



# LONDONDERRY TOWN COUNCIL AGENDA

SEPTEMBER 11, 2023 • 7:00 p.m. • MOOSE HILL COUNCIL CHAMBERS

John Farrell • Chair  
Chad Franz • Vice Chair  
Jim Butler • Councilor  
Ted Combes • Councilor  
Ron Dunn • Councilor

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Michael Malaguti • Town Manager  
Kellie Caron • Assistant Town Manager | Director of Economic Development  
Justin Campo • Finance Director

## A. CALL TO ORDER

## B. PUBLIC COMMENT

## C. PUBLIC HEARINGS

1. **Ordinance #2023-03** - An Ordinance Relative to the Rezoning of 556 Mammoth Road Map 15, Lot 236  
*(Kellie Caron, Assistant Town Manager & Economic Development Director)*

## D. NEW BUSINESS

1. **Confirmation of Human Resources Director**  
*(Michael Malaguti, Town Manager)*
2. **Confirmation of Fire Chief**  
*(Michael Malaguti, Town Manager)*
3. **Order #2023-12** – An Order Relative to the Expenditure of Reclamation Trust Funds  
*(Justin Campo, Finance Director)*
4. **Exit 4A Update**  
*(Wendy Johnson & Jay Levine, Department of Transportation)*

**5. Utilities Committee Recommendation on Twin States Energy Project**  
*(Lynn Wiles, Chair, Utilities Committee)*

**6. Disbanding of the Solid Waste Committee & Reassignment of Beautify Londonderry**  
*(Michael Malaguti, Town Manager)*

**E. OLD BUSINESS**

**F. APPROVAL OF MINUTES**

1. July 10, 2023 Town Council Minutes (amended)
2. August 14, 2023 Town Council Minutes

**G. APPOINTMENTS/REAPPOINTMENTS**

1. Budget Committee Interviews (4 additional applicants for 2 positions)

**H. OTHER BUSINESS**

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

**I. ADJOURNMENT**

**J. MEETING SCHEDULE**

1. September 25, 2023; Moose Hill Council Chambers; 7:00 p.m.
2. October 9, 2023; Moose Hill Council Chambers; 7:00 p.m.
3. October 23, 2023; Moose Hill Council Chambers; 7:00 p.m.

First Reading: 7/10/2023  
Second Reading/Public Hearing: 9/11/2023  
Adopted: 9/11/2023

**ORDINANCE #2023-03**  
***AN AMENDMENT TO THE ZONING ORDINANCE***  
***RELATIVE TO REZONING MAP 15, LOT 236***

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- WHEREAS*** the existing parcel, Map 15, Lot 236, 556 Mammoth Road is zoned Agricultural-Residential (AR-1);
- WHEREAS*** the Planning Board has received a request to rezone the above-referenced parcel to Commercial II (C-II); and
- WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon the request; and
- WHEREAS*** the requested rezoning is consistent with the purpose and intent of the Londonderry Master Plan and the Londonderry Zoning Ordinance;

*NOW THEREFORE BE IT ORDAINED* by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 15, Lot 236 to Commercial II, to become effective upon passage by the Town Council.

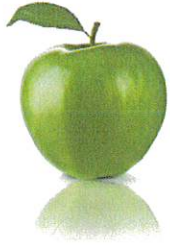
\_\_\_\_\_  
John Farrell - Chairman  
Town Council

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

(TOWN SEAL)

A TRUE COPY ATTEST:  
09/11/23

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

268B Mammoth Road  
Londonderry, NH 03053  
Phone 603.432.1100 x 129  
[www.londonderrynh.org](http://www.londonderrynh.org)

**To:** Town Council  
**From:** Kellie Caron, Assistant Town Manager | Director of Economic Development  
**CC:** Michael Malaguti, Town Manager  
**Date:** September 11, 2023  
**Re:** Rezoning Recommendation from Planning Board

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On June 7, 2023, the Planning Board held a public hearing on a request to rezone 556 Mammoth Road, Map 15 Lot 236, from AR-1 (Agricultural-Residential) to Commercial II (C-II).

Attached to this memorandum are the initial rezoning request, the Staff Memorandum to the Planning Board summarizing the request, the Planning Board Notice of Decision and minutes of the June 7, 2023 Planning Board meeting.

Planning Board member A. Sypek made a motion to recommend the Town Council approval of the rezoning request to rezone 556 Mammoth Road, Map 15 Lot 236, Page Rock, LLC (Owners) and Winer & Bennett, LLC (Applicant) from AR-1 (Agricultural-Residential) to Commercial II (C-II).

The motion was approved by a vote of 5-1-1, with A. Chiampa voting against and T. Combes abstaining to reserve his vote as a member of Town Council. The Chair voted in the affirmative.





TOWN OF LONDONDERRY

**LONDONDERRY PLANNING BOARD & TOWN COUNCIL**

2688 Mammoth Road Londonderry, NH 03053 Phone: 432-1100, ext.134 Fax: 432-1128

**APPLICATION FOR REZONING REQUEST**

**LOCATION OF PROPERTY:**

Street address es 556 Mammoth Road

Tax map 15 Parcel 236

**CURRENT ZONING:** AR-I

**PROPOSED ZONING:** C-II

Owner's name (s) Page Rock, LLC Tel. No. \_\_\_\_\_

Owner's address 160 Bouchard Street  
Manchester, NH 03103

Owner's Email address mdion@metrowalls.net

Applicant's name(s) Page Rock, LLC Tel. No. \_\_\_\_\_

Applicant's address 160 Bouchard Street  
Manchester, NH 03103

Applicant's Email address mdion@metrowalls.net

Representative's name J. Bradford Westgate, Esquire Tel. No. 603-882-5157

Representative's address Winer and Bennett, LLP  
111 Concord Street, Nashua, NH 03064

Representative's Email address jbwestgate@winerbennett.com

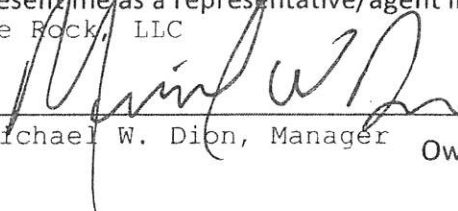
Please explain the purpose for your rezoning request including how the proposed zoning fits in with the neighboring properties and can be justified on the bases of the health, safety and general welfare of the community. Also, please provide an explanation as to how the request is in accordance with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

See attached.

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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 J. Bradford Westgate, Esq. and Paul Chisholm, P.E. to represent me as a representative/agent in the pursuance of this rezoning request.  
Page Rock, LLC

By:   
Michael W. Dion, Manager Owner's Signature

Owner's Signature  
Page Rock, LLC  
By:   
Michael W. Dion, Manager Applicant's Signature

\_\_\_\_\_  
Applicant's Signature  
  
\_\_\_\_\_  
May 1<sup>st</sup>, 2023  
Dated  
  
Total fee due (to be calculated by the Planning Department): \$ \_\_\_\_\_

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

## 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
<u>015-215-1</u>	<u>Cider Mill Healthcare Realty</u>	<u>920 Ridgebrook Road, Sparks, MD 21152</u>
<u>015-230-0</u>	<u>Timothy D. &amp; Christine Oneil</u>	<u>550 Mammoth Road, Londonderry, NH 03053</u>
<u>015-231-0</u>	<u>Stephen &amp; Renee Kelly</u>	<u>552 Mammoth Road, Londonderry, NH 03053</u>
<u>015-232-0</u>	<u>Kayleen M. Stowell Revocable Trust</u>	<u>395 Mammoth Road, Londonderry, NH 03053-2319</u>
<u>015-233-0</u>	<u>William O. Merrill Revocable Trust</u>	<u>569 Mammoth Road, Londonderry, NH 03053</u>
<u>015-234-0</u>	<u>Evans Family LTD Partnership</u>	<u>20 Auburn Road, Londonderry, NH 03053</u>
<u>015-235-0</u>	<u>Page Rock, LLC</u>	<u>49 Hancock Street, Manchester, NH 03101</u>
<u>015-236-0</u>	<u>Page Rock, LLC William &amp; Reeves</u>	<u>PO Box 1675, Hollis, NH 03049</u>
<u>015-238-0</u>	<u>Holton, LLC</u>	<u>30 Sonar Drive, Woburn, MA 01801</u>
<u>015-239-0</u>	<u>Holton, LLC</u>	<u>30 Sonar Drive, Woburn, MA 01801</u>
<u>015-240-0</u>	<u>Leonel O. Dusombre</u>	<u>561 Mammoth Road, Londonderry, NH 03053</u>
<u>015-241-0</u>	<u>OR Equal, LLC</u>	<u>1 Industrial Park Drive, Unit 16, Pelham, NH 03076</u>
<u>015-242-0</u>	<u>Kimberlee I. Hunt</u>	<u>557 Mammoth Road, Londonderry, NH 03053-2118</u>
<u>015-243-0</u>	<u>Brian W. &amp; Michelle L. Mead</u>	<u>555 Mammoth Road, Londonderry, NH 03053</u>
<u>017-024-0</u>	<u>Remi Fortin Realty Company, LLC</u>	<u>572 Mammoth Road, Londonderry, NH 03053-2117</u>
<u>017-025-0</u>	<u>Page Rock, LLC</u>	<u>49 Hanover Street, Manchester, NH 03101</u>
<u>017-027-0</u>	<u>Charles H. Evans</u>	<u>22 Goonan Road, Hooksett, NH 03106</u>
<u>017-045-0</u>	<u>Evans Family, LLC</u>	<u>20 Auburn Road, Londonderry, NH 03053</u>
<u>017-007-1</u>	<u>Laurent P. &amp; Betty Fortin</u>	<u>570 Mammoth Road, Londonderry, NH 03053-2117</u>
<u>017-007-0</u>	<u>Remi Fortin Realty Company, LLC</u>	<u>572 Mammoth Road, Londonderry, NH 03053-2117</u>
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## Application for Rezoning Request

Page Rock, LLC

(Tax Map 15, 236)

### Attachment to Application

#### Background

This Application for Rezoning Request is filed by Page Rock, LLC, a New Hampshire limited liability company. Page Rock, LLC is the owner of properties at 3 Page Road (Map 15, Lot 235 (“Lot 235”)), 556 Mammoth Road (Map 15, Lot 236 (“Lot 236”)) and 295 Rockingham Road (Map 17, Lot 25 (“Lot 25”)).

Lot 235 and Lot 25 are currently located in the Commercial II (C-II) District while Lot 236 (the small lot) is currently located in the Agricultural-Residential (AR-I) District. Page Rock, LLC is requesting that Lot 236 be rezoned to the Multi-Family Residential (R-III) District. This would result in all 3 parcels being consistently zoned (all in the C-II District).

295 Rockingham Road (Lot 25) and 556 Mammoth Road (Lot 236) are vacant parcels. Lot 25 contains approximately 7.901 acres and has frontage on both Rockingham Road (Route 28) and Page Road. Lot 236 contains approximately 0.341 acres with frontage on Mammoth Road. 3 Page Road (Lot 235) contains approximately 2.857 acres with a single-family residence and related improvements. Lot 235 has frontage on Page Road.

