

TOWN COUNCIL AGENDA
November 16, 2020
High School Cafeteria
7:00 P.M.

Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM.

A. CALL TO ORDER

B. PUBLIC COMMENT

- 1.) Elderly Housing Discussion
Presented by Richard Flier

C. PUBLIC HEARING

D. NEW BUSINESS

- 1.) **Budget Workshop**
- 2.) **Ordinance #2020-05** – An Amendment to the Municipal Code Relating to the Traffic Safety Ordinance (**1st Reading**)
- 3.) **Ordinance #2020-06** – Amendment to the Londonderry Zoning Ordinance Relative to Elderly Housing (**1st Reading**)
Presented by Colleen Mailloux
- 4.) **Dianna Road** – Request for a Building Permit in Accordance with RSA 674:41
Presented by Colleen Mailloux
- 5.) **Resolution #2020-15** – A Resolution Relative to the Acceptance of Unanticipated Revenue Under RSA 31:95-b
Presented by Justin Campo
- 6.) **Resolution #2020-16** – A Resolution Relative to the Acceptance of unanticipated Revenue Under RSA 31:95-b
Presented by Justin Campo
- 7.) **Order #2020-16** – An order Relative to the Distribution of Recreation Capital Reserve Funds
Presented by Justin Campo

E. **OLD BUSINESS**

F. **APPROVAL OF MINUTES**

Approval of October 19, 2020 Town Council Minutes
Approval of November 11, 2020 Town Council Minutes

G. **APPOINTMENTS/REAPPOINTMENTS**

H. **OTHER BUSINESS**

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

I. **ADJOURNMENT**

J. **MEETING SCHEDULE**

- A. Town Council Meeting – 11/30/2020
Moose Hill Council Chambers, 7:00PM
- B. Town Council Meeting – 12/7/2020
Londonderry HS Cafeteria, 7:00PM

ORDINANCE 2020 - 05

AN AMENDMENT TO THE MUNICIPAL CODE RELATING TO THE TRAFFIC SAFETY ORDINANCE

First Reading: 11/16/2020
Second Reading/Public Hearing: 11/30/2020
Adopted: 11/30/2020

WHEREAS, the Town of Londonderry received a request to reduce the speed limit on Litchfield Road in recognition of the current traffic congestion and future development activity; and

WHEREAS, the request has been reviewed and supported by members of the Traffic Safety Committee and is supported by the Londonderry Police Department and the Department of Public Works; and

WHEREAS, the Town Council wishes to amend the Ordinance to reflect changes to Title II, Chapter IX, Section I – Speed Limits, and is vested with the power to effect such changes to the Municipal Code; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title II – Traffic Safety Ordinance, Chapter IX, Section I – Speed Limits is hereby amended to reflect that upon the date of the adoption of this Ordinance, the speed limit for the entirety of that portion of Litchfield Road that falls within Londonderry’s borders shall be 30 MPH.

Adopted this ____ day of _____, 2020.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

Introduced: 11/16/2020
Public Hearing: 11/30/2020
Adopted: 11/30/2020

ORDINANCE 2020-06
AN AMENDMENT TO THE LONDONDERRY ZONING
ORDINANCE RELATIVE TO ELDERLY HOUSING

WHEREAS on March 13, 1990 the Town of Londonderry adopted an amendment to the Londonderry Zoning Ordinance that created the “Elderly Housing Development Ordinance” for the purpose of allowing elderly housing in any residential or commercial zone at increased densities; and

WHEREAS there are currently 841 existing and approved elderly housing units in the Town of Londonderry, and 124 additional elderly housing units pending review, comprising approximately 10% of the Town’s total housing supply; and

WHEREAS the increased permitted density has not resulted in the development of lower cost housing for persons age 55 and older; and

WHEREAS the 2012 Londonderry Master Plan emphasized the need for a more diversified housing strategy to promote affordable housing and a more livable community; and

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

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Londonderry Zoning Ordinance shall be amended as posted.

To become effective upon passage of this Ordinance.

A TRUE COPY ATTEST:

Town Sherry Farrell - Town Clerk
11/30/2020

John Farrell, Chairman
Londonderry Town Council

Proposed Zoning Ordinance Amendment – Recommended by the Planning Board:

The Town of Londonderry seeks to adopt an amendment to the Londonderry Zoning Ordinance to delete the elderly housing ordinance and references to elderly housing. The following sections are proposed to be amended:

- Section 2 – Definitions
- Section 4.1 – Permitted Uses
- Section 4.6.6 – Performance Overlay District – Route 102 Corridor
- Section 5.1.4 – Exemptions from Phasing
- Section 5.6 – Elderly Housing, Assisted Living & Nursing Homes
- Section 6.3.2 – Conditional Use Permit for Affordable Elderly Housing, Assisted Living & Nursing Homes

The full text of the proposed amendment is attached.



Drive-Thru Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons while in the motor vehicle. Does not include establishments involved in the business of preparing and/or purveying food on a regular basis. For all such businesses please see Restaurant, fast food.

Drive-Thru Windows: A customer service facility designed for the convenience of the motoring public accessory to an office or retail establishment which is intended to enable the customer to transact business with a person located within a structure or a machine without exiting the motor vehicle.

Driveway: Area designated for vehicular access to a lot from an approved highway or street.

Duplex: See "Dwelling, Two-Family"

Dwelling, Multi-Family: A residential building designed for or occupied by three or more families.

Dwelling, Single-Family: A detached or free-standing residence other than a mobile home, designed for and occupied by one family only.

Dwelling, Two-Family: A residential building designed for or occupied by two families living independently of each other in individual attached dwelling units. Also known as a duplex.

Dwelling Unit: Any room, or rooms connected together forming a habitable unit for one family with its own bathing and toilet facilities and its own living, eating and sleeping areas wholly within such rooms, or rooms connected together.

Easement: As shown on a subdivision plan, an area on a lot reserved for the passage of water, utility, slope, temporary cul-de-sac, or other identified purposes. The owner cannot block the easement and must allow the Town access for maintenance purposes.

~~**Elderly:** Persons 55 years of age or older. An entire household is elderly if it is the primary residence of one person 55 years of age or older and their spouse.~~

~~**Elderly Affordable Housing (Ownership):** Housing units that are intended for elderly ownership residential occupancy by those age 62 and over (as provided for in RSA 354-A:15), where the total cost of mortgage principal and interest, mortgage insurance premiums, property taxes, association fees, and homeowner's insurance does not exceed 30 percent of the maximum allowed income of the purchaser as defined by the US Department of Housing and Urban Development.~~

~~**Elderly Affordable Housing (Rental):** Housing units that are intended for elderly leasehold residential occupancy, by those age 62 and over (as provided for in RSA 354-A:15), where the rent plus utilities for the dwelling unit does not exceed 30 percent of the allowed individual household income as defined by the US Department of Housing and Urban Development.~~

~~**Elderly Housing:** housing established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq that is designed to meet the needs of persons 55 years of age or older (RSA 354-A:15).~~

Equipment, Heavy: A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

Evergreen: A plant with foliage that persists and remains green year-round.



4 USE AND DIMENSIONAL REGULATIONS

4.1 District Uses

Subject to other applicable sections and all other local, state and federal laws, rules and regulations, no building, structure or land may be used or occupied except for the purposes permitted in the base district in which the use is located as set forth in the Table of Uses.

4.1.1 Designation of Permitted Uses

Permitted uses in the base districts are designated in the Table 4-1, Table of Uses by the following:

- Uses Permitted by Right - A use denoted by the letter "P" is permitted by right in the district
- Uses Permitted by Special Exception - A use denoted by the letter "S" is a use that may be authorized by Special Exception in that district. The Zoning Board of Adjustment may grant a Special Exception in accordance with the procedures and conditions set forth in Section 8.5, Special Exceptions.
- Uses Permitted by Conditional Use Permit - A use denoted by the letter "C" is a use that may be authorized by a Conditional Use Permit in that district. The Planning Board may grant a Conditional Use Permit in accordance with the procedures and conditions set forth in Section 6, Conditional Use Permits.

4.1.2 Use Table

Table 4-1 Londonderry Zoning Ordinance Use Table P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception														
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD-102	POD-28
RESIDENTIAL AND AGRICULTURAL														
Agriculture	P	P									P ³			
Assisted Living Facilities	C	P	P	P	P		P				P ³		P	P
Back Lot Development	C										P ³			See specific district regs.
Dwelling, multi-family		P	C ³	C ³	C ³	C ³	C ³				P ³		C ³	C ³
Dwelling, multi-family workforce	C ^{3&7}	C ³	C ³	C ³	C ³	C ³	C ³				P ³		C ³	C ³
Small workforce housing development	C ³													
Dwelling, single family	P	P			S						P ³			
Dwelling, single family, workforce	C ³	C ³	C ³	C ³	C ³	C ³					P ³			
Dwelling, two-family	P	P			S						P ³			
Dwelling, two-family, workforce	C ³	C ³	C ³	C ³	C ³	C ³					P ³			
Elderly Housing	P ³	P	P	P	P	P	C				P ³		P	P

Table 4-1

Londonderry Zoning Ordinance Use Table

P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102	POD - 28
Elderly Housing, Affordable	C	C	C	C	C	C	C				P ^s		C	C
Live-Work Units			C	C	C	C	C	C	C	C	P ^s			
Manufactured housing	P	P												
Manufactured housing, workforce	C ^s	C ^s												
Mixed use residential						P, C ^s	P, C ^s				P ^s		C ^s	C ^s
Mobile homes	P													
Nursing Home and accessory uses		P	P	P	P		P				P ^s		P	P
Preexisting manufactured housing parks	P													
Presite Built Housing	P													
CIVIC USES														
Community center			P	P		C					P ^s			
Cemetery	P													
Public Facilities	P		P	P		C		P	P	P	P ^s	P		
Public Utilities	P	P	P	P				S	S	S	P ^s	S		
Recreational Facilities, Public	P			P							P ^s		P	P
Religious Facilities	P		P	P	P	P					P ^s		P	P
Cultural Uses and Performing Arts							C			P	P ^s			
BUSINESS USES														
Aeronautical Facilities												P		
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	P ^s			
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	P ^s			
Bed and Breakfast Homestay	P										P ^s			
Business center development			P	P			P			P	P ^s		P	P
Conference/Convention Center							C			P	P ^s			
Day Care Center, Adult						C	C				P ^s			
Drive-thru window as an accessory use			P	P			C							
Drive-in establishments			P	P										
Drive-in theatres				P										
GB District Services										(See GB District Services Use Table, Section 4.1.2)				
Financial institution			P	P			P			P	P ^s			

Table 4-1

Londonderry Zoning Ordinance Use Table

P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102	POD - 28
Funeral homes			P	P	P									
Education and Training Facilities							C			P	P ⁺			
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	See Section 5.8													
Group Child Care Center					P	C		S	S		P ⁺		C	C
Home Occupation	See Section 5.12										S			
Hotels				P			C			P	P ⁺			
Manufacturing, Heavy									P	P		P		
Manufacturing, Light up to 250,000 sq. ft.				P				P	P	P	P ⁺	P		
Manufacturing, Light 250,001 sq ft or larger				P				P	P	C	P ⁺	P		
Membership club			P	P							P ⁺			
Motels				P										
Motor Vehicle Maintenance, Major Repair and Painting									P			P		
Motor vehicle rental												P		
Motor Vehicle Station, Limited Service				P		C ²					P ⁺	P		
Recreation, commercial			P	P			P				P ⁺		P	P
Retail sales establishment up to 75,000 sq. ft.			P	P		P	P				P ⁺		P	P
Retail sales establishment 75,001 sq. ft. or larger			P	P			C				P ⁺			
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use										C				
Professional office			P	P	P	P	P	P	P	P	P ⁺	P	P	P
Rental Car Terminal up to 50,000 sq. ft.										P	P ⁺			
Rental Car Terminal 50,001 sq. ft. or larger										C	P ⁺			
Repair services			P	P		P		P	P		P ⁺	P	P	P
Research or Development Laboratories				P			P	P	P	P	P ⁺	P		
Restaurant			P	P		C	P				P ⁺	P	P	P
Restaurant, fast food			P	P			C				P ⁺			
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C				



Table 4-1

Londonderry Zoning Ordinance Use Table

P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102	POD - 28
School, Private					P						P*		P	P
Service establishment			P	P			P	P	P		P*	P	P	P
Sexually oriented businesses			P	P										
Storage, self serve				P				P	P				C	C
Terminal, Airplane												P		
Terminal, Trucking up to 100,000 sq. ft.									P	P	P*	P		
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P*	P		
Vehicle Sales Establishment				P										
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	P*	P	C	C
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	P*	P	C	C
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	P*	P		
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	P*	P		

