

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF SEPTEMBER 11, 2013 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Laura El-Azem; Tom Freda, Ex-Officio;
6 Rick Brideau, CNHA, Ex-Officio; John Laferriere, Ex-Officio; Scott Benson; Leitha
7 Reilly, alternate member; Maria Newman, alternate member; Al Sypek, alternate
8 member

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

13
14 A. Rugg called the meeting to order at 7 PM. He appointed M. Newman to vote for
15 Lynn Wiles and A. Sypek to vote for Chris Davies.

16
17 **Administrative Board Work**
18

19 A. Approval of Minutes – August 28, 2013

20
21 **M. Soares made a motion to approve and sign the minutes from the**
22 **August 28, 2013 meeting. S. Benson seconded the motion.** No
23 discussion. **Vote on the motion: 9-0-0.**
24

25 B. Plans to Sign – NeighborWorks Subdivision; NeighborWorks Southern New
26 Hampshire (Applicant), Londonderry Lending Trust (owner), Map 12 Lot
27 59-3, 73 Trail Haven Drive, Zoned AR-I [Conditionally Approved July 10,
28 2013]

29
30 J. R. Trottier said all precedent conditions for approval have been met and
31 Staff recommends signature of the plans by the Planning Board.

32
33 **M. Soares made a motion to authorize the Chair and Secretary to**
34 **sign the plans. J. Laferriere seconded the motion.** No discussion.
35 **Vote on the motion: 9-0-0.**
36

37 A. Rugg said the plans will be signed at the conclusion of the meeting.
38

39 C. Discussions with Town Staff

- 40
41
 - State of New Hampshire Transportation Ten Year Plan

42
43 C. May reminded members of the Board and public that the New
44 Hampshire Department of Transportation (NHDT) and the
45 Governor's Advisory Commission on Intermodal Transportation
46 (GACIT) will hold a public meeting on September 12 at 7 PM in the
47 Moose Hill Council Chambers to garner input regarding transportation
48 projects planned between 2015 and 2024 in the State's Ten Year
49 Plan.

1 [L. Reilly arrived at 7:10 PM].
2

3 **Continued Plans**
4

5 A. Pillsbury Realty Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B,
6 41, 41-1, 41-2, 42, 45, 46, 47, 48, 50, 52, 54-1, 57, 58, 59, and 62 –
7 Public hearing for formal review of the Woodmont Commons Planned Unit
8 Development (PUD) Master Plan **[Continued on August 28, 2013 to**
9 **September 11, 2013]**.
10

11 A. Rugg noted that the 65-day approval period for this application per RSA
12 676:4 expires at midnight this evening and since no notices have been
13 received regarding an extension of that time frame, the Board would be
14 required to vote on whether to approve the plan, approve it with conditions,
15 or deny it.
16

17 E. Innes and T. Goodwin of the Woodmont Commons Development Team
18 gave a brief PowerPoint summary presentation of outstanding issues
19 discussed with the Planning Board at their August 14 and August 28
20 meetings and with Staff Town's third party consultant, Howard/Stein-
21 Hudson (HSH), on September 3 (see Attachment #1).
22

23 **WOODMONT COMMONS PUD MASTER PLAN:**
24

25 (E. Innes) "These topics are based on three meetings; the meetings of
26 August 14th and 28th with this Board and a meeting with Town Staff and
27 HSH on September 3rd (p. 2, Attachment #1)
28

29 "We identified 49 questions and concerns (p. 3). Of those, we have made
30 modifications to the text for 39 topics. We have left the text unchanged for
31 ten of those topics. We will be talking about some of the topics with no
32 changes tonight, but there are actually only five that did not require too
33 much change (p.4). One is something we just simply need to address with
34 you, two have actually been addressed in the August 2013 PUD Master Plan
35 that you had received, and two are them we are working with Staff on
36 parking right now.
37

38 "There are 11 waiver topics (p. 5). We made modifications to nine of those
39 and then deleted two and we have no change to one; that's topic three.
40 Topic three (p. 6) is the residential development phasing. Now, why
41 regulate phasing? For two reasons: one is the fiscal impacts to the town
42 and the other would be impacts on traffic generation. The fiscal impacts to
43 the town are covered by the Development Agreement that we discussed last
44 time. You can see that mitigation thresholds (p. 7) in the Master Traffic
45 Impact Analysis (MTIA) will help determine what mitigation needs to be
46 done and when and we, the developer, will participate in those
47 improvements.
48

49 "We had seven topics on Land Use Standards (p. 8) and we modified four of
50 those. No changes were made to three. The first is the Open Space

1 Minimum Areas (p. 9). As we have said throughout (p. 10), we are
2 providing approximately 25% of the PUD in a combination of conserved
3 green space and shared open space. We have not considered the perimeter
4 buffers as part of the open space, but if you do add them in, remembering
5 that the perimeter buffers are 'no-build,' it would bring our percentage of
6 open space up to just under 32%. And remember too that the conserved
7 green space and shared open space are minimum acres. We had shown
8 this to you in an open space briefing earlier in the year (pp. 11-14) and
9 we're just reminding you of the look from WC-8 to WC-3 at scale of how
10 these open spaces connect to each other.

11
12 "The next thing we did not change or modify the text for is the mixed-use
13 ratio (p. 150). A mixed-use ratio (p. 16) is a fixed calculated ratio; for
14 example, 10 dwelling units to 20 square feet or 80 dwelling units to
15 100,000 square feet. It's a balance between residential and commercial
16 development. There are two impacts that we have that would mean that
17 we do not need this: one (p. 17) is that we have made a commitment in the
18 Development Agreement to remain fiscal positive and in order to do that,
19 total residential and commercial development must be balanced. The other
20 element (p. 18) is the mitigation thresholds that we have committed to with
21 the MTIA. Again to meet those thresholds, residential and commercial
22 development must be balanced. These two limit it. The problem with a
23 fixed mixed-use ratio is that over the long term, a 20 year period, we may
24 not have the flexibility we need to respond to the market (p. 19). We feel
25 that the fiscal positive and the mitigation thresholds serve to limit and
26 allows the Board to feel comfortable that we have met those limitations.

27
28 "We also did not change the vehicle trips to the table (p. 20). That was
29 mentioned by HSH at the last meeting. It is really two different things
30 (p.21); the Land Use Density Table is not equal to the Master Traffic Impact
31 Analysis. They each have their own purpose. They each have an important
32 role in the Master Plan. The Land Use Density Table (p. 22) actually is a
33 hard limit on development by the number of dwelling units or amount of
34 non-residential square footage. It is fixed for the whole PUD. The MTIA (p.
35 23) is a base for evaluation of when mitigation improvements need to be
36 made. But this is an estimate; it is not a fixed number and it is flexible and
37 variable, depending on what is built when and the other conditions around
38 there. To use a variable number as a regulatory limit we feel is
39 inappropriate.

40
41 "We made changes to all of the topics on open space (p. 24) and for
42 transportation, we have made all of them except for the two on parking that
43 are in progress with Staff right now. (p. 25)

44
45 "On signage (p. 26), there was only one change that we did not make and
46 that is on the highway corridor (p. 27). If you remember, there was a
47 question on 350 square feet being too large, so we had a look at what you
48 would need to see at what speed, given that this is the highway corridor
49 and it would be visible from I-93 (p. 28). We are looking at the 65 mile per
50 hour, multi-lane; you would need a sign of 639 square feet to be visible at

1 that. We are only proposing the 350 square feet. And you can see (p. 29)
2 that the size of the sign needs to get larger the faster you go. The
3 importance of this is the legibility of the sign to the person who is driving.
4

5 "Finally, there are miscellaneous topics (p. 30), most of which we
6 addressed; 22 and 26, again, have already been addressed in the August
7 Master Plan and (pp. 31-32) 49 is the integration of Woodmont Commons
8 with the Londonderry community. We talked about the physical integration
9 where development will be stepping down at the edges to meet the current
10 conditions along Gilcreast, and along some of the other roads. We have
11 talked about the fact that public spaces and retail areas are open to all.
12 And we would also like to remind you as we are talking about housing
13 choices that we are presenting new housing choices for those who may not
14 want something that is the more conventional single family housing. It is
15 likely that the first residents of Woodmont Commons will be drawn from
16 current residents of Londonderry and its surrounding communities.
17

18 "And that is our very brief update. We know that you have the memo of all
19 the changes in your packet (see Attachment #2) and we are happy to
20 answer any questions."
21

22 A. Rugg asked for Staff input. There was none.
23

24 A. Rugg asked for questions and comments from the Board. Questions and
25 comments were as follows:
26

27 1. **M. Soares sought clarification of the language** in the
28 memorandum date September 6, 2013 entitled "Questions and
29 Concerns from the Planning Board meetings of August 14 and 28"
30 (see Attachment #2, p. 1, number 1) **regarding the three rows of**
31 **apple trees to be preserved along Gilcreast Road. She asked**
32 **what would occur if the three rows to be preserved extend**
33 **beyond the 50 foot perimeter buffer in any given place.** T.
34 Goodwin explained that when trying to determine a dimensional
35 standard, the varying width of the three rows along Gilcreast led
36 them to specify instead that the area of protection extends to the
37 drip line of the third tree, regardless of whether that dimension is
38 beyond the limit of the 50 foot perimeter buffer.
39

40 2. **L. Reilly asked what "speed management devices" other**
41 **than mid-block crossings would be used within block**
42 **standards to address pedestrian safety and comfort** (p. 10, no.
43 26). T. Goodwin said they would not necessarily be physical
44 impediments like those mentioned by L. Reilly, e.g. speed bumps or
45 rotaries, but could simply be items like street trees, on-street
46 parking, and bends in the road that are known to naturally slow
47 traffic. E. Inness added that a list of options can be found on p. 115
48 of the PUD Master Plan.
49

1 3. A. Rugg commented that the amendments made since the August
 2 meetings were numerous and demonstrated meaningful cooperation
 3 on the part of the Woodmont Commons Team, Staff, and legal
 4 counsel for both the developer and the Town.
 5

6 There was no further input from the Board.
 7

8 A. Rugg asked for questions and comments from the public. Questions and
 9 comments were as follows:
 10

11 1. **Mike Brown**, 5 Carousel Court, **asked for clarification as to**
 12 **whether the Town Council was to have held a public hearing**
 13 **regarding the Development Agreement as was indicated at the**
 14 **August 28 meeting and noted in the Development Agreement**
 15 **itself.** (The Development Agreement was approved by the Town
 16 Council on September 9 as a part of their regular meeting, contingent
 17 on approval by the Planning Board of the PUD Master Plan). A. Rugg
 18 said that he misspoke at the August 28 meeting that a public hearing
 19 would take place, adding he was corrected by the Town Council
 20 Chairman. He stated that if any member of the public believes the
 21 Development Agreement should be modified, they would need to
 22 address the Town Council since they have sole authority over the
 23 document. M. Brown expressed his disappointment that a public
 24 hearing did not take place since requisite notice would have been
 25 given to the public who could have then attended the September 9
 26 meeting to provide input and ask questions. He asked how a
 27 contractual agreement of 20 years in duration could not be discussed
 28 at a public hearing, but T. Freda explained that as a contract between
 29 the Town and the developer, a public hearing is not required. By
 30 making the document available to the public, including on the Town
 31 website, he stated that the intent was still fulfilled by creating
 32 awareness of the document and including the topic under "New
 33 Business" on the Town Council agenda.
 34

35 2. **M. Brown expressed his approval of the inclusion of the**
 36 **Growth Management Ordinance (GMO) in the Development**
 37 **Agreement, including the fact that if the GMO is re-adopted**
 38 **prior to its expiration, it will "continue to apply to Woodmont**
 39 **Commons."**
 40

41 3. **M. Brown reiterated his request that the Planning Board**
 42 **not grant the applicant's request for a waiver from the Town's**
 43 **Phasing ordinance,** despite the addition of the GMO to the
 44 Development Agreement and the requirement that the development
 45 stay tax positive; he said those concepts are all mutually exclusive.
 46 He agreed with J. Laferriere's suggestion at a previous meeting to
 47 consider waiving phasing requirements at the individual site and
 48 subdivision plan level when specific quantities are known instead of
 49 releasing the developer from the requirements at the forefront of a
 50 20-year project. He asked that if the Planning Board conditionally

1 approves the plan, they remove that phasing waiver and use J.
2 Laferriere's suggestion in its place. **He also reiterated resident**
3 **Mike Speltz's request from a previous meeting that per**
4 **Section 2.8.9.2.20 of the Town's PUD Ordinance, the**
5 **developer be required to submit a phasing schedule.** He noted
6 that the additional wording in said section, i.e. "if applicable
7 depending on the scale and type of PUD," would apply to a project of
8 this scope. If the Planning Board accepts the developer's reasons
9 why a phasing plan submission is not practical for this project, M.
10 Brown reasoned that the separate request for a waiver from the
11 phasing ordinance should not be considered.

12
13 **4. M. Tetreau, 15 Isabella Drive, read a poem into the record**
14 **(see Attachment #3) and stated that represented many**
15 **residents who would like to preserve the orchard trees.** She
16 asked that the Board thank residents for their involvement in the
17 public hearings their positive contribution to the development of the
18 PUD Master Plan. A. Rugg acknowledged that citizen input is just as
19 important as the Board's, that it helped shape ideas considered by
20 the Board, and resulted in modifications made to the Master Plan. He
21 apologized if the Board had not previously expressed their
22 appreciation for that involvement.

23
24 **5. Ray Adams, 22 Devonshire Lane, asked to direct a question**
25 **to the applicant concerning a "Polaroid project" in Waltham,**
26 **Massachusetts.** A. Rugg explained that the Board can only consider
27 the application before them, along with the Town's ordinances and
28 regulations. Anything beyond that is irrelevant to the Board when
29 considering any application.

30
31 **6. Martin Srugis, 17 Wimbledon Drive, asked why a public**
32 **hearing was not required when the Town Council considered**
33 **the Development Agreement.** T. Freda reiterated that since it is a
34 contract, the Council is not required to hold a public hearing on the
35 matter.

36
37 **7. M. Srugis agreed with M. Brown that the Phasing ordinance**
38 **should not be waived.** He asked for clarification as to how the
39 developer would determine phasing under the Development
40 Agreement. A. Rugg replied that phasing would be regulated by the
41 inclusion in the agreement that if the development becomes tax
42 negative to the Town, the developer must contribute an amount to
43 the Town that would offset that tax negativity. The purpose of the
44 GMO, he explained, is to provide a temporary means of limiting
45 growth if the Town is no longer able to provide the infrastructure
46 capacity needed by ongoing development. It affords the town a
47 chance to "catch up" by halting development until such a time that it
48 has added the amount of infrastructure that can again provide
49 adequate capacity and services. Requiring tax positivity on the part
50 of the developer, he said, will produce the same result because if

1 Woodmont Commons grows at a rate that causes the need for the
2 Town to provide additional infrastructure, the developer is aware he
3 will be required to financially offset those impacts. M. Srugis asked
4 that the Board exert more control over the issue of phasing. A. Rugg
5 said the Board would still have input on the impacts created by
6 Woodmont Commons both inside and outside the development at the
7 individual site and subdivision submissions.
8

9 8. **Doug Hatem** asked if the Board had received a letter from the
10 **Board of Directors of the Londonderry Square Condominium**
11 **Association**, 50 Nashua Road, of which he is a member. M. Soares
12 read the letter into the record (see Attachment #4) which expressed
13 concern over potential traffic volumes resulting from Woodmont
14 Commons inhibiting access and egress from the Square's curb cut on
15 Gilcreast Road, particularly if Exit 4A is not constructed. Concern was
16 also relayed that the use of the site as a cut through from Gilcreast
17 to Route 102 would increase and damage the Square's parking lot. A.
18 Rugg replied that the Master Traffic Impact Analysis (MTIA) used
19 current data and focused on impacts to Gilcreast Road in particular to
20 prepare for possible mitigation. Additionally, a requirement is in
21 place that the MTIA be revised with each individual site and
22 subdivision plan and that any impacts revealed must be addressed
23 before a plan can be approved. Cars using the Square's parking lot to
24 bypass the traffic light at Route 102, however, would be a private
25 matter and not one the Town would address. He encouraged the
26 Board of Directors to study the MTIA. When D. Hatem mentioned
27 ideas the Board has regarding the impacts, A. Rugg suggested they
28 speak with Public Works Staff for advisement.
29

30 9. **Ray Breslin**, 3 Gary Drive, **suggested that the Development**
31 **Agreement was not properly executed and should be reviewed**
32 **by an outside professional with "corporate or realty**
33 **experience" since it seemed skewed in favor of the developer.**
34 A. Rugg responded that any issues with the Development Agreement
35 should be directed toward the Town Council since they conditionally
36 approved it and have sole authority over it. T. Freda restated that
37 the requirement that the development remain tax positive on an
38 annual basis acts as mitigation for impacts that cannot be foreseen at
39 this time. He also stated that the Town Attorney is fully qualified to
40 develop and negotiate the Development Agreement.
41

42 10. **Ann Chiampa**, 28 Wedgewood Drive, **noted that the**
43 **language in modification #1** (see Attachment #2, p. 1, number 1),
44 **indicates that apple trees are said to remain along Gilcreast**
45 **"and the areas of Perimeter Buffer...as indicated on the Land**
46 **Use Plan," yet the Land Use Plan for WC-11** (see Attachment
47 **#5) does not indicate any apple trees within the perimeter**
48 **buffer along Hovey Road.** She asked if three rows of apple trees
49 would also be preserved along Hovey Road as she had requested
50 previously. M. Soares noted additional language on p. 13 of

1 Attachment #2 under no. 36 that specifies "One row of apple trees,
 2 where existing, will remain along Hovey and Pillsbury Roads within
 3 the 50 foot Perimeter Buffer..." A. Rugg acknowledged the request
 4 for three rows on Hovey Road had been made, but explained that the
 5 one row is a result of negotiations involving all requested
 6 modifications to the PUD Master Plan between the Woodmont
 7 Commons Team and Staff. C. May noted that such negotiations are a
 8 standard practice with any developer and that in this case, one row of
 9 trees along Hovey Road was a gain for the Town since no offer to
 10 preserve any trees outside of Gilcreast Road had ever been offered
 11 by the developer. M. Soares added that the maintenance agreement
 12 for the apple trees in the PUD Master Plan was an additional request
 13 agreed to by the developer. A. Chiampa suggested an appearance of
 14 preferential treatment by the Board towards residents of Gilcreast
 15 Road over those on Hovey Road and expressed her disappointment
 16 that three rows were not "taken into consideration" by the Board and
 17 Staff.