Lot 235, Lot 25, Lot 236 and Lot 238 are collectively referred to as the “Lots”.

The Lots are serviceable by municipal water and sewer.

In June of 2022, Page Rock, LLC filed an application to rezone all of the Lots to the R-III District. On August 2, 2022, the Planning Board held a public hearing on Page Rock, LLC’s re-zoning application for the 3 Lots, at which the Planning Board voted to favorably recommend the re-zoning application to the Town Council. At the Planning Board public hearing on August 2, 2022, Planning Board members raised the possibility of rendering the Lots all in the C-II District, as opposed to a re-zoning to the R-III District. This, of course, will be an alternative manner to maintain consistent zoning.

At the time, Page Rock, LLC envisioned that its proposed project would have an appropriate setting in the R-III District, but also, at the time, Page Rock, LLC was in initial negotiations to possibly acquire some adjacent property which would lend itself to the R-III District as perhaps being the better alternative. The negotiations to acquire adjacent land terminated, without an agreement in place; resulting in Page Rock, LLC re-evaluating the best approach to create consistent zoning for all 3 Lots. Since Page Rock, LLC’s objective is to develop a multi-family residential community on the combined Lots, and given that multi-family residential communities are permitted under the Zoning Ordinance in the C-II District by way of ~~conditional use permit, that, coupled with the other dimensional and permitting requirements for a~~ multi-family residential community in the C-II District lead Page Rock, LLC to seek a more

modest re-zoning, simply converting Lot 236 (only .341 acres in size) to be zoned similarly as the other 2 lots (Lot 25 and Lot 235). This is the most modest approach to re-zoning that yields a result which, if appropriate applications and permits are granted, supports a multi-family residential community.

### **Current Zoning and Neighborhood Characteristics**

The Lots are located on the northwesterly side of Page Road, between Rockingham Road and Mammoth Road, on the north edge of the North Village area. As depicted on the Zoning Map, this immediate area, and in the area in the general vicinity of the Mammoth Road, Page Road and Rockingham Road intersections is home to a number of different zoning districts in close proximity. As noted, Lot 235 and Lot 25 are located in the C-II District. Lot 236 (the small lot) is located in the AR-I District.

On the immediate east side of Rockingham Road, opposite 295 Rockingham Road (Lot 25) are other parcels in the C-II District. To the south of Page Road (opposite 3 Page Road (Lot 235) and 295 Rockingham Road (Lot 25)), are properties located in the AR-I District, as are 556 Mammoth Road (Lot 236) and 560 Mammoth Road (Lot 238). Diagonally across the intersection of Page Road and Mammoth Road are a few properties located in the R-I District, with larger acreage being located in the C-I District. Finally, to the southwest of the intersection of Page Road and Rockingham Road is the large acreage located in the Industrial-I (IND-I) District, while immediately to the north and west of the Lots there is acreage located in the Industrial-II (IND-II) District.

Thus, including the Lots and within close proximity to the Lots, are parcels of land located in five different zoning districts. This is not surprising given the patterns of land use in this part of Londonderry.

The neighboring properties to the Lots vary in use, just as the zoning districts vary. 560 Mammoth Road is the primary abutter to the Lots. It is a two-family home on approximately 1.25 acres. The property at 562 Mammoth Road (Map 15, Lot 239) (to the northwest) houses a light industrial facility. On the westerly side of Mammoth Road, and in part opposite 560 Mammoth Road, is Merrill's Farms, an apple orchard.

### **Zoning Districts – District Objectives and Permitted Uses**

#### **I. AR-I District.**

Section 4.2.1.1 of the Zoning Ordinance notes that the AR-I District is designed to permit uses compatible with and protective of certain areas that have been and are being developed for agricultural and forestry uses, water quality preservation, residential use and public use. Table 4-1 of the Zoning Ordinance allows a variety of residential uses, some by conditional use permit (including multi-family workforce housing), as well as a limited number of other uses, but with a fundamental focus on agricultural and residential uses.

## **II. C-II District.**

The C-II District (in which is located the majority of the acreage of the Lots), encourages certain objectives. Section 4.3.1.A of the Zoning Ordinance identifies the five commercial sub-districts and indicates that they are designed for commercial development including, but not limited to retail businesses, service oriented businesses and other uses. Table 4-1 of the Zoning Ordinance allows a variety of commercial uses in the C-II District but also permits certain residential uses, including multi-family dwellings, by conditional use permit.

### **Effect of Rezoning**

The Lots total just over 11 acres. Most of that acreage is already zoned C-II. The effect of the proposed re-zoning would simply be to render Lot 236 (0.341 acres) also zoned C-II, thus making all 3 of the Lots consistently zoned. Although multi-family dwellings are permitted (by conditional use permit) in the C-II District, and permitted by right in the R-III District, they are not permitted at all in the AR-I District. To “square off” all 3 of the Lots for the same (uniform) use, without the need of a use variance, it is necessary to rezone Lot 236 (0.341 acres) from the AR-I District to the C-II District. This rezoning of Lot 236 would permit compatibility of use in all three (3) of the Lots, all of which are contiguous and surrounded by three major roadways (as a group). Rezoning Lot 236 from the AR-I District to the C-II District would permit a continuity in development and use, rather than a fragmentation of uses only permitted in one district, but not in another.

### **Opportunity for Transitional Use**

As pointed out in its 2022 re-zoning application, given the mixture of zoning districts in this immediate area and the nature of the different uses in this immediate area, as detailed above, consistent zoning of all three (3) permits appropriate transitional development between the AR-I parcels (lying south of Page Road and south of Grenier Field Road), to the commercially zoned north and west of the Lots, and to the industrial and commercial zoning districts easterly of Rockingham Road, westerly of Rockingham Road and in the general proximity of Mammoth Road. Of course, multi-family use is not permitted by right in the C-II District, but is permitted by conditional use permit and, if the Planning Board subsequently finds it appropriate to approve a conditional use permit (and grant site plan approval), re-zoning Lot 236 to the C-II District sets the platform for uniform development on the 3 Lots, establishment of a classic, transitional use (multi-family dwellings) in an area in which transitional uses are appropriate, given the very nature of the nearby uses and number of zoning districts in close proximity.

In short, the proposed re-zoning fits the neighboring properties and promotes the health, safety and general welfare of the community by permitting the transitional uses contemplated and otherwise for the reasons detailed above.

### **Master Plan**

In its 2022 re-zoning application, Page Roc, LLC pointed out that the then proposed re-zoning would be consistent with the Town's Master Plan. ~~That is still the case with the simple re-zoning of Lot 236 to the C-II District, because a variety of provisions in the Master Plan support~~



such a re-zoning for, among other reasons, its allowance of uniformity on all 3 Lots that form the platform for the development of multi-family dwellings. Please note the following provisions or objectives of the Master Plan.

1. The Master Plan notes that Londonderry's population is disproportionately comprised of seniors and elder citizens, with gaps in the population between ages 20 to 34. See page 7 of the Master Plan. A broadening of the population base is dependent on a broader variety of housing alternatives.

2. The Master Plan also strongly emphasizes a greater range of housing choices. The top of page 25 of the Master Plan notes that the Town should provide "a greater range of housing choices to enable a diversity of people at all stages of life to enjoy Londonderry, including young adults, families, retirees, seniors, and people of different income levels. Housing opportunities should include small cottages, dignified multi-family housing and live-work units, in addition to single family homes." In addition, the Master Plan further emphasizes the goal of demographic diversity of people coupled with the variety of dwelling types to be included to effect that goal. This variety of housing types includes single-family homes, row houses, multi-family condominium buildings and live-work buildings. See page 130 of the Master Plan.

3. As noted on page 36 of the Master Plan, in 2008 Londonderry adopted an inclusionary housing amendment to the Zoning Ordinance to target workforce housing, citing a definitive need for workforce housing in Londonderry.

4. After a detailed analysis of potential development alternatives, the Master Plan concludes that a so-called Villages & Corridors growth alternative was preferred. Rezoning to encourage multi-family housing is more aligned with this approach, than a continuation of the previous trends of development, which focuses more on tract, single-family housing.

5. New housing tends to have greater energy efficiency and environmental compatibility. These concepts were also emphasized in the Master Plan.

6. The Master Plan also encouraged mixed uses, commercial, residential, recreational and civic opportunities. See page 122 of the Master Plan. The Master Plan also noted the rationale for having transitions in land use. See page 125 of the Master Plan. Making the 3 Lots uniformly zoned C-II supports transitional use possibilities.

7. The Master Plan also focused on certain particular sections of Town, including the so-called North Village. The three (3) Lots are located just past the northerly edge of the North Village. The goals of the Master Plan include neighborhood expansion of the North Village, a so-called artisan infill area and better utilization of the nearby rail trail.

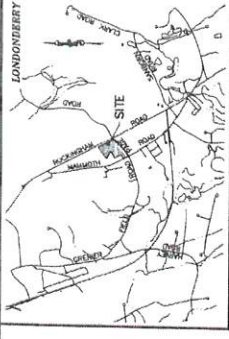
8. Among the so-called town-wide recommendations at the end of the Master Plan are new standards in the Zoning Ordinance to promote neighborhood diversity and greater housing choice.

It is apparent that the Master Plan emphasizes greater choice in housing opportunities and promotion of mixed use areas. ~~Rezoning Lot 236 to the C-II District, and rendering all 3 Lots similarly zoned (C-II), is consistent with these objectives. Since multi-family dwellings are~~

allowed by conditional use permit in the C-II District, such rezoning would open the door for the transitional use referenced above and permit compatibility of the development of the three (3) Lots, rather than fragmented development by those three (3) Lots remaining in two different zoning districts.

### **Conclusion**

For the reasons stated it is respectfully requested that 556 Mammoth Road (Lot 236) be rezoned from the AR-I District to the C-II District.



