

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 8, 2009 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, CNHA, Ex-Officio; Paul
6 DiMarco, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Mary Soares; Rob Nichols;
7 Lynn Wiles; Laura El-Azem; Chris Davies, alternate member; Cole Melendy,
8 alternate member
9

10 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.;
11 Cathy Dirsra, Planning Department Secretary
12

13 A. Rugg called the meeting to order at 7:02 PM. A. Rugg appointed C. Davies to
14 vote for J. Farrell and C. Melendy to vote for M. Soares until she arrives.
15

16 **Administrative Board Work**
17

18 A. Regional Impact Determinations
19

20 T. Thompson stated that Firetree Real Estate Trust (McDonald's) is
21 proposing a Minor Site Plan for a 273 square foot storage addition on Map
22 7, Lot 119-1. He said that staff recommends this project is not a
23 development of regional impact, as it does not meet any of the regional
24 impact guidelines suggested by Southern NH Planning Commission
25 (SNHPC).
26

27 **P. DiMarco made a motion to accept staff recommendations that this**
28 **project is determined not to be of regional impact under RSA 36:56.**

29 **R. Brideau seconded the motion. No discussion. Vote on the motion:**
30 **9-0-0.**
31

32 B. Signing of Minutes – March 4 and 11
33

34 Minutes for March 4 and 11 have been signed.
35

36 C. Discussions with Town Staff
37

38 1. Fence at 1E Commons Drive
39

40 T. Thompson said Bob Meissner is here to answer any questions.
41 Bob Meissner, owner of building, said a tenant wants to fence in the
42 area for an outdoor play area for children, as required by the state.
43

44 [M. Soares arrived at 8:05PM. C. Melendy returned to alternate status.]
45

46 T. Thompson asked the Board if they would like a public hearing or if
47 they want staff to handle this issue. The Board said staff could handle
48 this issue. B. Meissner said it will most likely be a chain-link fence.
49

1 A. Garron said that on March 31 the economic development task force held
2 their first meeting with its consultants regarding the marketing and website
3 activities. He said the town has hired O2 Generations of Creative Energy to
4 do the marketing, which has a budget of \$35,000, \$15,000 of which was
5 obtained through grants. They obtained a \$10,000 grant through the CTAP
6 process and \$5,000 grant from Rockingham Economic Development Corp.
7 They also hired Silvertec out of Manchester to do our website update with a
8 budget of \$20,000. They got a \$2,330 grant from the Department of
9 Resource and Economic Development to help offset the cost. He said the
10 intent of the March 31 meeting was to introduce the consultants to the rest
11 of the task force and to kick off the two projects. In the near future they
12 will be having a stakeholders meeting as well as other meetings to redefine
13 Londonderry's message and brand.
14

15 A. Garron said that he met with the Southern NH Planning Commission
16 (SNHPC) today as well as some of the neighboring towns (i.e. Bedford,
17 Manchester) to review the Pettengil Road project in regards to the
18 infrastructure (i.e. water and sewer capacity, etc.). He said they shared
19 with them what Londonderry has done for this project over the last 10
20 years and that they have been working closely with Manchester, which is
21 where we get our sewer from even though we have a sewer department
22 here in Londonderry. He said the water and sewer capacity is there as we
23 knew, so we will continue to work with them to ensure that the sewer
24 facility plan that was prepared back in 2005 for the town of Londonderry
25 gets carried out. He also mentioned the collaboration grant that SNHPC is
26 pursuing in regards to doing a regional traffic analysis, in which they need
27 to get the community together, submit an application and go from there.
28

29 T. Thompson said that Attorney Bart Mayer confirmed his availability for
30 6:30PM on May 6. He reminded the Board that from 6:30PM-7:00PM will be
31 a non-public meeting and said that Attorney Mayer did ask if the Board had
32 any specific topics they would like to discuss so he could prepare himself for
33 that 30 minute session.
34

35 T. Thompson said the fence ordinance that was recommended by the
36 Planning Board to the Town Council was adopted by the Town Council on
37 Monday April 6 and that information is on our website.
38

39 P. DiMarco said that along with approving the fence ordinance, the Town
40 Council also approved the purchasing of the development rights on the
41 Estey's property.
42

43 M. Soares said the town website design has been greatly improved. T.
44 Thompson said the front page design was done by Carolyn O'Connor in
45 order to clean up some of the clutter. A. Garron said that Carolyn O'Connor
46 deserves the credit for making the improvements to our website.
47

48 **Workshops/Continued Plans/Public Hearings**

49
50 A. Community Technical Assistance Program (CTAP) "RoadMap" Workshop

1
2 Jack Munn from Southern NH Planning Commission (SNHPC) said they met
3 with town staff on February 11, and gave an overview of the document (see
4 attachment #1). He said that they are looking for acceptance of this report
5 from the Board. T. Thompson said that staff feels confident that this report
6 encompasses everything. A. Garron said he thinks the report is a great
7 guideline and enables us to capitalize on any future grant funding.