18
 19 **11. A. Chiampa noted language on p. 5 of the Development**
 20 **Agreement that** "The real property described and depicted within
 21 Exhibit B comprises the Development and shall be subject to the
 22 terms and provisions of the planned unit development master plan
 23 and this Agreement. **This Agreement may be amended as**
 24 **provided by law (i) to extend to additional real property**
 25 **rezoned by the Town and incorporated into Woodmont,** (ii) to
 26 modify its terms and provisions, and (iii) to address additional
 27 matters, whether or not contemplated or potentially contemplated at
 28 the time of first execution." She asked if subsection (i) meant that
 29 additional land could be annexed into Woodmont Commons. T. Freda
 30 explained that the language refers to three possible scenarios under
 31 which amendments to the PUD can occur, adding that both the
 32 Town's and the developer must agree to any proposed changes. A.
 33 Rugg noted that any proposed amendment to the PUD Master Plan
 34 would also involve a public hearing. **A. Chiampa asked how the**
 35 **rezoning mentioned in the subsection would be handled.** T.
 36 Freda replied that as a contract, the issue would be decided by the
 37 Town Council. A. Rugg added that in all situations, the Town Council
 38 approves amendments to the zoning ordinance, including the
 39 rezoning of property, following a recommendation by the Planning
 40 Board.

41
 42 **12. A. Chiampa asked the Woodmont Commons Development**
 43 **Team to be mindful of existing residents during the**
 44 **development of Woodmont Commons and ensure the**
 45 **development is something in which residents can take pride.**

46
 47 **13. Laura Aronson, 38 Boyd Road, expressed concerns for**
 48 **impacts on the Town caused by Woodmont Commons and**
 49 **whether the Planning Board and Town Council can adequately**
 50 **address mitigation for those impacts.** She stated that the PUD

1 Master Plan does not provide specifics about how the development
2 will remain tax positive and how the impacts of construction will be
3 addressed. A. Rugg replied that while the Master Plan is an
4 overview, therefore details regarding impacts and proposed
5 mitigation associated with individual site and subdivision plans will be
6 reviewed and dealt with at that level.

7
8 **14. M. Brown stated his appreciation that language regarding**
9 **Special Exceptions for Home Occupations** (see Attachment #2,
10 p. 7, no. 16) **has been modified so that while an applicant is**
11 **not required to apply to the Zoning Board, the remaining**
12 **criteria in the current zoning ordinance must still be adhered**
13 **to and will be regulated by the Planning Board.**

14
15 **15. M. Brown also expressed approval of the fact that**
16 **electronic message boards, changeable signs, and**
17 **moving/flashing signs are prohibited within the entirety of**
18 **the PUD.**

19
20 **16. L. El-Azem read into the record an email from Walter and M.**
21 **Stocks, 39 Gordon Drive, asking the Board to consider what**
22 **benefits and impacts to existing residents will result from the**
23 **Woodmont Commons development** (see Attachment #6).

24
25 **17. R. Breslin asked about letters submitted by citizens since**
26 **the onset of the Woodmont Commons review.** He asked if those
27 letters would now be read into the record and responded to by the
28 Board since answers are now available with the final draft of the PUD
29 Master Plan. Precisely because answers can now be found in the PUD
30 Master Plan and since there is no policy in place entitling the author
31 of any letter to a response from the Board, A. Rugg answered that
32 those letters will not be read into the record or answered. He added,
33 however, that all letters are regarded as public input and given
34 consideration by the Board.

35
36 There was no further public input. A. Rugg announced that the public
37 hearing portion of the meeting was closed and that the Board would
38 deliberate on the modification and waiver requests made by the applicant.

39
40 J. R. Trottier stated that the Woodmont Commons PUD Master Plan
41 application was accepted as complete by the Planning Board on October 10,
42 2012. He and C. May then read the waivers into the record from the Staff
43 Recommendation memo:

44
45 **LONDONDERRY ZONING ORDINANCE WAIVER REQUESTS:**

46
47 **1. Section 1.2 – Impact Fees:** The applicant requests a MODIFICATION
48 to Section 1.2 – Impact Fees. Impact fees chargeable for site-specific
49 development will be calculated during PUD Site Plan and/or Subdivision
50 reviews in accord with *Section 4.5* of the PUD Master Plan, Development

1 Agreement. Staff recommends **granting** the MODIFICATION because the
2 Development Agreement addresses the proportional connection or nexus
3 between the proposed build-out of Woodmont Commons and the applicable
4 impact fees.

5
6 **M. Soares made a motion to approve the Applicant's request for a**
7 **modification to Section 1.2 – Impact Fees of the Londonderry**
8 **Zoning Ordinance as outlined in Staff's Recommendation**
9 **memorandum dated September 11, 2013. L. El-Azem seconded the**
10 **motion.** No discussion. **Vote on the motion: 9-0-0.** The modification
11 was granted.

12
13 **2. Section 1.3 – Residential Development Phasing:** The applicant
14 requests a WAIVER to Section 1.3 – Residential Development Phasing. The
15 Applicant requests that phasing of residential unit shall not be limited by the
16 express calculation of *Section 1.3.3*. Staff recommends **granting** the
17 WAIVER because Growth Management is applicable to Woodmont
18 Commons, subject to sunset provisions; the traffic, fiscal, and infrastructure
19 analysis studies showed that the impact of Development at full build-out
20 can be mitigated at the site plan and subdivision application level; the
21 Development Agreement includes a provision ensuring that the Town will
22 not experience a negative fiscal impact in any year of development.

23
24 **M. Soares made a motion to approve the Applicant's request for a**
25 **waiver to Section 1.3 – Residential Development Phasing of the**
26 **Londonderry Zoning Ordinance as outlined in Staff's**
27 **Recommendation memorandum dated September 11, 2013. L.**
28 **El-Azem seconded the motion.** J. Laferriere requested that the waiver
29 not be granted and that the Planning Board instead allow the applicant to
30 request waivers to phasing at the individual site and subdivision plan level.
31 M. Soares stated that the Board is not relinquishing the concept of phasing
32 because they can still assess and address the impacts to Town
33 infrastructure while reviewing an individual plan and because phasing will
34 be controlled by the requirement that the development remain tax positive
35 on an annual basis. No further discussion. **Vote on the motion: 8-1-0**
36 with J. Laferriere in opposition. The waiver was granted.

37
38 **3. Section 1.5.2 – Conditional Use Permits:** The applicant requests a
39 WAIVER to a portion of and MODIFICATION to Section 1.5.2 – Conditional
40 Use Permits. Approval of the PUD Master Plan, and its process for
41 amendments to the PUD supersedes the need for conditional use permits or
42 zoning variances and special exceptions. Staff recommends **granting** the
43 WAIVER because in accordance with Section 2.8.2 of the Zoning Ordinance,
44 a PUD is largely independent from current land use regulations otherwise
45 applicable to that property in order to promote flexibility and cohesiveness
46 in large scale development. Administration of a PUD, under RSA 674:21
47 Innovative Land Use Controls, is vested in the Planning Board. The waiver
48 would be to the requirement for all Conditional Use Permits (CUP), with the
49 exception of CUP's associated with the Conservation Overlay District (COD).

1 The exception to this waiver is that Conditional Use Permits shall still be
2 required prior to the disruption of wetlands and associated buffers within
3 the Conservation Overlay District. Staff recommends **granting** the
4 MODIFICATION to retain a Conditional Use Permit process subject to the
5 criteria outlined in the COD ordinance, and including the proposed
6 modification to Section 2.6.3 noted below.
7

8 **M. Soares made a motion to approve the Applicant's request for a**
9 **waiver and a modification to Section 1.5.2 – Conditional Use Permits**
10 **of the Londonderry Zoning Ordinance as outlined in Staff's**
11 **Recommendation memorandum dated September 11, 2013. S.**
12 **Benson seconded the motion. No discussion. Vote on the motion:**
13 **9-0-0.** The waiver and modification were granted.
14

15 **4. Section 2 – Zoning Districts/Use Table:** The applicant requests a
16 WAIVER to Section 2 – Zoning Districts/Use Tables. Proposed zoning
17 districts, dimensional standards and permitted uses shall be defined by the
18 terms of the PUD Master Plan, in accordance with Section 2.8 Planned Unit
19 Development of the Zoning Ordinance. Staff recommends **granting** the
20 WAIVER because this is consistent with the intent and purpose of a PUD.
21 The Town of Londonderry is not required to accept as public, any
22 improvement that does not meet Town standards.
23

24 **M. Soares made a motion to approve the Applicant's request for a**
25 **waiver to Section 2 – Zoning Districts/Use Table of the Londonderry**
26 **Zoning Ordinance as outlined in Staff's Recommendation**
27 **memorandum dated September 11, 2013. R. Brideau seconded the**
28 **motion. No discussion. Vote on the motion: 9-0-0.** The waiver was
29 granted.
30

31 **5. Section 2.6.3 – Conservation Overlay Districts:** The applicant
32 requests a MODIFICATION to Section 2.6.3 – Conservation Overlay
33 Districts. The restrictions imposed by the existing COD shall apply to
34 development within the PUD, with the modification that the Planning Board
35 may consider and approve proposed encroachments pursuant to Section
36 2.6.3.4.2.2 that would, if granted, allow construction of new structures as
37 close as the edge of the jurisdictional wetlands. Staff recommends
38 **granting** the MODIFICATION because the developer intends that these
39 would be ancillary structures associated with recreational water based
40 activities, such as docks, boathouses, food vending, gazebos, etc., and may
41 be subject to NH DES review for applicable wetland encroachments.
42

43 **M. Soares made a motion to approve the Applicant's request for a**
44 **modification to Section 2.6.3 – Conservation Overlay Districts of the**
45 **Londonderry Zoning Ordinance as outlined in Staff's**
46 **Recommendation memorandum dated September 11, 2013. R.**
47 **Brideau seconded the motion. No discussion. Vote on the motion:**
48 **9-0-0.** The modification was granted.
49

1 **6. Section 3.1.2 – Local Excavation Standards:** The applicant requests
2 a MODIFICATION to Section 3.1.2 – Local Excavation Standards. The
3 purpose of the modification is to clarify that any excavation activities within
4 the Woodmont Commons PUD that furthers the purposes of the PUD or
5 prepares land within the PUD along public infrastructure, shall be deemed
6 “exclusively incidental to the construction or alteration of a building or
7 structure or the construction or alteration of a parking lot or way” and
8 exempt from local permitting pursuant to RSA 155-E:2-a(I)(a). Staff
9 recommends **granting** the MODIFICATION because the entire PUD is
10 considered a single and contiguous development project. The developer has
11 committed to stabilization and reclamation of any excavated area pursuant
12 to state minimum reclamation standards, and with all applicable requisite
13 state approvals.

14
15 **M. Soares made a motion to approve the Applicant’s request for a**
16 **modification to Section 3.1.2 – Local Excavation Standards of the**
17 **Londonderry Zoning Ordinance as outlined in Staff’s**
18 **Recommendation memorandum dated September 11, 2013. R.**
19 **Brideau seconded the motion.** M. Soares expressed her confidence in
20 the waiver based on an explanation provided at a previous meeting. No
21 further discussion. **Vote on the motion: 9-0-0.** The modification was
22 granted.

23
24 **7. Section 3.2 – Performance Standards:** The applicant requests a
25 WAIVER to Section 3.2 – Performance Standards. Within the PUD,
26 performance standards shall be determined by the terms of the PUD Master
27 Plan, in accordance with Section 2.8 of the Zoning Ordinance. Staff
28 recommends **granting** the WAIVER because this is consistent with the
29 intent and purpose of a PUD.

30
31 **M. Soares made a motion to approve the Applicant’s request for a**
32 **waiver to Section 3.2 – Performance Standards of the Londonderry**
33 **Zoning Ordinance as outlined in Staff’s Recommendation**
34 **memorandum dated September 11, 2013. R. Brideau seconded the**
35 **motion.** No discussion. **Vote on the motion: 9-0-0.** The waiver was
36 granted.

37
38 **8. Section 3.3.3.1.1 – Conservation Subdivisions:** The applicant
39 requests a WAIVER to Section 3.3.3.1.1 – Conservation Subdivisions. Within
40 the PUD, conservation subdivisions shall remain “available” as an option for
41 applicants. Staff recommends **granting** the WAIVER because this is
42 consistent with the intent and purpose of a PUD.

43
44 **M. Soares made a motion to approve the Applicant’s request for a**
45 **waiver to Section 3.3.3.1.1 – Conservation Subdivisions of the**
46 **Londonderry Zoning Ordinance as outlined in Staff’s**
47 **Recommendation memorandum dated September 11, 2013. R.**
48 **Brideau seconded the motion.** No discussion. **Vote on the motion:**
49 **9-0-0.** The waiver was granted.
50

1 **9. Section 3.10 – Vehicle Access and Parking:** The applicant requests a
 2 WAIVER to Section 3.10 – Vehicle Access and Parking. Vehicle and bicycle
 3 access, parking space standards and parking loading shall be determined by
 4 the terms of *Section 2.3.4 Parking and Loading Standards* of the PUD
 5 Master Plan. Staff recommends **granting** the WAIVER because this is
 6 consistent with the intent and purpose of a PUD. The Town of Londonderry
 7 is not required to accept as public, any improvement that does not meet
 8 Town standards.

9
 10 **M. Soares made a motion to approve the Applicant’s request for a**
 11 **waiver to Section 3.10 – Vehicle Access and Parking of the**
 12 **Londonderry Zoning Ordinance as outlined in Staff’s**
 13 **Recommendation memorandum dated September 11, 2013. R.**
 14 **Brideau seconded the motion. No discussion. Vote on the motion:**
 15 **9-0-0.** The waiver was granted.

16
 17 **10. Section 3.11 – Signs:** The applicant requests a WAIVER to Section
 18 3.11 – Signs. Sign standards for commercial and mixed use areas shall be
 19 determined by the terms of *Section 2.3.7 PUD Subdivision Signage* and
 20 *Section 2.4.4 PUD Site Plan Signage* of the PUD Master Plan. Residential
 21 signage shall remain subject to the current Zoning Ordinance. Staff
 22 recommends **granting** the WAIVER because this is consistent with the
 23 intent and purpose of a PUD.

24
 25 **L. El-Azem made a motion to approve the Applicant’s request for a**
 26 **waiver to Section 3.11 – Signs of the Londonderry Zoning Ordinance**
 27 **as outlined in Staff’s Recommendation memorandum dated**
 28 **September 11, 2013. R. Brideau seconded the motion. No**
 29 **discussion. Vote on the motion: 9-0-0.** The waiver was granted.

30
 31 **11. Section 3.12.1.1 – Home Occupations:** The applicant requests a
 32 WAIVER to Section 3.12.1.1 – Home Occupations. In the Woodmont
 33 Commons PUD, home occupations are allowable subject to verification of
 34 performance standards and without the need for a special exception.
 35 Performance standards provided in the Zoning Ordinance Sections 3.12.1.1
 36 shall apply as criteria for the Planning Board’s evaluation, which shall
 37 regulate compliance. Staff recommends **granting** the WAIVER because this
 38 is consistent with the intent and purpose of a PUD.

39
 40 **L. El-Azem made a motion to approve the Applicant’s request for a**
 41 **waiver to Section 3.12.1.1 – Home Occupations of the Londonderry**
 42 **Zoning Ordinance as outlined in Staff’s Recommendation**
 43 **memorandum dated September 11, 2013. R. Brideau seconded the**
 44 **motion. No discussion. Vote on the motion: 9-0-0.** The waiver was
 45 granted.

46
 47 **12. Sections 3.12.2.1 & 3.12.3.1 – Childcare/Adult Day Care**
 48 **Facilities as Home Occupations:** The applicant requests a WAIVER to
 49 Sections 3.12.2.1 & 3.12.3.1 – Childcare/Adult Day Care Facilities as Home
 50 Occupations. In the Woodmont Commons PUD, these uses are allowable

1 subject to verification of performance standards and without the need for a
 2 special exception. Performance standards provided in the Zoning Ordinance
 3 Sections 3.12.2.1 & 3.12.3.1 shall apply as criteria for the Planning Board's
 4 evaluation, which shall regulate compliance. Staff recommends **granting**
 5 the WAIVER because this is consistent with the intent and purpose of a
 6 PUD.

7
 8 **L. El-Azem made a motion to approve the Applicant's request for a**
 9 **waiver to Sections 3.12.2.1 & 3.12.3.1 – Childcare/Adult Day Care**
 10 **Facilities as Home Occupations of the Londonderry Zoning**
 11 **Ordinance as outlined in Staff's Recommendation memorandum**
 12 **dated September 11, 2013. R. Brideau seconded the motion.** No
 13 discussion. **Vote on the motion: 9-0-0.** The waiver was granted.

14
 15 **13. Section 4.7 – Definitions:** The applicant requests a WAIVER to
 16 Section 4.7 – Definitions. To the extent the PUD Master Plan contains
 17 different definitions for terms used in both the Londonderry Zoning
 18 Ordinance and the PUD, the definitions stated in *Section 2.1.5 Definitions* of
 19 the PUD Master Plan shall prevail. Staff recommends **granting** the WAIVER
 20 because this is consistent with the intent and purpose of a PUD.

21
 22 **L. El-Azem made a motion to approve the Applicant's request for a**
 23 **waiver to Section 4.7 – Definitions of the Londonderry Zoning**
 24 **Ordinance as outlined in Staff's Recommendation memorandum**
 25 **dated September 11, 2013. R. Brideau seconded the motion.** No
 26 discussion. **Vote on the motion: 9-0-0.** The waiver was granted.

27
 28 **14. Appendix A – Roadway Classifications:** The applicant requests a
 29 WAIVER to Appendix A – Roadway Classifications. The purpose of the
 30 waiver is to acknowledge that Section 2.3.3 Transportation Network shall
 31 prevail over Appendix A – Roadway Classifications for any conflicts arising in
 32 relation to definitions and road classifications within the PUD. Staff
 33 recommends **granting** the WAIVER because this is consistent with the
 34 intent and purpose of a PUD. The Town of Londonderry is not required to
 35 accept as public, any improvement that does not meet Town standards.

36
 37 **L. El-Azem made a motion to approve the Applicant's request for a**
 38 **waiver to Appendix A – Roadway Classifications of the Londonderry**
 39 **Zoning Ordinance as outlined in Staff's Recommendation**
 40 **memorandum dated September 11, 2013. R. Brideau seconded the**
 41 **motion.** No discussion. **Vote on the motion: 9-0-0.** The waiver was
 42 granted.