VICINITY MAP  
SCALE: 1" = 2,500'

**NOTES:**

1. THIS PLAN IS A PRELIMINARY CONCEPTUAL PLAN FOR THE PROPOSED DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AGENCIES.
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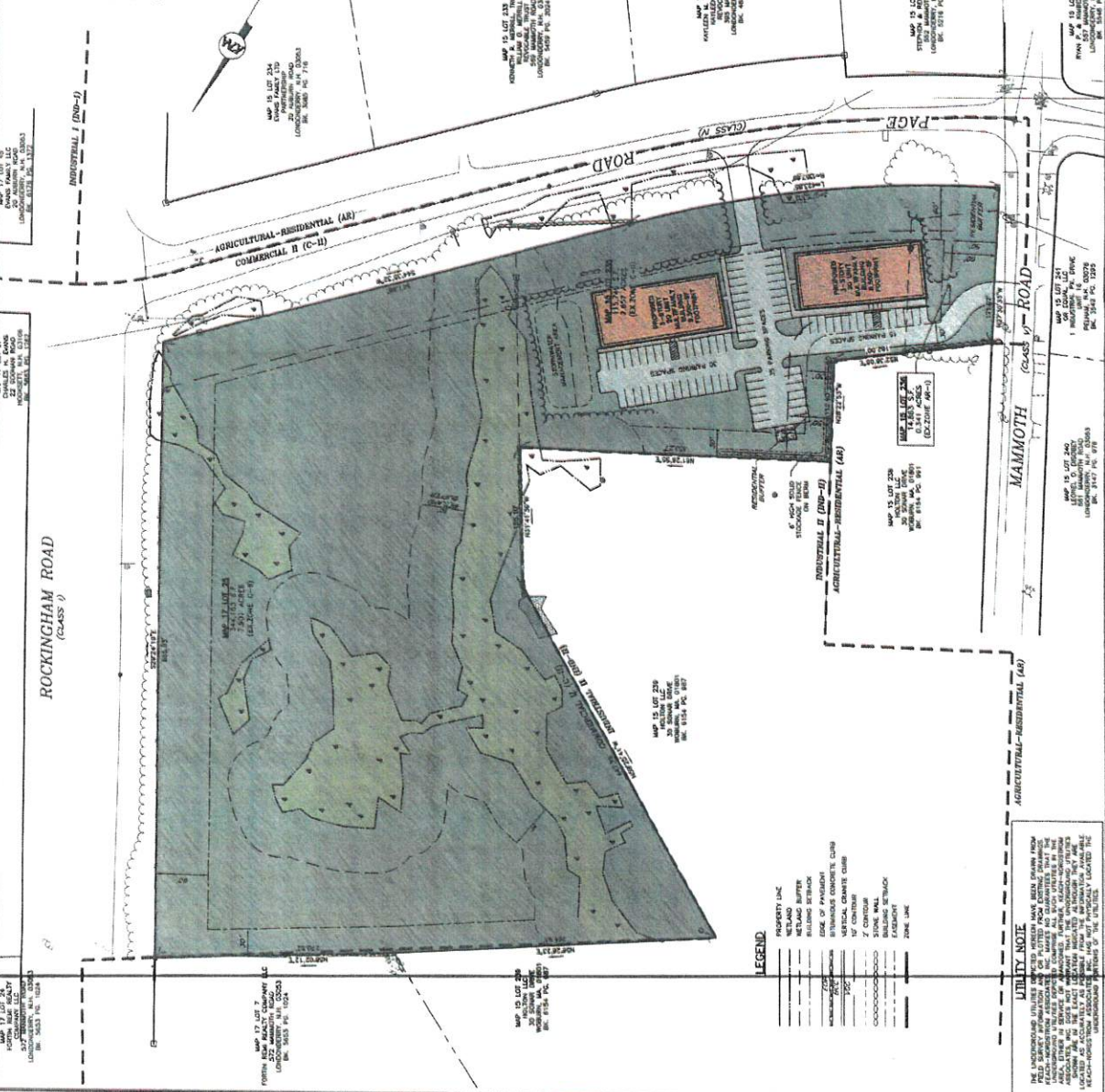
- REFERENCE PLANS:**
1. MAP 15 LOT 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**CONCEPTUAL C-HI RE-ZONING  
& DEVELOPMENT PLAN  
295 ROCKINGHAM ROAD  
MAP 17 LOT 25, MAP 15 LOTS 235 & 236  
295 ROCKINGHAM ROAD, 3 PAGE ROAD,  
& 356 MAMMOTH ROAD  
LONDONDERRY, NEW HAMPSHIRE  
ROCKINGHAM COUNTY**

**KM**  
KIMBLE CONSULTANTS INC.  
49 HANCOCK STREET  
MANCHESTER, N.H. 03101

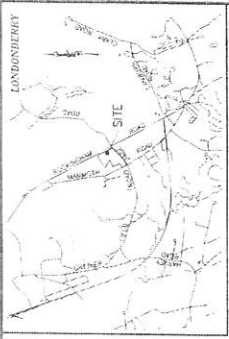
10 Commerce Park Drive, Suite 202, Londonderry, NH 03101 (603) 887-8881

NO.	DATE	DESCRIPTION
1	10/15/24	PRELIMINARY PLAN
2	11/15/24	FINAL PLAN



- LEGEND**
- PROPERTY LINE
  - WETLAND BUFFER
  - SIZE OF PARCELS
  - ETHANOLIC CONCRETE CURB
  - VERTICAL GRANITE CURB
  - 2' CURB
  - STONE WALL
  - PAVEMENT
  - FLASHTING
  - ZONE LINE

**LIABILITY NOTE**  
THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION. HOWEVER, THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ENGINEER.



VICINITY MAP  
SCALE 1" = 2,500'

**NOTES:**

1. THIS PLAN IS TO BE USED FOR THE PURPOSE OF OBTAINING A PERMIT TO CONSTRUCT AND DEVELOP THE PROJECT. THE PERMITTING AGENCIES SHALL BE RESPONSIBLE FOR THE INTERPRETATION OF THIS PLAN AND THE APPLICATION OF THE ZONING REGULATIONS TO THE PROJECT.
2. THE SUBJECT PARCEL IS 1.66 ACRES, ZONED COMMERCIAL II (C-II). THE PROPOSED DEVELOPMENT IS A 25,000 SQ. FT. BUILDING WITH 20 PARKING SPACES. THE DEVELOPMENT IS COMPATIBLE WITH THE ZONING REGULATIONS.
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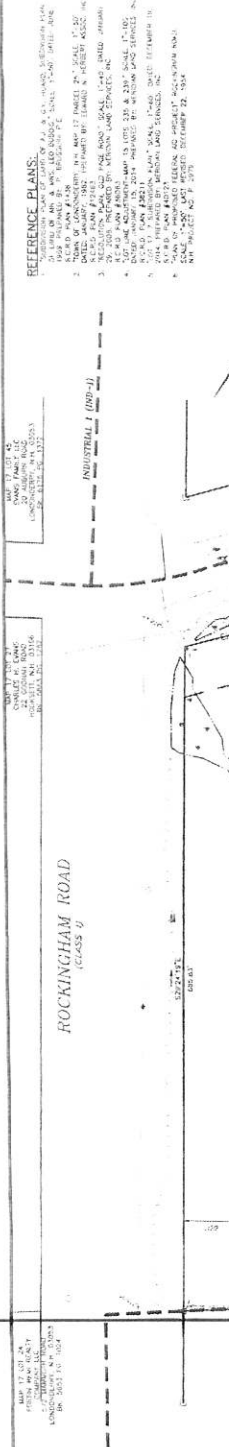
**CONCEPTUAL C-II RE-ZONING  
& DEVELOPMENT PLAN  
295 ROCKINGHAM ROAD  
MAP 17 LOT 23, MAP 18 LOTS 236 & 236  
295 ROCKINGHAM ROAD, 3 PAGE ROAD,  
& 556 MAMMOTH ROAD  
LONDONDERRY, NEW HAMPSHIRE  
ROCKINGHAM COUNTY**

OWNER: LOTS 236, 236 & 236  
PAGE ROCK, LLC  
PAGE ROCK, LLC  
MANCHESTER, NH 03101



**KMA** KENNY-KORDESKY ASSOCIATES, INC.  
10 FARMSTEAD FARM ROAD, SUITE 200, BELLERSHOP, NH 03018 (603) 867-8801

NO.	DATE	DESCRIPTION	BY
1	03/27/2017	PRELIMINARY PLAN	J. CORREIA
2	04/11/2017	FINAL PLAN	J. CORREIA



**REFERENCE PLANS:**

1. ZONING REGULATIONS, TOWN OF LONDONDERRY, NEW HAMPSHIRE, 2016 EDITION.
2. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
3. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
4. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
5. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
6. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
7. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
8. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
9. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
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11. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
12. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
13. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
14. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.
15. MAP 17 LOT 23, MAP 18 LOTS 236 & 236, 295 ROCKINGHAM ROAD, 3 PAGE ROAD, & 556 MAMMOTH ROAD, LONDONDERRY, NEW HAMPSHIRE, ROCKINGHAM COUNTY.

MAP 17 LOT 23  
295 ROCKINGHAM ROAD  
LONDONDERRY, NH 03053  
BY: J. CORREIA, P.E.

MAP 18 LOTS 236 & 236  
3 PAGE ROAD  
LONDONDERRY, NH 03053  
BY: J. CORREIA, P.E.



MAP 18 LOTS 236 & 236  
3 PAGE ROAD  
LONDONDERRY, NH 03053  
BY: J. CORREIA, P.E.

**LEGEND**

PROPERTIES LINE	(---)
STREET CENTER LINE	(---)
PROPERTY LINE	(---)
EXISTING BUILDING FOOTPRINT	(---)
PROPOSED BUILDING FOOTPRINT	(---)
EXISTING DRIVEWAY	(---)
PROPOSED DRIVEWAY	(---)
EXISTING SIDEWALK	(---)
PROPOSED SIDEWALK	(---)
EXISTING PARKING SPACE	(---)
PROPOSED PARKING SPACE	(---)
EXISTING UTILITY LINE	(---)
PROPOSED UTILITY LINE	(---)
EXISTING EASEMENT	(---)
PROPOSED EASEMENT	(---)
EXISTING ZONE LINE	(---)
PROPOSED ZONE LINE	(---)

**UTILITY NOTE**

THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE ZONING REGULATIONS. THE DEVELOPMENT IS A 25,000 SQ. FT. BUILDING WITH 20 PARKING SPACES. THE DEVELOPMENT IS COMPATIBLE WITH THE ZONING REGULATIONS.

MAP 17 LOT 23  
295 ROCKINGHAM ROAD  
LONDONDERRY, NH 03053  
BY: J. CORREIA, P.E.

MAP 18 LOTS 236 & 236  
3 PAGE ROAD  
LONDONDERRY, NH 03053  
BY: J. CORREIA, P.E.

MAP 17 LOT 23  
295 ROCKINGHAM ROAD  
LONDONDERRY, NH 03053  
BY: J. CORREIA, P.E.



## STAFF RECOMMENDATION

**To:** Planning Board

**Date:** June 7, 2023

**From:** Kellie Caron, Asst. Town Manager | Director of Economic Development

**Re:** Rezoning Request

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**Rezoning request by Page Rock, LLC (Owner & Applicant) to rezone 556 Mammoth Road, Map 15 Lot 236, from AR-1 (Agricultural-Residential) to Commercial II (C-II).**

As the Board will recall, the applicant presented a rezoning request for this parcel and abutting parcels August 3, 2022. The Board recommended to the Town Council to rezone 556 Mammoth Road (Map 15 Lot 236, Zoned AR-1); Three Page Road (Map 15 Lot 235, Zoned C-II); and 295 Rockingham Road (Map 17 Lot 25, Zoned C-II) to Multi-Family Residential (R-III). The applicant did not proceed with the request for formal approval from the Town Council, and has brought forward the below request.

### Existing Conditions and Background:

The Applicant is requesting rezoning of one parcel from AR-1 (Agricultural-Residential) to CII (Commercial II).