8
9 John Michels, 11 Nutfield Rd, said that he feels the Board should take the
10 time to review the recommendations before taking action.

11
12 A. Rugg asked staff to place this on the May 13 agenda.

13
14 Matt Caron from Southern NH Planning Commission (SNHPC) gave a
15 presentation outlining transportation and land use connections as part of
16 the CTAP program (see attachment #2).

17
18 B. Small Area Master Plan Workshop

19
20 J. Munn gave the Board a presentation (see attachment #3). He mentioned
21 that the state of MA has a "smart growth" tool kit. The Board discussed the
22 various options about removing the Route 28 Performance Overlay District
23 (POD) around the Exit 5 area of Rt. 28.

24
25 John Michels, 11 Nutfield Rd, said that one major problem with the
26 northwest area is traveling. He feels that every intersection is affected by
27 traffic flowing to/from those intersections.

28
29 T. Thompson said he will look into scheduling this issue for the May or June
30 agenda.

31
32 C. Workforce Housing - Monthly Workshop Session

33
34 T. Thompson gave the Board a brief recap (see attachment #4) and asked
35 the Board if they want to schedule a public hearing. A. Rugg asked staff to
36 schedule a public hearing for May 13 (as the first item on the agenda).

37
38 **Other Business**

39
40 P. DiMarco said he received an email from Councilor Wagner saying that a
41 contingent of marines who are coming back this Friday evening from Iraq and they
42 would like to get some Londonderry residents to go to the reserve center on
43 Harvey Road at 8:00PM to welcome them back.

44
45 **Adjournment:**

46
47 **R. Nichols made a motion to adjourn the meeting. C. Tilgner seconded the**
48 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at 9:34
49 PM.

50

1
2 These minutes prepared by Cathy Dirsa, Planning Division Secretary.
3
4
5 Respectfully Submitted,
6
7
8 Mary Wing Soares, Secretary

Town of Londonderry, NH

CTAP Community Planning Road Map



**Prepared for the I-93
Community Technical Assistance Program**

**Adopted by Londonderry Planning Board
On _____**

Introduction

The development of this **Community Planning Road Map** is part of the I-93 Community Technical Assistance Program (CTAP). The CTAP program is a New Hampshire Department of Transportation (NHDOT) **5 year** initiative to assist **26 communities** that will be affected by the rebuilding and expansion of Interstate 93. These 26 communities include: Allenstown, Atkinson, Auburn, Londonderry, Bedford, Bow, Candia, Chester, Concord, Danville, Deerfield, Derry, Dunbarton, Fremont, Goffstown, Hampstead, Hooksett, Hudson, Litchfield, Manchester, Pelham, Pembroke, Raymond, Salem, Sandown and Windham (see following Attachment A, CTAP area map).

The purpose of CTAP is to promote beneficial patterns of growth among all 26 communities to minimize the negative effects of growth on community services, open space, school systems, traffic, environmental quality, and existing residential and commercial development. More information about the CTAP program is available at the NH DOT website at: www.nhctap.com and in the attached CTAP brochure.

CTAP is coordinated by NH DOT, four of the state's regional planning commissions (Central, Nashua, Rockingham and Southern New Hampshire), as well as a number of non-governmental organizations such as the Society for Protection of New Hampshire Forests as directed by a CTAP Steering Committee made up of representatives from each of these groups.

CTAP consists of three main planning stages:

- 1. Community Planning Assessment**
A questionnaire designed to help communities determine where they are on the planning curve and where their current planning and zoning will take them in the future.
- 2. Visioning and Planning**
The process in which a community pictures the future it wants and plans how to achieve it.
- 3. Implementation**
Utilizing the community assessment and existing community plans actions are developed and implemented that move the community forward to its ultimate vision.

Currently, the CTAP program is moving into the Visioning and Planning and Implementation stages via the **CTAP Community Planning Road Map**. The CTAP Community Planning Road Map is designed to engage communities in evaluating how they can achieve their planning goals using the planning products, resources and services available to them through the CTAP program.

