

TOWN COUNCIL AGENDA
June 29, 2020
7:00 P.M.

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

- A. **CALL TO ORDER**
- B. **PUBLIC COMMENT**
- C. **PUBLIC HEARING**
- D. **OLD BUSINESS**
- E. **NEW BUSINESS**
 - 1.) **Order #2020-12** – An Order Relative to Licensing of a Junkyard Pursuant to RSA 236 (S&S Metals) **Continued from 6/15**
Presented by Richard Canuel
 - 2.) **Resolution #2020-09** – A Resolution Relative to the Coronavirus Reconfiguration Costs Assistance and Relief Program
Presented by Kevin Smith
- F. **APPROVAL OF MINUTES**

Approval of June 15, 2020 Town Council Minutes
- G. **APPOINTMENTS/REAPPOINTMENTS**
- H. **OTHER BUSINESS**
 - 1. Liaison Reports
 - 2. Town Manager Report
 - 3. Assistant Town Manager Report
 - 1. **Discussion of drought status**
- I. **ADJOURNMENT**
- J. **MEETING SCHEDULE**
 - A. Town Council Meeting – 07/20/20 Moose Hill Council Chambers, 7:00PM
 - B. Town Council Meeting – 08/17/20 Moose Hill Council Chambers, 7:00PM

ORDER #2020-12

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

First Reading: 06/15/2020

Adopted: 06/29/2020

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

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

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

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

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
06/29/2020



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

MEMORANDUM

To: Town Council
From: Richard G. Canuel, Chief Building Inspector
Date: June 4, 2020
Subject: S&S Metals Recycling, Inc., 196 Rockingham Rd.

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

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

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

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

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



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

May 15, 2020

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

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

Dear Mr. Solomini:

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

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

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

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

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

Sincerely,

Richard G. Canuel
Chief Building Inspector



TOWN OF LONDONDERRY
Building, Health & Zoning Enforcement

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

February 7, 2020

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

S&S Metals
196 Rockingham Road
Londonderry, NH 03053

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

Dear Mr. Solomini:

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

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

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

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

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

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

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

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

You shall be required to take action as follows:

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

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

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

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

Sincerely,



Richard G. Canuel
Chief Building Inspector
Zoning Administrator

**CONDITIONS OF JUNKYARD LICENSE ISSUED TO VITO SOLIMINI TO OPERATE
S&S METALS RECYCLING, INC.
Public Hearing held June 29, 2020**

Based on its consideration of all information presented during the public hearing held on June 29, 2020, the Londonderry Town Council ("Town Council") renews the junkyard license issued to Vito Solimini ("Solimini") to operate S&S Metals Recycling, Inc. ("S&S") as follows.

INTRODUCTION

S&S is the owner of a property located at 196 Rockingham Road in the Town of Londonderry, identified in the Town of Londonderry Tax Maps as Map 15, Lot 66-1 (hereinafter the "property"). Solimini operates a junkyard, in accordance with the provisions of RSA 236:111-129, on the property. Solimini has applied for a renewal of a junkyard license, in accordance with RSA 236:111-129.

The Town Council is prepared to issue a junkyard license to Solimini for the period of time from July 1, 2020 until June 30, 2021 pursuant to certain conditions regarding the operation of the junkyard. The conditions of the license renewal are set forth below.

LICENSE CONDITIONS

1. Solimini is required to comply with the provisions of RSA 236:111-129, as may be applicable to existing junkyards.
2. Solimini shall maintain the fencing along the property lines of lot 66-1, as required by the licensing conditions established in 2004.
3. Vehicles and junk located on the property shall not be stacked so as to be visible above the screening of the property, including, but not limited to the fencing that has been, or will be, installed.
4. The storage of all junk, including junk loaded into or onto trailers, containers, dumpsters, or trucks, shall be maintained within the fenced area of the property, except as removal is necessary for its transportation from the property in the reasonable course of the business; in which case the truck, trailer, container, or dumpster shall be removed from the property within two hours. No dumpsters, box like containers, or trailers, either empty or filled with junk, shall be stored outside the fenced area of the property.
5. The removal of all fluids shall occur on a concrete slab, and a pump shall be used to remove gasoline from motor vehicles and stored in select containers at a specified

location.

6. Solmini shall maintain a three-foot (3') wide strip of landscape mulch along Route 128. Any vehicles located outside of the fenced area shall be parked behind the landscaped strip. Any vehicles parked outside of the fenced area and behind the landscaped strip shall be associated with the ancillary business of motor vehicle sales. All motor vehicles for sale outside the fenced area shall have signs noting they are available for sale and the advertised sale price.

7. Pursuant to RSA 236:112, "motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap" shall be kept inside the fenced area. Absolutely no such vehicle shall be parked or stored outside of the fenced area on the property, except as provided in paragraph 8 below.

8. Any semi-trailer that is not attached to an operable tractor unit and currently is located outside the fenced area shall be moved inside the fenced area on or before December 31, 2020. Any motor vehicle currently located outside the fenced area that is not sold by May 31, 2021 shall be moved inside the fenced area.

9. Any failure to timely comply with any license condition stated herein may serve as a basis for revocation or non-renewal of the license.

10. This junkyard license issued by the Town Council is limited exclusively to the existing junkyard on the property, does not permit in any way the expansion of the existing junkyard, and does not permit junkyard operations on any other property.

TOWN OF LONDONDERRY

June 29, 2020

John W. Farrell
Chair, Londonderry Town Council

Receipt

TOWN OF LONDONDERRY

268B Mammoth Rd.
Londonderry, NH 03053

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

Customer: S&S Metals

Transaction	Description	Charges
Other	(as follows)	\$250.00

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

Payments

L CK 1690 \$250.00

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

Due **\$0.00**

RESOLUTION 2020-09

A Resolution Relative to the *The Coronavirus Reconfiguration Costs Assistance and Relief Program*

Adopted: 06/29/2020

- WHEREAS,** Under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the State of New Hampshire was allocated 1.25 billion for coronavirus relief.
- WHEREAS,** The State of New Hampshire allocated \$43 million of these funds to municipal relief.
- WHEREAS,** The Town of Londonderry was allocated \$613,969 in municipal relief funds, and the Town has some flexibility to determine how these funds may be used.
- WHEREAS,** The Governor’s Office for Emergency Relief and Recovery has advised that municipalities may offer “economic support for losses due to business interruptions.”
- WHEREAS,** The United State Treasury Department has advised that grants for small businesses affected by coronavirus are a permissible use of municipal relief funds, provided the funds are used consistently with section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act.
- WHEREAS,** The Town of Londonderry, recognizing the strain coronavirus has placed on many small businesses, wishes to allocate the sum of \$50,000 from its allocated municipal relief funds to create a program that shall be known as the “Coronavirus Reconfiguration Costs Assistance and Relief” or “CRCAR” Program.
- WHEREAS,** Businesses located in Londonderry with 50 or fewer employees shall be eligible to apply for assistance through the CRCAR Program, for funds actually expended by the business to prevent, prepare for, or respond to the coronavirus.
- WHEREAS,** The Town Manager is directed to set a reasonable deadline for applications.
- WHEREAS,** After the application deadline, a committee of the Town Manager, Assistant Town Manager, and Assistant Town Solicitor shall review applications for compliance with the terms and conditions of the program and applicable law, and approve or deny the applications.