556 Mammoth Road (Map 15 Lot 236) is an existing non-conforming 0.341-acre vacant parcel located near the intersection of Mammoth Road and Page Road. The parcel is currently zoned Agricultural – Residential (AR-1). Uses currently permitted on this parcel include agricultural and forestry uses, and residential use (single or two-family) (Londonderry Zoning Ordinance (LZO) Section 4.1.2).

The parcel abuts a single-family residence (AR-1), Workplace Modular Systems, a light industrial facility (IND-I) and Remi Fortin Industrial Park (IND-I) to the northwest and a single-family residence to the south and southwest (Zoned AR-1). Across Rockingham Road, properties are zoned C-II and IND-I. Merrill Farm is also in close proximity to the northwest.

The 2013 Master Plan identifies this area as a “G-3 Intended Growth Sector”. According to the Master Plan:

*The Intended Growth Sector is assigned to areas that may support substantial mixed-use development due to proximity to existing or planned regional thoroughfares or transit. Future development should occur as complete communities in the form of activity centers.*

**Rezoning Request:**

The Applicant is requesting rezoning the subject parcel to Commercial II (C-II). Please see the attached rezoning request.

The Applicant has provided a *conceptual* plan for a multi-family development on this parcel and abutting parcels of which the applicant owns.

The conceptual plan has not been fully reviewed by staff for compliance with ordinance and site plan regulations, but it appears Conditional Use Permits would be required for the multi-family use, potential wetland buffer impacts, and to allow for more than 16 units in a single building.

- LZO Section 4.1.2 (Use Table) permits multi-family dwellings in the Commercial II zone by Conditional Use Permit.
- Multi-family in the Commercial II zone, references the R-III zoning district for purposes of density. LZO Section 4.2.2.3.B permits multi-family dwellings in the R-III district serviced by municipal sewer based on the formula: number of dwelling units = 0.80 (development lot area – usable land area)/7000 square feet.
- LZO Section 4.2.2.3.B also states the maximum number of dwelling units to be no more 20 if the applicant is granted a conditional use permit from the Planning Board in accordance with LZO Section 6.3.5.

Access to the development is proposed from two curb cuts, one on Page Road and one on Mammoth Road. The availability of municipal water and sewer should be confirmed with the Department of Engineering & Environmental Services.

**Board Action Required**

Should the Board find that the request is reasonable and consistent with the surrounding uses and the Master Plan, the Board may make a recommendation motion as follows:



Move to ***recommend*** to the Town Council approval of the rezoning request to rezone 556 Mammoth Road (Map 15 Lot 236) Page Rock LLC (Owners) and Winer and Bennett, LLP (Applicant) from AR-1 (Agricultural-Residential 1) to C-II (Commercial II).

Conversely the Board may make a motion to recommend that the Town Council deny the request for re-zoning, if it finds that the request is not consistent with the Master Plan and the surrounding uses.



# Town of Londonderry

## Planning & Economic Development Department

268B Mammoth Road  
Londonderry, New Hampshire 03053  
Phone (603) 432-1100 x149  
[www.londonderrynh.org](http://www.londonderrynh.org)



## **NOTICE OF DECISION**

The Londonderry Planning Board held a public hearing on Wednesday, June 7, 2023 to consider the following:

Rezoning request by Page Rock, LLC (Owner & Applicant) to rezone 556 Mammoth Road, Map 15 Lot 236, from AR-1 (Agricultural-Residential) to Commercial II (C-II).

**Member A. Sypek made a motion to recommend to the Town Council approval of the rezoning request to rezone 556 Mammoth Road, Map 15 Lot 236, Page Rock, LLC (Owners) and Winer & Bennett, LLC (Applicant) from AR-1 (Agricultural-Residential) to Commercial II (C-II).**

**J. Butler seconded the motion.**

**The motion was granted, 6-1-1, with A. Chiampa voting against. T. Combes abstained to reserve his vote as a member of the Town Council. The Chair voted in the affirmative.**

This notice is given pursuant to RSA 676:3.

Londonderry Planning Board

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814 **Member A. Sypek made a motion to grant the Applicant's request**  
815 **for three compliance alternative requests of the PUD.**

816  
817 **L. Wiles seconded the motion.**  
818

819 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**  
820

821 Chairman Rugg stated the three compliance alternative requests were granted.  
822

823 **Member A. Sypek made a motion to grant conditional approval of**  
824 **the Site Plan for the proposed development of a 264 dwelling unit**  
825 **multi-family residential development with associated parking and**  
826 **amenities, Michels Way (Map 10 Lot 41, Zoned AR-1 & Woodmont**  
827 **Planned Unit Development (PUD)), Pillsbury Realty Development,**  
828 **LLC (Owner) and WP East Acquisitions, LLC (Applicant) in**  
829 **accordance with plans prepared by Allen & Majors Associates, Inc.**  
830 **dated November 7, 2022, last revised April 10, 2023, with the**  
831 **precedent conditions to be fulfilled within 120 days of the approval**  
832 **and prior to plan signature and general and subsequent conditions**  
833 **of approval, including the conditions that we have added on the**  
834 **three buildings and the vegetation on the garages to be fulfilled as**  
835 **noted in the Staff Recommendation Memorandum dated June 7,**  
836 **2023.**

837  
838 **L. Wiles seconded the motion.**  
839

840 **The motion was granted, 7-0-0. The Chair voted in the affirmative.**  
841

842 Chairman Rugg noted Jim Butler had good suggestions and noted that beauty is in  
843 the eye of the beholder.  
844

845 **F. Rezoning request by Page Rock, LLC (Owner & Applicant) to rezone 556**  
846 **Mammoth Road, Map 15 Lot 236, from AR-1 (Agricultural-Residential) to**  
847 **Commercial II (C-II).**  
848

849 **K. Caron stated the Applicant presented a rezoning request for this parcel and two**  
850 **abutting parcels on August 3, 2022. The Board recommended to the Town Council**  
851 **to rezone 556 Mammoth Road (Map 15 Lot 236, Zoned AR-1); Three Page Road**  
852 **(Map 15 Lot 235, Zoned C-II); and 295 Rockingham Road (Map 17 Lot 25, Zoned**  
853 **C-II) to Multi-Family Residential (R-III). The Applicant did not proceed with the**  
854 **request for formal approval from the Town Council, and has brought forward the**  
855 **below request. After several meetings with staff, the Applicant has decided to come**  
856 **forward with a rezoning request regarding one parcel at 556 Mammoth Road and to**  
857 **rezone that from AR-1 to C-II. This is in the G-3 Intended Growth Sector, as**  
858 **identified in the Master Plan, which states the Intended Growth Sector is assigned**  
859 **to areas that may support substantial mixed-use development due to proximity to**  
860 **existing or planned regional thoroughfares or transit. Future development should**  
861 **occur as complete communities in the form of activity centers.**



862

863 Brad Westgate of Winer & Bennett of Nashua, New Hampshire, representing  
 864 Applicant and property owner Page Rock, LLC, introduced himself, Paul Chisholm,  
 865 P.E. of Keach-Nordstrom Associates, and the rest of the team. He reminded the  
 866 Board they appeared last year seeking recommendation favorably for rezoning of  
 867 three parcels owned by Page Rock, LLC. While the Board did recommend the  
 868 rezoning, they didn't continue with this as there were initial potential negotiations  
 869 with an abutter. If those were successful, the proposed rezoning would couple  
 870 better with the adjacent property. However, these negotiations did not pan out. So,  
 871 Page Rock is seeking to develop the property they presently own into a 40-unit  
 872 apartment project. They are seeking to rezone the smallest lot at 556 Mammoth  
 873 Road, which is over 1/3 of an acre. It would house parking and a portion of a  
 874 building. They are seeking to rezone this parcel to be consistent with the zoning of  
 875 the almost 11 acres of remaining property. The properties are serviceable by water  
 876 and sewer.

877

878 A. Chiampa asked why they opted for C-II and not R-3 zoning. He explained that if  
 879 they had been able to obtain the adjacent property, it would present more  
 880 uniformity in development with the R-3 possibility. In August of 2022, the upper  
 881 building was across the wetlands and into the upper portion of the site. This plan  
 882 worked well within the R-3 approach, as the buffer requirements between the  
 883 industrial zoned property next to them and R-3 would have mandated a 100-foot  
 884 buffer area that would have made it impossible to locate the two buildings to avoid  
 885 wetland impact. With C-II, there is a buffer mechanism that works better and  
 886 enables the two properties to be closer and avoid impacting wetlands on the upper  
 887 side. B. Westgate noted this area of town has a number of different zoning  
 888 arrangements. The Master Plan contemplates this area as somewhat of a mixed use  
 889 area.

890

891 P. Chisholm identified the parcels and described the makeup of the property, which  
 892 is undeveloped and consists of woodlands and wetlands. One wetland serves as a  
 893 drainage channel for the area. This area drains into a pipe and drainage channel  
 894 under Page Road and discharges offsite. There is an existing single-family home on  
 895 the property, which is on well and septic. He described the nature of the  
 896 neighborhood, which includes single-family housing developments and industrial  
 897 properties. Changing from R-3 to C-II allows for a more condensed site, which is  
 898 beneficial, as it avoids wetland impact. The densely wooded area will also serve as  
 899 a natural buffer for the neighborhood to the west of Rockingham Road. There will  
 900 be two driveways. They will work with a traffic engineer as the project progresses.  
 901 They are contemplating three CUPs, including wetland impact and multi-family use.  
 902 The Applicant is proposing two buildings with 20 units each.

903

904 B. Westgate stated the small parcel doesn't lend itself to the goals of the AR zoning  
 905 district of agriculture, forestry, and water preservation. C-II zoning allows for multi-  
 906 family dwellings. The Master Plan supports the concept of rezoning this parcel.