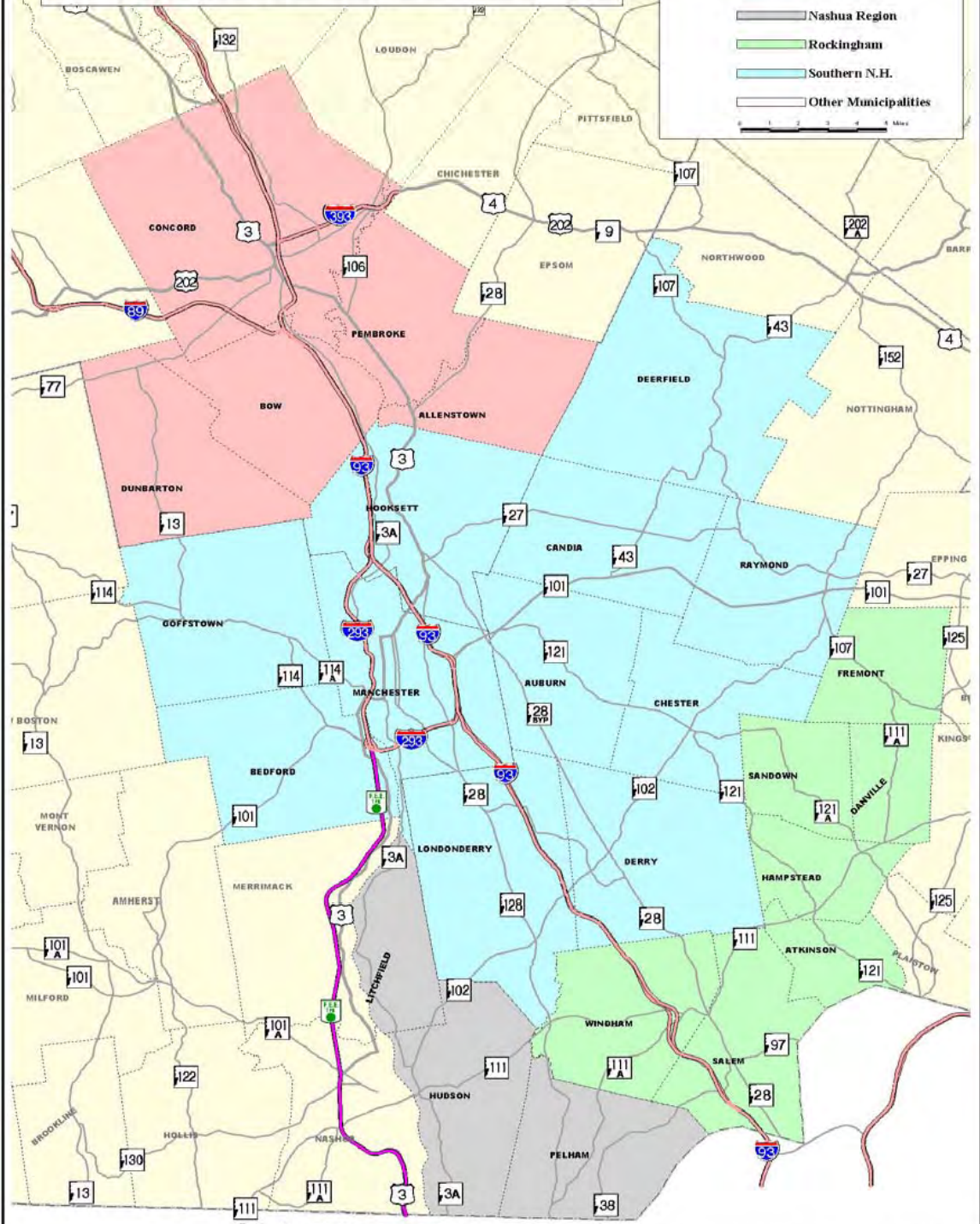
The Community Technical Assistance Program Dealing with Growth

New Hampshire DOT
 Department of Transportation

LEGEND
 Study Municipalities by Regional Planning Commissions

- Central N.H.
- Nashua Region
- Rockingham
- Southern N.H.
- Other Municipalities

0 1 2 3 4 5 Miles



MASSACHUSETTS i:\mapping\projects\specialty\maps\corridorstudy\ctap.apr

This **CTAP Community Planning Road Map** prepared for the Town of Londonderry identifies and sets forth recommendations and priority actions to guide the town's current and future participation in the CTAP program.

Because Year One of the CTAP program is nearing completion (Year 1 of the program officially ends as of April 2009), this Community Planning Road Map is designed to guide and help assist the Town of Londonderry in applying for future CTAP grant funds and utilizing future CTAP resources.

Road Map Planning Process

Development of the CTAP Community Planning Road Map consists of three simple steps:

1. Initial Community Engagement Meeting

This meeting is held in each community to: (1) reintroduce CTAP to community officials; (2) evaluate CTAP products that have been developed for each community to date; and (3) develop a prioritized action plan for the community.

2. Road Map Planning Process

Communities select either the "Plan A" or "Plan B" planning process:

- Plan A: Consists of a pre-meeting review and screening of the Community Planning Assessment; facilitating a public workshop to evaluate recommendations; and developing an action plan.
- Plan B: Consists of an internal review process in which town officials, planning board members, the regional planning commission, CTAP representatives and planning commissioners met to complete a Road Map Plan for the community.

3. Concluding Presentation

The purpose of the concluding presentation is to present the CTAP Community Road Map to the public at an all boards meeting and to describe what it consists of and how it can be implemented.

