

TOWN COUNCIL AGENDA
November 25, 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.) Freedom Energy Logistics Presentation on Community Choice Aggregation
Presented by Thomas Carter and Bart Fromuth

C. PUBLIC HEARING

- 1.) **Ordinance #2019-06** – An Amendment to the Zoning Ordinance Relative to Rezoning Map 14, Lot 45A

D. OLD BUSINESS

- 1.) Budget Workshop
 - a.) Discussion of Tax Payer Relief Act

E. NEW BUSINESS

- 1.) **Ordinance #2019-07** – An Amendment to Section 5.15 of the Londonderry Zoning Ordinance Relating to Portable Structures
(1st Reading)
- 2.) **Ordinance #2019-08** – AN Amendment to Londonderry Zoning Ordinance, Building Code Amendments, Section 9 Reflecting the Adoption of the 2015 Editions of the International Codes
(1st Reading)
- 3.) **Resolution #2019-09** – A Resolution Relative to the Discontinuance of a Portion of Constance Drive Right-Of-Way
(1st Reading)
- 4.) **Resolution #2019-10** – A Resolution Relative to the Release of a Portion of the Constance Drive Right-Of-Way
(1st Reading)
- 5.) **Order #2019-26** – An Order Relative to the Expenditure of Maintenance Trust Funds for Various Projects
Presented by Steve Cotton

6.) **Discussion of Update to Elderly Exemptions**

7.) **Community Communication Options**

8.) **Water Resources Management Plan
Presented by GIS Manager Amy Kizak
& Comprehensive Environmental Inc.**

F. APPROVAL OF MINUTES

Approval of November 7, 2019 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

NONE

H. OTHER BUSINESS

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

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting – 12/09/19 Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 12/16/19 Moose Hill Council Chambers, 7:00PM
- C. Town Council Meeting – 01/06/20 Moose Hill Council Chambers, 7:00PM
- D. Town Council Meeting – 01/20/20 Moose Hill Council Chambers, 7:00PM

LEGAL NOTICE

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

Ordinance #2019-06 – An Amendment to the Zoning Ordinance Relative to Rezoning Map 14,
Lot 45A

The Public Hearing is scheduled for Monday, November 25, 2019 at 7:00 PM at the
Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

First Reading: 11/7/2019
Second Reading/Public Hearing: 11/25/2019
Adopted: 11/25/2019

ORDINANCE #2019-06
AN AMENDMENT TO THE ZONING ORDINANCE RELATIVE TO
REZONING MAP 14, LOT 45A

WHEREAS the Planning Board has received a request to rezone the above-referenced parcel from Industrial-II (IND-II) to Gateway Business (GB); and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon the request; and

WHEREAS the requested rezoning will make the zoning of this lot consistent with the adjacent lots to the north and west; and

WHEREAS the requested rezoning is consistent with the purpose and intent of the Gateway Business District 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 14, Lot 45A to Gateway Business, to become effective upon passage by the Town Council.

John Farrell - Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
XX/XX/XX



Town of Londonderry
Planning and Economic Development Department

268B Mammoth Road
Londonderry, NH 03053
Phone 603.432.1100 x 134
www.londonderrynh.org

To: Town Council
From: Colleen Mailloux, AICP, Town Planner
CC: Kevin Smith, Town Manager
Date: November 20, 2019
Re: Rezoning Recommendation from Planning Board

On November 6, 2019, the Planning Board held a public hearing relative to the Zoning Ordinance and Zoning Map.

The Planning Board, by unanimous vote, recommends to the Town Council to approve rezoning 61 Harvey Road, Map 14, Lot 45A from the current zoning classification , Industrial-II, to Gateway Business District.

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

STAFF RECOMMENDATION

To: Planning Board

Date: November 6, 2019

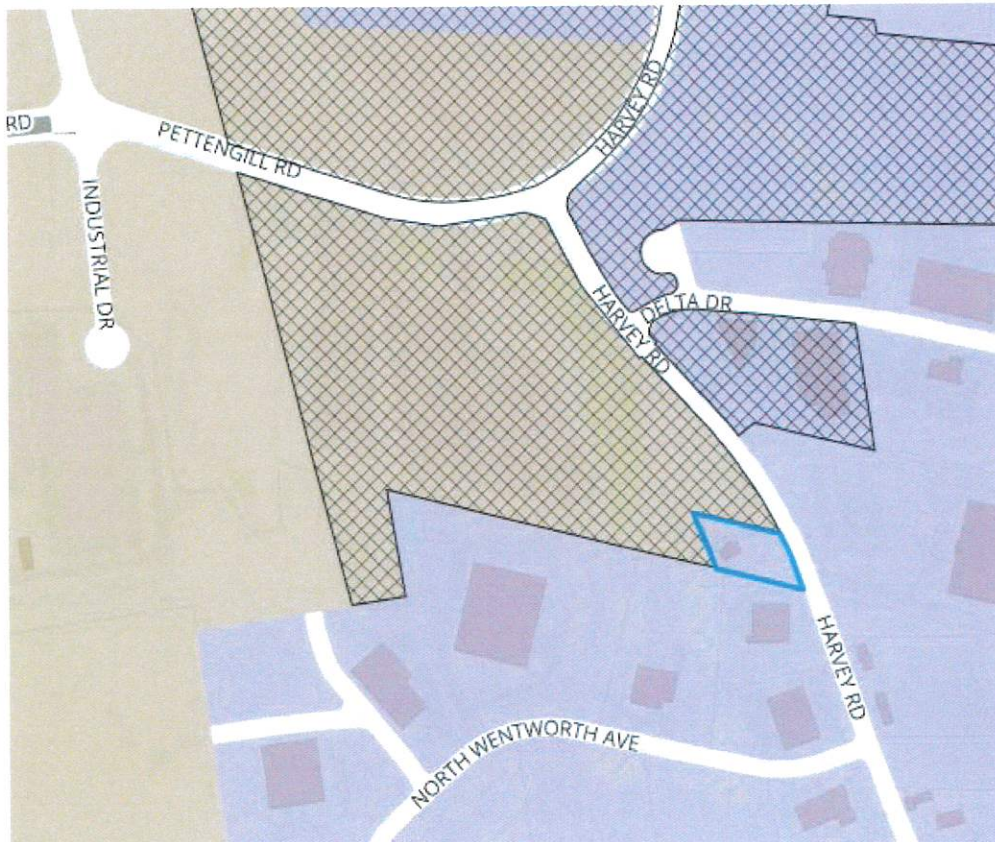
From: Colleen P. Mailloux, AICP, Town Planner

Re: Rezoning Request, Map 14, Lot 45A from IND-II to Gateway Business

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

Review Comments:

The Applicant requests the rezoning of the above referenced lot from Industrial-II (IND-II) to Gateway Business (GB). The parcel is located on Harvey Road, and is immediately adjacent to parcels zoned Gateway Business and Airport District. The existing use of the site is an office/production facility, per a site plan approved by the Planning Board in 1979.