43
 44 **LONDONDERRY SITE PLAN REGULATIONS WAIVER REQUESTS:**

45
 46 **1. Section 1.03(d) – Purpose: Sensitivity to Rural and Agricultural**
 47 **Heritage:** The applicant requests a WAIVER to Section 1.03(d) – Purpose:
 48 Sensitivity to Rural and Agricultural Heritage. Woodmont Commons PUD is
 49 intended to be sensitive to and consistent with the character and uses of its
 50 perimeter. Within the PUD, the development themes are neither rural nor

1 agricultural in nature, but reflect a common theme consistent with the
2 objectives of the PUD. Staff recommends **granting** the WAIVER because
3 this is consistent with the intent and purpose of a PUD.
4

5 **L. El-Azem made a motion to approve the Applicant's request for a**
6 **waiver to Section 1.03(d) – Purpose: Sensitivity to Rural and**
7 **Agricultural Heritage of the Londonderry Site Plan Regulations as**
8 **outlined in Staff's Recommendation memorandum dated September**
9 **11, 2013. R. Brideau seconded the motion.** No discussion. **Vote on**
10 **the motion: 9-0-0.** The waiver was granted.
11

12 **2. Section 3.01(a) – Approval of Improvements:** The applicant
13 requests a WAIVER to Section 3.01(a) – Approval of Improvements.
14 Improvements in the Woodmont Commons PUD will be constructed in
15 accord with the PUD Master Plan, the *Londonderry Zoning Ordinance*, the
16 *Londonderry Site Plan Regulations*, and the *Londonderry Subdivision*
17 *Regulations*, consistent with the waivers and modifications approved by the
18 Planning Board. Existing typical standards within the *Londonderry Site Plan*
19 *Regulations* may still apply, if those standards have not been waived or
20 modified in the approval of the PUD Master Plan. In such instances, the
21 *Londonderry Site Plan Regulation* provisions in effect on the date of the
22 completed Woodmont Commons PUD application (October 3, 2012) will be
23 applicable. Otherwise, the PUD Master Plan shall be the governing
24 document for all development within the Woodmont Commons PUD. Staff
25 recommends **granting** the WAIVER because this is consistent with the
26 intent and purpose of a PUD. In accordance with Section 2.8.2.1 of the PUD
27 Ordinance, development projects within the PUD are largely independent
28 from current land use regulations otherwise applicable to that property.
29

30 **L. El-Azem made a motion to approve the Applicant's request for a**
31 **waiver to Section 3.01(a) – Approval of Improvements of the**
32 **Londonderry Site Plan Regulations as outlined in Staff's**
33 **Recommendation memorandum dated September 11, 2013.**
34 **R. Brideau seconded the motion.** No discussion. **Vote on the motion:**
35 **9-0-0.** The waiver was granted.
36

37 **3. Section 3.01(c) – Standards and Specifications:** The applicant
38 requests a WAIVER to Section 3.01(c) – Standards and Specifications.
39 Improvements in the Woodmont Commons PUD will be constructed in
40 accord with the PUD Master Plan, the *Londonderry Zoning Ordinance*, the
41 *Londonderry Site Plan Regulations*, and the *Londonderry Subdivision*
42 *Regulations*, consistent with the waivers and modifications approved by the
43 Planning Board. Existing typical standards within the *Londonderry Site Plan*
44 *Regulations* may still apply, if those standards have not been waived or
45 modified in the approval of the PUD Master Plan. In such instances, the
46 *Londonderry Site Plan Regulation* provisions in effect on the date of the
47 completed Woodmont Commons PUD application (October 3, 2012) will be
48 applicable. Otherwise, the PUD Master Plan shall be the governing
49 document for all development within the Woodmont Commons PUD. Staff
50 recommends **granting** the WAIVER because this is consistent with the

1 intent and purpose of a PUD. In accordance with Section 2.8.2.1 of the PUD
2 Ordinance, development projects within the PUD are largely independent
3 from current land use regulations otherwise applicable to that property.
4

5 **L. El-Azem made a motion to approve the Applicant's request for a**
6 **waiver to Section 3.01(c) – Standards and Specifications of the**
7 **Londonderry Site Plan Regulations as outlined in Staff's**
8 **Recommendation memorandum dated September 11, 2013. R.**
9 **Brideau seconded the motion. No discussion. Vote on the motion:**
10 **9-0-0. The waiver was granted.**
11

12 **4. Section 3.02 – Monuments:** The applicant requests a MODIFICATION
13 to Section 3.02 – Monuments. For those locations within the Woodmont
14 Commons development where traditional monumentation is not practical
15 because boundaries may be obstructed by the placement of structures,
16 roads and other improvements, the modification to Section 3.02 will allow
17 alternative methods. Staff recommends *granting* the MODIFICATION
18 because this is consistent with the intent and purpose of a PUD, and still
19 provides for a method of marking property boundaries, in those limited
20 cases where the placement of a bound may be obstructed by a structure,
21 road or other improvement.
22

23 **M. Soares made a motion to approve the Applicant's request for a**
24 **modification to Section 3.02 – Monuments of the Londonderry Site**
25 **Plan Regulations as outlined in Staff's Recommendation**
26 **memorandum dated September 11, 2013. R. Brideau seconded the**
27 **motion. No discussion. Vote on the motion: 9-0-0. The modification**
28 **was granted.**
29

30 **5. Section 3.07(a)(1) – Storm Drain System:** The applicant requests a
31 MODIFICATION to Section 3.07(a)(1) – Storm Drain System. The
32 modification will permit underground detention and infiltration systems,
33 with an exception for roadways or other public facilities planned to be
34 publicly owned, unless otherwise waived by the Planning Board. Staff
35 recommends *granting* the MODIFICATION because this is consistent with
36 the intent and purpose of a PUD, and with NH DES stormwater
37 management best practices. Additionally, an operations and maintenance
38 plan for any underground detention and infiltration system shall be provided
39 for Planning Board review at the time of PUD subdivision and/or site plan
40 application.
41

42 **M. Soares made a motion to approve the Applicant's request for a**
43 **modification to Section 3.07(a)(1) – Storm Drain System of the**
44 **Londonderry Site Plan Regulations as outlined in Staff's**
45 **Recommendation memorandum dated September 11, 2013. R.**
46 **Brideau seconded the motion. No discussion. Vote on the motion:**
47 **9-0-0. The modification was granted.**
48

49 **6. Section 3.08 – Streets/Driveways/Sidewalks:** The applicant
50 requests a WAIVER to Section 3.08 – Streets/Driveways/Sidewalks. The

1 Woodmont Commons PUD Master Plan provides standards for streets,
2 driveways and sidewalks as permitted by Section 2.8 of the *Londonderry*
3 *Zoning Ordinance*, allowing flexibility in the selection of site design and
4 development standards contained in the Londonderry Land Use Regulations.
5 To the extent conflicts arise, *Section 2.3.3 Transportation Network* of the
6 PUD Master Plan shall control. Staff recommends **granting** the WAIVER
7 because this is consistent with the intent and purpose of a PUD. The Town
8 of Londonderry is not required to accept as public, any improvement that
9 does not meet Town standards.

10
11 **M. Soares made a motion to approve the Applicant's request for a**
12 **waiver to Section 3.08 – Streets/Driveways/Sidewalks of the**
13 **Londonderry Site Plan Regulations as outlined in Staff's**
14 **Recommendation memorandum dated September 11, 2013. R.**
15 **Brideau seconded the motion. No discussion. Vote on the motion:**
16 **9-0-0. The waiver was granted.**

17
18 **7. Section 3.09 – Landscaping Design Standards:** The applicant
19 requests a WAIVER to Section 3.09 – Landscaping Design Standards. The
20 Woodmont Commons PUD Master Plan provides landscaping standards as
21 permitted by Section 2.8 of the *Londonderry Zoning Ordinance*, allowing
22 flexibility in the selection of site design and development standards
23 contained in the Londonderry Land Use Regulations. To the extent conflicts
24 arise, *Section 2.4.6 PUD Site Plan Landscape* of the PUD Master Plan shall
25 control. Staff recommends **granting** the WAIVER because this is consistent
26 with the intent and purpose of a PUD, and the proposed landscaping design
27 standards are appropriate for a mixed-use development.

28
29 **M. Soares made a motion to approve the Applicant's request for a**
30 **waiver to Section 3.09 – Landscaping Design Standards of the**
31 **Londonderry Site Plan Regulations as outlined in Staff's**
32 **Recommendation memorandum dated September 11, 2013. R.**
33 **Brideau seconded the motion. No discussion. Vote on the motion:**
34 **9-0-0. The waiver was granted.**

35
36 **8. Section 3.11 – Parking Lot Design Standards (Except Section**
37 **3.11(d) ADA Compliance):** The applicant requests a WAIVER to Section
38 3.11 – Parking Lot Design Standards (Except Section 3.11(d) ADA
39 Compliance). The Woodmont Commons PUD Master Plan contains specific
40 standards relating to parking capacities, layout and function as permitted by
41 Section 2.8 of the *Londonderry Zoning Ordinance*, allowing flexibility in the
42 selection of site design and development standards contained in the
43 Londonderry Land Use Regulations. To the extent conflicts arise, *Section*
44 *2.3.4 PUD Parking and Loading Standards* of the PUD Master Plan shall
45 control. Staff recommends **granting** the WAIVER because this is consistent
46 with the intent and purpose of a PUD, and is designed to provide adequate
47 parking and minimize impervious surfaces that increase stormwater runoff
48 and contribute to environmental degradation. The Town of Londonderry is
49 not required to accept as public, any improvement that does not meet Town
50 standards.

1
2 **M. Soares made a motion to approve the Applicant’s request for a**
3 **waiver to Section 3.11 – Parking Lot Design Standards (Except**
4 **Section 3.11(d) ADA Compliance) of the Londonderry Site Plan**
5 **Regulations as outlined in Staff’s Recommendation memorandum**
6 **dated September 11, 2013. R. Brideau seconded the motion. No**
7 **discussion. Vote on the motion: 9-0-0. The waiver was granted.**
8

9 **9. Section 3.12 – Building and General Appearance Design**
10 **Standards:** The applicant requests a MODIFICATION to Section 3.12 –
11 Building and General Appearance Design Standards. The Woodmont
12 Commons PUD Master Plan includes architectural guidelines as permitted by
13 Section 2.8 of the *Londonderry Zoning Ordinance*, allowing flexibility in the
14 selection of site design and development standards contained in the
15 Londonderry Land Use Regulations. Staff recommends **granting** the
16 MODIFICATION because this is consistent with the intent and purpose of a
17 PUD, and the proposed architectural design standards are appropriate for a
18 mixed-use development, and compliance with the PUD Master Plan shall be
19 evaluated by the Planning Board during PUD Site Plan review.
20

21 **M. Soares made a motion to approve the Applicant’s request for a**
22 **modification to Section 3.12 – Building and General Appearance**
23 **Design Standards of the Londonderry Site Plan Regulations as**
24 **outlined in Staff’s Recommendation memorandum dated September**
25 **11, 2013. R. Brideau seconded the motion. No discussion. Vote on**
26 **the motion: 9-0-0. The modification was granted.**
27

28 **10. Section 3.13 – Outdoor Lighting Design Standards:** The applicant
29 requests a WAIVER to Section 3.13 – Outdoor Lighting Design Standards.
30 The Woodmont Commons PUD Master Plan includes outdoor lighting
31 standards as permitted by Section 2.8 of the *Londonderry Zoning*
32 *Ordinance*, allowing flexibility in the selection of site design and
33 development standards contained in the Londonderry Land Use Regulations.
34 Staff recommends **granting** the WAIVER because this is consistent with the
35 intent and purpose of a PUD, and the proposed outdoor lighting standards
36 are appropriate for a mixed-use development. Woodmont Commons will be
37 subject to the provisions of Section 3.13 Outdoor Lighting Design Standards
38 of the *Londonderry Site Plan Regulations*, except as noted in Section 2.3.8
39 of the Woodmont Commons PUD Master Plan.
40

41 **M. Soares made a motion to approve the Applicant’s request for a**
42 **waiver to Section 3.13 – Outdoor Lighting Design Standards of the**
43 **Londonderry Site Plan Regulations as outlined in Staff’s**
44 **Recommendation memorandum dated September 11, 2013. R.**
45 **Brideau seconded the motion. No discussion. Vote on the motion:**
46 **9-0-0. The waiver was granted.**
47

48 **11. Sections 3.14 & 4.17 – Traffic Impact Analysis:** The applicant
49 requests a WAIVER to **Sections 3.14 & 4.17 – Traffic Impact Analysis.**
50 The Woodmont Commons PUD Master Plan contains specific and alternative

1 design standards relative to traffic impact analysis as permitted by Section
 2 2.8 of the *Londonderry Zoning Ordinance*. Staff recommends **granting** the
 3 WAIVER because this is consistent with the intent and purpose of a PUD,
 4 and a supplemental traffic impact analysis will be required for each PUD
 5 Subdivision and Site Plan application.

6
 7 **M. Soares made a motion to approve the Applicant’s request for a**
 8 **waiver to Sections 3.14 & 4.17 – Traffic Impact Analysis of the**
 9 **Londonderry Site Plan Regulations as outlined in Staff’s**
 10 **Recommendation memorandum dated September 11, 2013. R.**
 11 **Brideau seconded the motion.** M. Soares reiterated for the benefit of the
 12 public that a supplemental MTIA will be required for each PUD subdivision
 13 and site plan application. No further discussion. **Vote on the motion:**
 14 **9-0-0.** The waiver was granted.

15
 16 **12. Section 4.14(d) – Improvement Plans/Streets:** The applicant
 17 requests a WAIVER to Section 4.14(d) – Improvement Plans/Streets. The
 18 Woodmont Commons PUD Master Plan includes alternative development
 19 standards for street improvements as permitted by Section 2.8 of the
 20 *Londonderry Zoning Ordinance*. Staff recommends **granting** the WAIVER
 21 because this is consistent with the intent and purpose of a PUD, and the
 22 proposed street standards are appropriate for a mixed-use development.
 23 The Town of Londonderry is not required to accept as public, any
 24 improvement that does not meet Town standards.

25
 26 **M. Soares made a motion to approve the Applicant’s request for a**
 27 **waiver to Section 4.14(d) – Improvement Plans/Streets of the**
 28 **Londonderry Site Plan Regulations as outlined in Staff’s**
 29 **Recommendation memorandum dated September 11, 2013. R.**
 30 **Brideau seconded the motion.** No discussion. **Vote on the motion:**
 31 **9-0-0.** The waiver was granted.

32
 33 **13. Section 4.15 – Building Renderings:** The applicant requests a
 34 WAIVER to Section 4.15 – Building Renderings. The Woodmont Commons
 35 PUD Master Plan contains alternative architectural design standards as
 36 permitted by Section 2.8 of the *Londonderry Zoning Ordinance*, allowing
 37 flexibility in the selection of site design and development standards
 38 contained in the Londonderry Land Use Regulations. Staff recommends
 39 **granting** the WAIVER because this is consistent with the intent and
 40 purpose of a PUD, and the alternate architectural design standards are
 41 appropriate for a mixed-use development. The process for submitting
 42 building renderings shall be observed during the PUD Site Plan approval
 43 process, but substantive evaluation shall compare the conceptual
 44 renderings to the alternative architectural design standards incorporated
 45 within the PUD Master Plan.

46
 47 **M. Soares made a motion to approve the Applicant’s request for a**
 48 **waiver to Section 4.15 – Building Renderings of the Londonderry**
 49 **Site Plan Regulations as outlined in Staff’s Recommendation**
 50 **memorandum dated September 11, 2013. R. Brideau seconded the**

1 **motion.** No discussion. **Vote on the motion: 9-0-0.** The waiver was
2 granted.
3

4 **14. Section 5.01 – Commercial Wireless Communication Facilities:**

5 The applicant requests a WAIVER to Section 5.01 – Commercial Wireless
6 Communication Facilities. Staff recommends that this is a MODIFICATION
7 because Section 5.01 shall apply to new freestanding wireless
8 communication facilities proposed within the PUD. The modification is that
9 this section would not apply to wireless facilities contained within building
10 features designed to conceal the facility from public view. Staff recommends
11 **granting** the MODIFICATION because this is consistent with the intent and
12 purpose of a PUD.
13

14 **M. Soares made a motion to approve a modification to Section 5.01**
15 **– Commercial Wireless Communication Facilities of the Londonderry**
16 **Site Plan Regulations as outlined in Staff’s Recommendation**
17 **memorandum dated September 11, 2013. R. Brideau seconded the**
18 **motion.** No discussion. **Vote on the motion: 9-0-0.** The modification
19 was granted.
20

21 **LONDONDERRY SUBDIVISION REGULATIONS WAIVER REQUESTS:**
22

23 **1. Section 3.01(c) – Standards and Specifications:** The applicant
24 requests a WAIVER to Section 3.01(c) – Standards and Specifications.
25 Improvements in the Woodmont Commons PUD will be constructed in
26 accord with the PUD Master Plan, the *Londonderry Zoning Ordinance*, the
27 *Londonderry Site Plan Regulations*, and the *Londonderry Subdivision*
28 *Regulations*, consistent with the waivers and modifications approved by the
29 Planning Board. Existing typical standards within the *Londonderry*
30 *Subdivision Regulations* may still apply, if those standards have not been
31 waived or modified in the approval of the PUD Master Plan. In such
32 instances, the *Londonderry Subdivision Regulation* provisions in effect on
33 the date of the completed Woodmont Commons PUD application (October 3,
34 2012) will be applicable. Otherwise, the PUD Master Plan shall be the
35 governing document for all development within the Woodmont Commons
36 PUD. Staff recommends **granting** the WAIVER because this is consistent
37 with the intent and purpose of a PUD. In accordance with Section 2.8.2.1 of
38 the PUD Ordinance, development projects within the PUD are largely
39 independent from current land use regulations otherwise applicable to that
40 property.
41

42 **L. El-Azem made a motion to approve the Applicant’s request for a**
43 **waiver to Section 3.01(c) – Standards and Specifications of the**
44 **Londonderry Subdivision Regulations as outlined in Staff’s**
45 **Recommendation memorandum dated September 11, 2013. R.**
46 **Brideau seconded the motion.** No discussion. **Vote on the motion:**
47 **9-0-0.** The waiver was granted.
48

49 **2. Section 3.02 – Monuments:** The applicant requests a MODIFICATION
50 to Section 3.02 – Monuments. For those locations within the Woodmont

1 Commons development where traditional monumentation is not practical
2 because boundaries may be obstructed by the placement of structures,
3 roads and other improvements, the modification to Section 3.02 will allow
4 alternative methods. Staff recommends **granting** the MODIFICATION
5 because this is consistent with the intent and purpose of a PUD, and still
6 provides for a method of marking property boundaries, in those limited
7 cases where the placement of a bound may be obstructed by a building,
8 roadway or other improvement.

9
10 **L. El-Azem made a motion to approve the Applicant's request for a**
11 **modification to Section 3.02 – Monuments of the Londonderry**
12 **Subdivision Regulations as outlined in Staff's Recommendation**
13 **memorandum dated September 11, 2013. R. Brideau seconded the**
14 **motion. No discussion. Vote on the motion: 9-0-0.** The modification
15 was granted.

16
17 **3. Section 3.03 – Lots:** The applicant requests a WAIVER to Section 3.03
18 - Lots. In accordance with the *Londonderry Zoning Ordinance*, which allows
19 flexibility in development standards, the PUD Master Plan contains specific
20 and alternative design standards relating to lot dimensions and building
21 setback lines. Staff recommends **granting** the WAIVER because this is
22 consistent with the intent and purpose of a PUD, and the subdivision of
23 perimeter parcels shall comply with Section 3.03(a) and (b) of the
24 *Londonderry Subdivision Regulations*.

25
26 **L. El-Azem made a motion to approve the Applicant's request for a**
27 **waiver to Section 3.03 – Lots of the Londonderry Subdivision**
28 **Regulations as outlined in Staff's Recommendation memorandum**
29 **dated September 11, 2013. R. Brideau seconded the motion. No**
30 **discussion. Vote on the motion: 9-0-0.** The waiver was granted.