Londonderry's CTAP Community Planning Road Map

The Town of Londonderry's Community Planning Road Map is provided in the following attachment. A summary of the Road Map and how it was developed follows.

TOWN OF LONDONDERRY, NH COMMUNITY PLANNING ROADMAP

Assessment

Completed

- Community Planning Assessment
- Enhanced GIS-based Information
- Conservation Commission Institute
- Open Space Assessment
- Enhanced GIS-based Information

In Progress

- Land Use/Transportation Connection

Future

- Corridor Study – Rt. 28
- Corridor Study – Rt. 102
- Natural Resources Inventory/NSN - WAP

Visioning/Planning

Completed

- Open Space Plan
- Community-wide Survey
- Economic Development Plan
- Prime Wetlands Inventory/Map & Ordinance

In Progress

- Northwest Small Area Plan (Discretionary CTAP Grant)
- Update Emergency Mgt. Plan
- Update Natural Hazards Plan

Future

- Master Plan Update
- Update 1991 Water Resources Plan
- Town Center Master Plan

Implementation

Short term (1 –3 years)

- Marketing Services (CTAP Grant)
- Pettengill Road Impact Fees
- Inclusionary Housing Ordinance (in progress)
- Economic Development Website (in progress)

Medium term (3–5 years)

- Grant Writing
- Airport Access Road/Pettengill Rd. Traffic Study (Collaborative Grant w/Manchester/Bedford)
- Source Water Protection Plan
- Aquifer Protection Ordinance
- North Village District

Longer term (5–10 years)

- Context Sensitive Solutions
- Stormwater Mgt./LID
- Agricultural Commission/Audit
- TDR Ordinance
- Energy Plan

Note: Blue highlighted text indicates that these projects are currently being or will be addressed through CTAP program resources

Developing Londonderry's Community Planning Road Map

In developing Londonderry's CTAP Community Planning Road Map, town officials selected the "Plan B" road map planning process. The "Plan B" road map process consisted of an internal review and screening of the Community Planning Assessment (see following Executive Summary and Summary of Recommendations as well as the following Impact/Feasibility Grid) to create the Road Map. This Road Map was then presented to the planning board and the public as part of a concluding presentation held on **April 8, 2009** at which time the Londonderry Planning Board adopted the Road Map.

The following Londonderry Planning Board members, town staff, Londonderry's CTAP representatives and planning commissioners, and staff of the Southern New Hampshire Planning Commission participated at an internal screening and review meeting held at the Londonderry Town Offices on February 11, 2009:

Andre Garron, AICP, Community Development Director
Tim Thompson, AICP, Town Planner
Arthur Rugg, Planning Board Chair
John Vogl, GIS Manager/ Planner
Jack Munn, Southern New Hampshire Planning staff
Mary Brundage, Southern New Hampshire Planning staff

As a result of this meeting, the following important planning goals and projects for the Town of Londonderry were identified and discussed, including:

- Inclusionary Housing Ordinance (in progress)
- Update Road Standards – include CSS and Traffic Calming Techniques – Low volume road standards adopted in 2008
- Stormwater Management Ordinance – include LID Techniques
- Source Water Protection Plan and Aquifer/Groundwater Protection Ordinance
- Agricultural Commission & Conduct Agricultural Audit
- Economic Development Plan "Action Plan" (completed)
- Economic Development Strategy – Exit 4
- Economic Development website (in progress)
- Energy Plan – building codes and ordinances
- Natural Resources Inventory - - include NSN and WAP
- Prime Wetlands Inventory/Map & Ordinance (completed)
- Update Emergency Management Plan (in progress)
- Update Natural Hazards Plan (in progress)
- Update Corridor Studies – Rt. 28 and Rt. 102
- Update 1991 Water Resources Management/Protection Plan
- Village District Ordinance
- Northeast Small Area Plan (in progress)
- Town Center Master Plan
- Marketing Services for Economic Development (grant in progress)
- Pettengill Road Corridor Study
- Grant Writing
- Transfer of Development Rights (TDR) Ordinance

Also recognized at this meeting are the CTAP work products which have been completed for Town of Londonderry to date, including the Community Planning Assessment; enhanced GIS-based information (land use and aerial photo mapping); Conservation Commission Institute workshops, and a recent open space planning assessment prepared by the Society for the Protection of New Hampshire Forests (SPNHF). In addition, SNHPC staff described the CTAP work products currently in progress, such as a PowerPoint presentation on the connection between land use and transportation.

IMPACT:
How much will it matter?

