

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

**June 15, 2020**

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

## **CALL TO ORDER**

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

## **PUBLIC COMMENT**

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

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

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

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

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

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



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

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

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

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

### **PUBLIC HEARING**

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

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

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

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

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

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

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

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



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### NEW BUSINESS

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

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

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

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

Councilor Paul rejoined.

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

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

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

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

Chairman Farrell told the Rattes that the Council will keep digging for options.

### OLD BUSINESS

There was no old business.

### APPROVAL OF MINUTES

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

Town Manager Smith gave up update on Old Home Day.

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### ADJOURNMENT

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

Notes and Tapes by:	Kirby Brown	Date: 06/15/2020
Minutes Typed by:	Kirby Brown	Date: 06/20/2020
Approved by:	Town Council	Date: 06/29/2020



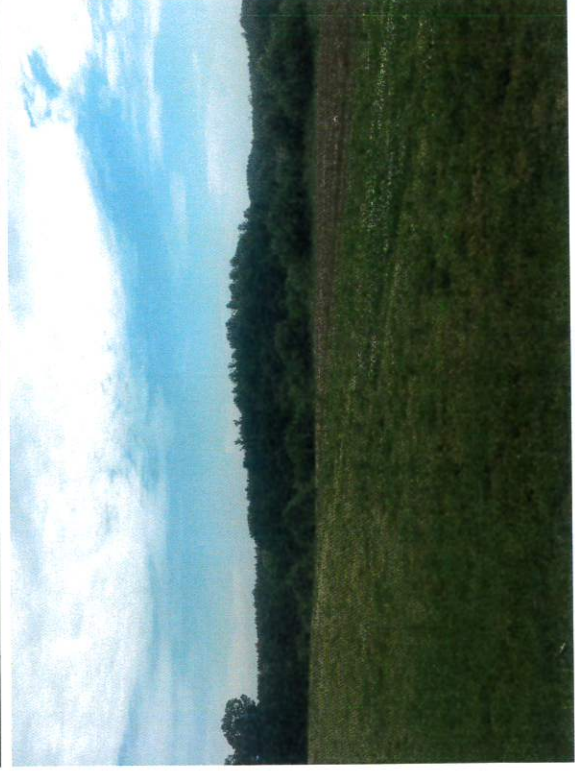
# LONDONDERY BUTTERFLY GARDEN SEEKS TOWN APPROVAL





- ▣ 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.