WHEREAS, Awards of up to \$1,000 may be made to each business. If there are more reimbursable expenses than there are funds allocated to the program, awards shall be made proportionally.

WHEREAS, Should an applicant disagree with a decision of the review committee, appeal may be made to the Town Council.

WHEREAS, The application form is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Londonderry Town Council that the Coronavirus Reconfiguration Costs Assistance and Relief Program is hereby created as set forth in the above recitals and as detailed in the attached application form;

John Farrell - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST: 06/29/2020



Town of Londonderry
Coronavirus Reconfiguration Costs
Assistance and Relief ("CRCAR") Program

Application for Assistance

Section 1 (Background Information)

- 1.1 Name of business ("Applicant"): _____
- 1.2 Type of business: _____
- 1.3 Authorized agent: _____
- 1.4 Number of employees: _____
- 1.5 Total funds sought: _____

Section 2 (Certifications)

- 2.1 I hereby certify that the following statements are true and correct to the best of my knowledge and belief:
- (A) On behalf of the above business, I seek reimbursement for funds actually expended by such business to prevent, prepare for, or respond to the coronavirus. I attach receipts evidencing such expenses.
- (B) The information supplied in Section 1 is true and correct.
- (C) The above business has not received reimbursement from any other source for the expenses for which it seeks reimbursement.
- (D) The expenses for which reimbursement is sought were incurred after March 1, 2020 and before the application deadline solely as a result of the coronavirus pandemic.
- (E) I have actual authority to act on behalf of the above business.
- (F) I have read and I understand the Instructions and Definitions applicable to this Application.
- (G) I understand that funds awarded may be subject to audit, and if any statements contained in this Application are not true, awarded funds will be subject to recapture.

Dated: _____

By: _____

Name and title

Instructions and Definitions

- 1.1 **Name of business.** The registered name of the business or, if a sole proprietorship or a common law partnership, the name under which the entity does business.
- 1.2 **Type of business.** Sole proprietorship, partnership, limited partnership, corporation, limited liability company, professional entity, or other form of association.
- 1.3 **Authorized agent.** I am the sole proprietor, or a partner, limited partner, general partner, managing member, member, or shareholder, or an officer, and I am actually authorized to submit this application on behalf of the business.
- 1.4 **Number of employees.** “Number of employees” means the measure of the average employment of the business and means its average employment, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of the preceding 12 months. If a business has not been in existence for 12 months, “number of employees” means the average employment of the business during the period that such business has been in existence based on the number of persons employed during each of the pay periods of the period that such business has been in business. Only business with fewer than ___ employees are eligible for assistance.
- 1.5 **Total funds sought.** Reimbursable expenses are funds actually expended by the Applicant to prevent, prepare for, or respond to the coronavirus. Without limiting the foregoing, the Town expects that awards will be made for expenses such as the following: tents, barriers, tables, chairs, and other expenses related to outdoor dining; Plexiglas barriers and other physical alterations made to comply with social distancing practices; thermometers and other testing equipment to screen entrants; personal protective equipment; cleaning or sanitation expenses; and other expenses within the scope of the foregoing controlling language. Reimbursement shall not be awarded for lost revenue.

Due
Process

Process. The Town Council has delegated to a committee comprised of: the Town Manager; the Assistant Town Manager; and the Assistant Town Solicitor (the “Awards Committee”), to be chaired by the Town Manager, the initial duty to approve or deny applications for assistance and relief made under the CRCAR Program, consistent with Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act. Should an Applicant disagree with a decision of that committee, appeal may be made to the Town Council.

Method of
Award

The Town Council has allocated the sum of \$50,000 to the CRACR Program. The application deadline is _____. After that date, the Awards Committee shall meet and approve or disapprove all applications based upon the foregoing requirements and any other requirements imposed by law. Grants shall be made fairly and equitably, in the exercise of the Awards Committee’s discretion, proportionally with the applications received. The committee shall not be obligated to expend the entire sum allocated by the Town Council.

ORDINANCE 2016-07

An Ordinance Relative to a Restriction on Outside Water Use

First Reading: 09/20/16
Second Reading/Public Hearing: 09/27/16
Public Hearing Cont.: 10/03/16
Adopted: 10/03/16

WHEREAS On Friday, September 16, 2016, the New Hampshire Department of Environmental Services (“NHDES”) advised Town of Londonderry Town Manager Kevin Smith that drought conditions in the State of New Hampshire are sufficiently severe that NHDES is requesting that municipalities use their statutory authority under RSA 41:11-d to enact town-wide lawn watering bans for both private and public wells;

WHEREAS As of September 1, 2016, NHDES has classified the Town of Londonderry as a municipality suffering from “severe” or “extreme” drought conditions;

WHEREAS RSA 41:11 allows municipalities through their governing body to establish restrictions on the use of water from private wells or public water systems for residential outdoor lawn watering when a drought condition has been declared; and

WHEREAS Portions of Londonderry are already under some restrictions as put in place by the public water supply companies.

—
NOW THEREFORE, the Town of Londonderry ordains by the Londonderry Town Council that, in response to the severe and extreme drought conditions and the impacts therefrom facing the residents of Londonderry, effective ~~September 27, 2016~~ ^{10/3/16}, a mandatory restriction on the watering of all residential lawns is imposed in accordance with RSA 41:11-d. Enforcement of this restriction shall be completed by any sworn officer of the Town of Londonderry Police Department, which is hereby granted the authority to initiate any enforcement action against any violator of this restriction. Any person failing to comply with the restriction shall be deemed in violation and subject to the following penalties pursuant to RSA 651:2: (1) a first violation shall result in a warning; (2) a second violation shall result in a \$250 fine; and (3) each succeeding violation shall result in a \$500 fine. Furthermore, it is encouraged that all non-residential property owners in Londonderry voluntarily abide by the same restriction.


Sherry Farrell
Town Clerk


John Farrell, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:
10/03/16



TOWN OF LONDONDERRY RESTRICTED WATER USE ORDINANCE

I. PURPOSE

To protect public health and safety by restricting the use of water from private wells or public water systems for residential outdoor lawn watering during a state or federally declared drought.

II. AUTHORITY

This regulation is adopted pursuant to the provisions of RSA 41:11-d, which authorizes the local governing body to establish regulations restricting the use of water from private wells.

III. APPLICABILITY

The requirements of this section shall apply immediately after the public notice period described in Section VII to all residential outdoor lawn watering within the Town of Londonderry when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

IV. DEFINITIONS

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are used by the Town of Londonderry to determine the declaration of a drought condition:

- i. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan
- ii. State of Emergency declaration by the Governor's Office
- iii. United States Drought Monitor

B. Residential Lawn Watering: The application of water to decorative grass at a property that's primary use is to provide living accommodations for people.

V. REQUIREMENTS UNDER DROUGHT CONDITIONS

The following limits to residential lawn watering shall apply under drought conditions as determined by the Londonderry Town Council, and will be included in the public notice required under Section VII of this regulation. Such restriction shall remain in effect until terminated as provided in Section VIII.

AS OF (DATE) THE TOWN COUNCIL HEREBY IMPLIMENTS THE FOLLOWING RESIDETIAL WATER USE RESTRICTION:

Residential lawn watering is prohibited

VI. PUBLIC NOTIFICATION OF WATER USE RESTRICTION

Notification of any intention to restrict water use and the requirements associated with Section V shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places.