High

Moderate

LOW

	<p>Grant Writing</p> <p>Transfer of Development Rights (TRD) Ordinance</p>	<p>Pettengill Rd Impact Fees</p> <p>Master Plan Update</p> <p>Marketing Services (Target CTAP grant received)</p>
<p>Update Road Standards/Context Sensitive Solutions (CSS) - Traffic Calming</p> <p>Economic Development Strategy- Exit 4A Collaborative Grant w/Derry</p> <p>Town Center Master Plan</p>	<p>Source Water Protection Plan/Aquifer Protection Ordinance</p> <p>Energy Plan Ordinance</p> <p>Village District Ordinance (North Village)</p>	<p>Corridor Study - Rt. 28</p> <p>Update 1991 Water Resources Plan</p>
<p>Storm Management/ Low Impact Development (LID)</p> <p>Agricultural Commission/ Agricultural Audit</p> <p>Natural Resources Inventory/Natural Services Network (NWI)/Wildlife Action Plan</p>		<p>Corridor Study - Rt. 102</p>

Low

Moderate

High

FEASIBILITY: How possible is it in our community?



Key Elements of Londonderry's CTAP Community Planning Road Map

Londonderry's CTAP Community Planning Road Map is divided into three parts: projects which have been completed; projects in progress; and future projects (Short Term, Medium Term and Longer Term).

In the Short Term (1-3 years), the Town of Londonderry has applied for a \$15,000 CTAP discretionary grant to utilize the services of the Southern New Hampshire Planning Commission in developing the Northwest Small Area Master Plan for the community and recently the town has applied for and received a \$10,000 CTAP target grant to contract for Marketing Services for economic development purposes.

Londonderry's CTAP Community Planning Road Map also recommends several additional Short Term projects, including:

- Marketing services for the economic development (grant received)
- Development of Impact Fees for Pettengill Road
- Inclusionary Housing Ordinance (in progress)
- Economic Development Website (in progress)

In the Medium Term (3-5 years), the Road Map recommends that the Town of Londonderry consider the following:

- Grant Writing
- Pursuing a Traffic/Land Use Impact Study of Airport Access Road/Pettingill Road through a CTAP Collaborative Grant with Manchester and Bedford
- Source Water Protection Plan/Aquifer Protection Ordinance
- North Village District
- Energy Plan

In the Longer Term (5-10 years), the Road Map suggests that the Town of Londonderry pursue:

- Update Road Standards to include CSS and traffic calming
- Update Stormwater Management Ordinance through LID techniques
- Establish an Agricultural Commission and conduct an Audit
- Develop a Town Center Master Plan
- Update 1991 Water Resources Plan
- Develop a Transfer Development Rights Ordinance
- Energy Plan

A summary of all the current CTAP programs, services and resources available to the Town of Londonderry is provided in the following attachment.

COMMUNITY TECHNICAL ASSISTANCE PROGRAM

CTAP: helping communities in the I-93 corridor to proactively plan for growth



The **Community Technical Assistance Program (CTAP)** provides resources and tools to help NH communities take a proactive role in achieving the future they desire. CTAP is designed to assist communities with the changes that will arise from the I-93 expansion as well as ongoing growth in the region. By taking a proactive approach to planning, CTAP helps communities to minimize the negative effects of growth on community services, remaining open space, schools, traffic patterns, environmental quality, and existing residential & commercial development.



The CTAP process follows three main stages, each with its own set of programs and resources. The first stage is **Assessment**, which helps communities to determine where they are and where their current planning and zoning will take them in the future. Once assessments have been made, communities can use this information to begin the second stage, **Visioning and Planning**. Visioning is the process in which a community pictures the future it wants and plans how to achieve it. The final stage of the CTAP process is **Implementation**. Implementation takes the assessments and plans that have been developed and turns them into actions that move the community towards its ultimate vision.

ASSESSMENT PROGRAMS

Assessment is the first stage in the CTAP process. It helps communities to determine where they are and where their current planning and zoning will take them in the future.

Community Planning Assessment™ an expert analysis of your community's current planning status and a roadmap to help you make the best use of CTAP programs. Assessments review a wide range of information including existing zoning and regulations, capital improvement plans, open space plans, and master plans.

Economic Assets Profile™ an inventory of local assets is key to a solid economic development plan. This program will inventory all assets in your community and incorporate additional data to provide a regional snapshot that will help formulate a long range strategic economic plan.

Community Build-out Analysis and Alternatives™ using enhanced GIS, this program provides build-out views of your community based on current zoning regulations as well as alternative scenarios under different zoning options. These community analyses will be combined to show how the entire region will be affected by the I-93 expansion and local growth decisions.

Open Space Assessment™ the Regional Planning Commissions and the Society for the Protection of NH Forests (SPNHF) will work with your community to identify and map land that should remain undeveloped and create ecologically, financially, and legally viable strategies for the protection of these lands.

Enhanced GIS-based Information™ using the latest land use and conservation GIS data, this program will prepare an updated **Natural Services Network** for the CTAP region that identifies critical natural services such as water supply, flood control, forestry and agricultural soils, and wildlife habitat. Your community can then use this information to guide both development and conservation practices.



