & Self-Audit Checklist" published by the Department of Environmental Services (DES). Copies are available by contacting the DES Green Yards Program for Auto Recyclers at 29 Hazen Drive, PO Box 95, Concord, NH 03302; email: [nhgreennyards@des.state.nh.us](mailto:nhgreennyards@des.state.nh.us); telephone: (603) 271-2938. Also, the booklet can be downloaded from the DES website at: <http://des.nh.gov/SW/GreenYards/GYComplianceManual.pdf>

*Disclaimer: This sample form was prepared by the Department of Environmental Services (DES) to show the type of information local licensing officials might request of motor vehicle junkyard and automotive recycling yard license applicants in order to satisfy the BMP compliance certification license application requirements in RSA 236:115, II and RSA 236:121. Towns electing to use this form should consider having their municipal attorney review it for adequacy beforehand.*

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# Receipt

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## TOWN OF LONDONDERRY

268B Mammoth Rd.  
Londonderry, NH 03053

Receipt No: 591291  
Printed Date: 5/26/2020  
Time: 12:05 pm  
Page: 1

Customer: dudek auto recycling inc

<u>Transaction</u>	<u>Description</u>	<u>Charges</u>
Other	(as follows)	\$250.00

<u>Bill Code</u>	<u>Charge Description</u>	<u>Quantity</u>	<u>UOM</u>	<u>Additional Details</u>	<u>Cost</u>	<u>Total</u>
JUNK	Junk Yard License	1.00	Ea		\$250.00	\$250.00

### Payments

L	CK	46568	\$250.00
---	----	-------	----------

Total Charges **\$250.00**  
Total Payments **\$(250.00)**

Due \$0.00

# ORDER #2020-12

An Order Relative to  
***THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236***

---

First Reading: 06/15/2020

Adopted: 06/15/2020

***WHEREAS*** Vito J. Solomini, who resides at 39 Tsienneto Road, Derry, NH and is the owner of S & S Metals, 196 Rockingham Road, Londonderry, NH desires a license to continue operations of said business; and

***WHEREAS*** Vito J. Solomini, has complied with the requirements of RSA 236; 111-129 and

***WHEREAS*** the Londonderry Building/Health Inspector has inspected the premises and recommends insurance of the license;

***IT IS THEREFORE ORDERED*** by the Londonderry Town Council that Vito J. Solomini, doing business as S & S Metals, be granted a license to operate an auto recycling facility in accordance with RSA 236; 111-129.

---

John Farrell - Chairman  
Town Council

( TOWN SEAL )

---

Sharon Farrell - Town Clerk

***A TRUE COPY ATTEST:***  
***06/15/2020***





**TOWN OF LONDONDERRY**  
**Building, Health & Zoning Enforcement**

268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 115 Fax: 432-1128

**MEMORANDUM**

To: Town Council

From: Richard G. Canuel, Chief Building Inspector

Date: June 4, 2020

Subject: S&S Metals Recycling, Inc., 196 Rockingham Rd.

An inspection of the subject junkyard was conducted on this date to determine compliance with license conditions in preparation for renewal.

No adverse conditions were observed during inspection that would prohibit renewal of this license.

The applicant continues to work with DES to maintain compliance with the recommended Best Management Practices (BMP). Due to the nature of the junkyard operation as determined by DES, Mr. Solimini also operates as a metal recycling facility for the non-automotive metals received at this site.

The front end of the property along Rockingham Road at times during the year needed attention to maintain compliance with the licensing conditions. In response to my notice (enclosed), Mr. Solimini did address the issues, and the front of the lot remains in compliance.

**Recommendation:** Based on the recent inspection and other visits to the property during the year, it appears that the applicant is operating within the requirements of their license, and renewal of the license is recommended.



TOWN OF LONDONDERRY  
**Building, Health & Zoning Enforcement**

268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 115 Fax: 432-1128

May 15, 2020

Mr. Vito J. Solomini  
39 Tsienneto Road  
Derry, NH 03038

Re: S&S Metals 196 Rockingham Rd., Londonderry, NH Map 15 Lot 66

Dear Mr. Solomini:

It is time once again to begin the process of renewing your Junkyard Dealers license for the upcoming year in accordance with the provisions of RSA 236:121, II. As you know, this annual license expires on July 1<sup>st</sup> each year.