Staff Recommendation:

The proposed rezoning is consistent with the zoning of the adjacent lots. Staff recommends that the Planning Board **RECOMMEND** to the Town Council that they approve rezoning Map 14 Lot 45A from the current zoning classification IND-II to Gateway Business.



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 61 Harvey Road
Tax map 14 Parcel 45A0

CURRENT ZONING: IND-II PROPOSED ZONING: GB

Owner's name (s) Karl R. Ritzinger Tel. No. 603-669-4472

Owner's address 61 Harvey Road, Londonderry, NH 03053
Owner's Email address karlritz@comcast.net

Applicant's name(s) Margaret & Daniel Gore, for Ovation Theatre Company, LLC
Tel. No. 603-682-3582

Applicant's address: 8 Lane Way
Londonderry, NH 03053

Applicant's Email address OvationTC@gmail.com

Representative's name: Suzanne Butler Tel. No. 603-389-2278

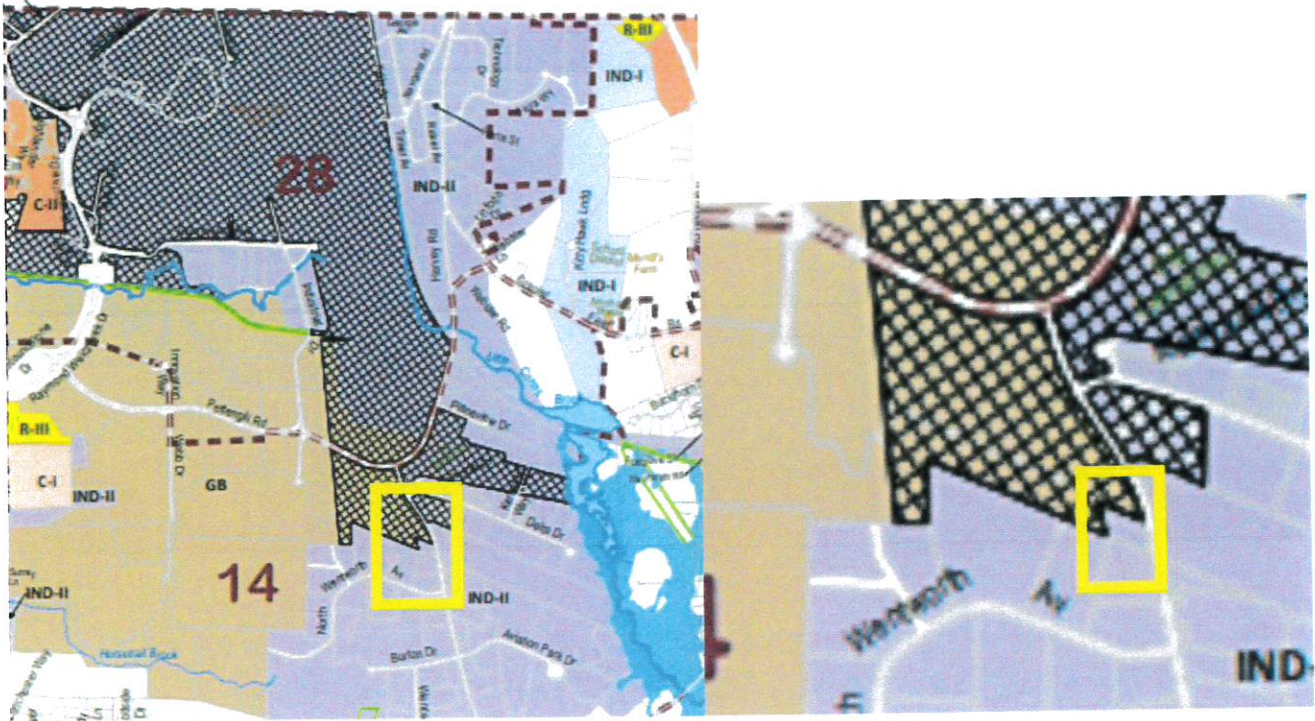
Representative's address: 5 High St., Bedford, NH 03110
Representative's Email address suzy@chhomgroup.com

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.

This parcel is currently grand-fathered in as IND-II, cut into the corner of, and bordered on two sides by the Gateway Business district (see maps below). Ovation Theatre Company, LLC is seeking to purchase this property for the purpose of establishing a home base for its various programs, with Phase I (simple change of use) to include rehearsals, classes, camps, plus construction and storage of sets, costumes and props.

Phase II would include a performance space and additional parking.

"Cultural Uses and Performing Arts" is not a permitted use in IND-II, but is permitted in GB and this fits well within the original vision for the Gateway Business District. Londonderry (and in fact the greater Londonderry/Derry area) does not have any other entity that currently provides these services.



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 Suzanne Butler to represent me as a representative/agent in the pursuance of this rezoning request.

see attached document

Owner's Signature

Applicant's Signature

10/17/2019

Dated

Total fee due (to be calculated by the Planning Department): \$ 112.00

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.

LIST OF ABUTTERS

The following is a list of all abutting property owners concerned in this appeal. An abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. The Planning Department can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT LIST OF ABUTTERS INCLUDING THE OWNER'S NAME AND MAILING ADDRESS FOR THIS LIST FROM THE ASSESSOR'S OFFICE.** When verifying the correct owner and mailing information, you are required to use the assessing information not the Patriot Properties' information or the property record card as those items may not be up to date. **You are ultimately responsible for your own list of abutters.** This information is necessary to properly notify all interested parties with certified notices. Failure to provide complete information on abutters will result in the application being returned and may delay the scheduling of your hearing.

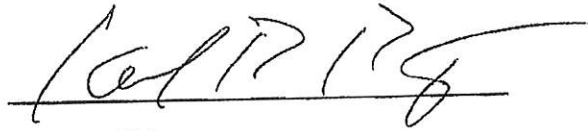
PARCEL ID NO.		OWNER'S NAME		MAILING ADDRESS			
Property	Site Address	Owner Name	Owner Address		Owner City	Owner State	Owner Zip
014 024 0	64 A&B HARVEY RD	UNITED STATES OF AMERICA	5231 SOUTH SCOTT PLAZA	c/o 99th Reg. Support Command, DPW Budget OFC	FORT DIX	NJ	08640-5000
014 025A 0	60 HARVEY RD	MANCHESTER CITY OF	1 AIRPORT RD, SUITE 300		MANCHESTER	NH	03103
014 044 23	8 NO WENTWORTH AV	J + L REALTY CORPORATION	8 NO WENTWORTH AV	c/o Hampshire Fire Protection	LONDONDERRY	NH	03053
014 044 8	57 HARVEY RD	57 HARVEY ROAD LLC	54 ECHO PLACE		WILLISON	VT	05495
014 045 1	12 PETTENGILL RD	MANCHESTER CITY OF	1 AIRPORT RD, SUITE 300		MANCHESTER	NH	03103
014 045 4	63 REAR HARVEY RD	STATE OF NEW HAMPSHIRE	P.O. BOX 483	Dept. of Transportation	CONCORD	NH	03302-0483

CONSENT

Karl R. Ritzinger, owner of 61 Harvey Road, Londonderry, NH, hereby authorizes Dan and Meg Gore to apply to the Town of Londonderry to rezone said property to Gateway Business Zone.