<flip over>

VISIONING & PLANNING PROGRAMS

Once assessments have been made, communities can use this information to begin Visioning and Planning. Visioning is the process in which a community pictures the future it wants and plans how to achieve it.

Transportation & Land Use Integration Planning ~ this program assists communities in developing a better way to integrate and deliver transportation and land-use planning in and across local and regional master plans.

Open Space & Conservation Planning ~ by identifying open space locations and recommending methods to preserve them, this program will assist your community in improving, enhancing, or creating an open space plan that fits seamlessly into your Master Plan.

High Priority Natural Resource Protection Plan ~ using zoning, regulatory, and voluntary techniques that have worked elsewhere, this program provides the most up-to-date methods to protect high-priority natural resources identified in your Open Space Plan. A public outreach and education component is available to help others see the value of future land use planning.

Agricultural Resources Assistance ~ training and startup technical assistance is available through CTAP for newly formed Local Agricultural Commissions, whose purpose is to promote, protect, and enhance local agriculture and agricultural resources. In addition, a mini-grant program can help your community to create an Agricultural Commission or develop and implement work plans for an established Commission.

Local Government Workshops ~ designed for 3-4 towns to identify and discuss common planning problems and solutions, including those that cross regional boundaries. Workshop topics can be geared to your specific needs.

Conservation Commission Institute ~ a year long series of regional training sessions for those serving on Conservation Commissions. Topics vary based on community needs, but may include land conservation, support for working landscapes, and preservation of local agriculture. A regional environmental protection roundtable will be established to encourage communication, education, and a regional approach to environmental issues.



IMPLEMENTATION PROGRAMS

The final stage of the CTAP process is Implementation. Implementation takes the assessments and plans that have been developed and turns them into actions that move the community towards its ultimate vision.

Innovative Training for Local Government Officials ~ this program provides your local government officials with customized training on topics that address the interests and needs of your community. Innovative delivery methods will be utilized, including discussion boards, post-training support, customized 1-on-1 training, and peer-to-peer training.

Discretionary/Targeted Local Funding ~ your community has access to upwards of \$10,000 for activities that are consistent with CTAP goals but not already covered by CTAP funding. Your local Regional Planning Commission will counsel you on how the funds may be spent.

Local CTAP Collaborative Grants ~ funding is available for two or more local governments to pursue a collaborative project that addresses an immediate concern to their communities and helps to achieve the broad goals of CTAP.

Grant Writing Assistance ~ a Grant Resources Guide, grant workshops, and grant consultation are available to help you prepare proposals for non-CTAP grants that support goals & objectives identified in the CTAP strategic planning process.

Affordable Housing Initiatives ~ the Inclusionary Zoning Implementation Program (IZIP) was created by the NH Housing Finance Authority to provide communities with direct technical assistance grants to address shortages in workforce housing by developing and adopting inclusionary zoning ordinances. CTAP funds will be used to leverage IZIP technical assistance for CTAP communities on a competitive basis.



Londonderry CTAP Community Assessment Summary of Recommendations

Theme A:

- Consider an inclusionary housing ordinance to better define and protect the diversity of housing.
- Develop an Energy Conservation Plan
- Explore amending the town's regulations to encourage energy conservation which will save residents money and increase environmental awareness.
- Adjust road standards to account for anticipated traffic volumes (Completed)
- Explore specific provisions for traffic calming techniques.
- Plan for the provision of future utilities.

Theme B:

- Conduct a natural resources inventory
- Create Aquifer Protection Ordinance.

Theme C:

- Develop a strong village center plan and village district zone
- Evaluate landscaping requirements and address the need to protect and replace street trees along existing and proposed roadways

Theme D:

- Adopt design guidelines to preserve the historical feel of the village area.
- Create and adopt a Village Master Plan to guide the preservation and planning of the mixed use village area and town common.

Overall Recommendations:

- 1. Continue to study affordable housing and consider the adoption of an Inclusionary Housing Ordinance**
- 2. Create and implement regulations for traffic calming techniques**
- 3. Conduct a Natural Resources Inventory**
- 4. Create an Aquifer Protection Ordinance**
- 5. Conduct an Agricultural Inventory and establish an Agricultural Commission.**

EXECUTIVE SUMMARY

This report is a summary of the CTAP Community Planning Assessment and Community Planning Assessment Questionnaire. This questionnaire is attached at the end of the Executive Summary.

Community Planning Assessment Report

History and Purpose:

The Community Technical Assistance Program (CTAP) is in the second year of a five-year process. The New Hampshire Department of Transportation (NHDOT) initiated CTAP to provide support to communities projected to experience growth as a result of the Interstate 93 Expansion Project which stretches from Salem to Concord. The goal of the first phase of the program is to conduct Community Planning Assessments of those municipalities designated by the NH DOT as most likely to be affected by the expected increase in population. There are 26 CTAP-designated communities along the I93 corridor and a Community Planning Assessment has been conducted for each town. Eleven of these municipalities are located within the Southern New Hampshire Planning Commission Region and include Auburn, Bedford, Candia, Chester, Deerfield, Derry, Goffstown, Hooksett, Londonderry, Manchester, and Raymond. The primary purpose of the Community Planning Assessment is to identify the policies and regulations these municipalities currently have in place to effectively prepare and manage growth.