A renewal application form is attached for your convenience. The Town Council is scheduled to review your application at their June 15, 2020 meeting.

Please complete the application form and Compliance Certification Statement, and return those along with the application fee in the amount of \$250 prior to the scheduled hearing date.

Prior to the application hearing an inspection of the premises will need to be conducted by this office for the purpose of determining that your junkyard operation remains in compliance with the conditions of your license. **An inspection appointment has been tentatively scheduled for Thursday June 4, 2020 at 11:00 am.** Please contact this office if this date and time is not convenient, and we can reschedule.

If you have questions at any time, please do not hesitate to contact me. Your cooperation in this matter is greatly appreciated.

Sincerely,

Richard G. Canuel  
Chief Building Inspector



TOWN OF LONDONDERRY  
**Building, Health & Zoning Enforcement**

268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 115 Fax: 432-1128

February 7, 2020

Mr. Vito J. Solomini  
39 Tsienneto Road  
Derry, NH 03038

S&S Metals  
196 Rockingham Road  
Londonderry, NH 03053

Re: S&S Metals 196 Rockingham Rd., Londonderry, NH Map 15 Lot 66

Dear Mr. Solomini:

As you may recall, last week we discussed the issue of the vehicle and trailer storage along the front portion of the junkyard lot.

As you well know, the conditions of your junkyard license, which were established in 2004, includes a requirement limiting the use of the front area. As stated in Paragraph 4 of the conditions agreement; *"Solomini warrants that the storage of all junk, including junk loaded into or onto trailers, containers, dumpsters, or trucks, shall be maintained within the fenced area of the property, except as removal is necessary for its transportation from the property in the reasonable course of the business; in which case the truck, trailer, container, or dumpster shall be removed from the property within two hours. No dumpsters, box like containers, or trailers, either empty or filled with junk, shall be stored outside the fenced area of the property."*

Furthermore, Paragraph 6. States in part; *"...Any vehicles parked outside the fenced area and behind the landscaped strip shall be associated with the ancillary business of motor vehicle sales. Absolutely no vehicles meeting the definition of "junk", as set forth in RSA 236:112, shall be parked or stored outside of the fenced area on the property, except as provided in Paragraph 4."*

Subsequent to the conditions agreement, Site Plan approval was granted by the Planning Board in October of 2005 to allow the use of the adjacent lot (Map 15 Lot 66-1) for the storage of trailers and roll-off containers. As noted on the approved plan; *"The purpose of this plan is to show a proposed paved storage area for outdoor storage of non-hazardous items shall as trailers and roll-off containers on an existing undeveloped lot."* Also; *"Speed bumps shall be installed to delineate the storage area (north of the speed bumps) and the loading/circulation area (south of the speed bumps)."*

Presently, the condition of the front area of the property is out of compliance with the approved site plan. Therefore, it shall be necessary that you take action to bring that area into compliance.

Mr. Vito J. Solomini  
February 7, 2020  
Page 2

May I remind you that it is imperative that you maintain the condition of your salvage yard in compliance with the conditions of the site plan approval, and especially in accordance with the specific conditions of your junkyard license.

Be aware that non-compliance with the established conditions may jeopardize the renewal of your junkyard license for the upcoming year.

You shall be required to take action as follows:

**Within Sixty (60) Days of the date of this notice:**

- 1. Remove ALL vehicles, box trailers, and containers, from the front area of the lot.**
- 2. ALL box trailers, and containers must be moved to the approved storage area behind the "Speed Bumps", outside of the vehicle circulation area as indicated on the site plan.**
- 3. Only those vehicles for sale, which are not "junk" vehicles, shall remain parked/stored in the front lot behind the 3-foot landscaped strip.**

Please understand that it is not the intent of this office to cite with a violation. Our intent is to work with you cooperatively to ensure that your property is in compliance. However, I must inform you that violation of municipal regulations is a misdemeanor for which you may be subject to a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day the violation continues after the date of this written notice, in accordance with the provisions of the State Statute RSA 676:17.

