

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JULY 8, 2015 AT THE MOOSE HILL COUNCIL**
3 **CHAMBERS**

4
5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Chris Davies; Giovanni
6 Verani, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Scott Benson; Leitha Reilly,
7 alternate member; Al Sypek, alternate member; and Ann Chiampa, alternate
8 member

9
10 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic
11 Development Department Manager; John R. Trottier, P.E., Assistant Director of
12 Public Works and Engineering; John Vogl, GIS Manager and Comprehensive
13 Planner; Jaye Trottier, Associate Planner; and Nicole Doolan, Planning and
14 Economic Development Department Secretary

15
16 A. Rugg called the meeting to order at 7:10 PM. He appointed L. Reilly to vote for
17 L. El-Azem.

18
19 A. Rugg welcomed G. Verani to the Board as a member. He stated G. Verani will
20 be the Town Manager's Ex-Officio.

21
22 **Administrative Board Work**

23
24 A. Approval of Minutes – June 3 and June 10, 2015

25
26 **M. Soares made a motion to approve and sign the minutes from the**
27 **June 3, 2015 meeting. L. Wiles seconded the motion.** No
28 discussion. **Vote on the motion: 7-0-1.**

29
30 (G. Verani abstained as he did not attend the June 3, 2015 meeting).

31
32 **M. Soares made a motion to approve and sign the minutes from the**
33 **June 10, 2015 meeting. L. Wiles seconded the motion.** No
34 discussion. **Vote on the motion: 6-0-2.**

35
36 (G. Verani and S. Benson abstained as they did not attend the June 10, 2015
37 meeting).

38
39 Minutes for June 3 and June 10, 2015 were approved and signed at the
40 conclusion of the meeting.

41
42 B. Regional Impact Determinations – 11 Bancroft Road Subdivision, Map 12 Lot
43 47; Wilson Road Subdivision, Map 16 Lot 9

44
45 J. Trottier stated 11 Bancroft Road is a two-lot subdivision and Wilson Road is a
46 six-lot subdivision. Staff recommends neither of the above mentioned projects
47 are developments of regional impact, as they do not meet any of the regional
48 impact guidelines prepared by Southern NH Planning Commission (SNHPC).
49

1 **M. Soares made a motion to accept Staff’s determination that these**
2 **two projects are not a development of regional impact. L. Wiles**
3 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**
4

5 C. Discussions with Town Staff
6

- 7 • Plans signed

8 J. Trottier notified the Board that the following plans were signed
9 recently at the Town Offices:

- 10 o Mammoth Rd Self-Storage Site Plan (on June 12, 2015)
11 o Stumble Inn Site Plan (on June 12, 2015)
12 o Boucher Subdivision Plan (on June 12, 2015)
13 o Stonehenge Road Phase II Subdivision Plan (on June 12, 2015)
14 o Adams Road Lot Line Adjustment Plan (on June 12, 2015)
15 o 6 & 8 Mohawk Dr. Change of Use Site Plan (on June 22, 2015)
16

- 17 • Hannaford “To Go”

18 At the June 3, 2015 meeting, the Board authorized Staff to
19 administratively handle a request by Hannaford Supermarket to use a
20 portion of their current site for the pickup area of a new “To Go” online
21 ordering system. C. May stated that initially Hannaford proposed a more
22 site intensive plan; however, since that time, they have decided to
23 implement a scaled down option. There will be an overall reduction in
24 parking of three spaces in order to provide wider servicing isles between
25 cars. Restriping within the northeastern corner of the parking lot will be
26 the only physical change. Instead of an on-site call box system,
27 customers would use their own cell phones. There will be no covered
28 area. The Board had no objection to allowing Staff to continue to
29 handle the project administratively.
30

31 M. Soares stated she noticed work at the Mammoth Road Self Storage site had
32 begun.
33

34 The Board praised the Public Works Department for a job well done for the
35 expeditious re-paving of Gilcreast Road.
36

37 **Public Hearings/Workshops/Conceptual Discussions**
38

39 A. Stage Crossing, LLC (Owner and Applicant), Tax Map 12 Lot 137 – Application
40 Acceptance and Public Hearing for formal review of a two-lot subdivision
41 (“Stage Crossing Subdivision”) at 122 Hovey Road, Zoned AR-I [Continued
42 from June 3 2015].
43

44 J. R. Trottier stated there were no checklist items and that Staff recommends
45 the application be accepted as complete.
46

1 **M. Soares made a motion to accept the application as complete per**
2 **Staff's Recommendation memo dated July 8, 2015. L. Wiles**
3 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**
4

5 A. Rugg noted that the 65 day time frame for the Board to render a decision
6 under RSA 676:4 commenced with acceptance of the application as complete.
7

8 Brian Pratt with CLD Consulting Engineers presented on behalf of the applicant.
9 The parcel is a 5.5 acre lot with an existing single family dwelling near the
10 intersection of Hovey and Hardy Roads. The proposed subdivision would create
11 one new lot. Once subdivided, the easternmost lot will have only 99 feet of
12 road frontage. When Hovey Road was constructed, a small triangular piece of
13 land was separated from the abutting Lot 138 to the south. Because that
14 owner declined to sell the triangle to the applicant, a variance was obtained
15 from the Zoning Board to allow the reduction in frontage from 150 feet. The
16 property with the existing house will be 3.3 acres, and the new lot will be 2.2
17 acres. Both lots will have on-site well and septic. After a storm water analysis
18 was completed, it was determined that a small surface berm will need to be
19 installed to filter water downslope from the new lot.
20

21 The existing house has a loop driveway that B. Pratt said is over 20 years old.
22 The original intent was to use the entrance closest to the house for that lot's
23 driveway and then cut it off along the property line to create a new driveway
24 for the second lot. No new curb cuts would be proposed in that scenario, but
25 the driveway would not meet the Town's all-season safe sight distance.
26 Therefore, the applicant is requesting a waiver for the site distance
27 requirements for the existing driveway. An alternative to the waiver would be
28 to move that existing driveway easterly approximately 30 feet, create a second
29 curb cut and grant a driveway easement. The Town's all-season safe sight
30 distance requirement would be met for this proposed new driveway. B. Pratt
31 expressed the applicant's preference to keep the two existing driveways as
32 they are.
33

34 A. Rugg asked for Staff input.
35

36 J. R. Trottier read into the record the waiver request from the Staff
37 Recommendation memo:
38

- 39 1. Section 3.09.F.2 and Exhibit D2 requiring certification of the proper sight
40 distances for proposed driveways. The Applicant is requesting that the
41 existing driveway servicing 122 Hovey Road not be made subject to
42 modifications needed to bring it into compliance with the requirements of
43 Profile "A" in Exhibit D2. Planning Staff recommends granting the waiver
44 as the driveway is existing. DPW and Engineering Staff do not support
45 granting the waiver.
46

47 J. R. Trottier also summarized the engineering review letter (see Attachment
48 #1).
49

50 A. Rugg asked for comments and questions from the Board.

1
2 M. Soares inquired about curb cuts, and stated her preference that the existing
3 driveway meet the Town's safety regulations.

4
5 L. Wiles stated that the property is close to a stop sign on the end of Hovey
6 and Hardy Roads, and added along that section of road, people typically are
7 not driving at full speed. L. Reilly asked the applicant and Staff if they were
8 aware of any accidents in that area. Both replied they are not aware of any.
9 Board members discussed whether the waiver for the existing driveway should
10 be granted and the majority were in favor of granting it.

11
12 A. Rugg asked for public input. There was none.

13
14 **M. Soares made a motion to approve the Applicant's request for the**
15 **waiver as outlined in Staff's Recommendation Memo dated July 8,**
16 **2015. L. Wiles seconded the motion.** No discussion. **Vote on the**
17 **motion: 6-2-0** with M. Soares and R. Brideau in opposition.

18
19 **M. Soares made a motion to grant final approval to the Subdivision**
20 **Plan for Stage Crossing, LLC (Owner and Applicant), Tax Map 12 Lot**
21 **137, Zoned AR-I, in accordance with the plans prepared by CLD**
22 **Consulting Engineers, Inc., dated April 28, 2015, and last revised June**
23 **15, 2015, with the precedent conditions to be fulfilled within two (2)**
24 **years of the approval and prior to plan signature, and the general and**
25 **subsequent conditions of approval to be fulfilled as noted in the Staff**
26 **memo, dated July 8, 2015. L. Wiles seconded the motion.** No
27 discussion. **Vote on the motion: 8-0-0.**

28
29 B. Wallace Farm, LLC (Owner and Applicant), Tax Map 16 Lot 3 – Application
30 Acceptance and Public Hearing for formal review of a site plan amendment
31 ("Wallace Farm Site Plan Amendment") to amend a previously approved 2014
32 site plan with a request to permit an optional point of access at 62 Perkins
33 Road, Zoned AR-I.

34
35 J. R. Trottier stated there were no checklist items and that Staff recommends
36 the application be accepted as complete.

37
38 **M. Soares made a motion to accept the application as complete per**
39 **Staff's Recommendation memo dated July 8, 2015. L. Wiles**
40 **seconded the motion.** No discussion. **Vote on the motion: 8-0-0.**

41
42 A. Rugg noted that the 65 day time frame for the Board to render a decision
43 under RSA 676:4 commenced with acceptance of the application as complete.

44
45 Jay Leonard, Esquire of Welts, White & Fontaine in Nashua, NH was present on
46 behalf of the applicant. The Wallace Farm site plan was signed in December of
47 2014, however the applicant has been unable to finalize an easement with the
48 abutting lot to the north to provide access to their site that would align with
49 Vista Ridge Drive. Because of an ongoing issue with the mortgage holder of the
50 hotel, the applicant is proposing an alternative access plan which would require

1 an amendment to the approved site plan. Besides an alternative access and
2 pool being relocated, all other amenities, units and designs will remain the
3 same as in the original plan. The applicant will continue to work with the Staff
4 to address comments.

5
6 A. Rugg asked for Staff input.

7
8 J. R. Trottier read into the record the waiver request from the Staff
9 Recommendation memo:

10
11 1. Sections 3.13.c.3 and 3.13.c.12 of the Site Plan Regulations to allow light in
12 excess of 0.2 foot-candles at the property line. The foot-candle limit will be
13 exceeded at the driveway entrance to the site which results in a small
14 amount of added light within the proposed Town right of way. Staff
15 recommends **granting** the waiver because a lighted driveway intersection
16 is safer, and the lighting levels shall be at 0.0 foot-candles at the adjacent
17 residential property line.

18
19 J. R. Trottier stated that with their proposed amendment, the applicant would
20 be shifting their access approximately two hundred (200) feet to the south to
21 the low point of Perkins Road. That alternate access will require some off-site
22 improvements.

23
24 J. R. Trottier also summarized the engineering review letter (see Attachment
25 #2).

26
27 He stated that at this time, staff does not recommend final or conditional
28 approval of the application because there are outstanding issues related to
29 obtaining a permit from the NH Department of Transportation (DOT)
30 (associated with the original site plan) as well as an Alteration of Terrain (AoT)
31 permit (required for this site plan amendment).

32
33 A. Rugg asked for comments and questions from the Board.

34
35 C. May stated that one of the precedent conditions of approval for this plan
36 states that the approved plan would not be signed until the applicant
37 determines that an alternate entrance is definitely needed. The applicant
38 would be required to submit in something in writing to that effect. They are
39 also aware and understand that:

- 40 - No construction can begin until a final determination on the access is
41 made;
 - 42 - Other subsequent conditions relating to pre-construction meetings must
43 be met;
 - 44 - A revised easement plan (Option B) related to the alternate entrance must
45 be recorded;
 - 46 - All general and subsequent conditions of approval placed on the final
47 approval by the Board on June 11, 2014 remain in effect, as do all the
48 waivers granted by the Board.
- 49

1 C. Davies, A. Chiampa, M. Soares and L. Wiles expressed their concerns about
2 placement of the road in regards to car lights going into the properties across
3 the road. Staff explained that the applicant had to comply with the minimum
4 separation requirement of one hundred fifty (150) feet. By moving it an extra
5 50 feet beyond that point, the access would be aligned with the abutter's
6 driveway. G. Verani inquired if the applicant had contacted the owner across
7 the street. J. Leonard said they had not.

8
9 A. Chiampa expressed concerns about the trees in the area and was glad to
10 see that the tennis courts had been moved. A. Rugg explained he wasn't
11 aware of any tree issues, and stated that existing vegetation will remain the
12 same.

13
14 L. Reilly expressed her concerns about traffic flow, especially in regards to
15 school buses and their "rolling red lights" stopping distance of one hundred and
16 fifty (150) feet. She was not sure if oncoming traffic would know whether or
17 not they should stop if the bus had its light on, but was not stopped. A. Rugg
18 explained that someone will be working directly with the school department as
19 part of the traffic study for that area.

20
21 A. Rugg expressed his concerns about preserving the stones from the stone
22 wall that will need to be moved when the new access is put in. He said he
23 would like the wall to be re-built so it curves up to the new access.

24
25 A. Rugg requested the applicant continue to work with Staff and all abutters,
26 including those across the street.

27
28 Board members agreed their preference for the access to be aligned with Vista
29 Ridge.

30
31 A. Rugg asked for public input.

32
33 There was no public input.

34
35 **M. Soares made a motion to approve the Applicant's request for the**
36 **waiver as outlined in Staff's Recommendation Memo dated July 8,**
37 **2015. L. Wiles seconded the motion. No discussion. Vote on the**
38 **motion: 8-0-0.**

39
40 **M. Soares made a motion to continue the public hearing until August**
41 **12, 2015 meeting at 7:00PM in Moose Hill conference room per Staff's**
42 **recommendation. L. Wiles seconded the motion. No discussion. Vote of**
43 **the motion: 8-0-0.**

44
45 A. Rugg stated this will be the only official public notice on the continuance.