Process:

The Community Planning Assessment consists of more than 100 questions. The survey is centered around the following four major planning themes:

- Theme A. – Community Infrastructure and Regional Cooperation
- Theme B. – Environmental Protection, Land Use, and Open Space
- Theme C. – Downtowns, Village Centers, and Community Vitality
- Theme D. – The Local Economy

The CTAP Steering Committee determined that the questions developed from these themes should address most of the growth concerns of municipalities affected by the Interstate 93 Expansion Project. The attached Community Planning Assessment for the Town of Londonderry, New Hampshire was completed through a review by Town officials, Planning Board members, and staff at the Southern New Hampshire Planning Commission. The results are intended to provide community leaders and municipal officials with a basis to make decisions concerning the implementation of policies to address potential growth issues. These results are identified in this Executive Summary.

Findings:

The major planning needs identified by the Community Planning Assessment prepared for the Town of Londonderry, New Hampshire are listed as follows:

Key Recommendations:

- 1. Consider adopting an Inclusionary Housing Ordinance**
- 2. Create and implement regulations for traffic calming**
- 3. Conduct a Natural Resources Inventory**
- 4. Create an Aquifer Protection Ordinance**
- 5. Create an Agricultural Inventory and establish an Agricultural Commission**

CTAP COMMUNITY ASSESSMENT REPORT

Part I

Introduction

The Community Technical Assistance Project (CTAP) was implemented in an attempt to help member communities grapple with potential growth issues due to the expansion of Interstate 93. The first phase of the five-year process was to conduct Community Planning Assessments of those municipalities most likely to experience growth due to the expansion of I-93. The ultimate goal of the Community Planning Assessment process is to determine whether communities have policies and regulations in place to manage potential growth effectively.

The I-93 expansion is projected to last until 2017. In an effort to minimize the effects of potential growth, the New Hampshire Department of Transportation (NH DOT) identified 26 municipalities stretched out along the I93 as areas most likely to be impacted.

Some of the potential growth impacts that the CTAP communities could experience include, increased population, traffic, and a greater demand for housing. Consequently, if growth does occur in some or all of these areas, increased demand in municipal services across the board will be expected. CTAP communities will have to plan accordingly.

More than 100 questions were developed by professional planners and municipal officials involved in the CTAP process in an effort to determine if CTAP communities have policies and regulations in place to adequately address potential growth issues. These assessment questions were answered by reviewing existing town web sites, ordinances, regulations and city policies. The assessment questions were also answered with assistance from the municipal planners and other officials in each community.

Many of the assessment questions provide insight as to the status of the community's growth policies and the vision of the CTAP community towards its future development. The questions deal with many different planning issues including land use and mixed-use policies, zoning, minimum-lot requirements, historical preservation, open space, environmental protection, housing, water quality, economic development, and transportation. Furthermore, the assessment is designed to gauge the level at which public participation is present in each of the communities.

Prior to the publication of this report, municipal officials and Planning Board members of the Town of Londonderry were asked to review the preliminary findings of the community planning assessment and any possible growth issues that may have come to light as a result of the survey. This was accomplished at a regular scheduled meeting of the Londonderry Planning Board. The

assessment questions provided discussion venues where municipal officials and planning board members could voice concerns and ask questions.

In developing this report, the SNHPC considered the insights, concerns, and recommendations offered, as well as other communications provided throughout the process and has included these where appropriate. As a result, this report should be viewed as a starting point or as a guide for future planning activities and goals. A copy of the Community Planning Assessment prepared for Londonderry is attached.

Part II

Theme A

Community Infrastructure and Regional Cooperation

The purpose of this theme is to determine how CTAP communities have planned for the future in terms of the provision and funding for municipal services. This may include new facilities and other infrastructure improvements to help meet these needs. In addition, Theme A considers how effective CTAP communities have been, and will be, regarding regional cooperation with other local municipalities in an effort to better serve constituents. Special attention is given to communication strategies and cooperation initiatives between communities within the region.

Theme A generated 42 questions dealing with the funding and delivery of municipal services, regional cooperation among local governments, housing, and transportation.

The Steering Committee identified a number of broad goals that CTAP-designated communities should strive to accomplish. These goals are outlined below:

Goals

- Promote the establishment of consistent funding approaches to help pay for improved and expanding public infrastructure and services. Local governments should make certain that their funding strategies are adequate to meet the new level of service provision to meet projected growth needs.
- Evaluate the need for regional cooperation between local governments. Regional approaches can often embellish the delivery of public services and environmental quality, avoid the possible duplication of services, and better allocate financial resources.
- Plan for an adequate supply of housing. The housing stock should reflect local needs and priorities and include housing for a range of income levels.
- Implement strategies to promote safe and efficient multi-modal transportation systems.