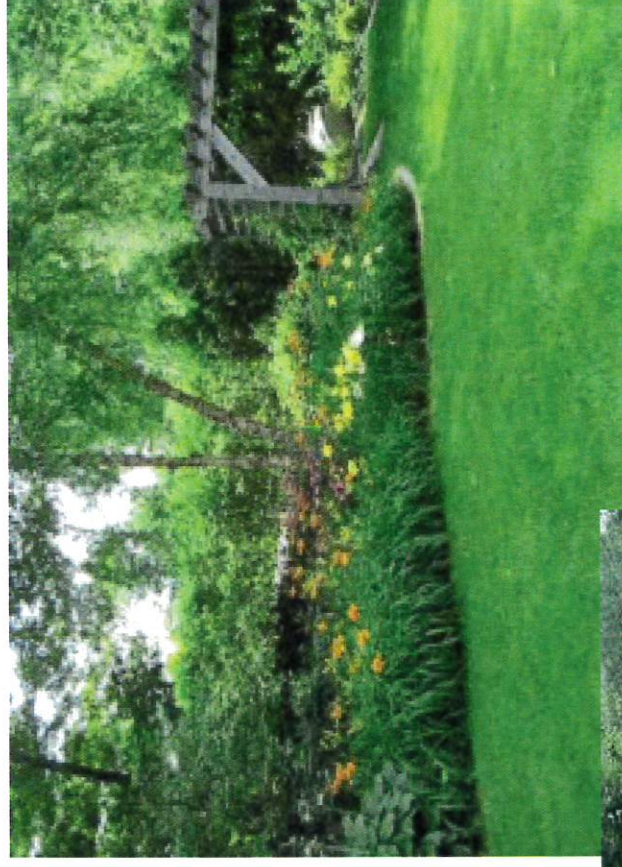
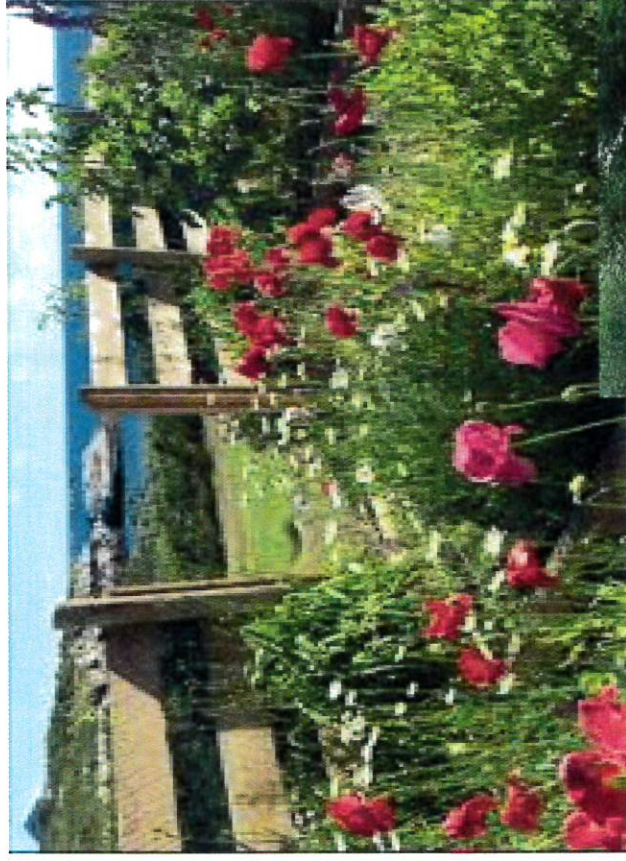
# Photos of the property





