

TOWN COUNCIL AGENDA
December 16, 2019
7:00 P.M.

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

A. CALL TO ORDER

B. PUBLIC COMMENT

- 1.) New Business Introduction
- 2.) Introduction of New Police Officers

C. PUBLIC HEARING

- 1.) **Ordinance #2019-07** – An Amendment to Section 5.15 of the Londonderry Zoning Ordinance Relating to Portable Structures
(Continued from last meeting)

D. OLD BUSINESS

- 1.) Budget Workshop
 - a.) Budget Committee Presentation on Social Service Agency Allocations
- 2.) **Resolution #2019-10** – A Resolution Relative to the Release of a Portion of the Constance Drive Right-Of-Way (Approval from last meeting)
Presented by Colleen Mailloux
- 3.) **Resolution #2019-09** – A Resolution Relative to the Discontinuance of a Portion of Constance Drive Right-Of-Way (Approval from last meeting)
Presented by Colleen Mailloux

E. NEW BUSINESS

- 1.) **Resolution #2019-12** – The Resolution Relative to the Acceptance of Unanticipated Revenue Under RSA 31:95-b
Presented by Chief Darren O'Brien
- 2.) **Order #2019-27** – An Order Relative to the Expenditure of Maintenance Trust Fund
Presented by Steven Cotton

F. APPROVAL OF MINUTES

Approval of December 9, 2019 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

Interviews for the following Committees:

- 1.) Senior Resources Committee
- 2.) Conservation Commission
- 3.) Heritage Commission
- 4.) Solid Waste and Environmental Committee
- 5.) Planning Board
- 6.) ZBA
- 7.) Recreation Commission

H. OTHER BUSINESS

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

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting – 1/06/20 Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 01/20/20 Moose Hill Council Chambers, 7:00PM
- C. Town Council Meeting – 02/03/20 Moose Hill Council Chambers, 7:00PM
- D. Town Council Meeting – 02/17/20 Moose Hill Council Chambers, 7:00PM

Introduced: 11/25/19
Public Hearing: 12/09/19
Second Public Hearing: 12/16/19
Adopted: 12/16/19

ORDINANCE 2019-07
AN AMENDMENT TO SECTION 5.15 OF THE
LONDONDERRY ZONING ORDINANCE RELATING TO
PORTABLE STRUCTURES

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:

Sherry Farrell - Town Clerk
12/16/2019

Town Seal

5.15 Portable Storage Structures

5.15.1 Portable Storage Structures in the AR-I District

The use of portable storage structures are allowed in the AR-I District under the following conditions:

- A. There must be no more than one portable storage structure per property unless otherwise approved as part of a non-residential 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 6 consecutive months unless otherwise approved as part of a site plan 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 6 month period may be extended upon approval granted a one-time extension by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension request 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 15 feet from any side or rear lot lines, and 40 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.
- 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 5.15.1(A) through 5.15.1(F)

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).**

RESOLUTION 2019-10

A Resolution Relative to the
*RELEASE OF A PORTION OF THE CONSTANCE DRIVE
RIGHT-OF-WAY*

First Reading: 11/25/2019
Second Reading: 12/09/2019
Adopted: 12/16/2019

WHEREAS NH RSA 41:14-a grants authority to municipalities to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist;

WHEREAS the Planning Board and the Conservation Commission both reviewed and recommended release of land known as a portion of the Constance Drive Right-of-Way marked "R.O.W. for Future Extension" on a subdivision plan entitled "Map 6, Parcel 59 Subdivision Plan prepared for Jean M. Gagnon," scale: 1"=50', prepared by Donald C. Jenks, LLS, dated January 28, 1986, and approved by the Planning Board on March 30, 1988, comprising approximately 11,000 square feet, and running from the end of the cul-de-sac to the property line with Lot 6-59-1 (30 Cross Road) (the "Subject Property");

WHEREAS the Town Council has determined after a public hearing that the Subject Property is no longer feasible as a future extension of Constance Drive and offers no public benefit to the Town, and has voted for its discontinuance; and

WHEREAS the Town Council received the favorable recommendations of both the Planning Board and the Conservation Commission, held two public hearings at least 10 but not more than 14 days apart on the proposed release of land, and determined that the Subject Property shall be released to the two abutting lots known as 7 Constance Drive (Map 6 Lot 59-13) and 14 Constance Drive (Map 6 Lot 59-12) in equal or nearly equal portions upon Planning Board approval of a lot line adjustment plan.

NOW THEREFORE BE IT RESOLVED that the Londonderry Town Council has voted to affirmatively quitclaim and release the Subject Property to the two abutting lots known as 7 Constance Drive (Map 6 Lot 59-13) and 14 Constance Drive (Map 6 Lot 59-12) in equal or nearly equal portions upon Planning Board approval of a lot line adjustment plan.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk
A TRUE COPY ATTEST:
12/16/2019

STAFF RECOMMENDATION

To: Planning Board
From: Colleen P. Mailloux, AICP, Town Planner

Date: November 6, 2019

Application: Review and recommendation of the Planning Board pursuant to RSA 41:14-a of a request for the release of town property; a portion of the Constance Drive Right-of-Way consisting of approximately 11,000 square feet, adjacent to 7 Constance Drive and 14 Constance Drive

In 1988, the Planning Board approved a subdivision creating Constance Drive, off Cross Road. At that time, a Right of Way was reserved for future extension of Constance Drive through to the abutting parcel, and cul de sac easements were provided over Lots 6-59-13 and Lots 6-59-12, which were intended to be discontinued when a through road was constructed. Constance Drive (including the ROW reserved for future extension) was then deed to the Town.

