

1 **LONDONDERRY, NH PLANNING BOARD**  
2 **MINUTES OF THE MEETING OF NOVEMBER 12, 2014 AT THE MOOSE HILL**  
3 **COUNCIL CHAMBERS**  
4

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Jim Butler,  
6 Ex-Officio; John Laferriere, Ex-Officio; Scott Benson; Al Sypek, alternate member;  
7 and Ann Chiampa, alternate member  
8

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

14 A. Rugg called the meeting to order at 7:01 PM. He appointed A. Sypek to vote for  
15 S. Benson until he arrived and appointed A. Chiampa to vote for M. Soares until she  
16 arrived.  
17

18 **Administrative Board Work**  
19

20 A. Discussions with Town Staff  
21

22 Staff had no topics to bring to the attention of the Board.  
23

24 **Public Hearings/Workshops/Conceptual Discussions**  
25

26 A. ECCO Real Estate LLC (Owner), and Herrington Catalog (Applicant), Tax Map 14  
27 Lots 21-11 and 21-12 – Conceptual discussion of a proposed  
28 Warehouse/Distribution Facility with Associated Office Space at 22 and 17 Delta  
29 Drive, Zoned I-II.  
30

31 A. Rugg explained the purpose of a conceptual discussion as a non-binding  
32 exchange of ideas between the applicant and the Board.  
33

34 Engineer Jeff Merritt of Keach-Nordstrom Associates presented on behalf of the  
35 applicant a conceptual plan to construct a 50,000 square foot  
36 warehouse/distribution facility with 20,000 sf of mezzanine space for Herrington  
37 Catalog. The building would act as a new headquarters for Herrington by  
38 consolidating their existing facility on Symmes Drive with their Hooksett  
39 location. Lot 21-12 would feature the building along with a small amount of  
40 parking and room for trucks to maneuver to and from the loading bays, while  
41 the majority of the 190 parking spaces would be located on Lot 21-11 across the  
42 street. Although the zoning ordinance would require only 142 spaces for this  
43 particular project, J. Merritt explained that Herrington Catalog requires the extra  
44 parking for its peak business season during the Christmas holidays.  
45

46 [The following Board members arrived at the beginning of the next portion of  
47 the presentation; M. Soares (7:07 PM); S. Benson (7:09 PM); and J. Butler  
48 (7:10 PM)].  
49

50 The main reason for the conceptual presentation, J. Merritt explained, was to  
51 gauge the Board's opinion on a potential request to waive Section 3.07 of the

1 Site Plan Regulations, which precludes the use of underground detention and/or  
2 infiltration techniques in stormwater management practices. Although an  
3 applicant is required to provide infiltration techniques in their drainage  
4 calculations to obtain State Department of Environmental Services (DES)  
5 approval, the Town does not give credit for the use of underground detention or  
6 infiltration. Without the ability to use some measure of underground  
7 stormwater management, J. Merritt explained that the applicant would not be  
8 able to pursue this project at this site because they would be unable to build the  
9 size facility they require.

10  
11 A. Rugg asked for Staff input.

12  
13 J. R. Trottier verified with the applicant that the amount of parking spaces  
14 presented would be needed for this size facility due to the increased workforce  
15 during the holidays. J. Merritt noted that the total number of spaces is now  
16 lower than what had been presented in an earlier conceptual meeting with Staff.  
17 J. R. Trottier also inquired as to whether the State would allow any above  
18 ground detention on the conservation land they own to the east of these lots  
19 (Map 14 Lot 21-13). J. Merritt said he had not determined whether the deed for  
20 the conservation easement there would allow for it. He added that while the  
21 costs associated with above ground detention are lower and such structures are  
22 easier to maintain, this project may still require some amount of underground  
23 detention, even with the potential for above ground structures. One such  
24 detention pond may be possible, he said, on the lot intended for parking.

25  
26 C. May stated the Planning Department's support of low impact design  
27 alternatives, which includes underground detention and infiltration. For  
28 developers, she explained, it is more costly to have to design for above ground  
29 stormwater management because it requires more land area and, in this case,  
30 could require the use of land the applicant does not own. She noted that  
31 Londonderry is the only town of its size that does not give credit for the State's  
32 required infiltration methods. Those practices have been used for approximately  
33 20 years and while there have been issues of effectiveness, new solutions have  
34 been created to improve their use. She noted that maintenance and monitoring  
35 of the systems is very important and explained that future development with  
36 increased density (e.g. the Woodmont Commons Planned Unit Development) will  
37 require additional stormwater management options. A. Rugg added that the  
38 concept is part of the Town's 2013 Master Plan.

39  
40 A. Rugg asked for Board input.

41  
42 J. Butler stated that his research has shown there are pros and cons to both  
43 above ground and underground systems. The flaws associated with  
44 underground systems, he said, tend to be in the specific engineering of the  
45 structures, not in the structures themselves. Close attention must be paid to  
46 the particular type of system proposed, the engineering used, and the  
47 subsequent monitoring and maintenance. He expressed his opinion that  
48 underground detention should be considered an exception to the rule, but noted  
49 that it may become an inevitable option for future development. He also stated  
50 his preference that monitoring and maintenance be performed by a private  
51 company hired by the applicant so as not to involve the Town. Of greater  
52 concern would be for a system failure to become the responsibility of the Town  
53 if, for example, a lot changes ownership and the new owner is not bound in

1 some way to the maintenance of the system. J. Merritt noted that area towns  
2 have developed their own requirements for monitoring and maintenance,  
3 employing such methods as annual report submissions, including maintenance  
4 requirements within site plan notes, and having those plans or other documents  
5 recorded at the county Registry of Deeds. In this specific case, he further noted,  
6 an applicant that owns, operates and maintains the facility themselves is  
7 invested in keeping an underground system running effectively. He  
8 acknowledged engineering Staff's apprehension that a system "out of sight" can  
9 be "out of mind" and eventually become an issue for the Town to deal with, but  
10 said that in his experience, he has not witnessed the failure of an underground  
11 system. When answering questions about the capability of underground  
12 systems to accommodate large stormwater events, J. Merritt explained his  
13 experience that the engineering used to test those capabilities is intentionally  
14 very conservative.

15  
16 Some concern was expressed by Board members over the proximity of the Little  
17 Cohas Brook to the site, particularly if the rate of stormwater runoff was  
18 increased to that water body. Board members indicated that they would rely on  
19 the expertise of the Town's Engineering Staff, but were open to the concept of  
20 underground detention for this site with proper engineering and attention to  
21 monitoring and maintenance requirements. A. Rugg encouraged the applicant  
22 to work with Staff on the issue.

23  
24 A. Rugg entertained input from resident Mike Speltz, a member of the  
25 Conservation Commission. While he said he could not speak to this specific  
26 project since the Commission has not been made aware of it, he stated that the  
27 Commission has been supportive of the use of underground stormwater  
28 treatment as an alternative to placing structures in Conservation Overlay District  
29 (COD) wetland buffers. The larger issue for underground systems, he stressed,  
30 is adequate enforcement of sufficient maintenance and monitoring.

31  
32 There was no further public input.

33  
34 A. Rugg asked if the applicant had any questions for the Board. They did not  
35 and J. Merritt thanked the Board for their time and input.

- 36  
37 B. Public Service Company of NH – Public Hearing pursuant to RSA 231:158 for  
38 removal and trimming of trees along Adams Road, a state designated Scenic  
39 Road.

40  
41 Brian Salas, an arborist for Public Service of NH, informed the Board that all  
42 affected property owners have been notified of this project and no issues have  
43 been expressed to him. While the request specifies the removal of trees, he  
44 reported that there has been no need to do so and that the work has been  
45 restricted to trimming. The general request was still made to the Board,  
46 however, in the event an Adams Road resident asked for the removal of a tree  
47 in the Town right of way, since a public hearing would be required under the  
48 State RSA.

49  
50 A. Rugg asked for Staff input.

51  
52 J. R. Trottier confirmed with B. Salas the limits of clearing as noted in a letter to

1 the Board, i.e. eight feet to the side of, ten feet below and/or fifteen feet above  
2 conductors. B. Salas added that in line with accepted arboricultural pruning  
3 standards, limbs that are within those limits are not simply cut back but are  
4 removed at their point of connection to the main body.  
5

6 A. Rugg asked for Board input.  
7

8 A. Sypek verified that the trimming is done to prevent interference with the  
9 conductors, particularly during inclement weather. A. Chiampa expressed  
10 concern for the possible removal of any trees aged 100 years or more, but  
11 thanked PSNH for preventing possible power outages. B. Salas explained that  
12 measures are always taken to maintain healthy trees and avoid removing them.  
13 There were no further comments from the Board.  
14

15 A. Rugg entertained public input. There was none.  
16

17 **M. Soares made a motion to approve the removal and trimming of trees**  
18 **along Adams Road as described at this meeting. L. Wiles seconded the**  
19 **motion. No discussion. Vote on the motion: 7-0-0.**  
20

21 A. Rugg appointed A. Sypek to vote for Chris Davies.  
22

23 C. Preliminary Presentation of Route 102 Corridor Study by Southern NH Planning  
24 Commission (SNHPC).  
25

26 SNHPC Principal Transportation Planner Tim White provided the Board with an  
27 overview of a draft report commissioned by the Town in July of this year for a  
28 Route 102 corridor study update. The scope of work for SNHPC included the  
29 compilation of results from previous studies (see p. 2 of Attachment #1 for the  
30 list of resources), ascertain any conflicts as well as consistencies between them,  
31 use regional growth rates to predict growth within the corridor, and ultimately  
32 create a vision plan for that area. Existing daily traffic volumes at 11  
33 intersections along 102 were collected from existing data and then utilized to  
34 create projections at those same points for the year 2034 (see p. 3 for sources).  
35 Assumptions used to develop those volumes were also reviewed, as were the  
36 results of capacity analyses of intersection and corridor improvement  
37 recommendations. Consistency was found between the studies, despite the  
38 number of years between some of them, as well as the various scenarios  
39 employed. The corridor study update also provides a summary of the key  
40 improvements planned for the Rte. 102 area, namely the widening of I-93 in NH  
41 from Salem to Manchester, improvements associated with the long-term  
42 development of the Woodmont Commons Planned Unit Development (PUD), and  
43 the creation of Exit 4A on I-93. Although the latter would not involve  
44 improvements within the 102 corridor itself, it will produce traffic impacts to the  
45 area.  
46

47 Separate visions were generated for the corridor in three specific sections. The  
48 largest segment, the "Commercial Zone," would act as the gateway to the  
49 Woodmont Commons PUD and stretches west from the Derry town line to the  
50 intersection of 102 with Winding Pond Road. Of most importance in this sector

1 is maintaining adequate access, safety and efficiency of traffic to Exit 4 and the  
2 Park and Ride located there. The "Transitional Zone," which picks up at Winding  
3 Pond Road and ends at Meadow Drive, is characterized as having less intensive  
4 development compared to the Commercial Zone, features both commercial and  
5 residential properties, and includes the transition to two lanes. Access  
6 management is also vital in this segment as further development is still likely.  
7 The third section, the "South Village Suburban Retrofit District," is identified in  
8 the 2013 Master Plan as a potential gateway to the town that could benefit from  
9 improved streetscapes, increased walkability and public transportation, and the  
10 encouragement of mixed use development. Balance is therefore important  
11 between these concepts and retaining the route as an efficient thruway.  
12

13 Conclusions of the update study, aside from determining consistency amongst  
14 prior reports regarding assumptions used and resulting growth projections,  
15 include an increase in traffic volume of 20% over the next 20 years and the  
16 associated need to provide geometric improvements to impacted feeder streets.  
17 Specifically, there is consensus that: 1) the intersection of 102 and Mammoth  
18 Road is reaching capacity, 2) improvements are needed at the intersections with  
19 Gilcreast Road, Hampton Drive and Garden Lane, and 3) a traffic signal is most  
20 likely warranted at the intersection with Londonderry Road and St. Charles  
21 Street. Other intersections potentially in need of improvement were identified  
22 (see p. 10). There is apparently sufficient right of way to accommodate  
23 geometric improvements in the Rte. 102 corridor, however more right of way  
24 may be needed to accommodate future improvements along the intersecting  
25 local roads. Recommendations include preparation of a short-term vision plan  
26 focusing on access management and intersection improvements to maintain  
27 safety and efficiency, as well as a more comprehensive evaluation of long-term  
28 improvements in coordination with SNHPC and the NH Department of  
29 Transportation (DOT).  
30

31 A. Rugg asked for Staff input.  
32

33 C. May thanked Tim White and SNHPC for their efforts.  
34

35 A. Rugg asked for input from the Board.  
36

37 S. Benson asked about next steps, to which A. Rugg replied that the information  
38 will be used for general planning needs, particularly as development continues,  
39 such as improvements to I-93 and the Woodmont Commons PUD. J. Butler  
40 asked how many traffic signals are anticipated between I-93 and Route 128  
41 (Mammoth Road). T. White answered that the Woodmont Commons Traffic  
42 Impact Analysis recommended a signal at Londonderry Road to mitigate the  
43 traffic increases generated by the PUD. Current volumes at Action Boulevard  
44 are also high enough to possibly warrant a signal there today, although T. White  
45 noted that the actual decision to have signals at two intersections in such close  
46 proximity is a separate issue. J. Laferriere inquired about priorities within the  
47 recommendations, to which T. White replied that they would be up to the Town  
48 and would likely arise through the timing of future development. When J.  
49 Laferriere verified that no widening of 102 is presently recommended, T. White  
50 pointed out that those decisions should follow a more comprehensive study. C.