31
32 **4. Section 3.08– Storm Drain System:** The applicant requests a
33 MODIFICATION to Section 3.08 – Storm Drain System. The modification will
34 permit underground detention and infiltration systems, with an exception
35 for roadways or other public facilities planned to be publicly owned, unless
36 otherwise waived by the Planning Board. Staff recommends **granting** the
37 MODIFICATION because this is consistent with the intent and purpose of a
38 PUD, and with NH DES stormwater management best practices.
39 Additionally, an operations and maintenance plan for any underground
40 detention and infiltration system shall be provided for Planning Board
41 review at the time of PUD subdivision and/or site plan application.

42
43 **L. El-Azem made a motion to approve the Applicant's request for a**
44 **modification to Section 3.08 – Storm Drain System of the**
45 **Londonderry Subdivision Regulations as outlined in Staff's**
46 **Recommendation memorandum dated September 11, 2013. R.**
47 **Brideau seconded the motion. No discussion. Vote on the motion:**
48 **9-0-0.** The modification was granted.
49

1 **5. Section 3.09(A) – Streets/General:** The applicant requests a WAIVER
2 to Section 3.09(A) – Streets/General. In accordance with the *Londonderry*
3 *Zoning Ordinance*, which allows flexibility in development standards, the
4 PUD Master Plan contains specific and alternative design standards for
5 street improvements as permitted by Section 2.8 of the *Londonderry Zoning*
6 *Ordinance*, with a provision to preserve intact stone walls around the
7 perimeter boundary. Staff recommends **granting** the WAIVER because this
8 is consistent with the intent and purpose of a PUD, and because stone walls
9 around the perimeter will be preserved. The Town of Londonderry is not
10 required to accept as public, any improvement that does not meet Town
11 standards.

12
13 **L. El-Azem made a motion to approve the Applicant's request for a**
14 **waiver to Section 3.09(A) – Streets/General of the Londonderry**
15 **Subdivision Regulations as outlined in Staff's Recommendation**
16 **memorandum dated September 11, 2013. R. Brideau seconded the**
17 **motion.** No discussion. **Vote on the motion: 9-0-0.** The waiver was
18 granted.

19
20 **6. Section 3.09(B) – Streets/Access:** The applicant requests a WAIVER
21 to Section 3.09(B) – Streets/Access. In accordance with the *Londonderry*
22 *Zoning Ordinance*, which allows flexibility in development standards, the
23 PUD Master Plan contains specific and alternative design standards for
24 street access as permitted by Section 2.8 of the *Londonderry Zoning*
25 *Ordinance*. Proposed streets may be accepted as public ways or held
26 privately with suitable maintenance and joint-use agreements approved by
27 the Planning Board. Staff recommends **granting** the WAIVER because this
28 is consistent with the intent and purpose of a PUD. The Town of
29 Londonderry is not required to accept as public, any improvement that does
30 not meet Town standards.

31
32 **L. El-Azem made a motion to approve the Applicant's request for a**
33 **waiver to Section 3.09(B) – Streets/Access of the Londonderry**
34 **Subdivision Regulations as outlined in Staff's Recommendation**
35 **memorandum dated September 11, 2013. R. Brideau seconded the**
36 **motion.** No discussion. **Vote on the motion: 9-0-0.** The waiver was
37 granted.

38
39 **7. Section 3.09(D) – Streets/Arrangement:** The applicant requests a
40 WAIVER to Section 3.09(D) – Streets/Arrangement. In accordance with the
41 *Londonderry Zoning Ordinance*, which allows flexibility in development
42 standards, the PUD Master Plan contains specific and alternative design
43 standards for the arrangement of streets as permitted by Section 2.8 of the
44 *Londonderry Zoning Ordinance*. Staff recommends **granting** the WAIVER
45 because this is consistent with the intent and purpose of a PUD, and
46 because proposed streets may be accepted as public ways or held privately
47 with suitable maintenance and joint-use agreements approved by the
48 Planning Board. The Town of Londonderry is not required to accept as
49 public, any improvement that does not meet Town standards.
50

1 **L. El-Azem made a motion to approve the Applicant’s request for a**
 2 **waiver to Section 3.09(D) – Streets/Arrangement of the**
 3 **Londonderry Subdivision Regulations as outlined in Staff’s**
 4 **Recommendation memorandum dated September 11, 2013. R.**
 5 **Brideau seconded the motion. No discussion. Vote on the motion:**
 6 **9-0-0. The waiver was granted.**

7
 8 **8. Section 3.09(E) – Streets/Classification:** The applicant requests a
 9 WAIVER to Section 3.09(E) – Streets/Classification. In accordance with the
 10 *Londonderry Zoning Ordinance*, which allows flexibility in development
 11 standards, the PUD Master Plan contains specific and alternative design
 12 standards for the classification of streets as permitted by Section 2.8 of the
 13 *Londonderry Zoning Ordinance*. Staff recommends **granting** the WAIVER
 14 because this is consistent with the intent and purpose of a PUD, and
 15 because proposed streets may be accepted as public ways or held privately
 16 with suitable maintenance and joint-use agreements approved by the
 17 Planning Board. The Town of Londonderry is not required to accept as
 18 public, any improvement that does not meet Town standards.

19
 20 **L. El-Azem made a motion to approve the Applicant’s request for a**
 21 **waiver to Section 3.09(E) – Streets/Classification of the**
 22 **Londonderry Subdivision Regulations as outlined in Staff’s**
 23 **Recommendation memorandum dated September 11, 2013. R.**
 24 **Brideau seconded the motion. No discussion. Vote on the motion:**
 25 **9-0-0. The waiver was granted.**

26
 27 **9. Section 3.09 (F, G, I, P, R (incl. Table 1, Pg. 22), S (incl. Tables 2**
 28 **& 3 Pg. 23)) – Streets/Driveways, Sidewalks, Curbs, Guardrail,**
 29 **Roadway Design Standards, Intersections:** The applicant requests a
 30 WAIVER to Section 3.09 (F, G, I, P, R (incl. Table 1, Pg. 22), S (incl. Tables
 31 2 & 3 Pg. 23)) – Streets/Driveways, Sidewalks, Curbs, Guardrail, Roadway
 32 Design Standards, Intersections. In accordance with the *Londonderry*
 33 *Zoning Ordinance*, which allows flexibility in development standards, the
 34 PUD Master Plan contains specific and alternative design standards for
 35 streets and related improvements as permitted by Section 2.8 of the
 36 *Londonderry Zoning Ordinance*. Staff recommends **granting** the WAIVER
 37 because this is consistent with the intent and purpose of a PUD, and
 38 because proposed streets may be accepted as public ways or held privately
 39 with suitable maintenance and joint-use agreements approved by the
 40 Planning Board. The Town of Londonderry is not required to accept as
 41 public, any improvement that does not meet Town standards.

42
 43 **L. El-Azem made a motion to approve the Applicant’s request for a**
 44 **waiver to Section 3.09 (F, G, I, P, R (incl. Table 1, Pg. 22), S (incl.**
 45 **Tables 2 & 3 Pg. 23)) – Streets/Driveways, Sidewalks, Curbs,**
 46 **Guardrail, Roadway Design Standards, Intersections of the**
 47 **Londonderry Subdivision Regulations as outlined in Staff’s**
 48 **Recommendation memorandum dated September 11, 2013. R.**
 49 **Brideau seconded the motion. No discussion. Vote on the motion:**
 50 **9-0-0. The waiver was granted.**

1
2 **10. Sections 3.10 & 4.17 – High Intensity Soil Study:** The applicant
3 requests a WAIVER to Section 3.10 & 4.17 – High Intensity Soil Study. The
4 Woodmont Commons PUD is required to be serviced by public water and
5 sewer, and therefore a high intensity soil study is not relevant. Staff
6 recommends **granting** the WAIVER because this is consistent with the
7 intent and purpose of a PUD.
8

9 **L. El-Azem made a motion to approve the Applicant’s request for a**
10 **waiver to Section 3.10 & 4.17 – High Intensity Soil Study of the**
11 **Londonderry Subdivision Regulations as outlined in Staff’s**
12 **Recommendation memorandum dated September 11, 2013. R.**
13 **Brideau seconded the motion. No discussion. Vote on the motion:**
14 **9-0-0.** The waiver was granted.
15

16 J. R. Trottier stated that with all the aforementioned waivers and
17 modifications being granted, Staff recommends **conditional approval** of
18 the PUD Master Plan application with the Notice of Decision to read
19 substantially as follows:
20

21 "Applicant", herein, refers to the property owner, business owner, or
22 organization submitting this application and to his/its agents, successors,
23 and assigns.
24

25 **PRECEDENT CONDITIONS**

26
27 All of the precedent conditions below must be met by the applicant, at the
28 expense of the applicant, prior to certification of the Woodmont Commons
29 PUD Master Plan by the Planning Board.
30

31 1. The Applicant shall provide a digital (electronic) copy and four paper sets
32 (in binders) of the complete final Woodmont Commons PUD Master Plan to
33 the Town prior to signature by the Board. The complete final plan shall
34 include the executed Development Agreement and all appendices.
35

36 2. The Applicant shall amend the waiver provision for Section 1.5.2 –
37 Conditional Use Permits in the Woodmont Commons PUD Master Plan to
38 insert "and associated buffers" as indicated in the revised memo from the
39 Woodmont Commons Team to Staff, dated September 6, 2013.
40

41 3. The Applicant shall finalize the off-street parking standards to the
42 satisfaction of Staff.
43

44 4. The Applicant shall amend Section 2.1.4 Applicability to correct the
45 following references:
46

- 47 a. Page 51, Section 3.09 – Landscaping Design Standards:
48 Change to "*Section 2.4.6 PUD Site Plan Landscape*".
- 49 b. Page 52, Section 3.13 – Outdoor Lighting Design Standards:
50 Change to "*Section 2.4.5 PUD Site Plan Lighting*".

1
2 5. The Applicant shall amend Section 2.1.4 Applicability to show that
3 Section 5.01 – Commercial Wireless Communication Facilities is a
4 MODIFICATION, rather than a WAIVER.

5
6 6. The Applicant shall amend Section 2.14 Applicability to correct Section
7 3.03 – Lots, replacing “*Londonderry Zoning Ordinance*” in the last sentence
8 with “*Londonderry Subdivision Regulations*”.

9
10 7. The Applicant shall amend Section 2.3.7 PUD Subdivision Signage: D. to
11 delete the following language as proposed in the memo from the Woodmont
12 Commons Team to Staff, dated September 6, 2013: “except that sign
13 height may exceed ten (10) feet as indicated below”.

14
15 8. Outside consultant’s fees shall be paid within 30 days of approval of the
16 plan.

17
18 **PLEASE NOTE** - Once these precedent conditions are met and the plans
19 are certified, the approval is considered final. If these conditions are not
20 met within **120 days** to the day of the meeting at which the Planning Board
21 grants conditional approval the board's approval will be considered to have
22 lapsed and re-submission of the application will be required. See RSA
23 674:39 on vesting.

24
25
26 **GENERAL AND SUBSEQUENT CONDITIONS**

27
28 All of the conditions below are attached to this approval.

29
30 1. The Development Agreement shall be recorded at the Rockingham County
31 Registry of Deeds.

32
33 2. Commencing with the second Planning Board meeting in January 2014,
34 and every other January thereafter, the Applicant will advise the Planning
35 Board of its known and reasonably expected development plan for the
36 succeeding 24 months. The presentation shall include a discussion of
37 anticipated: (a) infrastructure plans, including road construction plans both
38 internal and external to the development; (b) development plans by each
39 sub-area; (c) site plans; (d) reported complaints and resolutions; and (e) an
40 economic analysis on tax impact. The presentation shall be non-binding on
41 the Applicant and intended to be conceptual for the benefit of the Planning
42 Board and the Town as a whole. While the Planning Board shall publish
43 notification of the meeting, notices to abutting landowners shall not be
44 required.

45
46 **M. Soares made a Motion to Conditionally Approve the Woodmont**
47 **Commons Planned Unit Development (PUD) Master Plan, as proposed**
48 **by the applicant Pillsbury Realty Development, LLC, for Map 10, Lots**
49 **15, 23, 29C-2A, 29C-2B, 41, 41-1, 41-2, 42, 45, 46, 47, 48, 50, 52, 54-**
50 **1, 57, 58, 59, and 62, subject to all of the Precedent Conditions and**

General and Subsequent Conditions as outlined in Staff's Recommendations Memorandum dated September 11, 2013, because the Planning Board has found that:

A. The Applicant has demonstrated that Woodmont Commons PUD Master Plan (Plan) meets the intent and purpose of Section 2.8 Planned Unit Development of the *Londonderry Zoning Ordinance* as follows:

1) The Woodmont Commons PUD Master Plan is consistent with the 2004 Master Plan. Woodmont Commons is located in an "Economic Opportunity Area" as identified in the 2004 Master Plan.

2) Woodmont Commons is located in an "Intended Growth Sector" as identified in the 2012 Comprehensive Master Plan. The Woodmont Commons PUD Master Plan incorporates the guiding principles of the Town's Comprehensive Plan, incorporating unique activity centers, housing choice and diversity, increased transportation choice, walkability, and proximity to I-93 and an existing transit station.

3) The Woodmont Commons PUD Master Plan is in compliance with the standards of the Londonderry Land Use Regulations unless otherwise waived or modified as part of this approval.

4) The Woodmont Commons PUD Master Plan includes a "Master Transportation Impact Analysis" and an "Infrastructure Analysis" identifying the impact of Woodmont Commons on the Community at full build-out, with possible mitigation alternatives.

5) The Woodmont Commons PUD Master Plan includes a "Fiscal Impact Analysis", showing that the prospective fiscal impact on the Town of Londonderry was positive at full build-out. The results of this analysis were confirmed by the Town's 3rd Party Review Consultant.

6) The Woodmont Commons PUD Master Plan incorporates a number of the elements that define a planned unit development and justifies departures from standards otherwise applicable under conventional zoning, including:

- a) A harmonious mix of uses;
- b) Standards for quality architectural design;
- c) Preserved open space, natural vegetation and other important natural features;
- d) Accommodation for the preservation of important cultural resources such as stone walls;
- e) Standards for active or passive recreational areas;
- f) Standards for sidewalks, bikeways, and other multi-use paths;
- g) Provisions for traffic mitigation, traffic calming, or Transportation Demand Management measures as appropriate;

- 1 h) Standards for screening of, or the rear placement of parking
2 areas;
- 3 i) Provisions for public benefits such as an emergency services
4 substation facility, the replacement costs to purchase an EMS
5 ambulance, a police cruiser and a police motorcycle, cemetery
6 donation, and land for a new elementary school, if needed, to
7 be made available at a price not greater than eighty-five
8 percent of fair market value; and
- 9 j) Public access to community facilities to be located within
10 Woodmont Commons.

11
12 B. The Development Agreement provides that Woodmont Commons will
13 maintain balanced economic growth with a commitment to sustain net
14 positive fiscal impact throughout the life of the project.

15
16 C. Woodmont Commons will track all projects, including the amount of
17 development capacity used, and reassess cumulative fiscal impacts with a
18 requisite annual report to the Town.

19
20 D. The Woodmont Commons PUD is committed to ensuring compatibility
21 with neighbors along the perimeter by employing a step-down density
22 strategy from the center, with like uses facing like uses at the perimeter
23 edges.

24
25 E. The Woodmont Commons PUD Master Plan includes subarea composition
26 principals and standards, in addition to specific subdivision and site plan
27 regulations and standards, by which the Planning Board will review all
28 future applications within the Woodmont Commons PUD.

29
30 F. The review and approval of Woodmont Commons PUD subdivision and
31 site plan submittals will be administered by the Town in accordance with the
32 PUD Master Plan, and will follow the current established procedures as
33 outlined in the Subdivision and Site Plan Regulations.

34
35 **R. Brideau seconded the motion.** M. Soares stated that the time and
36 effort put into this process by the applicant, Staff, the Board, and the public
37 has resulted in a development that will benefit Londonderry. A. Rugg added
38 that although not all parties involved received everything they may have
39 wanted, the result is a very workable plan with a positive vision, in part
40 because of the negotiations that have taken place throughout the process.
41 He thanked the public for their input. No further discussion. **Vote on the**
42 **motion, 9-0-0.**

43
44 The Woodmont Commons PUD Master Plan was conditionally approved.

45
46 Developer Michael Kettenbach said a tremendous precedent has been set
47 for the town and the State for the expeditious and appropriate
48 implementation of large developments. He thanked the Board, the

1 community, and all other participants for their diligence and pledged to
2 oversee a project of which Londonderry can be proud.

3
4 [A. Rugg announced the Board would take a five minute break].

5
6 **Public Hearings**

7
8 A. Impact Fee Ordinance Amendment – Public Hearing for a Proposed
9 Amendment to Section 1.2 Impact Fees of the Zoning Ordinance to replace
10 the section in its entirety with revised language to reflect consistency with
11 updates to NH RSA's.

12
13 A. Rugg stated that the Planning Board held a workshop on this issue at the
14 September 4, 2013 meeting. He asked Staff if there was any additional
15 information to present. Staff reported there was no additional input.

16
17 A. Rugg asked for public input.

18
19 Pat Panciocco of Auburn, NH and a landowner in Londonderry had several
20 comments and questions. They were as follows:

21
22 1. She asked if the language within proposed Section 1.2.5.1.1 (see
23 Attachment #7) that states "Impact fees shall be intended to reflect the
24 effect of development upon municipal facilities at the time of the issuance of
25 the building permit" is consistent with vesting statute 674:39 which allows
26 four years vesting on the impact fees in effect at the time a project is
27 approved.

28
29 2. She suggested that under proposed Section 1.2.8.1, the following words
30 in bold be added to the language; "All funds collected shall be properly
31 identified and promptly transferred for deposit into individual Public Capital
32 Facilities Impact Fee Accounts for each of the facilities for which fees are
33 assessed, and shall be special revenue fund accounts and under no
34 circumstances shall such revenue accrue **directly or indirectly** to the
35 General Fund." This suggestion to clarify the statement was based on a
36 finding in the impact fee audit report that described impact fees funds being
37 spent on the intersection of Page Road and Route 28, but the reimbursed
38 funds to the Town from the State, which were in excess of the amount
39 spent, were placed in the General Fund rather than the impact fee fund.

40
41 3. Under proposed Section 1.2.8.2, she suggested adding the following in
42 bold to the proposed language: "The Town Director of Finance shall have
43 custody of all fee accounts, and shall pay out the same only upon written
44 orders of the Town Council **after a voter appropriation of the Town's**
45 **share of a capital improvement has been confirmed.**" This was also
46 based on the findings of the audit report.