46
47 C. James and Cynthia Geulakos (Owners and Applicants), Tax Map 3 Lot 170 –
48 Application Acceptance and Public Hearing for formal review of a three-lot
49 subdivision ("2 Boyd Road Subdivision") at 2 Boyd Road, Zoned AR-I.
50

1 J. R. Trottier stated there were no checklist items and that Staff recommends
2 the application be accepted as complete.

3
4 **M. Soares made a motion to accept the application as complete per**
5 **Staff's Recommendation memo dated July 8, 2015. L. Wiles**
6 **seconded the motion. No discussion. Vote on the motion: 8-0-0.**

7
8 A. Rugg noted that the 65 day time frame for the Board to render a decision
9 under RSA 676:4 commenced with acceptance of the application as complete.

10
11 Presentation: Nicholas Loring from Benchmark Engineering was present on
12 behalf of the applicant. The parcel is located on the southwest corner of the
13 intersection of Boyd Road and Nashua Road. The current lot has an existing
14 house, garage and barn, which are serviced by on-site well and septic. There
15 is also a telecommunications easement located on the property with a small
16 utility building and driveway to access it. Outside of the developed portions of
17 the site, it is mostly wooded to the south and west. There are no wetlands.
18 The applicants are proposing to subdivide the lot into three separate parcels.
19 The main lot will continue to be identified as lot 170 to include the existing
20 house, barn and garage as well as the existing easement. The lot currently
21 has three driveways. The applicants are proposing to keep the two driveways
22 on Old Nashua Road and eliminate the driveway on Boyd Road, as it doesn't
23 meet southerly site distance. The second lot will be to the west of the existing
24 house and will have frontage and access off of Old Nashua Road. The third lot
25 will have frontage and access off of Boyd Road. The two new lots (170-2 and
26 170-3) will also be serviced by on-site well and septic and will have two
27 detention ponds on the lower portion of the lots to mitigate stormwater runoff.
28 There are no proposed off-site improvements. Roadway widening easements
29 will be provided in the event the Town must perform future road maintenance
30 or widening. State subdivision approval has been granted. No variances were
31 needed, and there is one waiver request for overhead utilities.

32
33 J. R. Trottier read into the record the waiver request from the Staff
34 Recommendation memo:

- 35
36 1. Section 3.05 requiring all proposed utilities be placed underground. The
37 Applicant proposes overhead service to proposed Lots 170-2 and 170-3
38 where underground utilities are required by the regulations. Staff **supports**
39 the waiver, as other residential homes in the neighborhood are serviced by
40 overhead utilities and this is consistent with past practices of the Planning
41 Board.

42
43 J. R. Trottier also summarized the engineering review letter (see Attachment
44 #3).

45
46 A. Rugg asked for Staff input.

47
48 C. May read a letter from an abutter (see Attachment #4) requesting the
49 proposed plan meet all Town requirements.
50

1 L. Reilly inquired about the well setbacks and lot size. C. May explained they
2 meet DES Requirements.

3
4 G. Verani, M. Soares and C. Davies inquired about the distance requirements
5 between an abutter's well and a proposed well. J.R. Trottier and C. May stated
6 a seventy-five (75) foot protective radius is required by the Department of
7 Environmental Services to protect a well from any septic leach field system. N.
8 Loring stated those regulations were put in place in 1989, after which well-
9 release forms were required if a well radius went over another lot line. He
10 stated there are no issues in regards to those regulations with this plan.

11
12 A. Rugg asked for public input.

13
14 There was no public input.

15
16 **M. Soares made a motion to approve the Applicant's request for the**
17 **waiver as outlined in Staff's Recommendation Memo dated July 8,**
18 **2015. L. Wiles seconded the motion. No discussion. Vote on the**
19 **motion: 8-0-0.**

20
21 **M. Soares made a motion to grant final approval to the Subdivision**
22 **Plan for James and Cynthia Geulakos (Owners and Applicants), Tax**
23 **Map 3 Lot 170, Zoned AR-I, in accordance with the plans prepared by**
24 **Benchmark Engineering, Inc., dated March 22, 2015, and last revised**
25 **June 18, 2015, with the precedent conditions to be fulfilled within two**
26 **(2) years of the approval and prior to plan signature, and the general**
27 **and subsequent conditions of approval to be fulfilled as noted in the**
28 **Staff memo, dated July 8, 2015. L. Wiles seconded the motion. No**
29 **discussion. Vote on the motion: 8-0-0.**

30
31 D. Proposed Zoning Ordinance Amendments – Public Hearing [**Continued from**
32 **June 10 2015**]:

33
34 A. Rugg stated that the focus of this fourth public hearing on proposed zoning
35 ordinance amendments would focus on changes requested by the Board,
36 including some suggested by the public, at the June 10 hearing. C. May stated
37 that Staff prepared a memo for the Board in response to those additional
38 proposed changes (see Attachment #5). A. Rugg added that comments
39 submitted by the Zoning Administrator since the last hearing will be reviewed
40 and considered as well.

41
42 The changes made since the June 10 public hearing were reviewed by Staff as
43 follows:

44
45 **Section 2.2.3.4**

- 46
47 • Section 2.3.3.4.B.5 [*p. 12 of Attachment #6*]:

48 This subsection of the Conditional Use Permit Criteria for Multi-Family
49 Workforce Housing has been amended for clarity. The language presented

1 at the June 10 meeting had indicated that "There are no maximum number
2 of dwelling units that may be contained in one building, as long as
3 applicable fire, safety and building codes are adhered to." It will now read:
4 "The number of dwelling units in each building shall be determined by
5 current fire, safety and building codes." A. Sypek noted that these codes
6 include the National Fire Protection Association Life Safety Code, the Town
7 Building Code and any additional codes put in place by the State Fire
8 Marshall.

- 9
10 • Section 2.3.3.4.B.9.d [p. 12 of Attachment #6]:

11 At the June 10 meeting, it was proposed that "The maximum building
12 length for any multi-family workforce building shall be 200'. The length of a
13 building plane closest to the front property line and visible from the street
14 shall not exceed 100". A discussion of that language (see June 10, 2015
15 minutes, p. 5), resulted in the amendment by the Board from 200' and 100'
16 to 150' and 75' respectively.

- 17
18 • Section 2.3.3.4.B.12.c. [p. 13 of Attachment #6]:

19 When Staff proposed language to the Board on June 10 regarding the
20 location of parking within Multi-Family Workforce Housing developments,
21 the following language in bold was further suggested to better clarify the
22 intent of the proposed wording: "No parking shall be located between the
23 front lot line and **the front plane of the building(s) closest to the existing**
24 **Town street. The line of the front building plane for each structure**
25 **shall extend to the side property lines to establish the parking lot**
26 **setback."** A graphic was presented to the Board that will be inserted along
27 with the new language (see p. 2 of Attachment #5). The Board found the
28 graphic very helpful.

29
30 **Section 2.2.3.6**

- 31
32 • Section 2.3.3.6.F [p. 14 of Attachment #6]:

33 A minimum open space requirement of 40% has been added to the
34 subsection for Small Workforce Housing Developments in order to be
35 consistent with the open space requirements for other types of workforce
36 housing.

37
38 **Section 3.6.4 (Elderly) Regulations and Design Criteria**

- 39
40 • Section 3.6.4.K.1 [p. 26 of Attachment #6]:

41 The definition of "Net Tract Area," which was previously deleted in error,
42 has been reinserted.

- 43
44 • Sections 3.6.4.K.1.a [p. 26 of Attachment #6]:

45 The R-III zone has been added to the to the density subsection of the
46 Elderly Housing and Assisted Living subsection.

- 1 • Section 3.6.4.K.1.b [p. 26 of Attachment #6]:

2 The R-III zone has been added to the to the density subsection of the
3 Elderly Affordable Housing subsection.
4

5 C. May then reviewed changes proposed by Senior Building Inspector/Zoning
6 Administrator Richard Canuel (see Attachment #7 and p. 10 of Attachment
7 #6):
8

9 **Section 2.3.1.7 Accessory Dwellings**

- 10
11 • Section 2.3.1.7.D

12 To the existing language "*The owner of a property containing an accessory*
13 *dwelling shall reside in either the principal or the accessory dwelling,*" add
14 the qualifier "*as of the date of permit approval.*"
15

16 While the intent was to provide a starting point for purposes of code
17 enforcement for the accessory use, Board members also thought the
18 language could be interpreted such that an owner is not required to reside
19 on the property once an accessory dwelling permit is acquired. It was
20 decided that the language should go unchanged at this point and can be
21 revisited during the upcoming full zoning ordinance update to preserve the
22 Zoning Administrator's intent.
23

- 24 • Section 2.3.1.7.F

25 The current proposed language for the maximum size of an accessory
26 dwelling states that the Town's ordinance shall be in accordance with NH
27 RSA 674:68, and as amended. Senate Bill 146, which would amend RSA
28 674:68, is currently under review, but may very well not be adopted before
29 the Town adopts its own proposed zoning amendments. The Zoning
30 Administrator has therefore proposed language that he says "allows
31 flexibility for housing alternatives while maintaining the living area of the
32 apartment at a 'subsidiary size' to the principal dwelling." Specifically, he
33 suggested stating that the maximum size for an Accessory Dwelling shall
34 "*not exceed 40% of the living area of the principal dwelling, and shall*
35 *include no more than 2 bedrooms.*" A. Rugg noted that when the full
36 update to the zoning ordinance takes place in the near future, the topic can
37 be addressed again, particularly if SB146 is passed. The Board had no
38 objections to using the Zoning Administrator's proposed language.
39

- 40 • Section 2.3.1.7.H

41 As of the June 10 meeting, the location of an accessory dwelling was
42 proposed to be within a principal structure, can be added to a principal or
43 accessory structure, or can be a stand-alone accessory structure. The
44 Zoning Administrator suggested removing the last option in order to "avoid
45 the appearance of a second single-family dwelling on the same lot." C. May
46 noted that the Master Plan, however, encourages separate accessory
47 dwellings, in part because it can evoke earlier New England rural
48 developments where separate ancillary structures were common in addition

1 to a main dwelling. Staff therefore recommended keeping the language as
2 of June 10 intact. J. Vogl noted that other language in the accessory
3 dwelling ordinance will keep those dwellings consistent in materials and
4 overall look to the principle structure, and will have them set either to the
5 side or rear of the main house. L. Wiles verified with Staff that a
6 freestanding accessory dwelling would typically not require its own septic
7 system and well. It was decided by the Board to forgo the Zoning
8 Administrator's limitation and keep the proposed language as it is, but
9 possibly reconsider the subsection during the full ordinance update.

10
11 • Section 2.3.1.7.M

12 In addition to the requirement that a the owner of a property with an
13 accessory dwelling must reside in either the principal or accessory dwelling,
14 language had been proposed that "if the property ceases to be owner-
15 occupied for a period exceeding one year, then the use of the accessory
16 dwelling shall be discontinued until owner-occupancy is restored." The
17 Zoning Administrator suggested striking the subsection since he determined
18 it to be un-enforceable. Because of the preceding requirement that one of
19 the dwelling units be owner-occupied, it was agreed that omitting this
20 language would be acceptable.

21
22 • Section 2.3.1.7.N

23 Wording also proposed for this subsection would count accessory dwellings
24 as part of a town's workforce housing stock. This would help the Town
25 meet State statutory mandates by providing the opportunity for affordable
26 housing and providing for it in a majority of the town's residentially zoned
27 land. In that spirit, the Zoning Administrator recommended strengthening
28 the existing proposed subsection which states that "Every Accessory
29 Dwelling shall be deemed a unit of workforce housing" by adding "*for*
30 *purposes of satisfying the municipality's obligation under RSA 674:59.*"
31 Board members agreed to the additional wording.

32
33 A. Rugg entertained public input.

34
35 Mike Speltz, 18 Sugarplum Drive, addressed two separate points:

36
37 • "Unusable Land" definition

38 M. Speltz requested that the definition of "unusable land" include wetland
39 buffers in addition to wetlands themselves because buffers contain land that
40 cannot be developed. C. May noted that buffers associated with wetlands
41 are not necessarily unusable and, in fact, the ordinance contains uses that
42 are permitted within wetland buffers. She added that while it is worthwhile
43 to clarify such definitions as much as possible, that task would be part of
44 the larger zoning ordinance rewrite.

45
46 • Section 2.3.3.4.B.11

47 This subsection of Conditional Use Permit (CUP) criteria for multi-family
48 workforce housing gives the Planning Board the authority to adjust

1 standards of any dimensional requirements in the entire subsection if they
2 find a project is "truly supportive of the purpose and objectives of the
3 Inclusionary Housing section..." To avoid the imprecise and subjective
4 qualities of that language, M. Speltz suggested the Board make the effort to
5 define what it is to be "truly supportive" with specific criteria. He also
6 suggested retitling Section 2.3.3.1, i.e. the "Purpose" of the overall
7 Inclusionary Housing ordinance, to "Purpose and Objectives," since that
8 section already describes its intent in addition to its purpose. Because the
9 developer is obligated to produce compelling justification that granting relief
10 to any or all of the CUP criteria produces a clear benefit to the community
11 that outweighs any disadvantages, Board members agreed that the
12 obligation should be spelled out. L. Wiles suggested keeping the first
13 portion of 2.3.3.4.B.11.a, i.e. "The Planning Board may through the
14 granting of a Conditional Use Permit adjust standards of any dimensional
15 requirement for multi-family workforce housing (including but not limited
16 to: setback, density, green space, frontage, roads and driveways, or
17 parking)," and omitting the rest of the sentence because of its
18 unquantifiable nature. M. Speltz further suggested that the words
19 "including but not limited to" be change to "for example" to further remove
20 the chance for an unintended interpretation of the language. Consensus of
21 the Board was to end the original sentence after the parenthetical portion
22 and to furthermore amend the wording within the parentheses as
23 suggested, i.e. "The Planning Board may through the granting of a
24 Conditional Use Permit adjust standards of any dimensional requirement for
25 multi-family workforce housing (for example: setback, density, green space,
26 frontage, roads and driveways, or parking)." Again, A. Rugg stated that the
27 issue can be revisited at the time of the overall zoning ordinance revision.
28

29 M. Speltz congratulated the Board, Town consultant Jonathan Edwards and
30 Staff on the significant efforts made to produce what he deemed a successful
31 product. The Board and Staff thanked him as well for his ongoing input.
32

33 There was no additional public input.
34

35 **M. Soares made a motion that the Planning Board recommend to the**
36 **Town Council the adoption of the proposed amendments. L. Wiles**
37 **seconded the motion.**
38

39 There was a brief discussion on the timing of the amendments going before the
40 Council. A. Rugg estimated that the Council would hold the first of the two
41 required readings in August. The second, which includes a public hearing,
42 could occur in September.
43

44 There was no further discussion. **Vote on the motion, 8-0-0.**
45

46 **Other Business**

47

48 There was no other business.
49

50 **Adjournment:**

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M. Soares made a motion to adjourn the meeting. R. Brideau seconded the motion. Vote on the motion: 8-0-0.