907

908 K. Caron confirmed what the Applicant represented with regard to if the site plan  
 909 were to move forward, there would be three CUPs relating to the wetland buffer



910 impact, the ability to do multi-family, and the density relating to that multi-family  
911 use. She clarified that the task of the Board this evening is to make a  
912 recommendation to the Town Council to formally ask.  
913

914 A. Chiampa noted this is a very busy corner and the other properties on the corner  
915 are zoned AR-1. She is concerned that more cars will be squeezed toward this  
916 intersection and that it is a residential area. Chairman Rugg pointed out this is a  
917 zoning decision and not a site plan review, as there is not a concrete plan as to  
918 what will be put on the property.  
919

920 J. Farrell, 4 Hancock Drive, asked for help orienting the property.  
921

922 B. Mead, 555 Mammoth Road, expressed his concern that the intersection will  
923 become dangerous to residents and travelers, if a minimum of 40 cars are added to  
924 the traffic flow. Chairman Rugg acknowledge these were valid concerns and when  
925 they get to that point, they will be addressed.  
926

927 There was no further public input.  
928

929 **Member A. Sypek made a motion to recommend to the Town**  
930 **Council approval of the rezoning request to rezone 556 Mammoth**  
931 **Road, Map 15 Lot 236, Page Rock, LLC (Owners) and Winer &**  
932 **Bennett, LLC (Applicant) from AR-1 (Agricultural-Residential) to**  
933 **Commercial II (C-II).**  
934

935 Chairman Rugg read a letter from Holton, LLC, 30 Sonar Drive, Woburn, MA, stating  
936 that they have no objection to the Page Rock, LLC, application to rezone.  
937

938 **J. Butler seconded the motion.**  
939

940 **The motion was granted, 5-1-1, with A. Chiampa voting against. T.**  
941 **Combes abstained to reserve his vote as a member of the Town**  
942 **Council. The Chair voted in the affirmative.**  
943

944 G. Public hearing on an application for formal review of a site plan for a  
945 proposed 75,000 SF warehouse building and associated site improvements,  
946 13 Page Road (Map 17 Lot 27, Zoned C-II), Charles Evans (Owner) and  
947 Rhino Capital Advisors, LLC (Applicant).  
948

949 Chairman Rugg read the application into the record. J. Trottier presented the waiver  
950 requests:  
951

952 1. Checklist Item XI.5, the Applicant has not provided utility clearance letters  
953 for Water or Sewer service under this application. Staff notes these utility  
954 services are currently not available along Page Road. Staff would support the  
955 waiver request for acceptance purposes only.  
956

957 2. Section 4.01.C of the regulations, the Applicant has not provided a scale of

# ORDER 2023-12

An Order Relative to  
***THE EXPENDITURE OF RECLAMATION TRUST FUNDS***

---

First Reading: 9/11/23  
Hearing/Second Reading: Waived  
Adopted: 9/11/23

***WHEREAS*** in 2003 voters established a Reclamation Trust Fund to fund the disposal of motor vehicle waste, and recycling and reclamation of other wastes; and

***WHEREAS*** recycling carts are required for the automated curbside recycling collection; and

***WHEREAS*** spare parts are used for the repair and maintenance of the recycling carts which are required for the automated curbside recycling collection;

***NOW THEREFORE BE IT ORDERED*** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby authorized to expend \$17,000.00 from the Reclamation Trust Fund for recycling carts and recycle cart parts.

---

John Farrell - Chairman  
Town Council

---

Sharon Farrell - Town Clerk

( TOWN SEAL )

***A TRUE COPY ATTEST:***  
9/11/23



Schaefer Plastics North America, LLC  
 10301 Westlake Dr  
 Charlotte, NC 28273  
 USA  
 Phone: (704) 944-4500




### QUOTATION

<b>Quote #:</b>	026628-1	<b>Requested by:</b>	Donna Limoli
<b>Date:</b>	9/5/2023	<b>Bill to:</b>	Town of Londonderry 268B Mammoth Rd Londonderry, NH 03053-3003 USA
<b>Quote Expiration:</b>	10/3/2023	<b>Ship to:</b>	Waste Management 26 Liberty Dr Tim Kenney 603-234-2235 Bob Kerry 603-548-4858 Londonderry, NH 03053-2251 USA
<b>Terms:</b>	Net30		
<b>FOB:</b>	PPA		
<b>Lead Time:</b>	9-11 weeks, ARO		

Line	Quantity	Item number	Description	Unit price	Net amount
1	100	95B.500	USD95B 95 GALLON BAR CART: - BLUE BODY AND LID - 12" RUBBER WHEELS - LONDONDERRY, NEW HAMPSHIRE BODY HOT STAMP - "RECYCLING" LID HOT STAMP  Body: BL1 Lid: LIDBL1	\$64.65	\$6,465.00
2	100	95B.500	USD95B 95 GALLON BAR CART: - BLUE BODY WITH CHARCOAL GRAY LID - 12" RUBBER WHEELS - LONDONDERRY, NEW HAMPSHIRE BODY HOT STAMP - "RECYCLING" LID HOT STAMP  Body: BL1 Lid: LIDGY3	\$64.65	\$6,465.00
3	1	FREIGHT	ESTIMATED FREIGHT, ACTUAL FREIGHT CHARGES WILL BE APPLIED ONCE INVOICED	\$2,991.00	\$2,991.00
Sales tax (Applicable sales tax will be added unless a valid Tax Exemption certificate is on file)					\$0.00
				<b>Total</b>	<b>\$15,921.00</b>

Agreed and accepted by:

 <hr/> Approved by:  <hr/> 9/5/2023 <hr/> Date	<hr/> Name & Title  <hr/> <hr/> Date
---	---

All sale transactions are subject to Schaefer Systems International, Inc. – Standard Terms and Conditions of Sale in effect at the time of sale, published on our website [www.ssi-schaefer.us/General\\_Terms\\_and\\_Conditions\\_for\\_the\\_Sale\\_of\\_Goods\\_and\\_Services](http://www.ssi-schaefer.us/General_Terms_and_Conditions_for_the_Sale_of_Goods_and_Services).

\* Assembly is required for wheels and axles unless assembly and distribution is being completed by Schaefer  
 \* Orders with custom hot stamps are non-cancelable

## Londonderry Utilities Committee

### Londonderry Town Council Review September 11, 2023

- The Utilities Committee first meeting held March 22, 2023. Currently meets on the first Tuesday of the month.
- Fully staffed as of 8/14/2023 with 7 full members, 3 alternate members, and a Town Council liaison.
- Currently organized with 4 subcommittees to perform research and fact finding in the following areas:
  - Energy
  - Water
  - Sewer and Solid Waste
  - Cable TV and Internet
- Two topics for discussion tonight originate from the Energy subcommittee:
  - Community Power Aggregation
  - Twin States Clean Energy Link





# Londonderry Utilities Committee

## Community Choice Power Aggregation Project Review September 11, 2023

**Bottom Line •** The Utilities Committee (UC) recommends moving forward with Freedom Energy Logistics / Colonial Power Group (FEL/CPG) as the supplier of choice for Londonderry's Community Choice Power Aggregation Program.

**Summary:**

- FEL/CPG is currently under contract with Londonderry for services through 2025.
- CPG has a proven track record on Massachusetts.
- FEL/CPG has similar projects underway in Lincoln NH and Hampton NH.
- The UC finds that the other Community Choice Aggregation suppliers provide similar services and benefits.
- Going to another supplier will incur contract cancellation costs and time delays.

**Committee Ask:**

- That the Town Council the UC support moving forward with FEL / CPG to develop a Londonderry specific project plan and implementation timeline.



# Londonderry Utilities Committee

## Community Power Aggregataion Project Review September 11, 2023

### Watch Items:

- Visual impact. The existing ROW width is not changing but new lines and higher structures will be added.
- Environmental impact. The proposed location for the new substation may be located in a conservation easement.

### Potential Benefits to Londonderry:

- Increased property tax revenue

### Potential Regional Benefits:

- Increased grid stability
- Reduced dependance on fossil fuel power generation.



## Londonderry Utilities Committee

### Twin States Clean Energy Link Project Review September 11, 2023

**Bottom Line •** The Utilities Committee recommends that the Town Council neither support nor oppose the project, but continue to monitor it as it moves through the regulatory, engineering, and site approval processes.

**Project Summary:**

- The Twin States Clean Energy Link is a project envisioned to deliver Quebec hydro power into the New England ISO grid.
- Department of Energy Transmission Facilitation Program funding is required to be economically feasible. The project is in Phase 2 of the selection process, competing against several other projects.
- DOE funding decisions should be known by Q1 2024.
- If approved, the project is expected to be online in the 2030 time frame.

**Londonderry •** Approximately 2.21 miles of existing National Grid Right of Way (ROW) will be upgraded.

- Requires a new substation to tie the project into the ISO New England grid.

## Londonderry Utilities Committee

### Twin States Clean Energy Link Project Review September 11, 2023

#### Watch Items:

- Visual impact. The existing ROW width is not changing but new lines and higher structures will be added.
- Environmental impact. The proposed location for the new substation may be located in a conservation easement.

#### Potential Benefits to Londonderry:

- Increased property tax revenue

#### Potential Regional Benefits:

- Increased grid stability
- Reduced dependance on fossil fuel power generation.



**Londonderry Town Council Minutes**  
**Monday, July 10, 2023**  
**7:00 PM**  
**Moose Hill Council Chambers**

**Meeting Link:** <http://173.166.17.35/CablecastPublicSite/show/12303?channel=4>

**Attendance:** Present: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Jim Butler, Ted Combes, and Ron Dunn; Town Manager Michael Malaguti; Assistant Town Manager Kellie Caron.

**CALL TO ORDER**

Chairman Farrell called the Town Council meeting to order at 7:00 PM. The Pledge was led by Chairman Farrell. This was followed by a moment of silence led by Chairman Farrell for all of those who serve us both here and abroad.

**PUBLIC COMMENT**

Chairman Farrell welcomed up Londonderry Town Clerk Sherry Farrell and Clerk Debbie Desrochers to present the Rabies Clinic check to the Londonderry High School Band. This money will go to the band for their trip to London. Serge Beaulieu, Band Director, was not present at the time.

Stephen Lee, Julie Lee, and Larry Casey with the Londonderry Arts Council presented an update on the 2023 Londonderry Concerts on the Common series. Casey also gave an update on things that the Arts Council is working on. Lee stated that average attendance for outside concerts is around five hundred. Lee thanked the Council and administration for all that they do to support Concerts on the Common.

Serge Beaulieu entered the meeting. Sherry Farrell presented the Rabies Clinic check to Beaulieu.

Chairman Farrell stated that public comment will be held to three minutes per speaker and public comment will be open for about twenty minutes.

**Name:** Mark Oswald and Pollyann Winslow

**Address:** 11 Verdi Lane and 4 Hearthstone Drive, Londonderry, NH

---

Winslow and Oswald asked the Council for continued support for the Londonderry Leadership program. Oswald stated that this program is important for residents to know how we govern as a community. Oswald thanked the Council and School Board for their continued support, and all of

41 the departments. Chairman Farrell stated that they will continue to support it. Chairman Farrell  
42 stated that the Town Manager has continued to have conversations with Oswald and Winslow and  
43 asked for a little breathing space so he can get his staff up and running.

44

45 **Name:** Chief Darren O'Brien, Londonderry Fire Department

46 Chief O'Brien updated the Council regarding a question brought up a few months ago about the  
47 apparatus that the department has that contains the firefighting foam with PFAS. Chief O'Brien  
48 stated that he has contacted a cleanup company to see what the estimate would be to get the systems  
49 flushed and be able to replace it with the new green foam that's out there. It will be somewhere  
50 around thirty-thousand dollars. Chief O'Brien stated that he did receive word from the State Fire  
51 Marshalls Office and the state is now going to move forward with the reclaiming of all of the foam  
52 that these fire departments have.