- 1 - Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use
- 2 - See Section 4.3.1(B)(4) for additional dimensional requirements related to fuel dispensers
- 3 - See Section 5.7 for specific requirements (workforce housing)
- 4 - As part of an approved PUD Master Plan, See Section 5.2
- 5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 5.2
- 6 - Applies only to proposed multi-family workforce housing developments in the AR-1 district which meet the following conditions:
 - a. Prior to May 13, 2014, one or more variances were granted to the proposed development from provisions of this ordinance that were in effect at that time;
 - b. As of May 13, 2014, no additional variances were necessary for the proposed development to constitute a proposal sufficiently complete as to qualify for consideration by the Planning Board for approval
 - c. A Conditional Use Permit for the proposed development is approved by the Planning Board not later than 4/19/2017 (said date being eighteen months after the adoption of these amendments).
- 7 - In the AR-1 district, Multi-family workforce housing may be permitted subject to a Conditional Use Permit on lots adjacent to commercial and industrial districts, provided that the proposed development meets the Conditional Use criteria for workforce housing.
- ~~8 - Elderly Housing in the AR-1 District is limited to no more than 6 units per building, attached in a row house configuration.~~
- 9 - See Section 6.3.5 for building size criteria

- A. The Performance Overlay District allows for uses that are consistent with the purposes and intent of the overlay district. Because not all uses permitted in the underlying zones are consistent with the Performance Overlay, the uses permitted in the overlay district are limited to those listed in **subsection 4.6.6.5(C)** below. The uses permitted in the underlying zoning districts are not permitted, unless listed in **subsection 4.6.6.5(C)** below or considered a use permitted by conditional use permit, see **Section 4.6.6.6**.
- B. All uses permitted in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a proposal, the applicant must demonstrate, through the impact assessment requirements of **Section 4.6.6.8**, that the proposal will meet all of the appropriate performance standards of **Section 4.6.6.7**, the Site Plan Regulations, the subdivision regulations, as applicable, and shall be consistent with the purpose and intent of the overlay district in **Section 4.6.6.2**.
- C. The following uses are permitted within the performance overlay district:
 - 1. Business center development: a tract of land, buildings or structures planned as a whole and intended to include those uses allowed in this overlay district whether built at one time as a unit or in two or more construction stages;
 - 2. Professional offices including, but not limited to, dentists, doctors, lawyers, architects, real estate, and such uses normally considered as general offices;
 - 3. Restaurants, cafes, and similar establishments, with no drive-thru windows;
 - 4. Retail stores or shops including clothing, appliance, hardware and department stores, automotive accessory, drug and variety stores, grocery stores and supermarkets;
 - 5. Computer services
 - 6. Religious institutions/places of worship and related facilities;
 - 7. Educational institutions;
 - 8. Recreation areas (commercial and non-commercial);
 - 9. ~~Elderly housing & assisted~~ Assisted living facilities, ~~as outlined in Sections 10.3 and 10.4.~~

4.6.6.6 Conditional Use Permits

All uses permitted by conditional use permit in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a conditional use permit, the applicant must demonstrate that it meets the general criteria for a Conditional Use Permit of Section 6.2, and the Specific Criteria of Section 6.3.X, Route 102 Performance Overlay District.

4.6.6.7 Performance Standards

- A. **Dimensional performance standards**
 - 1. Table of dimensional performance standards: in order to accomplish the goals of this ordinance, as well as fulfill the goals of the master plan, development within the performance overlay district is subject to the dimensional standards listed in Table 4-9, below.

Table 4-9 Performance Overlay District Dimensional Standards							
Property Located on:	Min. Lot Size	Min. Lot Frontage	Max. Structure Height	Min. Front Setback (7)	Min. Side Setback	Min. Rear Setback	Max. Impervious Cover



- F. For other residential development proposed to be serviced with public water and public sewer, and proposing no dwelling structures within 200 feet of a street other than one created by that development: twenty (20) dwelling units per year from the date of final approval.
- G. For all other residential development: fifteen (15) dwelling units per year from the date of final approval.

5.1.4 Exemptions from Phasing

~~The Planning Board shall grant exemption to the phasing requirements of Section 5.1.3 under the following condition:~~

~~The proposed project is for Elderly Housing in accordance with Section 5.6 and the owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older).~~

5.2 Planned Unit Development

5.2.1 Authority

The Section is enacted in pursuant to RSA 674:21, innovative land use controls, which provides the statutory authority for the Town of Londonderry to allow for the development of a Planned Unit Development ordinance.

5.2.2 Purpose

- A. A Planned Unit Development (PUD) allows a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property. A PUD master plan is akin to a special zoning district designation for a particular tract of land in terms of uses, dimensions, and other development standards. (Note: every reference to a master plan in this PUD ordinance refers to the PUD Master Plan rather than the Town of Londonderry Master Plan, except where the latter is specifically referred to as such.)
- B. The purpose of this ordinance is to promote flexibility in large scale development by considering project proposals based upon a comprehensive, integrated and detailed plan rather than the specific constraints applicable to piecemeal lot-by-lot development under conventional zoning. A PUD should improve the quality of new development by encouraging aesthetically attractive features and promoting quality site and architectural design. The Planning Board will use the 2004 Londonderry Master Plan and/or successor plans, 2009 Londonderry Small Area Master Plan and/or successor plans, 2003 Londonderry Design Charrette and/or successor plans (if applicable) and any other long range planning document as guidance in the land use development aspect of the PUD master planning process.

5.2.3 Process

The process for administering a Planned Unit Development is as follows:

- A. Due to the complexity inherent in PUD's, prior to developing a detailed PUD proposal or submitting an application applicants are strongly encouraged to:
 - 1. Meet with the Community Development Department to discuss their ideas; and
 - 2. Hold a conceptual discussion with the Planning Board.



5.6 Elderly Housing, Assisted Living Facilities & Nursing Homes

Assisted Living Facilities and Nursing Homes, where allowed according to Section 4.1, Use Table, shall be permitted according to the same requirements for elderly housing as provided in this Section.

5.6.1 Purpose

The Elderly Housing and Elderly Affordable Housing standards are designed to permit an increased residential density above that allowed in the AR-I and R-III districts and to set criteria that assures that a project for the elderly will address the needs of elderly as opposed to any other residential use.

Any elderly housing development under this Section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq. The Board may require assurance of compliance with the Act by deed restriction or other instrument as condition of approval. "Such assurance may consist of a written plan submitted by the Developer, which sets forth (1) the regulations under the Fair Housing Act whereby a project may lawfully discriminate in favor of elderly residents, and (2) how the Developer does or proposes to comply with such requirements, including covenants and other deed restrictions and other to be recorded agreements."

5.6.2 Authority

The Section is enacted pursuant to RSA 674:21, Innovative Land Use Controls, which provides the statutory authority for the Town of Londonderry to provide intensity and use incentives, impact zoning, performance standards, and the ability for the Planning Board to grant Conditional Use Permits. The Planning Board shall be solely responsible for the interpretation and administration of this section, including the granting of all Conditional Use Permits relative thereto. Any decision made by the Planning Board under this section may be appealed directly to Superior Court in the same manner provided by RSA 677:15

5.6.3 Applicability

The following are permitted uses to which this Section applies:

- A. Elderly Housing
- B. Elderly Housing Support Facilities
- C. Assisted Living, by Conditional Use Permit, subject to the requirements of Section 6.3.2
- D. Elderly Affordable Housing, by Conditional Use Permit, subject to the requirements of Section 6.3.2

5.6.4.1 Regulations and Design Criteria

- A. The tract shall have a minimum of fifty (50) foot frontage on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage on a Class V road or better may be required for traffic circulation or safety.
- A.B. The site shall be served by municipal water and sewer.
- B. Minimum building separation of multi-family elderly structures shall be thirty (30) feet. Each single-family or two-family dwelling shall have a minimum separation from any other building of twenty (20) feet.

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C. ~~The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshal, be in accordance with the underlying zoning district, but and no residential~~ structure shall be greater than 3 stories.

D. The maximum building length for any ~~elderly multi-family building~~ assisted living facility or nursing home in the AR-1 District shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.

~~E. Parking – The Planning Board shall carefully consider the location of parking, the parking area and the parking area's access to the unit it serves in keeping with its attendant use by the elderly, in accordance with Section 3.09 of the site plan regulations.~~

~~F.E.~~ Open Space

1. Total open space shall not be less than forty percent (40%) of the total development lot area.
2. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
3. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.

~~G. Required Facilities – The applicant shall be required to demonstrate the provision of support facilities and services as appropriate for the scale and location of an elderly housing or assisted living project.~~

~~1.F. Independent elderly housing – each development shall provide paved sidewalks and pathways, preferably to on-site amenities and off-site destinations where proximity allows. Amenities shall include seating areas, courtyards, gardens or other outdoor gathering spaces. There shall also be provisions for regularly accessible public or private transportation services as a condition of approval of the facility.~~

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1. Assisted Living facilities shall provide on-site services that support independent living for residents, including, at a minimum, communal dining facilities, and may include on-site personal care services, housekeeping and linen service and the supervision of self-administered medications.

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2. Nursing Home facilities shall provide on-site services that support the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent or chronic care.

~~H. Agreements, Restrictions and Provisions – All agreements, deed restrictions and organizational provisions for methods of management and maintenance of the common land, roads, utilities and support facilities shall be approved by the Planning Board, and shall indicate that occupancy is restricted to persons age 55 or over, in accordance with State and Federal Fair Housing law.~~

~~I. Road Construction – All roads and drives in a site shall be privately owned and maintained. Street design and construction is subject to the approval of the Planning Board. Easements for emergency access and relief from liability shall be given to the Town in a form acceptable to Town counsel.~~

~~J. Review Any proposed elderly housing development shall be subject to the "Non-Residential Site Plan Review Regulations" of the Town of Londonderry, as amended.~~

~~K.G. Density Maximum density shall be determined as follows: Net tract area shall be calculated by subtracting wetlands and slopes greater than fifteen (15) percent from the gross tract area. Number of permitted units/beds shall be determined as follows:~~

- ~~1. The "net tract area" shall be the basis for density determinations as follows:~~
- ~~a. Elderly Housing and Assisted Living Sites with P.U.C. regulated municipal water and sewer disposal system: No greater than ten (10) dwelling units per acre in Non-Residential and R-III Districts. In the AR-1 District, no greater than eight (8) units per acre is permitted, with Multi-Family units attached in a row house configuration.~~
- ~~b. Elderly Affordable Housing Sites with P.U.C. regulated municipal water and sewer disposal system: No greater than twelve (12) units per acre in Non-Residential and R-III Districts. In the AR-1 District, ten (10) units per acre is permitted, with Multi-Family units attached in a row house configuration.~~
- ~~c. For sites without municipal water and/or sewer: The minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV Wq 1000 (ENV Wq 1005.03 Minimum Lot Sizes) Latest Revision, but not to exceed the number of dwelling units permitted with the provision of public water and sewer as applicable to the zoning district.~~

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5.6.5 Limitation on the Number of Elderly Housing Units

~~A. The Planning Board shall not accept for consideration any proposal which, if approved, would increase the total number of all elderly housing units in Londonderry, existing and proposed, above a number representing the percentage of units greater than the percentage of persons age 55 and older residing in Londonderry as calculated by the most recent US Census. (For example, if the percentage of persons over age 55 in Londonderry is 13%, not more than 13% of the total number of dwelling units in Londonderry may be Elderly Housing).~~

~~The Planning Board, may allow for Affordable Elderly Housing to exceed the percentage cap if the proposal meets all of the Conditional Use Permit criteria of Section 6.3.2 and also provides documentation from the NH Office of Energy & Planning that the percentage of elderly residents residing in Rockingham County has increased more than 2% from the information available for the County from the most recent US Census.~~



6.3.2. Affordable Elderly Housing, Assisted Living & Nursing Homes

(Also refer to Section 5.6 ~~Affordable Elderly Housing~~, Assisted Living & Nursing Homes)

In addition to the general criteria of Section 6.2, the following criteria must be satisfied for the Planning Board to grant a Conditional Use Permit for ~~Elderly Affordable Housing or~~ Assisted Living Facilities. The applicant shall demonstrate that:

- A. All criteria outlined in Section 5.6 as applicable to the application have been met;
- B. The proposed use is consistent with the Objectives and Characteristics of the District,
- C. The application demonstrated that the proposed project for which the Conditional Use Permit is sought does not impact the health, safety, and general welfare of the Town.
- ~~D. For Elderly Affordable Housing, documentation has been provided to insure the long term affordability of the project;~~
- E.D. The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable the preservation of natural resources, open space, and does not create a hazard to surface or underground water resources;
- F.E. The proposed use is consistent with the context of the neighborhood and the objectives and characteristics of the District in accordance with the Town's Master Plan.

~~The Planning Board must grant a Conditional Use Permit concurrently with Site Plan Approval for Elderly Affordable Housing or Assisted Living Facilities.~~

6.3.3 Live Work Units

Applications for a Conditional Use Permit for a live work unit must demonstrate compliance with the general criteria of Section 6.2 and this section.

