

**TOWN COUNCIL AGENDA**  
**May 23, 2022**  
**Moose Hill Council Chambers**  
**7:00 P.M.**

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

- 1.) Community Power Coalition of New Hampshire (CPCNH)  
Presentation  
**Presented by Henry Herndon and Director Craig Putnam  
with CPCNH**

**C. PUBLIC HEARING**

- 1.) **Ordinance #2022-03** – An Amendment to the Londonderry  
Zoning Ordinance Section 4.2.1.4 Relative to the Keeping of  
Poultry in the AR-1 District  
**Presented by Laura Gandia**
- 2.) **Ordinance #2022-04** – An Amendment to the Londonderry  
Zoning Ordinance Establishing a Groundwater Protection  
Overlay District, Section 4.6.8  
**Presented by Laura Gandia**

**D. NEW BUSINESS**

- 1.) **Confirmation of Senior Affairs Director**
- 2.) **Order #2022-08** – An Order Relative to the Expenditure of  
Roadway Maintenance Trust Funds  
**Presented by John Trottier**
- 3.) **Resolution #2022-07** – A Resolution Relative to the Acceptance  
of Unanticipated Revenue Under RSA 31:95-b (Rabies Clinic)  
**Presented by Justin Campo**

**E. OLD BUSINESS**

- 1.) **Ordinance #2022-05** – An Ordinance Creating the Londonderry  
Commercial and Industrial Tax Incentive Program  
**(Public hearing on 6/6/22 – no action required)**

**F. APPROVAL OF MINUTES**

**Approval of May 9, 2022 Town Council Minutes**

**G. APPOINTMENTS/REAPPOINTMENTS**

- 1.) **CIP Committee Appointments**

**H. OTHER BUSINESS**

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

**I. ADJOURNMENT**

**J. MEETING SCHEDULE**

A. Town Council Meeting **06/06/2022**  
Moose Hill Council Chambers, 7:00 PM

B. Town Council Meeting **06/20/2022**  
Moose Hill Council Chambers, 7:00 PM

## **LEGAL NOTICE**

The Londonderry Town Council will hold PUBLIC HEARINGS on the following Ordinances:

Ordinance #2022-03 – An Amendment to the Londonderry Zoning Ordinance Section 4.2.1.4 Relative to the Keeping of Poultry in the AR-1 District

Ordinance #2022-04 – An Amendment to the Londonderry Zoning Ordinance Establishing a Groundwater Protection Overlay District, Section 4.6.8

The public hearings will occur on Monday, May 23, 2022 at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

Introduced: 4/18/22  
Public Hearing: 5/23/22  
Adopted: 5/23/22

**ORDINANCE 2022-03**  
***AN AMENDMENT TO THE LONDONDERRY ZONING***  
***ORDINANCE SECTION 4.2.1.4 RELATIVE TO THE***  
***KEEPING OF POULTRY IN THE AR-1 DISTRICT***

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***WHEREAS*** it has been requested that the Londonderry Planning Board review the ordinance regulating the keeping of poultry on lots smaller than 2 acres in size; and

***WHEREAS*** the Londonderry Planning Board, with advisement from the University of New Hampshire Cooperative Extension has determined that the keeping of poultry on lots smaller than 2 acres is a reasonable use, with certain restrictions,

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

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended per the attached to reflect changes to Section 4.2.1.4 relative to the keeping of poultry in the AR-1 district, to become effective upon passage by the Town Council.

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John Farrell, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Sherry Farrell - Town Clerk***  
***05/23/2022***

***Town Seal***

**Domestic Pets:** This term includes dogs, cats and other small animals commonly kept for non-commercial purposes for the exclusive enjoyment of the residents.

**Livestock:** This term shall include horses, cattle, sheep, swine, goats and other animals usually kept or raised on a farm. Exempted from this definition are domestic pets and poultry as defined in this Ordinance.

**Poultry:** Winged and feathered animals including, but not limited to, chickens, hens, roosters, ducks, geese, and turkeys.