VII. TERMINATION OF WATER USE RESTRICTION

Public notification and termination of water use restriction shall be given in accordance with Section VI.

VIII. ENFORCEMENT

Any sworn officer of the Town of Londonderry Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Ordinance.

IX. PENALTIES

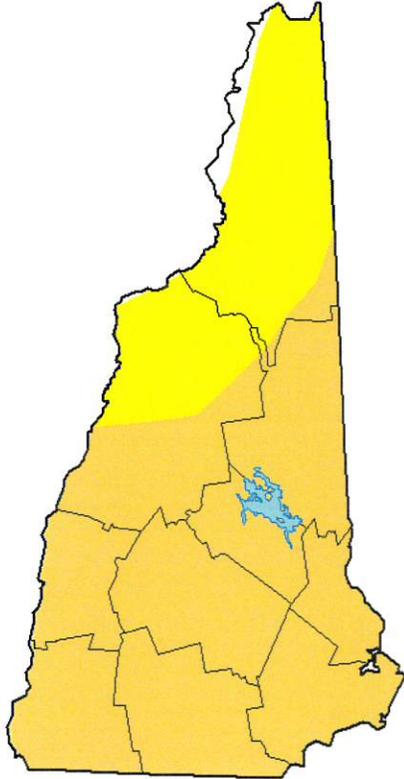
Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed a violation and subject to penalties pursuant to RSA 651:2:

First violation: Warning

Second violation: \$250

Third and succeeding violations: \$500

U.S. Drought Monitor New Hampshire



June 23, 2020
(Released Thursday, Jun. 25, 2020)
Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	1.45	98.55	72.32	0.00	0.00	0.00
Last Week <i>06-16-2020</i>	1.45	98.55	0.00	0.00	0.00	0.00
3 Months Ago <i>03-24-2020</i>	100.00	0.00	0.00	0.00	0.00	0.00
Start of Calendar Year <i>12-31-2019</i>	100.00	0.00	0.00	0.00	0.00	0.00
Start of Water Year <i>10-01-2019</i>	39.87	60.13	0.00	0.00	0.00	0.00
One Year Ago <i>06-25-2019</i>	100.00	0.00	0.00	0.00	0.00	0.00

Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Adam Hartman
NOAA/NWS/NCEP/CPC



droughtmonitor.unl.edu

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 June 15, 2020

2
3 Present: Chairman John Farrell; Vice Chairman Joe Green; Councilor Jim Butler and Deb
4 Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik: Executive
5 Assistant Kirby Brown; Councilor Tom Dolan present via conference phone.
6

7 CALL TO ORDER

8
9 Chairman Farrell called the Town Council meeting to order. Chairman Farrell also read the
10 meeting guidelines into the record. This was followed by the Pledge of Allegiance. This
11 was followed by a moment of silence for all of those who serve us both here and abroad
12 and for the first responders in Londonderry.
13

14 PUBLIC COMMENT

15
16 Martha Smith, 38 Shasta Drive, spoke about the Londonderry Gardening Club, a group of
17 residents who got together to discuss a plan to create a community butterfly garden here in
18 Londonderry. They are seeking approval from the Council to do this. See attached
19 PowerPoint. It will be on a parcel of land that is currently owned by the town and previously
20 owned by Mack's Apples. Chairman Farrell gave smith the okay to move forward and the
21 Council thought it was a great idea.
22

23 Jake Butler, 86A Adams Rd, read a statement into the record.
24

25 "For anyone who may not know in the audience, or listening in at home, I am a member of
26 the Planning Board. I am coming to the Town Council as an avenue to speak regarding an
27 issue, in hopes that the towns people will be properly informed about a building permit on
28 Brewster Road. Mr. Chair-with your permission and authority, I respectfully request to
29 address Councilwoman Paul. Councilwoman Paul - I come to you tonight as my elected
30 official who campaigned on the promise of 'truth' and 'transparency' in town government.
31 Never in our nation's history has the importance of 'truth in reporting' been more important
32 than it is right now. We rely on the press, to bring forth information that is both accurate
33 and true. Conversely, when reporting is not accurate for whatever the reason, we rely on
34 corrections to be made and announced. Corrections show humility and integrity. They show
35 leadership and ownership. Corrections build trust. But mostly importantly of all, corrections

LONDONDERRY TOWN COUNCIL MEETING MINUTES

36 mean truth. An article on the front page of your Londonderry Times dated May 14, 2020
37 read “Building Permit Denied Until Brewster Road Gets Improved” As the Town Council
38 liaison to the Planning Board, Owner and editor of the Londonderry Times, who was present
39 at the May 6th meeting, knows that the building permit was not denied. At the time, I had
40 asked the planning board to continue the meeting to allow for a site walk on Brewster Road.
41 Planning Board members present at the June 3rd site walk were Chairman Rugg, Chris
42 Davies, Al Sypek, Ann Chiampa and myself. At the June 3rd Planning Board meeting, I
43 commented that I would like to see clarification in the next issue of the Londonderry Times
44 regarding the headline, as it is not correct. You can reference my request in lines 70-74 in
45 the June 3rd Planning Board meeting minutes.

46

47 On June 4th I received an email from the writer of the article stating: “I am the author of the
48 story of 37 Brewster Rd. which appeared in the Londonderry Times. Thank you for calling
49 out Deb Paul and the Londonderry Times for the inaccurate title and reporting. I sent to the
50 counsel the actual story that I wrote for your review. Take care. Doug

51

52 Following the June 3rd meeting another article was written in the June 11th issue of the
53 Londonderry Times. In the article, there was no clarification about the May 14th article
54 headline that was incorrect, and very mis leading. The Article did how ever say “Other
55 members of the Board, including Jake Butler advocated that the responsibility for the
56 improvements to Brewster Road should be on the landowners seeking the permit.” I would
57 like to note how it pointed me out in particular. Again, this was far from the truth. If you
58 look at the meeting minutes from the May 6, 2020 Meeting as well as the June 3, 2020 you
59 will see that I voice my opinion multiple times that the land owners should not bear the
60 responsibility of the improvements to all of Brewster Road. I did feel that it was fair to the
61 safety and well being of the towns people, and the landowners, that they do extend out
62 THEIR PORTION of Brewster Road. MAY 6 2020 MEETING MINUTES: LINES 182-
63 183, LINES 227-229, LINES 238-242 JUNE 3 2020 MEETING MINUTES LINES 145-
64 149 LINES 208-213 LINES 249-253. Through these meeting minutes, and statements, you
65 can clearly see that I am advocating that the only responsibility the Landowner has is on
66 their portion of Brewster Rd. There is a letter to the editor from Chris Paul in the June 11,
67 2020 issue of the Londonderry Times. The 5th Paragraph reads “No decision was made at
68 that meeting, and would be made after the board held a site walk on Brewster Road.”
69 According to your husband’s editorial, even he knew that the permit was not denied. That
70 being said, my question to you is, why was the original title Changed, why would you
71 publish something you know not to be true? I have full faith in you as my elected leader to
72 right any wrongs when brought to your attention and to course-correct when appropriate. I
73 have faith that you will hold yourself to a higher standard and will do the right thing by

LONDONDERRY TOWN COUNCIL MEETING MINUTES

74 acknowledging the inaccurate title and reporting of an article in your paper. If you are not
75 willing to properly inform the residents of this town, and publicly acknowledge the
76 inaccurate title and reporting in these articles of your newspaper tonight, and on the front
77 page of your next issue of the Londonderry Times, I ask that you resign immediately from
78 your position of Town Councilor as this shows a clear and direct conflict of interest as a
79 member of the Town Council. Thank You.”