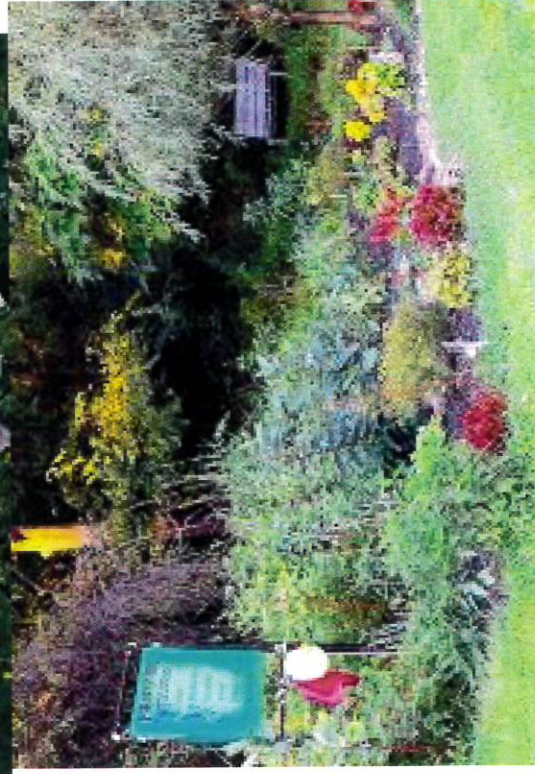
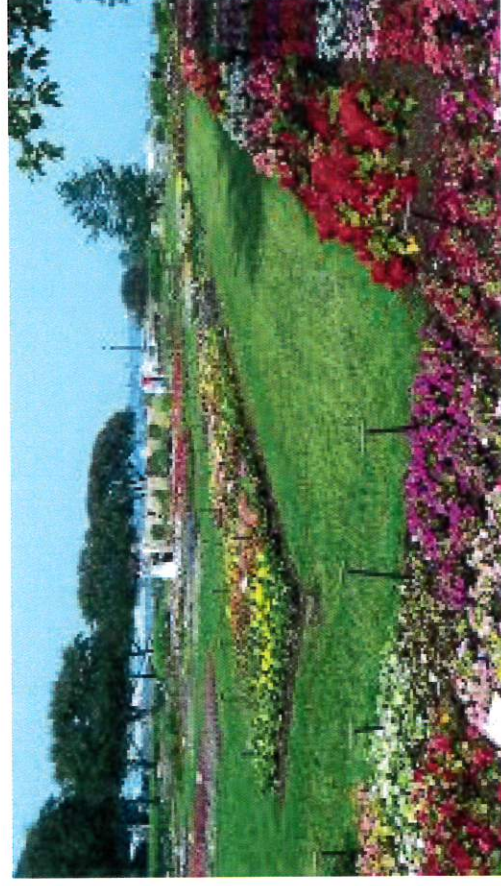
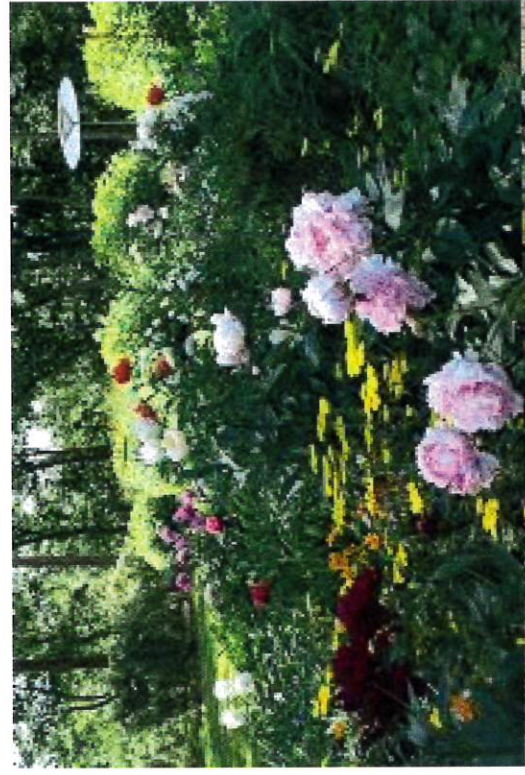
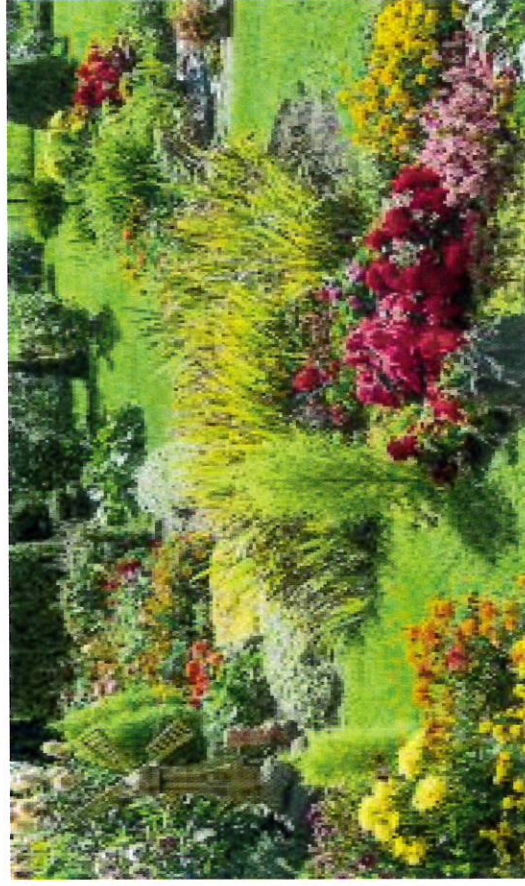
- ▣ The intent of our group is to create a colorful garden that will attract butterflies, along with other valuable pollinators and a variety of birds to the area. Marge Badios, Chairman of the Conservation Commission, Deb Curtin, a local artist and resident of Londonderry, Val Cloutier, also a resident, 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.