#### 4.2.1.4 Livestock

A. Agricultural livestock, poultry, and horses ~~will not be permitted except on~~ is only permitted on lots containing two acres or more, except as noted in Section 4.2.1.4.B below. All buildings, runs, pens, and kennels (excluding pastures) will be located a minimum of 25 feet from any property line. These lot size and setback requirements also pertain to dog kennels. Exempted from this provision are domestic pets as defined in this ordinance.

B. On lots smaller than two acres in size in the AR-I district, the keeping of poultry is permitted with the following restrictions:

1. All poultry shall be properly enclosed at all times. Enclosures must be roofed (wire or mesh roofing is acceptable) and shall be adequate to prevent the poultry from escaping from and trespassing on public or private property.
2. A minimum of 3 square feet of sheltered coop and 10 square feet of enclosed outdoor run shall be provided per bird, with the exception of turkeys which require a minimum of 6 square feet of sheltered coop and 10 square feet of enclosed outdoor run per bird.
3. Enclosures in conjunction with the raising and keeping of poultry shall be located a minimum of 25' from any property line.
4. There shall be no roosters, geese or guinea fowl permitted.
5. Number of poultry permitted:
  - a. Lots 1 to 2 acres in size are permitted to have:
    - i. No more than 12 poultry other than turkeys; and
    - ii. No more than 6 turkeys.
  - b. Lots 0.5 acre to less than 1 acre in size are permitted to have:
    - i. No more than 6 poultry other than turkeys; and
    - ii. No turkeys.
  - c. No poultry shall be kept on a lot smaller than 0.5 acre in size.

A.C. At no time shall a public nuisance be created as to sight, sound, smell, vermin or any other action which would interfere with nearby property owner's rights.

B.D. Commercial piggeries or mink farms established for the raising, care, and keeping of pigs or minks as business in any district shall not be permitted. The raising of pigs for one's own home consumption shall be permitted, providing that in so doing, a public nuisance is not created and the operation does not offend by reason of the emission of smoke, noise, odors, or fumes.

Introduced: 4/18/22  
Public Hearing: 5/23/22  
Adopted: 5/23/22

**ORDINANCE 2022-04**  
***AN AMENDMENT TO THE LONDONDERRY ZONING***  
***ORDINANCE ESTABLISHING A GROUNDWATER***  
***PROTECTION OVERLAY DISTRICT, SECTION 4.6.8***

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***WHEREAS*** the New Hampshire Department of Environmental Services has prepared a model ordinance for the protection of locally important groundwater; and

***WHEREAS*** the Londonderry Planning Board recognizes that groundwater is a critical natural and economic resource; a frequently utilized source of drinking water and an integral part of the hydrologic system; and

***WHEREAS*** the proposed Groundwater Protection Overlay District will provide a regulatory tool to protect the wellhead protection areas associated with public water systems within the Town of Londonderry; and

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

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended per the attached to adopt Section 4.6.8, Groundwater Protection District, to become effective upon passage by the Town Council.

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John Farrell, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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Sherry Farrell - Town Clerk  
05/23/2022

***Town Seal***

## **4.6.8 Groundwater Protection District**

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### **4.6.8.1 Authority**

This Section is enacted pursuant to RSA 674:21 as an Innovative Land Use Control. The Planning Board shall be solely responsible for the interpretation and administration of this ordinance, including the granting of conditional use permits relative thereto. Any decision made by the Planning Board under this ordinance may be appealed in the manner provided by RSA 677:15.

### **4.6.8.2 Purpose**

The purpose of this ordinance is, in the interest of public health, safety and general welfare, to preserve, maintain and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

### **4.6.8.3 Definitions**

The following definitions shall apply only to this Groundwater Protection Ordinance and shall not be affected by the provisions of any other ordinance of the Town of Londonderry.

- A. Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
- B. Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.
- C. Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.
- D. Gasoline station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.
- E. Impervious: not readily permitting the infiltration of water.
- F. Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
- G. Junkyard: an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.
- H. Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- I. Public water system: a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- J. Regulated substance: petroleum, petroleum products, regulated contaminants for which an ambient groundwater quality standard has been established under RSA 485-C:6, and

substances listed under 40 CFR 302, 7-1-05 edition, excluding substances used in the treatment of drinking water or waste water at department approved facilities.