- A. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
- B. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space;
- C. The commercial component as designated on the floor plan approved through the Conditional Use Permit shall remain commercial and cannot be converted to residential use;
- D. The residential component as designated on the floor plan approved through the Conditional Use Permit shall remain residential and cannot be converted to commercial use;
- E. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
- F. Signage intended to promote on-site commercial uses shall be restricted to a single four-square foot sign permanently affixed to the door or wall of the business component;

6.3.4 Back Lot Development

In addition to the general criteria of Section 6.2, prior to issuance of a Conditional Use Permit for Back Lot Development, the Planning Board must have found that three of the following conditions apply to the site:

- A. The property proposed for Back Lot Development typifies Londonderry's Rural and Agricultural character



5.6 Assisted Living Facilities & Nursing Homes

Assisted Living Facilities and Nursing Homes, where allowed according to Section 4.1, Use Table, shall be permitted according to the requirements provided in this Section.

5.6.1 Regulations and Design Criteria

- A. The tract shall have a minimum of fifty (50) foot frontage on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage on a Class V road or better may be required for traffic circulation or safety.
- B. The site shall be served by municipal water and sewer.
- C. The maximum building height shall be in accordance with the underlying zoning district, and no structure shall be greater than 3 stories.
- D. The maximum building length for any assisted living facility or nursing home in the AR-1 District shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.
- E. Open Space
 - 1. Total open space shall not be less than forty percent (40%) of the total development lot area.
 - 2. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
 - 3. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
- F. Required Facilities – The applicant shall be required to demonstrate the provision of support facilities and services as appropriate for the scale and location of the facility. .
 - 1. Assisted Living facilities shall provide on-site services that support independent living for residents, including, at a minimum, communal dining facilities, and may include on-site personal care services, housekeeping and linen service and the supervision of self-administered medications.
 - 2. Nursing Home facilities shall provide on-site services that support the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent or chronic care.

Dianna Road
Building Permit Packet



Town of Londonderry
Planning and Economic Development Department

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

To: Town Council
From: Colleen Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW
Nick Codner, Acting Chief Building Inspector / Zoning Administrator
Brian G. Johnson, Division Chief of Fire Prevention
CC: Kevin Smith, Town Manager
Date: November 16, 2020
Re: Request for Building Permit

Louis Ascolillo, the owner of a parcel located at 15 Dianna Road, Map 3 Lot 138A-1, is requesting that a building permit be issued on the property. The parcel was created by a subdivision approved by the Planning Board in 2010, subject to a variance granted by the ZBA in 2008 to allow the creation of a lot without frontage on a Class V or better road (see the attached Planning Board Staff memorandum for additional background on the property).

This item is before the Council because, under RSA 674:41, the Building Inspector cannot issue a permit for construction on a lot without frontage on a Class V or better road without approval of the local governing body, after review and comment by the Planning Board.

The Planning Board reviewed this request on November 4, 2020 and recommends that the Town Council approve the issuance of a building permit on the subject parcel with conditions. The minutes of the Planning Board meeting is attached, along with a copy of the Planning Board's recommendation to approve the request, subject to conditions.

Planning, Engineering, Building and Fire Department Staff have met with the Applicant/Property Owner to discuss the recommended conditions and the Applicant is aware of the NFPA requirements for construction of the access to the lot.

The Planning Board and Staff recommend that the Town Council authorize issuance of a building permit on Map 3, Lot 138A-1, 15 Dianna Road with the following conditions:

- Prior to issuance of a building permit, access to the lot be constructed to meet NFPA 1 standard.
- A survey should be performed by a licensed land surveyor to field locate the existing road right of way. All improvements must take place within the right of way.
- Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for any disturbance (if any) to wetlands or wetland buffers as a result of the required roadway improvements.
- The standard Class VI Release and Agreement be signed and recorded at the Rockingham

County Registry of Deeds.

- Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.



Town of Londonderry

Planning & Economic Development Department

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



PLANNING BOARD'S RECOMMENDATION TO TOWN COUNCIL

The Londonderry Planning Board held a meeting on Wednesday, November 4, 2020 to consider the following:

Request for recommendation on issuance of a building permit in accordance with RSA 674:41, 15 Dianna Road, Map 3 Lot 138A-1, Zoned AR-1, Cindy Bianchi (Owner) and Louie Ascolillo (Applicant)

Member C. Davies made a motion to recommend to the Town Council the issuance of a building permit for 15 Dianna Road, Map 3, Lot 138A-1 subject to the following conditions:

- Access to the lot be constructed to meet NFPA 1141 standard, including:
 - Minimum clear width of 12 feet for each lane of travel, excluding shoulders.
 - Turnarounds to be constructed at a maximum of 1,200 foot intervals (if needed).
 - Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck.
 - The maximum slope of the road should not exceed 6%.
- A survey should be performed by a licensed land surveyor to field locate the existing road right of way. All improvements must take place within the right of way.
- Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for disturbance (if any) to wetlands or wetland buffers as a result of the required roadway improvements.
- The standard Class VI Release and Agreement be signed and recorded at the Rockingham County Registry of Deeds.
- Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.

Member J. Butler seconded the motion.

The motion was granted, 6-0-1 by a roll call vote.

This notice is given pursuant to RSA 676:3.

Londonderry Planning Board

955 D. Application for formal review of a site plan for Phases 4,5 & 6 of the
956 Cross Farm Development, an elderly housing development. Phases 4, 5 &
957 6 include 79 dwelling units and associated site improvements, 200 Nashua
958 Road, Map 6, Lot 59-1, Zoned AR-1, Cross Farm Development, LLC
959 (Owner & Applicant)

960
961 Chairman Rugg read the case into the record stating that they wish to continue the
962 application until December 2, 2020.

963
964 **C. Davies made a motion to continue the application for formal**
965 **review of a site plan for Phases 4,5 & 6 of the Cross Farm**
966 **Development, an elderly housing development. Phases 4, 5 & 6**
967 **include 79 dwelling units and associated site improvements, 200**
968 **Nashua Road, Map 6, Lot 59-1, Zoned AR-1, Cross Farm**
969 **Development, LLC (Owner &Applicant) December 2, 2020.**

970
971 **A. Chiampa seconded the motion.**

972
973 **The motion was granted, 7-0-0, by a roll call vote. The Chair voted**
974 **in the affirmative.**

975
976 Chairman Rugg noted that the application is continued until December 2, 2020, at 7
977 p.m., noting the meeting will be remote and this would be the only formal public
978 notice.

979
980 **V. Other**

981 A. Request for recommendation on issuance of a building permit in
982 accordance with RSA 674:41 – 15 Dianna Road, Map 3 Lot 138A-1, Zoned
983 AR-1, Cindy Bianchi (Owner) and Louie Ascolillo (Applicant)

984 G. Verani came back to the Board for this request. Town Planner Mailloux informed
985 the Board that in February of 2008, the Zoning Board of Adjustment (ZBA)
986 approved a variance from the Londonderry Zoning Ordinance to allow for a house
987 with no frontage on a Class V or better road, where 150 feet is required. She went
988 on noting that in accordance with that variance, in May of 2010, the Planning Board
989 granted final approval of a subdivision plan that created 15 Dianna Road, Map 3,
990 Lot 138A-1, a lot with no frontage on a Class V road. She added that the access to
991 the parcel is via a public Right of Way which is an unimproved section of Dianna
992 Road. She explained that the property owner is requesting that a building permit
993 for a 4-bedroom single-family residence be issued on the property and noted that
994 the proposed house will be located approximately 300 feet from the town-
995 maintained portion of Dianna Road. She said the statute also requires that notice of
996 the limits of municipal responsibility and liability be recorded in the registry of
997 deeds and noted a sample of the standard agreement and release used by the
998 Town of Londonderry in the past is attached for reference. She noted that the
999 agreement affirms that the Town is not responsible for maintenance nor for liability
1000 for damages from the use of the road, and releases the Town from any claim for
1001 any loss or damage, including those incurred through failure to provide municipal

1002 emergency services as a result of the condition of the roadway. She stated that
1003 staff recommends that the Planning Board make a recommendation to the Town
1004 Council that, should a building permit be authorized for 15 Dianna Road, Map 3, Lot
1005 138A-1, the issuance of the permit be subject to the following conditions:

- 1006 1. Access to the lot be constructed to meet NFPA 1141 standard, including:
- 1007 a. Minimum clear width of 12 feet for each lane of travel, excluding
 - 1008 shoulders.
 - 1009 b. Turnarounds to be constructed at a maximum of 1,200-foot intervals
 - 1010 (if needed).
 - 1011 c. Road to be constructed of a hard, all-weather surface sufficient to hold
 - 1012 the weight of a fire truck.
 - 1013 d. The maximum slope of the road should not exceed 6%.
- 1014 2. A survey should be performed by a licensed land surveyor to field locate
1015 the existing road right of way. All improvements must take place within the
1016 right of way.
- 1017 3. Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill
1018 Permit) must be obtained for disturbance (if any) to wetlands or wetland
1019 buffers as a result of the required roadway improvements.
- 1020 4. The standard Class VI Release and Agreement be signed and recorded at
1021 the Rockingham County Registry of Deeds.
- 1022 5. Appropriate stormwater management and erosion controls should be
1023 designed and installed to the satisfaction of the Department of Public Works
1024 and Engineering.

1025 Chairman Rugg opened it up to questions from the Board. C. Davies asked if the
1026 2008 variance is still valid. Town Planner Mailloux replied that the ZBA variance
1027 allowed for the creation of the lot without frontage, but under state statute a
1028 building permit cannot be issued unless there is frontage on a Class V or better
1029 road, so it needs to come before the Planning Board and then Town Council to issue
1030 the permit. A. Sypek commented that unless the roadway is up to National Fire
1031 Protection Association (NFPA) standards, he cannot support this. A. Chiampa
1032 agreed with A. Sypek. G. Verani asked if this was a lot of record. Town Planner
1033 Mailloux replied that was correct. G. Verani commented that he thought someone
1034 could build on a lot of record. Town Planner Mailloux responded that you can, but
1035 the Building Department cannot issue a building permit by state statute unless the
1036 road providing access has a Class V road or better without the Town Council
1037 authorizing issuance of the permit. G. Verani asked if the applicant would have to
1038 do improvements. J. Trottier replied that the applicant has to do improvements,
1039 such as a 24-foot wide road, which is outlined in the staff recommendation
1040 memorandum. He noted that the applicant's plan is only showing a 20-foot wide
1041 driveway and that is not what staff support. L. Ascolillo replied that this was a
1042 technical error and acknowledged that the driveway would be 24-foot wide. L. Wiles
1043 asked what the applicant's understanding of the Town's maintenance for the
1044 roadway. L. Ascolillo replied that he understands that the Town will have no

1045 maintenance of the road, which will be a waiver that he signs. L. Wiles asked about
1046 trash pickup. J. Trottier responded that the applicant will have to have his trash
1047 barrel at Dianna Road. Chairman Rugg asked for Brian Johnson, Division Chief of
1048 Fire Prevention to give any input at this time. B Johnson told the Board that he told
1049 the applicant to reach out to the Department of Public Works and Engineering for
1050 help with the road construction and he would get the exact weight of the fire truck
1051 for the applicant. He said that they use the ladder truck or the tanker truck for
1052 weight because it might be the only truck that is available. Chairman Rugg asked if
1053 he was in support of this. B. Johnson answered that as long as the driveway is 24-
1054 feet wide and supports the weight of a fire truck, he is okay with it. Chairman Rugg
1055 noted that was the recommendation.

1056 Chairman Rugg opened it up for public input and there was none.

1057 **C. Davies made a motion to recommend the issuance of a building**
1058 **permit for 15 Dianna Road, Map 3 Lot 138A-1, with the issuance of**
1059 **the permit being subject to the conditions outlined in Staff's**
1060 **recommendation memorandum dated November 4, 2020.**

1061
1062 **J. Butler seconded the motion.**

1063
1064 **The motion was granted, 6-0-1, with J. Penta abstaining. The**
1065 **Chair voted in the affirmative.**

1066

1067 **VI. Adjournment**

1068 **Member C. Davies made a motion to adjourn the meeting at**
1069 **approximately 9:40 p.m. Seconded by J. Butler.**

1070
1071 **The motion was granted by a unanimous roll call vote, 7-0-0.**

1072
1073 **The meeting adjourned at approximately 9:40 PM.**

1074

1075 These minutes were prepared by Beth Morrison.

1076

1077 Respectfully Submitted,

1078

1079

1080 Name: _____

1081 Title: _____

1082

1083 These minutes were accepted and approved on December 2, 2020, by a motion made by
1084 _____ and seconded by _____.

STAFF MEMORANDUM

To: Planning Board

Date: November 4, 2020

From: Colleen P. Mailloux, AICP, Town Planner
John R. Trottier, PE, Assist. Dir. Of DPW
Brian G. Johnson, Division Chief of Fire Prevention

Re: 15 Dianna Road, Map 3, Lot 138A-1

Background:

In February 2008, the ZBA approved a variance from the Londonderry Zoning Ordinance to allow for a house with no frontage on a Class V or better road, where 150' is required. In accordance with that variance, on May 2010, the Planning Board granted final approval of a subdivision plan that created 15 Dianna Road, Map 3, Lot 138A-1, a lot with no frontage on a Class V road. The access to the parcel is via a public Right of Way which is an unimproved section of Dianna Road. The 2010 Subdivision Plan is attached.