80

81 Councilor Paul responded. Councilor Paul stated that the headline was a matter of
82 interpretation. Councilor Paul stated that if they could do what they wanted to do, they
83 wouldn't need any of these special meetings. So technically the Planning and Building
84 Department denied them from building because there was a problem. Councilor Paul stated
85 that technically what she said is not incorrect. Councilor Paul said that she would be happy
86 to correct a quote but the title was not incorrect. Councilor Paul stated that she isn't going
87 to resign and feels she did nothing wrong. Councilor Paul told Butler she will run a quote
88 correction if he would like and she stated that she is not the editor of the Londonderry Times.
89 Councilor Paul stated that an editor is one who manages the reporters, reads their stories,
90 and she stated that she doesn't do any of that. Councilor Paul stated that she does write
91 editorials but very rarely does she write them about subject matter of the town. They're
92 always generalizations.

93

94 Dennis Martin, 182 Pillsbury Rd, stated that he puts together the Blues Festival on the
95 Common every year that raises money for veterans and with all of the COVID restrictions,
96 Martin asked how he can move forward with his events, if he can. Chief Darren O'Brien
97 stated that they are still talking about different options for Concerts on the Common and
98 they are thinking of doing a drive up concert, where vehicles would be staggered. Town
99 Manager Smith stated that we can work out a way for him to hold the Blues Festival, as
100 long as it follows all of the social distancing guidelines.

101

102 Police Chief Bill Hart spoke regarding the event that occurred at Mack's Apples regarding
103 the Black Lives Rally. Chief Hart stated that the women who put together the event did a
104 great job and there were no issues.

105

106

PUBLIC HEARING

107

108 Motion to open public hearing made by Vice Chairman Green and second by Councilor
109 Butler. Chair votes 5-0-0.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

110 Chairman Farrell introduced Ordinance #2020-01, an amendment to the Zoning Ordinance
111 relative to rezoning 603 Mammoth Rd, Map 17, Lot 13. Town Planner Colleen Mailloux
112 presented. This Ordinance is relative to a rezoning request. The parcel is split zoned. The
113 front portion is Commercial II and the back portion is Agricultural I. The location of the
114 building is under commercial use. The Planning Board favorably recommended the
115 rezoning of just the one split-zoned partial from being a split-zoned to being an entirely
116 Commercial II.

117

118 Vinnie Iacozzi, Thibeault Corporation, presented to the Council. Iacozzi told the Council
119 what their plans for the property are. There was no public comment and no comment from
120 the Council. Motion to approve Ordinance #2020-01 to rezone to Commercial II made by
121 Councilor Dolan and second by Councilor Butler. Chair votes 5-0-0.

122

123 Chairman Farrell introduced Ordinance #2020-02, an Ordinance relative to section 5.15 of
124 the Londonderry Zoning Ordinance relating to portable storage structures. Planner Colleen
125 Mailloux presented and stated that this Ordinance will make things easier for people who
126 want to use the structures for longer periods of time. There are new certain limits as well.

127

128 Vice Chairman Green stated that he is concerned about not having a time limit and he
129 recommends the Councilors vote this down. Vice Chairman Green suggested an
130 amendment by adding into the section “a portable storage structure shall not remain on
131 any property an access of six consecutive months” and motioned to approved Ordinance
132 with his amendment. There was no discussion and no second so motion dies.

133

134 Motion to approve Ordinance #2020-02 as is made by Councilor Butler and second by
135 Councilor Paul. Chair votes 3-1-1. Chairman Farrell didn't vote.

136

137 Town Manager Smith stated that he asked the Town Assessor and any of the portable
138 storage units would become permanent structures on the property will be subject to
139 assessment and taxation.

140

141 Motion to close public hearing made by Vice Chairman Green and second by Councilor
142 Dolan. Chair votes 5-0-0.

143

144

LONDONDERRY TOWN COUNCIL MEETING MINUTES

NEW BUSINESS

145

146

147 Chairman Farrell introduced Order #2020-11, an Order relative to licensing of a junkyard
148 pursuant to RSA 236, Murray's Auto. Building Inspector Richard Canuel presented and
149 said that Murray's has been behaving in comparison to previous years. Motion to approve
150 Order #2020-11 made by Vice Chairman Green and second by Councilor Butler.
151 Councilor Paul stepped down because they are a customer of the Londonderry Times so
152 it's a conflict of interest. Chair votes 4-0-1.

153

154 Chairman Farrell introduced Order #2020-12, an Order relative to licensing of a junkyard
155 pursuant to RSA 236, S & S Metals. Canuel stated that same thing, they have been pretty
156 good throughout the year. Chairman Farrell asked Canuel if there is something in the law
157 where S & S can move all of the trailers off 128. Canuel said there isn't.

158

159 Richards Belinsky, 89 Hall Rd, made some comments about cars being over the fence
160 most of the year at Murray's Auto.

161

162 Vice Chairman Green suggested that we should ask the Town Manager to ask the Town
163 Attorney if there is a way we can encourage better use of the license and that people don't
164 like to see the S & S Metal trailers out there even if they're out for sale. Canuel stated that
165 the only way to do that is to amend the license. Chairman Farrell stated that Canuel should
166 go out and look at it. Canuel stated that the license expires July 1st. The Council tabled S
167 & S Metals to June 29th so that it could be addressed before July 1st. Vice Chairman Green
168 called a special Council meeting for June 29th. Motion made by Vice Chairman Green
169 (provoked Councilor privilege).

170

171 Councilor Paul rejoined.

172

173 The Council help a conceptual discussion on rezoning 595 Mammoth Rd, Map 17, Lot 11.
174 Vinnie Iacozzi, 603 Mammoth Rd, Thibeault Corporation, presented again. Chairman
175 Farrell read a letter into the record from Ken Merrill. See attached. Colleen Mailloux
176 stated that abutters aren't notified for Conceptual Discussions. Iacozzi stated that
177 conceptually he believes Mr. Merrill is incorrect. Chairman Farrell told Iacozzi that he is
178 probably best going to the ZBA.

179

LONDONDERRY TOWN COUNCIL MEETING MINUTES

180 Chairman Farrell introduced the discussion of Brewster Rd building permit on a Class VI
181 road. Colleen Mailloux presented and introduced the applicants. 37 Brewster Rd is on a
182 Class VI road, a town road which is not maintained by the town, it is privately maintained.
183 Under state RSA, issuing a building permit on a Class VI road can only be approved by
184 Town Council. The Planning Board has reviewed it.

185

186 Scott and Darleen Ratte, 34 Brewster Rd, are the applicants. Ratte stated that they are
187 looking to build a house for their son and daughter-in-law on the land at 37 Brewster Rd.
188 Ratte stated they purchased the property in 2017 and it is 25 acres. At the time it had an
189 approved septic system and it has since been upgraded. Ratte stated that it is open for
190 hikers and hunters and he understands some work will have to be done on the road. It has
191 public access to Scobie Pond. The Council discussed options. The law has changed so
192 they are here because prior to the law changing, the Rattes purchased the property.
193 Chairman Farrell stated that the town reviewed something similar a few years ago in which
194 the people had to go to the voters via citizen petition, one pertaining to public water, and it
195 was approved by the voters. Chairman Farrell stated that it needs to be determined where
196 the road is.