- K. Sanitary protective radius: The area around a public water supply well which must be maintained in its natural state as required by EnvDw 301 or 302 (for community water systems); Env-Dw 405.14 and 406.12 (for other public water systems).
- L. Seasonal high water table: The depth from the mineral soil surface to the upper most soil horizon that contains 2 percent or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Civil or Environmental Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for at least a period of seven consecutive days.
- M. Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.
- N. Snow dump: For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.
- O. Stratified-drift aquifer: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
- P. Surface water: streams, lakes, ponds and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.
- Q. Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

#### **4.6.8.4 Groundwater Protection District**

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries,

- (1) all of the Wellhead Protection Areas for public water supply wells as defined under Section 4.6.8.2.I of this ordinance

The district is shown on the map entitled, Town of Londonderry Groundwater Protection District.

#### **4.6.8.5 Applicability**

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Section 4.6.8.10 (Exemptions) of this Ordinance.

#### **4.6.8.6 Permitted Uses**

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses. All uses must comply with the Performance Standards unless specifically exempt under Section 4.6.8.10.

#### **4.6.8.7 Prohibited Uses**



The following uses are prohibited in the Groundwater Protection District.:

- A. The development or operation of a solid waste landfill;
- B. The outdoor storage of road salt or other deicing chemicals in bulk;
- C. The development or operation of a junkyard;
- D. The development or operation of a snow dump;
- E. The development or operation of a wastewater or septage lagoon;
- F. The development or operation of a petroleum bulk plant or terminal;
- G. The development or operation of gasoline stations.

#### **4.6.8.8 Conditional Uses**

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:

- A. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons or 660 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 4.6.8.12, is approved by the Londonderry Fire Department.
- B. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater.
- C. Any activities that involve blasting of bedrock.

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use (as listed in Section 4.6.8.7 of this Ordinance) and will be in compliance with the Performance Standards in Section 4.6.8.11 as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

#### **4.6.8.9 Existing Non-Conforming Uses**

Existing non-conforming uses may continue without expanding or changing to another non-conforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules. Gasoline

#### **4.6.8.10 Exemptions**

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

- A. Any parcel located within the Airport District is exempt from this Groundwater Protection Ordinance;
- B. Any private residence is exempt from all Performance Standards;
- C. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Section 4.6.8.11, Performance Standards, sections E through H;
- D. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard E;

- E. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards E through H;
- F. Storage and use of office supplies is exempt from Performance Standards E through H;
- G. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards E through H if incorporated within the site development project within six months of their deposit on the site;
- H. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
- I. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Performance Standards E through H;
- J. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 4.6.8.14 of this ordinance.

#### **4.6.8.11 Performance Standards**

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section 4.6.8.10:

- A. For any new or expanded uses that will render impervious more than 15 percent or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with the Town of Londonderry Site Plan Regulations, Section 3.07 Storm Drain Systems.
- B. Conditional uses, as defined under Section 4.6.8.8 shall develop stormwater management and pollution prevention plans and include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, Feb 2009) The plan shall demonstrate that the use will:
  1. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post Construction) Stormwater Management,( NHDES, 2008 or later edition)
  2. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
  3. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
  4. Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.
- C. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food (2017), and any subsequent revisions;
- D. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;

- E. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
- F. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
- G. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
- H. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
- I. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.
- J. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells
- K. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter

#### **4.6.8.12 Spill Prevention, Control and Countermeasure (SPCC Plan)**

Conditional uses, as described under Section 4.6.8.8, part (A), using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the [Fire Chief, Health officer or Emergency Management officer] who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

- A. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
- B. Contact list and phone numbers for the current facility response coordinator(s), cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
- C. A list of all regulated substances in use and locations of use and storage;
- D. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.
- E. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
- F. List of positions within the facility that require training to respond to spills of regulated substances.
- G. Prevention protocols that are to be followed after an event to limit future large releases of any regulated substance.

#### **4.6.8.13 Relationship Between State and Local Requirements**

Where both the State and the municipality have existing requirements the more stringent shall govern.