1 May added that the Town would have to coordinate improvements with DOT as  
2 Rte. 102 is a State Road. J. Laferriere also asked about available funding for  
3 improvements. C. May said she was not aware of any current sources, but that  
4 such a policy decision is dependent on where development takes place, how  
5 intense it is, and what impacts it is expected to generate. Projects need to be  
6 part of DOT's ten year plan, therefore the Town must determine which of its  
7 projects are most important, then submit them for the State's consideration  
8 amongst projects in the rest of the region. Those project recommendations, A.  
9 Rugg explained, are provided annually by the Town to SNHPC, who then  
10 conveys the information to DOT for their final ranking. T. White noted that  
11 three widening projects at different points on 102 are currently included in  
12 SNHPC's long-range transportation plan based on the Town's recommendations.  
13 J. Laferriere asked how often this study should be updated and C. May said it  
14 should be done at least every five years to be most useful. When he asked  
15 about the cost of the study presented this evening, T. White replied it cost  
16 \$16,000, and C. May added that two other bids received were approximately  
17 triple and eight times that amount. Staff involvement, she said, made the  
18 budget with SNHPC possible.  
19

#### 20 D. Preliminary Presentation of Zoning Ordinance Audit.

21

22 C. May introduced Jonathan Edwards, an affiliate with the Arnett Development  
23 Group LLC, the Town's Economic Development consultant. J. Edwards was  
24 present to offer the Board his initial findings from an audit of the Town's zoning  
25 ordinance. The project was commissioned by the Town as the first step in  
26 implementing the goals and objectives of the 2013 Master Plan. The point of the  
27 audit is, among other things, to identify inconsistencies with State RSAs,  
28 recognize those portions of the ordinance that are outdated and/or could make  
29 use of more current best practices, and ascertain any areas that would not be  
30 legally defensible. An ordinance is sought that is clear, administratively  
31 effective, user-friendly, and in line with current land use needs as well as  
32 changes in demographics and economic conditions. Staff has aided J. Edwards  
33 in this review, and together they are also reviewing the larger land use  
34 application process. At the December 10 Planning Board meeting, a workshop  
35 will take place in which to discuss the findings below. C. May said the next step  
36 would be to obtain input on the current ordinance from such outside sources as  
37 developers and engineers who make regular use of the document. Work done  
38 to date has revealed that a rewrite of the ordinance would be prudent,  
39 something which C. May said ideally should not be delayed. She explained that  
40 with funding in place, work could begin in the next fiscal year, i.e. in July of  
41 2015. A main source of that funding could be through passage of a warrant  
42 article at the 2015 Town Meeting, therefore Staff was seeking the Board's input  
43 on whether the project is at a point to make that a possibility.  
44

45 J. Edwards began by explaining that the 17 page report focuses solely on the  
46 general issues found in a document, which has been amended 429 times since  
47 its inception in 1963, but has never been comprehensively revised. The result is  
48 an ordinance that has been largely "cobbled together" over time and therefore  
49 suffers from inconsistencies and redundancies and is not up to date with  
50 changes in State law. The ordinance, he said, also features numerous positive

1 qualities that should be continued (see p. 1 of Attachment #2, "Positive  
2 Findings"), particularly as the Town chooses to implement its Master Plan.  
3 Areas of concern were reviewed (see p. 2), ranging from a lack of logical  
4 organization and clarity, outdated sections, missing or inadequately covered  
5 subjects, to onerous and unnecessary restrictions on property owners. J.  
6 Edwards then pointed to the "General Conclusions" (p. 15) as a way for the  
7 Board to determine whether the ordinance should be modified, to what degree,  
8 and what issues should be pursued through any changes made.

9  
10 A. Rugg asked for Staff input.

11  
12 J. R. Trottier stressed researching the history and rationale behind any sections  
13 in question, e.g. lot sizing being based on soil criteria, before deciding whether  
14 to change or delete them.

15  
16 A. Rugg asked for input from the Board.

17  
18 A. Sypek asked Staff about the process for the Board from this point. C. May  
19 stated that after the second workshop and ideally with additional input from  
20 those outside Town government (developers, engineers, other professionals),  
21 the Board would ultimately vote to adopt the audit report and forward it to the  
22 Town Council with the possible recommendation of a comprehensive rewrite of  
23 the ordinance. If a rewrite is deemed warranted, a consultant would need to be  
24 hired through a request for proposals/qualifications. C. May suggested that the  
25 Planning Board dedicate one meeting per month to review progress made by the  
26 consultant and Staff, as opposed to charging a committee and only commenting  
27 sporadically and/or at the end of the process. Public outreach would be a main  
28 component of a rewrite, which could conceivably be completed by the end of the  
29 summer in 2016. A. Chiampa expressed an interest in how the "five areas" of  
30 the 2013 Master Plan would be addressed in a comprehensive revision.

31 L. Wiles asked if there were any short-term recommendations that could be  
32 addressed immediately. C. May cautioned against making changes in the near  
33 term before the review is complete, but added that an interactive version of the  
34 current ordinance will soon be online and will feature a recodification of the  
35 sections in the interest of being more user-friendly. She added that Staff will  
36 look for opportunities over the next six to eight months for any possible interim  
37 measures. J. Edwards noted that more important than the rewrite itself is the  
38 final decision regarding the contents of the ordinance, something that takes  
39 significant time and public input.

40 J. Laferriere inquired about the genesis of some of the general conclusions, for  
41 example, recommendations to:

- 42 • Eliminate impact fees, growth management and other innovative land
- 43 use controls because they have been proven needless;
- 44 • Abolish the Town's responsibility to administer workforce housing
- 45 income verification requirements and procedures;
- 46 • Apply workforce housing standards to all districts permitting
- 47 residential and eliminate procedural disincentives.

48 J. Edwards clarified that the intent of the first point was not to eliminate those

1 items listed, but to eliminate any provisions that have been shown to be  
2 ineffective or simply unable to produce the intended results. Impact fees, for  
3 example, have been found statewide to be ineffectual. Likewise, the issue with  
4 income verification for workforce housing is not about maintenance of the  
5 income qualifications themselves, but is instead over who certifies those  
6 qualifications, which in New Hampshire is now done through the project lender  
7 and need not be a task for Town Staff. Conclusions of the audit were made with  
8 a mindset of making the ordinance easy to understand and something which  
9 results in more predictable outcomes. An ordinance that is less complex and  
10 provides more options, he said, is of more benefit to the Town than one that is  
11 excessively detailed and overly restrictive.

12  
13 J. Butler asked Staff what the anticipated amount for a warrant article would be.  
14 C. May said the estimate is \$120,000 which is less than half of the  
15 recommendation made by the Master Plan consultant in 2012. Staff  
16 participation would be needed to use that amount effectively. Trying to use a  
17 lesser budget would lead to another cobbling measure that has resulted in the  
18 current ordinance.

19  
20 The overall view of the Board was that the audit has been moving in the right  
21 direction and that updating the ordinance is necessary. A. Rugg repeated that  
22 the Board will hold a workshop on the matter on December 10.

23  
24 A. Rugg recognized resident Mike Speltz, 18 Sugarplum Lane, who asked to  
25 speak. He acknowledged that the preliminary review is a significant first step in  
26 implementation of the Master Plan, since approximately one third of the plan's  
27 recommendations are based in changes to the ordinance. He asked that the  
28 Board attempt to adhere to the more aggressive timeframe described by Staff  
29 by requesting they compile an 18-month timeline in order to preclude any  
30 unnecessary delays in the event Town funding becomes available.

31  
32 There was no further input from the public or the Board.

33  
34 E. Preliminary Presentation of Town Center Plan (Master Plan Implementation  
35 Committee).

36  
37 John Vogl, Staff member to the Master Plan Implementation Committee, began  
38 this presentation with input via email from Implementation Committee Chair and  
39 Planning Board member Chris Davies, who was unable to attend this meeting.  
40 In addition to stressing the importance of the previous presentation concerning  
41 the zoning ordinance audit, since a significant number of Master Plan objectives  
42 are dependent changes to the ordinance, C. Davies explained that the  
43 Implementation Committee is attempting to facilitate a coordinated approach in  
44 its recommendations about the Town Common/Town Forest. The conceptual  
45 being presented tonight, he said, is based on an agreed desire to improve the  
46 use of those areas. J Vogl explained this has been the main topic of discussion  
47 for the Implementation Committee over the course of approximately 8  
48 meetings, which included a site walk, and added that the vision is one based on  
49 the Master Plan, but the specifics are the result of the Implementation  
50 Committee's discussions and goals. He thanked the Board on behalf of Staff and



1 the Town's consultant (see below) for allowing the use of the remaining funds  
2 appropriated for the Master Plan to be directed towards this effort and then  
3 introduced Bill Flynn of Saucier and Flynn, an associate of the Town's Economic  
4 Development Consultant, the Arnett Development Group.  
5

6 B. Flynn described the plan as the consensus of an approach to planning,  
7 designing and managing the Town Common/Town Forest after disagreement  
8 arose concerning a development approach included in the 2013 Master Plan (see  
9 p. 2 of Attachment #3). Areas of concern (p. 5) for the Town Common were  
10 comprised of parking, pedestrian access, the use of the pavilion, and historic  
11 and aesthetic characteristics. Issues identified for the Town Forest were its  
12 general condition, particularly with regard to invasive plant species, trails and  
13 connections to adjoining areas, natural features and woodland character. Uses  
14 were a topic of concern for both areas and B. Flynn noted the importance of  
15 balancing the naturalistic character of the forest with that of the historic and  
16 social character of the common. Land uses surrounding the common and forest,  
17 he said, are public by nature (p. 6), making the area a high profile one.  
18 Observations about the historic landmarks in the area, conditions of the forest,  
19 and landscaping on the common (pp. 7-9) were reviewed, the latter of which B.  
20 Flynn said could benefit from some improved spatial organization. Parking was  
21 addressed through a brief study of the area which shows 940 public parking  
22 spaces available within a ¼ mile radius (equivalent to a five minute walk; p.  
23 10). More of an issue for the common, B. Flynn noted, is adequate pedestrian  
24 circulation, which is lacking and potentially unsafe (p. 11). Possible  
25 enhancements for the common (p. 12) included mid-block crossings for better  
26 access, sidewalks and radial paths, realignment of monuments, and improved  
27 aesthetic features (lamps, benches, etc.). Recommended considerations within  
28 the forest included creation of a more extensive trail system, including  
29 connections to surrounding land, an accessible hiking trail system, a small  
30 parking area, and improved accessibility to the pond. ("Accessible" trails were  
31 described as being open to those with mobility issues, although they may not  
32 rise to the level of being ADA compliant). A conceptual illustration of these  
33 recommendations was presented (p. 11), along with one specifically for the  
34 common (p. 12). Objectives were broken into near-term (safe pedestrian  
35 access to and circulation within the common and control of invasive species in  
36 the forest), mid-term (a program for improvements to the common as well as  
37 one for trails in the forest) and long-term (a detailed design of amenities for the  
38 common and management of both sites; p. 13). Potential cost estimates were  
39 presented (p. 14) for a variety of enhancements and designs. J. Vogl explained  
40 that the "Programming and Schematic Design" item (\$10,000- \$15,000) is  
41 particularly important because it will not only involve community outreach and  
42 therefore consensus for specific improvements, but will identify possible  
43 obstacles to improvements early on and will determine both feasibility as well a  
44 more accurate timeline. C. May noted that if the Town Council finds the item  
45 worthy, funding for that particular item could come from the Planning and  
46 Economic Development budget.  
47

48 A. Rugg asked for additional Staff input.  
49

50 J. Vogl noted that many of the plan's recommendations will be accomplished in

1 the long-term, with direction from the Town Council. He asked the Board to  
2 consider endorsement of the plan and a recommendation to the Council. J. R.  
3 Trottier advised examining the recommendation of the mid-block crosswalks  
4 closely.

5  
6 A. Rugg asked for Board input.

7  
8 A. Chiampa stated her opposition to the relocating or repositioning of any of the  
9 monuments for purely aesthetic purposes. She also suggested forgoing the use  
10 of the pond in the forest for an ice skating rink in order to avoid disturbance of  
11 the wildlife habitat. She recommended instead creating an ice skating rink on  
12 the common where it is more visible. She verified with B. Flynn that the fence  
13 shown around the common is intended for safety and will have openings at  
14 various access points. She suggested incorporating the picturesque view from  
15 the forest towards the west into the plan and conveyed a request from the  
16 organizers of the "Concerts on the Common" series to consult them on possible  
17 pavilion improvements. A. Sypek recommended that any digging to be done not  
18 go beyond 18 inches since electrical lines were laid at that depth several years  
19 ago and the cost estimates provided do not include relocation of utilities. A.  
20 Rugg stated that any and all underground impediments will need to be assessed  
21 first. A. Sypek stated that drainage improvements will need to be included in the  
22 plan based on his observances over the years of regular ponding near the  
23 pavilion. The pavilion itself, he said, is in need of some repair and he  
24 recommended a new sound system be added. He also agreed that no  
25 monuments should be moved, as did A. Rugg, who further recommended the  
26 forest be left as rustic as possible and be preserved as wildlife habitat. He  
27 advised that in addition to seeking input from the Town Council, public input is  
28 critical. Because the site is within the Historic District, he noted that the  
29 Heritage Commission will need to give their approval following a public hearing.

30  
31 A. Rugg entertained public input.

32  
33 Mike Speltz, a member of the Master Plan Implementation Committee, corrected  
34 a point made in the email from C. Davies which identified the Conservation  
35 Commission as being stewards of the Town Forest as well as the Town Common.  
36 The latter, he said, is managed by the Heritage Commission. Town Sexton Kent  
37 Allen noted the importance of keeping the two locations under the stewardship  
38 of a single entity as well as that of eliminating the invasive species in the forest.  
39 He added that he hopes to create a connection between the Town Forest and the  
40 Glenwood Cemetery.