If you have any questions, please do not hesitate in contacting my office. Your understanding and cooperation in addressing this matter is greatly appreciated.

Sincerely,



Richard G. Canuel  
Chief Building Inspector  
Zoning Administrator



TOWN OF LONDONDERRY  
268 Mammoth Road  
Londonderry, New Hampshire 03053  
432-1100 ext. 120 Fax: 432-1128

RENEWAL APPLICATION FOR MOTOR VEHICLE  
JUNKYARD DEALER'S LICENSE

Name of Applicant: S.T.S Metals Recycling Inc./Vito Solimino Date: 5-19-2020  
Address: 196 Rockingham Rd Londonderry N.H  
Location of Junkyard: Same

An application for renewal of a junkyard license must be made to the Town Council of the Town of Londonderry annually, on or before July 1<sup>st</sup> pursuant to RSA 236:121.

Accompanying this application form please attach the following:

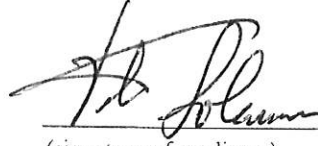
- a. All state permits and supporting documentation, e.g., motor vehicle dealer's permit, inspection station's permit, etc.
- b. Any environmental studies, reports developed by or on behalf of or in the possession of the applicant or notices from the New Hampshire Department of Environmental Services.

In order for a renewal license to be issued, the junkyard:

- a. May not become a public nuisance, RSA 236:119;
- b. May not violate the terms of RSA 236:111-129;
- c. May not have an adverse impact on the surrounding environment, RSA 236:111; and
- d. Must be completely surrounded with a solidly constructed fence at least six feet (6') in height which substantially screens the area and includes a suitable gate which shall be closed and locked, except when the applicant or his agent is at the site. All motor vehicles and parts must be stored within the fenced area.

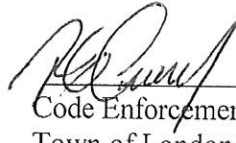
Each motor vehicle dealer is required to file with the state annually bonds in the following amounts, dependent upon the length of time said dealer has done business under the same name in the community: (a) one year, \$20,000; (b) over one year, but less than two (2) years, \$15,000; and (c) over two (2) years, \$10,000. RSA 261:98. Any dealer failing to post a bond in accordance with the provisions of the statute shall be guilty of a misdemeanor. RSA 261:102.

I hereby certify, under penalties prescribed for perjury, that this application is complete and that the junkyard for which I seek application meets the standards set forth under the applicable statutes.



(signature of applicant)

I hereby certify, under penalties prescribed for perjury, that the junkyard has been inspected and remains in compliance with town and state regulations, as required by statute.



Code Enforcement Officer  
Town of Londonderry

Fees Paid: \$ 250.<sup>00</sup>

Date: 01/11/2020



Town Clerk

### Compliance Certification Statement

for obtaining a license to operate an automotive recycling yard or motor vehicle junkyard license pursuant to RSA 236:115, II and RSA 236:121

Facility Name: S+S METALS Recycling INC.  
Facility Street Location: 196 Rockingham RD Town: Lowellborough NH  
Facility Owner / Operator: V. To Solimini  
This facility is an:  existing facility (complete statement 1 below)  
 proposed facility (complete statement 2 below)

#### 1. For an EXISTING facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry\* and to the best of my knowledge and belief based in part on my own inspection and review of facility operations, I certify hereby that the facility is: (check one and sign beneath):

Operated in compliance with the BMPs established by DES

or

NOT operated in compliance with the BMPs. (Attach a full description of all aspects of the facility that are non-compliant, and provide a plan and schedule for achieving compliance. Prepare to present the same information at a hearing, to be scheduled by town officials pursuant to RSA 236:111-129).

Signed under penalty of unsworn falsification:

V. To Solimini  
Facility Owner / Operator Signature

5-19-2020  
Date

#### 2. For a PROPOSED facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry\* and to the best of my knowledge and belief based in part on my personal inspection and review of the plans and specifications for the proposed facility, I certify hereby that the facility is designed and shall be operated in compliance with the BMPs established by DES.