#### **4.6.8.14 Maintenance and Inspection**

- A. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Rockingham County. The description so prepared shall comply with the requirements of RSA 478:4-a. Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.
- B. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Code Enforcement Officer at reasonable times with prior notice to the landowner.
- C. All properties in the Groundwater Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Section 4.6.8.10, shall be subject to inspections under this Section.
- D. The Town of Londonderry may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Town of Londonderry as provided for in RSA 41-9:a.

#### **4.6.8.15 Enforcement Procedures and Penalties**

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.

#### **4.6.8.16 Saving Clause**

If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.

# RESOLUTION 2022-07

A Resolution Relative to the

## *Acceptance of Unanticipated Revenue Under RSA 31:95-b*

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First Reading: 5/23/22  
Second Reading: Waived  
Adopted: 5/23/22

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

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

**WHEREAS** the Town hosted a Rabies clinic on April 9<sup>th</sup>, 2022 in coordination with Survivor's Paws Animal rescue. During the clinic 57 rabies vaccines were given and the animal's owner was charged \$20. All payments were made to the Town of Londonderry with the intention of donating the proceeds to Survivor's Paws Animal rescue to assist in the expenses they incurred and help support them in their mission.

**WHEREAS** the town received a total of \$1,140.00 from hosting the Rabies clinic.

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that unanticipated revenue in the amount of \$1,140.00 for the fiscal year ending June 30, 2022 are hereby accepted for the purpose of donating to Survivor's Paws Animal rescue.

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John Farrell - Chairman  
Town Council

(TOWN SEAL)

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Sharon Farrell - Town Clerk

**A TRUE COPY ATTEST:**  
5/23/22

## ORDER 2022-08

An Order Relative to  
**THE EXPENDITURE OF  
ROADWAY MAINTENANCE TRUST FUNDS**

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- WHEREAS** voters since 2012 have approved funding for the maintenance and repair of public roadways in the town; and
- WHEREAS** this Public Works department has complied with the provisions of the Town of Londonderry Municipal Code, Title VI Purchasing Policy and;
- WHEREAS** based on the Town's purchasing policy, the project's anticipated cost requires the vote and approval of the Town Council.
- WHEREAS** the Town Council has voted \_\_\_\_\_ - \_\_\_\_\_ in favor of proceeding forward with the project.
- WHEREAS** it has been determined that sufficient funds are available in the Roadway Maintenance Trust Fund for the completion of this project;

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby authorized to expend up to \$1,500,000 from the Roadway Maintenance Trust Fund for the project as described in the Request for Proposal titled "Harvey Road Culvert Reconstruction Project" in which bids were due by 04/20/2022.

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John Farrell - Chairman  
Town Council

( TOWN SEAL )

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Sharon Farrell - Town Clerk

**A TRUE COPY ATTEST:**  
05/23/22



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

268B Mammoth Road  
Londonderry, NH 03053  
Phone 603.432.1100 x 128  
[www.londonderrynh.org](http://www.londonderrynh.org)

**To:** Town Council  
**From:** Amy Kizak, GIS Manager/ Comprehensive Planner  
**Date:** May 4, 2022  
**Subject:** **2024-2029 Capital Improvement Program (CIP) Committee**

In accordance with Section 5.5 of the Town Charter, and RSA 674:5, the Town Council must appoint the members of the Capital Improvements Program (CIP) Committee. By Town Charter, the CIP Committee is comprised of one (1) member of the Town Council, one (1) member of the School Board, one (1) member of the Budget Committee and two (2) members of the Planning Board. The following Committee members have been recommended for appointment to the Committee by the Council:

- Town Council Representative (1) – Joe Green
- School Board Representative (1) –Bob Slater; Kevin Gray, Alternate
- Budget Committee Representative (1) – Steve Breault
- Planning Board Representatives (2) – Jake Butler and Jeff Penta

The CIP Committee is tasked with preparing and submitting a Capital Improvements Plan to the Planning Board, which will then hold a public hearing on the plan. The Planning Board will finalize recommendations, adopt the CIP plan and forward the plan to the Town Council and School Board for consideration.