197

198 Chief Darren O'Brien stated that he doesn't think the road is acceptable right now in case
199 of an emergency. He isn't sure his guys would be able to safely get in there in the event of
200 an emergency.

201

202 Chairman Farrell told the Ratte's that the Council will keep digging for options.

203

OLD BUSINESS

204

205 There was no old business.

206

APPROVAL OF MINUTES

207

208 Motion to approve the Town Council minutes from June 1, 2020 made by Vice Chairman
209 Green and second by Councilor Butler. Chair votes 5-0-0 in roll call.

210

211 Town Manager Smith gave up update on Old Home Day.

212

LONDONDERRY TOWN COUNCIL MEETING MINUTES

ADJOURNMENT

215
216
217 Motion to adjourn made by Vice Chairman Green and seconded by Councilor Paul. Chair
218 votes 5-0-0.
219
220
221 Notes and Tapes by: Kirby Brown Date: 06/15/2020
222 Minutes Typed by: Kirby Brown Date: 06/20/2020
223 Approved by: Town Council Date: 06/29/2020

220
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255

LONDONDERRY
BUTTERFLY GARDEN
SEEKS TOWN APPROVAL



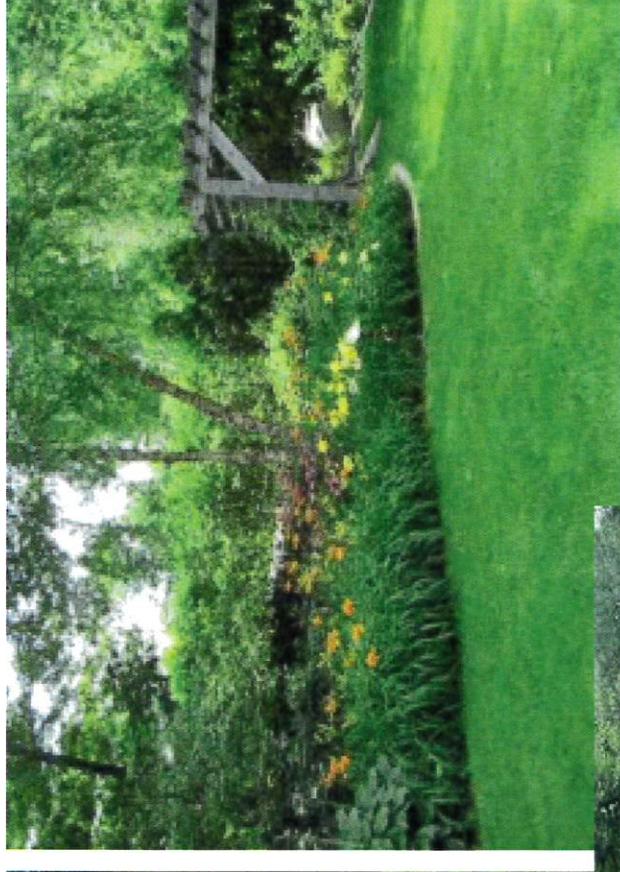
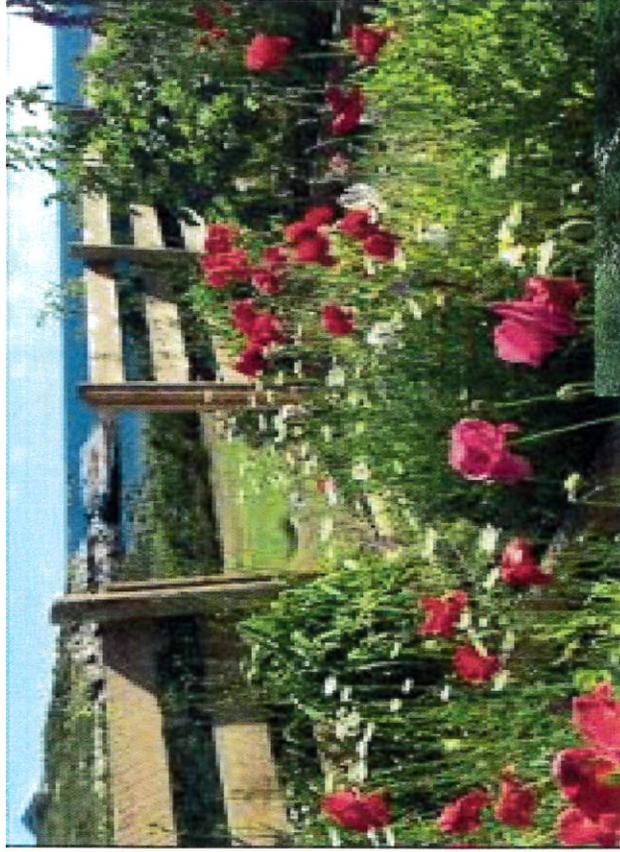
▣ A group of residents recently got together and discussed the possibility of creating a Butterfly Garden on a parcel of land currently owned by the Town, which was previously part of the Mack farm. This parcel is across the street from the Morrison House on Pillsbury Road. The parcel our group has identified is adjacent to the Kent Allen forest and abuts a pumpkin patch on the Mack farmland and runs down to the cemetery on Mammoth Road. The site of the total project is approximately 45' running east to west and 250' running from north to south. The project will be broken into 2 phases. Phase one will begin on the northern most side facing Pillsbury Road and is located approximately 125' in from Pillsbury Road.