Project Summary:

The property owner is requesting that a building permit for a 4-bedroom single-family residence be issued on the property. The proposed house will be located approximately 300'± from the town maintained portion of Dianna Road.

The statute RSA 674:41, governing the erection of buildings on streets, Paragraph I. states in part: *"... no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:*

(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time..."

The issuance of a building permit must be authorized by the Town Council after review by the Planning Board, according to 674:41 Paragraph I.(c)(1) *"The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof"*.

The statute also requires that notice of the limits of municipal responsibility and liability be recorded in the registry of deeds. A sample of the standard agreement and release used by the Town of Londonderry in the past is attached. The agreement affirms that the Town is not responsible for maintenance nor for liability for damages from the use of the road, and releases the Town from any claim for any loss or damage, including those incurred through failure to provide municipal emergency services as a result of the condition of the roadway.

Recommendation:

Staff recommends that the Planning Board make a recommendation to the Town Council that, should a building permit be authorized for 15 Dianna Road, Map 3, Lot 138A-1, the issuance of the permit be subject to the following conditions:

- Access to the lot be constructed to meet NFPA 1141 standard, including:

- Minimum clear width of 12 feet for each lane of travel, excluding shoulders.
- Turnarounds to be constructed at a maximum of 1,200 foot intervals (if needed).
- Road to be constructed of a hard, all-weather surface sufficient to hold the weight of a fire truck.
- The maximum slope of the road should not exceed 6%.
- A survey should be performed by a licensed land surveyor to field locate the existing road right of way. All improvements must take place within the right of way.
- Appropriate permits (Conditional Use Permit, NHDES Dredge and Fill Permit) must be obtained for disturbance (if any) to wetlands or wetland buffers as a result of the required roadway improvements.
- The standard Class VI Release and Agreement be signed and recorded at the Rockingham County Registry of Deeds.
- Appropriate stormwater management and erosion controls should be designed and installed to the satisfaction of the Department of Public Works and Engineering.

October 14, 2020

Colleen P. Mailloux, AICP
Town Planner
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053

RE: Map 3 Lot 138A-1
Building Permit Request

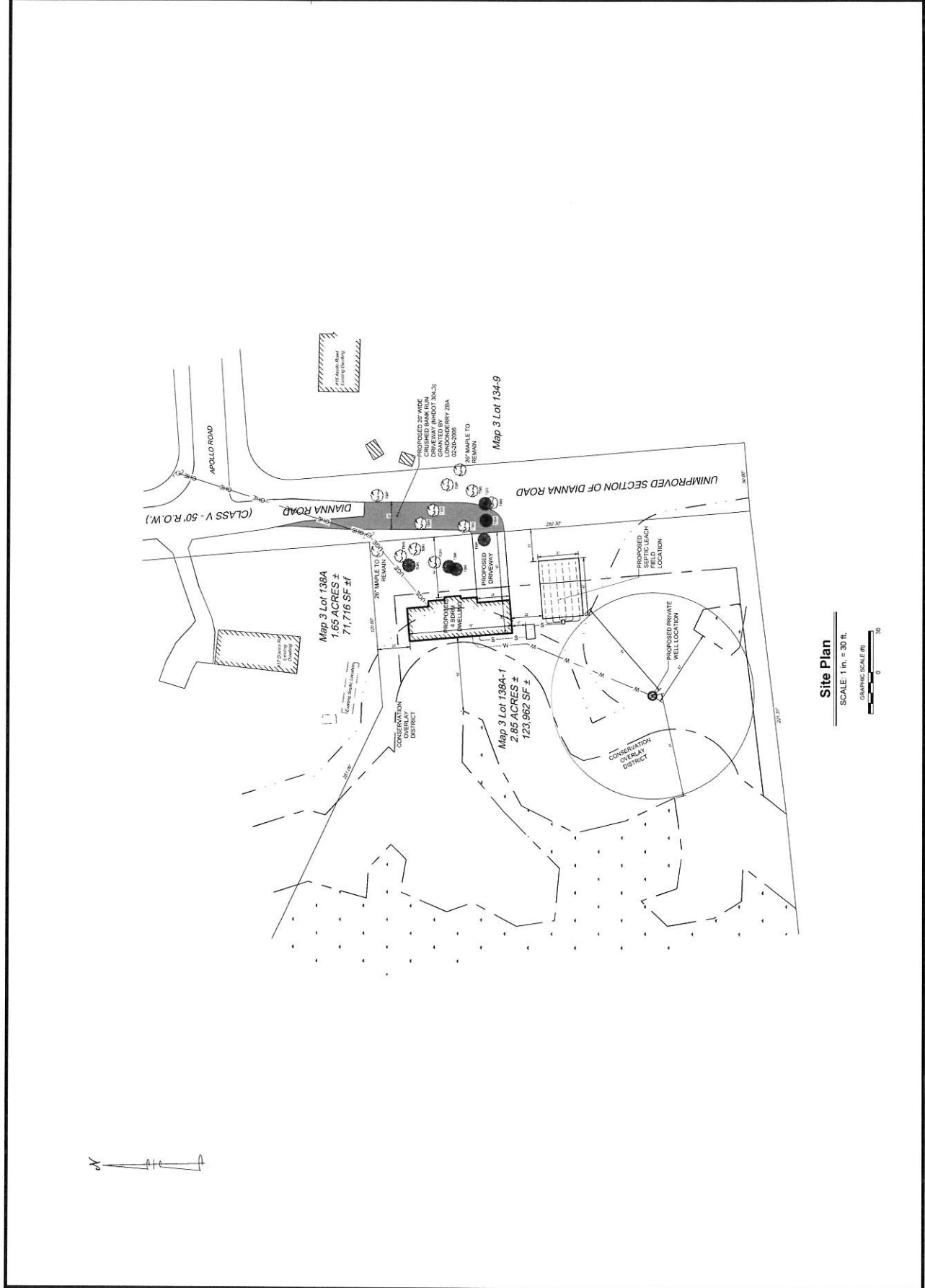
Dear Mrs. Mailloux,

I, Louie Ascolillo, am in the process of purchasing the property located at the above referenced location. I am currently under a Purchase & Sale Agreement for the property with the current owners. The parcel was created in a subdivision with NHDES subdivision approval SA2009009128 in 2009 and subsequently approved by the Londonderry Planning Board in 2010. I would like to request that the Londonderry Planning Board place this matter on the November 4, 2020 meeting agenda for review and recommendation. I have attached a drawing of the proposed development I would like to construct showing the proposed dwelling location, proposed septic location and the proposed private well location along with the required improvements to Dianna Road as shown on the approved plans prepared by Promised Land Survey, LLC. Thank you for your time and assistance in this matter and I look forward to obtaining the necessary approvals to move forward with the construction of my home.

Very truly yours,

Louie Ascolillo

Louie Ascolillo
15 Hudson Hills Drive
Hudson, NH 03051
(978) 408-6019
louascalillo@gmail.com



Site Plan
 SCALE: 1 in. = 30 ft.
 GRAPHIC SCALE (ft.)

SUBDIVISION OF LAND MAP 3 LOT 138A 17 DIANNA ROAD LONDONDERRY, NH

LEGEND

UTILITY POLE	SOIL BOUNDARY
WETLAND	EXISTING TRELINE
WETLAND FLAG	PROPOSED TRELINE
PERC TEST	EXISTING 2' CONTOUR
TESTPIT	EXISTING 10' CONTOUR
WELL	EXISTING PAVEMENT
BOUND FOUND	EXISTING PROPERTY LINE
BOUND TO BE SET	WETLAND BOUNDARY
DRILL HOLE FOUND	BUILDING SETBACK
DRILL HOLE TO BE SET	STONEWALL
IRON PIPE OR ROD FOUND	SOIL UNIT
IRON PIPE OR ROD TO BE SET	EXISTING TRAIL
LEASE OUTCROP	PROPOSED CONTOUR
	PROPOSED PROPERTY LINE
	PROPOSED PAVEMENT

ABUTTERS

MAP 3 LOT 134-9
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 135
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 136-1
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 137
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 138-1
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 138-2
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 138-3
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 138-4
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 138-5
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MAP 3 LOT 138-6
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MAP 3 LOT 138-7
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MAP 3 LOT 138-8
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MAP 3 LOT 138-9
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MAP 3 LOT 138-10
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MAP 3 LOT 138-11
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MAP 3 LOT 138-12
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MAP 3 LOT 138-13
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MAP 3 LOT 138-14
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MAP 3 LOT 138-15
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MAP 3 LOT 138-16
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MAP 3 LOT 138-17
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MAP 3 LOT 138-18
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MAP 3 LOT 138-19
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MAP 3 LOT 138-20
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MAP 3 LOT 138-24
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MAP 3 LOT 138-25
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MAP 3 LOT 138-26
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MAP 3 LOT 138-27
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MAP 3 LOT 138-28
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MAP 3 LOT 138-29
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MAP 3 LOT 138-30
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MAP 3 LOT 138-31
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MAP 3 LOT 138-32
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MAP 3 LOT 138-33
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MAP 3 LOT 138-34
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MAP 3 LOT 138-35
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MAP 3 LOT 138-36
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MAP 3 LOT 138-37
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MAP 3 LOT 138-38
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MAP 3 LOT 138-39
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MAP 3 LOT 138-40
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MAP 3 LOT 138-41
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MAP 3 LOT 138-42
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MAP 3 LOT 138-43
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MAP 3 LOT 138-44
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MAP 3 LOT 138-45
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LONDONDERRY, NH 03053

MAP 3 LOT 138-46
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

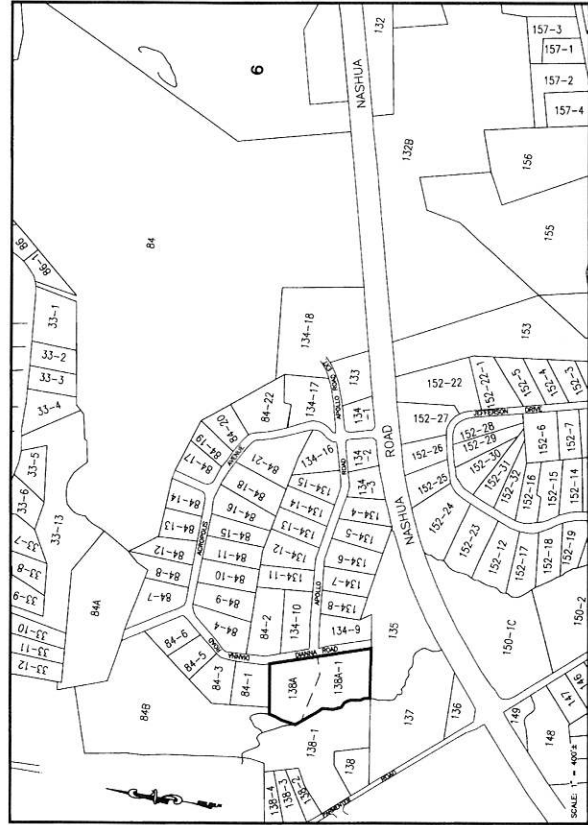
MAP 3 LOT 138-47
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

MAP 3 LOT 138-48
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LONDONDERRY, NH 03053

MAP 3 LOT 138-49
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LONDONDERRY, NH 03053

MAP 3 LOT 138-50
LONDONDERRY, NH 03053
LONDONDERRY, NH 03053

NOTE:
SHEET 3 OF 5 SHALL BE RECORDED AT THE ROCKINGHAM COUNTY
REGISTRY OF DEEDS UPON APPROVAL BY THE LONDONDERRY
PLANNING BOARD. SHEET 4 OF 5 SHALL BE RECORDED AT THE
REGISTRY OF DEEDS UPON APPROVAL BY THE LONDONDERRY
PLANNING BOARD. SHEET 5 OF 5 SHALL BE RECORDED AT THE
REGISTRY OF DEEDS UPON APPROVAL BY THE LONDONDERRY
PLANNING BOARD. SHEET 6 OF 5 SHALL BE RECORDED AT THE
REGISTRY OF DEEDS UPON APPROVAL BY THE LONDONDERRY
PLANNING BOARD.