10/17/19

Date



Karl R. Ritzinger

NO.	DATE	REVISION

FUSS & O'NEILL
 ARCHITECTS & PLANNERS
 1000 MARKET STREET
 LONDON, NH 03053
 TEL: 603.533.1100
 FAX: 603.533.1101
 WWW.FUSS-ONEILL.COM

PLANS UNDER DESIGN
 THIS PLAN IS FOR INFORMATION ONLY
 ISSUED FOR INTERIM
 REVIEW ONLY. NOT
 FOR CONSTRUCTION

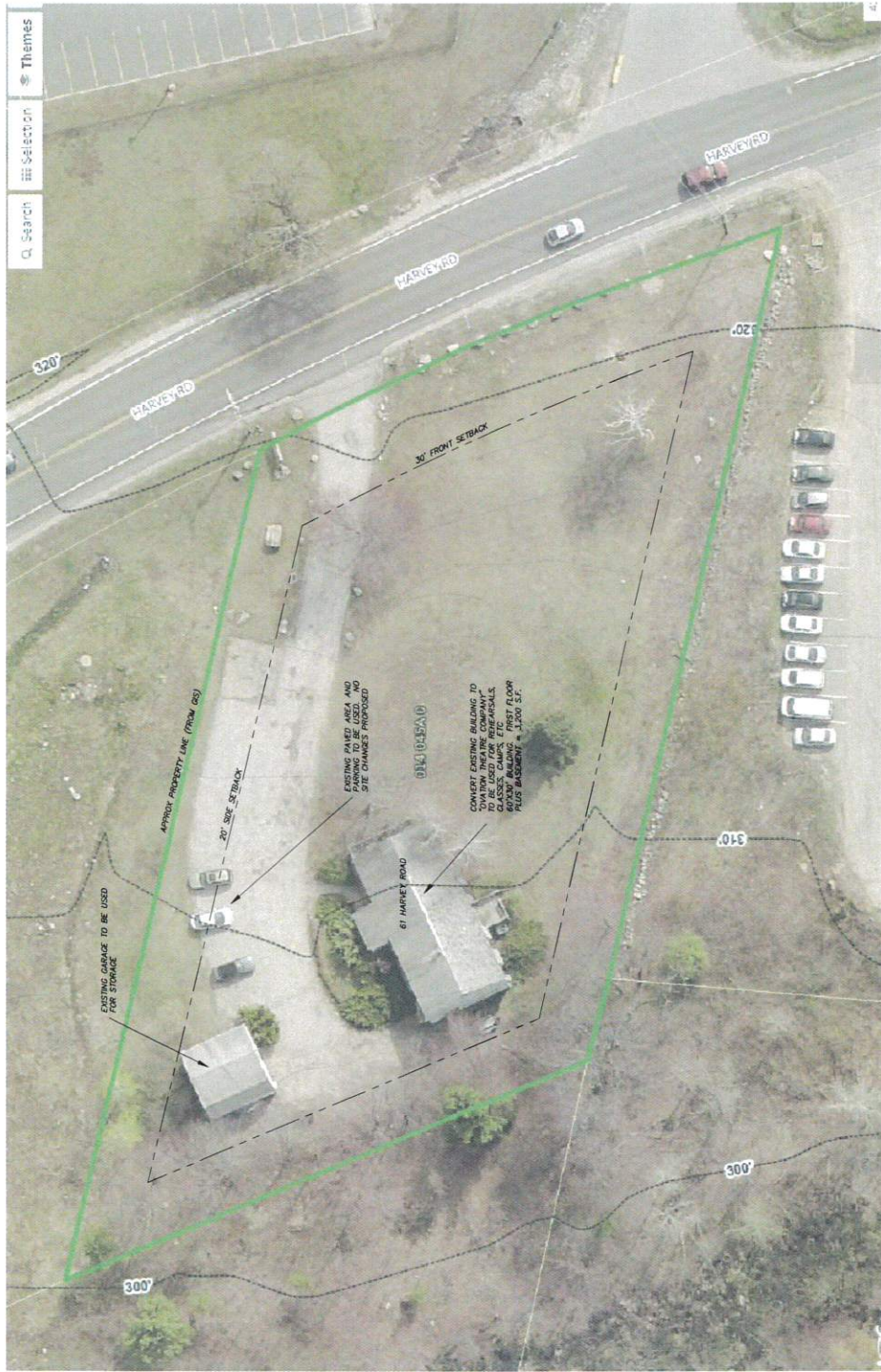
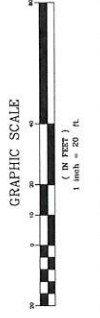
DAN & MEG CORE
 OVATION THEATRE COMPANY
 PO BOX 1224
 LONDONDERRY, NH 03053

OVATION THEATRE COMPANY
 61 HARVEY ROAD
 LONDONDERRY, NH
 CONCEPT PLAN
 CHANGE OF USE

JOB NO.	2019108.AND
SCALE	1" = 20'
DATE	OCT 2019
DWG.	C1

WORKSHEET NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW A CONCEPTUAL CHANGE OF USE TO CONVERT THE EXISTING BUILDING AT 61 HARVEY ROAD TO A RECREATION CENTER. THE EXISTING BUILDING AND PARKING ARE PLANNED TO REMAIN AS IS. THIS PLAN IS SIMPLY FOR THE CHANGE OF USE WITH NO SITE CHANGES.
2. NO SURVEY PERFORMED IN THE PREPARATION OF THIS CONCEPT PLAN. THE PROPERTY LINES FOR 61 HARVEY ROAD ARE ASSUMED TO BE CORRECT. AN ACTUAL SURVEY REQUIRED FOR DESIGN OF PHASE 2.
3. ZONING: INDUSTRIAL 2
 PERFORMING ARTS - NOT ALLOWED. VARIANCE OR ZONING CHANGE REQUIRED.
4. ASSUMING ZONING CHANGE TO OB IS APPROVED:
5. PERFORMING ARTS - ALLOWED
6. DIMENSIONAL REQUIREMENTS:
 6.1. FRONT SETBACK 30'
 6.2. SIDE SETBACK 20'
 6.3. MIN FRONTAGE - 150'
 6.4. MIN FRONTAGE - 150'
 6.5. BUILDING HEIGHT - 50' MAX
 6.6. GREEN SPACE - 15%
 6.7. GREEN SPACE - 15% SIDE, 20' FRONT
7. SEWER - CONNECTED TO SEWER EASEMENT TO THE WEST
8. WATER - 1/4" MAIN IN HARVEY ROAD. 3/4" SERVICE WITH 3/4" METER EXISTING
9. ERECTION - NONE. REQUIRED FOR FUTURE EXPANSION.
10. PARKING -
 10.1. 1,000 S.F. RECREATION (FIRST FLOOR) (4/1000 S.F.)
 10.2. 1,600 S.F. STORAGE (BASEMENT) (1/1500 S.F.)
 10.3. TOTAL PARKING REQUIRED = 2,600 S.F.
 10.4. TOTAL PARKING PROVIDED = 8,412 S.F. = 8 SPACES REQUIRED
 10.5. 1317 S.F. SPACES PROVIDED