53

54 **Name:** Richard Bielinski

55 **Address:** 148 Mammoth Rd, Londonderry, NH

56 Bielinski shared information that came from the town regarding the Lions Hall. Bielinski stated  
57 that the Lions Club owes the town eighty thousand dollars that the Town expended on repairs for  
58 the Lions Hall. Bielinski stated that per the lease that they originally signed in 1972, they owe one  
59 hundred percent. They are responsible for all maintenance and repairs, inside and outside. That is  
60 why they got it for one dollar a year. Bielinski stated that he also found out from a Lions member  
61 that the have eighty thousand dollars sitting in an account, as well as sixteen thousand dollars in  
62 donations from Home Depot and Bensons for repairs on the building that they didn't use. Bielinski  
63 asked what the town is going to do to get the taxpayers money back. Bielinski stated that he  
64 understands it's a town building, but they had a lease. Bielinski stated that the last lease wasn't  
65 even signed, so they were in there with an unsigned lease. Bielinski stated that he would like some  
66 answers coming up. Chairman Farrell let Bielinski know his time has expired. Bielinski reminded  
67 the Council that they didn't vote in their rules after the election.

68

69 **Name:** Brian Mead

70 **Address:** 555 Mammoth Road, Londonderry, NH

71 Mead stated that with the proposal of two apartment buildings going in at the Mammoth Road and  
72 Page Road intersection, he wanted to bring the dangers of that intersection to the Councils  
73 attention. Mead shared the history of the dangers of the intersection from Traffic Safety Committee  
74 meeting minutes. Mead stated that he proposes the road to be a dead-end road with a gate.  
75 Chairman Farrell stated that usually they would ask the Town Manager to direct the police  
76 department and the fire department to come back to the Council with additional information around  
77 the accidents, and see what we can do to address it. Chairman Farrell stated that Mammoth Road  
78 is a state road so we can only do so much. Town Manager Malaguti stated that the Grenier Road  
79 and Rockingham Road intersection is state controlled. Any changes made needs to be run by DOT.  
80 Malaguti stated that progress has been made, and will continue to be made.

81

82

83



84 **Name:** Jonathan Esposito

85 **Address:** 5 Shelley Dr, Londonderry, NH

86 Esposito stated that he would like to address how public comment is being conducted. Esposito  
87 stated that a prior citizen was cut off. Esposito stated that according to the Town Charter, the  
88 Council has to vote on the Council rules within ten days of the election at their reorganization  
89 meeting. Esposito stated that no rules were voted on. Chairman Farrell stated that with regards to  
90 the rules, both gentlemen are wrong. The rules for the Council stand as they are. They are wrong  
91 about the Charter.

92

93 **Name: Ray Breslin**

94 **Address: 3 Gary Drive, Londonderry, NH**

95 Breslin stated that in regards to the Woodmont Common Agreement and the town, the agreement  
96 has been modified a few times. Breslin stated that his concern on this is the water and sewer.  
97 Breslin stated that we need to look at the rest of the town and how the town will handle water and  
98 sewer.

99

100 **Name:** Representative Wayne MacDonald

101 **Address:** 11 Dickey Street, Londonderry, NH

102 MacDonald talked about the state budget that just passed.

103

104 **Name:** Ann Chiampa

105 **Address:** 28 Wedgewood Drive, Londonderry, NH

106 Chiampa stated that as a member of the Planning Board, she voted against the rezoning due to the  
107 traffic and accidents on that corner. Chiampa passed packets around to the Council, a page from  
108 Willy's Book of Nutfield. Chiampa discussed the old meeting house.

109

110 **Name: Tom Estey**

111 **Address:** 9 Old Nashua Road, Londonderry, NH

112 Estey stated that section 3.2 of the Charter, Organizational Meeting, states that the Council needs  
113 to meet within ten calendar days following the election and adopting the rules. Chairman Farrell  
114 stated that Council has already spoken to the attorney and the Council meeting can be run at the  
115 discretion of the Chair.

116

117 **Name:** Marge Badois

118 **Address:** 189 Litchfield Road, Londonderry, NH

119 Badois stated that she is with the Conservation Commission and the commission took no formal  
120 position on the Woodmont pump station, but they did recommend that it not be placed within the  
121 wetland buffer. The conditional use permit was approved over the Conservation Commissions  
122 recommendation. Badois stated that there is no map in the agenda on where it is located.

123

124 **Name:** Deb Desrochers

125 **Address:** 25 Royal Lane, Londonderry, NH

126 Desrochers read a letter into the record about the incident that took place at Town Hall a few weeks  
 127 ago when members of the public came in and recorded employees. Desrochers discussed how  
 128 professional employee’s at Town Hall are and how employee’s go out of their way for residents.

129

130 **Chairman Farrell closed public comment.**

131

132 **PUBLIC HEARING**

133

134 Motion to open Public Hearing made by Vice Chairman Franz and seconded by Councilor  
 135 Combes.

136

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

137

138 Chair votes 5-0-0

139

140 Chairman Farrell introduced Resolution #2023-13, Scobie Pond boat launch grant acceptance,  
 141 presented by Town Manager Malaguti. Malaguti stated that Mike Speltz from the Conservation  
 142 Commission has been working with him on it. Malaguti stated that there is a boat launch right  
 143 now, but it is not in good condition. This state funding will allow for the upgrade of town and city  
 144 boat launches. The grant requires a twenty-five percent match from the municipality. Malaguti  
 145 went over the details of the dock the town is looking at and the quote that was given. A grant  
 146 application has been submitted. In order to get an award, the Council has to accept the funding and  
 147 agree the municipality will accept it. The town match would come from the Conservation Fund,  
 148 which is not taxpayer money. Badois stated that this dock provides good fishing as well. All the  
 149 motor boats that are on the pond are residents who live there as there isn’t a very good launch.

150

151 **Name:** Ann Chiampa

152 **Address:** 28 Wedgewood Drive, Londonderry, NH

153 Chiampa asked if the residents in the area will be contacted about this. Chairman Farrell stated  
 154 that there is only one entry point.

155

156 Motion to approve Resolution #2023-13 and accept the unanticipated revenue made by Vice  
 157 ~~Chairman Franz, and seconded by Councilor Combes.~~

158

159



160

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

161

162 Chair votes 5-0-0

163

164 Motion to close Public Hearing made by Vice Chairman Franz, and seconded by Councilor  
165 Combes.

166

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

167

168 Chair votes 5-0-0.

169

170 **NEW BUSINESS**

171

172 **Proposed Funding Agreement with Pillsbury Realty (Woodmont Commons) for Completion**  
173 **of Pillsbury Pump Station Sewer Infrastructure Project**

174

175 Town Manager, Michael Malaguti, and Assistant Town Manager and Economic Development  
176 Director, Kellie Caron, presented. Malaguti stated that he briefed the Council over the last month  
177 on this matter. Malaguti stated that there is a lack of sewer capacity to build out the Woodmont  
178 area. This has been a concern for a number of years. This is paid for my user fees. Malaguti stated  
179 that this is requiring a full environmental study at the federal level.

180

181 Ari Pollack, Gallagher Callahan & Gartrell, has been representing Pillsbury Realty for many years.  
182 Pillsbury is the developer for Woodmont. Pollack stated that what was referenced earlier was the  
183 permitting related to the water supply booster station, adjacent to Michael's Way. That did have  
184 an impact on a wetland buffer. It was approved by the Planning Board. Pollack stated that to his  
185 knowledge the pump station, which is proposed on the north side of Pillsbury Road, has not had  
186 any permitting done, besides some conceptual designs, and that would all be required. Pollack  
187 stated that he would like to address why Woodmont has moved slow. Some reasons are market  
188 based and financial reasons, as well as physical. Sewer is a big issue as well.

189

190

191 Motion to approve the funding agreement for signature made by Vice Chairman Franz, and  
 192 seconded by Councilor Butler.

193

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

194

195 Chair votes 5-0-0.

196

197 **ARPA Request Lions Hall Conceptual Request**

198

199 Director of Public Works, Dave Wholley, presented. See attached presentation. Wholley stated  
 200 that they are not going to change the appearance in any way, but maybe a new layout of the parking  
 201 lot. This is more of a general layout and we are looking to bring back some of the glamor and  
 202 preserve the building. Wholley stated this request is for \$18,750.00 to work with Weston &  
 203 Sampson. Take it out of ARPA Funding.

204

205 The Council gave consensus to move forward.

206

207 **Pickelball Interviews**

208

209 Chairman Farrell moved pickleball interviews forward. There are two alternate, and two full-time  
 210 positions open.

211

212 The Council interviewed Steve Spaziani, and Margo Spaziani, of 12 Gary Drive; and Brian  
 213 Samolyk, 25 Moulton Drive.

214

215 Motion to approve Brian Samolyk and Steve Spaziani as full-time members, and Margo Spaziani  
 216 as an alternate member, made by Councilor Combes. Seconded by Vice Chairman Franz.

217

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

218

219 Chair votes 5-0-0.

220



221 **Order #2023-06 – An Order Relative to Licensing of a Junkyard Pursuant to RSA 236**  
222 **(Murray’s Auto)**

223

224 Assistant Building Inspector, Brad Anderson, presented. Anderson stated that an inspection of 55  
225 Hall Road was done on June 5<sup>th</sup>. Chairman Farrell stated that there is no public comment on either  
226 Order.

227

228 Councilor Dunn asked about a car that was parked out front of the business.

229

230 Richard Bielinski tried to speak up from the audience about an RSA after he was asked not to, and  
231 was escorted out of the meeting.

232

233 Town Manager Malaguti asked Councilor Dunn which RSA was in question. Councilor Dunn  
234 pulled up an RSA on his phone.

235

236 Chairman Farrell announced that the Council would take a five-minute break to review the RSA.

237

238 Upon returning, Council Farrell stated that if anyone would like to speak on these licenses, he  
239 would entertain it at that time. There was no comment.

240

241 **Order #2023-07 – An Order Relative to Licensing of a Junkyard Pursuant to RSA 236 (S&S**  
242 **Metals)**

243

244 Assistant Building Inspector, Brad Anderson, presented. Anderson stated that the inspection was  
245 done on June 5<sup>th</sup>.

246

247 Motion to approve Order #2023-06 and Order #2023-07 made by Vice Chairman Franz, and  
248 seconded by Councilor Butler.

249

250 Councilor Dunn asked for clarification on the few issues brought up before we vote. Are there  
251 vehicles that are allowed to be parked outside of the property and is he allowed to have an auction,  
252 because it was in the Londonderry Time’s as an auction. Town Manager Malaguti stated that there  
253 is a letter dated November 23, 2021 addressed to an abutter. It addresses most of the issues, the  
254 vehicles issue. Vehicles are not permitted to be parked outside in general. Town Manager Malaguti  
255 stated that he drove by twice and he did not witness this, but he doesn’t doubt the resident’s  
256 complaint. Town Manager Malaguti addressed some of the other concerns. Auctions are not  
257 permitted, Town Manager Malaguti stated. If someone has evidence, he encourages that person to  
258 report it to the Code Enforcement Office. Malaguti stated that going forward, there will be no more  
259 thirty-day warnings to cure the violation. The town will commence enforcement action, and  
260 violations will be tracked and presented to the Town Council. Councilor Dunn stated that there  
261 was an auction that took place on May 28<sup>th</sup> at 8:15 AM and it was a Subaru. Chairman Farrell

262 asked if the auction took place online. Councilor Dunn stated that he doesn't know, but he has a  
 263 picture of the ad.