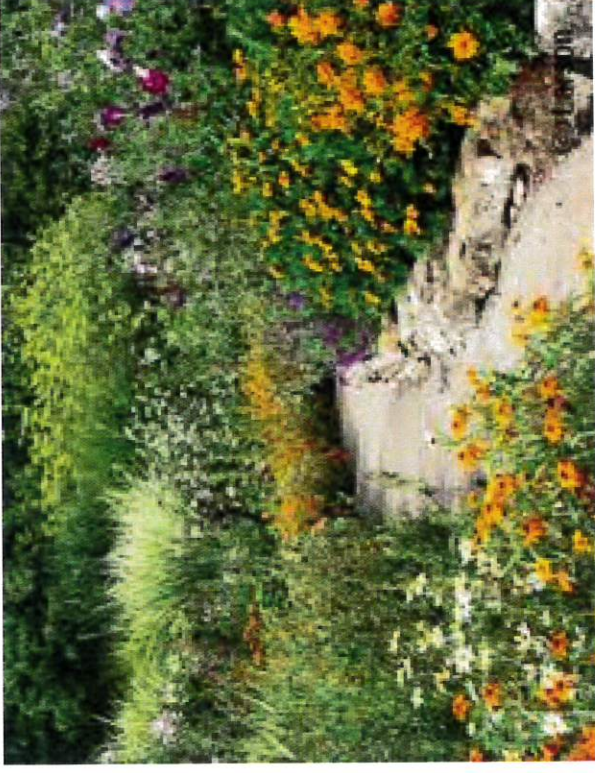
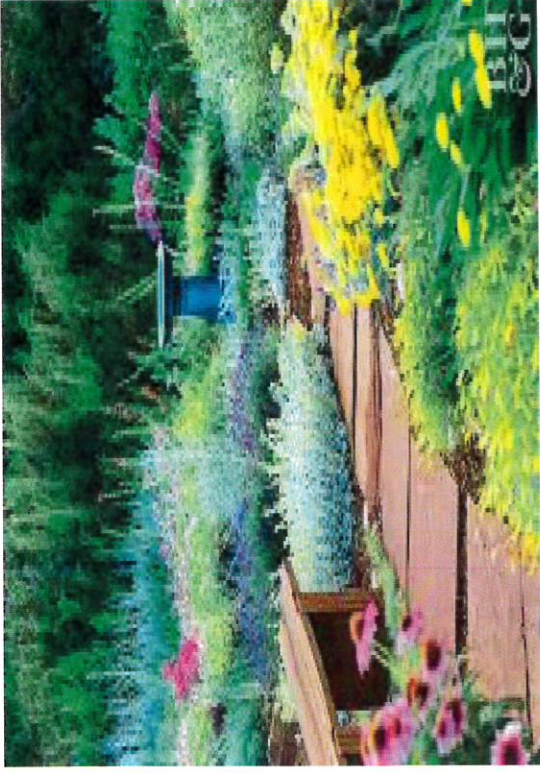
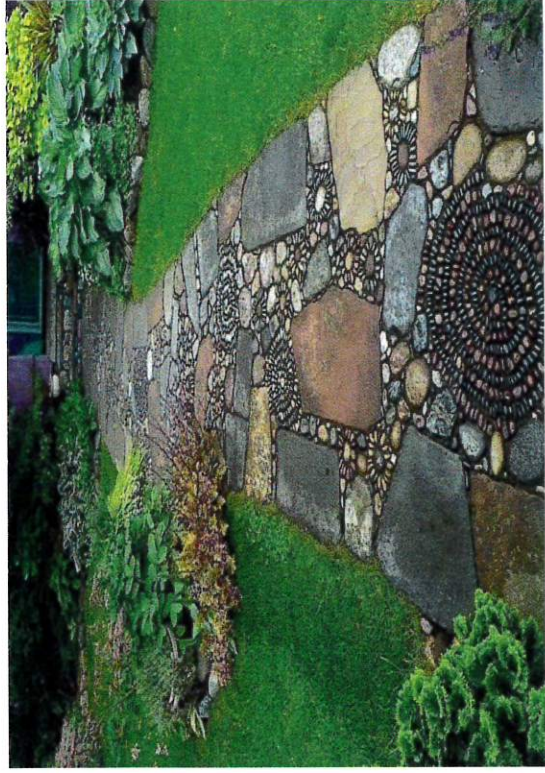
# The feel and flow