47
48 4. She suggested that the following language in proposed Section 1.2.8.4
49 is inconsistent with the State statute regarding impact fees; "Impact fees
50 imposed upon development for the construction of or improvements to

1 municipal road systems may be expended upon state highways with the
2 Town only for improvement costs that are related to the capital needs
3 created by the development." The inconsistency lies with the Statute's
4 declaration that impact fees can only be spent on capital facilities owned or
5 operated by the Town and the Town does not own State roads. (She also
6 noted that the words in proposed Section 1.2.8.4 "with the Town" should
7 possibly be corrected to "within the Town"). She added that the State
8 statute reads "Notwithstanding, nothing in RSA 674:21 V shall be construed
9 as allowing or authorizing additional impact fees merely by virtue of having
10 approved the expenditure of collected fee revenue for construction of or
11 improvements of State highways, nor shall it be construed as allowing the
12 adoption of new impact fees devoted to assessing impacts to State
13 highways." Since the State declared that towns can no longer collect
14 impact fees for State roads, she suggested the proposed language state
15 that as well to be consistent with the RSA. She also expressed her
16 understanding that the Town was going to return the monies it collected
17 through impact fees for State roads.

18
19 As legal representation for several contractors who have brought legal
20 action against the Town regarding impact fees, she asked the Board; 1)
21 what their intentions are regarding updates to the studies that provide the
22 methodology for individual impact fee programs and 2) how it will be
23 ensured that the findings of the audit are not repeated before going forward
24 with a new impact fee program. A. Rugg replied that revising the impact
25 fee ordinance to make it consistent with State statute is the first step for
26 both the Board and the Town Council. Town Attorney Michael Ramsdell
27 explained that the past issues regarding impact fees in Londonderry and the
28 ongoing litigation are matters not under the purview of the Planning Board.
29 Recommendations on the revision of the impact fee ordinance and whether
30 additional studies are needed are matters for the Planning Board to decide
31 and they are the only matters related to impact fees upon which the
32 Planning Board can decide. Regarding the suggested additional language
33 "directly or indirectly" (see #2 above), M. Ramsdell did not agree the
34 addition would provide any necessary clarification. For those suggestions
35 based on findings in the impact fee audit that procedures were not followed
36 correctly, he noted that the ordinance itself was not flawed in those cases;
37 that the concerns were associated with the implementation by individuals
38 involved. He did agree that the words in proposed Section 1.2.8.4 "with the
39 Town" should possibly be corrected to "within the Town," but said he would
40 research that and other suggestions before making any necessary changes.

41
42 Thomas Murray, 5 Raintree Drive, asked how past annual Town audits did
43 not indicate issues with the impact fee programs. M. Ramsdell advised that
44 the Planning Board should not comment while litigation is ongoing. A. Rugg
45 said the question as it relates to matters under the purview of the Planning
46 Board would be taken under advisement. T. Murray asked T. Freda if he
47 could be provided access to past audit paperwork. T. Freda said he would
48 have to find an answer and offered to speak with T. Murray after the
49 meeting regarding issues presented to the Town Council about the impact
50 fee audit since they are not related to the Planning Board.

1
2 There was no further public comment.

3
4 The consensus of the Board was to allow the Town Attorney to consider any
5 revisions he deems appropriate and therefore continue the public hearing to
6 a future meeting.

7
8 **M. Soares made a motion to continue the public hearing for a**
9 **Proposed Amendment to Section 1.2 Impact Fees of the Zoning**
10 **Ordinance to the October 2, 2013 meeting. J. Laferriere seconded**
11 **the motion. No discussion. Vote on the motion: 9-0-0.**

12
13 A. Rugg stated that the public hearing was continued to October 2, 2013 at
14 7 PM.

15
16 **Other Business**

17
18 There was no other business.

19
20 **Adjournment:**

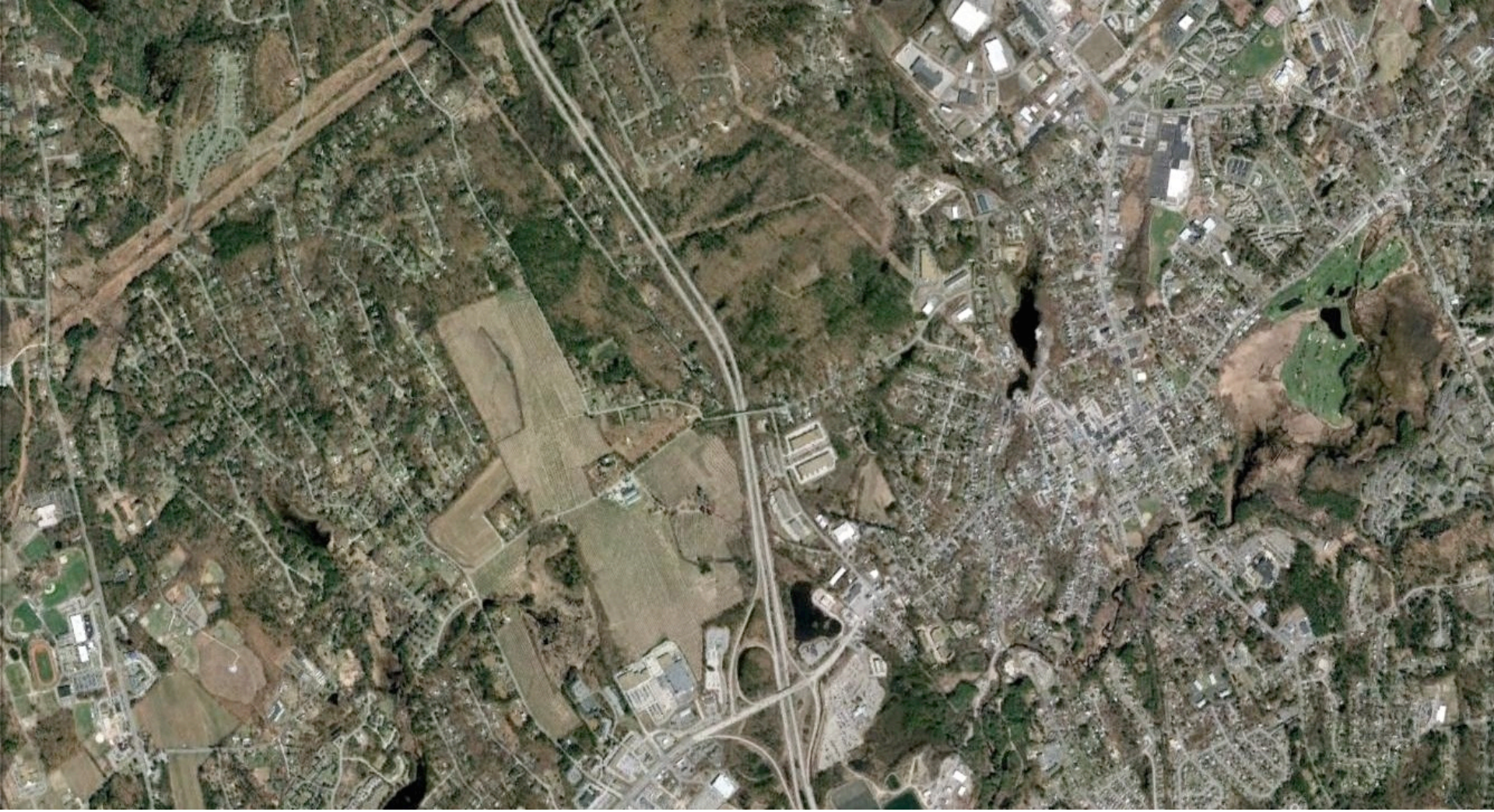
21
22 **M. Soares made a motion to adjourn the meeting. J. Laferriere seconded**
23 **the motion. Vote on the motion: 9-0-0.**

24
25 The meeting adjourned at 10:10 PM.

26
27 These minutes prepared by Associate Planner Jaye Trottier

28
29 Respectfully Submitted,

30
31
32 Laura El-Azem, Assistant Secretary



Woodmont Commons PUD Master Plan

Planning Board Meeting Minutes - September 11, 2013 - Attachment #1



Planning Board
Meetings
August 14
and
August 28

Meeting with
Town Staff and
HSH
September 3

49 Questions/Concerns Addressed

Modifications to Text?	Number of Topics
Changed	39
Unchanged	10



Topics With No Changes

ACTION	TOPIC NUMBER
Working with Town Staff; will result in modifications to PUD MP	31 and 32
Addressed in August 2013 PUD MP; no further changes made	22 and 26
Rationale provided; no change to text required	49
Rationale provided; no change made	3, 19, 20, 21, and 45



11 Waiver Topics

ACTION	TOPIC NUMBER
Added	12
Modified	2, 4, 5, 6, 8, 10, 11
Deleted	7, 9
No change to text made	3

Topic 3

Section 2.1.4 Applicability: **Section 1.3 Residential Development** **Phasing** *(page 46/46)*

Topic 3

- Mitigation thresholds will help determine when and how mitigation is implemented to address development impacts.
- The Developer will participate in the infrastructure improvements needed for mitigation.



7 Topics on Land Use Standards

ACTION	TOPIC NUMBER
Modified	15, 16, 17, and 18
No change to text made	19, 20, and 21



Topic 19

Section 2.2.3 Land Use Standards:

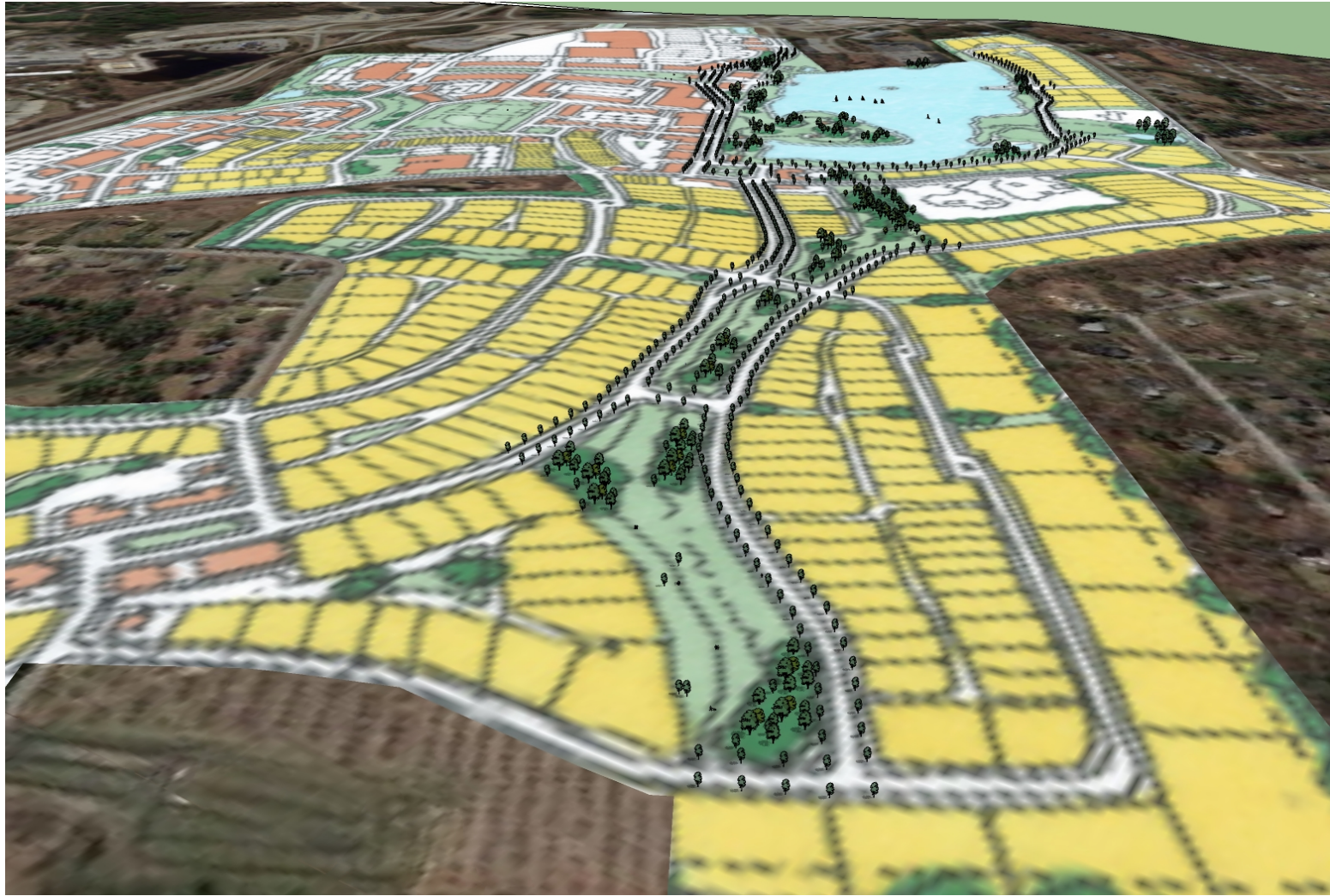
Land Use Density Table:

Open Space Minimum Areas

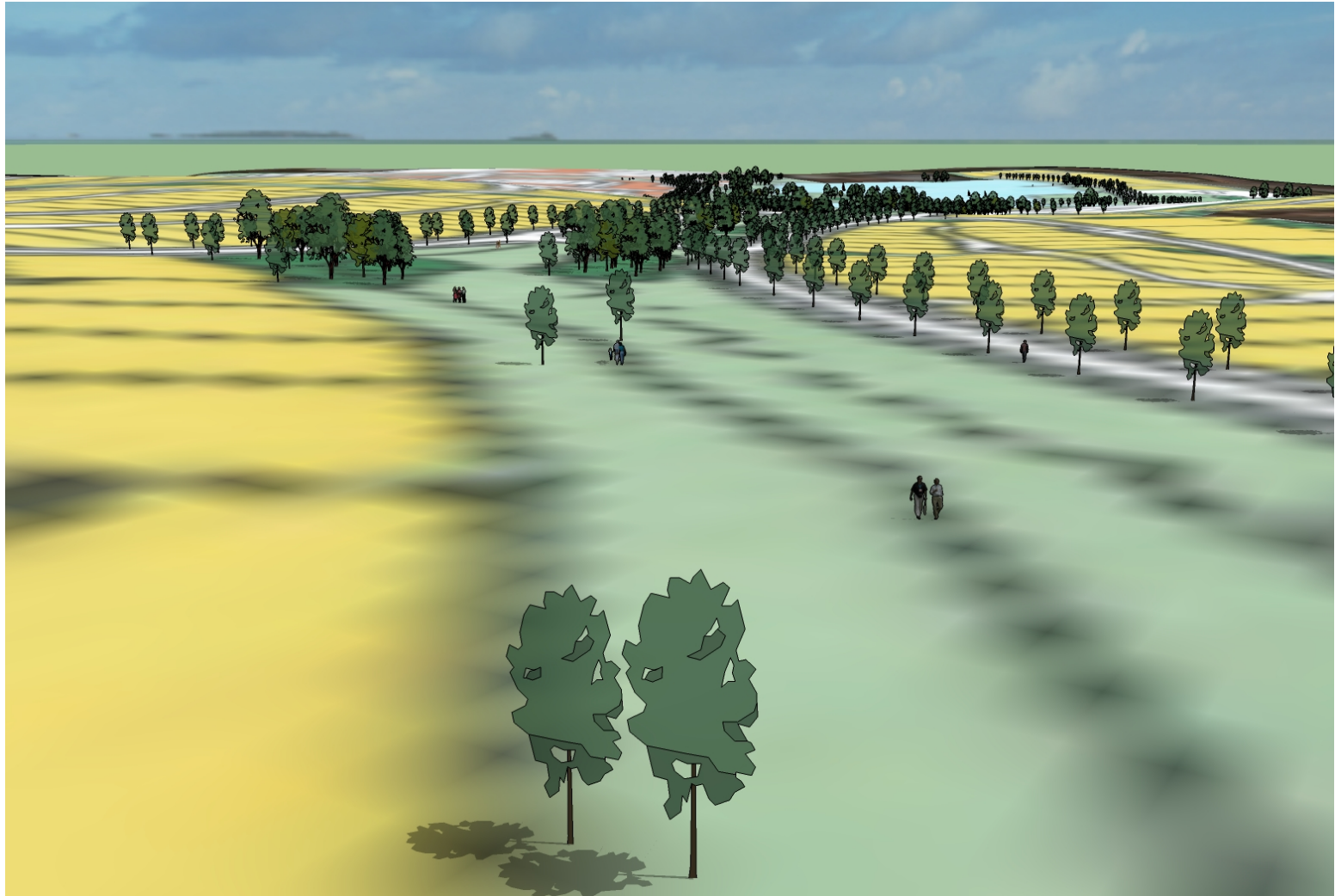
(pages 66 and 67/68 and 69)

Topic 19

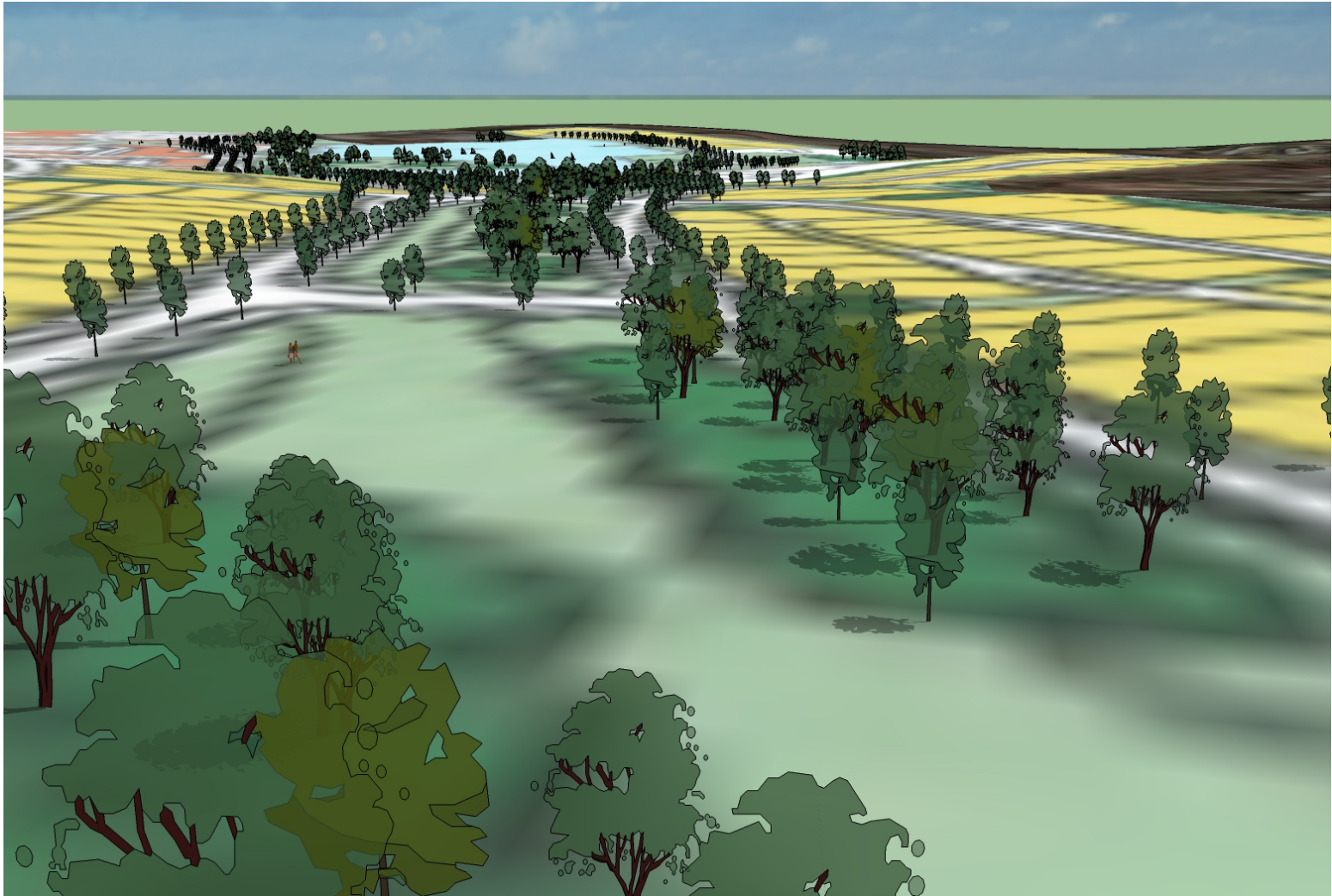
Category	Minimum Acres
Conserved Green Space	89
Shared Open Space	64
Total	152
<i>Percent of PUD</i>	<i>25.2%</i>
Perimeter Buffers	38
Total	191
<i>Percent of PUD</i>	<i>31.7%</i>