Due to the configuration of the abutting Cross Farm Development, and wetlands present on that site beyond the existing dedicated Right of Way, there are no plans currently, or in the future, to construct a Constance Drive extension.

The owners of the abutting parcels, 7 Constance Drive (Map 6, Lot 59-13) and 14 Constance Drive (Map 6, Lot 59-12) are requesting that the Constance Drive Right of Way be extinguished, and that the underlying land (approximately 11,000 square feet) be split and transferred to the properties on either side of the ROW.

This is a multi-step process which requires approval of the property release by the Town Council (after review and recommendation by the Planning Board and Conservation Commission in accordance with RSA 41:14a), discontinuance of the public right of way, and a subsequent lot line adjustment to be reviewed and approved by the Planning Board to adjust the property lines of parcels 59-12 and 59-13.

The Planning Board should review the Applicant's request and make a recommendation to the Town Council regarding the release of the 11,000 square foot section of the Constance Driveway Right of Way to the abutting property owners.

- Recommendation: Staff recommends that the Planning Board recommend that the Town Council authorize the transfer of this parcel to the abutting property owners as there are no future plans for extension of Constance Drive.

Board Action Required: Motion to recommend to the Town Council that the parcel be transferred to the abutting property owners, with the condition that a lot line adjustment plan be submitted for review and approval by the Planning Board.

Kevin Smith

Londonderry Town Manager

30-September-2019

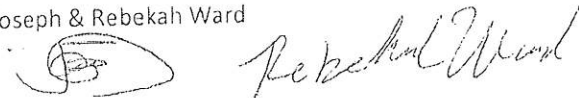
Dear Mr. Smith,

I am writing to you in regards to the right-of-way between two properties on Constance Drive. The two properties are the Ward property (006 059 12) 14 Constance Drive and the Peterson property (006 059 13) 7 Constance Drive.

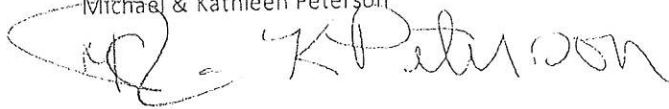
We would like to request discontinuance of the right-of-way and transfer of the underlying land to the abutting properties.