41  
42 A. Rugg asked Staff to compile the Board's comments and convey their  
43 consensus to the Town Council. J. Vogl noted that the consensus appeared to  
44 support the aforementioned schematic design phase to examine the area for  
45 possible obstacles and initial necessary improvements, e.g. for drainage.

#### 46 **Other Business**

47  
48  
49 A. Economic Development Survey (SNHPC)

50

1 With assistance from Staff, the Board completed an economic development  
2 survey at the request of the Southern NH Planning Commission found online at  
3 <https://www.surveymonkey.com/s/F2H89PV>.

4

5 **Adjournment:**

6

7 **M. Soares made a motion to adjourn the meeting. L. El-Azem seconded the**  
8 **motion. Vote on the motion: 8-0-0.**

9

10 The meeting adjourned at 9:55 PM.

11

12 These minutes prepared by Associate Planner Jaye Trottier

13

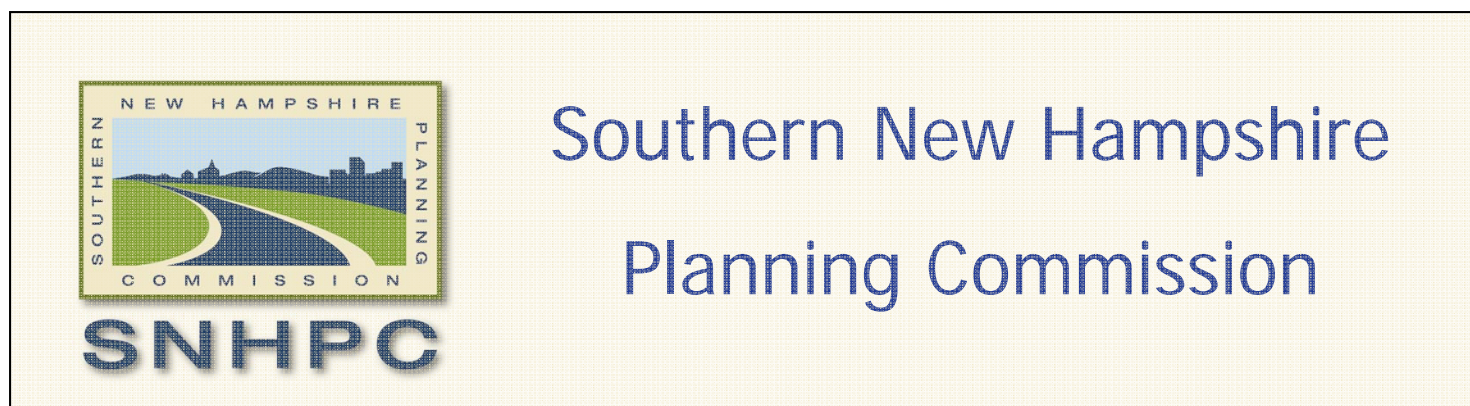
14 Respectfully Submitted,

15

16

17 Lynn Wiles, Secretary

# NH 102 Corridor Update Study



Londonderry Planning Board  
November 12, 2014



# NH 102 Corridor Update Study

## Purpose of the study

1. Compile the results of previous studies
2. Identify conflicts and consistencies
3. Project likely growth in the corridor based on regional growth rates
4. Develop a Vision Plan for the NH 102 Corridor





# NH 102 Corridor Update Study

## Compilation of Previous Results

1. Traffic Impact Assessment – Auto Auction of New England – 1995
2. SNHPC NH 102 Corridor Study – Upper Corridor Study – 1997
3. Final Environmental Impact Statement – Interstate 93 Improvements – Salem to Manchester – 2004
4. SNHPC NH 102 Corridor Study – Central Corridor Study – 2004
5. Traffic Impact Evaluation – Medical Facility – 2005
6. Traffic Impact and Access Study – Proposed Walgreens – 2005
7. Traffic Impact Assessment – Age-Restricted Residential Development – 2006
8. Traffic Impact and Access Study – Ravenna Investment Associates, LLC – 2006
9. Draft Environmental Impact Statement – I-93 Exit 4A Interchange Study – Derry-Londonderry – 2007
10. Woodmont Commons PUD Master Plan Traffic Impact Assessment – 2013
11. Traffic Assessment – Proposed Global Redevelopment – 2014
12. Impact Assessment Report – The Grand Estate at Londonderry – 2014





# NH 102 Corridor Update Study

## 2014 Existing Traffic Condition / 2034 Future Traffic Condition

Table 1 Turning-movement Count Dates and Sources

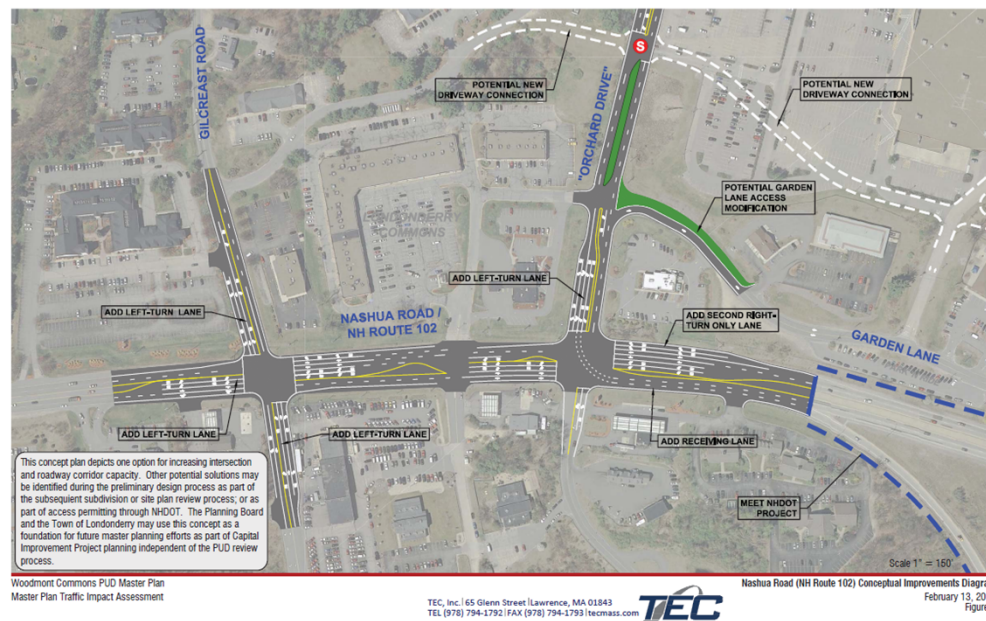
Count Number	Intersection with NH 102	AM Peak Hour		PM Peak Hour	
		Count Date	Source	Count Date	Source
1	Mammoth Rd	9/29/2010	SNHPC	9/30/2010	SNHPC
2	Mohawk Dr	10/21/2008	SNHPC	9/2/2004	Medical Facility
3	Meadow Ln	8/21/2014	SNHPC	8/21/2014	SNHPC
4	Buttrick RD/McAllister Dr	5/24/2005	Medical Facility	8/22/2005	Medical Facility
5	Winding Pond Rd	5/24/2005	Medical Facility	5/24/2005	Medical Facility
6	Orchard View Dr	8/21/2014	SNHPC	8/21/2014	SNHPC
7	Gilcreast Rd	8/4/2011	Woodmont Commons	8/4/2011	Woodmont Commons
8	Garden Lane/Hampton Dr	8/4/2011	Woodmont Commons	8/4/2011	Woodmont Commons
9	I-93 Exit 4 SB Ramps	9/1/2011	Woodmont Commons	9/1/2011	Woodmont Commons
10	I-93 Exit 4 NB Ramps	8/4/2011	Woodmont Commons	9/1/2011	Woodmont Commons
11	Londonderry RD/St Charles St	9/1/2011	Woodmont Commons	9/1/2011	Woodmont Commons



# NH 102 Corridor Update Study

## Evaluation of Studies

1. NH 102 Study Area Traffic Volumes
2. Assumptions used in the Development of corridor volumes
3. Results of Capacity Analyses – Study Area Intersections
4. Recommendations for Proposed Improvements



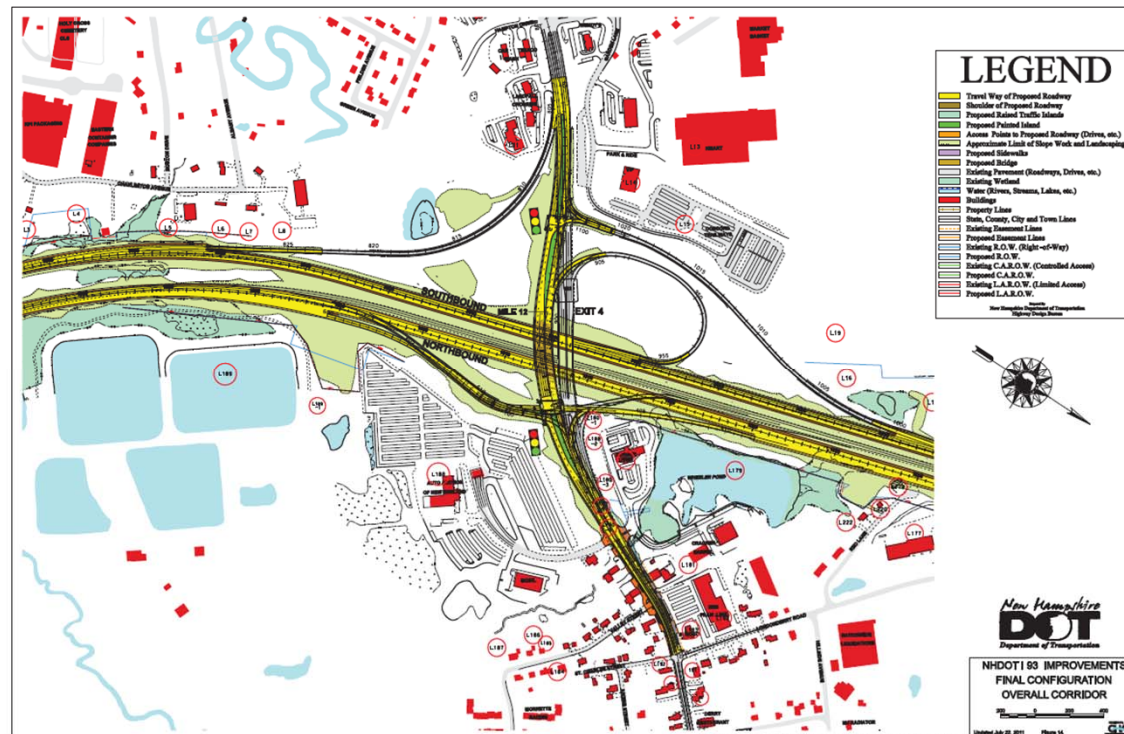




# NH 102 Corridor Update Study

## Summary of Major Planned Corridor Improvements

1. Interstate (I-93) Salem to Manchester Project
2. Woodmont Commons PUD
3. I-93 Exit 4A



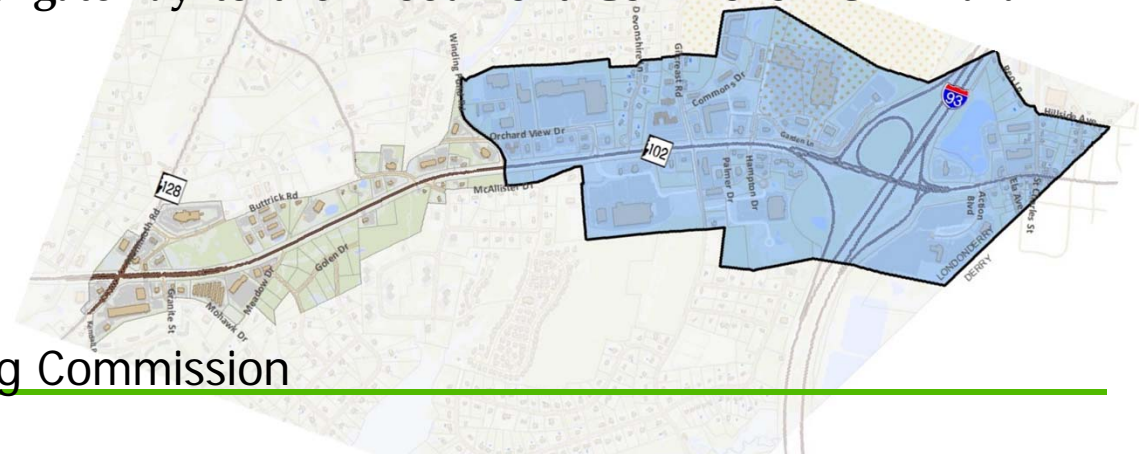


# NH 102 Corridor Update Study

## Corridor Vision

Commercial zone:

Because of the importance of the interstate access and State investment in the I-93 corridor and NH 102 ramp system, it is paramount that the access to the interstate corridor be maintained through geometric improvements and improved access management. The operations at the first major intersection on either side of the ramps, (i.e. Londonderry Road/St. Charles Street to on the east and Garden Lane on the west), must be maintained to prevent queuing from affecting operations at the NH 102/I-93 ramp intersections. This is particularly important at Garden Lane which also serves as the access to the Exit 4 Park and Ride facility and bus station. In the future, Garden Lane will also serve as a gateway to the Woodmont Commons PUD via a connection to Pillsbury Road.