SHEET INDEX

DESCRIPTION	SHEET NO.
TITLE SHEET	1
SUBDIVISION PLAN	2
DRIVEWAY SIGHT DISTANCE	3
DRIVEWAY SIGHT DISTANCE	4
DRIVEWAY SIGHT DISTANCE	5

APPROVED BY THE TOWN OF LONDONDERRY, NH PLANNING BOARD ON
DATE: 6/2/10

CERTIFIED BY: *[Signature]*

CHAIRMAN: *[Signature]*

SECRETARY: *[Signature]*

LAND OWNER OF RECORD
MARCO A. BARBATO DATE: 5-26-10
JEAN R. BARBATO DATE: 5-26-10

TITLE SHEET
TAX MAP 3 LOT 138A
17 DIANNA ROAD
LONDONDERRY, NEW HAMPSHIRE
FEBRUARY 19, 2009
LAND OWNER OF RECORD/PREPARED FOR:
JEAN R. & MARCO A. BARBATO
LONDONDERRY, NH 03053
BOOK 3068 / PAGE 0933

AS SHOWN SHEET 1 OF 5

PREPARED BY:

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Land Surveying • Wetlands • Planning • Permitting • E-Design

REVISIONS

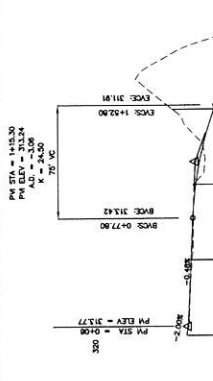
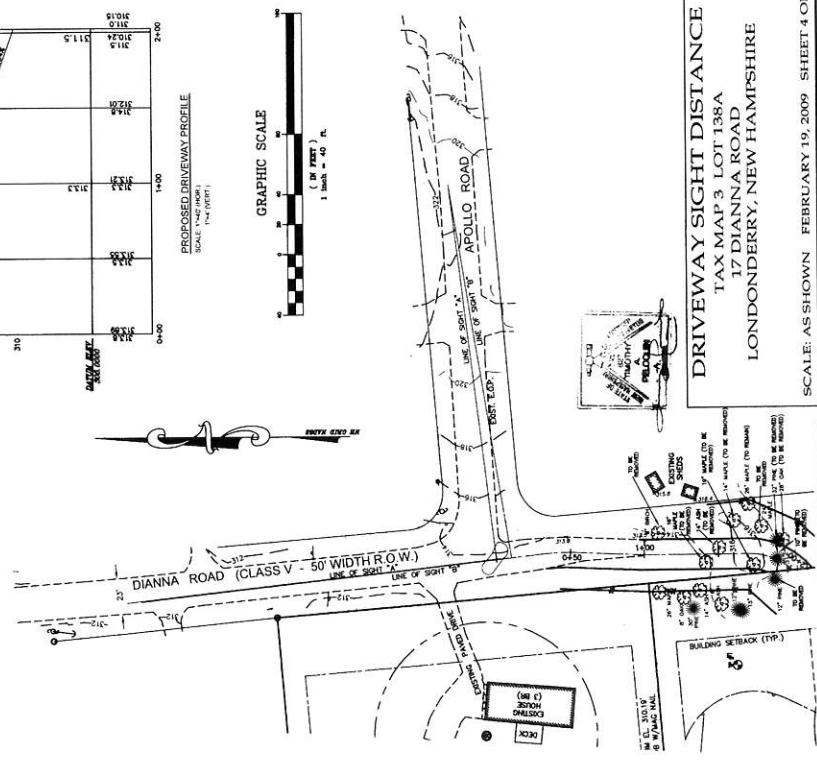
NO.	DATE	DESCRIPTION
4	04-21-10	REVISED PER ENGINEERING REVIEW
3	07-20-09	PER INHKS COMMENTS
2	06-18-09	PER REVIEW COMMENTS
1	02-11-09	PER PERMITS COMMENTS

PLS PROJECT #1269

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SCALE: AS SHOWN FEBRUARY 19, 2009 SHEET 4 OF 5

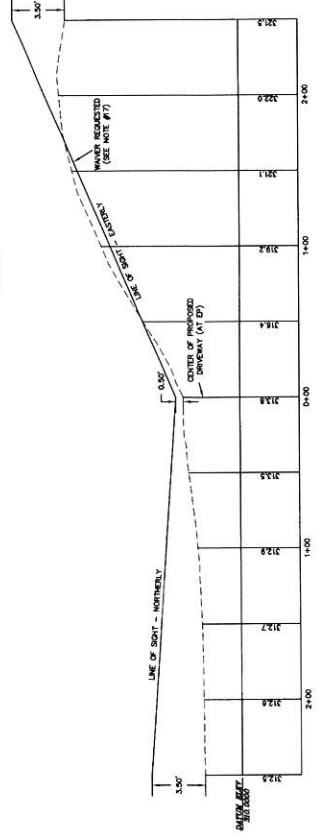
DRIVEWAY SIGHT DISTANCE
 TAX MAP 3, LOT 138A
 17 DIANNA ROAD
 LONDONDERRY, NEW HAMPSHIRE



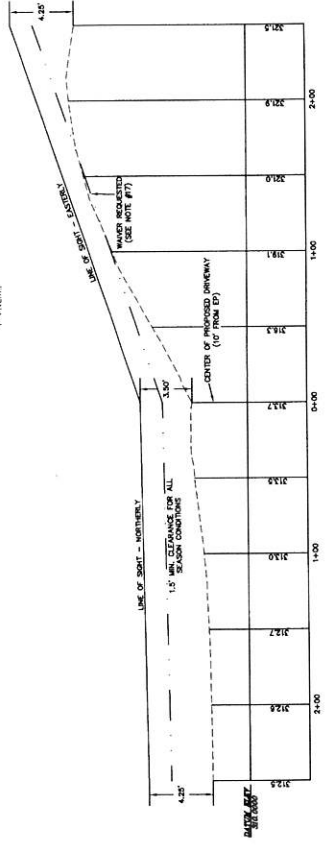
REVISIONS

NO.	DATE	BY	DESCRIPTION
1	08-11-09	BRN	PER REVISIONS
2	08-18-09	TRM	PER REVIEW COMMENTS
3	04-27-10	ASP	REVISED PER ENGINEERING REVIEW

SIGHT DISTANCE - PROFILE 'A'
 SCALE: 1"=4' (HORIZ)
 1"=10' (VERT)



SIGHT DISTANCE - PROFILE 'B'
 SCALE: 1"=4' (HORIZ)
 1"=10' (VERT)

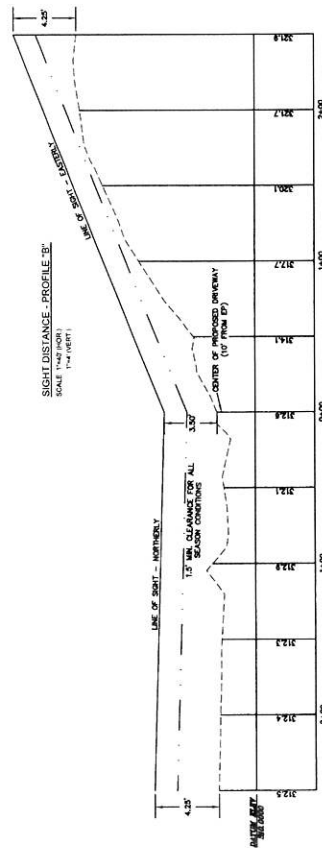
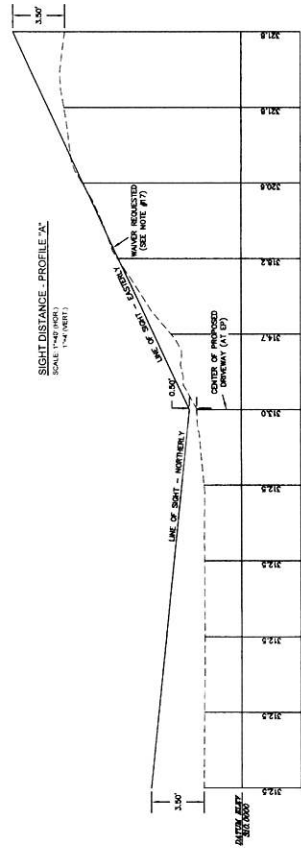


CONSTRUCTION SEQUENCE NOTES:

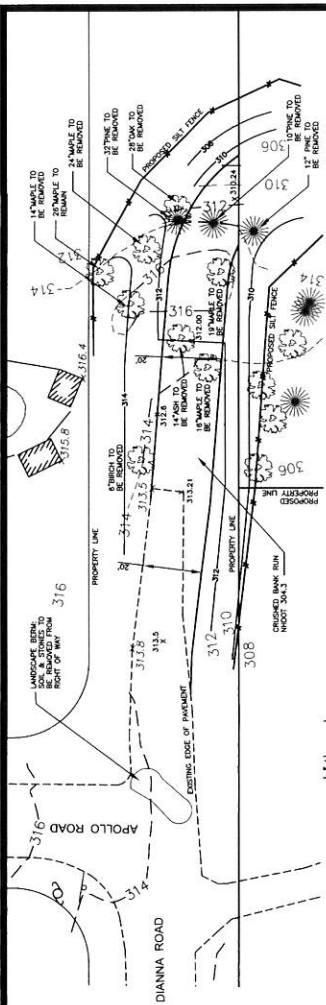
1. FINISH GRADE SHALL BE ESTABLISHED PRIOR TO THE START OF "WORK" SITUATION. FENCE SHALL BE INSTALLED ACCORDING TO THE MANUFACTURERS RECOMMENDATIONS.
2. CUT TREES, STUMPS TO BE REMOVED.
3. ROUGH GRADE EXISTING GROUND.
4. FINISH GRADE USING 6" CRUSHED BANK RUN.
5. LOAM AND SEED ALL DISTURBED AREAS.
6. EROSION CONTROL TO STAY IN PLACE UNTIL DISTURBED AREAS ARE STABILIZED AND VEGETATED.

CONSTRUCTION NOTES:

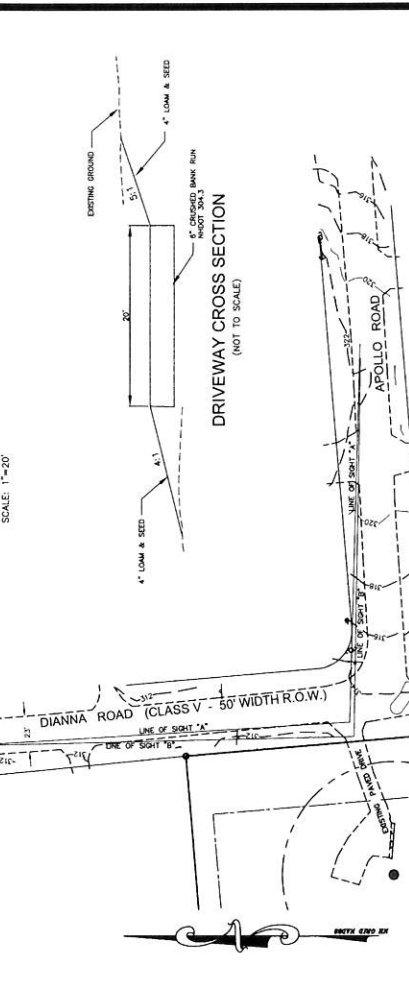
1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE TOWN OF LONDONDERRY SITE PLAN REGULATIONS AND THE LATEST EDITION OF THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION".
2. IN ACCORDANCE WITH SECTION 6.01 OF THE LONDONDERRY SITE PLAN REGULATIONS AND RSA 676:13, ALL CONSTRUCTION SHALL BE COMPLETED AND OPEN TO THE PUBLIC FOR THE PURPOSE OF OBTAINING A CERTIFICATE OF OCCUPANCY, APPROVED BY THE TOWN OF LONDONDERRY PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
3. REFER TO "TYPICAL DETAILS FOR SITE AND ROADWAY INFRASTRUCTURE", TOWN OF LONDONDERRY, NH, MAY, 2008, FOR APPLICABLE DETAILS THAT ARE TO BE PART OF THIS PLAN SET.



GRAPHIC SCALE
1 inch = 40 ft.



DRIVEWAY DETAIL
SCALE: 1/4\"/>



DRIVEWAY CROSS SECTION
(NOT TO SCALE)

NO.	DATE	DESCRIPTION	BY
4	05-20-10	REVISED PER TOWN STAFF RECOMMENDATIONS	MSP
3	04-21-10	REVISED PER ENGINEERING REVIEW	MSP
2	06-18-09	PER REVIEW COMMENTS	TML
1	06-17-09	PER REVIEW COMMENTS	BRH

DRIVEWAY SIGHT DISTANCE
TAX MAP 3 LOT 138A
17 DIANNA ROAD
LONDONDERRY, NEW HAMPSHIRE

SCALE AS SHOWN FEBRUARY 19, 2009 SHEET 5 OF 5



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PLS PROJECT #1269

MAP 3
LOT 138A-1
2.85 ACRES ±
123,962 S.F. ±

RESOLUTION 2020-15

A Resolution Relative to the

Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 11/16/20
Second Reading: Waived
Adopted: 11/16/20

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

WHEREAS the Town has been awarded a grant by the NH State Council on the Arts in the amount of up to \$6,375.00, in order to assist in the cost of running the Concerts on the Common program during the Spring, Summer and Fall of 2021.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that grant revenue in the amount of up to \$6,375 for the fiscal year ending June 30, 2021 to be used until the fiscal year ending June 30, 2022, is hereby accepted.