Thank you,

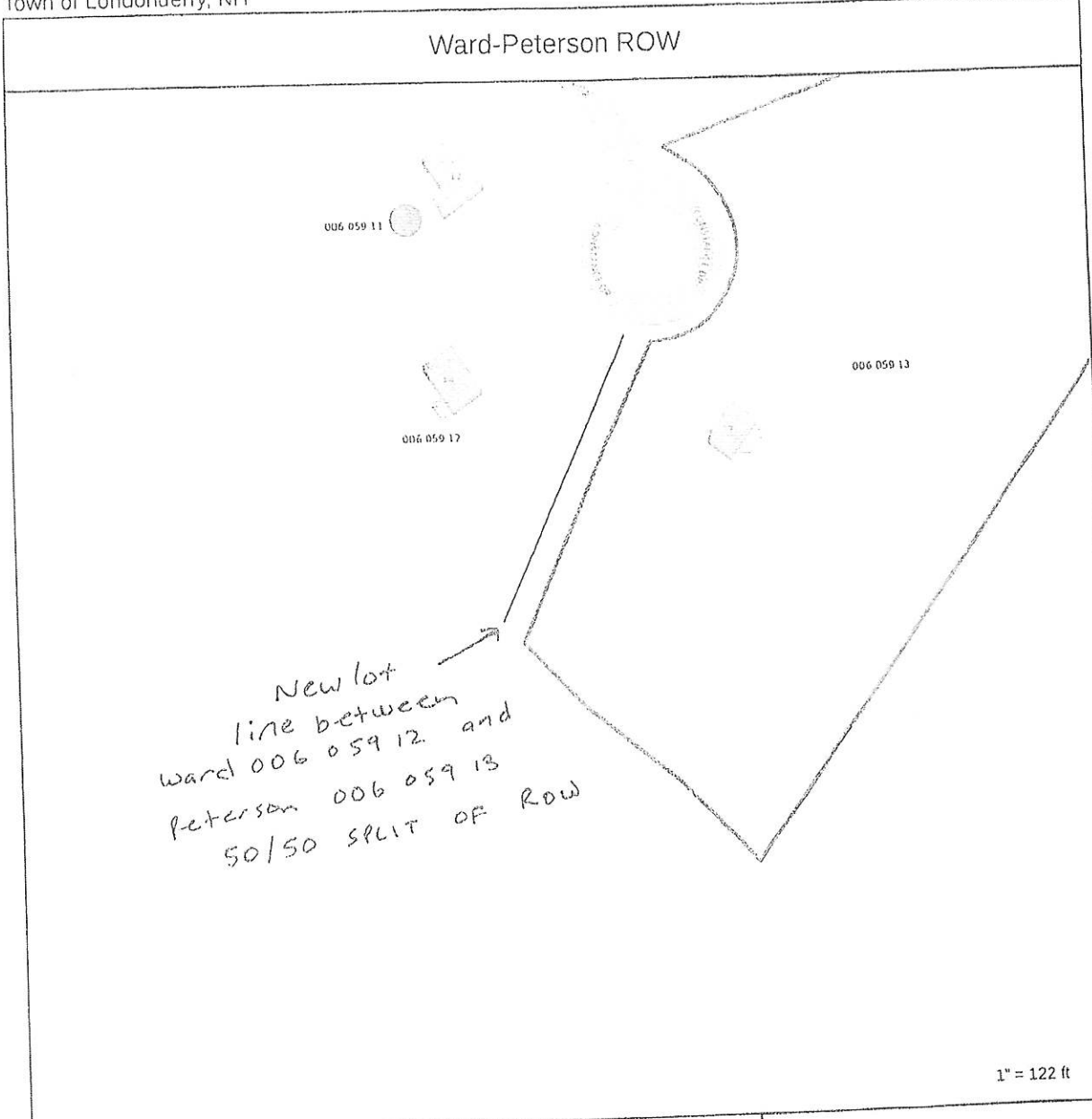
Joseph & Rebekah Ward

A handwritten signature in cursive script that reads "Rebekah Ward". To the left of the signature is a circular stamp containing a stylized letter "R".

Michael & Kathleen Peterson

A handwritten signature in cursive script that reads "Michael & Kathleen Peterson". To the left of the signature is a circular stamp containing a stylized letter "M".

Ward-Peterson ROW



Property Information

Property ID 006 059 13
 Location 7 CONSTANCE DR
 Owner PETERSON MICHAEL+KATHLEEN FAMILY TRUST

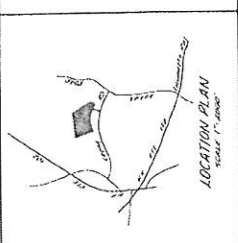
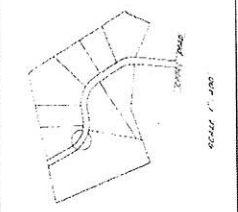
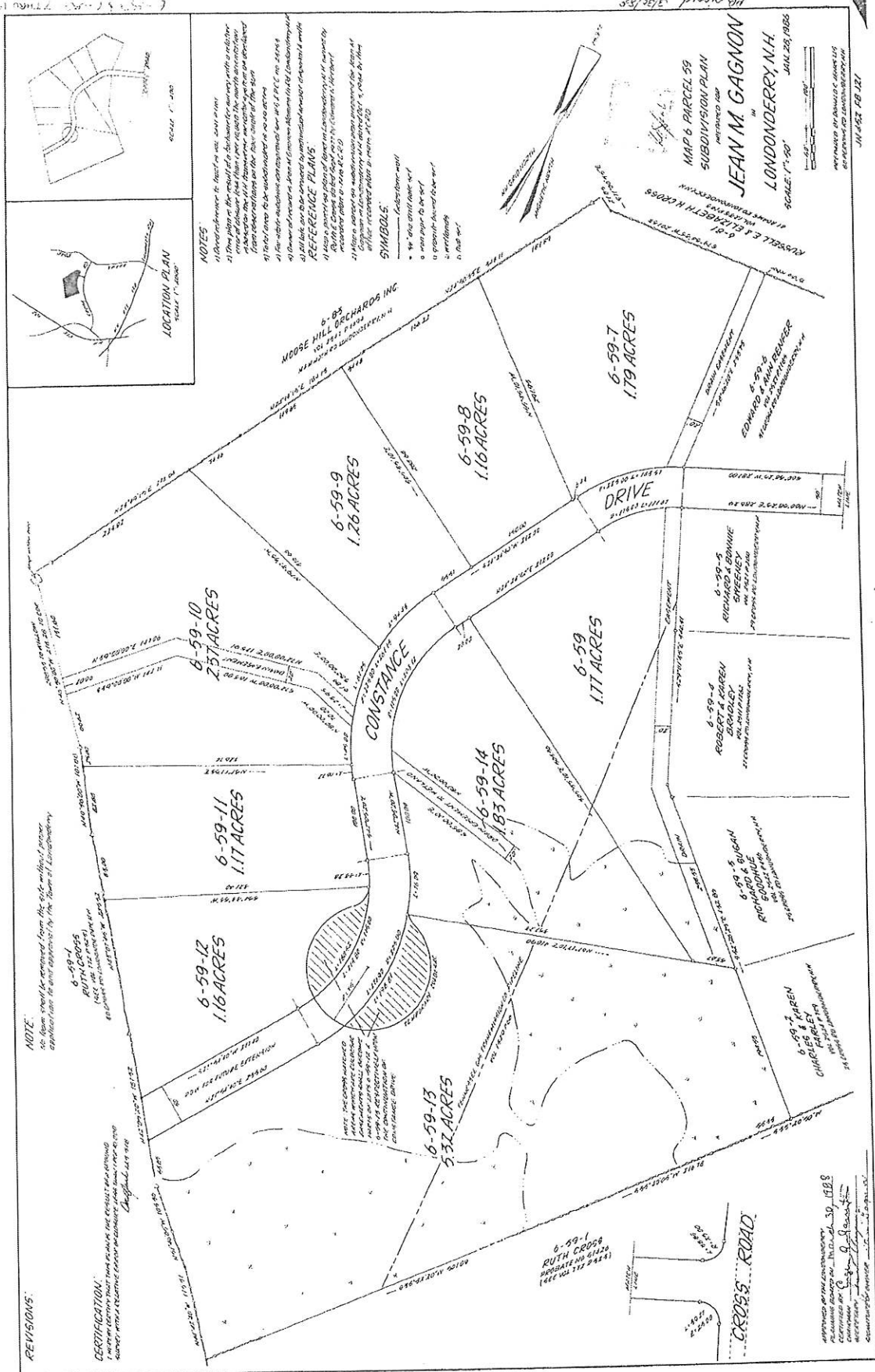


MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Town of Londonderry, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/11/2018
 Data updated 06/05/2018

14



NOTES:

1. All dimensions are in feet unless otherwise noted.
2. All bearings are true bearings unless otherwise noted.
3. All areas are in acres unless otherwise noted.
4. All lines are shown as centerlines unless otherwise noted.
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REFERENCE PLANS:

1. Moose Hill Orchards Inc. Subdivision Plan, Map 6 Parcel 59, dated 11/15/88.
2. Richard & Bernice Sweeney. Subdivision Plan, Map 6 Parcel 59, dated 11/15/88.
3. Robert & Karen Sweeney. Subdivision Plan, Map 6 Parcel 59, dated 11/15/88.
4. Charles & Karen Sweeney. Subdivision Plan, Map 6 Parcel 59, dated 11/15/88.

SYMBOLS:

- - - - - Subdivision wall
- - - - - Easement boundary
- - - - - Property boundary
- - - - - Right-of-way boundary
- - - - - Utility boundary
- - - - - Other boundary

11/15/88

MAP 6 PARCEL 59
SUBDIVISION PLAN

JEAN M. GAGNON
LONDONDERY, N.H.

SCALE: 1" = 90'

JUL 29, 1988

APPROVED BY THE COMMISSIONER OF REVENUE AND TAXES

JUL 29, 1988

NOTE:

See page 10 of the subdivision plan for the location of the easement.

6-59-10
2.57 ACRES

6-59-11
1.17 ACRES

6-59-12
1.16 ACRES

6-59-13
3.32 ACRES

6-59-14
1.83 ACRES

6-59-9
1.26 ACRES

6-59-8
1.16 ACRES

6-59-7
1.79 ACRES

6-59-6
1.77 ACRES

6-59-5
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1.77 ACRES

REVISIONS:

CERTIFICATION:

I hereby certify that this plan has been prepared in accordance with the provisions of the Revised Statutes of New Hampshire, Chapter 280-A, and that the same are correct and true.

JEAN M. GAGNON

Surveyor

11/15/88

APPROVED BY THE COMMISSIONER OF REVENUE AND TAXES

JUL 29, 1988

APPROVED BY THE COMMISSIONER OF REVENUE AND TAXES

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APPROVED BY THE COMMISSIONER OF REVENUE AND TAXES

JUL 29, 1988

WARRANTY DEED

B3227 P1449

KNOW ALL MEN BY THESE PRESENTS, That Jean M. Gagnon, of 184 Rockingham Road, Londonderry, Count of Rockingham, State of New Hampshire, for consideration paid, grants to:

TOWN OF LONDONDERRY, LONDONDERRY COUNTY OF ROCKINGHAM,
STATE OF NEW HAMPSHIRE, *Man with Rd. Londonderry NH*

with WARRANTY COVENANTS:

A certain tract of land in the Town of Londonderry, County of Rockingham, State of New Hampshire bounded and described as follows:

Beginning at a granite bound set on the westerly sideline of Cross Road, said bound marking the southeasterly corner of Constance Drive;

Thence along the arc of a curve to the left 39.27' (said curve having a radius of 25.00') to a granite bound set on the southerly sideline of Constance Drive at a point of tangency;

Thence along said southerly sideline south 60°-58'-25" West- 286.29' to an iron pipe set at a point of curvature;

Thence along the arc of a curve to the left 111.67' (said curve having a radius of 175.00') to a granite bound set on the southerly sideline of Constance Drive at a point of tangency;

Thence along said southerly sideline south 24°-24'-50" west 212.00' to a granite bound set at a point of curvature;

Thence along the arc of a curve to the left 203.12' (said curve having a radius of 175.00') to a granite bound set on the easterly sideline of Constance Drive at a point of tangency;

Thence along said easterly sideline south 42°-05'-20" East 100.00' to a granite bound set at a point of curvature;

Thence along the arc of a curve to the right 274.90' (said curve having a radius of 225.00') to a granite bound set on the southerly sideline of Constance Drive at a point of tangency;

Thence along said southerly sideline south 27°-54'-40" west 233.60' to a 1/2" diameter rebar set in the centerline of a stonewall;

Thence north 42°-5'-30" west 53.21' along a stonewall to a drill hole set in the centerline of a stonewall;