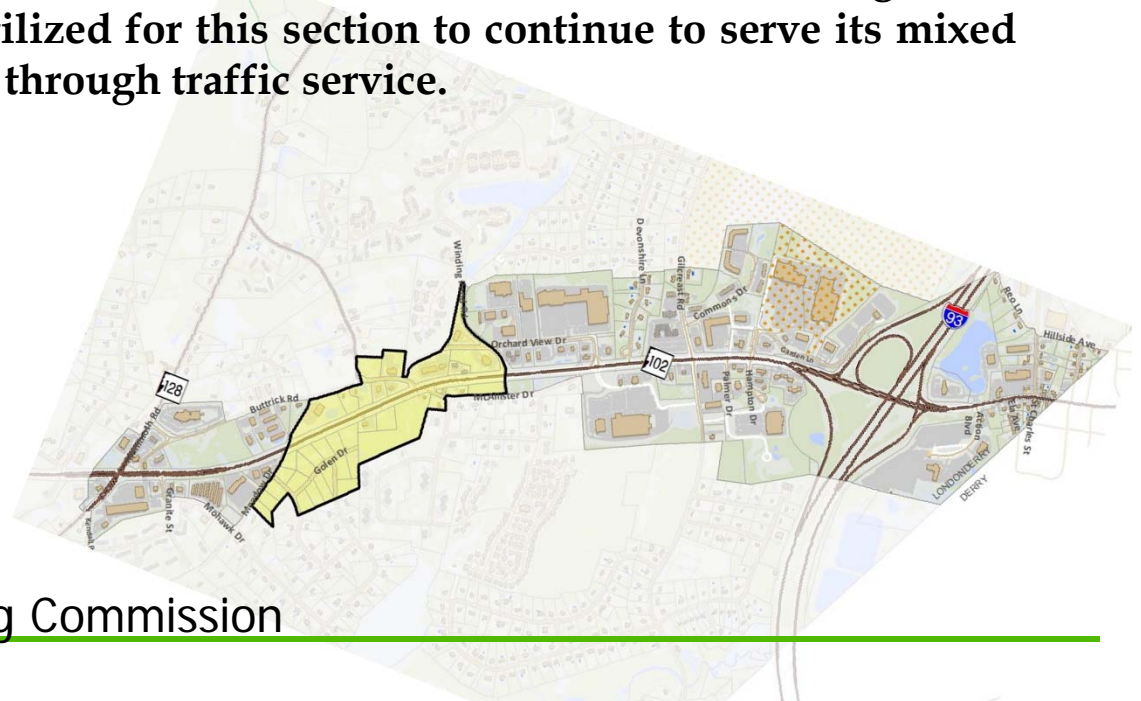


# NH 102 Corridor Update Study

## Corridor Vision

Transitional Zone:

**This section already benefits from the use of driveway consolidation and other access management techniques. This portion of the corridor must be allowed to accommodate additional development and growth and still function as an effective route for through travel. In order to accommodate this, the use of access management techniques must continue to be utilized for this section to continue to serve its mixed use access as well as providing for through traffic service.**





# NH 102 Corridor Update Study

## Corridor Vision

South Village Suburban Corridor Retrofit District:

The Town should spend additional efforts studying this portion of the corridor. There appears to be potential for development and growth in this area, particularly in the vicinity of the intersection of NH 102 and NH 128 (Mammoth Road). With this potential as well as the focus on this portion of the corridor for serving through traffic to the west and Nashua, there is potential for conflict with other corridor priorities. The demand for Village and Municipal Center Development areas as identified in the Town's 2013 Master Plan, with its focus on pedestrian and bike friendly intersection improvements, may be in conflict with potential development and traffic growth rates given the available right of way on this portion of the corridor.





# NH 102 Corridor Update Study

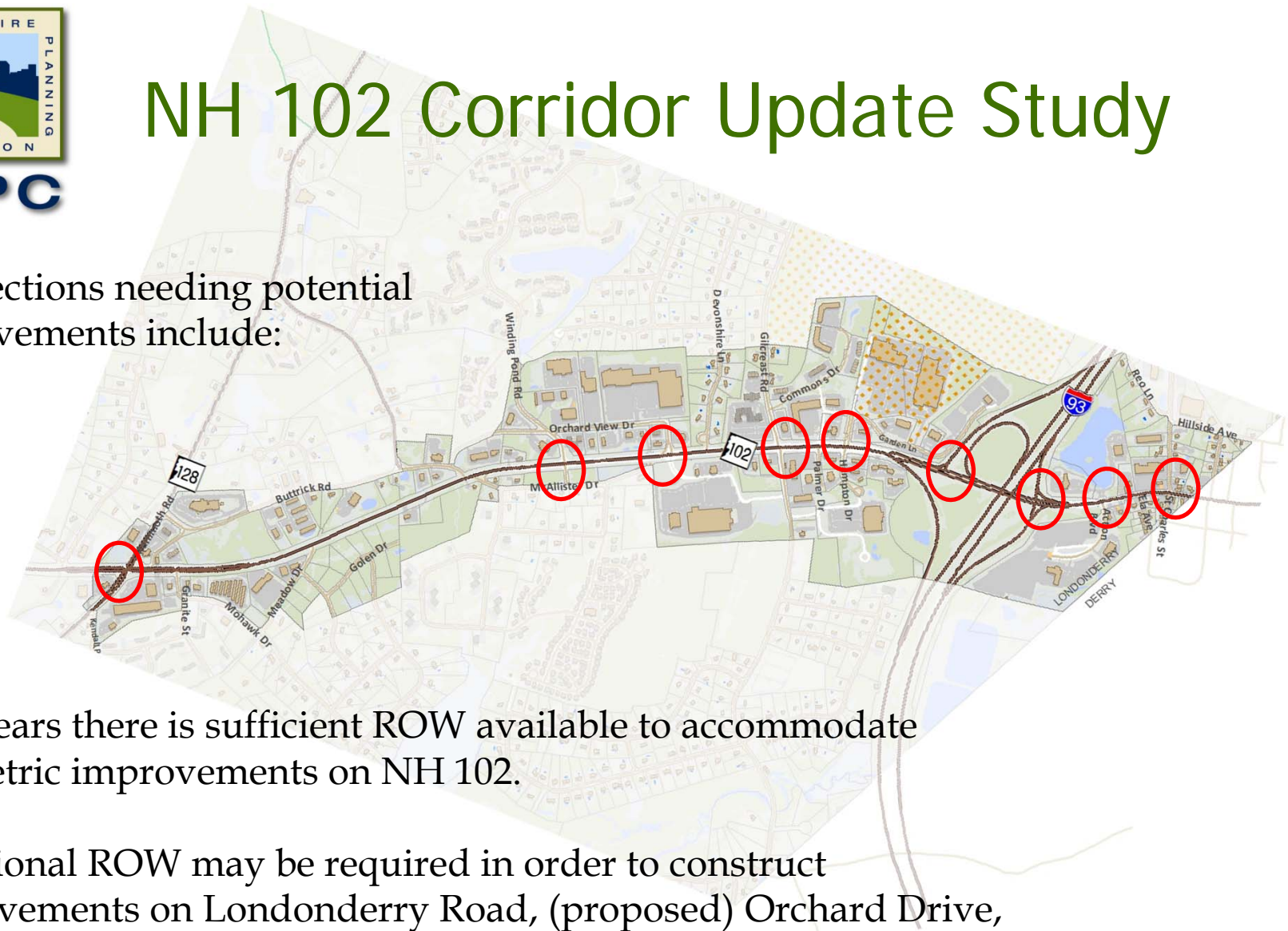
## Conclusions:

- Traffic volumes are expected to increase by up to 20% between today and 2034.
  - There is relative consistency between all traffic analyses regarding growth projections and assumptions on the NH 102 Corridor
- As development continues, feeder streets that intersect NH 102 will see increased use; eventually geometric improvements will be necessary
  - There appears to be relative consistency that the operations of the NH 102/Mammoth Rd intersection is approaching capacity
  - Need for improvements at NH 102/Gilcreast Road and NH 102/Hampton Drive/Garden Lane
  - NH 102/Londonderry Rd/St Charles St intersection has been identified as meeting warrants for signalization since 1995



# NH 102 Corridor Update Study

- Intersections needing potential improvements include:



- It appears there is sufficient ROW available to accommodate geometric improvements on NH 102.
- Additional ROW may be required in order to construct improvements on Londonderry Road, (proposed) Orchard Drive, Orchard View Drive and Gilcrest Road side streets



# NH 102 Corridor Update Study

## Further Recommendations

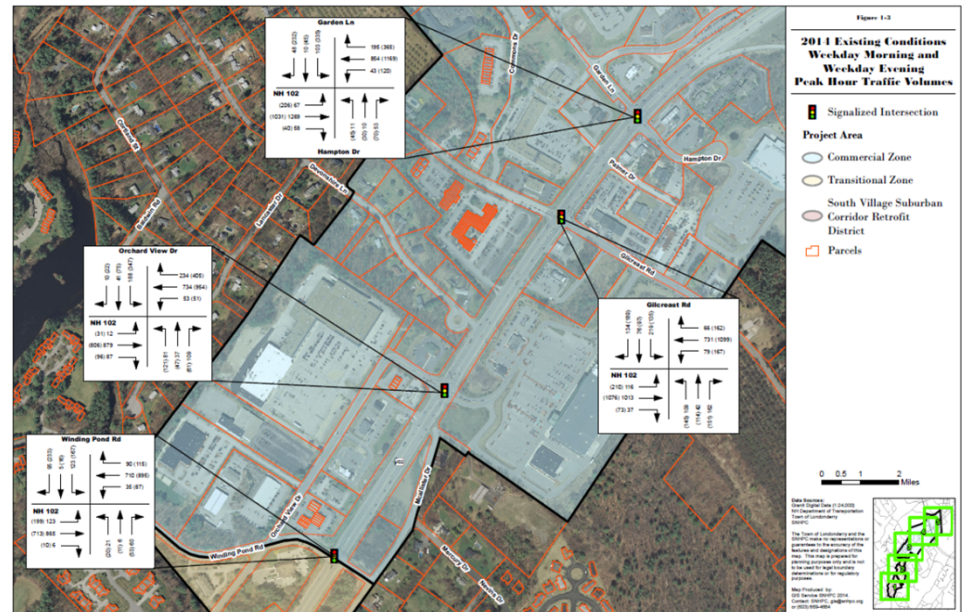
### Short-Term Improvements

Vision Plan:

- 1) from existing results
- 2) Access Management
- 3) Additional intersection improvements

### Long Term Improvements

- 1) Coordination with SNHPC/NHDOT on
  - i) study definition
  - 2) comprehensive corridor improvements





# NH 102 Corridor Update Study

## Questions/Comments/Discussion



**PRELIMINARY REVIEW OF  
LONDONDERRY ZONING ORDINANCE  
November 6, 2014**

To: Planning Board, Town of Londonderry, New Hampshire  
Through: Arnett Development Group LLC  
From: Jonathan Edwards  
Subject: General Findings, Zoning Audit  
Date: November 5, 2014

The Town of Londonderry has conducted a review of the Town's zoning regulations with a view toward discerning what steps would be appropriate to refashion the regulations for clarity, consistency, administrative effectiveness, user-friendliness, consonance with current land-use needs, demographic changes, emerging economic conditions, and facilitation of approaches the Town might choose in implementing all or parts of the Town's recently adopted 2013 Comprehensive Master Plan.

ADG has subcontracted with land-use expert Mr. Jonathan Edwards, who has provided the following Review.

**SYNOPSIS OF MAJOR FINDINGS**

**Positive Findings**

- The ordinance adheres closely to its basic police power mandate, wisely avoiding most nuisance and annoyance issues.
- There is a good array of special districts with discretionary flexibility, providing a variety of options to homeowners, businesses, landowners, and investors, though the range of options should be enlarged.
- Some parts of the ordinance are quite progressive in the context of housing and neighborhood diversity, village articulation, business opportunity and efficient commercial-area function, "smart" growth, environmental sensitivity, energy conservation.
- It has the beginnings of a useful combination of review and permitting procedures, particularly with respect to getting Conditional Use Permitting and Site Plan Review to work in tandem; if pursued, this direction can foster beneficial clarity, flexibility, certainty, and promptness to the development review process.
- Improving the comprehensibility, coherence, and efficiency of this ordinance can create a sound basis for implementing whichever aspects of the 2013 Master Plan the Town wishes to undertake, paving the way for form-based approaches to land-use and community evolution, reducing useless constraints, restrictiveness, and lack of options among available uses while providing greater opportunities for Londonderry's neighborhoods, villages, commerce and industry, economic-base, employment-base, tax-base, infrastructure, and open space and natural resource protection.

## **Areas of Concern**

- The ordinance is intimidatingly long and dense, illogically organized, replete with inconsistencies, contradictions, minor and pointless dissimilarities, redundancies, scribes' errors, and outdated or dangling references.
- Despite its bulk and detail, it is not comprehensive, with many issues either unaddressed or inadequately covered.
- The document needs pruning, reorganizing, simplification, and clarification.
- Important requirements are difficult to understand or figure out. It is by no means user-friendly, and it has proven difficult to interpret, administer, and enforce.
- Related provisions, standards, criteria, and procedures, are fraught with insignificant distinctions.
- The basic ordinance is outdated, adopted in 1963, and since then has inconsistently accreted through 429 amendments.
- Parts of the ordinance are antiquated, not having been consistently kept up-to-date with changes in demographics, economics, citizen expectations, state law, and modern land-use and community enhancement concepts and techniques.
- While graphically superb and clear, the zoning map displays a mosaic of jumbled, incoherent zoning patterns, and the map omits some referenced overlay districts.
- It has several lengthy and needless requirements that can be onerous to property owners and developers and that impose unnecessary burdens and responsibilities on the Town.
- Fundamental environmental protection standards are inconsistently applied or are missing.
- Business and industrial areas are indistinct, inadequately focused, and ineffectively complex.
- Density and dimensional requirements promote sprawl, isolate similar businesses, and preclude diversity of housing and among neighborhoods.
- Overlay district criteria and methods of determining uses and standards are difficult to comprehend.
- These issues have resulted in an over-reliance on the Variance process.
- The use of Developer Agreements needs to be defined, understood and, as appropriate, encouraged.