The meeting adjourned at 8:56 PM.

These minutes prepared by Planning and Economic Development Department
Secretary Nicole Doolan and Associate Planner Jaye Trottier

Respectfully Submitted,

Lynn Wiles, Secretary

MEMORANDUM

To: Planning Board

Date: July 8, 2015

From: Planning and Economic Development
Department of Public Works & Engineering
Tighe & Bond, Inc.

Re: Map #: 12 Lot #: 137
Subdivision of Tax Map Parcel 12-137
Revised Formal Subdivision Application
122 Hovey Road

Owner: Stage Crossing, LLC
Applicant: Stage Crossing, LLC

CLD Consulting Engineers submitted plans and supporting information for the above-referenced project. The Town's engineering consultant, Tighe & Bond, Inc. reviewed the submitted plans and information and we offer the following comments:

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The Applicant has submitted a **waiver request** from Section 3.09 F.2 and Exhibit D2 of the Subdivision Regulations. This waiver has been requested for the existing driveway as it does not currently meet the Subdivision regulations. An alternate option has been proposed for a new driveway extending from proposed Lot 137-1 that would not require a waiver. If this option is not chosen and a waiver is granted the plans should be revised to remove this option including the related easements and notes, etc.
2. The Applicant should provide a draft of the drainage easement and driveway easement for review.
3. The Applicant should address the following comments relative to the Storm Drainage Computations and Drainage Design:
 - a. The design and modeling of the "berm" included infiltration. This is not permitted by the Town regulations and should be revised.
 - b. Details should be added for the "berm" construction.
 - c. The outlet for the "berm" should be designed in accordance with the Town standards for details for detention ponds.
 - d. The total areas in the drainage calculations are different in the pre- vs. post-development calculations and should be revised to be consistent.
 - e. The Tc for area "1S" in the pre-development condition and "10S" in the post-development condition does not appear to be the longest flow-path as they are not perpendicular to the contours. The longest flow path appears to be within the wetland.

f. The Tc for area "1S" in the pre-development condition and "10S" in the post-development condition appear to be in the same location but vary from 9.6 minutes in the pre-development condition to 11.0 minutes in the post-development condition. This should be revised to be consistent as the flow path did not appear to change. Also, see note c above.

4. The plans should include all professional endorsements (stamps and signatures).

Board Action Items:

5. The Applicant is requesting a waiver from the Subdivision Regulations as noted in their letter dated June 15, 2015. The Board will need to consider each waiver under this application.

Board Informational Items:

1. There are no additional informational items for the Board at this time.

Planning Board Meeting Minutes - July 8, 2015 - Attachment #2

MEMORANDUM

To: Planning Board
Date: July 8, 2015

From: Planning and Economic Development
Department of Public Works & Engineering
Stantec Consulting Services, Inc.
Re: Tax Map 16 Lot 3
Amended Site Plan for
"Wallace Farm"
62 Perkins Road

Owners: Wallace Farm, LLC

The Dubai Group, Inc. submitted plans and information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information that was reviewed and we offer the following comments:

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The Applicant indicates that the project NHDOT permit under the previous approval granted by the Board is still outstanding. In addition, we note that the revised NHDES Alteration of Terrain permit request has been submitted on the checklist. We recommend that the Applicant obtain the NHDOT permit for the project and all other revised project permits as applicable, indicate the updated permit approval numbers in the permit table on the cover sheet and provide copies of all updated permits for the Planning Division files per Section 4.13 of the Site Plan Regulations and Item XII of the Site Plan Application & Checklist.
2. We recommend that the Applicant address the review comments prepared by Stantec Consulting Services, Inc. dated November 3, 2014, relative to the previously submitted off-site improvements plans for the project.
3. The proposed utility service shown is different than the previously approved plans and we recommend the Applicant provide updated utility clearance letters for the project in accordance with Sections 3.04, 3.05 and 3.06 of the Site Plan Regulation and Item XI.5 of the checklist.
4. The Applicant's revised design now includes improvements to Perkins Road including roadway widening and additional drainage for the existing roadway. We recommend that the Applicant address/clarify the following on the revised Grading & Drainage plans - sheets 4 and 5 - provided with this submission:
 - A. Please update and expand the Town's roadway and slope easement to include the proposed drainage system along Perkins Road that connects to the existing drain pipe. The easement should be a minimum of 10 feet from the drain pipe as typically required by the Town. The easement on the easement plans - sheets 6 and 7 - should be updated accordingly. Please verify that the expanded easement limits are acceptable to the Department of Public Works.

- B. Please update the design to address the additional drain pipe needed to connect the new double grate catch basin located at the new roadway pavement rounding on Sheet 3 to the existing catch basin to the west. We recommend that the drain line be replaced between the existing catch basin to remain on the west side of Perkins Road to the proposed catch basin.
 - C. The revised drainage design includes additional drainage infrastructure along the southerly portion of Perkins Road to address the southerly Perkins Road runoff to the low point, but does not address the Perkins Road runoff from the north that would be directed towards the low point where the revised site driveway location is proposed and then would flow onsite. We recommend that a catch basin be provided along the proposed curb line just north of the driveway pavement rounding to capture this Perkins Road runoff. The catch basin should be connected to the proposed relocated double grate catch basin. We recommend the design be updated accordingly to be acceptable to the Department of Public Works.
 - D. Please indicate the proposed tree line associated with the proposed improvements, in particular along the proposed gas line connection adjacent to abutting lot 52-1 to the north. The Applicant shall obtain all appropriate easements as may be required for the construction.
 - E. The proposed grading contours associated with the roadway widening to the north appears to be missing (i.e. 346 contour). Please update the plan to address the proposed grading in this area to include providing spot elevations to clarify the grading intent and for proper construction. Will the existing SMH rim require adjustment?
 - F. The proposed roadway widening to 27 feet, as noted on the plans, is limited to between Vista Ridge Drive and the proposed site entrance drive (Bridle Path). At the proposed southerly driveway pavement rounding, the curbing matches to the existing roadway pavement that has a width of only 22 feet. An appropriate taper from the revised driveway location to the south is not provided as typically requested by the Town. We recommend that the southerly driveway rounding be at the same width location as the northerly driveway rounding (i.e. 27 feet minimum) with a minimum taper of 75 feet be provided from the southerly driveway pavement rounding that matches to the existing roadway width. Please confirm the proposed improvements and the improvement limits along Perkins Road for this revised project with the Department of Public Works. Please update the design as necessary meeting approval of the Department of Public Works.
 - G. A portion of the proposed site grading at the wetland impact area opposite DMH6, shown as riprap on sheet 3, indicates an approximately 1.5H to 1V slope that does not comply with the minimum 3H to 1V grading typically requested by the Town. It appears that there is sufficient area to grade this location to provide the appropriate slope grading. Please review and update accordingly.
 - H. Please provide notes on the plans to address the proposed pavement markings needed after the overlay placement indicated along Perkins Road that are acceptable to the Department of Public Works.
5. The proposed gas line is shown to be approximately 6 feet from the proposed sewer line on the utility plan - sheet 5, when the Town typically requests 10 feet separation. We recommend the Applicant relocate the gas line to 10 feet from the sewer line or verify

the proposed gas line location in proximity to the sewer line is acceptable to the Sewer Division. In addition, please verify the proposed gas line shown approximately 2 feet from the right of way can be constructed without impacts to the abutting lot. Please obtain and provide copies to the Town of any easements needed for construction beyond the roadway right of way adjacent to abutting lots.

6. The project proposed improvements along a significant portion of Perkins Road that includes roadway widening under this latest submission. We note that a typical roadway widening section detail is provided on sheet 4, but the detail does not address how the proposed roadway shoulders match to the existing ground. Please clarify all slope or grading requirements. Roadway improvements typically include roadway cross sections, but the submission did not include cross sections along Perkins Road. We recommend the Applicant provide cross sections for the proposed roadway improvements along Perkins Road in the plan set acceptable to the Department of Public Works.
7. Please update the drainage profile on sheet 11 to indicate the underground electric (UGE) line crossing near sta. 3+00 indicated on the grading plan. In addition, please update the catch basin information in the roadway profile, on sheet 11 to show the 24" drain pipe.
8. The revised sight distance plan for the relocated north driveway, on sheet 14, does not properly show the required sight line location (15 foot offset from edge of pavement) per Exhibit D3 of the regulations. It appears that at the proper location, the proposed trees in front of the relocated wall to the south would be in the sight line. Please revise the relocated driveway sight distance plan and the associated landscaping including the relocated wall to include the proper sight line and sight distance. The relocated wall shall be a minimum 10 feet from the proposed drain line. In addition, please provide a signature for the sight distance certification on this plan.
9. It appears that the limits of the proposed improvements along Perkins Road are not completely shown on the watershed plan and drainage information provided with this submission. We note that the drainage information submitted is only for the existing conditions and does not include information to clarify how these improvements under the post development conditions achieve the site plan regulation requirement of "No increase in runoff". Previously, the Applicant has indicated that the amount of pavement is reduced with the shorter roadway, but the current project drainage report does not address the impact to the Town's existing drainage system with the revisions proposed. We note that the amount of impervious area in the existing condition information provided is less than the amount submitted under the previously approved design. We recommend that the Applicant provide an updated drainage report or summary letter, prepared by a Professional Engineer licensed in New Hampshire, which clarifies that the proposed design changes under this amendment meet the requirements of the regulations and are acceptable to the Department of Public Works.
10. We recommend that the Applicant verify the DRC comments of the Planning Department have been adequately addressed with the Planning Department.

Board Action Items:

1. The Applicant is requesting one waiver to the Site Plan Regulations, as noted in his letter dated July 8, 2015. The Board will need to consider each waiver request under this application.

Board Information Items:

1. This project plan has been previously approved by the Board on December 31, 2014 contingent that the offsite NHDOT improvements would be obtained in the near future. The project NHDOT permit has not been obtained at this time.
2. The Board has previously granted several waivers to the project, with some related to the proposed northerly driveway design that still are applicable under this latest driveway design revision. The Applicant is requesting that the Board reaffirm the previously granted waivers for the project as noted in his letter dated July 8, 2015.

Planning Board Meeting Minutes - July 8, 2015 - Attachment #3

MEMORANDUM

To: Planning Board

Date: July 8, 2015

From: Planning and Economic Development
Department of Public Works & Engineering
Tighe & Bond, Inc.

Re: Map #: 3 Lot #: 170
2 Boyd Road Subdivision Plan
Formal Subdivision Application
2 Boyd Road

Owner: James & Cynthia Geulakos
Applicant: James & Cynthia Geulakos

Benchmark Engineering submitted plans and supporting information for the above-referenced project. The Town's engineering consultant, Tighe & Bond, Inc. reviewed the submitted plans and information and we offer the following comments:

Checklist Items:

1. There are no checklist items.

Design Review Items:

1. The Applicant has submitted a **waiver request** from Section 3.05 of the Subdivision Regulations to install overhead utilities in lieu of underground utilities.
2. Provide a draft document regarding the flowage rights onto Lot 170-3.
3. The Applicant should provide a draft of the slope easements for review.

Board Action Items:

1. The Applicant is requesting a waiver from the Subdivision Regulations as noted in their letter dated June 18, 2015. The Board will need to consider each waiver under this application.

Board Informational Items:

1. There are no additional informational items for the Board at this time.

Planning Board Meeting Minutes - July 8, 2015 - Attachment #4

7 July 2015



Town of Londonderry Planning Board
2068B Mammoth Rd
Londonderry, NH 03053

Subject: Abutter Notice for Subdivision Application
2 Boyd Rd, Londonderry, NH; petition thereof

To Whom It May Concern:

This petition is written to convey concerns that the owners of 2 Boyd Rd ensure the proposed plan meets all the town's regulations.

1. Namely, of concern is the proposed lot adjacent to 6 Boyd Rd which is only 1.2 acres.

a. Limited lot space between location of potential well and distance between said well to well location at 6 Boyd Rd which could cause disruption.

b. Number of access roads for subject application.

Consideration of the above would be greatly appreciated.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joanne Hanninen".

Joanne Hanninen

Section 2.2.3.4 [pp. 11- 13]:

- Section 2.3.3.4.B.5 Amend the sentence for clarity to say: *"The number of dwelling units in each building shall be determined by current fire, safety and building codes."*
- Section 2.3.3.4.B.9.d Amend the maximum dimensions per Planning Board input: *"The maximum building length for any multi-family workforce building shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75."*
- Section 2.3.3.4.B.12c. Amend the sentence for clarity to say: *"No parking shall be located between the front lot line and the front plane of the building(s) closest to the existing Town street. The line of the front building plane for each structure shall extend to the side property lines to establish the parking lot setback."* A graphic explanation will be inserted after the paragraph (please see the proposed graphic attached to this memo).

Section 2.3.3.6 [p. 14]:

- Section 2.3.3.6.F Add a minimum open space requirement of 40% for Small Workforce Housing Developments.