WORKSHEET NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW A POTENTIAL CONCEPTUAL EXPANSION OF 61 HARVEY ROAD TO ORIGINALLY 320' FROM THE EXISTING BUILDING AND CONSTRUCTION OF AN APPROXIMATE 3,200 S.F. PERFORMING ARTS FACILITY.
2. NO SURVEY PERFORMED IN THE PREPARATION OF THIS CONCEPTUAL PLAN. THE PROPERTY OWNER SHALL COMMISSION AN ACTUAL SURVEY REQUIRED FOR DISCRETION OF PHASE 2 PERFORMING ARTS.
3. ZONING: INDUSTRIAL 2 PERFORMING ARTS - NOT ALLOWED. VARIANCE OR ZONING CHANGE REQUIRED.
4. ASSUMING ZONING CHANGE TO OR IS APPROVED:
5. PERFORMING ARTS - ALLOWED
6. DIMENSIONAL REQUIREMENTS:
 - 6.1. FRONT SETBACK - 20'
 - 6.2. MIN. LOT SIZE - 1 ACRE
 - 6.3. MIN. FRONTAGE - 150'
 - 6.4. MIN. FRONTAGE - 150'
 - 6.5. MIN. GREEN SPACE - 25%
 - 6.6. MIN. GREEN SPACE - 25%
 - 6.7. GREEN SPACE - 15' SIDE, 20' FRONT
7. MUST MEET TRANSPORTATION DEMAND MANAGEMENT/SUSTAINABLE SITE & BUILDING DESIGN UNLESS WAIVED.
8. SETBACKS CONNECTED TO EXISTING FACILITY TO THE STREET PASSIVE TRANSPORTATION DESIGN.
9. WATER - 16" MAIN IN HARVEY ROAD. NEW FIRE HYDRANT AND EXISTING BUILDING. POTENTIAL FIRE WALL IN LEAD OF SPRINKLING EXISTING BUILDING.
10. FIRE PROTECTION - LIKELY REQUIRED FOR BOTH NEW BUILDING AND EXISTING BUILDING.
11. PHASE 2 PARCELS:
 - 11.1. 1,000 S.F. STORAGE (FIRST FLOOR) (47,000 S.F.)
 - 11.2. 1,600 S.F. STORAGE (BASEMENT) (7,150 S.F.)
 - 11.3. ASSUME 148 SEATS. 148 SPACES REQUIRED.
 - 11.4. SPACES REQUIRED FOR 148 SEATS. 148 SPACES REQUIRED.
 - 11.5. SEATING ARRANGEMENT WHICH MAY REQUIRE SUBDIVISION OF ADJACENT PARCELS FOR REDUCTION IN NUMBER OF SEATS TO 118 REQUIRED TO MEET DEMAND.



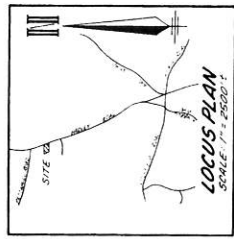
NO.	DATE	DRWING	DESIGNED	CHECKED	APPROVED

PLANS UNDER DESIGN
 DEVELOPMENT
 ISSUED FOR INTERIM
 REVIEW ONLY
 NOT FOR CONSTRUCTION

DAN & MEG CORE
 Ovation Theatre Company
 PO BOX 1224
 LONDONDERRY, NH 03053

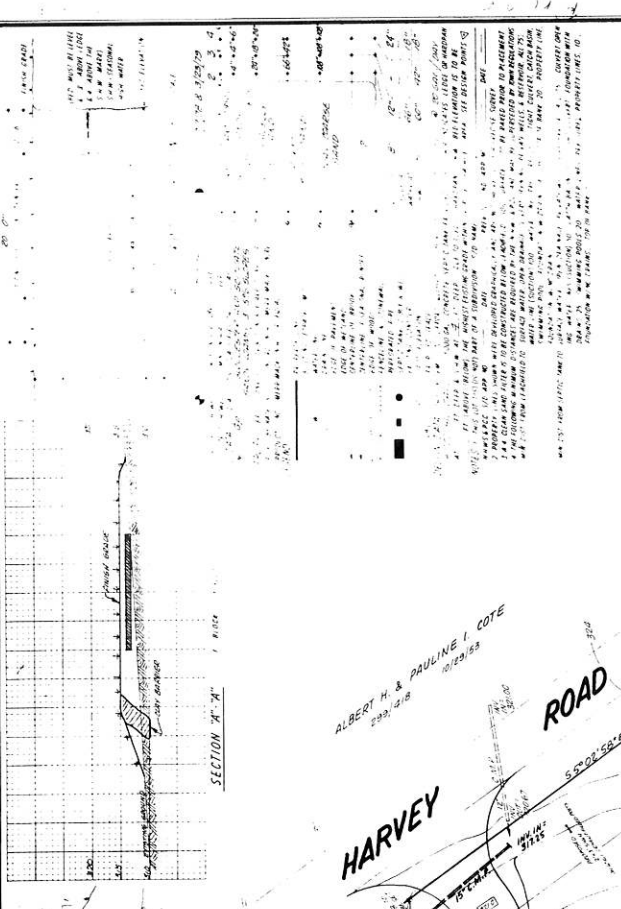
TAX MAP 14 LOT 45A
 61 HARVEY ROAD
 LONDONDERRY, NH
 CONCEPT PLAN
 FULL BUILDOUT
 JOB NO. PENDING
 SCALE: 1"=20'
 DATE: OCT 2019
 DWG: C2