□ 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.



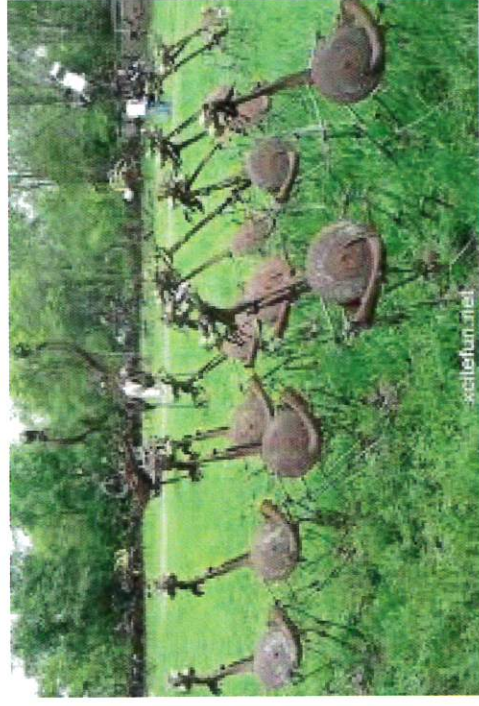
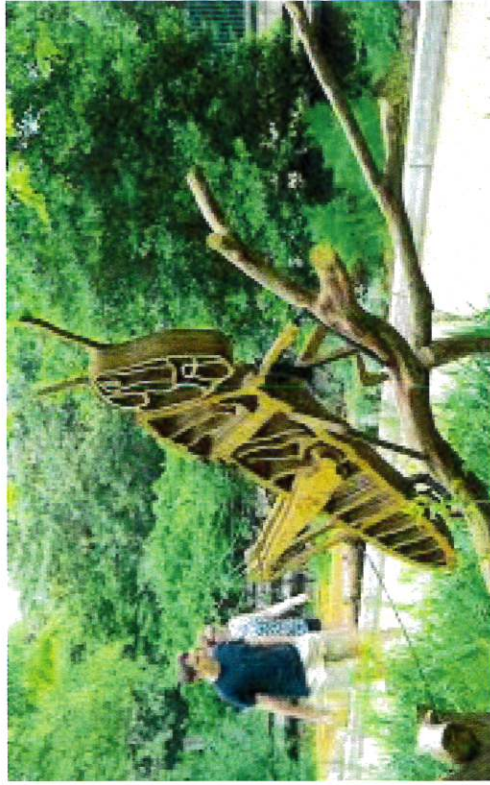
# Sample paths