## MAJOR FINDINGS

### **Purpose of this Review**

As a vehicle for strategic thinking and discussion, this analysis describes basic attributes of the zoning ordinance and zoning map. As a subsequent phase to this work, we will be ready to detail points that the Town finds worth pursuing, together with examination of promising options and recommendations for revising these regulations.

In the following, action strategies are indicated in *italics*.

### **Evolution of the Ordinance**

Londonderry's zoning ordinance was originally adopted in March of 1963 and has been amended every year since 1969, often extensively. Zoning regulations need to be dynamic in order to keep up with real-world changes, but the current disjointed document has become an accretion of many topic-specific modifications over a long time. As a dynamic document, which has not often been comprehensively examined and overhauled, it has come to contain many inconsistencies, contradictions, minor and perhaps pointless dissimilarities, redundancies, scribblers' errors, and outdated or dangling references.

For instance, workforce housing financing and reporting requirements for lending agencies have changed significantly since the time pertinent ordinance provisions were devised; such changes offer the ability for the Town to relieve itself of much responsibility, mandated by the existing ordinance, with serious resultant potential liability, to take a pro-active role in conducting re-renting and resale income qualification and could be found to be an intimidating disincentive.

Significant topics are not addressed:

The ordinance delves deeply into many detailed aspects of owner-occupied workforce housing, rental workforce housing is scarcely mentioned.

There is a lack of stated criteria or application procedures for variances, and there is no provision for allowing non-conforming uses to be expanded if the degree or type of non-conformity is not increased.

The ordinance has not adequately kept up with changes in market conditions, demographics, citizen expectations, state statute and case law, applicable state and federal programs, and conceptions of best land-use and environmental practices.

For example, the proportion of elderly has become the fastest growing demographic component in our society, yet the ordinance places a cap on the development of elderly housing based on outdated criteria; moreover, the types of elderly housing allowed

does not take into account a growing demand for market-rate age-restricted developments that do not provide a large panoply of social and health services.

In other respects the ordinance has a number of useful and attractive features that promote flexibility and provide a variety of options to landowners, investors, and homeowners.

For instance, an extensive use of Conditional Use permitting allows the Planning Board to relieve some dimensional standards and complements site plan review, thereby offering efficient and thorough project design and a rational means for balancing private-sector needs and public-sector interests. The inclusion of Planned Unit Developments and Conservation Subdivision sections is a beneficial aspect of the ordinance.

The ordinance thus embodies a mixture of both advanced and outdated provisions.

For example, Planned Unit Development requirements offer a realistic approach to project permitting in basing overall review on concept design with specific and detailed review for each phase within the approved concept.

However, its limited applicability, to tracts of 100 acres or more, and not to be served by on-site waste-water disposal, which reduces the potential positive impact on the Town available through this regulatory tool.

### **The Zoning Map**

The zoning map likewise has been changed extensively over the years, in many respects in a piecemeal fashion, no doubt in response to requests for specific types of development, particularly commercial. Thus, the zoning map has become a mosaic of separate small, interspersed, but similar commercial and industrial zoning districts, sometimes on almost a lot-by-lot basis. For land-use purposes some areas thus have become less coherent and internally compatible, such as the stretch of Route 28 to the west of Interchange 5, parts of Route 102 next to Interchange 4 and near the Hudson line, complicated by overlay districts that attempt to impose a degree of functional and visual order.

There are cases of barely used zoning districts, such as the single small C-IV district and a small group of disjointed IND-III districts surrounded by the GB district. An R-III district in that area and a series of IND-I and -II districts to the north and east of the railway right-of-way would seem to be of questionable market potential. Incidentally, the designation of a district as R-III leaves one to wonder why is there no R-I or R-II district; likewise, why the AR-I district is so labeled if there is no AR-II, etc.

## **Current Structure and Organization of the Ordinance**

One's first impression of the ordinance is its intimidating bulk: 240 pages, including appendices and amendment history. Candidates for possible exclusion from the ordinance are Building Code amendments and demolition delay provisions and the two lists of ordinance amendments. These could become separate documents.

The order of the ordinance's sections is somewhat curious. Almost immediately, the ordinance launches into fairly long, complex sections on impact fees, phasing restrictions, growth management, and Board review authority, together with a précis of conditional use permits. Being the first thing that a reader encounters, this adds to the apparent formidability of the ordinance. Because it is a practical document, the ordinance should be structured to be in the likely order in that they are asked by citizens, landowners, and investors--users' typical questions include:

- What are the ordinance's purposes, and why are they important to my community?
- What am I (or my neighbor, or a developer) allowed to do?
- What permits do I need to get?
- How do I obtain these permits?
- Who decides whether I can get the permits?
- What criteria do they go by?
- How do I get a sense of how long will this all take and how much it will cost?
- What can I do if I don't like the decision?
- How does the Town enforce the permits?
- What kind of trouble will I get into if I don't follow the permit stipulations?

A more comprehensible reorganization of the ordinance could be:

1. Statement of Purpose and Authority
2. Zoning District Standards, applicable only to each zone
3. Special Districts (e.g. overlay, historic, environmental, airport)
4. Special Types of Uses, applicable to more than one zone (Mixed Use, Planned Unit Development, Conservation Subdivisions, Back Lot Development)
5. Special Provisions, applicable to all districts (e.g. workforce housing, elderly housing, group quarters, manufactured housing, wetlands, floodplains, home occupations)
6. General Provisions (e.g. signs, agricultural/farm sales, fences, energy, utilities, wireless, excavation, and other dimensional and appurtenance stipulations; with standards pertinent to site design and layout, such as parking, loading, lighting, and landscaping, moved to the Site Plan Regulations)

7. Procedures (e.g. Conditional Use permits; relationship to other regulations (site plan and subdivision review; building, fire, and safety codes), non-conformities, Board of Adjustment (appeals, special exceptions, variances)
8. Definitions
9. Administrative (surety, enforcement, penalties, amending, severance)

A major contributor to the ordinance's size is the many instances of restatements and redundancies. Largely these are the source of various internal contradictions and inconsistencies.

For example, there are specific sets of definitions sprinkled throughout, some repeated. *In most instances these can be included in an overall Definitions section ( Section 4.7).*

There are separate Authority and Severability subsections. *The ordinance only needs to contain one of each.*

The ordinance contains eight separate subsections on conditional use permitting, most of which are slightly different from each other. These differences, which seem to be in large part the result of accretion over time, are insignificant. It may well be worthwhile to make their content, particularly as regards review and application procedure, submission requirements, review criteria, and standards, consistent and fully stated in one section. Where particular types of standards or criteria for certain districts or uses are necessary, these can be explicitly itemized in the unified section.

Similarly, many of the zoning district sections each have their own subsections on parking, loading, outdoor structures (which seems to have been a big issue in the recent past), outdoor storage, landscaping, and signs. These individual subsections are largely similar to, but not entirely the same as, each other. Many of the differences are not relevant to the particular purpose or character of the zoning district or do not seem to be based on practical circumstances. This situation invites the accumulation of contradictions and inconsistencies, it enshrines meaningless or insignificant distinctions, it creates opportunities for confusion and conflicting provisions, and it forces the reader to consult both the individual-district requirements and the general provisions.

These topics are already covered by separate portions of the Town-Wide Regulations, to which most of the zoning district sections make reference. *The separate sets of standards in these many district sections should be removed and replaced with a consistent set of standards merged into the General Provisions.* Each section could contain cross-references, as many already do, to the relevant topic section and rely on the stipulations contained there, again with necessary particularities specified there.

This tendency of the zoning ordinance to repeat similar standards and procedures would seem to result from an effort to include in one place all those provisions that pertain to each type of

zoning district. While this is a worthy intent, the results are a substantial increase in the size of the ordinance while not preventing the reader from having to consult the general provisions.

It should be stated that the numbering system for the hierarchy of sections and their nested subsections and clauses can be daunting, with a string of numerals and dots descending as many as seven levels deep. These can be hard to remember when scanning through the document to find referenced clauses. Either the hierarchy could be compressed or a system of letters and numerals in a traditional outline form could be used. In several instances references are made to non-existing subsections or to the wrong ones. Also, there are some references to a previous codification that identified sections by letter.

## **COMMENTS ON SPECIFIC PROVISIONS**

### Adherence to Police Powers

Londonderry's ordinance adheres closely to its basic police-power mandate—health, safety, and community welfare. Thus it has resisted the temptation of trying to address incidental and subjective “quality-of-life” nuisance or annoyance issues like yard maintenance, building colors, light-spill, equipment noise, domestic odors, stacks of firewood, and the like.

### Impact Fees, Residential Development Phasing and Growth Management

The ordinance devotes much detailed attention to impact fees, residential development phasing and growth management, including phasing of residential (but not commercial or industrial) development. Impact fees are difficult to administer, are of questionable equity, and have generally proven ineffective throughout the state, as enabling statute requires repayment within six years and limits how these funds can be used, such as not being permitted to cover debt-service costs. Such fees tend to increase purchase costs for home-buyers and rental rates for residential and businesses tenants.

*The existing impact fee provisions should be eliminated. It should be replaced by a brief impact fee provision, according to case law, which only authorizes the Planning Board to levy developments for the costs of mitigating off-site impacts on public facilities.*

*Utilization of Development Agreements should be better addressed, in order to clearly provide for and enforce site-specific conditions and factors agreed through Conditional Use permitting and similar discretionary approval processes.*

US Census results show that in previous decades the Town went through significant growth, which has abated since the turn of the century. The development phasing and growth management regulations, which stemmed from the fast growth in the past, and which apply only to residential development, have become a cumbersome, unpredictable, and costly solution to a problem that no longer exists.

Experience with the current *residential development phasing stipulations*, which has resulted in many requested and approved variances, indicates that these provisions *should be more realistically calibrated in order to promote a stable rate of growth and accommodation of a broader variety of housing*.

*The existing Growth Management and Innovative Land Use Control section is scheduled for sunset on January 1, 2015, which is recommended.*

What Section 1.5, Special Development Review Procedures for non-residential development, accomplishes is not clear. Its provisions and criteria echo what is set forth in various other Conditional Use sections, which, along with Site Plan Review, already apply.

### Workforce Housing

The ordinance devotes twenty pages (10% of its volume) to Inclusionary and Workforce Housing.

The ordinance is unclear in that the placement of the Workforce Housing provisions within Section 2.3, Residential Districts, and not under more general provisions, may mean that this type of housing is allowed only in AR-I and R-III, even though residential uses are also allowed in four commercial districts. Equally, it could instead mean that a workforce housing development can take place within a commercial district without being subject to these provisions?

The second section, 2.3.4, Retention of Housing Affordability, importantly seeks to ensure that, throughout its life, the inclusionary housing retains the affordability that justified the density and other concessions given to it. However, this section needlessly requires of the Town to assume an active involvement in the ongoing management of an affordable housing development for the purpose of ensuring the sale, re-sale, and renting and re-renting of units to income-qualified households. These tasks are already incumbent on the developers through financing agencies and government programs; developers of rare workforce housing developments that utilize normal market financing can be held to account by the Town for reliable compliance with affordability requirements.

*These weighty managerial responsibilities unnecessarily put the Town at considerable potential liability. They need not rest on municipal staff, whose role should be limited to enforcement through periodic monitoring.*

These two sections each contain some definitions that are mutually inconsistent. Both sections pay much attention to for-sale affordable housing but scarcely any to affordable rental housing. This lack is odd, to say the least, as the vast majority of multi-family dwelling units in reality are rental.



## District Regulations

### Enumeration of Uses:

The Use Table (Section 2.2) lists 84 separate land uses. Many of these are very similar to each other, and many are the same but distinguished by size. In some cases, uses that have become customarily associated with each other are not allowed together in the same zoning district (for example motor vehicle sales, repair, and servicing; or motor vehicle station and convenience retail). Some have undefined, indistinct strictures (such as “major” repair or “limited” service; or “group” child care center). Newer uses, such as convenience store, are not listed. The basis for distinguishing between permitted use, conditional use, and special exception use is not apparent.

*The number of separate listed uses should be reconsidered and reduced or consolidated when possible. The basis and appropriateness of procedural distinctions should be re-examined and articulated.*

### Residential:

It is difficult to wend one’s way through the lot size stipulations in AR-1. For lots served by public water and sewer, the minimum lot sizes are larger than what may be necessary, or even desirable, to create attractive denser neighborhoods in potential village areas. Excessive setbacks and frontage standards have the same effect, and thus contribute to sprawl. Also, the difference in lot size depending on the number of bedrooms is an unnecessary complication.

The ordinance has not kept up with changing residential demographics, particularly the aging of single-family households, the increasing number of older households on fixed incomes, the increasing length of time that younger generations remain at or return to home, and growing preferences among younger generations for more compact housing in walkable neighborhoods with access to open space and alternative forms of transportation.

*A growing need for accessory dwelling units and multi-generational housing has developed, which the ordinance should be revised to accommodate.*

*While respecting and preserving the character of the town’s existing neighborhoods and subdivisions, the ordinance should contain provisions that promote greater choice and diversity among housing types and neighborhoods.*

Tying minimum lot sizes to soil types makes some sense theoretically, but as presented by the ordinance, it is difficult to determine what sizes would be allowed. The document does not itself contain the needed information, and there are some confusing discrepancies. Homeowners and residential landowners are the largest component of the Town’s citizenry, responsible for 85% or so of the town’s land area, and the least likely group of property owners to be expected to be conversant with land-use law and regulation and the least able to afford experienced counsel; similarly with small local home-builders. Especially with respect to these

groups of citizens, the ordinance should be as straightforward and user-friendly as possible. This ordinance is far from that. In fact, commercial and industrial regulations in the ordinance are far easier to ascertain than residential.