Signed under penalty of unsworn falsification:

\_\_\_\_\_  
Facility Owner / Operator Signature

\_\_\_\_\_  
Date

\* For a complete list of the referenced BMPs, see booklet titled "Motor Vehicle Salvage Yard Environmental Compliance Manual & Self-Audit Checklist" published by the Department of Environmental Services (DES). Copies are available by contacting the DES Green Yards Program for Auto Recyclers at 29 Hazen Drive, PO Box 95, Concord, NH 03302; email: [nhgreennyards@des.state.nh.us](mailto:nhgreennyards@des.state.nh.us); telephone: (603) 271-2938. Also, the booklet can be downloaded from the DES website at: <http://des.nh.gov/SW/GreenYards/GYComplianceManual.pdf>

*Disclaimer: This sample form was prepared by the Department of Environmental Services (DES) to show the type of information local licensing officials might request of motor vehicle junkyard and automotive recycling yard license applicants in order to satisfy the BMP compliance certification license application requirements in RSA 236:115, II and RSA 236:121. Towns electing to use this form should consider having their municipal attorney review it for adequacy beforehand.*

**Receipt**

**TOWN OF LONDONDERRY**

268B Mammoth Rd.  
Londonderry, NH 03053

Receipt No: 592016  
Printed Date: 6/1/2020  
Time: 11:52 am  
Page: 1

Customer: S&S Metals

<u>Transaction</u>	<u>Description</u>	<u>Charges</u>
Other	(as follows)	<b>\$250.00</b>

<u>Bill Code</u>	<u>Charge Description</u>	<u>Quantity</u>	<u>UOM</u>	<u>Additional Details</u>	<u>Cost</u>	<u>Total</u>
JUNK	Junk Yard License	1.00	Ea		\$250.00	\$250.00

**Payments**

L	CK	1690	\$250.00
---	----	------	----------

Total Charges **\$250.00**  
Total Payments **\$(250.00)**

Due **\$0.00**



# LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

1 June 1, 2020

2  
3 VIRTUAL MEETING

4  
5 The Town Council meeting was held virtually.

6  
7 Present: Chairman John Farrell; Vice Chairman Joe Green; Councilor Tom Dolan, Jim  
8 Butler and Deb Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik;  
9 Executive Assistant Kirby Brown;

10  
11 CALL TO ORDER

12  
13 Chairman Farrell called the Town Council special meeting to order and took a rollcall.  
14 Chairman Farrell also read the meeting guidelines into the record. This was followed by  
15 the Pledge of Allegiance. This was followed by a moment of silence for all of those who  
16 serve us both here and abroad and for the first responders in Londonderry.

17  
18 PUBLIC COMMENT

19  
20 Chairman Farrell opened up public comment with the traffic update on Litchfield Rd. It  
21 has been reported at the last meeting that there were some traffic counts to look at. Police  
22 Chief Bill Hart addressed the matter. Chief Hart stated that they took a look at the numbers  
23 didn't show much of a difference prior to the construction of Pettengill Rd. The number is  
24 very high, about six thousand vehicles a day and the police are looking at ways to address  
25 it. Chief Hart stated that they intend to address it at the Traffic Safety Committee meeting  
26 in Jul and the traffic is tough.

27  
28 Councilor Paul suggested putting together a task force to look at other roads where there  
29 are similar issues.

30  
31 Chief Hart made a statement in light of the recent events.

32  
33 "I wanted to take a few minutes to address the murder of George Floyd, the terrible nights  
34 of rage and violence since and what it means for your Police Department.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

---

35 A week ago, a man wearing a badge who had taken an oath to serve and protect the people  
36 who live and work in his community, Minneapolis, Minnesota murdered one of that  
37 community's citizens. As that person lay suffocating in the street, his dying words were  
38 unfortunately familiar, "I can't breathe. I can't breathe."