John Farrell - Chairman
Town Council

Sharon Farrell - Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:

11/16/2020

RESOLUTION 2020-16

A Resolution Relative to the

Acceptance of Unanticipated Revenue Under RSA 31:95-b

First Reading: 11/16/20
Second Reading: Waived
Adopted: 11/16/20

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

WHEREAS the Town has been awarded a grant by the Center for Tech and Civic Life in the amount of up to \$7,548.00, in order to assist in the increase of costs of running the primary and general election during the fall of 2020 cause by the increased number of votes, whether present or absentee, or caused by the COVID pandemic.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that grant revenue in the amount of up to \$7,548 for the fiscal year ending June 30, 2021, is hereby accepted.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

11/16/2020

ORDER 2020- 16

An Order Relative to

WITHDRAWAL OF RECREATION DEPARTMENT CAPITAL RESERVE FUNDS

First Reading: 11/16/20

Second Reading: Waived

Adopted: 11/16/20

WHEREAS

the Town of Londonderry, by adoption of Warrant Article 6 at the March 13, 2012 annual meeting, established the Fire Equipment Capital Reserve and authorized the Town Council as agents to expend from this capital reserve, and;

WHEREAS

the Recreation Department desires to purchase a new lawn mower to mow the towns recreation fields for the amount of \$12,749.00, and;

WHEREAS

the recreation department has obtained 3 bids, and wishes to move forward with the purchase from Turf Depot, as it was the lowest bid and included an additional set of blades. Another reason the recreation department wishes to move forward with this vendor is that the mower will have similar replacement parts to the mowers the town already has, which should make repairs easier.

WHEREAS

the total of these purchases equals \$12,749 and there are sufficient funds are available in the Recreation Department Capital Reserve,

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed to disburse \$12,749.00 from the Recreation Department Capital Reserve Fund for the purposes previously stated.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:
11/16/20

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 **October 19, 2020**

2
3 The meeting took place in Moose Hill Council Chambers at Town.

4
5 Present: Chairman John Farrell; Vice Chairman Joe Green; Councilor Tom Dolan, Jim
6 Butler and Deb Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik:
7 Absent: Executive Assistant Kirby Brown;

8
9 **CALL TO ORDER**

10
11 Chairman Farrell called the Town Council meeting to order. This was followed by the
12 Pledge of Allegiance. This was followed by a moment of silence for those who serve us
13 both here and abroad.

14
15 **PUBLIC COMMENT**

16
17 Chairman Farrell stated that the Covid cases are on the rise in Londonderry. Fire Chief
18 Darren O'Brien gave an update to the Council. Over the last three weeks the numbers have
19 increased. Chief O'Brien reminded people to wear a mask, limit contact to people you don't
20 know, make sure the places you go follow the proper protocol. Reminded people to be
21 vigilant.

22
23 Town Manager Smith stated that two long time employees are retiring next month. Smith
24 presented two proclamations for Chief Building Inspector/Health Officer Richard Canuel
25 and town Assessor Rick Brideau. The Council thanked both employees for their years of
26 service to the town. Chairman Farrell read both proclamations into the record.

27
28 Matt Mowers, Bedford, introduced himself. Mowers stated that he is a candidate for
29 Congress. He shared some of his concerns and plans for serving. The Council thanked
30 Mowers for attending and wished him the best of luck.

31
32 Members of NHDOT gave the Council an update on the project NH 28 Stonehenge Rd.
33 Melodie Esterberg, Project Manager, and Dan Prehemo and Gerard Bedard who are on the

LONDONDERRY TOWN COUNCIL MEETING MINUTES

34 design team for the project. Esterberg stated that NHDOT wants to make sure whatever the
35 solution is works for Londonderry. Bedard gave a PowerPoint presentation. See attached.

36

37 The Council shared the issues going on with the intersection. Esterberg stated that they are
38 aware that the budget is of high importance.

39

40 Doug Thomas, 143 Mammoth Rd, stated that he is one of the town's state representatives.
41 Thomas asked if there is any state mandate or laws that may be preventing NHDOT from
42 acting faster. Thomas stated that they could help NHDOT speed up the process and bypass
43 any mandates.

44

45 PUBLIC HEARING

46

47 NONE

48

49 NEW BUSINESS

50

51 NONE

52

53 OLD BUSINESS

54

55 NONE

56

57 APPROVAL OF MINUTES

58

59 Motion to approve the Town Council minutes from September 5, 2020 made by Vice
60 Chairman Green and second by Councilor Dolan. Chair votes 5-0-0.

61

62

63

64

LONDONDERRY TOWN COUNCIL MEETING MINUTES

APPOINTMENTS/REAPPOINTMENTS

65

66

67 Ryan Prudhomme, candidate for Traffic Safety Committee, will be interviewing at the next
68 Council meeting.

69

70 The Council motioned to appoint Irene Macarelli as an alternate on the Zoning Board.
71 Councilor Butler motioned to appoint. Second by Councilor Dolan. Chair votes 5-0-0.

72

73

74

ADJOURNMENT

75

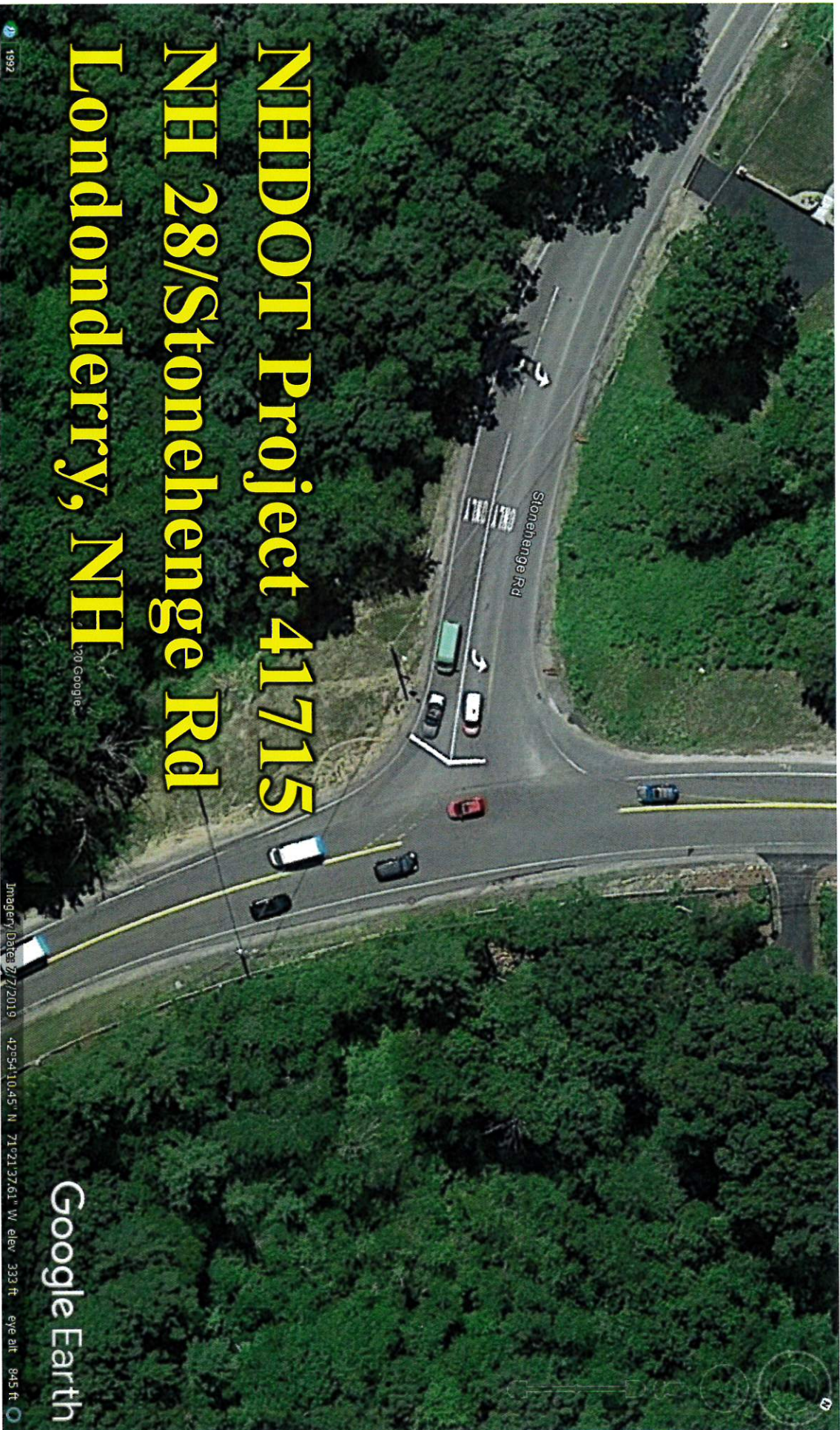
76 Motion to adjourn made by Vice Chairman Green and seconded by Councilor Dolan. Chair
77 votes 5-0-0.

78

79 Notes and Tapes by: Kirby Brown Date: 10/19/2020

80 Minutes Typed by: Kirby Brown Date: 10/25/2020

81 Approved by: Town Council Date: 11/16/2020



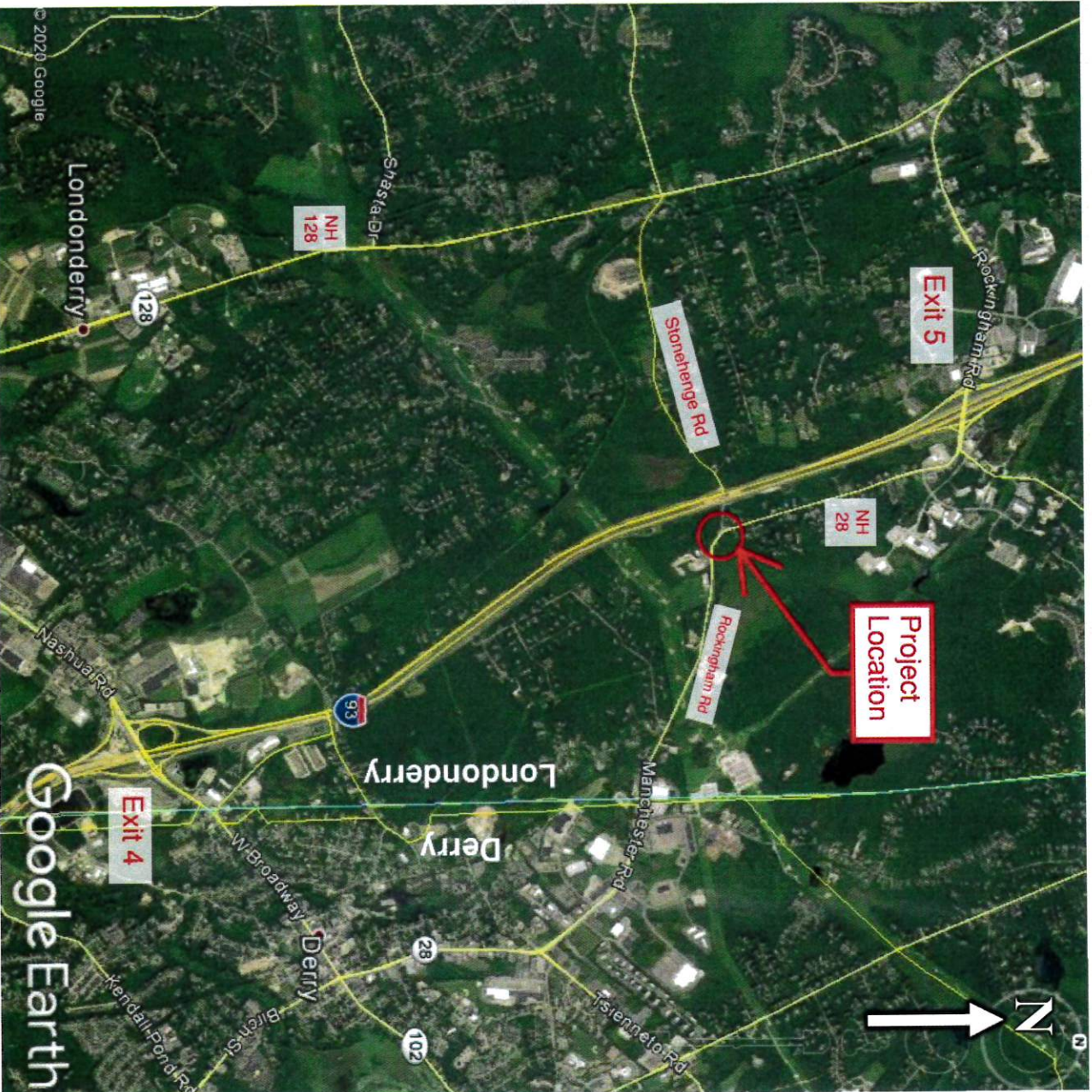
NHDOT Project 41715 NH 28/Stonehenge Rd Londonderry, NH