Section 3.6.4 (Elderly) Regulations and Design Criteria [p. 26]:

- Section 3.6.4.K.1 Add the definition of "Net Tract Area"
- Section 3.6.4.K.1.a Add R-III zones to the density requirement
- Section 3.6.4.K.1.b Add R-III zones to the density requirement

No parking
between front
plane of building
and side lot line

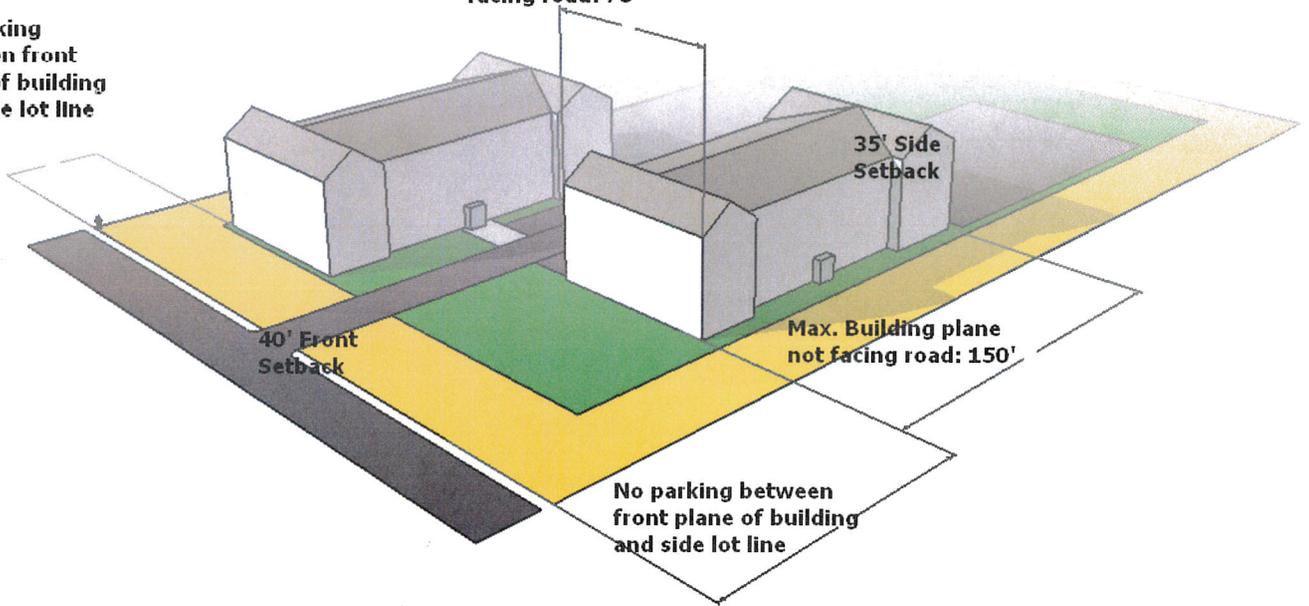
Max. Building plane
facing road: 75'

35' Side
Setback

40' Front
Setback

Max. Building plane
not facing road: 150'

No parking between
front plane of building
and side lot line



1 PRACTICAL ZONING ADMINISTRATION	Error! Bookmark not defined.5
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- A. To phase in or control the implementation and development of tracts of land and future subdivisions thereon, at a rate which will be compatible with the orderly and gradual expansion of community services, including but not limited to education, fire protection, road maintenance, waste disposal, police protection and recreation; and
- B. To provide a mechanism to allow for phased development of residential projects to manage the impact on municipal services.

1.3.3 Phasing of Developments

A phasing plan shall be submitted for Planning Board approval for all residential developments of more than fifteen (15) lots or dwelling units (unless exempted under **§1.3.4**), and at the applicant's option may be submitted for smaller developments. Such plans shall comply with the following phasing requirements:

- A. For development proposed under the provisions of **Section 3.3 Conservation Subdivisions**: twenty five (25) dwelling units per year from the date of final approval;
- B. For development located in the R-III district: Three (3) multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;
 - 1. In the event that the Planning Board grants a conditional use permit to allow more than 16 units per building in the R-III District: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.
- C. For multi-family development meeting the definition of “workforce housing” as defined by [RSA 674:58](#), and approved by the Planning Board per the procedures outlined in [RSA 674:60](#): The total number of dwelling units shall not ~~to~~ exceed seventy-two (72) per year from the date of final approval;
- D. For single family development approved under the requirements of “Inclusionary Housing (**Section 2.3.4**): twenty five (25) dwelling units per year from the date of final approval;
- E. For other residential development proposed to be serviced with public water and public sewerage, 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;
- F. For all other residential developments: fifteen (15) dwelling units per year from the date of final approval.

2.2 USE TABLE

2.2.1 Accessory Uses

With the exception of residential district, all uses permitted for each district shall be permitted as accessory uses within that district provided the combination of uses shall meet all other provisions of this Zoning Ordinance.

2.2.2 GB District Services Table (Follows Use Table below)

Londonderry Zoning Ordinance Use Table																		
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception																		
														Overlay Districts				
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
RESIDENTIAL AND AGRICULTURAL																		
Agriculture	P	P										p ⁵						
Assisted Living Facilities	<u>C</u>	P	P	P	P		P					p ⁵	P	P				
Back Lot Development	C											p ⁵			See specific district regs.			
Dwelling, multi-family	<u>C³</u>	P;	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>					p ⁵	<u>C⁹</u>	<u>C⁹</u>				
Dwelling, multi-family workforce	<u>C^{3,6,7,6}</u> <u>Z</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>					<u>P⁵</u>	<u>C³</u>	<u>C³</u>				
Small workforce housing development	<u>C³</u>																	
Dwelling, single family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³						p ⁵						
Dwelling, two-family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³						p ⁵						
Elderly Housing	P ⁸	P	P	P	P	P	<u>C</u>					p ⁵	P	P				
Elderly Housing, Affordable	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					<u>P⁵</u>	<u>C</u>	<u>C</u>				
Live-Work Units			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P⁵</u>						
Manufactured housing	P, C ³	P, C ³																
Mixed use residential						P, <u>C³</u>	P, <u>C³</u>					p ⁵	<u>C³</u>	<u>C³</u>				
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P		<u>P</u>					p ⁵	P	P				
Preexisting manufactured housing parks	P																	
Presite Built Housing	P																	
	P																	
CIVIC USES																		
Community center			P	P		C						p ⁴						
Cemetery	P																	
Public Facilities	P		P	P		C		P	P	P	p ⁴	P						
Public Utilities	P	P	P	P				S	S	S	p ⁵	S						
Recreational Facilities, Public	P			P							p ⁴		P	P				
Religious Facilities	P		P	P	P	P					p ⁵		P	P				
Cultural Uses and Performing Arts							C			P	p ⁴							
BUSINESS USES																		
Aeronautical Facilities												P						
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	p ⁴							

Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

														Overlay Districts				
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	p ⁴							
Bed and Breakfast Homestay	P										p ⁵							
Business center development			P	P			P			P	p ⁴		P	P				
Conference/Convention Center							C			P	p ⁴							
Day Care Center, Adult						C	C				p ⁴							
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 2.2.2)								
Financial institution			P	P			P			P	p ⁴							
Funeral homes			P	P	P													
Education and Training Facilities							C			P	p ⁴							
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	P		P	P	P			P	P			P						
Group Child Care Center					P	C		S	S		p ⁴		C	C				
Home Occupation	S										S							
Hotels				P			C			P	p ⁴							
Manufacturing, Heavy									P	P		P						
Manufacturing, Light up to 250,000 sq. ft.				P				P	P	P	p ⁴	P						
Manufacturing, Light 250,001 sq ft or larger				P				P	P	C	p ⁴	P						
Membership club			P	P							p ⁴							
Motels				P														
Motor Vehicle Maintenance, Major Repair and Painting									P			P						
Motor vehicle rental												P						
Motor Vehicle Station, Limited Service				P		C ²					p ⁴	P						
Recreation, commercial			P	P			P				p ⁴		P	P				
Retail sales establishment up to 75,000 sq. ft			P	P		P	P				p ⁴		P	P				
Retail sales establishment 75,001 sq. ft. or larger			P	P			C				p ⁴							

Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

														Overlay Districts				
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
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 ⁴	P	P	P				
Rental Car Terminal up to 50,000 sq. ft										P	p ⁴							
Rental Car Terminal 50,001 sq. ft. or larger										C	p ⁴							
Repair services			P	P		P		P	P		p ⁴	P	P	P				
Research or Development Laboratories				P			P	P	P	P	p ⁴	P						
Restaurant			P	P		C	P				p ⁴	P	P	P				
Restaurant, fast food			P	P			C				p ⁴							
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C								
School, Private					P						p ⁴		P	P				
Service establishment			P	P			P	P	P		p ⁴	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 ⁴	P						
Terminal, Trucking 100,001 sq. ft. or larger									P	C	p ⁴	P						
Vehicle Sales Establishment				P														
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	p ⁴	P	C	C				
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	p ⁴	P	C	C				
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	p ⁴	P						
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	p ⁴	P						

Londonderry Zoning Ordinance Use Table																		
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception																		
														Overlay Districts				
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 ¹	POD - 28 ¹	CO	AH	AZ	FP
<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</p> <p>2 - See Section 2.4.1(B)(4) for additional dimensional requirements related to fuel dispensers</p> <p>3 - See Section 2.3.4-3 for specific requirements (workforce housing)</p> <p>4 - As part of an approved PUD Master Plan, See Section 2.8</p> <p>5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 2.8</p> <p>6 — Applies only to proposed multi-family workforce housing developments in the AR-1 district which meet the following conditions:</p> <p>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;</p> <p>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</p> <p>c. A Conditional Use Permit for the proposed development is approved by the Planning Board not later than DATE (said date being eighteen months after the adoption of these amendments.</p> <p>7 - <u>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.</u></p> <p>8 - <u>Elderly Housing in the AR-1 District is limited to no more than 6-units per building, attached in a row house configuration.</u></p> <p>9 - <u>See Section 2.3.2.4 for building size criteria</u></p>																		

GB District Services Use Table		GB
Accessory Uses up to 5,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use		P
Accessory Uses from 5,001 – 20,000 sq. ft.-Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use		C
Automotive Repair up to 5,000 sq. ft.		P
Automotive Repair from 5,001 to 10,000 sq. ft.		C
Computer Services up to 5,000 sq. ft.		P
Computer Services from 5,001 to 10,000 sq. ft.		C
Service/Commercial Businesses up to 5,000 sq. ft. (Including restaurants and gas stations)		P
Service/Commercial Businesses from 5,001 to 20,000 sq. ft. (Including restaurants and gas stations)		C
Daycare up to 5,000 sq. ft.		P
Daycare from 5,001 to 10,000 sq. ft.		C
Health Clubs up to 5,000 sq. ft.		P
Health Clubs from 5,001 to 20,000 sq. ft.		C
Personal Service Businesses up to 5,000 sq. ft.		P
Personal Service Businesses from 5,001 to 20,000 sq. ft.		C

2.3 RESIDENTIAL DISTRICTS

2.3.1.7 Accessory Dwellings

To increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory dwelling is permitted on any property containing an owner-occupied single-family dwelling, provided the following conditions are met:

- A. Accessory Dwellings shall be permitted only on properties containing an owner-occupied single-family dwelling.
- B. There shall be not more than one accessory dwelling per lot.

- C. An accessory dwelling shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size (of Section 2.3.1.3) or development density of the property.
- D. The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling.
- E. The accessory dwelling shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
- F. The maximum size for an Accessory Dwelling shall be in accordance with NH RSA 674:68, and as amended.
- G. The accessory dwelling shall be subsidiary in size and function to the principal dwelling and be consistent with the principal dwelling in appearance, design, colors, and materials.
- H. The accessory dwelling may be located within or added to the principal structure, or attached to an accessory structure such as a free-standing garage, or may itself be a free-standing accessory structure.
 - 1. If contained within or added to the principal structure, exterior entry to the accessory dwelling shall not face the street as a second door.
 - 2. If a free-standing structure or attached to a free-standing structure, the accessory dwelling shall be located only in the side or rear yard of the property.
- I. All required setbacks shall be complied with.
- J. If the accessory dwelling is not on public water and sewer, then well and septic provisions shall comply with New Hampshire Department of Environmental Services regulations.
- K. There shall be one parking space in the rear or side yard for the accessory dwelling and no additional curb cut.
- L. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family dwelling.
- M. If the property ceases to be owner-occupied for a period exceeding one year, then the use of the accessory dwelling shall be discontinued until owner-occupancy is restored.
- N. Every Accessory Dwelling shall be deemed a unit of workforce housing.

2.3.3 Inclusionary Housing

2.3.3.1 Purpose:

The purpose of this Section is to encourage and provide for the development of workforce housing within Londonderry. It is intended to ensure the continued availability of a diverse supply of home ownership and rental opportunities for persons meeting the definitions established in the State of NH's "Workforce Housing Statutes," RSA 674:58-61. Additionally, in implementing this Section, Londonderry has considered the region's affordable housing need as defined in the Southern NH Planning Commission Housing Needs Assessment.

2.3.3.2 Authority:

The Section is enacted as an Inclusionary Zoning provision, 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.

2.3.3.3 Applicability

- A. Development in accordance with the provisions of this Section is permitted by Conditional Use Permit as defined in this Zoning Ordinance and as listed in the Permitted Use Table, **Section 2.2**.
- B. Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).