Subsection 2.3.1.3, Residential Lot Size Requirements, is daunting and uncertain. Table 1 sets the minimum lot size at 43,560 square feet for a single- or two-family house not served by a municipal waste water system, regardless of how many bedrooms it has. On the other hand, Table 2 allows sizes down to 31,750 square feet depending on the lot soil types and slopes. If a lot comprises more than one soil type, the lot size is even more uncertain to determine. No basis is given on how to determine slopes. The ordinance does not contain any information about soil types, instead guiding the reader to contact the county Conservation District, with no contact information given and no reference document stated to be available at Town Hall.

The current residential lot size requirements create practical and legal concerns:

- Is the difference in impact between a two-bedroom and a three-bedroom house significant enough to warrant different lot sizes and frontages as set forth in Table 1?
- Does the lot size requirement differ between two- and three-bedroom houses relative to soil type and slope as set forth in Table 2? The ordinance does not say.
- Also, if a homeowner wishes to expand a house from two to three bedrooms but has a lot only legally big enough for a two-bedroom house, this ordinance does not allow the owner to do so without a variance, for which the ordinance gives no standards (Section 4.1). Indeed, such an expansion is likely not to be approved given the statutory definitions of hardship, on which variances depend, and the ordinance does not even mention the rather abstruse legal concept of hardship, let alone explain it.

Because a prospective home builder must obtain septic approval from the New Hampshire Department of Environmental Services (DES), and because a wide variety among types of acceptable septic design has developed over the past two decades, perhaps a better approach would be simply to *provide that the lot must be certified for septic by DES and the agency's restrictions followed, with the provision of an absolute minimum lot size based on neighborhood, infrastructure, and natural resource constraints.*

If basing lot sizes, and thereby development densities on soil types is important for environmental reasons, then why are densities of commercial and industrial uses, which can pose more risk to natural resources than most houses do, and that rely on septic systems and wells, not similarly restricted?

With the increasing development of more topographically marginal lands, the ordinance does not provide that upland areas be big enough to contain the general set of improvements, such

as house, garage, shed, driveway, etc., nor are standards stated for determining the size and configuration of such upland areas.

*For this and many other environmental protection purposes, the ordinance should contain a clear and consistent definition of “usable upland”, addressing such factors as buffers, slopes, soil permeability, drainage, vegetation, subsurface characteristics (such as rock), so that it can be ascertained what is needed to accommodate development and how to avoid or mitigate its environmental impacts, and to promote other worthwhile natural resource goals such as ensuring that required open space include more useful land than just what cannot be developed anyway and, to the fullest extent practicable, that it is the ecologically most valuable land that comes to constitute preserved open space*

In R-III, an applicant must provide a development plan. As is the case with other districts, the distinction between a 16-unit building and a 20-unit building seems not to be significant enough to warrant special attention; the existing ordinance reserves this issue as the only application of the Conditional Use concept for multi-family.

Because site plan review is required for multi-family residential development, there should be *no separate need for such a development plan*. The two requirements could be *merged and the ordinance simply make reference to the Site Plan Regulations*. Another option would be to set up a *consolidated Conditional Use and Site Plan review procedure*.

### Commercial Districts

The five Commercial Districts each appear to have a separate purpose, but the interspersed configuration of them around the zoning map (as mentioned above), the assignment of many of the same uses among them, and unclear descriptions of them all conspire to muddy the distinctions. The large setbacks and lot size standards, not less than one acre, even in a “neighborhood” (C-IV) commercial area, tend to promote physical dispersion of and disconnection between commercial buildings. As is the case for residential areas, actually determining specific minimum lot sizes based on several undetailed factors, is highly problematic and uncertain. In particular the generous front setbacks provide space for parking between the commercial buildings and the fronting streets, a pattern not conducive to smaller-scale and more pedestrian-friendly areas, in ways consistent with the 2013 Master Plan.

Two important characteristics for a zoning ordinance are *clarity and predictability*—these are seriously lacking in this and other parts of this ordinance.

It might be helpful to *consolidate the various interspersed commercial districts more directly by type of location* (highway interchange, arterial street, village center, neighborhood, even rural), enabling them to accommodate different sizes, scales, and forms consistent with the desired nature of such areas.

*The regulations should promote more physical connection between adjacent commercial properties, in order to reduce overall quantities of parking spaces and to promote off-street vehicular and pedestrian circulation. As highway-oriented commercial structures tend to have the shortest of lifespans, a more integrated zoning approach can be gradually and realistically achieved.*

### Industrial Districts

Similar comments to the commercial ones above.

When making decisions as to whether to pursue developing a particular site, how can a prospective applicant know what lot size would be approved? Interestingly, buffer requirements are smaller than for industrial than for commercial.

### Overlay Districts

Should the name of the airport be revised in the ordinance to read “Manchester-Boston Regional Airport”? Despite the ordinance text, the Airport District (Section 2.5.2) is shown on the zoning map as an overlay district. The Airport Approach Height (2.6.6) and the Airport Approach Noise (2.6.7) overlay districts are not shown on the zoning map. Besides containing references that are obsolete (e.g. “Section B”) and nigh impossible for a layman to understand, these two sections, while obviously necessary and indeed mandated on the Town, could use *a user-friendly rewrite or at least a guide as to how to apply the restrictions.*

It is difficult to determine what uses are allowed and how they are permitted in the Route 102 and Route 28 overlay districts. These two overlays have similar but not identical standards for site characteristics and to review procedures and criteria. While the current provisions do not achieve the ordinance’s stated goals for the overlay districts, this overlay approach is a step toward form-based zoning by treating specific areas in a zoning district differently from other areas of the same district, for instance as could apply to the Town Center Common and South Villages.

Perhaps the most egregious example of the current ordinance’s ability to obscure its requirements is the difficulty in determining what uses are allowed in these overlay districts and what sort of review is required. The specific sections (2.6.1 and 2.6.2) do not specify which of the land uses allowed in the underlying zoning districts are allowed in the overlay districts, and under what stipulations and by what process. What is not obvious is that the key to this critical issue is actually contained in a most unexpected location: 45 pages earlier in the ordinance as footnote #1 in the Use Table in section 2.2, which says that “any use permitted in the underlying zoning district, but which is not permitted in the Performance Overlay District is considered a Conditional Use [in the

overlay district]”. The practical effect of this restriction is to make the overlay function as a district separate from the underlying district.

The large dimensional standards called for in these overlay district will result in yet more isolated and disconnected commercial properties and a sprawling configuration—the exact opposite of the vision expressed in the 2013 Master Plan in general and for these potential “village centers” in particular.

The historic, conservation, and floodplain overlay districts are straightforward and hopefully effective, and the ordinance gives a useful idea as to where these are located and how to find them more specifically. Has the Town considered prohibiting development entirely within floodplains, except for buildings for which it can be demonstrated that there is no viable alternative location?

### Special Districts

The Mixed Use Commercial, Gateway Business, Planned Unit Development, Conservation Subdivision, and Back Lot Development are examples of a flexible and proposal-based permitting approach that should serve the Town well and become a springboard toward the implementation of a number of Master Plan objectives.

It could well be advantageous to *extend the MUC provisions more broadly throughout commercial areas and to apply the GB standards to industrial areas.*

It is not clear why *PUDs* cannot be built *in the GB district*, where it could provide for groups of smaller businesses.

It might be useful to *allow Planned Unit Developments on smaller tracts of land*, so that the concept can be applied to modest-sized developments and even as the basis of a village enhancement or neighborhood.

*Smaller setbacks and eliminating the need for separate house lots in Conservation Subdivisions* should be considered, as should *allowing open space to house common septic fields*, and to *allow the subdivision of open space* in order that part can remain under owners’ control and other parts could become open space to be donated by the developer for tax credit to a land trust or to the Town.

With judicious amendment, these flexible approaches to land development could *enhance housing diversity (both economically and functionally), facilitate protection of natural resources, provide more open space and foster the interconnection of open space and trails.*

### Conditional Use Permits

This approach allows for valuable flexibility in realizing various sorts of development in ways that can be mutually advantageous to landowners, developers, citizens, and the Town. Among the eight separate Conditional Use provisions there is a great deal of minor variation in standards, review criteria, and procedure.

*These standards should all be consolidated into one set of standards, criteria, and submission and application requirements.*

Because all new development, except single- and two-family residential, is subject to site plan review, both *conditional use and site plan review should coincide*, taking place as a combined process, with one set of public hearings, in order to promote comprehensive review of all aspects of a proposal, to expedite the time and expense for case decision, to discern common benefits and issues presented by a proposal, and to make sensible trade-offs.

To the fullest extent possible, *common conditional use and site plan application requirements, review criteria, and development standards should reside in the Site Plan Review regulations*, that, unlike a zoning ordinance, enable the Planning Board to grant appropriate waivers and readily to adopt amendments as necessary or advisable.

### Development Standards

*Design and Construction Standards (3.10.13) and general landscaping standards should be moved to the Site Plan Regulations*, where they would apply to all new developments and would be easier to amend and keep up to date than as part of the zoning ordinance.

### Home Occupations (3.12)

Special Exception criteria could include a *provision whereby any proposal which involves activity that in the judgment of the Board of Adjustment is likely to cause disruption to the neighborhood* by reason of traffic generation, time of operation, noise, fumes, vibrations, lighting, or similar negative off-site effects, *can be modified or denied by the Board.*

### Small Wind Energy Systems

Unless there is a particular issue about these in Londonderry, the Town may choose to *replace these extensive provisions*, which stem from the NH Office of Energy and Planning's model ordinance, *and instead rely on standards directly contained in state statute (RSA 674:63).*

### **General Conclusions:**

Improving the comprehensibility, coherence, and efficiency of the ordinance could pave the way for form-based approaches to land-use regulation, facilitating the adoption of those provisions of the 2013 Master Plan which, when, and as the Town chooses to implement, reducing unnecessary restrictiveness while providing greater options for Londonderry's neighborhoods, villages, commercial and industrial areas, and for the town's economy, employment-base, infrastructure, open space, environment, and distinctive character.

As outlined in the foregoing review, Londonderry's zoning ordinance needs thorough pruning, reorganizing, simplification, clarification, and modernization in order to become user-friendly, comprehensible, and effective, with major actions, in no particular order of priority or preference, as follows:

1. Continue to adhere rigorously to allowable police powers—public health, safety, and general welfare.
2. Logically reorganize, simplify, clarify the ordinance and reduce its length.
3. Consolidate definitions.
4. Eliminate redundancies, contradictions, inconsistencies, insignificant dissimilarities.
5. Fully address all critical issues (e.g. variances, environmental factors; character of rural, village, neighborhood, commercial, and industrial areas).
6. Include all information that users need (e.g. variance hardship criteria; soil, slope, hydrology, natural resources, airport noise).
7. Make sure that requirements, procedures, and review criteria are stated clearly and completely.
8. Depict all relevant districts and locational characteristics (e.g. wetlands and floodplains) on the zoning map, including the Airport Approach Height and Airport Approach Noise overlay districts.
9. Eliminate impact fee, growth management, and innovative land use control provisions that have proven to be needless.
10. Abolish the Town's responsibility to administer workforce housing income verification requirements and procedures.
11. Apply workforce housing standards to all districts permitting residential use, and eliminate procedural disincentives.
12. Reconsider and reduce the number of separate listed uses.
13. Re-examine the basis and appropriateness of procedural distinctions among uses.
14. Accommodate the growing need for accessory dwelling units and multi-generational housing.

15. While respecting and preserving the character of the town's existing neighborhoods and subdivisions, promote greater choice and diversity among housing types and neighborhoods.
16. Re-evaluate the value of basing residential lot size on soil types and slopes; if this approach is to be maintained, clarify how it is to be determined, with what distinctions it is to be applied, and whether it should be applied also to non-residential uses which rely on on-site water and septic.
17. Utilize the concept of uplands to guard against the encroachment of development on environmentally sensitive areas.
18. Consolidate review standards for multi-family residential development.
19. Provide more comprehensively for accessory and rental housing.
20. Promote broader neighborhood and elderly housing diversity.
21. Consolidate the various interspersed industrial and commercial districts more directly by function and type of location.
22. Provide more user options.
23. Eliminate density and dimensional requirements that promote sprawl, use isolation and separation, and inadequate functional integration.
24. Promote sharing of parking and access between adjacent parcels with similar or complementary uses.
25. Eliminate overlay districts or integrate more rationally within respective underlying districts.
26. Consider prohibiting development entirely within floodplains, except for buildings for which it can be demonstrated that there are no viable alternative locations.
27. Extend MUC provisions more broadly throughout commercial areas and apply GB standards to industrial areas.
28. Eliminate needless limitations on alternative development types (e.g. 100-acre minimum PUD tract size).
29. Extend the applicability and range of discretionary options available through such flexible permitting tools as MUC, GB, PUD, Conservation Subdivision, Back Lot Development.
30. Consider subsuming the above tools into the Conditional Use process.
31. Consolidate similar Conditional Use procedures and criteria.
32. Integrate Conditional Use fully with Site Plan and Subdivision Regulations; move standards pertinent to site design and layout, such as parking, loading, lighting, and landscaping, to the Site Plan Regulations.
33. Promote environmental protection and open space preservation and integration.
34. Consolidate property development standards, such as access, buffers, outdoor structures, temporary structures, accessory structures, and signs.