1992

Imagery Date: 7/27/2019 42°54'10.45" N 71°21'37.61" W elev 333 ft eye alt 845 ft

Google Earth

Project Location



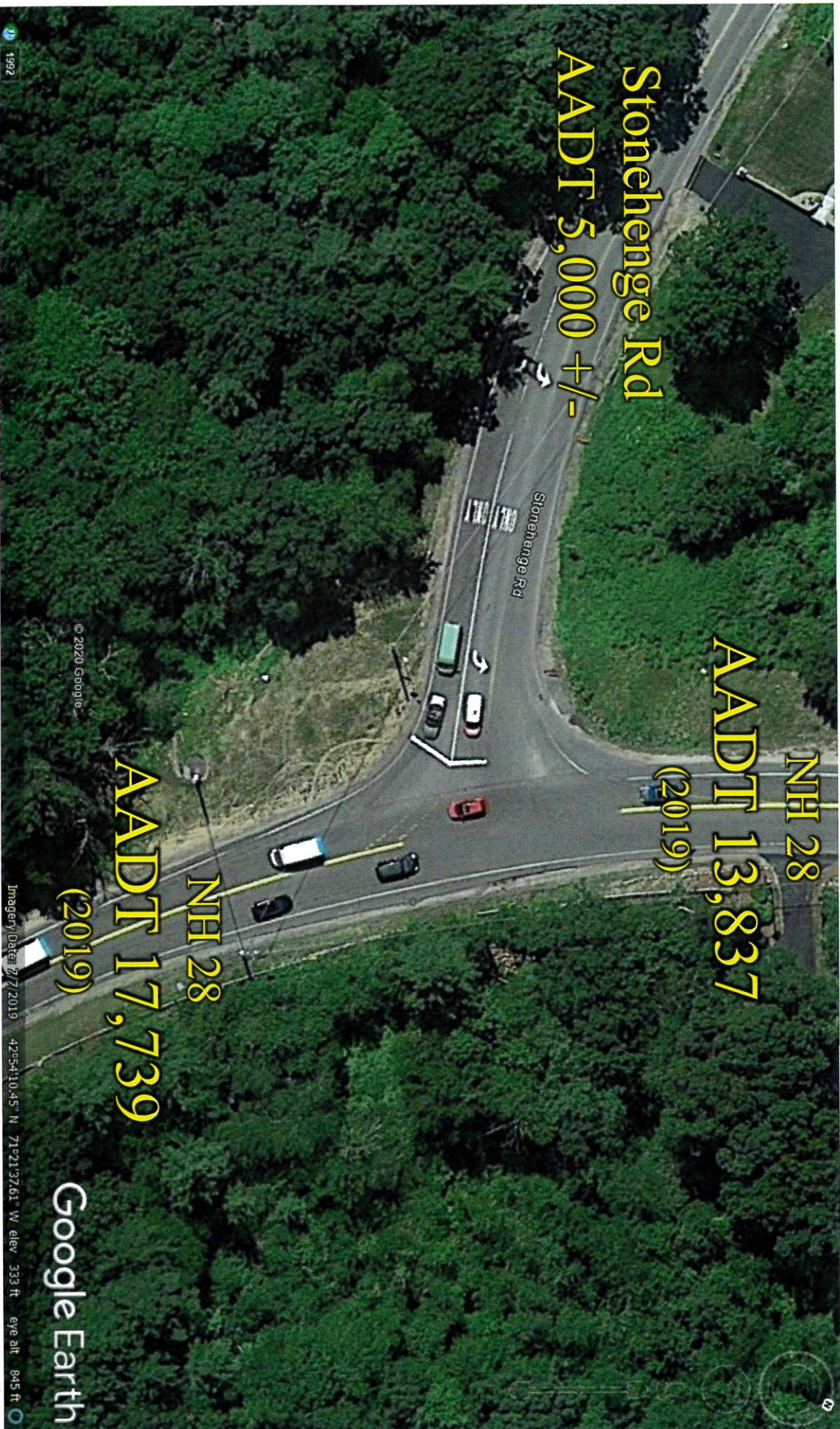
History

- March 2017 – Town of Londonderry recommends to Southern NH Regional Planning Commission that improvements to the NH 28/Stonehenge Rd intersection be added to the 2017-2019 Ten Year Plan
- July 2018 – Project listed on approved 2019-2028 Ten Year Plan (with a 50% Town match)
- 2018 – Right turn lane added to Stonehenge Rd approach to NH 28 (by developer).
- December 2019 – Municipal Agreement between the Town and the NHDOT for a 50% funding split.

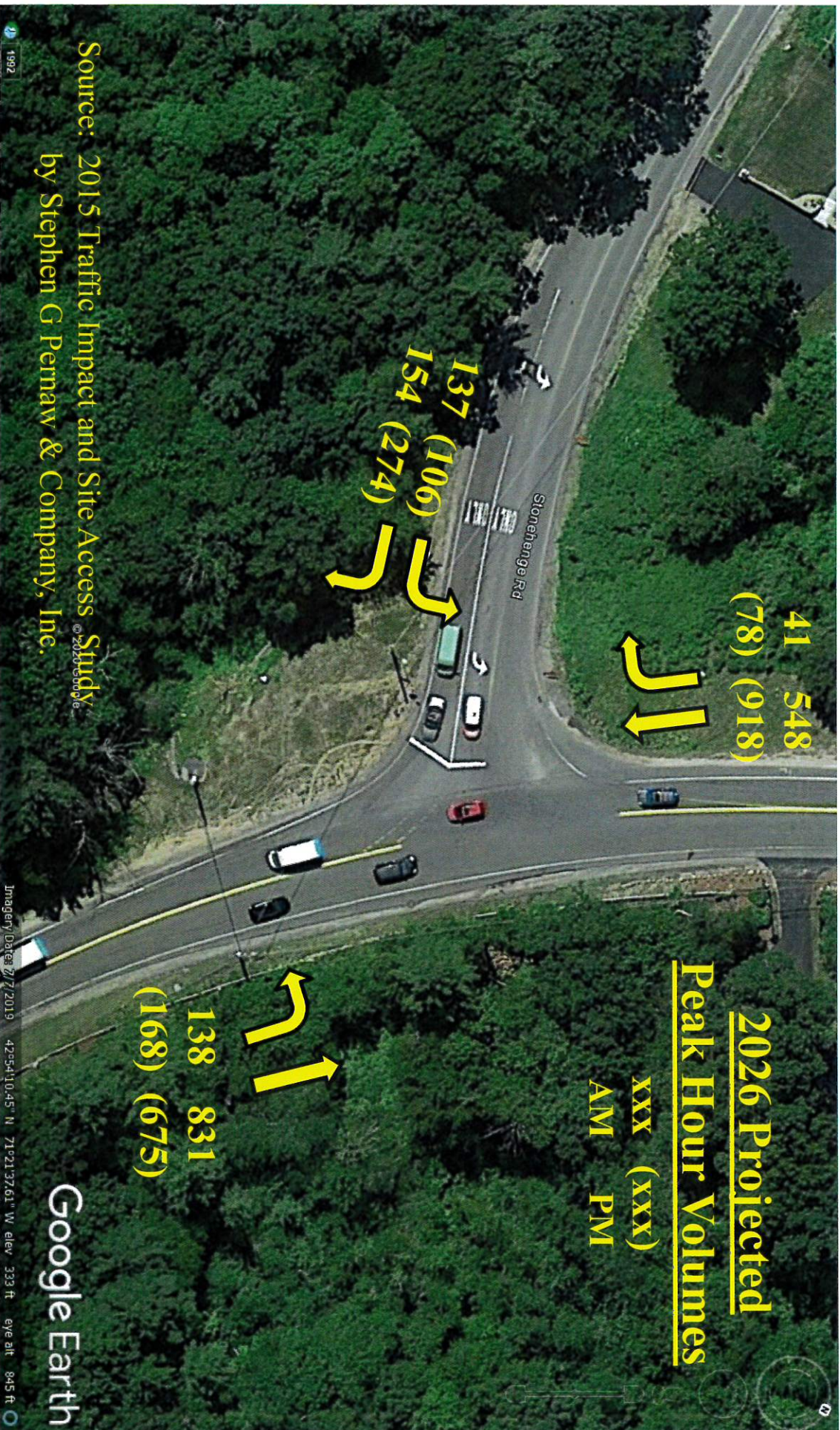
Goals of Today's Meeting:

- **Update the Town Officials on the status of the project, discuss the project scope, and provide an opportunity for input as the Department begins design alternatives.**

Traffic



Traffic

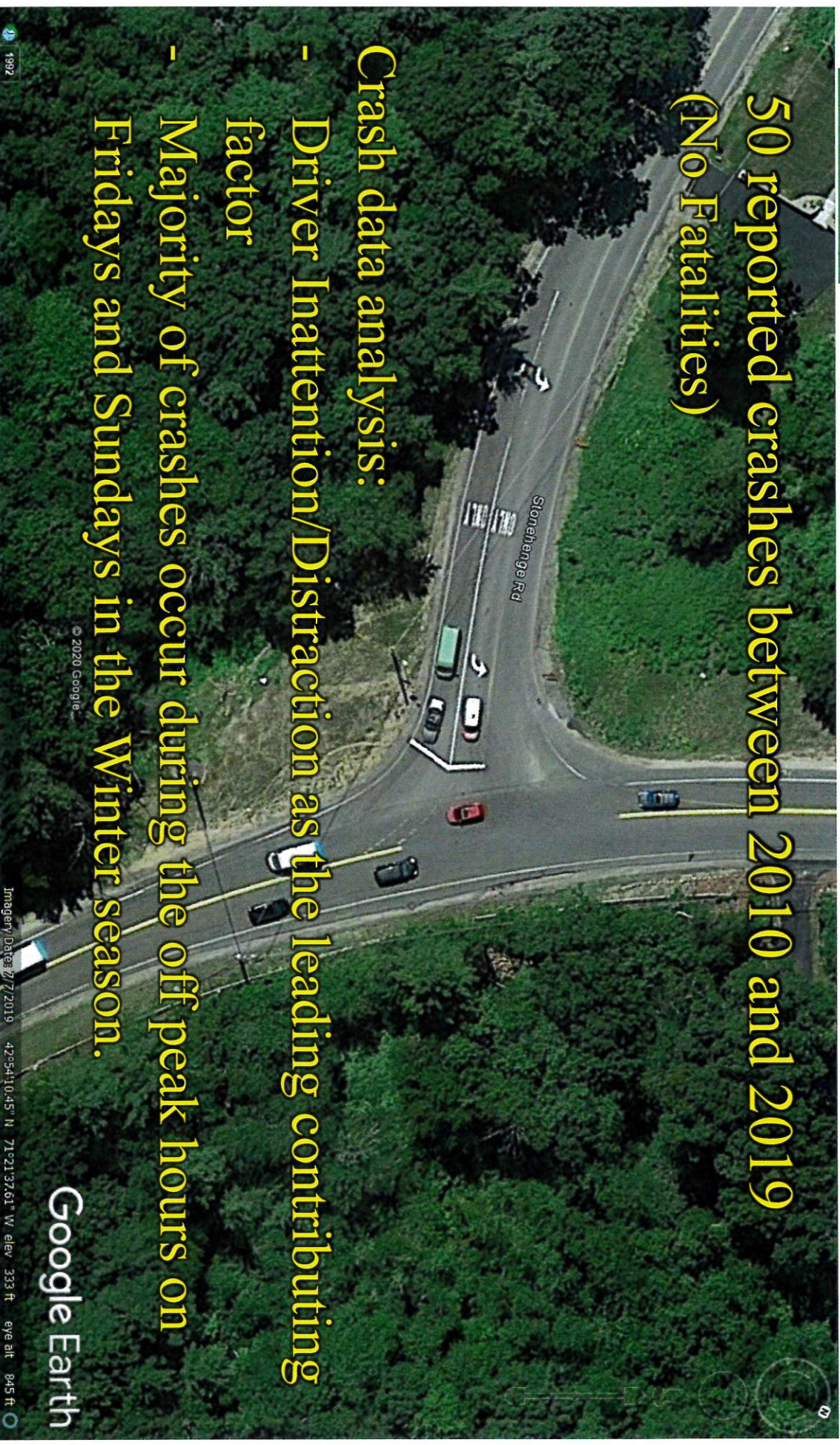


Safety

**50 reported crashes between 2010 and 2019
(No Fatalities)**

Crash data analysis:

- **Driver Inattention/Distraction as the leading contributing factor**
- **Majority of crashes occur during the off peak hours on Fridays and Sundays in the Winter season.**