Photos of the property

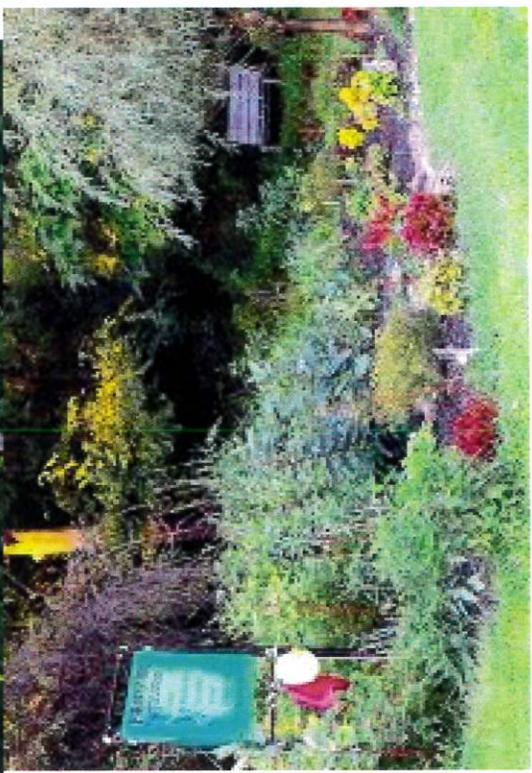
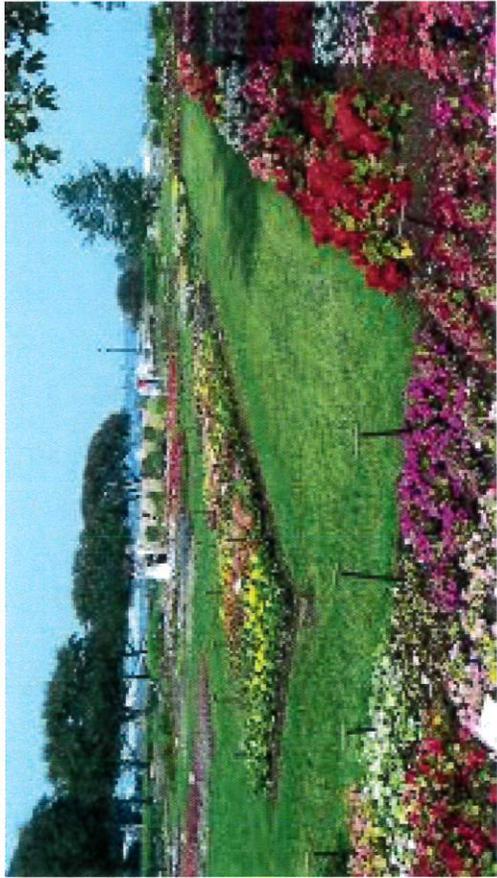
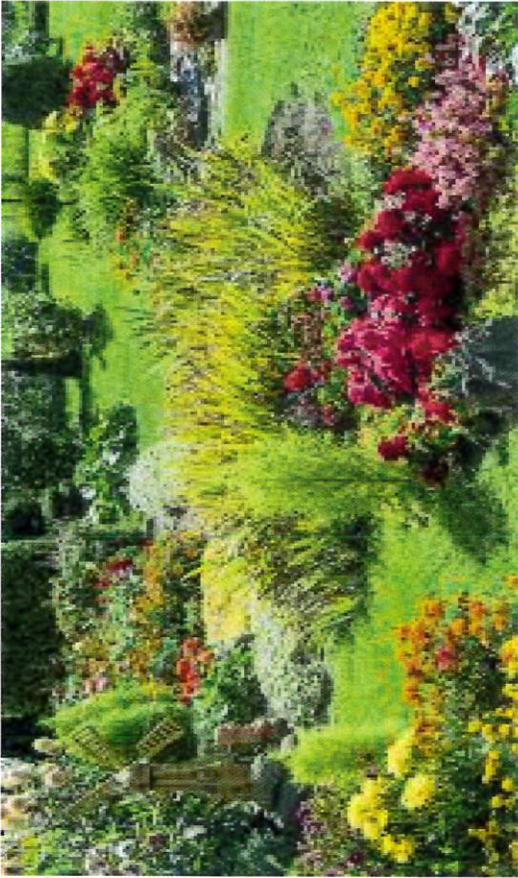


▣ The intent of our group is to create a colorful garden that will attract butterflies, along with other valuable pollinators and a variety of birds to the area. Marge Badios, Chairman of the Conservation Commission, Deb Curtin, a local artist and resident of Londonderry, Val Cloutier, also a resident, an avid gardener and member of the local Garden Group, Andy Mack, Sr., and myself all recently met with Councilor Deb Paul on the land to discuss how we envision this project

Possible examples of the feel and flow with
Sample of the entrances for this project.

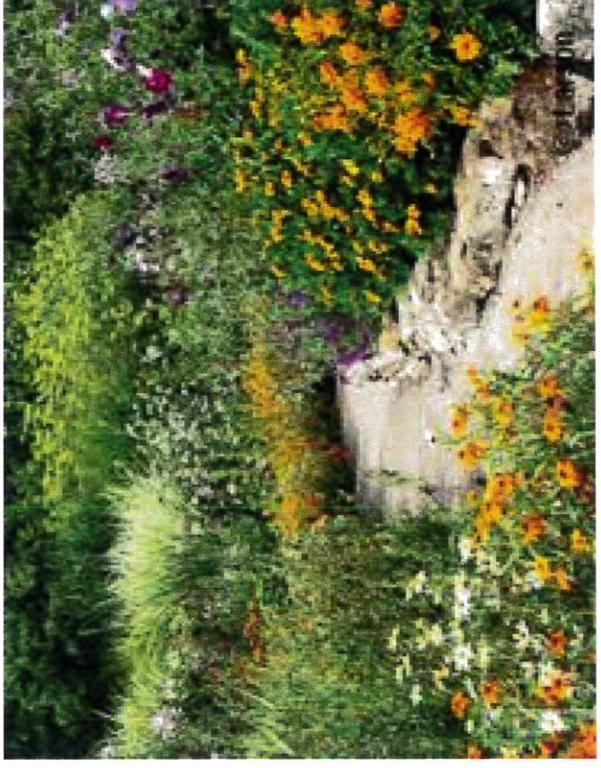
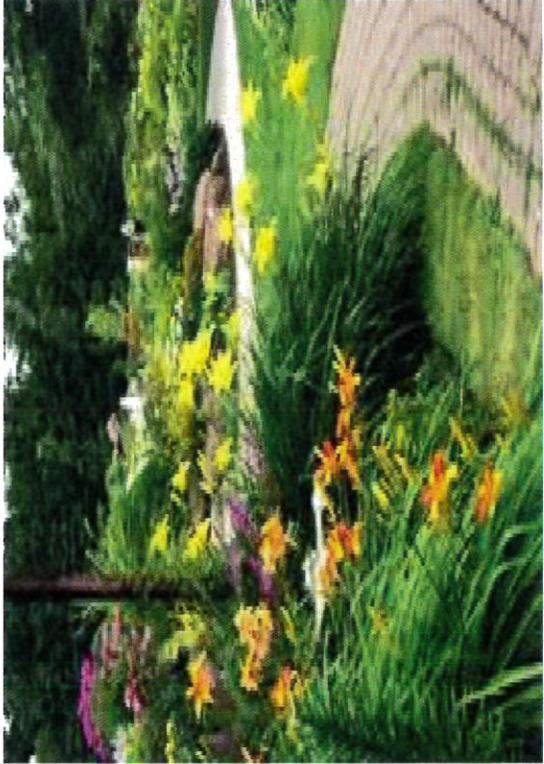
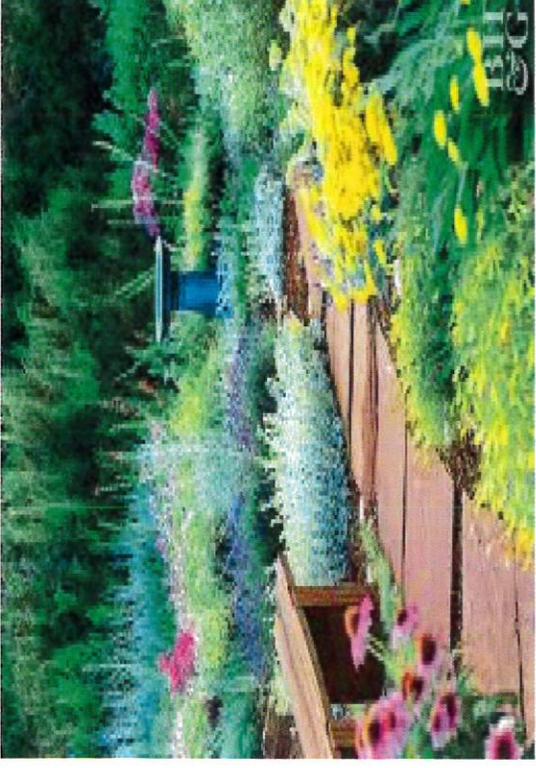