35. Tailor revisions in order to achieve desired aspects of the 2013 Master Plan—diverse housing options; village centers; community focal points; mixed-use; appropriateness of building size and scale; desired innovative land uses; and open space, pedestrian, bicycle, and vehicular connectivity.
36. Promote a broader range of home occupations with discretionary approval based on exterior effects.
37. Rely on the statutory standards for small wind energy systems.

In pursuing these modifications to the zoning ordinance, prompt attention should be given to correcting inconsistencies and other inefficiencies of the current ordinance. The goal is to enhance the citizen's understanding, and to reduce the Town's liability.

We look forward to answering questions, and commend the community for this self-evaluation.

Reviewer for the Arnett Development Group LLC:

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## **LONDONDERRY TOWN COMMON**

### **CONCEPTUAL ENHANCEMENT PLAN**

Prepared for:  
Town Of Londonderry  
Master Plan Implementation Committee

*From the:*  
*Arnett Development Group*






*With assistance from the  
Londonderry Department of Planning and  
Economic Development*

From the Adopted 2013  
Comprehensive Master Plan:  
**TOWN COMMON VILLAGE CONCEPT**




**5 SAFE STREETS**

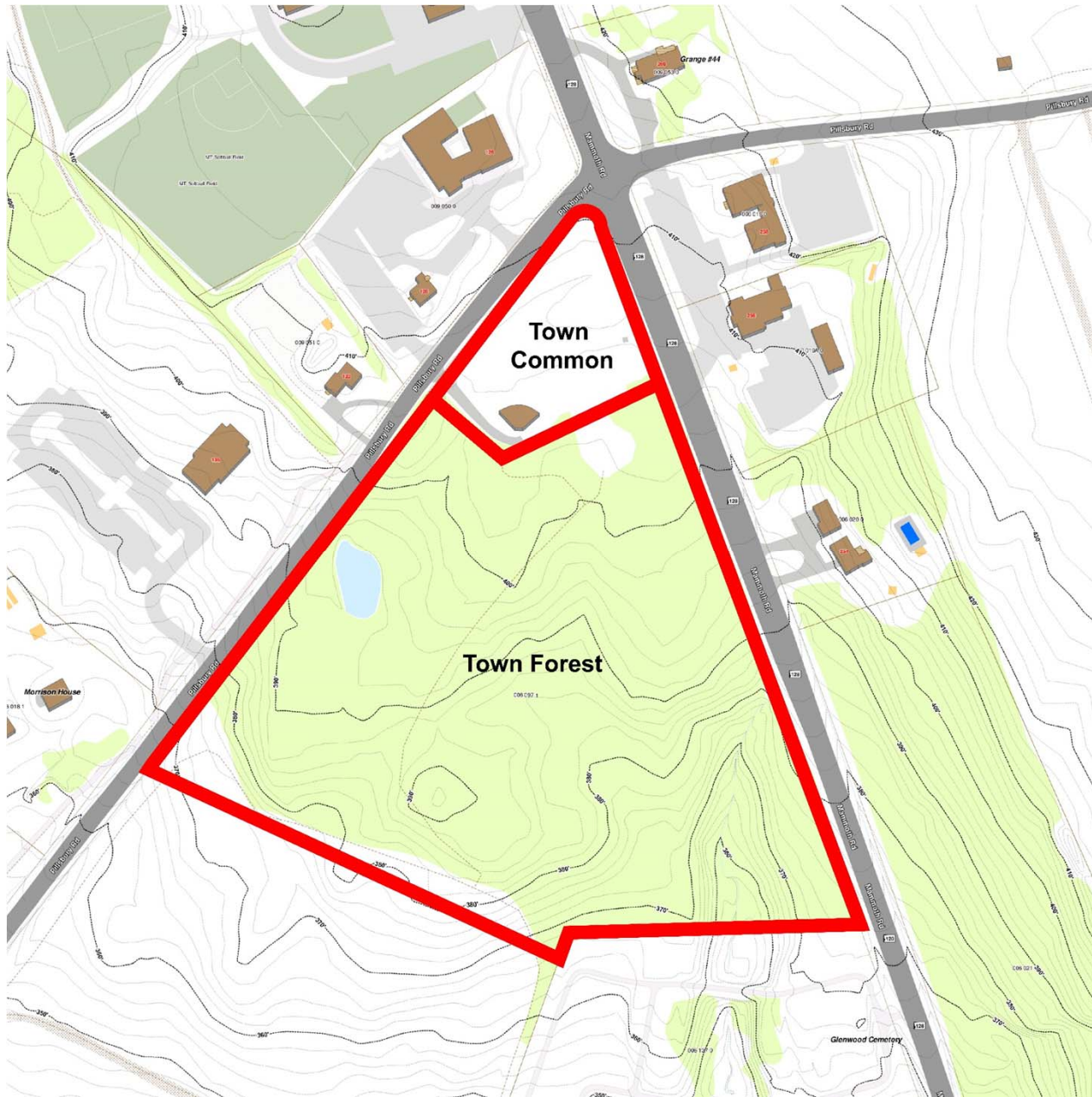
To help people understand that they are entering the Town Center, Mammoth Road should be redesigned to slow traffic and give priority to pedestrians and cyclists. A retrofit with complete street design should be considered, with smaller curb radii to shorten pedestrian crossing distances at intersections. Wide sidewalks, a planting strip with street trees, on-street parking, and narrowed vehicular travel lanes are recommended from the southern end of the common to the high school.

-  Work with the New Hampshire DOT to make improvements for Mammoth Road that emphasize complete street design; program funding for these improvements as a catalyst for redevelopment in the Town Commons area.
-  Town Council
-  Public Works Department

**6 NEIGHBORHOOD CREATION**

There have been ideas discussed about what could happen on this parcel in the future. It is currently listed as a potential site for future conservation, but if permanent protection does not occur, the parcel may be considered for development. Understanding this possible outcome, this plan shows the best case for the kind of tradeoff that should be expected if open space doesn't receive permanent protection. Here, a complete neighborhood is created, with an interconnected system of narrow streets, sidewalks, street trees, parallel parking, and slow traffic speeds. This kind of block structure is flexible and can accommodate a variety of potential development scenarios. The result should be a real place that is walkable, safe, and interesting.

-  Determine whether this area should become permanent open space, and secure funding for its purchase. Alternatively, create zoning regulations that emphasize form and community character.
-  Londonderry Conservation Commission
-  Planning and Economic Development Department



PROJECT STUDY AREA

## PROJECT GOAL

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Identify a planning concept that can facilitate a comprehensive and integrated planning and design approach for the enhancement and long-term management of the Town Common and Town Forest.

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Identify a planning concept that can facilitate a comprehensive and integrated planning and design approach for the enhancement and long-term management of the Town Common and Town Forest.

## ISSUES TO ADDRESS

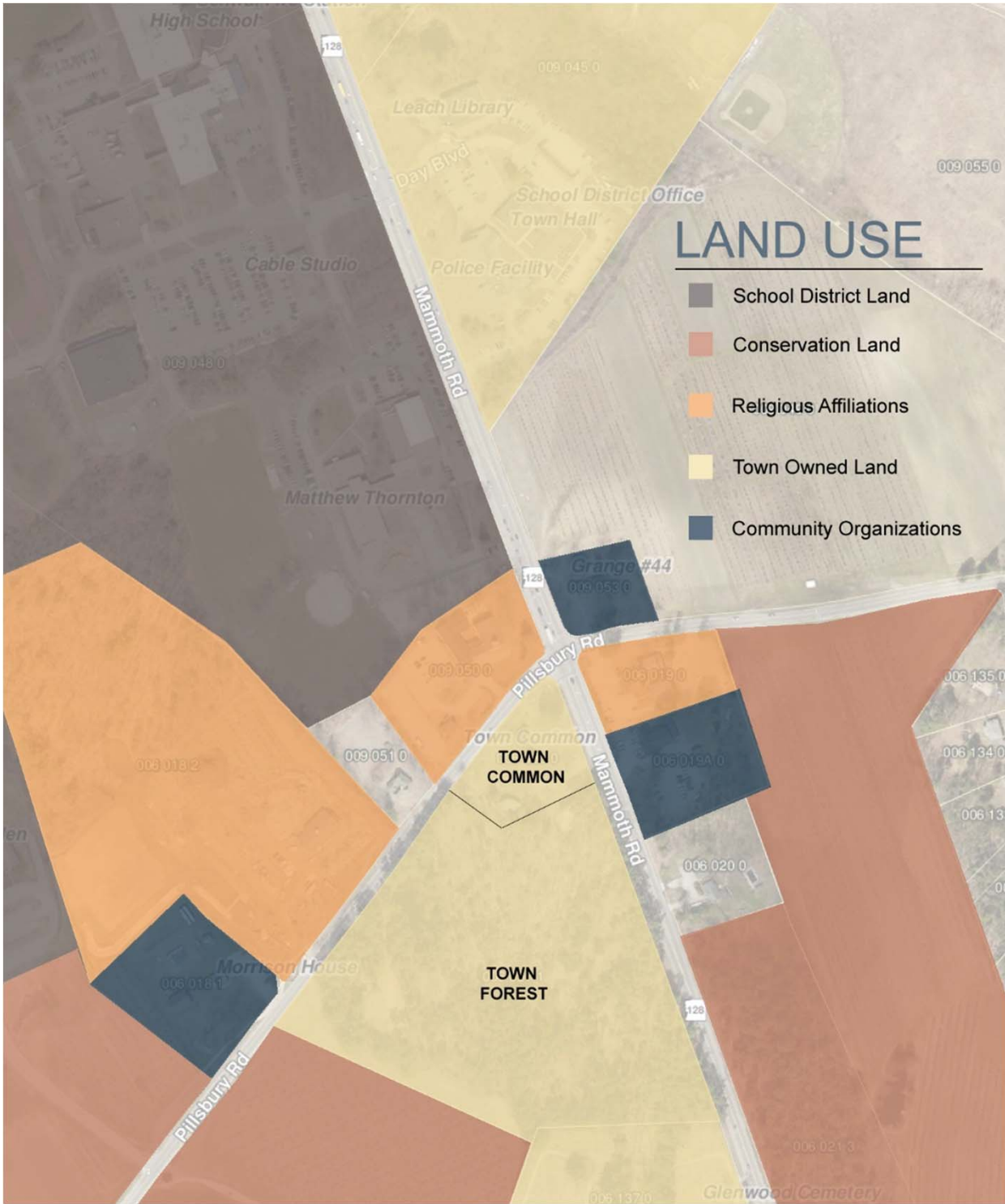
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### Town Commons

- Parking Concerns
- Pedestrian Circulation
- Pavilion
- Monuments
- Landscape Character
- Programming

### Town Forest

- General Condition
- Invasive Species
- Trails & Connections
- Pond
- Woodland Character
- Programming



The Town Common and Forest are significant community spaces having a very high profile, physically and symbolically.







*Scattered shrubs*



*Large hardwoods*



*Picnic tables and the Pavilion*

## TOWN COMMON - LANDSCAPE OBSERVATIONS

Very well maintained but lacking strong spatial definition. The loose and random placement of tree and shrubs seems to lack purpose resulting in a poor sense of site organization.