© 2020 Google

Google Earth

Imagery Date: 7/7/2019 42°54'10.45" N 71°21'37.61" W elev 333 ft eye alt 845 ft

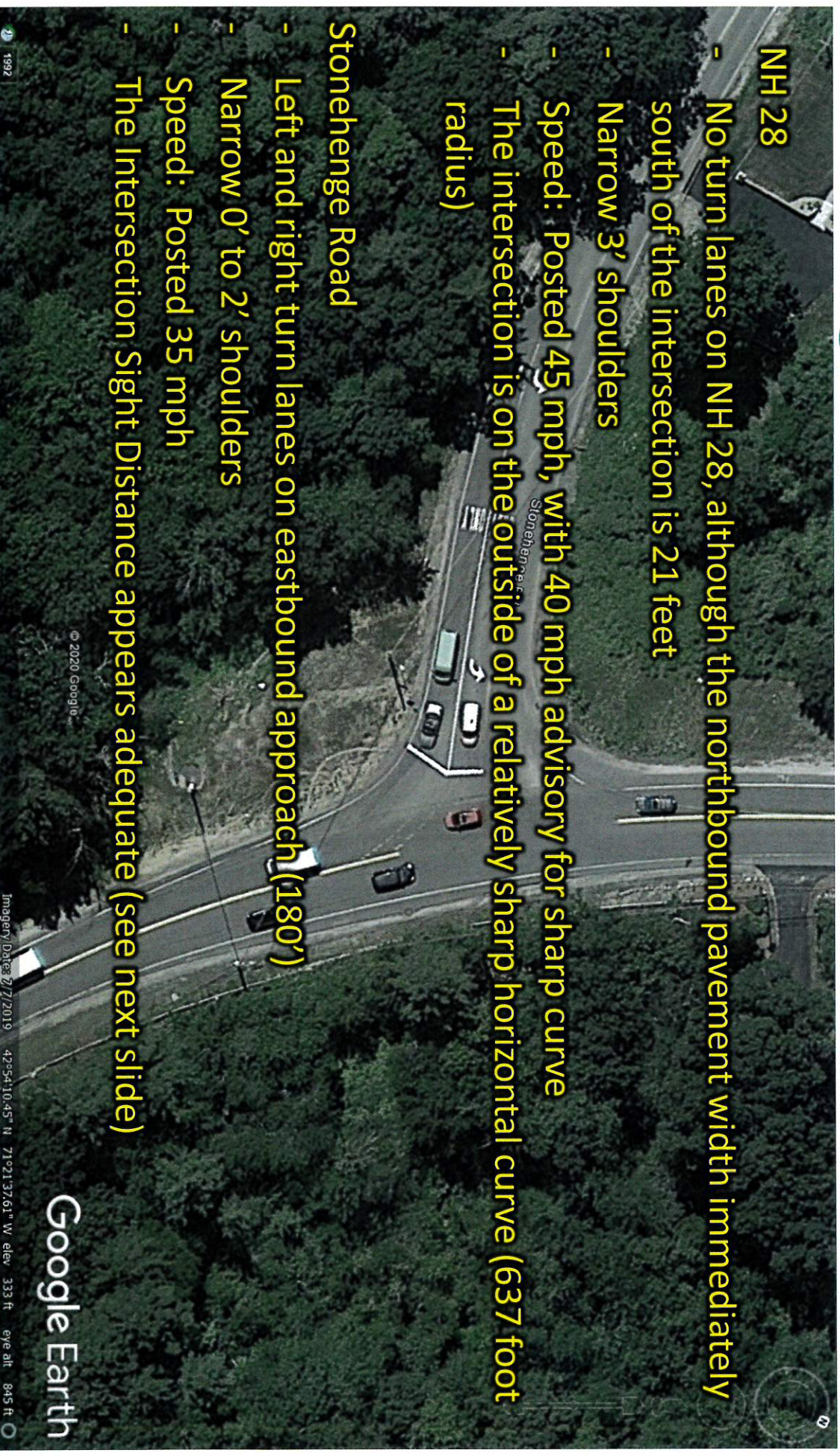
Existing Conditions

NH 28

- No turn lanes on NH 28, although the northbound pavement width immediately south of the intersection is 21 feet
- Narrow 3' shoulders
- Speed: Posted 45 mph, with 40 mph advisory for sharp curve
- The intersection is on the outside of a relatively sharp horizontal curve (637 foot radius)

Stonehenge Road

- Left and right turn lanes on eastbound approach (180')
- Narrow 0' to 2' shoulders
- Speed: Posted 35 mph
- The Intersection Sight Distance appears adequate (see next slide)



© 2020 Google

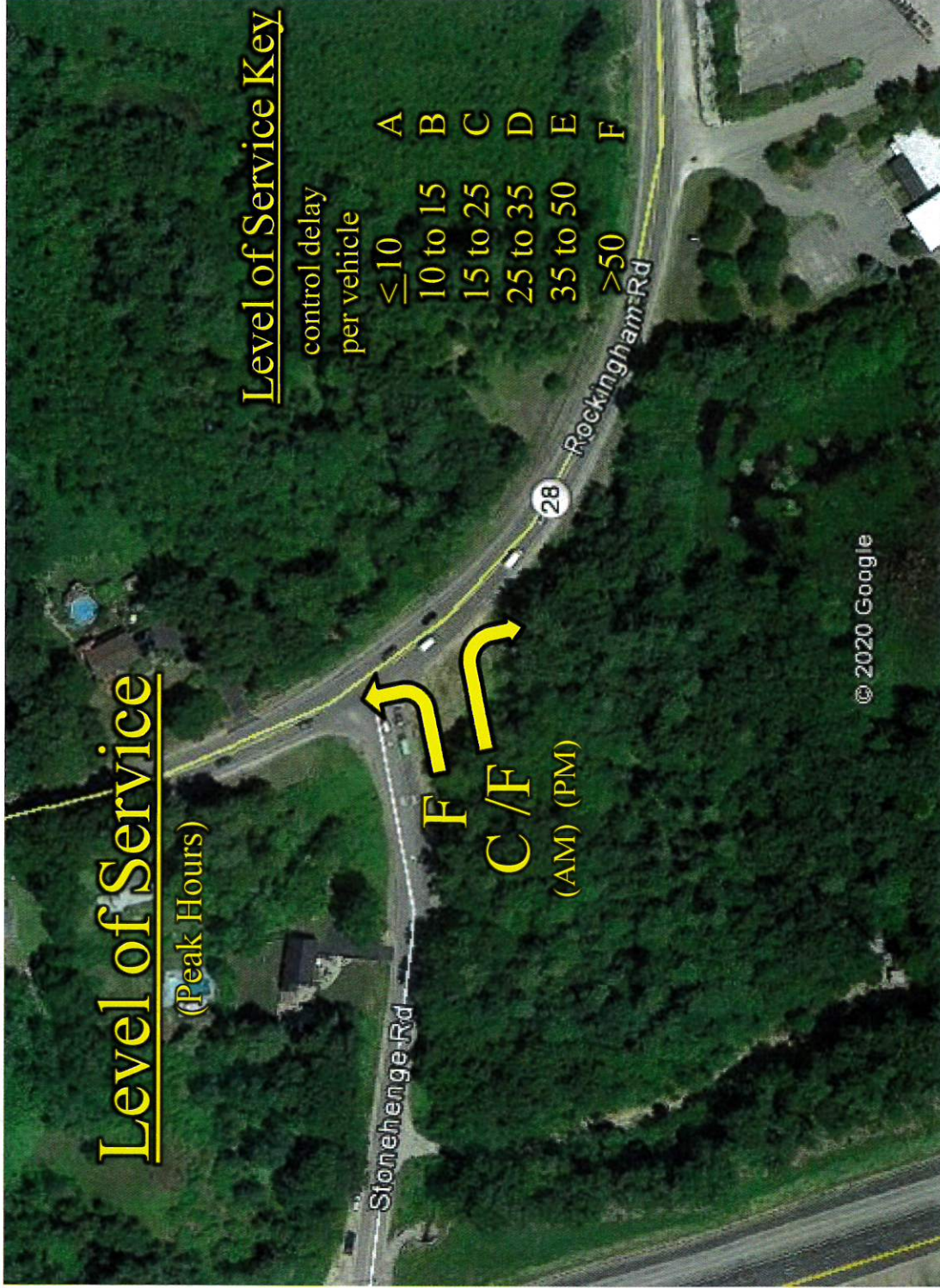
Google Earth

Imagery Date: 2/7/2019 42°54'10.45" N 71°21'37.61" W elev 333 ft eye alt 845 ft

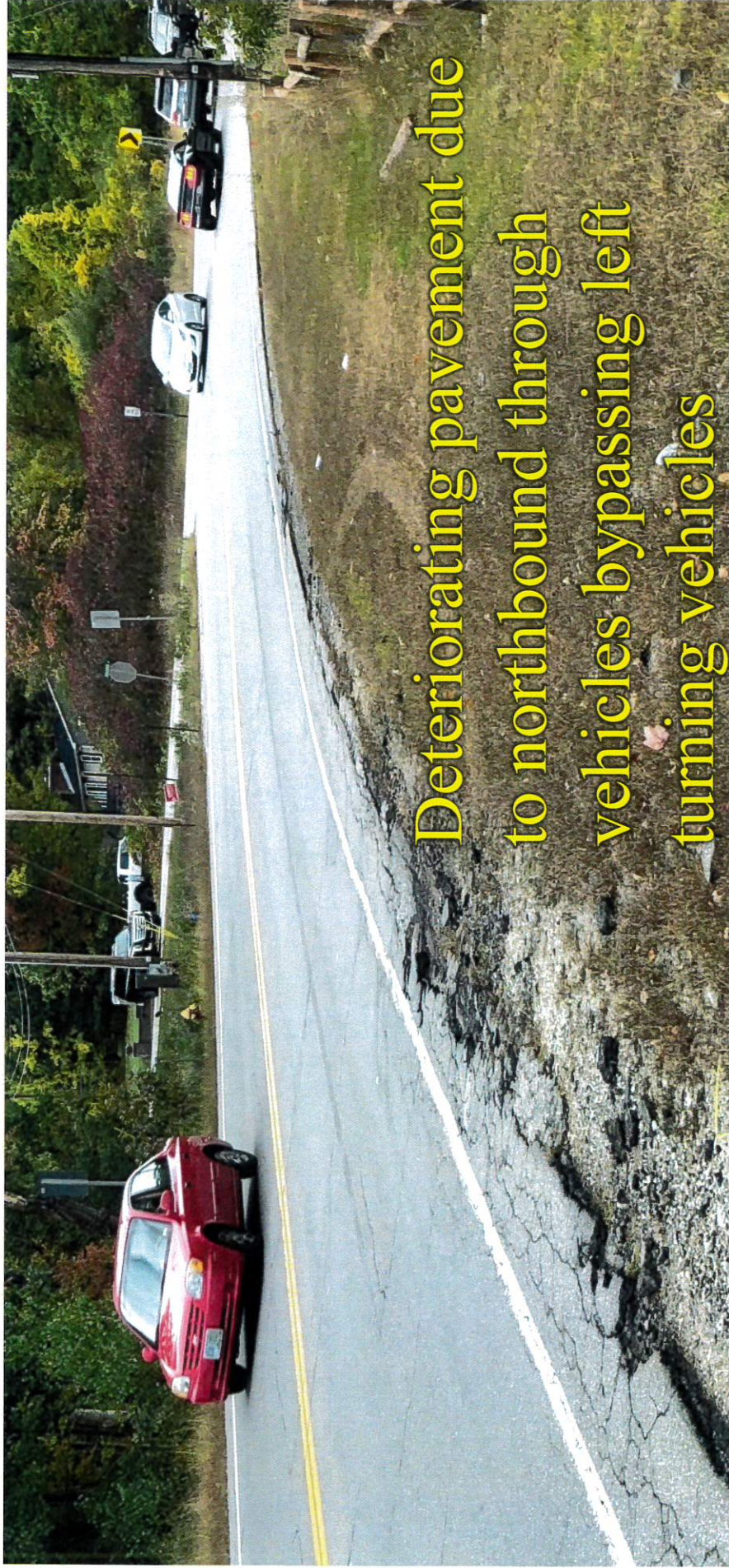
Intersection Sight Distance



Problems



Problems





Where We Are Today

- Ground survey is occurring or will occur this fall
- Traffic counts have been taken and are being normalized to pre-covid conditions
- Crash data obtained
- Initial environmental reviews have begun



Project Schedule

- Public Officials Meeting October 2020
- Public Information Meeting Late Winter/Early Spring 2021
- Public Hearing Fall 2021
- Advertise Project for Construction Spring 2023
- Construction Fall 2023

Town Input, Suggestions, Concerns

- Have all problems been identified?
- Are there any planned projects nearby?
- Concerns or Areas of Sensitivity?
- Solutions Previously Considered or Rejected?



Questions? Comments?

Contact:

Project Manager: Melodie A. Esterberg, PE

Email: Melodie.A.Esterberg@dot.nh.gov

Phone: (603) 271-2297