- ▣ 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

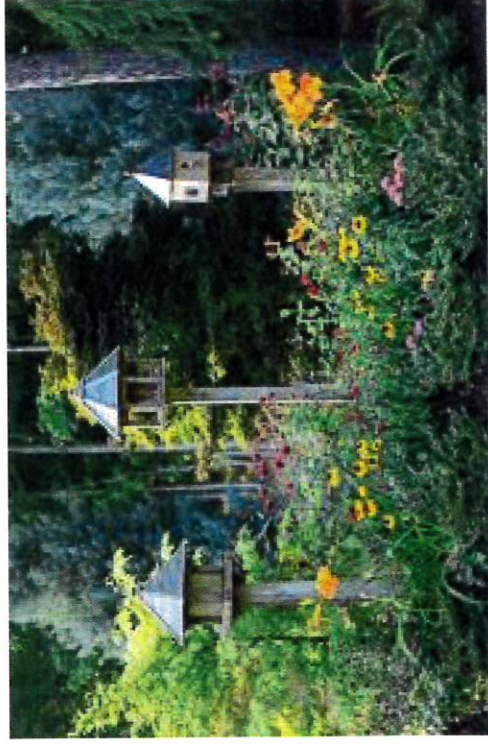
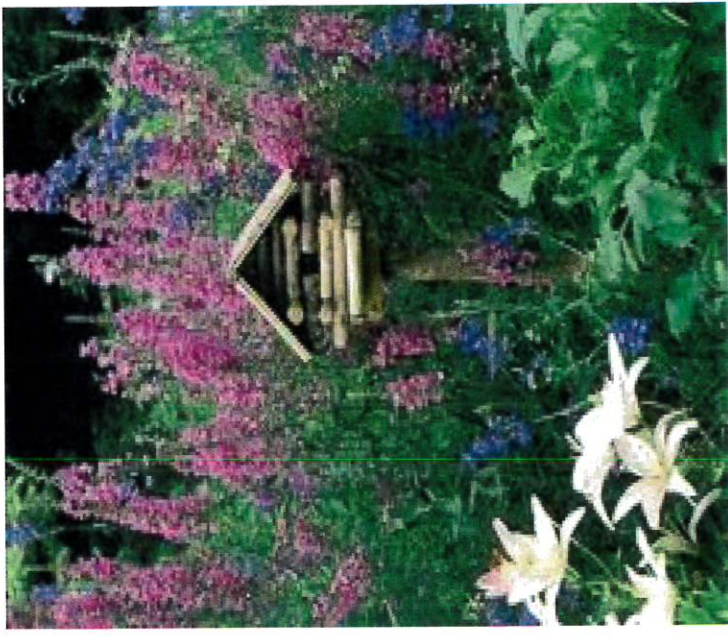
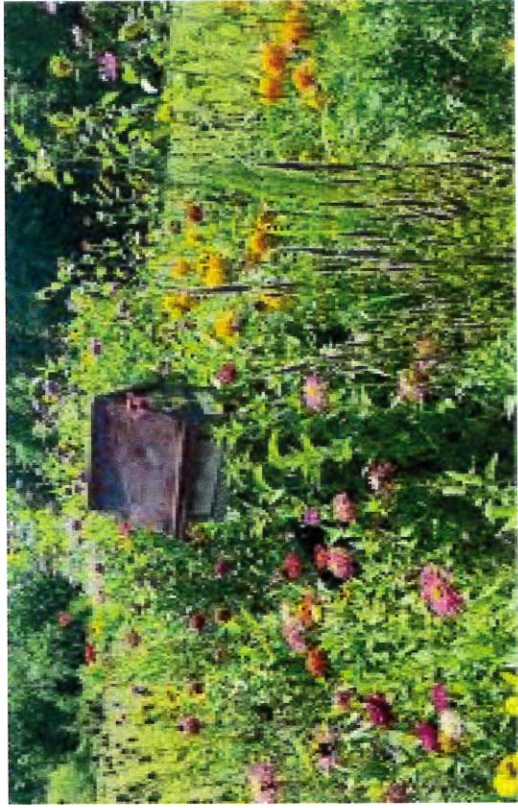


□ We all strongly believe that this project will benefit the Londonderry community. Our desire is to get a lot of community involvement. This area can also offer a wonderful educational tool for the students of the Londonderry School District. The garden could actually be a hands-on learning tool. I 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.