2.3.3.4 Conditional Use Permit Criteria **for Workforce Housing**

In addition to the Criteria of Section 1.5.2, the following criteria shall be used by the Planning Board in the evaluation of Conditional Use Permits for Inclusionary Housing, including Workforce Housing projects:

A. General:

1. The proposed development is fully compliant with all pertinent requirements of this Ordinance.
 2. The proposed use is consistent with the Objectives and Characteristics **of the zoning district** and of this Inclusionary Housing Section 2.3.3.4.
 3. The application demonstrates that the project for which the Conditional Use Permit is sought does not impact the health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.
 4. The applicant has demonstrated that an alternative design for which dimensional relief is sought better achieves the Objectives and Characteristics of the district, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with the Objectives and Characteristics of the district.
 5. Workforce housing units must be constructed ~~in proportional relationship to~~ at the same rate as market-rate units in the development.
 6. All workforce housing units must be completed and made available for sale or rental before the final 10% of the market-rate units are approved for occupancy within the same development.
 7. At least 51% of dwelling units on a development lot in any inclusionary housing development must contain at least 2 bedrooms.
 8. The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable preservation of natural resources, open space, and does not create a hazard to surface or underground water resources.
- The Planning Board may consider a project that would be the conversion of a large single family residential structure into multiple units that is identified as a “historic property” and listed in the Historic Properties Preservation Taskforce Report, on file with the Heritage Commission. Such conversions shall be required to place a historic preservation easement on the historic structure. Any conversion of a historic structure shall also meet all of the other conditional use permit criteria from this section.

B. Multi-Family Workforce Housing:

1. The project shall be served by municipal sewer and water service from Manchester Water Works, Derry Municipal Water, or Pennichuck Water and be consistent with the Town’s Sewer Facilities Master Plan.
2. The project is designed to meet the requirements of RSA 674:59, and provides a minimum of ~~75%~~ **50%** of the units

meeting the definition of “workforce housing” under RSA 674:58.

3. All workforce units must be designed in such a way as to be indistinguishable (architecturally) from any “market rate” units included in the development. Architectural design of any multi-family buildings must be reviewed by the Heritage Commission for their recommendations to the Planning Board.
4. Permitted density - the maximum permitted number of dwelling units (“permitted density”) allowed in the development lot shall not exceed 10 units per acre.
5. The number of dwelling units in each building shall be determined by current by-fire, safety and building codes.
6. Open space - no less than the area calculated below shall be retained as unoccupied space free of all buildings, parking and pavement, including street access, drives and walks paved with impervious materials, (but such unoccupied open space may include so-called nature walk areas and the like and other recreational uses approved by the Planning Board.) Open space shall be owned by undivided interests appurtenant to lot ownership. Such open space shall either be maintained in its natural state (except for the walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.
 - a. Total open space shall not be less than forty percent (40%) of the total development lot area
 - b. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
 - c. 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.
7. Road design - internal roads shall conform to Town standards for roads in new subdivisions as required by the most recent version of the Town’s Subdivision Regulations, but may be waived by the Planning Board.
8. Building separation -- single--family or two--family dwellings shall be at least twenty feet (20') from other dwellings. Multi-family dwellings and other buildings shall be at least thirty feet (30') from other dwellings. Buildings may be interconnected by a covered walkway or breeze--way for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the Planning Board (after consultation with the fire department) impair access to the buildings by emergency vehicles and equipment.
9. Dimensional requirements:
 - a. Minimum structure setbacks from the perimeter of the development lot shall be as follows: front - 40 feet; side - 35 feet; rear - 30 feet. If the development lot abuts more than one existing and/or proposed external right-of-way, the building setback will be forty (40') feet from each right-of-way.
 - a.b. The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshall, but no residential structure shall be greater than 3 stories.
 - b.c. The development lot shall have a minimum frontage ofn a state highway or Town maintained road of Class V designation or better of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the development lot.
 - d. The maximum building length for any multi-family workforce buildings shall be 200'150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 10075'.
10. Perimeter buffer - a perimeter buffer to separate and screen incompatible land uses shall surround the development lot except where streets enter the development lot. The buffer shall include a combination of physical space and vertical elements such as plants, berms, fences or walls, as approved by the Board. The width of the buffer area shall vary according to the abutting zoning district as follows:

- a. Agricultural-Residential, Commercial, or Industrial: fifty feet (50') where directly abutting, no buffer where highway separates the development lot and a "C" or "I" district.
- b. R-III: no buffer.

11. Dimensional Relief by Conditional Use Permit for Multi-Family Workforce Housing

- a. The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement for multi-family workforce housing (including but not limited to: setback, density, green space, frontage, roads and driveways, or parking) for projects that are truly supportive of the purpose and objectives of the Inclusionary Housing section as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.
- b. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

12. Parking

- a. A minimum of 2.0 parking spaces per dwelling unit shall be provided for all dwelling units in an inclusionary multi-family development.
- b. Parking areas shall be designated in accordance with requirements for parking areas set forth in Section 3.10 of the Zoning Ordinance (parking).
- c. Parking shall be located in the side and rear of the lot. No parking shall be located between the front lot line and the front plane of the building(s) closest to the existing Town street. The line of the front building plane for each structure shall extend to the side property lines to establish the parking lot setback.
[insert graphic depiction]

2.3.3.5 Definitions Specific to This Section.

Workforce Rental Housing – where the rent plus utilities for the dwelling unit does not exceed 30 percent of the allowed individual household income (60% of the Area Median Income adjusted for a family of 3, as defined by the US Department of Housing and Urban Development as required by RSA 674:58).

Workforce Owner-Occupied Housing – 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 (100% of the Area Median Income adjusted for a family of 4, as defined by the US Department of Housing and Urban Development as required by RSA 674:58). The calculation of housing costs shall be based on current taxes, a 30-year fixed rate mortgage, a 5 percent down payment, and prevailing mortgage rates within the region.

Area Median Income (AMI) – is the median income of the greater region, either the HUD Metropolitan or Non-Metropolitan Fair Market Rent Area to which Londonderry belongs, as is established and updated annually by the United States Department of Housing and Urban Development.

Market Rate Housing – Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

Owner-occupied Housing – Any dwelling unit intended to be conveyed in fee simple, condominium or equity-sharing arrangement such as a community housing land trust and limited equity cooperatives.

Rental Housing – Any dwelling unit intended for leasehold occupancy.

Small Workforce Housing Development – Workforce housing permitted in residential zones/districts to accommodate structures with up to 4 units on an individual lot, and designed to be compatible with the context of the neighborhood.

Live-Work Unit - A single unit consisting of both a work space for occupations like commerce, professional services, artisan, or similar, along with a residential component that is occupied by the entrepreneur. The live/work unit shall be the primary dwelling of the occupant and is intended for non-residential zones as applicable.

2.3.3.6 Small Workforce Housing Developments

A. Single-family, duplex, triplex, or quadriplex workforce dwellings are permitted in the AR-1 Agricultural and Residential zoning district, according to the following:

1. Provisions of Section 2.3.1.3 to the contrary notwithstanding, minimum area of a lot containing 1 to 4 workforce units shall comprise:

- a. 10,890 square feet (1/4 acre) per workforce dwelling unit if the property is served by public water and sewer, or**
- b. The minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, if the property is not serviced by either public water or sewer or both.**

B. A duplex structure containing one market-rate unit and one workforce unit may be developed on a 21,780 square-foot (1/2 acre) lot if served by public water and sewer, or the minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, if the property is not served by either public water or sewer or both, provided that the workforce dwelling unit shall be similar in exterior appearance and otherwise visually indistinguishable from the market-rate unit.

C. Minimum lot frontage shall be 75 feet for any lot containing 1 to 4 workforce dwelling units.

D. A minimum of 51% of the Workforce dwelling units shall contain at least two bedrooms.

E. All height and setback dimensional requirements of the AR-1 zoning district shall apply.

F. Small Workforce housing developments with three (3) or four (4) dwelling units shall have 40% open space.

G. A Conditional Use Permit is required for Small Workforce Housing Developments.

2.3.3.7 Live-Work Units

The business component of live/work units are intended for use by entrepreneurs and professionals in occupations including but not limited to : accountants; architects; artists and artisans; attorneys, computer software and multimedia-related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; insurance, real estate and travel agents; one-on-one instructors; photographers; and for light manufacturing/assembly and similar occupations;

A. Live/work units are permitted by Conditional Use Permit in the Commercial and Industrial Zones.

B. In addition to the permitted uses above, the zoning administrator may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law;

C. 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;

D. 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;

- E. 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;
- F. 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;
- G. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
- H. Signage intended to promote on-site commercial uses shall be restricted to a single four-square foot signs permanently affixed to the door or wall of the business component;
- I. The live/work unit shall be required to provide parking at least 3 spaces per unit.

2.3.3.8 Administration, Compliance and Monitoring: Assurance of Continued Affordability

Each workforce housing lot or dwelling unit in a subdivision, conservation subdivision, multi-family residential development, mixed use residential development, or Planned Unit Development shall remain affordable, as defined in RSA 674:58-61, for a period of not less than 40 years. This section shall be administered by the Planning Board.

A. For-Sale Workforce Housing:

1. No certificate of occupancy shall be issued for a workforce housing unit without written confirmation of the income eligibility of the buyer and the selling price of the workforce housing unit. An executed purchase and sale agreement shall be used to document selling price. Income eligibility of the buyer shall be certified by a qualified third-party entity with expertise in determining the eligibility of the prospective owners to purchase workforce housing, and provided to the Town in the form of an affidavit of compliance prior to closing on the unit.
2. There shall be a limitation on the resale price of an affordable lot or unit consistent with the annual NHHFA Workforce Housing Purchase Limits (current year), and in every transfer of the lot's or unit's ownership. A restriction of resale to an income-eligible buyer is required by means of legally enforceable deed restrictions, restrictive covenants, contractual arrangements established to meet these continued affordability requirements, or other suitable methods specified in a legally enforceable document, applicable to the development and to each affordable lot or dwelling unit, found by the Planning Board to be appropriate and effective for ensuring such affordability, and filed in the Rockingham County Registry of Deeds. For each sale or re-sale of a workforce unit, the deed shall reflect submission of an affidavit of compliance to the Town certifying income eligibility and qualifying selling price.
3. The documents specifying such legally enforceable methods shall provide that the Town of Londonderry has legal rights on its own volition, or through its duly

designated agent, to monitor and ensure the continuing validity of such covenant or document and to renew or cause renewal of such covenant or document for the purpose of extending for as many times as necessary the continuing affordability of lots or dwelling units as originally approved by the Planning Board.

B. Rental Workforce Housing:

1. The property owner, successor, or assign, shall be responsible for the continued affordability of workforce rental dwelling units consistent with RSA 674:58-61 and aforementioned covenants and documents, as certified by a qualified third-party entity with expertise in determining the eligibility of the prospective renters. Annual reports shall be submitted to the Planning and Economic Development Department by December 31st of each year. These reports shall contain all pertinent information relative to determination of gross rents and respective income qualification of tenants in accordance with the RSA's.
2. Annual rent increases for workforce housing rental units shall not exceed any increase in Area Median Income as reported by the US Department of Housing and Urban Development and by the New Hampshire Housing Finance Authority.

C. Enforcement and penalties for non-compliance shall be in accordance with Sections 4.4 and 4.3 of the zoning ordinance.

2.3.3.9 Conditional Use Permit Application Procedures

A. Application Procedure - Applications for Conditional Use Permits (CUP) for workforce housing in accordance with this section shall be submitted as part of the Site Plan application in accordance with the following procedures:

1. It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan.
2. The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
3. The application will then begin Pre-Application Design review, which will include the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.
4. Unless otherwise addressed in this ordinance, all applications shall meet those requirements set forth in the relevant sections of the Subdivision & Site Plan Regulations of the Town of Londonderry.

B. Approval of Applications Requiring a Conditional Use Permit - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approvals. A

Conditional Use Permit shall be issued only if the development complies with all of the requirements of Section 2.3.3.4. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or of the most recently adopted Master Plan, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law.

2.3.3.12-910 Statutory Procedures for Applications and Appeals

- A. Any person who applies for a workforce housing development under this ordinance shall file a written statement of such intent as part of the application. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. In any appeal where the applicant has failed to file the statement required by this paragraph, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development, or otherwise permits the proposed workforce housing development to proceed despite its nonconformance with the municipality's ordinances or regulations.
- B. If the Planning Board approves an application to develop workforce housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1). It shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.
- C. Upon receiving notice of conditions and restrictions as stated in **Section 2.3.3.129(B)**, the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the Planning Board, which shall not be less than 30 days.
 1. Upon receipt of such evidence from the applicant, the Planning Board shall allow the applicant to review the evidence at the board's next meeting for which 10 days' notice can be given, and shall give written notice of the meeting to the applicant at least 10 days in advance. At such meeting, the board may also receive and consider evidence from other sources.
 2. The board may affirm, alter, or rescind any or all of the conditions or restrictions of approval after such meeting.
 3. Subject to **Section 2.3.3.129(C)(4)**, the Planning Board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the Board, in which case it may issue its final decision any time after the expiration of the period.
 4. If an applicant notifies the Planning Board in writing at any time that the applicant accepts the conditions and restrictions of approval, the Board may issue its final decision without further action.

2.4.5 General Standards for MUC sub-district:

Within the MUC sub-district, the following regulations and controls are required for the development and continued use of the area.

A. Minimum setback distances for structures from property line:

1. Front setbacks shall be based on the following performance standards:
 - a. Building footprint of 0 – 75,000 square feet: 60 feet
 - b. Building footprint of 75,001+ square feet: 90 feet
 - i. For purposes of this sub-district the front setback shall be measured from the property line at the arterial road. Where a lot has additional “front setbacks” from other local roadways, the front setback from a local roadway shall be 60 feet
 - c. Side setbacks shall be one-half ($\frac{1}{2}$) the front setback, but no less than 30 feet
 - d. Rear setbacks shall be one-third ($\frac{1}{3}$) the front setback, but not less than 30 feet.

B. Building Height: As an incentive for use of steep roofs or other architectural elements (clock towers, cupolas, etc.) the Planning Board may, with recommendation from the Heritage Commission, allow for a height bonus not to exceed sixty (60) feet from grade.

C. Landscaping

1. Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a “green” area shall enclose the entire lot perimeter as follows: minimum width of “green” areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet.
2. When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required:
 - a. The buffer zone shall be based on the following performance standards:
 - i. Properties with less than 75,000 square feet of commercial structures: 50 feet
 - ii. Properties with greater than 75,001 square feet of commercial structures: 75 feet
 - b. The buffer zone shall be planted and permanently maintained to minimize the visual impact of the commercial activity from residential districts in accordance with specifications outlined the Site Plan Regulations.