**Staff recommends that the Council accept the nominations as presented and appoint the above listed individuals to the 2024-2029 Capital Improvement Plan Committee.**

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## Town Council Meeting Minutes May 9 2022

The meeting took place in the Moose Hill Council Chambers, 268B Mammoth Rd, Londonderry, NH 03053.

Present: Chairman John Farrell; Vice Chairman Joe Green; Councilor Chad Franz, and Deb Paul; Town Manager Michael Malaguti; Assistant Town Manager Lisa Drabik; Absent: Executive Assistant Kirby Brown; Councilor Jim Butler

### CALL TO ORDER

Chairman Farrell called the Town Council meeting to order at 7:00 PM. This was followed by the Pledge of Allegiance. This was followed by a moment of silence for all of those first responders who protect this community and country.

### PUBLIC COMMENT

Town Clerk Sherry Farrell gave the Council an update on the dog leash Ordinance. Farrell presented Dawn Williams from Survivors Paws Inc. with \$1,140 from the rabies clinic the town held a few weeks ago. Farrell stated that she's been working with Deputy Police Chief Kim Bernard on the numbers and in the last three years or so the Police Department have had just under 1,500 calls involving dogs. Farrell reminded people to keep their dogs registered and under control.

Pam Dolan Alexander, 176 Pillsbury Rd, stated that she has been a dog owner since 2009. She walks her dog on public land, conservation land, and all over. Pam stated that she has had a few incidents over the years and her dog got hurt. Pam shared her story.

Councilor Paul asked what the next steps were and how much of it will be enforceable. Farrell stated that through education we are hoping to fix some of the issues but also to prepare an amendment to the current Ordinance.



## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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34 Ann Chiampa, 28 Wedgewood Drive, shared her experience with her dog being attacked.

35

36 Moira Ryan, 2 Snowberry Hollow, stated that she sees what's trying to be done and she  
37 hopes that a balance can be created. People have the right to have their pets. Chairman  
38 Farrell stated that the Council will be methodical and will go slowly so that it is done right  
39 the first time. Vice Chairman Green asked if a leash law should be in effect. Ryan stated  
40 that if you do the proper training and your dog listens to voice commands, your dog will  
41 listen to you.

42

43 Town Manager Malaguti stated that there is an Ordinance in place now that is fairly robust  
44 and it essentially incorporates the state statute that regulates dogs running at-large.  
45 Chairman Farrell stated that the Council will move forward with tightening up the  
46 Ordinance.

47

48 Dan Bouchard, O'Connell Drive, asked about the Lions Club getting out of their lease.  
49 Chairman Farrell stated that it all happened recently and there is a safety issue with the  
50 building. Chairman Farrell stated that access to the building needs to be restricted for safety  
51 issues. Town Manager Malaguti gave an update on the matter.

52

53

### **PUBLIC HEARING**

54

55 Motion to open Public Hearing made by Vice Chairman Green and second by Councilor  
56 Franz. Chair votes 4-0-0.

57

58 Chairman Farrell introduced Ordinance #2022-05 which is an Ordinance creating the  
59 Londonderry Commercial and Industrial Property Tax Incentive Program. Town Manager  
60 Malaguti presented. Malaguti presented a PowerPoint, see attached. Malaguti stated that the  
61 scope of this program is different from the one that was previously presented. This one is  
62 town wide. This program will benefit more and there will be a trial period.

63

64 Steve Hamilton, Londonderry Assessor, provided a projection as to how many properties  
65 might qualify for this program.

66

67 Councilor Paul stated that she is not in favor of this. Councilor Paul stated that this will

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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68 bring jobs and other business are having a hard time finding employees to begin with.  
69 Councilor Paul stated that this should be on a warrant and go out to the tax payers.

70

71 Councilor Franz asked if this program allows the Council to take up each of these case by  
72 case. Malaguti stated that would be correct. Right now, they won't require a public hearing,  
73 however if the Council is more comfortable a public hearing with newspaper publication  
74 can be required. Councilor Franz asked if this will create more tax revenue and create less  
75 burden on the residents. Malaguti stated that is the goal.