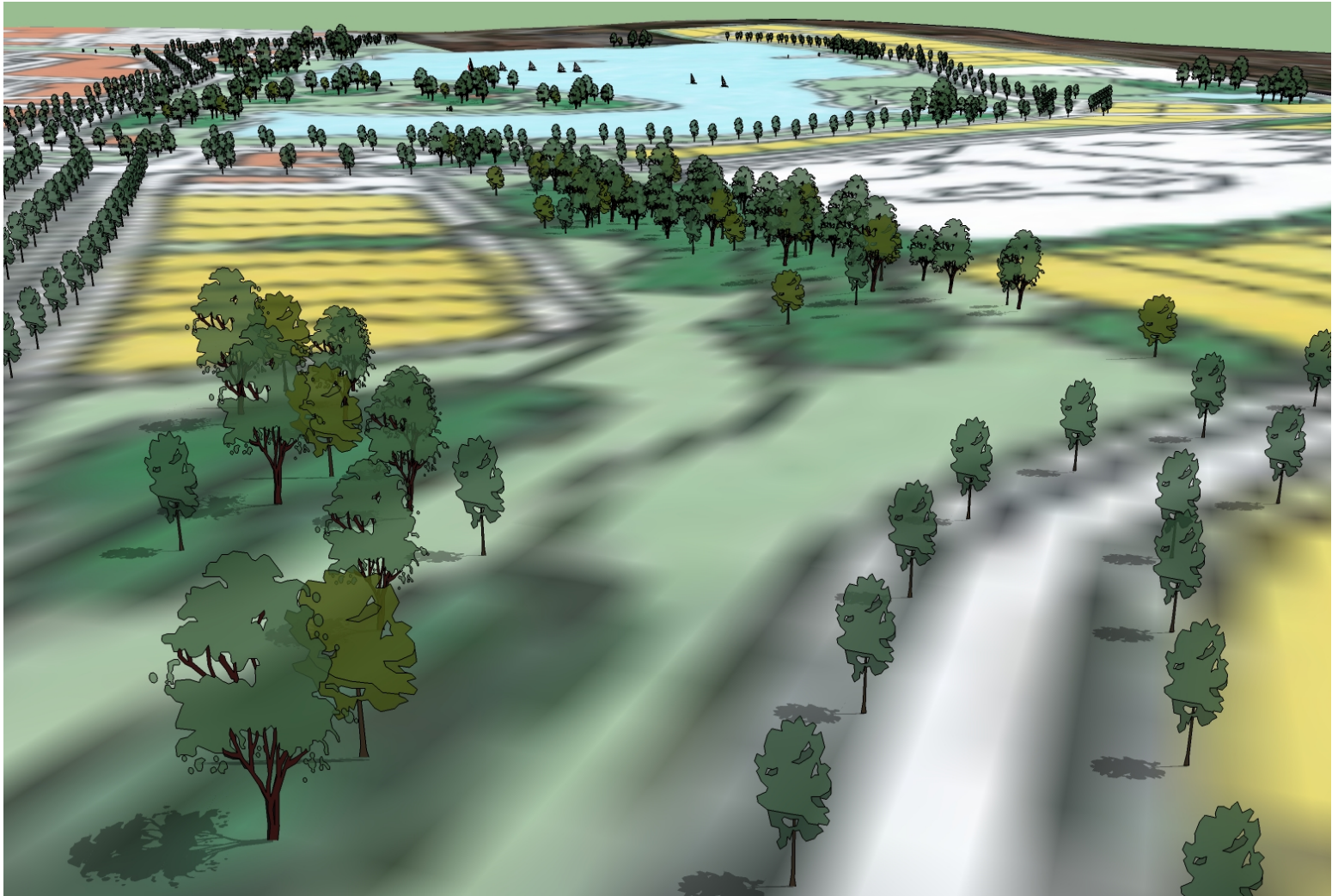
WC-8 looking back to WC-3



WC-8 looking back to WC-3



WC-8 looking back to WC-3



WC-8 looking back to WC-3

Topic 20

Section 2.2.3 Land Use Standards:

Land Use Density Table:

Mixed-use ratio

(pages 66 and 67/68 and 69)

Topic 20

Mixed-use ratios are a method of requiring a fixed, calculated balance between residential and commercial development.



Topic 20

For Woodmont Commons to remain
fiscal positive total residential and
commercial development must be
balanced.

Topic 20

For Woodmont Commons to meet the mitigation thresholds for trip generation, residential and commercial development must be balanced.

Topic 20

- These two elements create a requirement for balance that is still flexible enough to respond to the market.
- A calculated, fixed mixed-use ratio might not allow for balance over the long term.

Topic 21

Section 2.2.3 Land Use Standards:

Land Use Density Table:

Add vehicle trips to table

(pages 66 and 67/68 and 69)

Topic 21

Land Use
Density Table \neq Master Traffic
Impact Analysis

Each has its own purpose.

Each has an important role in the PUD MP.

Topic 21

Land Use Density Table

Limits development by number of dwelling units or amount of non-residential square footage.

The total density is fixed for the whole PUD.

Topic 21

Master Traffic Impact Analysis

Provides a base to evaluate the need for and type of mitigation improvements as development progresses.

The baseline is an estimate using one development scenario with a specific combination of dwelling units and commercial square footage from the Land Use Density Table.

7 Topics on Open Space

ACTION	TOPIC NUMBER
Modified	1, 13, 24, 33, 34, 35 and 36
No change to text	Not applicable



8 Topics on Transportation

ACTION	TOPIC NUMBER
Modified	25, 27, 28, 29, 30 and 47
In Progress	31 and 32
No change to text	Not applicable



7 Topics on Signage

ACTION	TOPIC NUMBER
Modified	37, 38, 39, 43, 44 and 46
No change to text made	45



Topic 45

Section 2.4.4 PUD Site Plan Signage: Justify Highway Corridor signage at 350 square feet *(page 211/215)*



Topic 45

$$\text{Sign Size (Square Feet)} = \frac{[(\text{VRT})(\text{MPH})]^2}{800}$$

VRT = Viewer Reaction Time MPH = Miles Per Hour

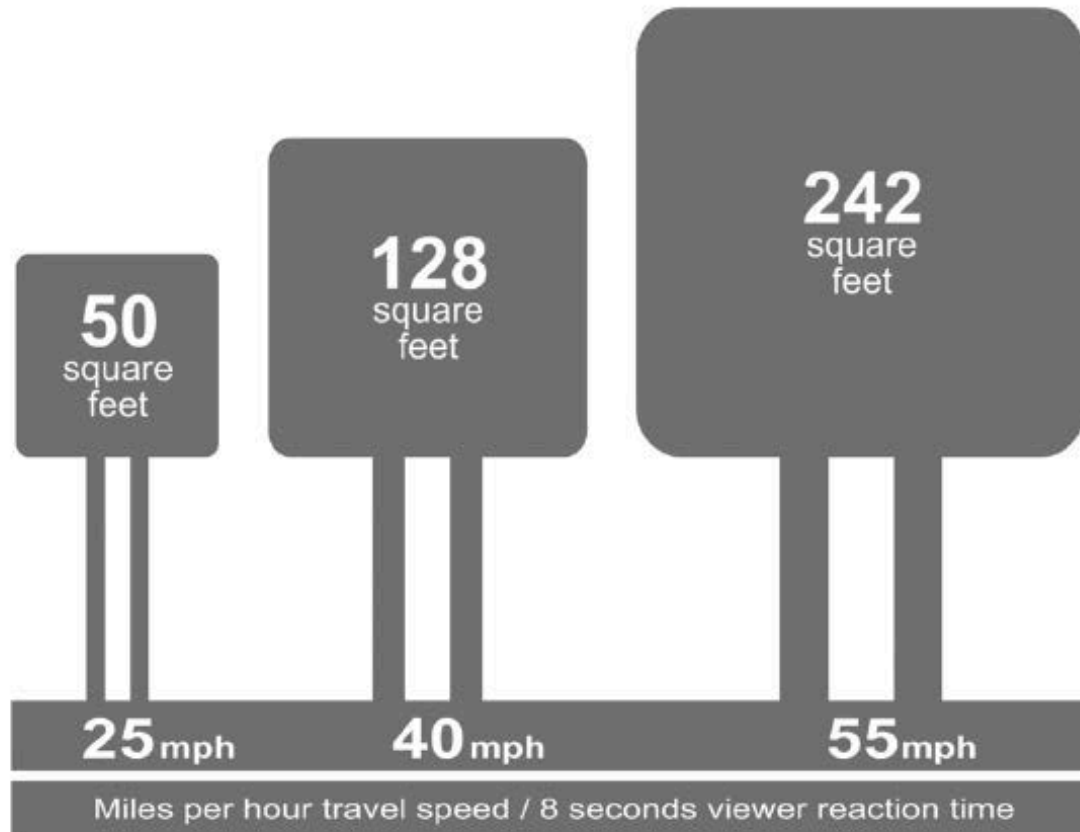
VRT varies with roadside complexity:

simple or 2 lane = 8 seconds / complex or 4 lane = 10 seconds / multi lane = 11 seconds.



MPH	Road Complexity	VRT	Sign Size
45	simple / 2 lane	8	162
45	complex / 4 lane	10	253
50	simple / 2 lane	8	200
50	complex / 4 lane	10	312
55	complex / 4 lane	10	378
60	complex / 4 lane	10	450
65	multi lane	11	639
70	multi lane	11	741
75	multi lane	11	850

Topic 45



Average sign size related to speed of travel and reaction time

Illustration from *Street Graphics and the Law*,
American Planning Association, 2004

9 Miscellaneous Topics

ACTION	TOPIC NUMBER
Modified	14, 23, 40, 41, 42 and 48
No change to text required	22, 26 and 49

Topic 49

Integration of Woodmont Commons with the Londonderry community

Topic 49

- Development steps down at edges to meet current conditions.
- Public spaces, retail areas open to all.
- First residents likely to be members of Londonderry and its surrounding community – new housing choices for those who prefer something other than conventional single family housing.



WOODMONT COMMONS
PLANNED UNIT DEVELOPMENT
MASTER PLAN
SEPTEMBER 2013

Q&A

Planning Board Meeting Minutes - September 11, 2013- Attachment #2

MEMORANDUM

Date: September 6, 2013

To: Cynthia May, Town Planner

From: Woodmont Commons Team

RE: Questions and Concerns from the Planning Board meetings of August 14 and 28

The following table outlines the questions and concerns from the Planning Board meetings of August 14 and 28 that were not addressed during the meeting itself. The items are listed in the order in which they appear in the Woodmont Commons PUD Master Plan.

Note that the first page number refers to the original PUD Master Plan (received by the Planning Board on August 7) and the second page number refers to the new PUD Master Plan (provided to the Town on September 6).

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
1	Section 1.2.2 Information Plan Overview: Apple trees <i>(page 18/18)</i>	MODIFIED AS PROPOSED	<p>Added the following language:</p> <p>“Three rows of apple trees, where existing, will remain along Gilcreast and the areas of Perimeter Buffer to preserve the existing rows as indicated on the Land Use Plan. When needed, apple trees will be replaced with apple trees, but using a staggered approach so that not all three rows are replaced at once.”</p> <p><i>[See No. 34] Section 2.3.5 regarding PUD Perimeter Buffers contains additional regulatory requirements for the</i></p>	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
			preservation and maintenance of the apple trees.	
2	Section 2.1.4 Applicability: Section 1.2 Impact Fees (page 46/46)	MODIFIED AS PROPOSED	Clarified that a modification, and not a waiver, is sought by adding (MODIFICATION) to beginning of text.	
3	Section 2.1.4 Applicability: Section 1.3 Residential Development Phasing (page 46/46)	NO CHANGE		<i>Londonderry Zoning Ordinance Section 1.4 Growth Management</i> remains applicable (subject to sunset and community growth patterns), so additional and artificial growth restraints are not relevant. Moreover, the impacts of the overall proposed PUD density have been studied with viable mitigation options known and available for integration at the PUD Subdivision and PUD Site Plan phases.
4	Section 2.1.4 Applicability: Section 1.5.2 Conditional Use Permits – Conservation Overlay (page 46/46)	MODIFIED AS PROPOSED	Replaced text with the following: “Approval of the PUD Master Plan, and its process for amendments to the PUD, supersedes the need for conditional use permits or zoning variances and special exceptions, See <i>Londonderry Zoning Ordinance Section 2.8.3.9</i> ; see also PUD Master Plan amendment procedure in <i>Section 2.5 Administration</i> . The exception to this waiver is that Conditional Use Permits shall still be required prior to the disruption of wetlands and associated buffers within the Conservation Overlay District.”	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
5	Section 2.1.4 Applicability: Section 2.6.3 Conservation Overlay Districts (page 47/47)	MODIFIED AS PROPOSED	Added (MODIFICATION) to beginning of text to clarify that a blanket waiver is not sought. Replace the current text with the following: “The restrictions imposed by the existing Conservation Overlay District (COD), Londonderry Zoning Ordinance Section 2.6.3 shall apply to development within the PUD, provided that the Planning Board may consider and approve proposed encroachments pursuant to Londonderry Zoning Ordinance Section 2.6.3.4.2.2 that would, if granted, allow construction of new structures as close as the edge of the jurisdictional wetland.”	
6	Section 2.1.4 Applicability: Section 3.1.2 Local Excavation Standards: need for waiver? (page 48/48)	MODIFY	Added (MODIFICATION) to beginning of text to clarify that a blanket waiver from all regulation is not sought. Add to end of last sentence: “, and with all required State approvals relating thereto.”	
7	Section 2.1.4 Applicability: Section 3.14.1.2/3.14.1.3 Fences Within ROWs (page 49/removed)	WAIVER REQUEST DELETED	NOTE: Applicant reserves the right to seek relief on a case-by-case basis, but has withdrawn its request for a blanket waiver to place fences within rights-of-way.	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
8	Section 2.1.4 Applicability: <i>Section 3.02 and Section 3.02 Monuments (pages 50 and 51/50 and 52)</i>	MODIFIED AS PROPOSED	Added (MODIFICATION) to beginning of text to clarify that a blanket waiver is not sought.	
9	Section 2.1.4 Applicability: Section 3.04 and 3.05 Utilities <i>(pages 50 and 51/removed)</i>	WAIVER REQUEST DELETED	NOTE: Applicant reserves the right to seek relief on a case-by-case basis, but has withdrawn its request for a blanket waiver to place overhead utilities. It is the intention of the Applicant to place utilities underground wherever reasonably practicable.	
10	Section 2.1.4 Applicability: Section 3.07(a)(1) Storm Drain System <i>(page 50/50)</i>	MODIFIED AS PROPOSED	Added (MODIFICATION) to beginning of text to clarify that a blanket waiver is not sought. Replace the current text with the following: “The existing regulations for the Storm Drain System shall apply, except for the provision of underground detention and infiltration systems being allowed without requiring a waiver. Underground detention and infiltration systems shall not be permitted for roadways or other facilities that are planned to be publicly owned, unless otherwise waived by the Planning Board. The analysis of any proposed underground system shall consider site-specific soil data and standard storm events for analysis. An operations and maintenance plan for any underground detention and infiltration system shall be provided for Planning Board	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
			review at the time of PUD Subdivision and/or PUD Site Plan application.”	
11	Section 2.1.4 Applicability: Section 3.12 Building and General Appearance Design Standards <i>(page 50/51)</i>	MODIFIED AS PROPOSED	Added (MODIFICATION) to beginning of text to clarify that a blanket waiver from the design review process is not sought.	
12	Section 2.1.4 Applicability: Section 3.08 Storm Drain System <i>(page new/52)</i>	MODIFIED BY NEW TEXT	Add the following new text: “(MODIFICATION) The existing regulations for the Storm Drain System shall apply, except for the provision of underground detention and infiltration systems being allowed without requiring a waiver. Underground detention and infiltration systems shall not be permitted for roadways or other facilities that are planned to be publicly owned, unless otherwise waived by the Planning Board. The analysis of any proposed underground system shall consider site-specific soil data and standard storm events for analysis. An operations and maintenance plan for any underground detention and infiltration system shall be provided for Planning Board review at the time of PUD Subdivision and/or PUD Site Plan application.”	
13	Section 2.1.5 Definitions: Agriculture: Allow	MODIFIED AS PROPOSED	Added the following definition verbatim from the LZO, with a reference to community farming: “AGRICULTURE: All operations of a farm such as the	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
	community agriculture <i>(page 53/54)</i>		cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operations including, but not necessarily restricted to, the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, or any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products from such farm. Includes the ability to conduct community supported farming and agriculture.”	
14	Section 2.2.1 Description: Compliance Alternatives <i>(page 59/61)</i>	MODIFIED AS PROPOSED	Added the following language to the second paragraph: “Planning Board approval of a compliance alternative is discretionary, but shall not be unreasonably withheld if the Applicant has provided sufficient documentation to justify such request.”	
15	Section 2.2.3 Land Use Standards: Performance Standards:	MODIFIED AS PROPOSED	Added the following language: “B. Minimum lot sizes shall be waived. This waiver, however, does not provide for increases to the maximum number of residential units shown for Subareas in the	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
	Cottage Court (page 64/66)		Land Use Density Table. See Page 68.”	
16	Section 2.2.3 Land Use Standards: Performance Standards (page 65/67)	MODIFIED AS PROPOSED	<p>Replaced the current text with the following:</p> <p>“Home Occupations, Child Care and Adult Day Care as Home Occupations are allowed by special exception under Sections 3.12.1, 3.12.2 and 3.12.3 of the <i>Londonderry Zoning Ordinance</i>. In the Woodmont Commons PUD, these uses are allowable subject to verification of performance standards and without the need for a special exception.</p> <p>Standards provided in Sections 3.12.1, 3.12.2 and 3.12.3 of the <i>Londonderry Zoning Ordinance</i> shall apply as criteria for the Planning Board’s evaluation, provided Sections 3.12.1.1, 3.12.2.1 and 3.12.3.1 shall not apply because the Planning Board, and not the Board of Adjustment, shall regulate compliance.”</p>	
17	Section 2.2.3 Land Use Standards: Land Use Density Table: Flexibility Factor 2 (page 67/69)	MODIFIED AS PROPOSED	<p>Replaced the current text with the following:</p> <p>“2. In WC-1 only, Residential is limited to a 15% Flexibility Factor. All other uses in WC-1 have a 30% Flexibility Factor.”</p>	
18	Section 2.2.3 Land Use Standards: Land Use Density	NEW TEXT	<p>Added new Flexibility Factor as Note 6:</p> <p>“When using the Flexibility Factors applicable to other Subareas, the number of allowable residential units in</p>	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
	Table: Flexibility Factor in WC-12 <i>(page 67/69)</i>		WC-12 may not be decreased by more than 30%.”	
19	Section 2.2.3 Land Use Standards: Land Use Density Table: Open Space Minimum Areas <i>(pages 66 and 67/68 and 69)</i>	NO CHANGE		An overall open space commitment of 25% of the PUD acreage is consistent with our urbanized live-work-play environs. Moreover, the perimeter buffers will add a minimum of an additional 38 acres of undeveloped area. Note: Stating a minimum commitment for the number of playgrounds was not a consensus item.
20	Section 2.2.3 Land Use Standards: Land Use Density Table: Mixed-use ratio <i>(pages 66 and 67/68 and 69)</i>	NO CHANGE		Woodmont’s commitment to remain fiscally-positive helps ensure that residential usage cannot be developed disproportionately ahead of commercial spaces. Moreover, the well-crafted Table of Allowable Uses helps regulate the likelihood of a harmonious mix of uses.
21	Section 2.2.3 Land Use Standards: Land Use Density Table: Add vehicle trips to table	NO CHANGE		Using traffic generation as an express regulation upon density is inconsistent with the purpose of the Master Traffic Impact Analysis (MTIA). The purpose of the MTIA and the Exit 4A sensitivity analysis was to provide a threshold for impact mitigation within the overall development density limit.