14-45A



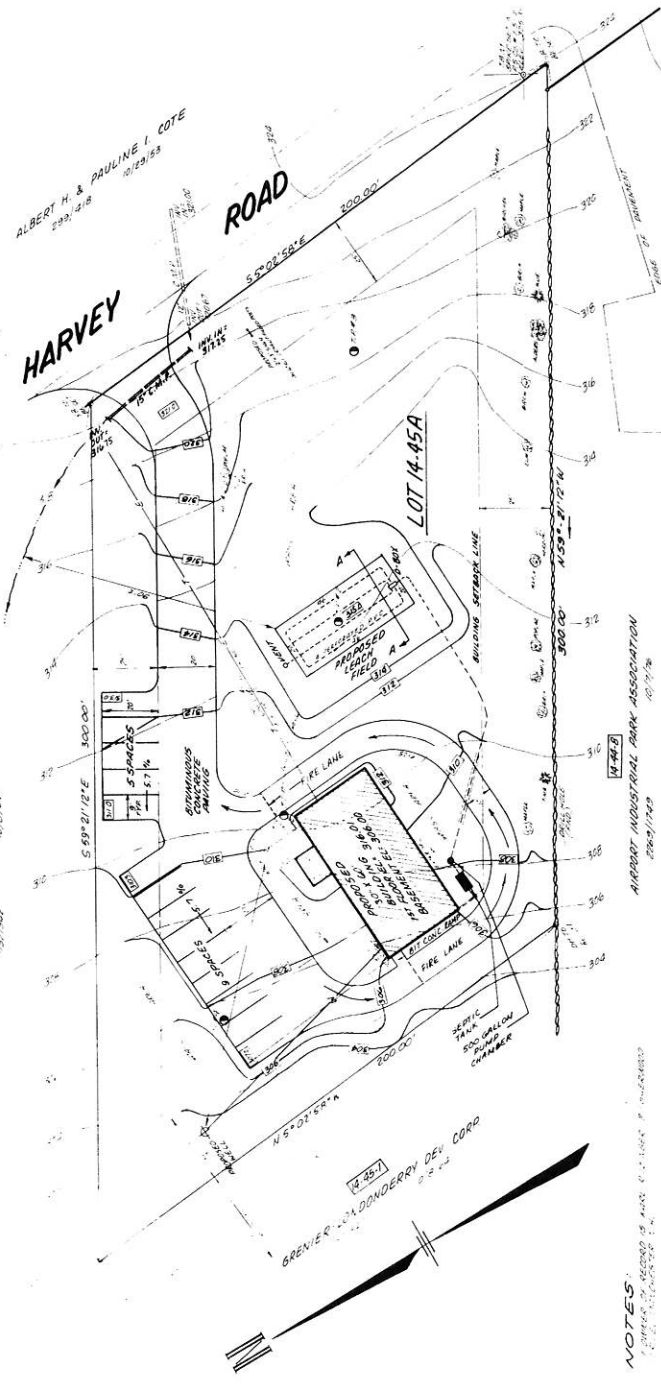
PROPOSED SITE PLAN
AND SEPTIC SYSTEM
FOR
PRODUCTION PROCESS
IN
LONDONDERRY, N. H.

SCALE 20' = 1" APRIL 19 1971
OWNER MARL RITINGER, 201 SHERWOOD DRIVE, AMHERSTER, N.H.
THOMAS F. MORAN INC. SURVEYORS AND PLANNERS
10 New Street, Bedford, N.H. 03305



TYPICAL SECTION OF PROPOSED SANITARY SYSTEM

SECTION A-A



APPROVED BY THE LONDONDERRY PLANNING BOARD ON 02/11/72
CHAIRMAN *Muriel Guenette*
SECRETARY *D. J. Guenette*

- NOTES:
1. ALL DISTANCES ARE AS SHOWN UNLESS OTHERWISE NOTED.
 2. ALL DISTANCES ARE AS SHOWN UNLESS OTHERWISE NOTED.
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 9. ALL DISTANCES ARE AS SHOWN UNLESS OTHERWISE NOTED.
 10. ALL DISTANCES ARE AS SHOWN UNLESS OTHERWISE NOTED.

PLOT PLAN

432 9. Outstanding third-party review fees, if any, shall be paid within 30 days of
433 conditional site plan approval.

434
435 10. Financial guarantee be provided to the satisfaction of the Department of Public
436 Works and Engineering.

437
438 11. Final engineering review.

439
440 **PLEASE NOTE** – If these conditions are not met within two (2) years of the
441 meeting at which the Planning Board grants approval, the Board’s approval will be
442 considered to have lapsed and re-submission of the application will be required. See
443 RSA 674:39 on vesting.

444
445 **GENERAL AND SUBSEQUENT CONDITIONS**

446
447 All of the conditions below are attached to this approval.

448
449 1. **No construction or site work for the subdivision may be undertaken until**
450 **a pre-construction meeting with Town staff has taken place, filing of an**
451 **NPDES – EPA Permit (if required), and posting of the appropriate financial**
452 **guaranty with the Town.** Contact the Department of Public Works to arrange the
453 pre-construction meeting.

454
455 2. The project must be built and executed as specified in the approved application
456 package unless modifications are approved by the Planning Department &
457 Department of Public Works, or, if Staff deems applicable, the Planning Board.

458
459 3. All of the documentation submitted in the application package by the applicant
460 and any requirements imposed by other agencies are part of this approval unless
461 otherwise updated, revised, clarified in some manner, or superseded in full or in
462 part. In the case of conflicting information between documents, the most recent
463 documentation and this notice herein shall generally be determining.

464
465 4. Prior to issuance of a certificate of occupancy, all site improvements and off-site
466 improvements, if any, shall be completed.

467
468 5. It is the responsibility of the applicant to obtain all other local, state, and federal
469 permits, licenses, and approvals which may be required as part of this project (that
470 were not received prior to certification of the plans). Contact the Building Division
471 at extension 115 regarding building permits.

472
473 D. Rezoning request to rezone 61 Harvey Road, Map 14 Lot 45A, Zoned IND-II
474 to Gateway Business (GB), Margaret & Daniel Gore, Ovation Theatre
475 Company, LLC (Applicant) and Karl R. Ritzinger (Owner)

476
477 T. Combes came back to the Board at this time. Chairman Rugg read the case into
478 the record. Dan Gore, 8 Lane Way, addressed the Board. D. Gore told the Board
479 that the company, Ovation Theatre Company, LLC, was created in January of this

480 year. He explained that they have been meeting with town staff for a year trying to
481 find land to build this business and it has been challenging. He said that the
482 business is best described under culture uses and performing arts and that it is
483 permitted in the Gateway District (GB). He pointed out that the parcel is currently
484 zoned IND-II, but they are requesting to rezone the parcel, as it is surrounded by
485 GB. Town Planner Mailloux informed the Board that the existing site is
486 manufacturing/production uses, which would be permitted in the GB. She
487 commented that the zoning is consistent with the adjacent properties and Staff
488 recommends the rezoning to the Town Council.
489

490 Chairman Rugg opened it up to the public and there was none.
491

492 **M. Soares made a motion recommend to the Town Council approval**
493 **of rezoning Map 14 Lot 45A from the current zoning classification**
494 **IND-III to Gateway Business.**
495

496 **A. Sypek seconded the motion.**
497

498 **The motion was granted 7-0-0. The Chair voted in the affirmative.**
499

500 **V. Other**

501 A. Conceptual Discussion of a proposed site plan for a performance space,
502 Map 14, Lot 45A, Margaret & Daniel Gore, Ovation Theatre Company, LLC
503 (Applicant) and Karl R. Ritzinger (Owner)
504

505 Chairman Rugg read the case into the record noting this was a conceptual
506 discussion only for an exchange of ideas. Dan Gore, 8 Lane Way, addressed the
507 Board. D. Gore informed the Board that he is presenting two different site plans to
508 the Board this evening. He explained that the first would be a change of use site
509 plan, as there are things that are different from the 1979 site plan on file. He
510 commented that Phase 1 is to use the existing structure for workshops, rehearsals,
511 camps, etc., just as the property is now. He added that Phase 2 would include a
512 performance facility, as there is not something like this in the town now. He told
513 the Board that typical theater is known as a black box, to seat about 120 to 150
514 people with the appropriate parking. He asked for feedback from the Board
515 regarding the presentation.
516

517 Chairman Rugg opened it up to questions from the Board. Town Planner Mailloux
518 said that the requirement for the parking would be one space per three seats, for
519 example if there were 120 seats that would require 40 parking spaces. She asked if
520 the Board would be flexible with the parking requirement, as parking would be
521 different for performance events versus rehearsals. She told the Board that the
522 airport is okay with the zoning change and has no concerns at the present time. D.
523 Gore said that they do not have a problem with encouraging carpooling to help with
524 the parking requirement, as well as having the airport as a potential for overflow
525 parking. R. Fillio commented that he is in favor of having overflow parking. A.