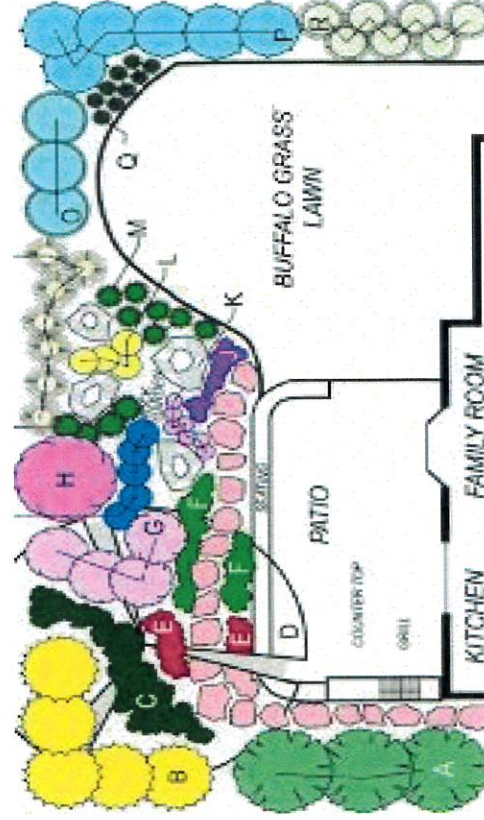
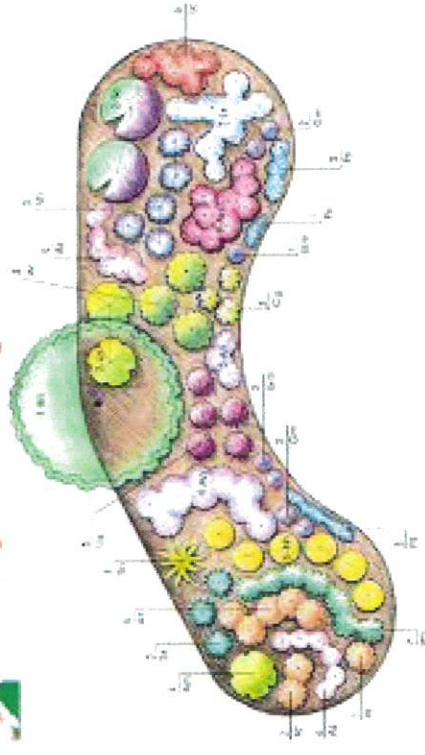
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# Layout samples

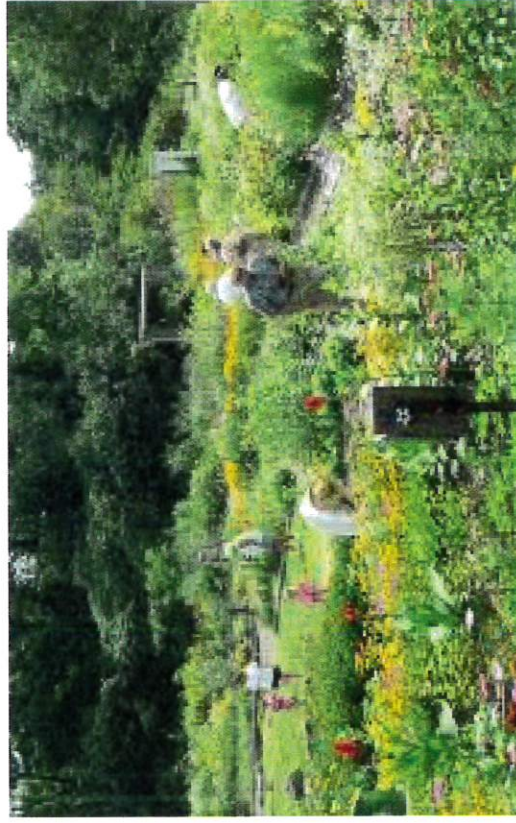


 Butterfly & Hummingbird Garden





# Finally the people and the education





thanks for listening



Questions



## Kirby Brown

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**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