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
	(pages 66 and 67/68 and 69)			If Woodmont is unable to effectively mitigate traffic impact, then project-based site plan and subdivision applications may be denied.
22	Section 2.2.4 Subarea Composition Principles and Standards: Planning Board authority to use standards for review (page 71/73)	CHANGE MADE ELSEWHERE		Requested change is presently incorporated into the language on page 71.
23	Section 2.2.4 Subarea Composition Principles and Standards (page 75/77)	MODIFIED AS PROPOSED	Modified final sentence under <i>Intent</i> to read as follows: “The development pattern supports well-connected pedestrian-oriented segments along the streets and sidewalks, lined by residential, retail, mixed-use and commercial uses.”	
24	Section 2.2.4 Subarea Composition Principles and Standards: WC-3 (page 82/84)	MODIFIED AS PROPOSED	Added language so that the last <i>Subarea Land Use Characteristic</i> reads as follows: “Trail at perimeter of proposed pond, or undeveloped wetlands area, with enhancements for public use/access.”	
25	Section 2.2.4 Subarea Composition	MODIFIED AS PROPOSED	Added a <i>Subarea Land Use Characteristic</i> as follows: “Configuration of the intersection of Pillsbury Road and	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
	Principles and Standards: WC-6: Pillsbury/Gilcrest Intersection <i>(page 91/93)</i>		Gilcrest Road should consider mitigation possibilities such as those outlined in Figure 6 of the MTIA, which is incorporated herein by reference.”	
26	Section 2.3.2 Block Types: Village Center Block dimensions <i>(page 114/116)</i>	NO ADDITIONAL CHANGE		Block standards have been supplemented to address pedestrian safety and comfort. Supplemental standards include requirements for speed management devices and mid-block crossings.
27	Section 2.3.3 Transportation Network: traffic studies and links to public transport <i>(page 119/121)</i>	MODIFIED AS PROPOSED	<p><i>Added the following between paragraphs two and three:</i></p> <p>“The projected transportation impacts of the PUD are thoroughly examined within the attached traffic studies in <i>Section 4.2 Master Plan Traffic Assessment</i> provided by the applicant and subsequently reviewed by the Town’s peer review agent. The land use densities in each Subarea, assuming the conditions with and without the availability of Exit 4A as shown in <i>Section 2.2.3 Land Use Standards</i>, have been derived from a careful assessment of the associated trip-making characteristics. These record traffic studies shall be used as a guide for the Planning Board to assess the reasonableness of mitigation as various PUD Subdivision and/or Site Plan proposals are presented.”</p> <p><i>Added the following to the end of the last full paragraph on page 119/121:</i></p> <p>“The PUD will be designed to accommodate future transit service, if and when available, as well as efficient pedestrian</p>	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
			and bicycle connections between the existing Park-n-Ride facility and adjacent Subareas.”	
28	Section 2.3.3 Transportation Network: Intersections (page 121/123)	MODIFIED AS PROPOSED	<p><i>Replaced the existing text under ‘A. Angles at intersections’ with the following:</i></p> <p>“Unless alternative (lesser) intersection alignments and angles are approved by the Planning Board during PUD Subdivision and/or PUD Site Plan review, intersections shall be designed with roadway centerlines intersecting at 90 degrees. Site-specific traffic controls shall include, without limitation, traffic signal control, all-way stop control, or other means of limiting conflicts associated with a one-way flow pattern of certain PUD streets.”</p>	
29	Section 2.3.3 Transportation Network: street width minimums (page 123/125)	MODIFIED AS PROPOSED	<p>Modified language in the second paragraph as follows:</p> <p>Change “accepted as streets must be a minimum of twelve (12) feet wide” to “accepted as public streets must have a travel way with a minimum width of twenty-four (24) feet.”</p>	
30	Section 2.3.3 Transportation Network: vehicle lane minimums (page 145/147)	MODIFIED AS PROPOSED	<p>Replaced the text after the asterisk under the table with the following:</p> <p>“A parallel parking lane shall have a minimum width of 8 feet unless accompanied by a wider bike land in areas of high bicycle traffic.”</p> <p>Changed angled parking minimums to 8 feet.</p>	
31	Section 2.3.4 Parking and Loading	IN PROGRESS	The Woodmont Commons team is working with Town staff to address outstanding questions.	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
	Standards: Table of Parking Space Guidelines (page 148/150)			
32	Section 2.3.4 Parking and Loading Standards: Alternative Parking Standards: A. Shared Parking (page 150/152)	<i>IN PROGRESS</i>	The Woodmont Commons team is working with Town staff to address outstanding questions.	
33	Section 2.3.5 PUD Perimeter Buffers: Like-to-like (page 153/155)	MODIFIED AS PROPOSED	Replaced second paragraph with the following language: “If adjoining uses are compatible, the PUD Perimeter Buffer shall be interpreted to require a fifty (50) foot no-build setback, without any additional requirement to add or preserve screening (i.e. single-family next to single-family).”	
34	Section 2.3.5 PUD Perimeter Buffers: Natural Vegetation (page 153/155)	MODIFIED AS PROPOSED	Deleted this following language from the first paragraph: “If the adjoining uses are incompatible with the uses in the Woodmont Commons PUD, then landscaping and other screening devices are required to enhance the buffer. An example would be a non-residential project within the Woodmont Commons PUD abutting existing residential uses outside the PUD perimeter.”	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
			<p>Added the following language as a third paragraph:</p> <p>“If the adjoining existing uses are incompatible with the uses along the edges of the Woodmont Commons PUD Boundary, then landscaping and other screening devices are required to enhance the natural vegetation within the PUD Perimeter Buffer. Existing vegetation that consists of invasive species or is in poor condition may be removed and replaced with acceptable species as defined in the Landscape Design Standards within the <i>Londonderry Site Plan Regulations</i>.”</p>	
35	2.3.5 PUD Perimeter Buffers: 50’ dimension (page 153/155)	MODIFIED AS PROPOSED	<p>Added the following language to the first paragraph:</p> <p>“The Perimeter Buffer is measured from the edge of the abutting right-of-way or property boundary.”</p>	
36	2.3.5 PUD Perimeter Buffers: Apple trees (page 153/155)	MODIFIED AS PROPOSED	<p>Replaced the current third paragraph with the following language:</p> <p>“Three rows of apple trees, where existing, will remain along Gilcreast and the areas of Perimeter Buffer to preserve the existing rows as indicated on the Land Use Plan. When needed, apple trees will be replaced with apple trees, but using a staggered approach so that not all three rows are replaced at once.</p> <p>One row of apple trees, where existing, will remain along Hovey and Pillsbury Roads within the 50 foot Perimeter Buffer as shown on the Land Use Plan. Frontage requirements may be modified to include adjustments for</p>	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
			<p>the location of sidewalks to accommodate said trees.</p> <p>Prior to subdivision or site plan approval, the existing trees shall be located and the buffer shall be recorded with deed restrictions mandating the preservation of said trees.</p> <p>The Developer or its assignee shall provide a maintenance agreement for the long term care of the trees prior to any PUD Subdivision and/or PUD Site Plan approvals being issued for affected areas. The care shall include pruning requirements and the disposition of any harvested fruit.”</p>	
37	<p>Section 2.3.7 PUD Subdivision Signage: D. Measurement and calculation of area <i>(page 163/166)</i></p>	<p>MODIFIED AS PROPOSED</p>	<p>Removed the following language:</p> <p>“except that sign height may exceed ten (10) feet as indicated below.”</p>	
38	<p>Section 2.3.7 PUD Subdivision Signage: Example of Gateway Sign <i>(page 164/167)</i></p>	<p>MODIFIED AS PROPOSED</p>	<p>A more illustrative photo example of a gateway sign has been placed within the text.</p>	
39	<p>Section 2.3.8 PUD Subdivision Lighting: Internally lit signage <i>(page 166/169)</i></p>	<p>MODIFIED AS PROPOSED</p>	<p>Replaced the third bullet point with the following:</p> <p>“Internally lit signs are acceptable provided that they meet the requirements of Section 2.4.4 <i>PUD Site Plan Signage</i>.”</p>	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
40	2.3.10 Cultural Resources: Historic Properties outside PUD <i>(page 169/172)</i>	MODIFIED AS PROPOSED	Added the following paragraph: “Parcels 22 and 42 are not included within the Woodmont Commons PUD and, as such, are not subject to the provisions of this Master Plan. It is noted that the buildings on these properties are considered historic by the Town of Londonderry.”	
41	Section 2.3.11 Utility Infrastructure: Stormwater Management <i>(page 170/173)</i>	MODIFIED AS PROPOSED	Added the following sentence at the end of the second bullet under Stormwater Management on page 170: “Consistent with the general requirements of the Town’s standards for storm drain systems and the State of New Hampshire’s Alteration of Terrain Permit Regulations (ENV-WQ 1500), the post-development runoff rates shall not exceed the pre-development runoff rates at downstream or down gradient locations.”	
42	Section 2.4.2 Buildings and Lots: Building Type: Multi-family: Add unit limits to multi-family buildings <i>(page 180/184)</i>	MODIFIED AS PROPOSED	Added the following language to Description: “No single multi-family building shall contain more than twenty-four (24) dwelling units.”	
43	Section 2.4.4 PUD Site Plan Signage: 6, 7 and 8 Temporary Signage	MODIFIED AS PROPOSED	Added the following language: “P. Signs must be posted no more than thirty (30) days before the event and remain in place no more than forty-five (45) days total.”	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
	<i>(page 204/208)</i>			
44	Section 2.4.4 PUD Site Plan Signage: E. Halo signs <i>(page 204/209)</i>	MODIFIED AS PROPOSED	Provided illustrative photograph as an example.	
45	Section 2.4.4 PUD Site Plan Signage: Highway corridor signage at 350 square foot sign justification <i>(page 211/215)</i>	NO CHANGE		The highway corridor signage is limited to the I-93 corridor in WC-2 and WC-12. These signs for the buildings and the monuments are intended to be legible from I-93. The recommended size and height, according to the United States Sign Council, for vehicles traveling at 65 miles per hour on a multi-lane highway at a viewing distance of 400 feet is 639 square feet and 38.5 feet tall. The Woodmont Commons signs are in keeping with but less than the recommended height and area recommendations for legible signs.
46	Section 2.4.4 PUD Site Plan Signage: Highway corridor signage #5 <i>(page 211/215)</i>	MODIFIED AS PROPOSED	Replaced item 5 with the following: “Affixed building signs shall not be taller, or extend higher, than the building on which they are mounted.”	

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
47	3.1.1 Thresholds for Physical Mitigation Methods: LOS grade changes (page 221/227)	MODIFIED AS PROPOSED	<p>Section 3.1 has been updated to:</p> <ul style="list-style-type: none"> • Provide a reference to the traffic study and supplemental sensitivity analysis as it relates to the densities shown in Table • Clarify that an acceptable level of service degradation shall be one letter grade with an associated delay condition at the intersections outside the PUD periphery. • Clarify the acceptable LOS measurements within the boundary of the PUD • Add a requirement for the applicant to assess construction traffic routes in any supplemental traffic studies at the subdivision and/or site plan stage 	
48	3.3 Chloride Management: town/PUD requirements (page 224/230)	MODIFIED AS PROPOSED	<p>Replaced the first sentence of the second full paragraph with the following:</p> <p>“Under the existing SRP, the Town has identified four strategies to help meet the Total Maximum Demand Load allocation within the Beaver Brook Watershed.”</p>	
49	Integration with the Town and existing improvements – physical and community	CONSIDERED		Woodmont Commons is consistent with the 2004 Master Plan being located in an area of Economic Opportunity and maintaining balanced economic growth while not increasing the town's residential tax rates. It is also consistent with the current Comprehensive Master Plan, being located in an Intended Growth Sector and helping to

Number	Section Reference, Topic and Page Number	Action	Modified Language	Reason for No Change
				<p>address the plan's guiding principles for unique activity centers, housing choice and diversity, increased transportation choice and walkability and enhancing the municipal advantage.</p> <p>It is located next to the commercial development in town in an area with interstate access. This access will only be enhanced with the construction of Exit 4A. The area is also a transportation hub with the adjacent Boston Express facility and the internal shuttle stop at Market Basket.</p> <p>Woodmont Commons will be open and welcoming to the community with parks and trails along streets, accessible shopping and like residential facing the existing residential fabric of Londonderry.</p>

The following is a listing of minor typographical/formatting changes incorporated into the final draft.

- Reformatted Tables of content to address pagination changes.
- Changed “Allowable Densities Table” to “Land Use Density Table” on page 4/4.
- Corrected reference to Woodmont Commons on page 39/39.
- Add section reference for compliance alternatives on page 45/45.
- Changed “Developers” to “Land Owners” on page 53/54, under Applicant/Primary Applicant.
- Removed “(collectively, the ‘Developers’” on page 55/56 under Land Owners.
- Capitalized all references to “Land Owners” throughout document when used as the defined term.
- Changed Land Use Plan on pages 60, 82, 85, 88, and 91/62, 84, 87, 90, and 93) to address changes to *2.3.5 PUD Perimeter Buffer*.
- Corrected reference to American Association of State Highway and Transportation "Officials", not "Office" on page 121/124.
- Removed outline around table on page 173/177.
- Removed of “Parking Placement on Side Streets” heading from all Lot Types (pages 175-199/178-203).
- Replaced example of pole mounted and directory signs on page 207/212 and address sign on page 209/214.
- Removed underlining within Item 2 on page 209/214.
- Adjusted sign photos on pages 210 and 211/215 and 216 to line up with their respective headers.
- Changed “SITE PLAN” to “Site Plan” on page 213/218.
- Formatted text at bottom of page 216/221.
- Corrected minor punctuation errors, style differences or graphic misalignments throughout.

END

I Love the Apple Trees in Winter

By Mary K. Tetreau, September 2013

For we are all farmers
We love the fruit and the trees
Whether you came over on the Mayflower
Or work at Mack's Apples
You have dirt on your knees.

I speak for the people
I speak for the apple trees
Let us hug you tightly
Be loved, beloved trees.

I love you most in winter
When your straggly forms
Set dark against the snow
Remind us of the spring
And the apples that will glow
In rich red and harvest gold
Good-bye and keep cold.*

I love you in the springtime
And watch your blossoms grow
I love you in the fall
And pick you firm and ripe
But I love you most in winter
When you give me hope.

Welcome to my town
Take my hand.
We'll walk around
The apple trees.

*Copyright Robert Frost, see poem, page 2.

Good-bye, and Keep Cold

By Robert Frost

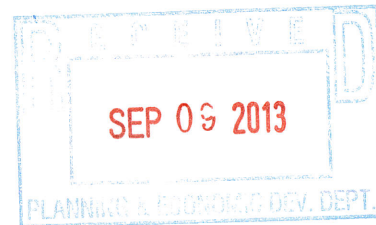
This saying good-bye on the edge of the dark
And cold to an orchard so young in the bark
Reminds me of all that can happen to harm
An orchard away at the end of the farm
All winter, cut off by a hill from the house.
I don't want it girdled by rabbit and mouse,
I don't want it dreamily nibbled for browse
By deer, and I don't want it budded by grouse.
(If certain it wouldn't be idle to call
I'd summon grouse, rabbit, and deer to the wall
And warn them away with a stick for a gun.)
I don't want it stirred by the heat of the sun.
(We made it secure against being, I hope,
By setting it out on a northerly slope.)
No orchard's the worse for the wintriest storm;
But one thing about it, it mustn't get warm.
"How often already you've had to be told,
Keep cold, young orchard. Good-bye and keep cold.
Dread fifty above more than fifty below."
I have to be gone for a season or so.
My business awhile is with different trees,
Less carefully nourished, less fruitful than these,
And such as is done to their wood with an axe—
Maples and birches and tamaracks.
I wish I could promise to lie in the night
And think of an orchard's arboreal plight
When slowly (and nobody comes with a light)
Its heart sinks lower under the sod.
But something has to be left to God.

LONDONDERRY

SQUARE
Condominium Association

September 5, 2013

Arthur Rugg, Chairman
Planning and Economic Development Department
Town of Londonderry
268B Mammoth Road
Londonderry, NH 03053



Dear Mr Rugg:

We have reviewed the current Transportation and Open Space Document for the Woodmont Commons PUD which highlights the proposed changes to roads and required improvements.

If this plan were to become finalized as presented, it would pose serious problems for the owners and occupants of the Londonderry Square office complex at 50 Nashua Rd.

The main entry into the property on Gilcrest Road is 225 feet from the intersection of Nashua Road (Rt 102). This allows for approximately 8 to 10 vehicles (depending on type) to “queue” before the driveway becomes blocked by traffic. At present, during high use times, the driveway does, in fact, become temporarily blocked by waiting traffic. With the proposed development just up the road, we anticipate a dramatic increase in traffic volume, rendering access to and from the property to be both dangerous and difficult, if not completely impossible.

Our other major concern is traffic “cutting thru” our property to avoid the light. This has been a safety issue in the past and is a financial concern going forward because parking lots are not built to handle street traffic. We have taken steps to address this problem, but with the anticipated heavier volume, we fear our property may become a constant thru-way. And as History has shown, vehicles don’t simply drive through – they speed through.