Thence along the northerly sideline of Constance Drive north 27°-54'-40" east 217.40' to a granite bound set at a point of curvature;

JUN 23 9 20 AM '95

70034815

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

B3227 P1450

Thence along the arc of a curve to the left 213.00' (said curve having a radius of 175.00') to a granite bound set on the westerly sideline of Constance Drive at a point of tangency;

Thence along said westerly sideline north 42°-05'-20" west 100.00' to a granite bound set at point of curvature;

Thence along the arc of a curve to the right 261.15' (said curve having a radius of 225.00') to a granite bound set on the northerly sideline of Constance Drive, at a point of tangency;

Thence along the northerly sideline of Constance Drive north 24°-24'-50" east 212.00' to a granite bound set at a point of curvature;

Thence along the arc of a curve to the right 143.57' (said curve having a radius of 225.00') to an iron pipe set on the northerly sideline of Constance Drive, at a point of tangency;

Thence along the northerly sideline of Constance Drive north 60°-58'-25" east 287.00' to a granite bound set at a point of curvature;

Thence along the arc of a curve to the left 38.31' (said curve having a radius of 25.00') to a granite bound set on the westerly sideline of Cross Road, said bound marking the northeasterly corner of Constance Drive;

Thence along the arc of a curve to the left 34.75' (said curve having a radius of 875.00') to a point on the westerly sideline of Cross Road;

Thence continuing along the westerly sideline of Cross Road south 29°-01'-35" east 64.27' to the point of beginning.

Meaning and intending to describe Constance Drive as shown on "Map 6 Parcel 59- Subdivision Plan prepared for Jean M. Gagnon in Londonderry, N.H." - scale 1" = 50', dated January 28, 1986 and prepared by Donald C. Jenks L.L.S., 80 Perkins Road, Londonderry N.H., recorded R.C.R.D. as Plan D-18410. There is further conveyed to the Town of Londonderry an easement for the purpose of maintaining the slope and/or drainage easements appurtenant to the above roadway(s) over the lot(s) as shown on the above plan.

There is also conveyed an easement over the temporary cul-de-sac (s) as shown on the above plan for the purpose of maintaining said cul-de-sac(s). Said easement will revert to the owner of the lot (s) at the time the above roadway(s) is extended.

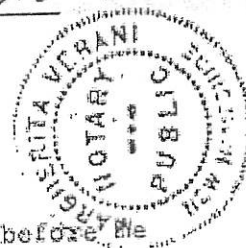
Also meaning to describe a portion of the premises conveyed to Jean M. Gagnon by deed of Kathryn O'Donnell dated May 17, 1984 and recorded Vol. 2491 Page 1161 R.C.R.D.; reserving to the Tennessee Gas Transmission Co. any rights or easements described in Vol. 1329 Pg. 66 R.C.R.D.

B3227 P1451

DATED this 29th day of December, 1989.

Jean M. Gagnon
Jean M. Gagnon

STATE OF NEW HAMPSHIRE:
COUNTY OF ROCKINGHAM:



The foregoing instrument was acknowledged before me
this 29th day of December, 1989.

Margaret Lucas
Notary Public
9-27-1994

192 forward, and therefore, the local regulations should be updated accordingly to
193 reflect the proper codes. He said there is no new information or new requirements
194 in the current regulations. M. Soares asked where a resident could read the 2015
195 edition of the international codes. R. Canuel told her that it is not available online,
196 but they can come to his department to read it as they have it there.

197
198 Chairman Rugg opened it up to the public for input, and there was none.

199
200 **Member M. Soares made a motion to recommend the amended**
201 **changes to the Londonderry Zoning Ordinance, Building Code**
202 **Amendments, Section 9 reflect the adoption of the 2015 editions of**
203 **the international codes as promulgated by the New Hampshire State**
204 **Building Code to the Town Council.**

205
206 **T. Combes seconded the motion.**

207
208 **The motion was granted 7-0-0. The Chair voted in the affirmative.**

209
210
211 **IV. New Plans/Public Hearings**

212
213 A. Review and recommendation of the Planning Board pursuant to RSA
214 41:14-a of a request for the release of Town Property; a portion of the
215 Constance Drive Right-of-Way of approximately 11,000 square feet,
216 adjacent to 7 Constance Drive and 14 Constance Drive

217
218 Chairman Rugg read the case into the record. Town Planner Mailloux gave the
219 Board some background information on how this right-of-way was created when the
220 subdivision was approved for Constance Drive. She explained that the right-of-way
221 was deeded to the Town through a warranty deed, which included a future right-of-
222 way extension beyond the end of the existing cul-de-sac as that was the practice at
223 that time. She pointed out that due to the wetlands on the property there is no
224 potential from the Cross Farm development for access. She said that the abutting
225 property owners at 7 Constance Drive and 14 Constance Drive are requesting this
226 11,000 SF of land be transferred to them. She reviewed the procedure under RSA
227 41:14a that before the Town Council can authorize the transfer of town property,
228 this needs to go before the Planning Board and Conservation Commission. She
229 noted that it is a multiple step process, as there needs to be a property transfer,
230 discontinuance of the right-of-way and a lot line adjustment. She said that this
231 would be the first step in the process. A. Chiampa asked when the Conservation
232 Commission would hear this. Town Planner Mailloux said the Conservation
233 Commission would hear this next week. T. Combes asked why this was planned for
234 in the first place, if there are so many wetlands that would prohibit it. Town Planner
235 Mailloux noted that this was done over 30 years ago and this was common practice
236 with cul-de-sacs at that time and the wetlands might not have been delineated.