*Aged evergreens*



*Naturalistic Pond*



*Trails & Footpaths*



*Aerial View - The Town Forest*



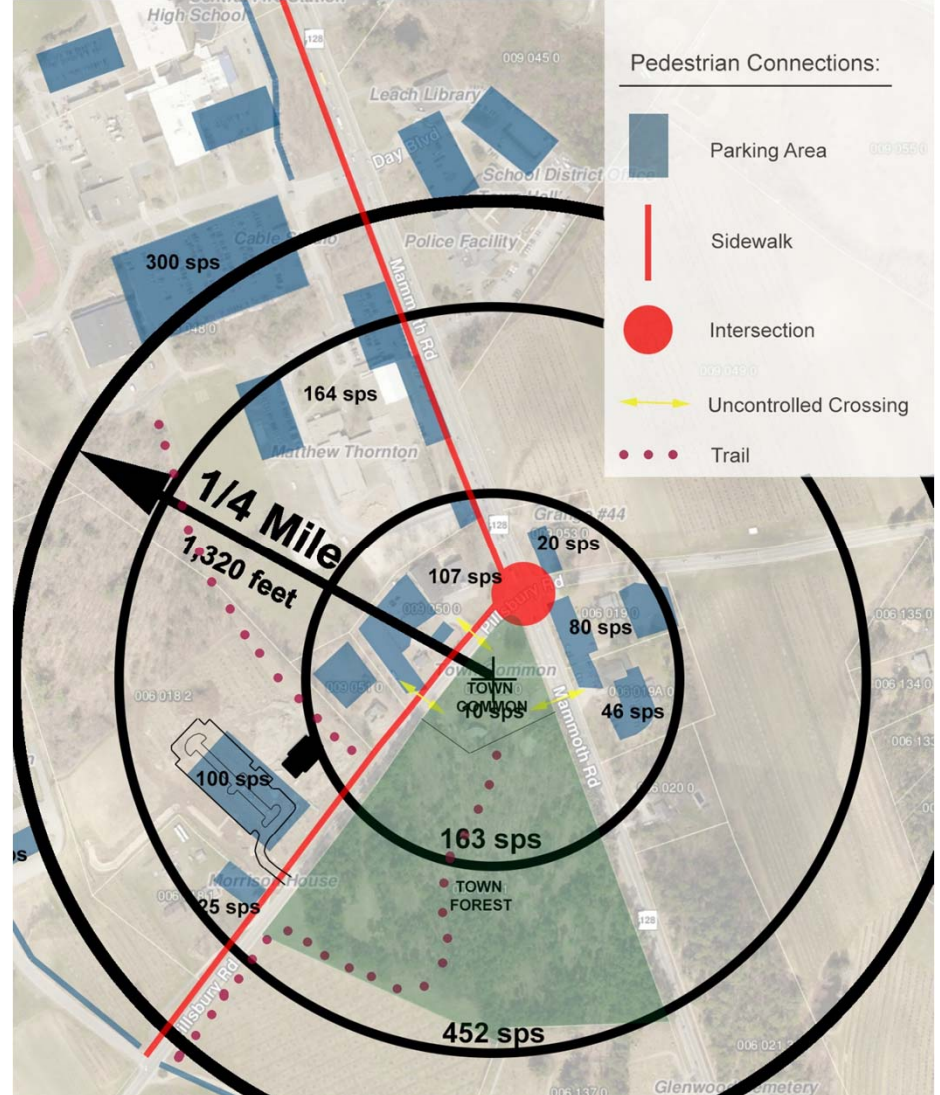
*Diverse Vegetation & Wildlife*



*Managed Timber*

## TOWN FOREST – OBSERVATIONS

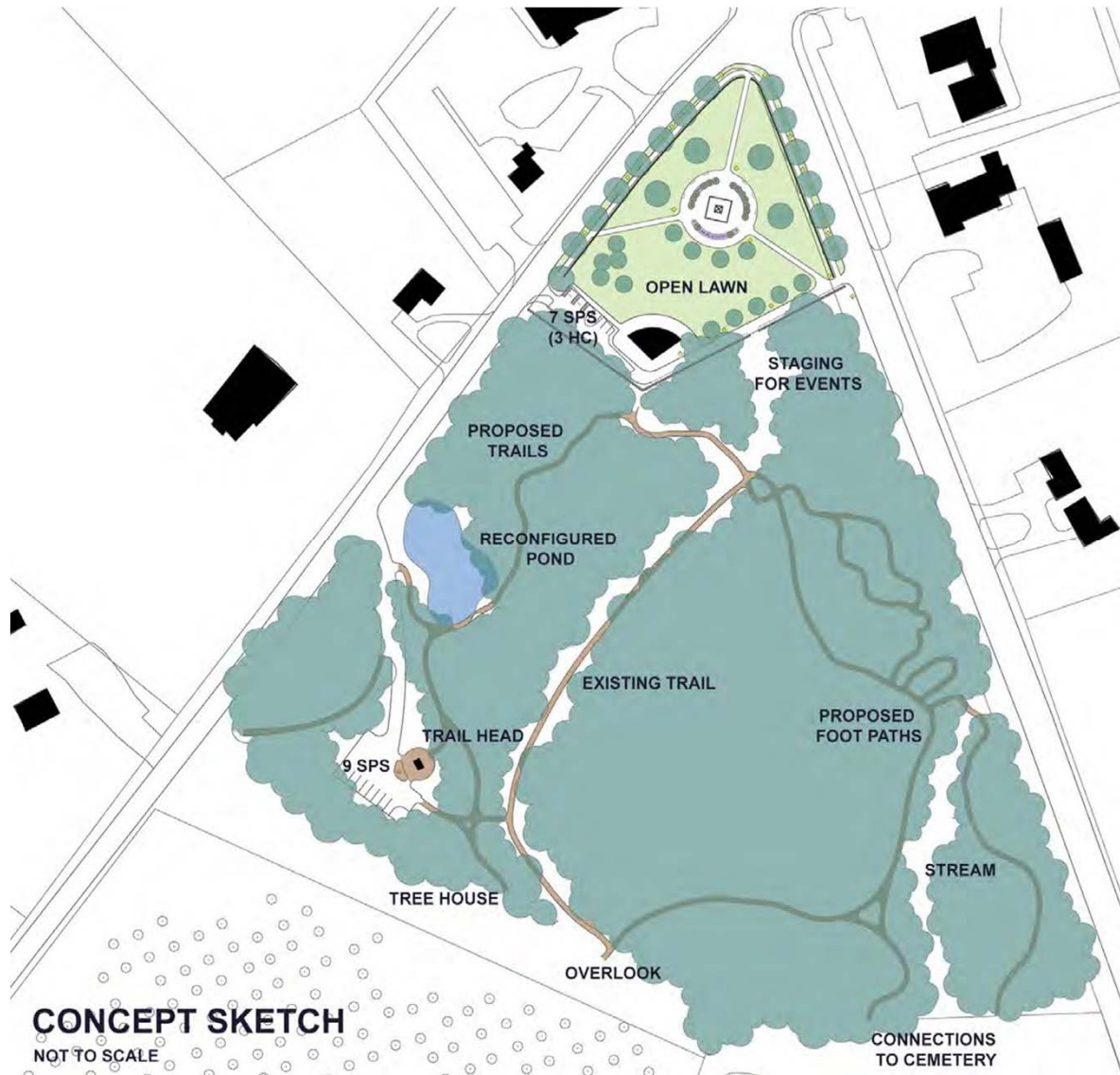
A diverse and naturalistic woodland. Strong potential to enhance trail system(s) and strengthen the physical and programmatic relationship between the forest and the common.



# PARKING CONSIDERATIONS

## DISTRICT PARKING CAPACITY

LIONS CLUB	46 sps
GRANGE # 44	20 sps
TOWN COMMON	10 sps
MORRISON HOUSE	25 sps
MOOSE HILL KINDERGARDEN	88 sps
MATTHEW THORNTON SCHOOL	164 sps
HIGH SCHOOL SOUTH PARKING LOT	300 sps
ORCHARD CHRISTIAN FELLOWSHIP	100 sps
LONDONDERRY PRESBYTERIAN CHURCH	107 sps
LONDONDERRY UNITED METHODIST CHURCH	80 sps
<b>TOTAL</b>	<b>940 SPS</b>



PRELIMINARY CONCEPT FOR THE ENHANCEMENT  
of the  
TOWN FOREST

### TOWN FOREST - ENHANCEMENT RECOMMENDATIONS

A primary goal of an enhancement plan for the Town Commons should center on reinforcing the sites aesthetic, spatial and cultural significance. Effort should be made to **better integrate the Commons with the surrounding area, especially the Town Forest and the Historic District.**

The enhancement plan depicted in the adjacent sketch is not meant to convey a proposed development plan. Rather it is a conceptual sketch highlighting major elements **that should drive the development of a more comprehensive and resolved site design.** The plan should be examined with an eye toward the major issues confronting a future designer so that he or she might better understand their significance and how their value might be enriched.

### KEY ELEMENTS TO CONSIDER

- Create safer pedestrian connections, especially at mid-block crossings and improve accessibility within the Town Commons and Town Forest.
- Strong potential to develop a more extensive trail system, strengthening connections between the Commons, the cemetery and surrounding historic and conservation areas.
- Consider the development of an accessible hiking trail system within the Town Forest.
- Consider enhancing the existing pond. Explore opportunities to create a more accessible pond area.
- Explore the development of a small parking area within the Town Forest. The parking area might consist of 6-10 spaces and serve the Common & Forest as well as the Adams Pond Conservation Area.

## TOWN COMMONS - ENHANCEMENT RECOMMENDATIONS

The sketch on the left depicts a conceptual design for enhancing the Town Commons. Like the overall master plan, ***it is conceptual in nature and intended only to highlight major elements that should drive the development of a more comprehensive and resolved site design.***

As mentioned earlier, the Commons is one of the Town's most hallowed spaces. It is ***important that an enhancement plan focus on reinforcing its hierarchy within the community open space system, symbolically as well as aesthetically.***

The plan depicted on the left centers itself on the reorganization of the historic monuments. ***The Civil War Memorial remains in its central position but the monument and stature is rotated on its axis, approximately 45° to the north*** thereby aligning itself with the intersection of Mammoth and Pillsbury Road. This establishes a primary axis and a strong connection with the main entrance of the commons, located at the intersection.

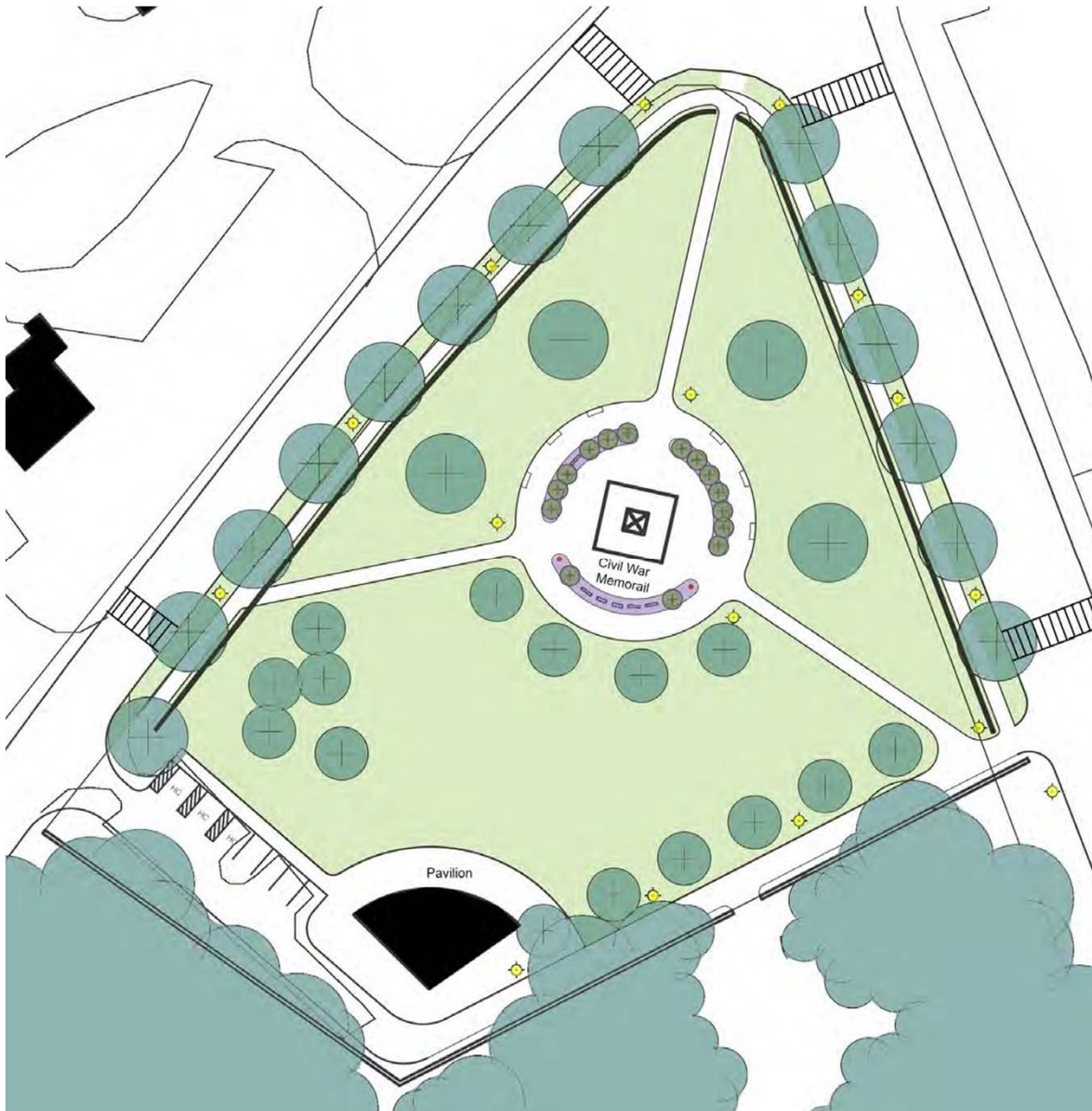
The rest of the war monuments are organized around the base of the monument. A central plaza and seating area is further developed with benches, flowering shrubs and perennials. Three paths radiate from this new central space to mid-block crosswalks on Pillsbury and Mammoth Roads.

The concept also calls for the development of a sidewalk around the perimeter of the area, enhanced with street trees and "period" pedestrian lamps. A board fence with granite posts or perhaps a low stone wall separates the road and sidewalk from the Commons. This creates a more defined edge but also limits opportunity for random access or egress from the Commons. This will in turn improve pedestrian safety by directing walkers to entrances only at crosswalks.

The ***pavilion remains intact and a large open lawn is preserved*** in front to accommodate picnickers and folks attending concerts and other events. The small existing parking area is improved and a gravel road/wide walk circumnavigates the site allowing for limited access for unloading and loading of vehicles.

### KEY ELEMENTS TO CONSIDER

- Mid-block Crosswalks
- Sidewalk & Radial Paths
- Realigned Monument; Reorganized War Memorials
- Street Trees (disease resistant elms)
- Loop Service Road/Wide Walkway
- Period Lamps, Benches, Flowers, Interpretive Signage



PRELIMINARY CONCEPT FOR ENHANCEMENT  
of the  
TOWN COMMON

## **MASTER PLAN PRIORITIES**

### Project Goal

Identify a planning concept that can facilitate a comprehensive and integrated planning and design approach for the enhancement and long-term management of the Town Common and Town Forest.

### Near-Term Objective

- Create a safe pedestrian circulation system to and around the Town Commons.
- Establish an aggressive program to control invasive species within the Town Forest.

### Mid-Term Objective

- Develop a comprehensive development program and schematic site design for the future enhancement of the Town Commons.
- Expand the trail system within the Town Forest. Consider the development of an accessible trail system for seniors and those with mobility issues.

### Long-Term Objective

- Enrich the Town Commons with the inclusion of site amenities such as defined walkways, lighting, benches, and other furnishings as proposed in a detailed schematic design.

## MAGNITUDE OF COSTS

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- Crosswalks in-kind - \$50,000
- Woodlot Management Plan (to be determined)
- Programming & Schematic Design \$10,000 - \$15,000
- Expanded Trail System
  - Existing trail & paths in-kind - \$10,000
  - Accessible Trail System \$20,000 - \$50,000
- Site Enhancement \$500,000 - \$750,000