526 Sypek said he is okay with the overflow parking. He asked about height limitations
527 of the airport. D. Gore said they have talked to the airport and there is a permit
528 they would need to file. M. Soares asked if the applicant had talked with
529 Woodmont. D. Gore told her that Woodmont is interested in owning and/or leasing
530 the property for a high price. M. Soares said she is excited, but wished it could be
531 closer to the center of town. T. Combes asked about the leach field. Town Planner
532 Mailloux said the building has sewer and does not use the leach field anymore.

533 Tony DeFrancesco, One Cheshire Court, addressed the Board. T. DeFrancesco said
534 that he familiar with this profession and when these types of facilities have an
535 event, they do block parking. He asked if that was allowed in Londonderry. Town
536 Planner Mailloux said for site plan approval they need drive aisles to meet the
537 requirements, but functionally what they do at events, she believes the FD would
538 have a problem with it. D. Gore said they had considered another curb cut, but in
539 meeting with J. Trottier that did not seem to make sense. T. Combes said that the
540 brewery right down the road has too little parking. J. Trottier told him that they
541 would need to review the plan and check the parking requirements. Town Planner
542 Mailloux said that the plan has the required parking spots for the use, but on a busy
543 night there is not enough parking and now it is an enforcement issue. She said the
544 site should meet the parking requirements for the maximum use. D. Gore thanked
545 the Board for their input.

546

547 **VI. Adjournment**

548

549 **Member M. Soares made a motion to adjourn the meeting at**
550 **approximately 8:50 p.m. Seconded by A. Sypek.**

551

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

553

554 **The meeting adjourned at approximately 8:50 PM.**

555

556 These minutes were prepared by Beth Morrison.

557

558 Respectfully Submitted,

559

560 _____

561 Name: _____

562 Title: _____

563

564 These minutes were accepted and approved on December 4, 2019, by a motion made by
565 _____ and seconded by _____.

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

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
12/09/2019

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).**

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

ORDINANCE 2019-08
AN AMENDMENT TO LONDONDERRY ZONING
ORDINANCE, BUILDING CODE AMENDMENTS,
SECTION 9 REFLECTING THE ADOPTION OF THE 2015
EDITIONS OF THE INTERNATIONAL CODES

WHEREAS the New Hampshire State Legislature voted for House Bill 562 for the adoption of the 2015 editions of the international codes as promulgated by the New Hampshire State Building Code which was signed into law by the Governor on July 17, 2019 and became effective on September 15, 2019 ; and

WHEREAS the Londonderry Zoning Ordinance should be reflective of those changes; 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 Londonderry Zoning Ordinance, Building Code Amendments, Section 9 to be amended to reflect the adoption of the 2015 editions of the international codes as promulgated by the New Hampshire State Building Code. Said section 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
12/09/2019

Town Seal



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

MEMORANDUM

To: Colleen Mailloux, Town Planner
From: Richard G. Canuel, Chief Building Inspector/Zoning Administrator
Date: October 10, 2019
Subject: Proposed Zoning Amendment to update Adopted Code Editions

Language unchanged appears in Normal Text

Language omitted appears ~~Struck Through~~

New Language appears in ***Bold Red Italics*** (only those section paragraphs affected are included here)

*** There are no newly proposed amendments to the Londonderry Building Regulations. The purpose of this amendment is to update our local regulations to coincide with the adoption of the 2015 editions of the international codes as promulgated by the NH State Building Code.**

9.1 Building Code Amendments - Part I

The International Building Code 2009 **2015** Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions:

P. **Section ~~1809.7~~ 1809.5 Frost Protection:** Amend section item 1. as follows: 2. Extending below the frost line "for the Town of Londonderry of 48" below finished grade."

Q. **Section ~~1809.7~~ 1809.5 Frost Protection:** Amend section exception item 2. as follows: 2. Area of 400 square feet or less for] any accessory structure;

S. **International Plumbing Code 2009 2015 - Section 106.6.2 Fee Schedule:** The fees for plumbing work shall be "in accordance with the schedule as determined by the Londonderry Town Council."

T. **International Plumbing Code 2009 2015- Section 106.6.3 Fee refunds:** *Delete sub-section Item 2 and Item 3 entirely.*

U. **International Plumbing Code 2009 2015 - Section 602.3.3 Water Quality:** Insert at the end of the section paragraph, the following sentence: "A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, "standard analysis" as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants."

V. **International Mechanical Code 2009 2015 - Section 101.1 Title:** These regulations shall be known as the Mechanical Code of the "Town of Londonderry", hereinafter referred to as "this code"

W. **International Mechanical Code 2009 2015 - Section 106.5.2 Fee schedule:** The fees for mechanical work shall be "in accordance with the schedule as determined by the Londonderry Town Council."

X. **International Mechanical Code 2009 2015 – Section 106.5.3 Fee refunds:** Delete sub-section Item 2 and Item 3 entirely.

9.2 Building Code Amendments – Part II

The International Residential Code, 2009 2015 Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions.

M. **Section R113.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: by the provisions of RSA ~~674:15~~ **676:15** and RSA ~~674:17~~ **676:17.**”

N. **Section R114.2 Unlawful Continuance:** amend Section to read as follows: omit at the end of the paragraph “by law”, and insert the following: by the provisions of RSA ~~674:15~~ **676:15** and RSA ~~674:17~~ **676:15.**”

O. **Table R301.2(1) Climatic and Geographic Design Criteria:** Insert design criteria in the Table as follows: Ground Snow Load - “It has been determined by a site-specific study conducted by the Structural Engineers of NH that the ground snow load for Londonderry is 65 pounds per square foot.” ;Wind Speed - “~~90~~ **120** mph Exposure B” Seismic Design Category - “~~C~~” **“D”**; Weathering - “Severe”; Frost Depth - “48”; Termite - “Moderate”; Winter Design Temp - “-3F”; Ice Barrier Underlayment - “Yes”; Flood Hazard - “~~1980~~” **“2005”**; Air Freezing Index - “1500”; Mean Annual Temperature - “45”

Q. **International Plumbing Code 2009 2015 - Section 602.3.3 Water Quality:** insert at the end of the Section paragraph, the following sentence “A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, “standard analysis” as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants.”

X. **International Mechanical Code 2009 2015** – **Section 106.5.3 Fee refunds:** Delete sub-section Item 2 and Item 3 entirely.

9.2 Building Code Amendments – Part II

The International Residential Code, 2009 **2015** Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions.