264  
 265

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

266  
 267 Chair votes 5-0-0. Order #2023-06 and #2023-07 pass.

268  
 269 **Order #2023-08 – An Order Relative to the Withdrawal of Recreation Department Capital**  
 270 **Reserve Funds**

271 **Order #2023-09 – An Order Relative to the Withdrawal of Cable Equipment Capital Reserve**  
 272 **Funds**

273 **Resolution #2023-12 – A Resolution Relative to the Acceptance of Unanticipated Revenue**  
 274 **Under RSA 31:95-b for Rabies Clinic, Bode Equipment Donation & HealthTrust Wellness**  
 275 **Program**

276  
 277 Chairman Farrell asked if Finance Director Campo could address both of the Orders and  
 278 Resolution together. Campo stated that Order #2023-08 is requesting five thousand out of the fund  
 279 to help purchase a diesel mower. Four bids were received and the town is going with TurfPro.

280  
 281 Campo stated that Order #2023-09 is for the School Districts annual request. There is a list of  
 282 expenses they will be using this on.

283  
 284 Campo stated that Resolution #2023-12 is to accept unanticipated revenue from the Rabies Clinic;  
 285 Bode Equipment donated five hundred dollars to the police department; and HealthTrust gives the  
 286 town, police, fire, and the town five hundred dollars for maintaining healthy habits around town.

287  
 288 Motion to approve Order #2023-08, Order #2023-09, and Resolution #2023-12, made by Vice  
 289 Chairman Franz, and seconded by Councilor Combes.

290

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

291  
 292 Chair votes 5-0-0. Order #2023-08, Order #2023-09, and Resolution #2023-12 pass.



293

294

295

296 **Order #2023-10 – An Order Relative to the Expenditure of Roadway Maintenance Trust**  
297 **Funds**

298

299 Director of Engineering and Environmental Services, John Trottier, presented. This is for repairs  
300 and improvements to various town roads. Councilor Combes asked which roads. The roads include  
301 the following:

302

303 Portions of South Road, from Gilcreast Road to Kendall Pond Road

304 Portions of Harvey Road

305 Portions of High Range Road

306 Portions of Shasta, from Mammoth Road to High Range Road

307 Sunrise Drive, which was reconstructed this past spring

308 Portions of Otterson Road

309 Some roads within the Kings

310 Hillside Ave, from the town lie to Londonderry Road

311 Webster Road

312

313 Each one comes with a different cost.

314

315 Motion to approve Order #2023-10 made by Vice Chairman Franz, and seconded by Councilor  
316 Combes.

317

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

318

319 Chair votes 5-0-0. Order #2023-10 passes.

320

321 **Order #2023-11 – An Order Relative to the Distribution of Fire Department Capital Reserve**  
322 **Funds**

323

324 Battalion Chief Bruce Hallowell presented. Hallowell stated that this is for some new gear.

325

326 Motion to approve Order #2023-11 made by Vice Chairman Franz, and seconded by Councilor

327 Combes.

328

329

330

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

331

332 Chair votes 5-0-0. Order #2023-11 passes.

333

334 **Assessing Department 2023 Revaluation Project Analysis/Preliminary Report**

335

336 Steve Hamilton, Town Assessor, and Adrienne Summers, Assistant Assessor, presented. Hamilton  
 337 stated that every town has to do a revaluation every five years. Last time we did one in  
 338 Londonderry was 2021. The Town Council has determined that it is appropriate to do them every  
 339 two years now. We need to be able to bring properties to market value. Hamilton went over the  
 340 revaluation process and how Londonderry will move forward. This is all property.

341

342 **Resolution #2023-14 – A Resolution Relative to Establishing the Londonderry Community**  
 343 **Response Team Program**

344

345 Town Manager Malaguti presented. Al Sypek approached him to formalize this team so if  
 346 something were to happen to a member of ALERT, they would be covered under our insurance.

347

348 Motion to approve Resolution #2023-14 made by Vice Chairman Franz, and seconded by  
 349 Councilor Combes.

350

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

351

352 Chair votes 5-0-0. Resolution #2023-14 passes. The Council thanked the ALERT team for all that  
 353 they do.

354

355 **Discussion on Proposed Conservation Easement (Map 17, Lot 10)**

356

357 Town Manager Malaguti presented with Marge Badois, Chair of Conservation Commission.

358 Malaguti stated that there has been a lot of discussion about development in the north end of town.  
 359 Malaguti stated that one of the remaining undeveloped areas is map 17, lot 10, part of the Merrill  
 360 Farm area. It is mostly forested and there is some wet to the right side of the property. The  
 361 Conservation Commission voted to recommend to the Council to enter into an agreement to  
 362 purchase a conservation easement on this land and that is what is on offer. Malaguti went over the  
 363 proposal.

364  
 365 Ken Merrill, 585 Mammoth Road, co-owner of the Merrill Farm. Merrill wants to work together  
 366 to preserve the parcel. It's a small parcel.

367  
 368 **Ordinance #2023-03 – An Ordinance Relative to the Rezoning of 556 Mammoth Road, Map**  
 369 **16, Lot 236**

370  
 371 Public hearing is scheduled for August 14<sup>th</sup>.

372  
 373 Motion to waive the first reading on Ordinance #2023-03 made by Vice Chairman Franz, and  
 374 seconded by Councilor Butler.

375

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

376

377 Chair votes 5-0-0.

378

379 **APPROVAL OF MINUTES**

380

381 Motion to approve the Town Council minutes from June 5<sup>th</sup> made by Vice Chairman Franz, second  
 382 by Councilor Combes.

383

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

384

385 Chair votes 5-0-0.

386

387 Motion to approve the Special Town Council minutes from June 21, 2023 made by Vice Chairman  
 388 Franz, seconded by Councilor Combes.



389

390

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

391

392 Chair votes 5-0-0.

393

394 **LIAISON REPORTS**

395

396 Council members gave their liaison reports.

397

398 **TOWN MANAGER & ASSISTANT TOWN MANAGER REPORT**

399

400 Town Manager Malaguti gave the Council his Town Manager report. Assistant Town Manager  
401 Caron gave the Council her update.

402

403 **ADJOURNMENT**

404

405 **Motion:** Vice Chairman Franz

406 **Second:** Councilor Dunn

407

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

408

409 Chair votes 5-0-0.

410

411 Minutes taken by Kirby Brown on 7/10/2023

412 Minutes typed by Kirby Brown on 7/17/2023

413 Minutes amended (as underlined) by Kirsten Hildonen for 9/11/2023.

**Londonderry Town Council Minutes**  
**Monday, August 14, 2023**  
**7:00 PM**  
**Moose Hill Council Chambers**

**Meeting Link:** <http://173.166.17.35/CablecastPublicSite/show/12339?channel=4>

**Attendance:** Present: Chairman John Farrell; Vice Chairman Chad Franz; Councilors Jim Butler, Ted Combes, and Ron Dunn; Town Manager Michael Malaguti; Assistant Town Manager Kellie Caron; Administrative Support Coordinator Kirsten Hildonen

**CALL TO ORDER**

Chairman Farrell called the Town Council meeting to order at 7:00 PM. The Pledge was led by Chairman Farrell. This was followed by a moment of silence led by Chairman Farrell for all of those affected by the wildfires in Hawaii.

Chairman Farrell moved item D.4 forward on the agenda.

**Grant Extension for Town’s Hazard Mitigation Plan**

Fire Chief Darren O’Brien presented the extension plan. The original grant was applied for in 2019. The Planning Department is still working on it. The extension would be until May 29, 2024. Plans are needed to apply for federal grants.

Motion to extend the grant until May 29, 2024 made by Vice Chairman Franz, and seconded by Councilor Combes.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0.

Chairman Farrell announced that the Public Hearing on 556 Mammoth Road will be moved to September 11, 2023.

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**PUBLIC COMMENT**

Fire Chief Darren O'Brien and BC Phil Leblanc presented certificates to citizens in recognition of their contributions to the Fire Department: Kurt Holston from New England Lawn Irrigation for the donation of materials and labor for a new irrigation system; Paul Bears from Paul the Plumber for donating plumbing services for the new irrigation system; and to Jake Butler and Ron Hill (not in attendance) of Shady Hill Orchards for their installation and landscaping of the new sign for Central Fire Station. Chief O'Brien estimated the donation value of these services at approximately \$25,000.

Chief O'Brien announced his retirement from the Fire Department effective September 1, 2023. He described his career and 40 years of service to the Town of Londonderry, and thanked those who supported him during that time. Chairman Farrell thanked Chief O'Brien for his service. Town Manager Malaguti lauded the Chief for his leadership.

Brian Samolyk, 25 Moulton Drive, and Steve Spaziani, 12 Gary Drive, of the Pickleball Task Force addressed the Council members on the establishment of the Task Force. They have quickly started exploring options for locations, materials, and fundraising. The members have allocated responsibilities among themselves. They will be at the Senior Expo on September 23, 2023.

**Name:** Richard Bielinski

**Address:** 89 Hall Road

Bielinski discussed the events of the prior meeting, where he brought up a RSA that he believed would allow public comment. Bielinski stated that he visited the Derry District Court and found no record of the Town filing with the Court. He expressed frustration that he does not see the Town ordinances being enforced. He asked that the Council pay more attention when people bring concerns to them.

**Name:** Dan Bouchard

**Address:** 8 O'Connell Drive

Bouchard expressed gratitude for the donations provided to the Fire Department. Bouchard also thanked the Council for their efforts to deal with recent resignation from the Budget Committee.

**Name:** Kristine Perez

**Address:** 5 Wesley Drive

Perez expressed concern that the Council allocated one third of the money in the Sewer Fund toward helping Woodmont with their infrastructure and asked that future developments contribute to the Sewer Fund up front. Perez thanked Assistant Town Manager Kellie Caron for her help with soil issues in two developments, totaling 200 units, proposed on Gilcreast Road. She has questions about what other steps have been taken in preparation for those developments to move forward. Chairman Farrell asked Caron about the number of units. Caron confirmed that the number of units in the two developments combined total approximately 200. Those plans have not gone to the Planning Board yet. The plans will be subject to the same technical analysis



as all projects.

**Name:** Mike Malaguti, Town Manager

Town Manager Malaguti announced that Friday, August 11, 2023 was Executive Assistant Kirby Brown's last day. He complimented her on her nearly ten years of employment and her dedication to the Town during her time working in Town Hall.

Chairman Farrell echoed the Town Manager's gratitude and well-wishes for Brown.

**Name:** Ann Chiampa

**Address:** 28 Wedgewood Drive

Chiampa had a question about the payment in lieu of taxation on the agenda (D.3). She stated that she remembered that there was a difference between commercial taxation and residential taxation in the prior year, and how the revaluation has significantly increased the assessment of her land. Chairman Farrell informed Chiampa that there will be a discussion of revaluation later. Chiampa asked if this agreement was only a one-time deal. Chairman Farrell replied that PILOT agreements apply only to that one situation.