D. Conditional Use Permits for the MUC Sub-district

1. Uses Permitted by Conditional Use Permit: Some developments (see Use Table, **Section 2.2**) in the MUC sub-district will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, and the most recently adopted Town Master Plan.
2. Dimensional Relief by Conditional Use Permit: The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, frontage, or parking) for projects that are determined to be consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan.

3. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.
4. *Application Procedure* - Applications for conditional use permits (CUP) within this sub-district shall be made in accordance with the following procedures:
 - a. It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan.
 - b. The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
 - c. The application will then begin Pre-Application Design review, followed by the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.
 - d. Unless otherwise addressed in this ordinance, all applications shall meet those requirements set forth in the relevant sections of the Subdivision & Site Plan Regulations of the Town of Londonderry.
5. *Approval of Applications Requiring a Conditional Use Permit* - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of **Section 2.4.5(D)(5)(i)**. In addition, multi-family housing as a proposed development or part of a proposed mixed-use development is subject to the provisions of Section 2.3.2.4.. Workforce multi-family housing as a proposed development or part of a proposed mixed-use development is subject to the provisions of Section 2.3.3.74. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or any other federal/state regulation or law.
 - a. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the MUC sub-district. The applicant shall demonstrate that:
 - i. The proposed use is consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan;
 - ii. Granting of the application is in the public interest;
 - iii. The property in question is reasonably suited for the use requested.
 - iv. The design of the site represents to the extent practicable a minimization of impacts to natural resources, and maximizes the provision of green space and accommodation of non-vehicular and pedestrian traffic.
 - b. In addition to the criteria listed in **Section 2.4.5(D)(5)(i)**, projects which seek a dimensional conditional use permit shall meet the following additional criteria:
 - i. The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought is not feasible without relief from the strict terms of this ordinance, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with their zoning district; and
 - ii. The application demonstrates that the alternative design for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

3.4 BACK LOT DEVELOPMENT

3.4.1 Back Lot Development

3.4.1.1 Purpose

The purpose of Back Lot Development is to allow a landowner to develop areas of his/her property without any road frontage in exchange for permanently prohibiting development of roadside areas identified by the community as contributing to Londonderry's character, such as land that is being actively farmed. The purpose is also to protect open space, to maintain a viable contribution to the community's economic base through agricultural employment and gross regional product, and to product roadside land which will preserve the rural historic character of the community. The Planning Board is authorized to utilize a Conditional Use Permit in accordance with the provisions of [RSA 674:21](#), innovative zoning.

The Planning Board finds:

- A. Back lot development is consistent with the Natural Resource Objective 4 of the 1988 Master Plan "To purchase or otherwise protect selected open space areas for community needs."
- B. Back lot development is consistent with the Historic Preservation Objective 2 of the 1988 Master Plan "to encourage the use of easements and covenants to insure that the essential qualities of specific buildings or sites remains intact.
- C. Back lot development is consistent with the Agricultural Goal and Objective of the 1988 Master Plan "To encourage the continued use of land in Town for farming" and "to encourage the preservation of Londonderry's agricultural atmosphere".
- D. Agriculture is an important component of Londonderry's community character.
- E. The retention of stone walls and open space viewed from our roads enhances the community's rural and agrarian character.
- F. The Londonderry Master Plan 1988, et seq., and the Orchard and Open Space Protection Plan, 1996, shall be used as a guide in determining which properties reflect this character.

3.4.1.2 Definitions

Back Lot Development - The development of up to four (4) single family house lots with reduced development requirements including a narrow connecting strip to a Class V or better street, in exchange for permanently protecting through the use of agricultural preservation restrictions or conservation easements, an area of two acres and 150' of frontage on a Class V or better street, contiguous to each new back lot developed.

Agricultural Preservation Restriction or Conservation Easement - For each lot created, the landowner shall place a permanent restriction on a minimum of two (2) acres of roadside agricultural land or open space with at least 150' of frontage per lot. The easement or restriction shall be granted to the Town and/or a non-profit conservation or agricultural organization. The landowner may retain ownership and use of the land, although its use would be limited to agriculture and open space. The Planning Board has the right to add easement language that maintains the rural character of the protected land. For example, best management practices could be proposed for orchard land or regular haying for meadowland. The easements/restrictions must be in a form acceptable to the Planning Board.

Private Access Agreement or Common Driveway - A narrow connecting strip extending from the public street (Class V or better) to the boundary of last lot of the back lot development. The common driveway shall be constructed in accordance with the requirements of Section 4.10.D.3.

Front Lot - The land abutting a public street (Class V or better) which is placed under a conservation easement or agricultural preservation restriction. The area of the front lot shall be a minimum of two acres with 150' of frontage and contiguous to the back lot.

3.4.1.3 General Requirements

- A. The use of back lot development shall be subject to approval by the Planning Board under its Conditional Use Permit and shall be subject to approval by the Planning Board under the Londonderry Subdivision Regulations. It is strongly recommended that the applicant schedule a discussion with the Planning Board as early in the process as possible.
- B. In order to grant a Conditional Use Permit, the Planning Board must have found that three of the following conditions apply to the site:
 - 1. The property proposed for Back Lot Development typifies Londonderry's Rural and Agricultural character
 - 2. Existing fields, pastures, orchards and other land in agricultural use will be preserved and maintained.
 - 3. The development will leave unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads, sites deemed worthy of preservation as listed in the Open Space and preservation Plan, 1996, and from Londonderry's Scenic Roads.
 - 4. The project preserves historic and prehistoric sites and their environs in so far as needed to protect the character of the site.
 - 5. The elements of the Back Lot Development (buildings, circulation, front lot, landscaping, etc.) Are arranged so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views.
 - 6. The restricted land is reasonably contiguous, coherent and if the tract of land abuts adjacent permanently protected open space, it is connected with it.
The Planning Board shall consult the list of properties and qualities of properties worthy of preservation generated by our citizens during the Board's 10/24/95 Orchard Preservation and Land Protection Plan citizen participation process. Subsequent amendments to this plan shall be considered as well. Plans presented by the applicant to illustrate the findings above may also be consulted.
- C. The applicant shall place a permanent agricultural preservation restriction or conservation easement over a minimum of two (2) acres of roadside land (to be known as the FRONT LOT) with at least 150' of frontage on a Class V or better street and contiguous to each back lot created.
- D. Setbacks shall be a minimum of fifteen (15) feet from each property line
- E. Minimum back lot area shall not be less than one half (1/2) an acre. In addition, the back lot, together with the contiguous to acre restricted area assigned to it, shall satisfy the total soil carrying capacity as computed using Minimum Lot Size by Soil Type requirements specified in Section 4.03.
- F. Fifty feet (50') of frontage is required on the common driveway for each back lot created. The area within the common driveway access easement running through the restricted front lot shall not be counted for frontage purposes.
- G. All Zoning Regulations of the Town of Londonderry shall apply except as specified here.

3.4.1.4 Specific Design Requirements

- A. A Subdivision Plan of the entire site proposed for back lot development shall be provided.
- B. The Water Supply and Waste Treatment System for a back lot development shall be designed in accordance with the standards and requirements of the New Hampshire Water Supply and Pollution Control Division and the Town of Londonderry.
- C. **Common driveway construction standards**
 - 1. Common driveway must meet AASHTO criteria for street intersection sight distance.
 - 2. Maximum length of the common driveway shall not exceed twelve hundred (1200) feet

3. The width of the common driveway access easement shall be thirty five (35) feet. Additional width may be required to accommodate slope and drainage easements.
4. Paved travel lane width shall be eighteen feet (18'), with two foot (2') shoulders on each side.
5. If only one (1) back lot is to be served by the driveway, the travel way may be gravel and twelve feet (12') wide.
6. Common driveway to be constructed to Town of Londonderry Subdivision Street requirements.
7. Maximum gradient eight percent (8%)

D. Two (2) outdoor parking spaces are to be shown on each lot as no parking is allowed on the common driveway.

E. Turnaround or "T" approved by the Fire Department shall be provided at the end of the common driveway.

3.4.1.5 Agricultural Preservation Restrictions and Conservation Easements

Agricultural Preservation Restrictions and Conservation Easements as appropriate are to be placed on the front lots and registered at the Rockingham County Registry of Deeds. Such easements and restrictions are to be in a form acceptable to the Planning Board of the Town of Londonderry. The back lots and the protected front lots shall be shown on the same subdivision plan/plat.

3.4.1.6 Home Owners Association

Home Owners Association shall be required in a form acceptable to the Planning Board.

- A. Within the deed of each lot will be the right to use of the common driveway or access easement, a shared snow plowing and maintenance agreement and a stipulation that the driveway cannot be offered to the Town for acceptance as a public way.

3.4.1.7 The common driveway

The common driveway shall be built and the access easement recorded prior to issuance of certificate of occupancy for any dwelling located on a back lot.

3.6 ELDERLY HOUSING

3.6.1 Objectives And Characteristics

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."

The Planning Board shall be solely responsible for the interpretation and administration of this ordinance, 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.

3.6.2 Uses

A. Permitted Uses

1. Elderly Housing

2. *Elderly Housing Support Facilities*

Elderly Housing shall be allowed in any ~~residential or commercial~~ district in the Town of Londonderry, where permitted by Section 2.2 Table of Uses, as long as all of the requirements of the "Regulations and Design Criteria" (**Section 3.6.4**), Elderly Housing, can be met.

3. Assisted Living, subject to the requirements of Section 3.6.5

4. Elderly Affordable Housing, subject to the requirements of Section 3.6.5

3.6.3 Definitions

Assisted Living Facilities: Facilities licensed under RSA 151:2-I(e) for elderly (over 55 years of age) or disabled individuals, which provide onsite services that support independent living for residents, including, at a minimum, communal dining facilities, and may include onsite personal care services, housekeeping and linen service and the supervision of self-administered medications.

Elderly Affordable Ownership Housing - 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 Rental Housing – 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.

3.6.4 Regulations and Design Criteria

- A. ~~Minimum size of tract area for an elderly housing development shall be fifteen (15) acres. This~~ 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. ~~Each dwelling shall have a minimum separation from any other building of sixty (60) feet. Minimum building separation of multi-family elderly structures shall be thirty (30) feet.~~ Each single family dwelling shall have a minimum separation from any other building of ~~thirty-two (32)~~ thirty (30) feet.
- C. ~~The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshall, but no residential structure shall be greater than 3 stories.~~
- D. ~~The maximum building length for any elderly multi-family building 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'.~~
- ~~B. Each building shall have a minimum setback of forty (40) feet from the edge of right-of-way of the internal road system.~~
- C. ~~**Buffers** - The Planning Board shall establish the criteria for a Buffer zone around the entire perimeter of the site based on the following:~~
- ~~1. Topographic features of the site and adjacent studies;~~
 - ~~2. Use or zoning classification of abutting land;~~
 - ~~3. Degree of visual barrier provided by proposed buffer.~~
 - ~~a. In no event shall the buffer zone be less than the following:~~
 - ~~i. Adjacent zone or use:~~
 - ~~a. AR-I, R-III, = 30 feet~~
 - ~~b. C-I, C-II, C-III = 50 feet~~
 - ~~c. I-I, I-II = 50 feet~~
 - ~~ii. The criteria for establishing the buffer zone is found in the "Non-Residential Site Plan Review Regulations" and "Subdivision Regulations" of the Town of Londonderry, as amended.~~
- ~~D.E. Parking~~ - There shall be 1.2 parking spaces per ~~bedroom in each unit~~ for elderly housing. ~~There shall be .5 parking spaces required for each bed in an assisted living facility, plus one space per employee on the largest shift.~~ 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.
- E. ~~**Building Height** - The building height shall not exceed thirty five (35) feet.~~
- F. ~~**Dwelling Units** - The maximum number of dwelling units in a single building shall be sixteen (16) units. The base population shall not exceed an average of two persons per unit for the site. A site specific floor plan shall be part of the approval process and all designs shall reflect full time occupancy of no greater than two residents per unit.~~
- ~~1. Elderly - The standard unit will be two (2) bedrooms.~~
 - ~~2. Elderly Affordable - The majority of standard units shall be one bedroom units. There may also be two bedroom units.~~
 - ~~3. The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with **Section 3.6.5(B)**.~~

G.F. 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.
- ~~1. Elderly— Open space as defined elsewhere in this section of the zoning ordinance shall constitute no less than seventy (70) percent of the gross tract area of the site.~~
- ~~2. Affordable Elderly— Open space as defined elsewhere in this section of the zoning ordinance shall constitute no less than fifty (50) percent of the gross tract of the site.~~

~~**Required Support Facility/Service Uses**— The applicant shall be required to demonstrate the provision of support facilities and/or services specifically designed to meet the physical and social needs of older persons, OR if provision of such facilities and services is not practicable, that the proposed elderly housing is necessary to provide important housing opportunities for older persons. Consideration of support facilities and services shall include, but not be limited to:~~

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. 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.
2. Assisted Living facilities shall provide onsite 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.