237
238 Chairman Rugg opened it up to the public and there was none.

239

240 **M. Soares made a motion to recommend to the Town Council that the**
241 **parcel be transferred to the abutting property owners, with the**
242 **condition that a lot line adjustment plan be submitted for review and**
243 **approval by the Planning Board.**

244
245 **A. Sypek seconded the motion.**

246
247 **The motion was granted 7-0-0. The Chair voted in the affirmative.**

248
249 B. Public hearing on a waiver request to Section 6.01.c of the Londonderry
250 Site Plan Regulations to allow the issuance of a certificate of occupancy prior
251 to the placement of the final wearing course for a previously approved site
252 plan for the construction of a 9,560 SF manufacturing addition, parking lot
253 expansion, and associated site improvements, Nine Ricker Avenue, Map 28
254 Lot 22-28, Zoned IND-II, Idlewild Realty, LLC (Owner & Applicant)
255 conditionally approved by the Planning Board on June 5, 2019

256
257 Chairman Rugg read the case into the record. J. Trottier reviewed the background
258 information of the site noting this was conditionally approved by the Board on June
259 5, 2019, the site plan was signed on August 14, 2019 and is currently under
260 construction. He explained that it is anticipated that construction will be completed
261 this winter; however, due to the winter conditions the final wearing course of
262 pavement will not be able to be placed until the spring. He reviewed the waiver
263 request with the Board. He said that Staff recommends that the Planning Board
264 grant the waiver with the following conditions:

265
266 1. Appropriate financial guarantee is provided prior to the issuance of a CO to the
267 satisfaction of the Department of Public Works to ensure installation of the wearing
268 course of pavement and final pavement markings.

269
270 2. All other required improvements shall be completed prior to the issuance of a
271 CO, except for landscaping as permitted by the regulations.

272
273 Chairman Rugg opened it up to the public for input, and there was none.

274
275

276 **M. Soares made a motion to approve the applicant's request for the**
277 **above waivers to the Site Plan Regulations as outlined in Staff's**
278 **recommendation memorandum dated November 6, 2019.**

279
280 **T. Combes seconded the motion.**

281
282 **The motion was granted 7-0-0. The Chair voted in the affirmative.**

283
284 C. Application for formal review of a subdivision plan to subdivide one lot into
285 two, 17 Bancroft Road, Map 12 Lot 48, Zoned AR-1, Jillian S. Natale &
286 Randolph M. Allaire (Owners & Applicants)

287



Londonderry Conservation Commission

Tuesday, November 12, 2019

Minutes

36 Chief and Town Manager about this. D Lievens said that the Commission should follow up on his
37 concerns regarding noise level in the Musquash and how it could affect the wildlife. M Badois gave her
38 opinion as a realtor, that the neighborhoods around the Musquash are affected by the noise when
39 trying to sell property in the area. M Speltz asked R Olsen what other suggestions he might propose for
40 this issue. R Olsen suggested that the Police Department have an indoor shooting range and suggested
41 this might be a warrant article on the ballot. He said he could approach Fish & Game to ask them to be a
42 good neighbor and see if they can do more things to block the noise. M Speltz told him that the Police
43 Department invested a lot into the current range and thought they would not want to change it. He
44 asked R Olsen which shooting range was louder. R Olsen responded that he felt Fish & Game accounted
45 for 80% of the noise and the Police Department accounted for 20%. He said in his opinion, he believes
46 that people are afraid when they hear the shooting in the woods and would discourage people from
47 going into Musquash. M Speltz asked if limiting the hours when people can shoot at the ranges would be
48 help with the noise. R Olsen said that he thinks this might be difficult to limit the hours of these ranges.
49 B Maxwell talked about the noise ordinance in the town regulations and asked if this applies to the
50 shooting ranges. R Olsen quoted New Hampshire state law stating "outdoor shooting ranges cannot be
51 held civilly or criminally liable for noise pollution, no matter how loud." M Speltz asked if it the issue was
52 the decibel or frequency of the noise. R Olsen said it is both, especially the Tannerite use. B Maxwell said
53 that most shooting ranges do not allow Tannerite. He commented that he recently was in the Musquash
54 and had an experience where there was a massive explosion that shook the ground where it happened
55 to be Continental paving blasting. M Speltz said that he would like to ask Fish & Game if animals possibly
56 acclimate to the noise. D Lievens said that she would follow up with Fish & Game for the Commission.