39 Sadly, we've heard those words before.

40 Those words have rightly become an anthem of anger and frustration, one that we forget at  
41 our peril. That anger, that frustration is more clear to us, alone in our thoughts at this crazy  
42 time when we put those words, I can't breathe; I can't breathe, in the mouth of our father  
43 or our brother, our sister, our mother, best friend. "I can't breathe."

44 I hope that George Floyd's family, his friends, those who loved George Floyd and cared  
45 for him can accept my personal condolence for this criminal act, one that brings shame  
46 and hopefully disgust to everyone who, like me wears that badge, who like me has taken  
47 that oath. As a police officer and as a former county prosecutor I am ashamed.

48 Because the event has affected all of us, individually and as citizens, I wanted to let you  
49 know what we are doing in Londonderry at the PD to prevent this from happening here.  
50 For us at LPD, sworn and civilian, every moment of every day is in some way an  
51 inoculation against this heinous act happening here. There are three tenets of that success  
52 at LPD: a rigorous hiring process, excellent career-long training, strong well coached  
53 supervision. In committing to each fully, we build a successful policing culture, every day  
54 over and over again, lingering on a failures as opportunities to learn, noting briefly our  
55 successes, glad it went okay.

56 Our hiring process is tough; few pass muster, though lots of different kinds of people do.  
57 While the hiring process, as it should, focuses on the skill sets we believe will make a  
58 good tactical police officer, we look for more. We look for good people; people who will  
59 adopt our culture, our way of being police here in Londonderry.

60 We look for people who want to serve, who understand that service is not in the telling, it  
61 is in the listening, for whom decency is not just a word, rather it is a way of living. We  
62 look for people who can carry out their mission, while always understanding that a lot of  
63 bad things happened for all of us to be here. We look for people who aspire to  
64 professionalism in this noble calling, that may at any moment require your life, but  
65 always, in every moment requires kindness, empathy, decency, always puts paramount  
66 importance on the people part of people skills. We look for people who know that  
67 discretion and good policing means sometimes letting it go, not throwing the book.

68 We look for people who do not lose their aspiration to expect excellence because today he  
69 or she failed; rather, we look for people who maturely, wisely understand that personal  
70 failure, that professional failure is often the first step on the lifelong journey toward

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71 excellence. We look for people who are not defensive, not name callers, not always  
72 making excuses, not inflaming, but rather calming. We look for women and men who  
73 have the inner confidence to know that in my admission of failure, I am learning and in  
74 learning I am preparing myself and my community for success. We look for people who  
75 take responsibility; who seek it, who prepare for it, who, when it is toughest are the  
76 women or men who say, 'Let me try.' Or, 'I will go first'

77 Once we have made that hire, we train, and train again, and then again, for one's entire  
78 career. Each day of work, for all of us who serve you, is aspirational in nature: we each  
79 aspire to be the very best. Most days we succeed.

80 We expect excellence from ourselves, for you. We supervise to that aspirational goal of  
81 noble, decent service to everyone we meet.

82 This doesn't happen by accident. We are intentional on your behalf. Each day, that  
83 conscious intention is part of what we do: we Expect Excellence. In every way. That is our  
84 culture at LPD. We are not perfect; we have bad days; make bad decisions; act from anger  
85 and fear. We are human. Because we are human, we ask our sisters and brothers in blue to  
86 look out for us. Then we get up, better for our failure, having learned from our admission  
87 to self that we can and will do better. Then we do it again.

88 This is not the first time an unarmed black man was murdered.  
89 Please let It be the last. Enough is enough. I am sixty-five years old, yet, I can remember  
90 when I was a child, these same challenges faced our country. I thought that when I was  
91 old, as I am now, the obvious injustice of racial inequality in America would be a thing  
92 long past. After all, the spring and summer when I turned thirteen were marred by  
93 assassination, riot, war. When I heard a man speak when Dr. King died, I thought, people  
94 will hear this. We will change. This will be gone when I am old. He said, "What we need  
95 in the United States is not division; what we need in the United States is not hatred; what  
96 we need in the United States is not violence or lawlessness; but love and wisdom, and  
97 compassion toward one another, and a feeling of justice toward those who still suffer  
98 within our country, whether they be white or they be black."