The feel and flow



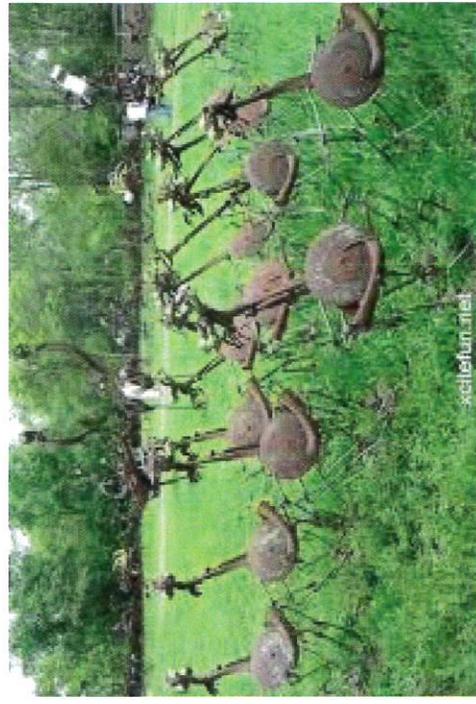
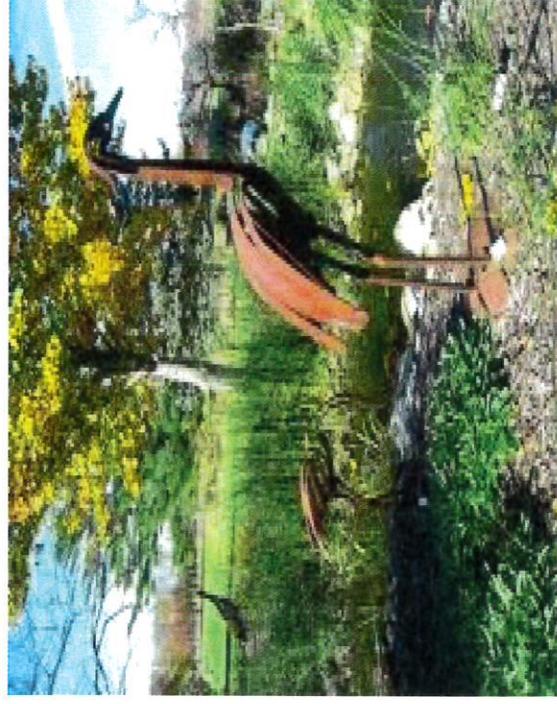
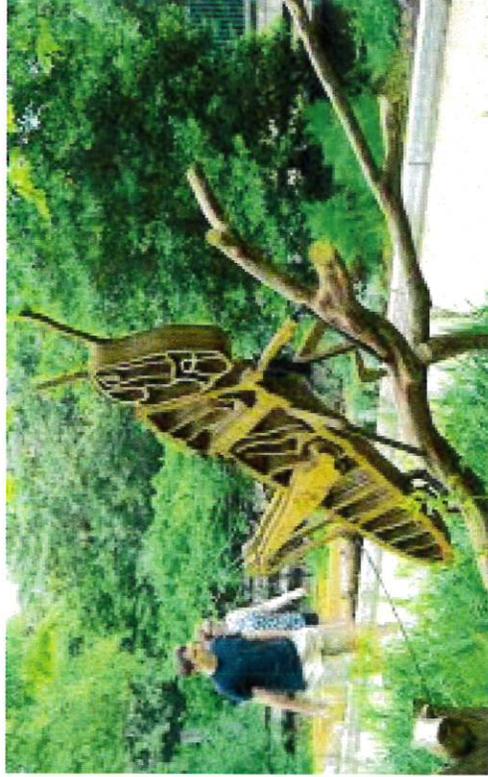
□ Our initial thought is once approval is granted we intend to reach out to the local community to garner interest in helping with this community project. We have also spoken to Kent Allen, who enthusiastically supports this project, as do the Conservation Commission, and the Beautify Londonderry group. We have also discussed reaching out to the University of New Hampshire, The Audubon Society, local businesses and interested residents. Our hope is that this spot, which is adjacent and very close to the existing paths in the Kent Allen Forest, will be a place where residents of Londonderry can visit, enjoy and relax. The idea is to have walkways through the garden that would allow visitors to walk through the garden and observe the flowers, plants, shrubs and hopefully butterflies and other helpful pollinators.

Sample paths



▣ Andy Mack, Sr. has already agreed to prepare the land for this use in the event this project is approved. We would plan to hopefully begin very soon as there are good plantings that can go in for the coming fall season. The group will maintain the land through donations, and fund raising to make this project self-funding.

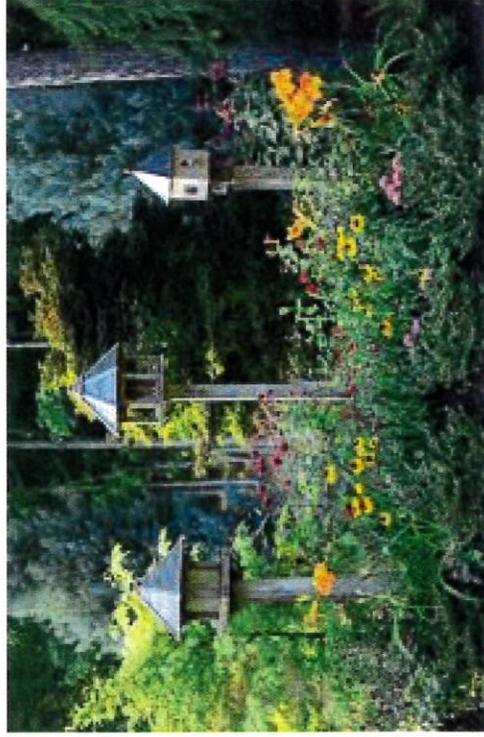
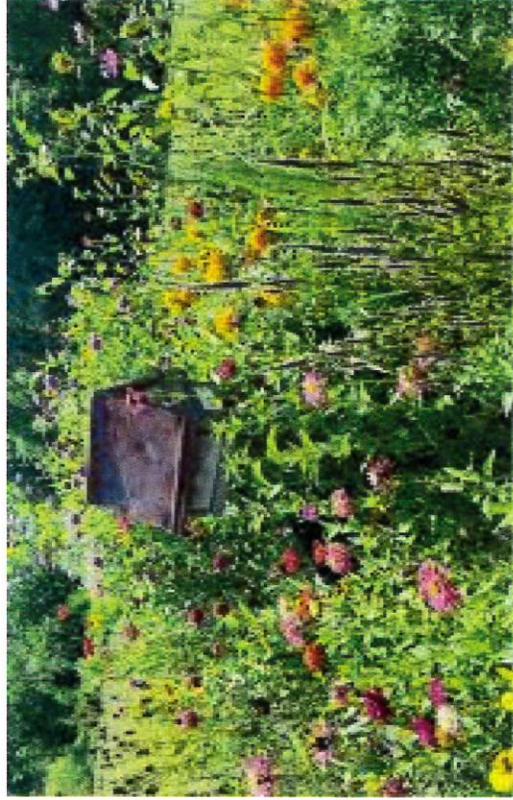
The Art



□ We all strongly believe that this project will benefit the Londonderry community. Our desire is to get a lot of community involvement. This area can also offer a wonderful educational tool for the students of the Londonderry School District. The garden could actually be a hands-on learning tool. I understand that the students from all 3 elementary schools have already planted some trees in the area directly in front of the area we are considering for this project. Items, such as benches or birdhouses could serve as projects for girl scouts and boy scouts in town.