M. **Section R113.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: by the provisions of RSA ~~674:15~~ **676:15** and RSA ~~674:17~~ **676:17.”**

N. **Section R114.2 Unlawful Continuance:** amend Section to read as follows: omit at the end of the paragraph “by law”, and insert the following: by the provisions of RSA ~~674:15~~ **676:15** and RSA ~~674:17~~ **676:15.”**

O. **Table R301.2(1) Climatic and Geographic Design Criteria:** Insert design criteria in the Table as follows: Ground Snow Load - “It has been determined by a site-specific study conducted by the Structural Engineers of NH that the ground snow load for Londonderry is 65 pounds per square foot.” ; Wind Speed - “~~90~~ **120** mph Exposure B” Seismic Design Category - “~~C~~ **D**”; Weathering - “Severe”; Frost Depth - “48”; Termite - “Moderate”; Winter Design Temp - “-3F”; Ice Barrier Underlayment - “Yes”; Flood Hazard - “~~1980~~ **2005**”; Air Freezing Index - “1500”; Mean Annual Temperature - “45”

Q. **International Plumbing Code 2009 2015** - Section 602.3.3 Water Quality: insert at the end of the Section paragraph, the following sentence “A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, “standard analysis” as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants.”

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 2019-10

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.

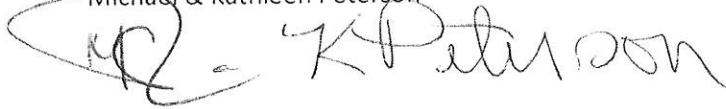
We would like to request discontinuance of the right-of-way and transfer of the underlying land to the abutting properties.

Thank you,

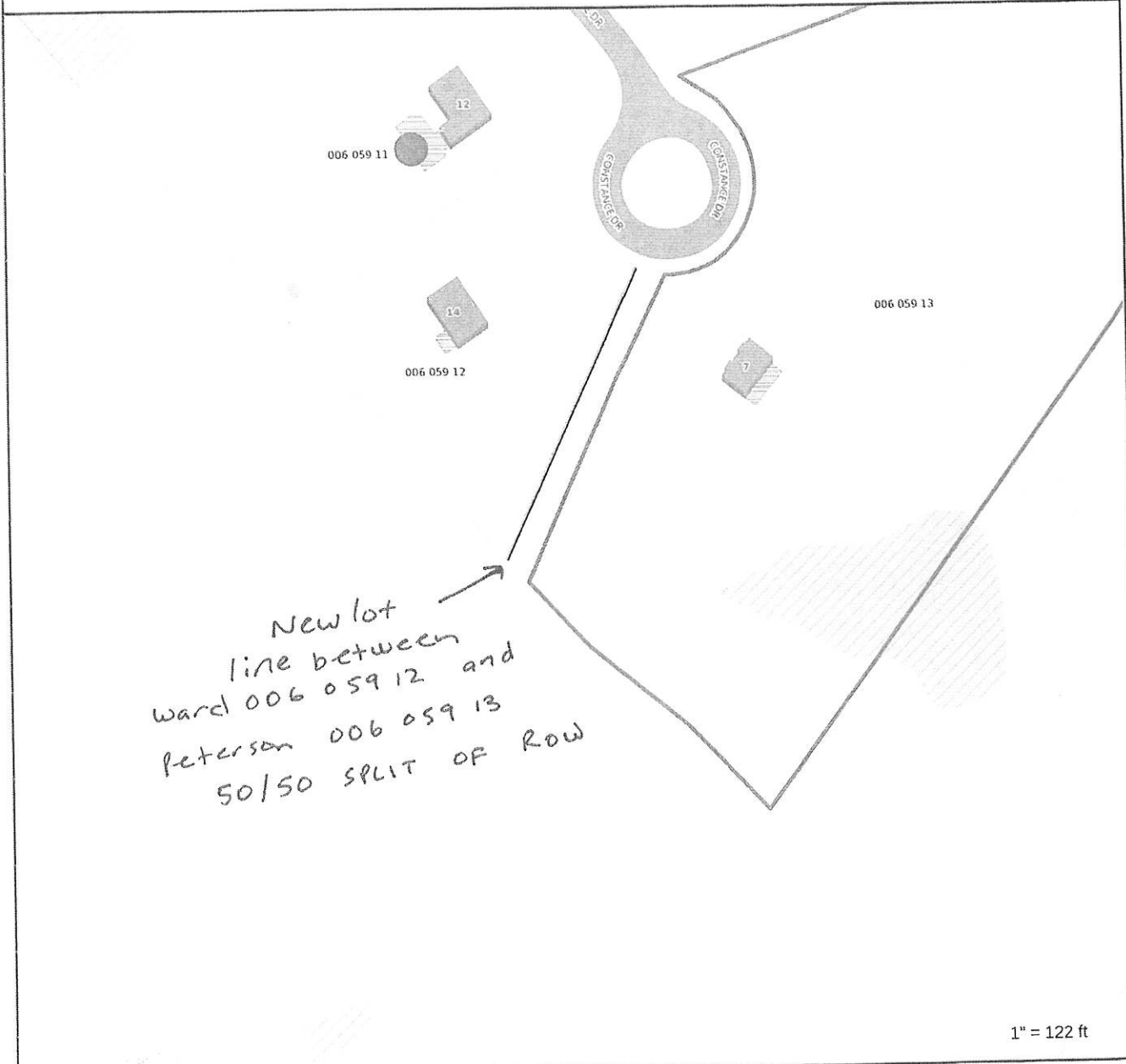
Joseph & Rebekah Ward

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

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.

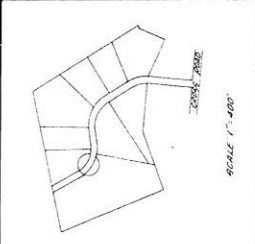
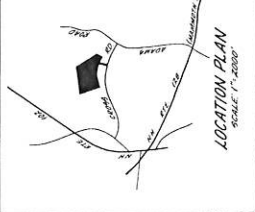
Geometry updated 05/11/2018
 Data updated 06/05/2018

6-59-1 & 6-59-2 THROUGH 14

REVISIONS:

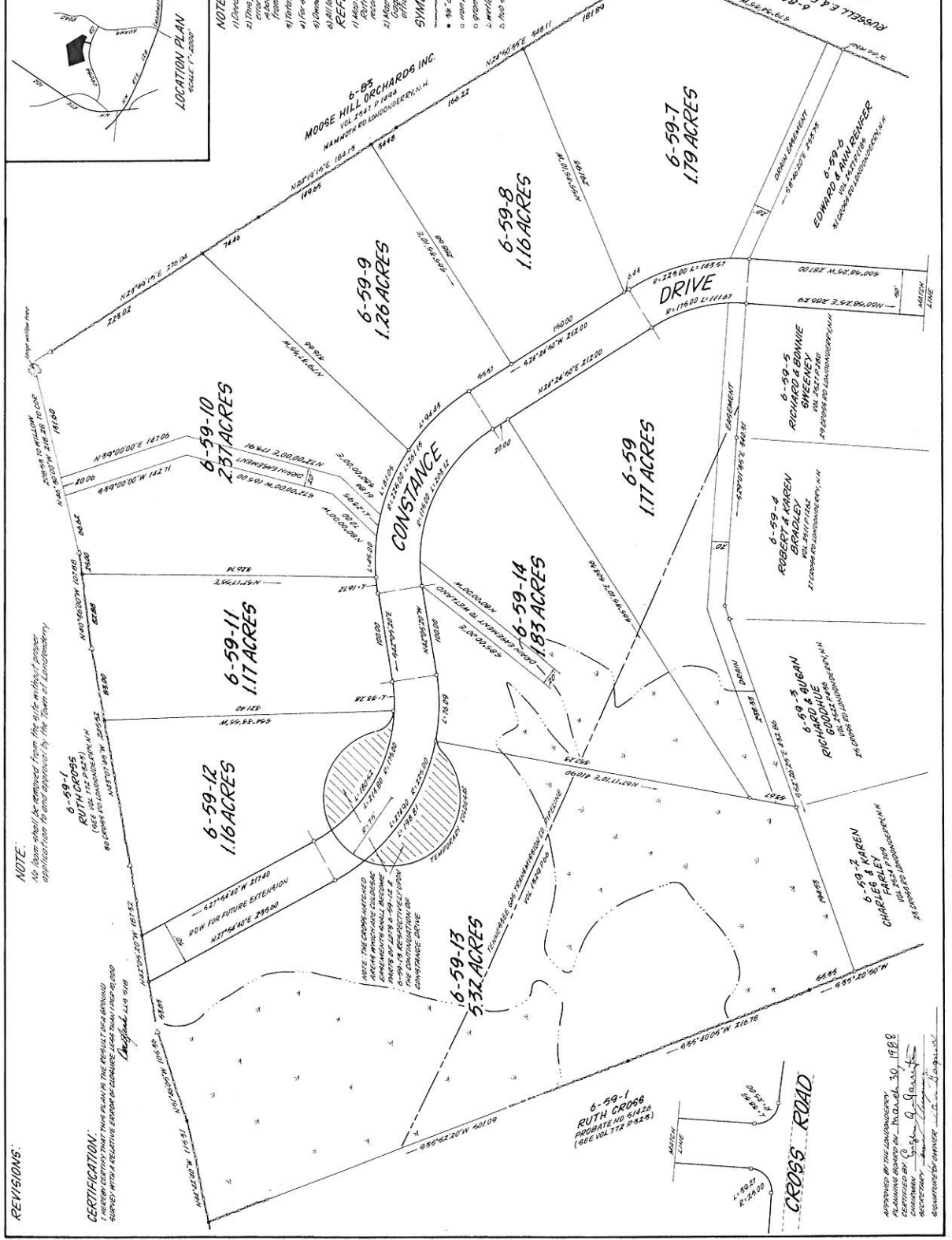
NOTE:
No team shall be removed from this site without proper application to and approval by the Town of Londonderry.

CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF A SURVEY MADE WITH A RELATIVE ERROR OF SURVEY LESS THAN THAT PERMITTED BY THE SURVEYING ACT OF 1965.



NOTES:

- 1) Check reference to sheet of vol. 2000 p. 1041.
 - 2) This plan is the result of a field survey with a relative error of survey less than that permitted by the Surveying Act of 1965.
 - 3) The location of the subject property and the location of the other properties shown on this plan are based on the original survey.
 - 4) The site is shown in the shaded area.
 - 5) The owner of record is Jean M. Gagnon, Member of the Londonderry, N.H. Planning Board.
- REFERENCE PLANS:
- 1) Map of record in Jean M. Gagnon, Member of the Londonderry, N.H. Planning Board.
 - 2) Map of record in Ruth Cross, Probate No. 51428 (See Vol. 772 P. 525).
 - 3) Map of record in Robert F. Karen, Bradfield, Prob. No. 75172-282.
 - 4) Map of record in Richard & Bonnie Sweeney, Prob. No. 75172-282.
 - 5) Map of record in Robert F. Karen, Bradfield, Prob. No. 75172-282.
 - 6) Map of record in Richard & Bonnie Sweeney, Prob. No. 75172-282.
- SYMBOLS:
- 1. Indication of well.
 - 2. 1/2" dia. drill hole set.
 - 3. 3/4" dia. pipe to be set.
 - 4. granite bound to be set.
 - 5. wetlands.
 - 6. flag set.



6-59-1
RUTH CROSS
PROBATE NO 51428
(SEE VOL 772 P 525)

CROSS ROAD

APPROVED BY THE LONDONDERRY PLANNING BOARD ON MARCH 30 1988
CERTIFIED BY: *[Signature]*
SECRETARY: *[Signature]*
REGISTERED SURVEYOR: *[Signature]*

MAP 6 PARCEL 59
SUBDIVISION PLAN
PREPARED BY
JEAN M GAGNON
LONDONDERRY, N.H.
JAN 28, 1986
SCALE 1" = 50'

PREPARED BY: DONALD G. JAMES, C.S.
80 FRENCH RD LONDONDERRY, N.H.
JN 452 FB 121

HB signed 3/30/88

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, *Mammoth 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 235.60' to a 1/2" diameter rebar set in the centerline of a stonewall;

Thence north 42°-5'-20" 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;

ROCKINGHAM COUNTY
REGISTRY OF DEEDS
70034815
JUL 23 9 20 AM '97

B3227 P1450

Thence along the arc of a curve to the left 213.80' (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 38.33' (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 LLS., 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.

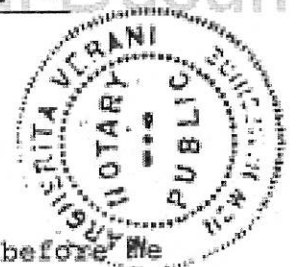
Unofficial Document Unofficial Document

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.

Margherita Verani
Notary Public
9-27-1994

Unofficial Document Unofficial Document

Unofficial Document Unofficial Document

Unofficial Document Unofficial Document

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.

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

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

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T. Combes seconded the motion.

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

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IV. New Plans/Public Hearings

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- A. 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 of approximately 11,000 square feet, adjacent to 7 Constance Drive and 14 Constance Drive

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

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

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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.**

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

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

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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

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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



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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.

ORDER #2019-26

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 11/25/2019

Adopted: 11/25/2019

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 \$3,475.00 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 \$3,475.00, 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:

11/25/2019

Expendable Maintenance Trust TC Order Request
for Town Council Meeting *11/25/19*

Description	Vendor	Amount
<u>Ice Machine - North Fire Station</u>	Ice Machines - 11192019	\$ 3,475.00
We currently have a 15+ year old ice machine at North Fire Station that keeps failing and is now beyond repair. This ice machine services not only the LFD for emergencies & training, it also is used by LPD, Town Hall and other town sponsored events. This EMTF/PO request is to purchase and install by employees a new Manitowoc 30" air cooled 310 lbs. ice machine w/storage bin. The warranty expired 12+ years ago on the original ice machine.		\$ 3,475.00
<i>Total Town Council EMTF Order</i>		\$ 3,475.00