**Chairman Farrell closed public comment.**

## **PUBLIC HEARING**

No public hearings were held.

## **NEW BUSINESS**

### **New Balance Payment in lieu of Taxes (PILOT) agreement**

Town Manager Michael Malaguti presented. Jim Halliday, president of New Balance Development, and Kevin Smith, real estate consultant, were present and available for questions. Malaguti is requesting a ten-year Payment in Lieu of Taxes (PILOT) agreement between the Town of Londonderry and New Balance Athletics, Inc for their proposed manufacturing facility at 55 Pettengill Road. New Balance is investing approximately \$60 million into this facility and it is being financed through the New Hampshire Business Finance Authority. The BFA involvement requires that New Balance negotiate a PILOT agreement with the Town since the BFA is a government entity and exempt from local taxation. Malaguti described the progression of payments and incentives over the ten-year agreement. The agreement will lead to Londonderry receiving full tax revenue on the existing value of the land plus additional revenue once it is improved.

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Chairman Farrell stated that the Town has a PILOT program with the Manchester-Boston Regional Airport. The point of a PILOT program is to ensure the Town has the ability to pay for



the services that they will need to provide and to protect the Town. Malaguti stated that they do these type of agreements for non-profits organizations or government entities. Vice Chair Franz clarified that the government entities do not have to pay taxes, but they are required to enter into a PILOT. Malaguti confirms that is correct, and was built into the creation of the BFA.

Motion to accept the terms of the contract between New Balance and the Town of Londonderry made by Vice Chairman Franz, and seconded by Councilor Combes.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0.

### **Assessing Revaluation Update**

Steve Hamilton, Whitney Consulting Group, Assessor by contract to the Town, presented. He announced that the results of the revaluation are ready to be mailed. The bill that went out in June, due on July 1, was based on the prior year. There is no 2023 tax rate yet. It will not be received from the DRA until at least October. Chairman Farrell asked if this will increase the amount of money needed to run the town. Hamilton stated there is a direct link between spending and tax rate. If spending stays the same, the tax rate will go down. Chairman Farrell asked why they are doing it every two years. Hamilton replied that it is easier to absorb the increases and capture any decreases within shorter periods of time. Chairman Farrell stated that, on average, the valuation of a residential property in Londonderry is going up 23-24%. Hamilton affirmed that number, but stated that not all properties appreciate the same way. Chairman Farrell asked what people can do if they disagree. Hamilton replied that the letter going out to residents will explain how they can speak with the Assessing Department. Hamilton stated that commercial properties have had a wide range of changes in value. The MS1 report will be submitted to the Council in late September. In New Hampshire, the tax rate is the same across all properties in a community. Information about the valuation of properties is available through the Town of Londonderry website, and Hamilton encouraged people to call the Assessing Department and set up an appointment to discuss their result. Councilor Combes asked if the notices contained information about tax credits. Hamilton replied that they will not. Hamilton stated that any property owner can file an abatement to formally change the assessment of their property. Vice Chair Franz asked about the ratio. Hamilton explains that the goal is to have every property assessed between 90% and 110% of market value. Vice Chair Franz clarified that the opportunity to discuss the valuation with assessors is different from an abatement. Hamilton affirmed that it is. Requesting an abatement requires a tax bill to be in hand.

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Chairman Farrell moved up Appointments/Reappointments (G) to next on the agenda.

**APPOINTMENTS/REAPPOINTMENTS**

**Utilities Committee, Alternate Position**

**Candidate:** John Mahon, 26 King Arthur Dr

Mahon opted to take questions from the Council in lieu of an opening statement. Councilors Dunn and Butler spoke in support of Mahon. Councilor Combes asked if Mahon had any experience in the field. Mahon replied that his experience comes from his managing his utilities as a homeowner.

Motion to appoint John Mahon as an Alternate to Utilities Committee made by Councilor Dunn, seconded by Councilor Butler.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0.

**Pickleball Task Force, Alternate Position**

**Candidate:** Daniel Malloy

Malloy stated that his grandfather played pickleball which makes his family part of the OG pickleball movement. Councilor Combes asked if Malloy had experience playing pickleball himself. Malloy said he had in the past. Vice Chair Franz asked Malloy about his ability to collaborate with other members of the Task Force. Malloy replied that his sales background has given him experience in communication with people of all levels. Malloy pointed out that he has a pre-existing professional relationship with Brian Samolyk, chair of the Pickleball Task Force.

Motion to appoint Daniel Malloy as an Alternate member of the Pickleball Task Force made by Councilor Franz and seconded by Councilor Combes.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes



Motion passed 5-0-0.

### **Budget Committee**

The Council clarified that the vacancy they are interviewing for tonight was the one created by Councilor Dunn's resignation in March upon his election to Town Council.

**Candidate:** Paula Moore, 13 Morrison Drive

Moore stated that she worked for the IRS and ran her own business, and has a major in accounting, and that her personal finances are all in order. Vice Chair Franz asked about Moore's understanding of the Committee's mission and how she would support it, her experiences that qualify her to serve on the Committee, and how she would interact with the community. Moore currently serves on a budget committee at the Nevins, where they achieved savings for the development. She does taxes for senior citizens through AARP. Moore wants to solicit input from the community about their concerns about the Budget Committee. Councilor Butler asked if she had any conflicts of interest. Moore replied no. Chairman Farrell pointed out that the meeting schedule gets intense during budget season and asked if she was prepared for that frequency. Moore stated that she was.

**Candidate:** Kate Burbidge, 21 Kelley Road

Burbidge described her background and degree, and her current job. She is a member of the Association for the Advancement of Cost Engineering. She has children in the public schools in Londonderry and is invested in the success of the schools and how tax dollars are being spent. Vice Chair Franz asked about Moore's understanding of the Committee's mission and how she would support it, her experiences that qualify her to serve on the Committee, and how she would interact with the community. Burbidge stated that it's important to act not only how she as an individual wants, but also what the community wants. Councilor Combes asked if she has any issues with the meeting schedule. Burbidge stated she does not. Chairman Farrell asked if she had any conflicts of interest. Burbidge stated that she does not.

Councilor Combes made a motion to appoint Kate Burbidge to the vacant position on the Budget Committee. There was no second.

Councilor Butler made a motion to wait on appointing anyone until after the interviews on the second position. Councilor Dunn seconded. No vote occurred because none was needed; the Council agreed by consensus to postpone appointment until September 11, 2023. ASC Kirsten Hildonen verified the upcoming Budget Committee dates and times. Chairman Farrell invited the candidates to attend the upcoming meetings of the Budget Committee between now and the next Town Council meeting on September 11, 2023.

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### **American Rescue Project Act (ARPA) Request - Public Works Facility Master Plan**



Dave Wholley, Director of Public Works and Municipal Facilities, and Michael Richard, of the Weston & Sampson engineering firm, presented. Wholley suggested that they were looking for a solution that would help other departments as well. Richard stated his group specializes in public works facilities. The first step in the process is the needs assessment, which he sees as the most important step. It involves observing the operation and developing a matrix. The next is a site analysis to understand limitations and considerations. They will bring several concepts to the Town for review. The next step is determining total project cost, and developing presentation materials.

Councilor Combes asked how realistic the schedule was. Richard replied that they will move at the Town's pace. Wholley stipulated that there is a lot of connectivity between this project and the rest of the community, which may take further investigation.

Vice Chair Franz clarified that Wholley was asking for \$64,500 to be used through ARPA.

The Council gave consensus to move forward.

#### **ARPA Request - LPD Dispatch Remodel Presentation**

Captain Patrick Cheetham, Londonderry Police Department (LPD), presented. In April 2022, Congressman Pappas' office reached out to the LPD to suggest applying for a Community Block Grant. The LPD decided that best use for these funds would be to remodel the dispatch center. In December 2022 the grant was funded. Captain Cheetham thanked IT Manager Tom Roy, Facilities Manager J.R. Valente, Dispatch Supervisor Corey Naderm and Deputy Police Chief Jason Breen for their help on the grant.

Captain Cheetham presented the new design customized to the space available at the Police Department and explained the purpose of the new equipment. He explained that dispatchers spend almost the entirety of their shifts in this space without the ability to leave. The grant was approved for \$75,000. The total project cost is \$153,000. Vice Chair Franz clarified that the amount being requested from ARPA funds is \$78,000. Captain Cheetham stated no, Chief Kim Bernard, Town Manager Malaguti, and the finance director discussed putting approximately \$53,000 in ARPA funds towards it. The rest, especially some long term and IT costs, will be absorbed by the existing LPD budget. Some of the labor will be able to be performed by members of the LPD. Vice Chair Franz asked if the proposed format will support future growth in the Town. Captain Cheetham replied that it would. Vice Chair Franz asked if all the stations were interchangeable. Captain Cheetham replied that they are.

Councilor Combes asked what will happen during demolition and construction. Captain Cheetham stated that they will use Nader's office as the dispatch station while construction is underway. Councilor Combes stated that he finds the cost of the estimate impressively managed. Captain Cheetham thanked Roy, Nader, and Valente again for their hard work and Chief Bernard

for his input. Councilor Combes complimented the planned layout. Vice Chair Franz asked when their anticipated start date is. Captain Cheetham stated that the fund processing is still underway in Washington DC so the start date is unclear, but they hope to start in October. Councilor Butler asked if there would be a service disruption. Captain Cheethams stated there would not be.

The Council gave consensus to move forward.

**Technical Amendments to Intermunicipal Agreement with Town of Derry for Wastewater Service**

Town Manager Malaguti presented. The agreement has already been approved by the Derry Town Council and reviewed by staff

Motion to authorize the Town Manager and the Chairman of the Town Council to sign the agreement made by Vice Chair Franz and seconded by Councilor Dunn.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0.

**APPROVAL OF MINUTES**

Minutes for the August 7, 2023 Special Meeting were presented. Motion to approve made by Vice Chair Franz and seconded by Councilor Butler.

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0.

Minutes for the July 10, 2023 meeting were presented. Chairman Farrell reported that he ~~received some suggested changes to the minutes from a resident relayed to him by ASC Hildonen.~~ He asked Hildonen to review the minutes for the accuracy of suggested amendment

Vice Chair Franz pointed out that line 216 needs to be amended to read "Vice Chair Franz." The minutes from July 10, 2023 will be approved at the September 11, 2023 meeting.

**LIAISON REPORTS**

The liaisons made their reports on their assigned areas.

**TOWN MANAGER & ASSISTANT TOWN MANAGER REPORT**

Assistant Town Manager Caron gave the Council her report. Town Manager Malaguti gave the Council his report.

**ADJOURNMENT**

**Motion:** Vice Chair Franz

**Second:** Councilor Dunn

John Farrell	Yes
Chad Franz	Yes
Jim Butler	Yes
Ted Combes	Yes
Ron Dunn	Yes

Motion passed 5-0-0. Meeting adjourned at 8:09 p.m.

Minutes prepared by Kirsten Hildonen