99 That is what we still need and it is up to me as a police officer, a human being and most of  
100 all an American to be love, to be wisdom, to be compassion, to be justice. Indeed, it is up  
101 to all of us. Every day to aspire to those things which make America great. In doing so I  
102 make my country better; in doing so we make our country better.

103 It is up to us as Americans, if we hope, if we still aspire to be that place that we were told  
104 of as children, a place that our grandparents suffered and died to get to, a place of  
105 opportunity, a land of hope, a place where you could be safe from the knock on the door in

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106 the middle of the night, a place where you are free to be anything or anybody you want to  
107 be, a place where a person could breathe.

108 We can do better; we must.

109 Rest in Peace, George Floyd”

110

111

112

### PUBLIC HEARING

113

114 Motion to open public hearing made by Councilor Dolan and second by Vice Chairman  
115 Green. Chair voted 5-0-0 in roll call vote.

116

117 Chairman Farrell introduced Resolution #2020-07, a Resolution relative to the acceptance  
118 of unanticipated revenue under RSA 31:95-b. Finance Director Justin Campo presented.

119 There was no questions from the Council or the public. Motion to approve Resolution  
120 #2020-07 made by Vice Chairman Green and second by Councilor Butler. Chair votes 5-  
121 0-0 in roll call vote.

122

123 Motion to close public hearing made by Vice Chairman Green and second by Councilor  
124 Paul. Chair voted 5-0-0 in roll call vote.

125

126

### OLD BUSINESS

127

128 There was no old business.

129

130

### NEW BUSINESS

131

132 Chairman Farrell introduced Order #2020-11, an order relative to the expenditure of  
133 maintenance trust fund for various projects, presented by Steve Cotton. Cotton stated that  
134 this order is for a hot water heater at the police department and an overhead door opener  
135 for south fire station. Motion to approve Order #2020-11 made by Vice Chairman Green  
136 and second by Councilor Dolan. Chair voted 5-0-0 in roll call vote.

137

138 Chairman Farrell introduced Ordinance #2020-02, an amendment to section 5.15 of the  
139 Londonderry Zoning Ordinance relative to portable structures. Town Planner Colleen  
140 Mailloux presented and stated some additional language was added since the Ordinance

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141 was last presented last year. Motion to waive the first reading and schedule a public  
142 hearing for June 15<sup>th</sup> made by Vice Chairman Green and second Councilor Dolan. Chair  
143 voted 5-0-0 in roll call vote.

144

145 Chairman Farrell introduced Resolution #2020-08, a Resolution relative to wearing a face  
146 mask in Londonderry. Town Manager Kevin Smith read the Resolution into the record.  
147 There were no questions. Motion to accept Resolution #2020-08 made by Vice Chairman  
148 Green and second by Councilor Dolan. Chair votes 5-0-0 in roll call vote.

149

150

151

### APPROVAL OF MINUTES

152

153 Motion to approve the Town Council minutes from May 18, 2020 made by Vice Chairman  
154 Green and second by Councilor Dolan. Chair votes 5-0-0 in roll call.

155

156 Chairman Farrell went over the CIP members. Motion to appoint Rick Brideau, John  
157 Farrell, Christine Patton, Al Sypek and Michael Saucier made by Vice Chairman Green  
158 and second by Tom Dolan. Chair votes 5-0-0 in roll call vote.

159

160 Town Manager Smith gave up update on the budget and where the town stands with the  
161 spending freeze.

162

163 Town Manager Smith gave an update on businesses in town with Covid.

164

165 Town Manager Smith gave an update on the Town Hal annex building.

166

167 Town Manager Smith said that there is a list of all the restaurants open for outdoor seating  
168 on the Londonderry website.

169

170

### ADJOURNMENT

171

172 Motion to adjourn made by Vice Chairman Green and seconded by Councilor Dolan. Chair  
173 votes 5-0-0 in roll call.

174

175

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176	Notes and Tapes by:	Kirby Brown	Date: 06/01/2020
177	Minutes Typed by:	Kirby Brown	Date: 06/10/2020
178	Approved by:	Town Council	Date: 06/15/2020