Please send a copy of this letter to the applicant’s engineer and consider new alternatives to solve these serious issues before final approval of the PUD project.

The Board of Directors

Londonderry Square Condominium Association

2.2.4 Subarea Composition Principles and Standards

Land Use Plan



SUBAREA LAND USE CHARACTERISTICS

- Secondary Street – New:
2-way Street: 2-lane
- Developable area, typical
- Open Space – Passive – Green with trail connection to WC-8
- Perimeter Buffer
- Secondary Street – New:
2-way Street: 2-lane

All locations of Allowable Land Use components are approximate
Detention areas may be in other Subareas



SUBAREA WC-11

SUBAREA DEVELOPMENT

Subarea Development Maximums Total	
AGRICULTURAL	NO LIMIT
RESIDENTIAL	24 UNITS
INSTITUTIONAL	NOT ALLOWABLE
CIVIC	NO LIMIT
ACCOMMODATIONS	NOT ALLOWABLE
COMMERCIAL USE	NOT ALLOWABLE

Subarea Open Space Minima Total	
SHARED OPEN SPACE	0
CONSERVED GREEN SPACE	0

See Section 2.2.3 Land Use Standards: Allowable Uses Table and Allowable Densities Table for more details.

LAND USE COMPONENTS

- PUD Perimeter
- Subarea Boundary
- Subdivision Lot Line
- Primary Street
- Secondary Street
- Shared Open Space
- Conserved Green Space
- Existing Buildings
- Developable Area

Jaye Trottier

Subject: FW: Woodmont Commons

From: walterstocks39@comcast.net [<mailto:walterstocks39@comcast.net>]

Sent: Wednesday, September 11, 2013 4:22 PM

To: Arthur Rugg; Mary Soares

Cc: lynnbwiles@myfairpoint.net; lelazem@hotmail.com; Chris Davies; Alan Sypek; Rick Brideau; John Laferriere; Maria Newman external; Scott Benson; Leitha Reilly; Tom Freda; Tom Dolan; John W. Farrell; Joseph V. Green; Jim J. Butler; jack@falvey.org; Town Manager

Subject: Woodmont Commons

Londonderry Planning Board Members,

If you vote on the Woodmont Commons Development tonight, you should ask yourself -

1. What benefits does this development have to the town of Londonderry?
2. What benefits does this development have to the citizens of Londonderry?
3. Will this development lower our real estate taxes? We think not.
4. What will this development do to your quiet neighborhoods? Twenty years of construction noise, construction vehicles & construction dirt. The abutters and near-by residents will have to live with this.
5. 40,000 to 50,000 additional vehicles on our existing back roads and Route 102.
6. Constant construction delays on our existing roads.
7. Has this development guaranteed any jobs for the citizens of Londonderry?
8. Has this development guaranteed that they will purchase construction material from local Londonderry business?
9. Will the cost of the upgrade of existing utilities be passed on to the existing utilities customers?
10. And many more negative things we have not thought of.

In our opinion, the Woodmont Commons Development needs to be down-sized so it does not have such an impact on our town.

Londonderry Planning Board please read this ENTIRE e-mail into the minutes of your September 11, 2013 meeting during the discussion on Woodmont Commons.

Thank you,
Walter & Marilyn Stocks
39 Gordon Dr
Londonderry, NH

03053

1.2 IMPACT FEES

1.2.1 Authority

These provisions are established pursuant to New Hampshire RSA 674:21, V as an innovative land use control. The administration of this Ordinance shall be in compliance with RSA 674:21, V.

1.2.2 Purpose

These provisions are intended to:

1.2.2.1 Assist in the implementation of the ~~1988 Town's of Londonderry~~ Master Plan;

~~1.2.2.2 Promote the Town's public health, safety and welfare, and prosperity; especially:~~

~~1.2.2.1.1 Recommendation six (6) under the community facilities, which states, "Consider an impact fees program with regards to Londonderry's community facility development," and;~~

~~1.2.2.1.2 Recommendation two (2) under transportation, which states, "Seek the participation of private developers in cost sharing for the needed improvements to Town roads and intersections." Recommendation six (6) under the community facilities, and recommendation two (2) under transportation.~~

1.2.2.3~~2~~ Ensure the adequate provision of public facilities necessitated by the growth and anticipated growth of the Town ~~of Londonderry~~;

1.2.2.4 Provide for the harmonious development of the Town and its environs; and

1.2.2.5~~3~~ Assess an equitable share of the growth-related and anticipated growth-related cost of new and expanded public capital facilities to all types of new development in proportion to the capital facility demands created by that development.

1.2.3 Findings

The ~~Londonderry~~ Planning Board has made the following findings based on extensive consultation with all municipal departments, and a careful study of municipal facility needs.

1.2.3.1 The ~~Londonderry~~ Planning Board adopted a Master Plan in January 1988, and updated it in 1997, ~~and~~ 2004 and 2013.

1.2.3.2 The ~~Londonderry~~ Planning Board has prepared, and regularly updated, a Capital Improvements Program and Budget as authorized by the Londonderry Town Meeting of

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March 11, 1988.

~~-1.2.3.3 As documented by the Master Plan and the Capital Improvements Program, actual and anticipated municipal new-growth has and will create the need for construction, equipping, or expansion of capital facilities to provide adequate facilities and services for the Town's residents and development is anticipated in residential and non-residential sectors which will necessitate increased expenditures to provide adequate public facilities.~~

1.2.3.4 The Town ~~of Londonderry~~ is responsible for and committed to the provision of public facilities and services at standards determined to be necessary by the Town to support anticipated residential and non-residential growth and development in a manner which protects and promotes the public health, safety and welfare.

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~~-1.2.3.5 The cost of providing public capital facility capacity to serve anticipated new growth will be disproportionately borne by existing taxpayers in the absence of impact fee assessments.~~

1.2.3.6 The calculation methodology for impact fees, as established by Section 1.2.6.1, shall represent a fair and rational method for the allocation of anticipated growth-related capital facility costs to new development. Based on this methodology, impact fees will not exceed the costs of:

1.2.3.6.1 Providing additional public capital facilities necessitated by the new developments ~~paying impact fees~~, or

1.2.3.6.2 Compensating the Town ~~of Londonderry~~ for expenditures made for existing public facilities which were constructed in anticipation of new growth and development.

1.2.3.7 Impact fee payments from new development will enable the Town ~~of Londonderry~~ to provide adequate public facilities to serve anticipated new growth, and provide new development with a reasonable benefit in proportion to its contribution to the demand for such facilities.

1.2.3.8 The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessitated to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

1.2.3.9 An impact fee ordinance for public capital facilities is consistent with the goals and objectives of the Town's Master Plan and Capital Improvements Program.

1.2.4 Definitions

Fee payer - A person applying for the issuance of a building permit, subdivision or site plan approval, special exception, variance or other local land use decision which would create new development.

Impact fee - A fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Town, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; municipal road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space.

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New Development - Any activity which results in a net increase in the demand for additional public capital facilities, as defined in this ordinance, including:

1. The creation of new dwelling units, except for the replacement of existing units of the same size and density;
2. A net increase in the gross floor area of any nonresidential building or in the habitable portion of a residential building;
3. The conversion of a legally existing use to another permitted use if such change of use would create a net increase in the demand for additional public capital facilities, as defined by this ordinance.

Gross Floor Area - The entire square footage of a building calculated from the dimensional perimeter measurements of the first floor of the building with adjustments to the useable area of the other floors made in a manner consistent with Londonderry property tax assessment procedures. For residential structures, gross floor area shall not include portions of residential structure or accessory structure which is not available for human habitation.

Planning Board – Town of Londonderry Planning Board.

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Public Capital Facilities - Facilities and equipment owned, maintained or operated by the Town ~~of Londonderry~~ as defined in the Capital Improvement Program and which are listed in the adopted impact fee schedule.

Public Open Space – An unimproved or minimally improved parcel of land or water available to the public for passive recreational use such as walking, sitting, or picnicking, that does not include “public recreational facilities.”

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Public Recreational Facilities – Land and facilities owned or operated by the Town or the School District, other than public open space, which are designed for the conduct of recreational sports or other activite uses of an organized nature, and which include equipment or improvements to the land to support indoor or outdoor public recreation programs and activities.

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School District – Londonderry School District.

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Town – Town of Londonderry.

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Town Council – Town of Londonderry Town Council.

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1.2.5 Imposition and Payment of Public Capital Facilities Impact Fee

1.2.5.1 Impact fees shall be assessed to new development to compensate the Town and the School District for the proportional share of municipal capital improvement costs that is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee, including municipal and public school facilities to be constructed, or which were constructed in anticipation of new development. Any person who, after March 9, 1994 seeks approval of new development within the Town of Londonderry, New Hampshire, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in Section 1.2.6.

1.2.5.1.1 All impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan. When no Planning Board approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. Impact fees shall be intended to reflect the effect of development upon municipal facilities at the time of the issuance of the building permit.

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1.2.5.1.2 Impact fees shall be collected at the time a certificate of occupancy is issued. No certificate of occupancy shall be issued for new development until the assessed impact fee has been paid, or until the fee payer has established a mutually acceptable schedule for payment.

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If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use.

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1.2.5.1.3 A fee payer may request an alternate schedule of payment of impact fees in effect at the time of subdivision plat or site plan approval by the Planning Board. As a condition of a mutually agreeable alternate schedule of payment, the Town may require the fee payer to post a bond, a letter of credit, accept a lien, or otherwise provide a suitable measure of security so as to guarantee future payment of the assessed impact fees.

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1.2.5.2 A ~~fee payer~~person may request, from the Planning Board, a full or partial waiver of impact fee payments required in this ordinance. The amount of such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by ~~the fee payer at~~ person toward public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver or credit under Section 1.2.10~~4~~ of this Ordinance.

1.2.5.3 A person undertaking new development for residential use in which all or a portion ~~portion~~ of its occupancy will be restricted to persons age fifty five (55) and over, and where it can be shown to the satisfaction of the Planning Board that such restricted occupancy will be maintained for a period of at least twenty (20) years, ~~shall be exempt from~~ ~~may apply for a waiver of the s~~School ~~I~~mpact ~~F~~ees for the said restricted occupancy units.

1.2.5.4 A person undertaking new development for residential use in which all or a portion of its occupancy will meet the requirements of “workforce housing” as defined by RSA 674:58, and where it can be shown to the satisfaction of the Planning Board that such “workforce housing” will be maintained with appropriate restrictions for a period of at least forty (40) years, may apply for a waiver of impact fees for said workforce units.

1.2.5.5 No building permit for new development requiring payment of an impact fee pursuant to Section 1.2.6 of this Ordinance shall be issued until the public facilities impact fee has been determined and assessed by the Planning Board or its authorized agent.

1.2.5.6 A person undertaking new development for residential use in which all or a portion of its occupancy will be assisted living facilities restricted to persons who are age fifty five (55) and over and/or disabled, ~~shall be exempt from~~ ~~may apply for a waiver of~~ Recreation Impact Fees for said restricted units where it can be shown to the satisfaction of the Planning Board that internal private recreation programs will be provided to the occupants by the developer and provisions to that effect will be maintained with appropriate restrictions for a period of at least twenty (20) years.

1.2.6 Computation of Impact Fee

1.2.6.1 The amount of ~~each~~the public facilities impact fee shall be ~~assessed in accordance with written procedures or methodologies adopted and amended by the Planning Board for the purpose of capital facility impact fee assessment in Londonderry. The methodologies shall set forth the assumptions and formulas comprising the basis for impact fee assessment, and shall include documentation of the procedures and calculations used to establish impact fee schedules. The amount of any impact fee shall be computed based on the municipal capital improvement cost of providing adequate public capacity to serve new development. Such documentation shall be available for public inspection at the Town Planning & Economic Development Department. determined by the Impact Fee Schedule prepared in accordance with the methodology established in a report by the Planning Board entitled, “Impact Fee Analysis: Town of Londonderry”, as updated by the reports entitled, “Methodology for Assessment of~~

~~Public School Impact Fees, Town of Londonderry, and “Methodology for Assessment of Recreation Impact Fees, Town of Londonderry” by Bruce C. Mayberry, as most recently adopted, “Methodology for Assessment of Public School Impact Fees, Update, Town of Londonderry, NH” by Bruce Mayberry, as most recently adopted, “Recreation Impact Fee Update” by Bruce Mayberry, as most recently adopted, “Police Department Impact Fee Methodology, Londonderry, NH” by Bruce Mayberry, as most recently adopted, “Fire Department Impact Fee Basis for Assessment, Londonderry, NH” by Bruce Mayberry, as most recently adopted, “NH Route 28 Eastern Corridor Study” prepared by Southern NH Planning Commission, as most recently adopted, “NH Route 28 Western Corridor~~

~~Study” prepared by the Community Development Department, Stantec Consulting Services, and Southern NH Planning Commission, as most recently adopted, “NH Route 102 Upper Corridor Study” prepared by Southern NH Planning Commission, as most recently adopted, “NH Route 102 Central Corridor Study” prepared by Southern NH Planning Commission, as most recently adopted, “NH Route 102 Lower Corridor Study” prepared by Southern NH Planning Commission as most recently adopted, subject to annual adjustments in accordance with Section 1.2.14.~~

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1.2.6.2 In the case of new development created by a change of use, redevelopment, or expansion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to that which was or would have been assessed for the previous use.

1.2.7 Payment of Fees

~~No certificate of occupancy shall be issued for new development until the assessed impact fee has been paid, or until the fee payer has established a mutually acceptable schedule for payment.~~

1.2.78 Appeals

1.2.78.1 Any aggrieved party may appeal a decision under this impact fee ordinance in the same manner provided by statute for appeals from the officer or board making the decision, as set forth in RSA 676:5, RSA 677:2-14, or RSA 677:15, respectively~~to the Planning Board the amount of the public~~

~~facilities impact fee, under the procedures established by the Board for handling such appeals.~~

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1.2.8.2 If a fee payer elects to appeal the amount of the impact fee, the fee payer shall prepare and submit to the Planning Board an independent fee calculation study for the new development activity which is proposed. All costs incurred by the Town for the review of such study shall be paid by the fee payer.

1.2.89 Administration of Funds Collected

1.2.89.1 All funds collected shall be properly identified and promptly transferred for deposit ~~into~~ individual Public Capital Facilities Impact Fee Accounts for each of the facilities for which fees are assessed, and shall be special revenue fund accounts and under no circumstances shall such revenue accrue to the General Fund.

1.2.89.2 The Town ~~Director of Finance~~~~Treasurer~~ shall have custody of all fee accounts, and shall pay out the same only upon written orders of the Town Council.

1.2.8.3 The Town Council may order the expenditure of impact fees solely for the reimbursement of the Town or the School District for the cost of public capital improvements for which they were collected, or to recoup the cost of capital improvements made by the Town or the School District in anticipation of the needs for which the impact fees were collected.

1.2.8.4 Impact fees imposed upon development for the construction of or improvements to municipal road systems may be expended upon state highways with the Town only for improvement costs that are related to the capital needs created by the development. No such improvements shall be constructed or installed without approval of the New Hampshire Department of Transportation.

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1.2.89.53 The Town ~~Director of Finance~~~~Treasurer~~ shall record all fees paid, by date of payment and the name of the ~~fee payers~~~~persons making payment~~, and shall maintain ~~a~~~~updated~~ record of current ownership, tax Map and lot reference number of properties for which fees have been paid under this Ordinance for a period of at least ten (10) years.

1.2.89.64 ~~Prior to the~~ ~~At the~~ end of each ~~calendar and~~ fiscal year, the Town ~~Director of Finance~~~~Treasurer~~ shall make a report to the Town Council, giving a ~~detailed~~~~particular~~ account of all public capital facilities impact fee transactions during the year. The reports shall include a listing of any impact fee due to expire prior to the next scheduled report.

1.2.8.7 Following the Town Council's review of the report referenced in section 1.2.8.6 above and prior to the next scheduled Town Council meeting, the report shall be posted on the Town's website.

~~1.2.9.5 Funds withdrawn from the Public Capital Facilities Impact Fee Accounts shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public capital facilities identified in this Ordinance.~~

1.2.89.86 In the event that bonds or similar debt instruments have been, ~~or will be,~~ -issued by the Town or the School District for the funding of public capital facilities which ~~are or~~ were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Ordinance, impact fees may be used to pay debt service on such bonds or similar debt instruments.

1.2.940 **Refund of Fees Paid**

1.2.940.1 ~~Unless notified of an agreement between the fee payer and t~~The owner of record of property for which an impact fee has been paid, the fee payer shall be entitled to a refund of that fee, plus accrued interest where:

1.2.940.1.1 The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the final payment of the fee; or

1.2.940.1.2 The Town has failed, within the period of six (6) years from the date of the final payment of such fee, to appropriate the non-impact fee share of related capital improvement costs, if there is a non-impact fee share of the capital improvement costs.

1.2.940.2 ~~Upon its review of the reports referenced in section 1.2.8.4 above, t~~The Town Council shall direct the Town Director of Finance to, annually, prefund to provide all fee payers~~owners of record or property owners~~ who are due a refund pursuant to section 1.2.9.1 and section 1.2.9.1.1 or section 1.2.9.1.2 above, the impact fee paid, written notice of the amount due, including plus accrued interest.

1.2.104 **Credit**

1.2.104.1 Land and/or public capital facility improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Town Council. The Town Council may authorize the fee payer an impact fee credit in the amount of the value of the contribution.

1.2.104.2 Any claim for credit must be made no later than the time of application for the building permit.

1.2.104.3 Credits shall not be transferable from one project of development to another without written approval of the Town Council.

1.2.104.4 Credits shall not be transferable from one component of the public capital facilities impact fee to any other component of the public capital facilities impact fee~~s fee~~ without written approval of the Town Council. Records of the amounts of reasons for such transfers shall be maintained.

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1.2.10~~4~~.5 Determinations made by the Town Council pursuant to the credit provisions of this Section may be appealed to the Board of Adjustment according to the procedures applicable to appeals from administrative decisions contained in Section 1.2.~~7~~8 of this Ordinance.

1.2.11~~2~~ Additional Assessments

Payment of a public capital facilities impact fee does not restrict the Town or the Planning Board in requiring other payments from the fee payer, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or turning lanes to access the site or other infrastructure and facilities specifically benefiting the development as required by the subdivision or site plan review regulations.

1.2.12~~3~~ Premature and Scattered Development

Nothing in this Ordinance shall be construed so as to limit the existing authority of the ~~Londonderry~~ Planning Board to provide against development which is scattered or premature, requires an excessive expenditure of public funds, or otherwise violates the Town of Londonderry Site Plan Review Regulations, Subdivision Regulations, or Zoning Ordinance.

1.2.13~~4~~ Review

The Impact Fee Assessment Schedule shall be reviewed annually by the Planning Board, using the methodology established in the reports referred to in Section 1.2.6. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available from the Bureau of the Census, local property assessment records, market data reflecting interest and discount rates, current construction cost information for public capital facilities, etc. Adjustments shall be approved by the Town Council no more frequently than annually, based on such data.