57 **Constance Drive ROW discontinuance/Property release - Map 6, Lots 59-13 and 59-12:** Joe Ward from
58 14 Constance Drive and Mike Peterson, from 7 Constance Drive introduced themselves to the
59 Commission stating that they are requesting the discontinuance of the right-of-way between their
60 property. J Ward reviewed the parcel with the Commission stating that there are wetlands in the right-
61 of-way and Cross Farm has decided not use this as an entrance. He noted that the Planning Board has
62 recommended the right-of-way discontinuance to go the Town Council. Mike Peterson reviewed the
63 parcel noting where Cross Farm had placed the conservation yellow signs to delineate the wetlands. M
64 Badois asked if the Commission would need access to monitor the easement. A Kizak said that the
65 Commission would be granted access through Cross Farm. M Speltz asked if Cross Farm had combined
66 their parcels. A Kizak responded that is correct and reviewed the access with the Commission. G
67 Harrington pointed out that when the lots are subdivided, the property owners will be subject to the
68 buffer ordinance, which they are not currently. M Badois asked if someone could draw the fifty foot
69 buffer on a map for them. A Kizak said when the properties go through the lot line adjustment a wetland
70 scientist will delineate this out in the field and the appropriate conservation buffer signs will be placed.
71 M Byerly made a motion to recommend to the Town Council that the parcel be transferred to the



Londonderry Conservation Commission

Tuesday, November 12, 2019

Minutes

72 abutting property owners, with the condition that a lot line adjustment plan be submitted for review
73 and approval by the Planning Board. D Lievens seconded the motion. The motion passed, 6-1-0.

74 DRC - Lot 001 074 0 - 53 Chase Road Condo Conversion: Eric Mitchell addressed the Commission
75 stating that the lot has existed for many decades and a recently a house was taken down and a duplex
76 was built, which will be converted into a condominium. E Mitchell reviewed the parcel with the
77 Commission noting the trees that had been cut and where the buffer is now. He said if they are required
78 to place conservation buffer signs, they would like to place them at the edge of the trees so there would
79 be no more cutting. D Lievens asked if the duplex could have been placed in a different place. E Mitchell
80 said that the duplex was built where the existing house was. M Badois asked if this lot falls under the
81 current buffer ordinance. A Kizak said that condominium conversions are exempt from complying with
82 the buffer ordinance if no updates are proposed. M Speltz read from the CO ordinance "Subdivisions
83 and Site Plans approved by the Planning Board and existing at the time of passage of the Section 4.6.1
84 shall be exempt from Section 4.6.1, as governed by the provisions of NH RSA § 674:39. This ordinance
85 becomes applicable in the following situations: A. Non-residential site plans for additions, expansions, or
86 changes in use. B. Site plans for new commercial, industrial, or multi-family development. C. New
87 subdivisions. (Condominium Conversions where there are no improvements proposed to a site are
88 exempt from Section 4.6.1)." M Byerly stated in his opinion, he thinks they are skirting the issue, with
89 first building a duplex and now doing a condo conversion. A Kizak explained that the CO district does not
90 apply here as the house was built before the ordinance came into existence. M Speltz commented that
91 he believes there should be a legislative fix on this issue before it gets out of hand. E Mitchell pointed
92 out that the trees were cut before the ordinance was in effect he does not believe the applicant is trying
93 to skirt any issue. M Badois said that if the ordinance does apply, signs would be required. E Mitchell
94 stated that a condominium conversion in Londonderry is treated as a subdivision and the lawn area in
95 the back, which existed before the ordinance was put into place, is still there. M Speltz suggested that
96 the Planning Board recommend the applicant to require the CO buffer signs as the spirit of the
97 ordinance requires the signs with construction on the property. M Noone stated his second
98 recommendation would be to place the signs at the tree line. M Badois commented that the
99 Commission recommends CO buffer signs along the buffer line, despite the fact that a strict reading of
100 the ordinance, Section 4.6.1.7.c., might not place the COD restrictions on this parcel. The Commission
101 noted that there were significant improvements to this site just before conversion. The Commission
102 commented that alternatively the CO signs must be placed on the tree line.

103 Amended Dredge & Fill - Lot 014 045 0- 46 Pettengill Road: A Kizak presented the amended dredge
104 and fill to the Commission. M Badois said the Commission approved this on June 11, 2019. M Byerly
105 read from the amended dredge and fill to the Commission. D Lievens said she believed this to be more
106 academic than anything else. M Badois agreed. The Commission had no other comments.

RESOLUTION 2019-09

A Resolution Relative to the
*DISCONTINUANCE OF A PORTION OF THE CONSTANCE DRIVE
RIGHT-OF-WAY*

First Reading: 11/25/2019
Second Reading: 12/09/2019
Adopted: 12/16/2019

WHEREAS NH RSA 231:41 permits municipalities to fix the length of time and conditions under which rights-of-way may be used and to order the same to be closed or discontinued when in their judgment it is necessary;

WHEREAS the Town Council is acting under such authority, and is acting as the local legislative body under Article 3.12 of the Town Charter; and

WHEREAS the Town Council has determined after a public hearing that the portion of the Constance Drive Right-of-Way marked "R.O.W. for Future Extension" on a subdivision plan entitled "Map 6, Parcel 59 Subdivision Plan prepared for Jean M. Gagnon," scale: 1"=50', prepared by Donald C. Jenks, LLS, dated January 28, 1986, and approved by the Planning Board on March 30, 1988, comprising approximately 11,000 square feet, and running from the end of the cul-de-sac to the property line with Lot 6-59-1 (30 Cross Road) (the "Right-of-Way") is no longer feasible as a future extension of Constance Drive and offers no public benefit to the Town.