□

The Bees, Birds and Butterflies



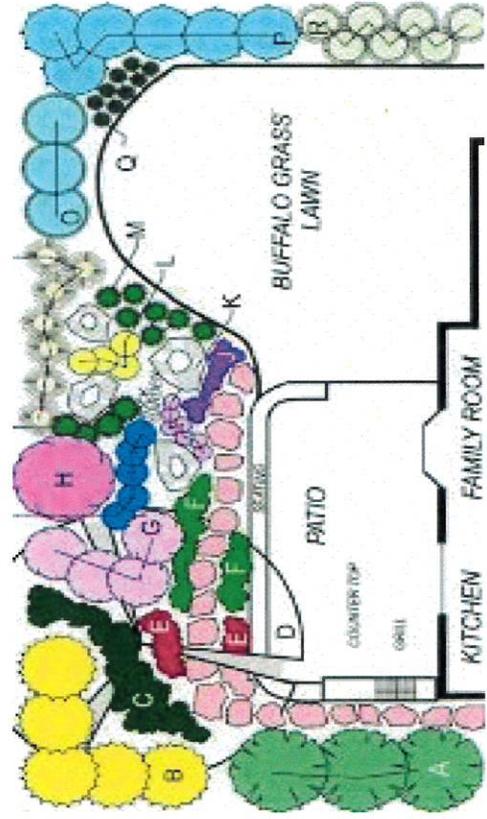
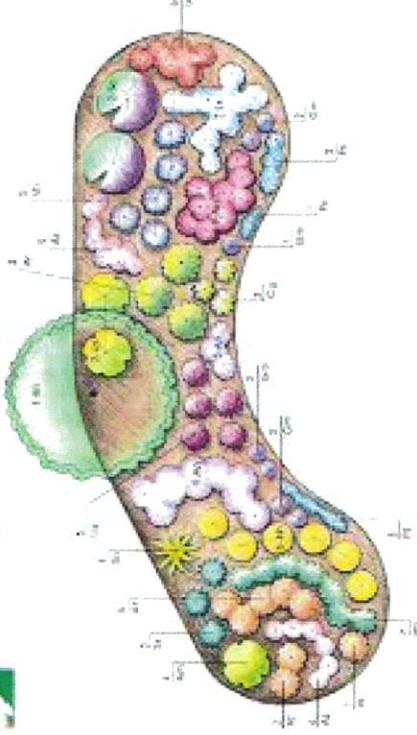
- ▣ Included here are some possible plans and pictures of existing similar butterfly gardens and types of pathways that could be used for this project. The project would start small with the intention to grow larger in future years, within the space allowed.
- ▣ The possible plans allow for growth and room for people to move around and explore. The hope is to have benches for people to sit and enjoy the beauty.

▣

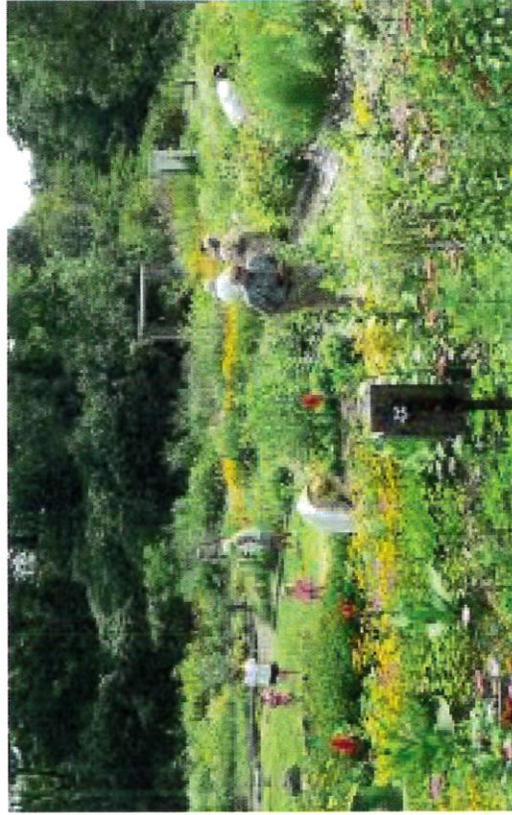
Layout samples



 Butterfly & Hummingbird Garden



Finally the people and the education



thanks for listening



Questions



Kirby Brown

From: km <kenne59552@aol.com>
Sent: Monday, June 15, 2020 5:13 PM
To: Kirby Brown
Subject: Conceptual Discussion-Rezoning of 595 Mammoth Road Map 15 lot 11

To the Members of the Londonderry Town Council;

I apologize for submitting this letter to be considered in regard to the Conceptual Discussion of the Rezoning of 595 Mammoth Road, Map 17, Lot 11, late in the process. However I just found out about this discussion at 4pm Monday June 15.

I ask that this discussion be tabled until further time when there can be a proper discussion of the issues surrounding land use in the north end of Londonderry Village. Because of the restrictions imposed on all of us by Corona virus, the abutters to this property are not able to be represented properly at this meeting nor have they have adequate notification that this issue was to be brought forth to the agenda.

The proposed plan to rezone Map17, Lot 13 is an example of commercial creep in the northern part of North Londonderry Village. The Londonderry Planning Board considered this issue and voted against this plan. The parcel has been zoned residential since zoning began. Land abutting Mammoth Road in Londonderry is for the most part zoned residential with the exceptions being major intersections such as Mammoth and 102 and 128and Mammoth. Mammoth Road is a residential road. Map 17, lot 13 has residential properties that border it. People live next to it and a small residential community exists. The commercialization of this property would destroy the residential community.

North Londonderry Village is the older part of town with a lot of history. The area has all uses now.

residential, commercial and industrial. The commercial and industrial uses predate zoning and are examples of grandfathered uses. These industrial areas negatively impact the whole Londonderry Village area with noise, truck traffic, and pollution. These uses are inappropriate for a residential area.

The proposed plan to change the zoning of this lot would only further worsen these problems.

The Merrill Farm (Lot 17-6) is in the area, and in 2005 the Londonderry Town Council bought a conservation easement on the property to preserve the farmland and to prevent further commercial/industrial development in the area. The Town Council also considered a proposal to place a conservation easement on Lot 17-11, in 2011. Although at that time, the proposal was withdrawn, the offer to place the parcel in conservation still exists. The Town of Londonderry has the fiduciary responsibility to protect its' conservation land from inappropriate development in the surrounding area, as well as from increased air, water and noise pollution.

Londonderry has zoning plans that have been in effect for many years. They are carefully thought out and in place for a reason. Someone buying a parcel zoned residential knows that when they buy the property. It does not give them the right to immediately change the zoning, and develop whatever they choose. They have the right to ask for a change but the Council is under no obligation to agree. Please reject any commercial /industrial use for this property.

Thank you,
Kenneth Merrill

Sent from [Mail](#) for Windows 10