76

77 Malaguti stated that it was discussed in the fall when it was tabled and we have talked about  
78 it more recently. Malaguti stated that we won't know 100% if something will be successful  
79 but that we should not let the perfect be the enemy of the good.

80

81 Councilor Paul stated that she hasn't heard much positive feedback on this program.

82

83 Malaguti, responding to an earlier comment, stated that a great deal of thought has gone into  
84 this program.

85

86 Chairman Farrell addressed that New Hampshire is a Dillon Rule state. Chairman Farrell  
87 stated that every year Londonderry has to raise \$20M a year to run the town. Chairman  
88 Farrell explained where taxpayers' dollars go.

89

90 Robert Lebreux, 76 Hall Rd, said it does shift the tax burden away from the residential  
91 property taxes in year three, but it also does the same to existing commercial properties.  
92 Lebreux asked if the assumption is that they would never build here absent as an incentive?  
93 Lebreux stated that there were plenty of places built here without a tax incentive. Lebreux  
94 stated that ten years is a long time to carry it out. Lebreux stated that he understands the  
95 benefit, but he doesn't see it as a good fit for Londonderry.

96

97 Kristine Perez, 5 Wesley Drive, asked if there is any way the state can interfere with this  
98 with land use regulations. Malaguti stated that there is a bill that discusses short term rentals.

99

100 Motion to continue Ordinance #2022-05 made by Councilor Paul and second by Vice  
101 Chairman Green. Council gave a consensus to continue so that they can work on specifics.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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102 Chairman Farrell introduced Resolution #2022-06, a Resolution relative to the Veteran's  
103 Tax Credit Policy. Chairman Farrell reminded the public that the revenue has to come from  
104 somewhere. When tax credits are given, it's only coming out of the town budget, not the  
105 school budget.

106

107 Councilor Franz recused himself because he is receiving the existing credit.

108

109 Malaguti presented with Town Assessor, Steve Hamilton. Malaguti stated that the optional  
110 veterans tax credit is currently set at \$500.00, and the all veterans tax credit is also set at  
111 \$500.00. In April 2018, the state authorized municipalities to offer a \$750.00 credit and  
112 Londonderry did not opt into it. Malaguti advised doing this outside the budget process  
113 requires the Town to absorb the cost into the operating budget in FY 22 and 23, which is  
114 not a best practice. He expressed additional concerns, but ultimately advised the Council  
115 they may increase the credits to \$625, but should probably not increase them to \$750.  
116 Malaguti stated that it is also important to recognize the sacrifice our veterans have made.

117

118 Councilor Paul asked if this is income based. Hamilton and Malaguti explained the program  
119 is not means-tested per statute.

120

121 Chairman Farrell stated that no matter what, the money has to come from somewhere.

122

123 Robert Lebreux, 76 Hall Rd, thanked the Council for the tax credit and agreed with Vice  
124 Chairman Green that it should be the full amount at \$750.00. Lebreux stated that he knows  
125 some towns aren't even doing the \$500.00. The sooner Londonderry gets to \$750.00 the  
126 better and he appreciates, as well as all veterans, the credit offered.

127

128 Kristine Perez, 5 Wesley Drive, stated that veterans deserve this. These men and women  
129 served and deserve this. This town can afford it.

130

131 Malaguti stated that there are currently 924 veterans taking the credit. Taking it to \$750.00  
132 would cost the town approximately \$693,000.00.

133

134 Doug Thomas, 143 Mammoth Rd, stated that he supports this and Vice Chairman Green's  
135 suggestion of \$750.00.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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136 Bill Graser, 3 Eayers Range Road, stated that he has been here since 1978 and he can  
137 remember when the credit was only \$50.00. Graser stated that he supports the \$750.00.

138

139 Vice Chairman Green made a motion to amend the increased credit \$750.00.

140

141 Councilor Paul asked if it was possible to take one credit to \$625.00 and another to  
142 \$750.00. Malaguti stated that you can't because they're tied together by statute.