NOW THEREFORE BE IT RESOLVED that the Londonderry Town Council has voted affirmatively to discontinue absolutely and forever the Right-of-Way identified above.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

12/16/2019

RESOLUTION 2019-12

A Resolution Relative to the
Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 12/16/19
Second Reading: Waived
Adopted: 12/16/19

WHEREAS the Town of Londonderry adopted the provisions of RSA 31:95-b with the passage of warrant article 18 at their March, 1994 town meeting; and,

WHEREAS the Town Council desires to comply with paragraph III, (b) of RSA 31:95-b relative to unanticipated moneys received in amounts less than \$10,000; and,

WHEREAS Crossroads Animal Hospital is donating in the amount of \$2,000.00 for a “Pet Emergency Response Cart Kit” to be utilized at the Emergency shelter to the Londonderry Fire Department; and,

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the donation revenues for the Londonderry Fire Department, totaling \$2,000.00, for the fiscal year ended June 30, 2020, are hereby accepted.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk/Tax Collector

A TRUE COPY ATTEST:

12/16/19

**TOWN OF LONDONDERRY
FY 2020 UNANTICIPATED REVENUES**

1. Fire Department - \$2,000.00 Donated by Crossroads Animal Hospital

ORDER #2019-27

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 12/16/2019

Adopted: 12/16/2019

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

WHEREAS by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$19,563.30 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$19,563.30, from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

John Farrell, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:

12/16/2019

**Expendable Maintenance Trust TC Order Request
for Town Council Meeting "12/16/19"**

Description	Vendor	Amount
<u>LED Light Fixtures - DPW Garage</u> Install three LED wall pack fixtures to improve the visibility during night operations during snow storm operations. This EMTF request is for the materials & labor to install three LED wall pack fixtures (one on the front, rear and side towards the salt sheds) on the DPW garage.	Stephen Marquis - Invoice 27739	\$ 2,667.30 \$ 2,667.30
<u>Winter Maintenance - Senior Center</u> Plowing, salting, and shoveling on 12/2, 12/3, 12/7 and 12/11/19 at our senior center. This EMTF request is for the materials and labor for winter maintenance for the parking lots, walkways, steps, fire lanes at our senior center.	Green Magic - Invoice #3490 Green Magic - Invoice #3495 Green Magic - Invoice #3502	\$ 595.00 \$ 75.00 \$ 145.00 \$ 815.00
<u>Winter Maintenance - Ice Melt</u> Ice melt to be used at TH complex. This EMTF is for the purchase of 2 pallets of ice melt.	Northeast Nursery - Invoice #713880	\$ 1,029.00 \$ 1,029.00
<u>Metal Trim Repair - Library</u> Sections of metal trim on the north side of the original section of the library blew off during one of our recent storms. This EMTF is for the labor, materials, and lift rental to make the repairs to the section of metal trim that was damaged.	G&R Enterprises - Invoice #572618	\$ 600.00 \$ 600.00
<u>Toilet replacement - North Fire</u> A wall mounted toilet had fracture cracks in the porcelain where it attached to the wall. This EMTF is for the materials and labor to replace the wall mount unit. The wall mount unit was installed in 2010, warranty has expired.	Daigle Plumbing - Invoice #6717	\$ 457.00 \$ 457.00
<u>Gas Boy Pump Failure - Fuel Farm</u> The fuel pump located behind central fire station would only dispense gasoline, it would not dispense diesel, error messages indicated an error. This EMTF request is for the troubleshooting, replacement of the defective logic board, labor and travel time. The fuel pump was installed in 2014, the warranty had expired.	Fuel Management - Invoice #1219-01	\$ 2,370.00 \$ 2,370.00
<u>Sprinkler Dry System Leak - Town Hall</u> The building sprinkler system (dry system) was losing air, leak was found in the 1.5" black iron pipe. This EMTF request is to replace 21' of 1.5" pipe with galvanize, fittings, bring system back on-line, and labor.	ASAP Sprinkler - Quote 12/5/19	\$ 1,535.00 \$ 1,535.00
<u>Air Compressor Sprinkler System - Town Hall</u> The air compressor for the building fire suppression system which was installed in 2005 has failed. This EMTF request is for the materials and labor to install a new 3/4 HP oil less air compressor. The warranty has expired on the original air compressor.	ASAP Sprinkler - Quote 12/5/19	\$ 2,475.00 \$ 2,475.00
<u>Winter Maintenance - TH, Library, Police, Access Center, Central Fire</u> Plowing, salting, and shoveling on 12/1, 12/2, 12/3, 12/4, 12/6 and 12/8/19 at our TH, Library, Police, Access Center & Central Fire. This EMTF request is for the materials and labor for winter maintenance for the parking lots, walkways, steps, fire lanes at TH, Library, Police, Access Center & Central Fire.	Shady Hill - Invoice #1-120919 Shady Hill - Invoice #1-120919 Shady Hill - Invoice #1-120919 Shady Hill - Invoice #1-120919	\$ 3,200.00 \$ 2,370.00 \$ 870.00 \$ 1,275.00 \$ 7,715.00
Total Town Council EMTF Order		\$ 19,583.30