~~H.—~~

- ~~1. Religious Facility~~
- ~~2. "Neighborhood" market;~~
- ~~3. Recreational facilities (i.e., card rooms, swimming pool, meeting room, video room, music room, etc.);~~
- ~~4. Postal sub-station;~~
- ~~5. Medical sub-station (i.e., first aid, pharmacy, circuit health care, etc.)/Emergency and preventative health care services~~
- ~~6. Library;~~
- ~~7. Circuit Veterinary Care.~~
- ~~8. Programs designed to provide a social life for residents~~
- ~~9. Continuing education programs of interest to residents~~
- ~~10. Information and counseling services~~
- ~~11. Homemaker services~~
- ~~12. Services designed to assist residents with the maintenance and upkeep of buildings and grounds~~
- ~~13. An accessible physical environment~~
- ~~14. Congregate dining facilities~~

~~15. Transportation to facilitate access to social services~~

~~16. Referral services~~

- ~~a. In demonstrating that Support Facilities and/or Services are provided, it is not required that all of the services listed above are being provided.~~
- ~~b. It is intended under this Section that the applicant provide appropriate services & facilities, consistent with NH law which imposes similar requirements.~~
- ~~c. In the Planning Board's deliberations the Board shall give strong consideration to the needs of elderly, not the applicant.~~

~~I. **Site Ownership** - At the time of application, the entire site shall either be under one owner, or documents shall be submitted with application that show that all owners of record have applied to the Planning Board for consolidation, pending approval of the site plan.~~

~~J.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.~~

~~K.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.~~

~~L.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.~~

~~M.K. **Density** - Maximum density shall be determined as follows:~~

~~1. *From Gross Tract Area subtract:* **Net tract area shall be calculated by subtracting wetlands and slopes greater than fifteen (15) percent from the gross tract area.**~~

~~a. Areas of slopes greater than fifteen (15) percent;
Wetland~~

~~2.1. The **resulting calculation shall be called** "net tract area" **and** 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 Districts 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.~~

~~a.b. **Elderly Affordable Housing** - Sites with P.U.C. regulated municipal water and sewer disposal system: **No greater than twelve (12) bedrooms per acre, except no greater than eight (8) twelve (12) units per acres in Non-Residential Districts and R-III Districts.** In the AR-1 District, ten (10) units per acres **is permitted**, with Multi-Family units attached in a row house configuration, which can be incorporated as a mix of one and two bedroom units.~~

~~b.c. **For sites without municipal water and/or sewer:** **The minimum contiguous area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, pertinent standards of the New Hampshire Department of Environmental Services if the property is not serviced by either public water or sewer.** An area or areas shall be set aside in perpetuity and designated for sewerage disposal, its capacity shall be determined for acceptance on leachate on a site specific basis. The density shall be determined by using the State of New Hampshire criteria for flowage for housing for the elderly on a per bedroom basis and dividing that number into the capacity of the site and then multiplied by a safety factor of eighty (80) percent.~~

3.6.5 Conditional Use Permits

A. Conditional Use Permits for Affordable Elderly Housing and Assisted Living Facilities

1. ~~Prior to Planning Board action on any site plan for Affordable Elderly Housing, which requires a Conditional Use Permit, t~~The Board must have already granted grant a the Conditional Use Permit. ~~The Conditional Use Permit may be sought either separately or~~ concurrently with Site Plan approval.
2. The following criteria must be satisfied in order to the Planning Board to grant a Conditional Use Permit for Elderly Affordable Housing. The applicant shall demonstrate that:
 - a. All criteria outlined in **Section 3.6**, as applicable to the application have been met;
 - b. The proposed Affordable Elderly Housing use is consistent with the Objectives and Characteristics of the District, **Section 3.6.1**;
 - c. Granting of the application would meet some public need or convenience;
 - d. Granting of the application is in the public interest;
 - e. ~~The application demonstrated that the proposed Affordable Elderly Housing for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and provides for a housing need for an elderly population whose income level is not greater than 60% of the median income for Rockingham County.~~
 - f.e. Documentation has been provided to insure the long term affordability of the project.
 - f. 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.
 - g. 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.

~~B. Conditional Use Permits to increase the maximum number of units per building~~

1. ~~The following criteria must be satisfied in order to the Planning Board to grant a Conditional Use Permit to increase the maximum number of units per building from 16 to not more than 20. The applicant shall demonstrate that:~~
 - a. ~~Granting of the application would meet some public need or convenience;~~
 - b. ~~Granting of the application is in the public interest;~~
 - c. ~~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 (either 55+ or 62+, depending on whether the project is standard elderly housing or affordable elderly housing respectively);~~
 - d.a. ~~There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by **Section 3.6.4(N)** utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).~~

3.7 ASSISTED LIVING FACILITIES AND NURSING HOMES

3.7.1 Density

~~For purposes of this Ordinance “assisted living facilities” and “nursing home facilities” serviced by municipal sewer shall not be subject to density standards of **Section 2.3.2.3(B)**; provided that such a facility shall be subject to the density standards of **2.3.2.3(B)(1)(a)** and **2.3.2.3(B)(1)(b)** and **2.3.2.3(B)(1)(d)** in the event that the facility has been included in an analysis of the “substantial positive tax impact” to obtain an exemption from growth management phasing and permit limitations. For density purposes, two bedrooms shall be equivalent to one dwelling unit, whether or not the facility includes full dwelling units. Assisted Living and Nursing Homes, where allowed according to Section 2.2, Use Table, shall be permitted according to the same requirements for elderly housing as provided in Section 3.6.~~

3.10 VEHICLE ACCESS AND PARKING

3.10.1 Purpose and Intent

In order to minimize traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents, as well as to promote other elements of sound community planning; off-street parking, loading spaces, circulation, and access shall be required of all structures and land uses. Parking spaces, aisles, and circulation shall be provided for all permitted and conditional uses of structures, lots, and land in amounts not less than those specified in this Ordinance. It is further the intent of this ordinance to:

- A. Ensure there are adequate parking and loading facilities to serve the use or uses of the property;
- B. Ensure that any parking facility is so designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street;
- C. Reduce congestion in the streets and contribute to traffic safety.
- D. Encourage environmentally friendly access and parking areas.

3.10.2 Authority

- A. Pursuant to the authority granted by [Chapter 674 et seq., New Hampshire Revised Statutes Annotated](#), as amended, the Town of Londonderry adopts the following vehicle access and parking regulations.

3.10.3 Severability

- A. If any section, clause, provision or phrase of this Section is held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of the Ordinance.

3.10.4 Application, and Non-Conforming Structures

A. New Structures

The requirements of this section shall apply to all new structures erected for use on a property.

B. Legally Pre-Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this Section shall not be subject to the requirements of this Section so long as the kind or extent of use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be reduced below such requirements.

C. Loss of Legal Non-Conforming Status

Loss of legal non-conforming status will occur under the following circumstances:

1. Any structure which is hereafter altered or enlarged.
2. All new uses of a property.
3. Any use of a property which is hereafter altered or enlarged.

3.10.5 Vehicle Access

- A. Vehicle access to all lots shall be from public right-of-way by one or more curb cuts/driveways.
- B. The location and design of curb cuts/driveways shall minimize traffic hazards and not unduly retard traffic flow in public right-of-way.
- C. No portion of any driveway shall be closer than fifty (50) feet to any intersecting street.

- D. The closest points of any two (2) driveways servicing a single lot shall exceed fifty (50) feet at their intersection with the street lot line.
- E. The width of any driveway, except for radii per **Subsection 3.10.8**, shall not exceed twenty-four (24) feet. The Planning Board may specifically approve an exception not to exceed thirty-six (36) feet.
- F. Vehicle access ways and driveways shall be maintained and kept clear of debris.

3.10.6 Location of Off-Street Parking and Loading Facilities:

A. Parking Facilities

- 1. Every lot shall have an off-street parking area. Parking on public rights-of-way or parking where it will obstruct property or public rights-of-way access is not permitted.
- 2. Loading spaces shall in all cases be on the same lot as the use they are intended to serve.
- 3. All off-street parking shall have direct access at all times by on-site travelways to a public right-of-way.
- 4. All parking areas within ten (10) feet of any structure shall have a curb or substantial bumper not less than four (4) feet from the structure.

B. Off-Site Locations

- 1. Entrances to facilities not located on the principal use lot shall be no more than four hundred (400) feet from the principal lot or by special exception no further removed than eight-hundred (800) feet.

3.10.7 Dimensional Requirements:

A. Standard Stall Dimensions

- 1. Exclusive of compact auto spaces, all parking spaces shall comply with the design standards of TABLE 1 of **section 3.10.7.2.2** and its associated parking layout unless otherwise approved by the Planning Board.
- 2. *Compact Automobile Spaces.* Parking spaces for compact automobiles shall contain a rectangular area of at least fifteen (15) feet in length and eight (8) feet in width. The length shall be increased to eighteen (18) feet where the spaces are located parallel to the travel aisles. These spaces must be conspicuously designated as reserved for compact automobiles by a sign in accordance with **section 3.11.6.1.5.3** of this ordinance, located such that it will not be obscured by a vehicle parked in the space.

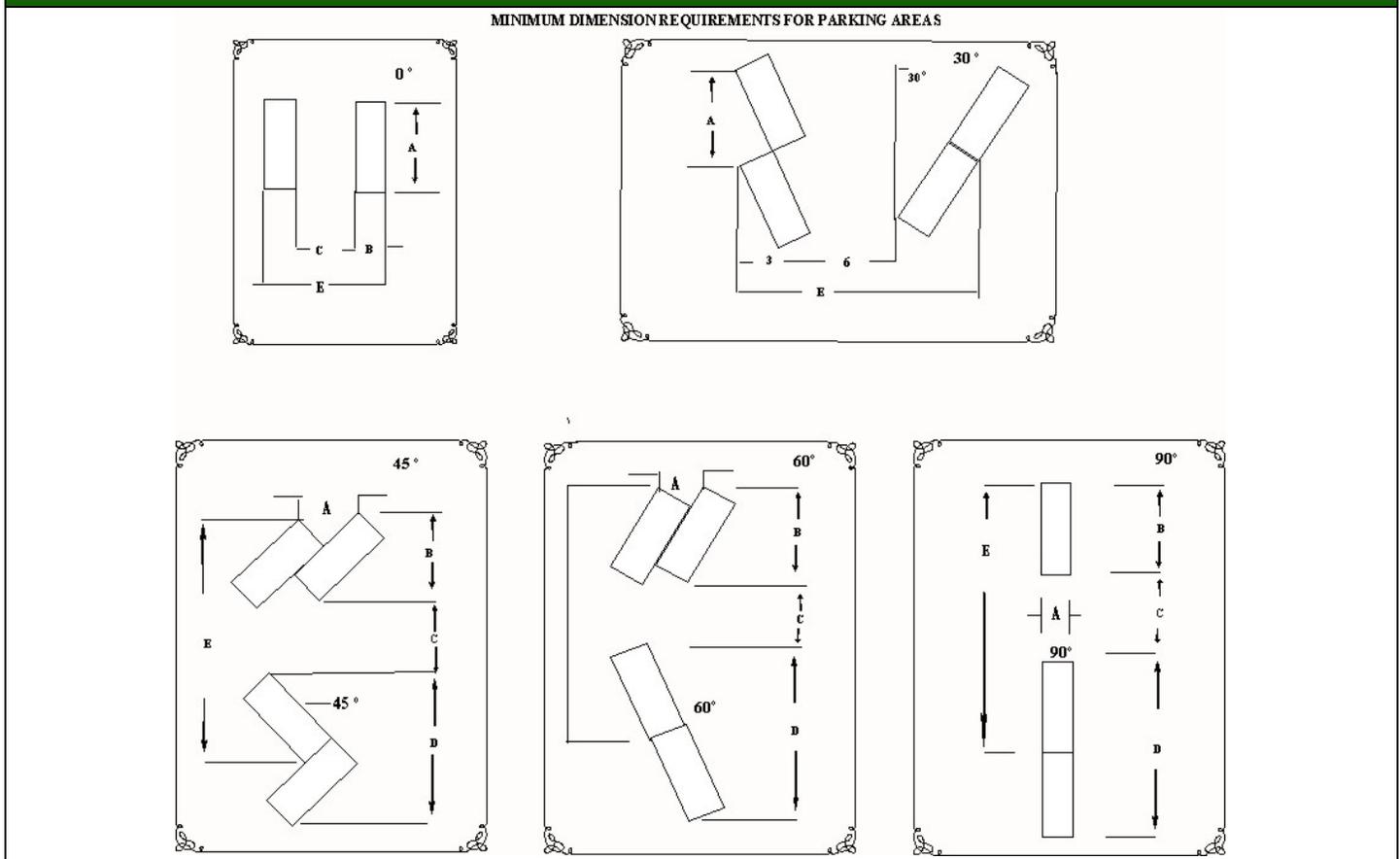
B. Loading Space Dimensions

- 1. Minimum dimensions for industrial loading spaces shall be fourteen (14) feet in width and forty (48) feet in length. A vertical clearance of fifteen (15) feet is also required
- 2. Minimum dimensions for a commercial loading space shall be determined by evaluation of the size of anticipated delivery vehicles. Under no circumstances shall a commercial loading space be any smaller than ten (10) feet in width and twenty-eight (28) feet in length.
- 3. TABLE 1

TABLE 1
MINIMUM DIMENSIONAL REQUIREMENTS FOR PARKING AREAS
 (Based on 9'x 20' Parking Stall except for 0 degrees)

Angle of Parking	"A"	One-Way Traffic "B"	Two-Way Traffic "C"	"C"	One-Way Traffic "D"	Two-way Traffic "E"	"F"
(Degrees)	(Feet)	(Feet)	(Feet)	(Feet)	(Feet)	(Feet)	(Feet)
0	22.5	8.0	12	20	—	28.0	36.0
30	18.0	17.8	12	20	27.8	47.6	55.6
45	12.7	20.5	12	20	34.6	53.0	61.0
60	10.4	21.8	12.5	20	39.1	56.1	63.6
90	9.0	20.0	22	22	40.0		
62.0	62.0						

FIGURE 1
MINIMUM DIMENSIONAL REQUIREMENTS FOR PARKING AREAS



3.10.8 General Off-Street Parking and Loading standards:

In all districts, at the time any new building or structure is erected or any existing building or structure is subject to a substantial alteration or a change in use, off-street parking and loading space shall be provided in accordance with the minimum standards set forth below.

A. Calculation of Parking and Loading Requirements

1. Where the principal use is not enclosed in a building, the portion of the lot so used shall be considered as part of the gross floor area for computing parking and loading requirements.