143

144 Councilor Paul seconded Vice Chairman's motion to amend it to \$750.00.

145

146 Motion to carried a 3-0-1 vote. Chairman Farrell, Vice Chairman Green, and Councilor  
147 Paul all voted to support the amendment of \$750.00. The Council voted to adopt the  
148 proposal to raise both exemptions to \$750.00.

149

150 Councilor Franz rejoined the meeting. Motion to close public hearing made by Vice  
151 Chairman Green and second by Councilor Paul. Chair votes 4-0-0.

152

### 153 **NEW BUSINESS**

154

155 Chairman Farrell introduced Order #2022-06, an Order relative the distribution of Fire  
156 Equipment Capital Reserve Fund. Fire Chief Darren O'Brien presented. Chief O'Brien  
157 stated that this is for turnout gear. Motion to approve Order #2022-06 made by Vice  
158 chairman Green and second by Councilor Paul. Chair votes 4-0-0.

159

160 Chairman Farrell introduced Order #2022-07, an Order relative to the expenditure of  
161 Maintenance Trust Funds for various projects. Dave Wholley presented. Wholley stated  
162 that this is for an issue with the Town Hall generator and a small leak. Motion to approve  
163 Order #2022-07 made by Vice Chairman Green and second by Councilor Paul. Chair  
164 votes 4-0-0.

165

166

### 167 **APPROVAL OF MINUTES**

168

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

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169 Motion to approve the Town Council minutes from April 18, 2022 made by Vice Chairman  
170 Green and second by Councilor Paul. Chair votes 4-0-0.

171

172 Town Manager Mike Malaguti gave the Town Manager's report.

173

174 The Council gave their liaison reports.

175

### APPOINTMENTS

177

178 Motion to appoint John Wilson as a full-time member on the Senior Resources Committee  
179 made by Vice Chairman Green and second by Councilor Paul. Chair votes 4-0-0. Wilson  
180 was previously an alternate.

181

### ADJOURNMENT

182

183 Motion to adjourn made by Vice Chairman Green and second by Councilor Franz. Chair  
184 votes 4-0-0.

185

186 Notes and Tapes by: Kirby Brown Date: 5/09/2022

187 Minutes Typed by: Kirby Brown Date: 5/12/2022

188 Approved by: Town Council Date: 5/23/2022

# Town of Londonderry

Commercial and Industrial Tax Incentive Program

# Assumptions

- There are two properties in Londonderry, one residential and one commercial
- The Town needs to raise \$25,000 to fund the budget

# Year One

- Residential Property Valuation April 2021 \$100,000
- Commercial Property Valuation April 2021 \$100,000
  
- Tax rate = \$25,000 budget / \$200,000 total valuation = \$.125 tax rate
  
- Residential tax bill = \$12,500 (50% of tax burden)
- Commercial tax bill = \$12,500 (50% of tax burden)



# Year 3

- Residential Property Valuation April 2023 (25% increase)  
\$125,000
- Commercial Property Valuation April 2023 (8% increase)  
\$108,000
- Tax rate = \$25,000 budget / \$233,000 total valuation = \$.10729 tax rate
- Residential tax bill = \$13,411 (53.6% of tax burden)
- Commercial tax bill = \$11,587 (46.3% of tax burden)

# Adding New Commercial Value

- Residential Property Valuation April 2023  
\$125,000
- Commercial Property Valuation April 2023  
\$108,000
- New Commercial Property April 2023  
\$50,000

# Adding New Commercial Value (Cont.)

- Apply 50% tax exemption  
(\$25,000)
- Remaining value subject to taxation
  - \$25,000
- Tax rate = \$25,000 budget / \$258,000 total valuation = \$.09689 tax rate
- Residential tax bill = \$12,111.25 (48.4% of tax burden)
- Commercial tax bill = \$10,464.12 (41.8% of tax burden)
- New commercial property tax bill = \$2,422.25 (10.3% of tax burden)

# Conclusions

- Objective is to use this program to reallocate the tax burden in favor of residential taxpayers
- We propose a different program than the program that was tabled last year:
  - Scope of the program
  - Trial period
  - Consideration of costs and detriments