2. Where a principal or accessory use of a lot is not enclosed in a building, the Planning Board shall determine the parking and loading area required to service such use in accordance with Table 1 of this section.
3. Quantity of parking and loading spaces shall comply with the minimum listed within Table 2 of **section 3.10.10** based on allowed uses.
4. Loading and unloading areas shall not be considered as parking spaces.
5. When the schedule requires the number of spaces to be calculated per employee and employees are on the site in shifts, the number to be used is the number of employees present during the largest shift. In all other cases it shall mean the total number of employees on the site or who will use the site for parking at any one time.
6. When the schedule requires the number of spaces to be calculated by more than one standard (meaning multiple uses on the site), then the sum of the required parking spaces for all uses shall be provided.

B. Minimum Stacking Space Requirements

All uses which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive service shall provide stacking spaces in order to alleviate traffic congestion. Stacking spaces shall be a minimum of ten (10) feet in width and eighteen (18) feet in length. All stacking areas must be separated from other circulation aisles and parking spaces. The use of a landscaped island with curbing is recommended to channelize traffic.

1. *Restaurant Drive-Thru Windows*
A minimum of ten (10) stacking spaces shall be required for restaurants with drive-up window. The distance shall be measured from the drive-up window.
2. *Car Washes*
A minimum of three (3) stacking spaces per car wash bay shall be required.
3. *Financial Institution Drive-Thru Windows*
A minimum of eight (8) stacking spaces shall be required for financial institutions having one drive-thru window and four (4) stacking spaces for each additional window.
4. *Other Uses With Drive-Thru Windows or Similar Characteristics*
For other uses not specifically provided herein, the Planning Board (with a recommendation from the Zoning Officer) shall make a determination regarding the number of stacking spaces required.

C. Compact Auto Spaces Permitted by Conditional Use Permit

For nonresidential principal uses, not more than ten (10) percent of the total number of required spaces may be designated for compact automobiles and marked accordingly may be allowed where the Planning Board issues a conditional use permit pursuant to **Section 3.10.12(A)** of this ordinance.

3.10.9 Off-Street Parking and Loading Standards by District:

A. Industrial District Loading Space Standards

1. No on-street loading or unloading shall be permitted
2. Off-street loading spaces shall be provided on the same lot as the principal use they are intended to serve. In no case shall an off-street loading space be counted to satisfy the off-street parking requirements.
3. Loading bays shall meet the dimensional requirements of **Section 3.10.7(B), Loading Space Dimensions**.
4. Loading bay area abutting a residential zoning district shall be located within fifty (50) feet of the residential (AR-I or R-III) zoning boundary line. Loading bays shall not be located on sides of buildings facing a public right-of-way except as specifically approved by the Planning Board. Where such request is granted, the Board shall require an opaque wall, fence, natural terrain, vegetation or other solution to provide screening as effectively as possible.

5. The area approved for loading or unloading shall not obstruct access to a property or right-of-way. All loading spaces shall have direct access to a public right-of-way.
6. All loading bay areas shall be surfaced in compliance with **Section 3.10.13(B)**.

B. Route 102 & Rt. 28 POD Parking Requirements

1. *General performance standards for off-street parking.*
 - a. The minimum number of parking spaces, dimensional requirements for parking stalls and aisle widths shall be determined by the requirements of the underlying zoning district (See **Section 3.10.10**, Table 2) except for parking lot setbacks (also called green area setbacks as defined in **Sections 2.5.1.3(H)** and **2.4.1(C)(9)**) which are governed by the performance standards for landscaping, as outlined in **Section 2.6.1.7(B)**.
2. In parking lots where shared access and/or interconnected parking lots occur, the side and rear landscape area requirements of **2.6.1.7(B)** can be omitted.

3.10.10 Minimum Parking and Loading Required:

Off-street parking spaces shall be provided whenever any new use is established or any existing use is enlarged. The quantity of required spaces will be determined as shown in TABLE 2 of this section.

TABLE 2 OFF-STREET PARKING AND LOADING		
USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT
Subject to the requirements of section 3.10.8(A)(6)		
Agricultural and Residential		
Agriculture	GFA	1 per 1,000 sq. ft.
Assisted Living Facilities	Resident unit or bed and employees	0.5 per resident bed plus 1 per unit or bed plus one per employee at the largest shift.
Back Lot Development	DU and type	2 spaces per DU
Dwelling, multi-family 1,3	DU	2.5 per DU
Dwelling, single family 1	DU	2 per DU
Dwelling, two-family 1	DU	2 per DU
Dwelling, with accessory apartment 2	DU	2 per DU, (4 total)
Elderly Housing	DU	2 1.5 per DU
Elderly Housing (Affordable)	DU	1.2 per DU
Mixed use residential	Various	As mandated per use by percentage
Nursing Home and accessory uses	Resident unit or bed and employees	0.5 per resident unit or bed plus one per employee
Planned residential development	DU	2 per DU
Civic Uses		
Community center	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Public Facilities	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Recreational Facilities, Public	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Religious Facilities	Seats or linear feet of bench space	1 per each 3 seats or 6 linear ft.
Cultural Uses and Performing Arts	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Business Uses		

**TABLE 2
OFF-STREET PARKING AND LOADING**

USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT	
	Aeronautical Facilities	Various	1 per employee on maximum shift, plus 1 per vehicle used in connection with terminal, plus sufficient number of space to accommodate the largest number of vehicles that may be expected at any one time
	Assembly, testing, repair, and packing operations up to 100,000 sq. ft.	GFA or employees	1 per 500 sq. ft. or 1 per employee
	Assembly, testing, repair, and packing operations 100,001 sq. ft. or larger	GFA or employees	1 per 600 sq. ft. or 1 per employee
	Bed and Breakfast Homestay	D.U and guest room	2 per D.U plus 1 per guest room
	Computer Services	GFA	1 per 200 sq. ft. or 1 per employee
	Conference/Convention Center.	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
	Day Care Center, Adult	Employees and attendees	1 per employee plus 1 per 7 attendees at peak attendance plus parking for any associated busses or vans
	Day Care Center, Child	Employees and attendees	1 per employee plus 1 per 8 attendees at peak attendance
	Drive-in establishments	Employees ad vehicles served	2 per employee plus 1 per each vehicle served
	Drive-in theatres	Capacity	1 per vehicle at capacity plus 10%
	Financial institution	GFA	1 per 300 sq. ft.
	Funeral homes	Various	1 per 5 seats in largest chapel, plus 1 per employee, plus 1 per service vehicle
	Education and Training Facilities	Faculty, students, & administrators	1 per faculty member, administrator, and employee, plus .5 per student at peak attendance
	Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	GFA or employees	1 per associated vehicle plus 1 per 600 sq. ft. or 1 per employee
	Health Clubs	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
	Home Occupation	Variable	Applicant must demonstrate that parking is adequate for the proposed use, in no case less than 2 spaces in addition to those required for the residence
	Hotels up to 50,000 sq. ft.	Various	1 per room, plus 1 per 20 rooms (staff), plus 50% normally required for accessory uses
	Hotels 50,001 sq. ft. or larger	Various	1 per room, plus 1 per 20 rooms (staff), plus 75% normally required for accessory uses
	Manufacturing, Heavy	GFA or employees	1 per 800 sq. ft. or 1 per employee
	Manufacturing, Light up to 100,000 sq. ft.	GFA or employees	1 per 600 sq. ft. or 1 per employee
	Manufacturing, Light 100,000 sq. ft. or larger	GFA or employees	1 per 800 sq. ft. or 1 per employee
	Membership club	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
	Motels	Rooms and employees	1 per room plus 1 per employee
	Motor Vehicle Maintenance, Major Repair and Painting	GFA and bays	1 per 800 sq. ft. but no less than 3 per service bay
	Motor Vehicle Rental	Various	1 per 300 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
	Motor Vehicle Sales	Various	1 per 300 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
	Motor Vehicle Station, Limited Service	Various	1 per 300 sq. ft. of floor area, plus 1 per accessory service bay, plus 1 per employee, plus 1 per vehicle used for the business and kept on premises
	Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use	Storage area	1 per 1,500 sq. ft. of storage area
	Personal Service Businesses up to 3,000 sq. ft.	GFA or chairs	1 per 200 sq. ft. or 2 per chair
	Personal Service Businesses 3,001 sq. ft. or larger	GFA or chairs	1 per 300 sq. ft. or 2 per chair
	Professional Office up to 50,000 sq. ft.	GFA	1 per 200 sq. ft.

**TABLE 2
OFF-STREET PARKING AND LOADING**

USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT	
	Professional Office 50,001 sq. ft. or larger	GFA	1 per 300 sq. ft.
	Recreation, commercial	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
	Rental Car Terminal up to 50,000 sq ft.	Various	1 per 300 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
	Rental Car Terminal 50,001 sq ft. or larger	Various	1 per 400 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
	Repair services	GFA	1 per 400 sq. ft.
	Research or Testing Laboratories up to 100,000 sq. ft.	GFA	1 per 600 sq. ft.
	Research or Testing Laboratories 100,001 sq. ft. or larger	GFA	1 per 800 sq. ft.
	Restaurant	Seats and employees	1 per 3 seats plus 1 per employee
	Restaurant, fast food	Seats and employees	1 per 4 seats plus 1 per employee
	Retail Stores up to 75,000 sq. ft.	GFA	1 per 200 sq. ft.
	Retail Stores 75,001 sq. ft. or larger	GFA	1 per 300 sq. ft.
	Sales of Heavy Equipment or Heavy Trucks as an accessory use	Lot area	1 per 2,000 sq. ft. of lot area
	School, Private, Elementary and Middle	Various	1 per faculty, employee and bus if bus transportation is provided, plus 1 per each 4 seats for assembly areas
	School, Private, High	Various	1 per faculty member, administrator, and employee, plus 1 per bus if bus transportation is provided, plus 1 per each 4 students
	Service establishment	GFA or employees	1 per 300 sq. ft. or 2 per employee
	Sexually oriented businesses	GFA or occupants	1 per 300 sq. ft. or 1 per 2 occupants at building capacity
	Storage, self serve	GFA	1 per 1,200 sq. ft.
	Terminal, Airplane	Various	1 per employee on maximum shift plus 1 per vehicle used in connection with terminal, plus sufficient number of spaces to accommodate the largest number of vehicles that may be expected at any one time
	Terminal, Trucking	Various	1 per 200sq. ft. plus adequate parking and loading spaces for each company vehicle operating from the premises plus 1 per employee
	Warehouse and Storage up to 100,000 sq. ft.	GFA	1 per 1,200 sq. ft.
	Warehouse and Storage 100,001 sq. ft. or larger	GFA	1 per 1,400 sq. ft.
	Wholesale Businesses up to 100,000 sq. ft.	GFA	1 per 800 sq. ft.
	Wholesale Businesses 100,001 sq. ft. or larger	GFA	1 per 1,000 sq. ft.
<p>* Other Uses: Parking and loading requirements shall be calculated for the closest similar use as determined by the Planning Board * Refer to section 3.10.8.1.5 for a definition of "employee(s)" as used in this table * GFA = Gross Floor Area * DU = Dwelling Unit(s)</p> <p>Footnotes: Elderly affordable housing is exempt from this requirement. Refer to Section 3.6 for elderly affordable requirements. Off-street parking shall be provided for at least four (4) vehicles. Garage and "piggy-back" parking is encouraged. In the R-III District, parking spaces may be located offsite (i.e.: off the internal legal lot so long as the offsite parking is located within the development lot) and the parking spaces shall be within four hundred feet (400') of the building they are intended to serve.</p>			



TOWN OF LONDONDERRY

Building, Health & Zoning Enforcement

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

MEMORANDUM

To: Cynthia May, Town Planner

From: Richard G. Canuel, Senior Building Inspector/Zoning Administrator

Date: July 2, 2015

Subject: Proposed Zoning Amendments, Section 2.3.1.7

Red underlined language as proposed, ~~Lined thru language to omit~~, *Green italic language to be added*

Senate Bill 146, introduced for the 2015 legislative session to amend RSA 674 relative to Accessory Dwelling units, has been retained in committee. However, there is language in the Bill that could be included in the proposed zoning amendments in Section 2.3.1.7.

Language in the proposed Bill that defines Accessory Dwelling Unit should be added to the Zoning Ordinance:

“Accessory Dwelling Unit” means a residential living unit that is appurtenant to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

2.3.1.7 D. The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling, as of the date of permit approval.

2.3.1.7 E. The accessory dwelling shall not exceed 1,000 gross square feet maximum size for an Accessory Dwelling shall be in accordance with NH RSA 674:68, and as amended. not exceed 40% of the living area of the principal dwelling, and shall include no more than 2 bedrooms.

Justification: The language as proposed by SB146 restricts the unit size to no less than 40%, and no fewer than 2 bedrooms, with no limit on the “maximum” size for an Accessory Apartment. By including language in the ordinance that addresses the size of an accessory apartment based on a “maximum” rather than a minimum, still allows flexibility for housing alternatives while maintaining the living area of the apartment at a “subsidiary size” to the principal dwelling.

2.3.1.7 H. The accessory dwelling may be located within or added to the principal structure, or attached to an accessory structure such as a free-standing garage, or may itself be a free-standing accessory structure.

1. If contained within or added to the principal structure, exterior entry to the accessory dwelling shall not face the street as a second door.

2. If a free-standing structure or attached to a free-standing structure, the accessory dwelling shall be located only in the side or rear yard of the property.

Justification: Maintain the intent of having an Accessory Apartment subsidiary to the principal dwelling, and avoid the appearance of a second single-family dwelling on the same lot.

2.3.1.7 M. If the property ceases to be owner-occupied for a period exceeding one year, then the use of the accessory dwelling shall be discontinued until owner-occupancy is restored.

~~M. If the property ceases to be owner-occupied for a period exceeding one year, then the use of the accessory dwelling shall be discontinued until owner-occupancy is restored.~~

Justification: Omit this proposed sub-section. This language in the ordinance is un-enforceable. It would be difficult to monitor the future ownership or occupancy of either the primary dwelling or the accessory apartment.

2.3.1.7 N. Every Accessory Dwelling shall be deemed a unit of workforce housing, for purposes of satisfying the municipality's obligation under RSA 674:59.

Justification: The added language to this sub-section will support the town's justification for complying with the statutory requirement for providing adequate Workforce Housing.