Findings:

- The Town of Londonderry regularly participates in mutual aid agreements for fire with Manchester, for sewer with Manchester and Derry, and mutual aid agreement for water with Manchester Water Works, the Town of Derry, and Pennichuck Water Works

- The town’s procedure for determining a “Development of Regional Impact” is for the town planner to give a memo to the planning board on each project that reaches the board containing potential of regional impact
- The Town of Londonderry currently uses TIF districts.
- Recommendations for the provision of future utilities, are provided in the Master Plan
- The town allows a diversity of housing options through its Residential-Agricultural District (AR) and Multi-Family Residential District (R-III).
- Londonderry’s town regulations do not encourage energy conservation.
- Lack of Inclusionary Housing Ordinance, The town’s housing task force is currently examining the issue of affordable housing and the need for an Inclusionary Housing Ordinance.
- The town’s road standards have been amended to allow reduced standards for low volume traffic volumes.
- Provisions or regulations for Traffic Calming Techniques.
- There are no regulations regarding transit-oriented development.

Recommendations:

The Town of Londonderry has prepared and provided for a diversity of housing types for town residents through their zoning districts, but should also consider an inclusionary housing ordinance to better define and protect the diversity of housing. The Town of Londonderry has also had consistent funding approaches to help pay for improved and expanding public infrastructure and services to match population growth. Londonderry should explore amending the town’s regulations to encourage energy conservation which will save residents money and increase environmental awareness. Road standards should be adjusted to account for anticipated traffic volumes and the town should also explore specific provisions for traffic calming techniques. The Town of Londonderry would also benefit from planning for the provision of future utilities.

Theme B

Environmental Protection, Land Use, and Open Space

The purpose of this theme is to determine how CTAP communities have planned for the protection of land in a way that is consistent and compatible with future growth trends. To achieve these goals communities must focus on future land use strategies and determine how these would help to promote the preservation of natural resources, open space, and environmental protection.

Theme B generated 38 questions dealing with natural resources, green infrastructure, parks and recreational opportunities, rural character, and the preservation of agricultural lands and forests.

The Steering Committee identified a number of broad goals that CTAP-designated communities should strive to accomplish. These goals are outlined below:

Goals

- Promote the preservation and protection of natural resources when addressing the economic needs of the community and region.
- Protect natural resources and the environment including ground water, aquifers, wildlife, and wildlife corridors.

- Establish and conserve an interconnected green infrastructure and ensure public access to open space, parks, and other recreational opportunities.
- Maintain rural character whenever possible especially forests and farms.

Findings:

- The Town of Londonderry has implemented innovative land use techniques such as Impact Fees, Phased Development, Environmental Characteristics zoning and Performance Standards for the Commercial and Industrial District.
- The town's zoning ordinance provides for a range of lot sizes.
- There have been several Brownfields redevelopment successes in Londonderry such as the site where Home Depot is currently located. This site used to be a designated EPA superfund site.
- The Town Council just recently allowed property tax exemptions for alternative energy installations.
- The town lacks a Natural Resources Inventory.
- The town has adopted reduced road standards for low volume traffic.
- The town has adopted a Conservation Overlay District which is meant to protect wetlands, ponds, and streams.
- Londonderry does not have an Aquifer Protection Ordinance.
- The town has an Open Space Task force.

Recommendations:

Londonderry's environmental protection and zoning have been effective in many ways and can be further enhanced through several changes to the town regulations as well as the creation of new planning documents. The Town of Londonderry should create a natural resources inventory to establish areas where conservation efforts should be focused. The Town's Conservation Overlay District has been a vital land use change that has helped the town protect important natural areas and preserve water quality. In addition, an Aquifer Protection Ordinance should be created and implemented as another tool to protect the drinking water of the community.

Theme C

Downtown/Village Centers and Community Vitality

The purpose of this theme is to determine how the CTAP communities have planned for the development and preservation of vibrant community centers which would include an extensive array of cultural and recreational resources. The overall intent is to enhance public participation by establishing areas for community activities around the downtown or common community village center which would add rural character and promote a sense of vitality to the village center. Theme C generated 16 questions dealing with the development of village center districts and the promotion of walkable downtown areas in an effort to maintain the small town New England community tradition. Special emphasis was given to the development of main streets, historic preservation, and landscaping.

The Steering Committee identified a number of broad goals that CTAP-designated communities should strive to accomplish. These goals are outlined as follows:

Goals

- Develop or enhance downtowns and village centers through the reuse of existing infrastructure and the rehabilitation of buildings with historic value.
- Promote the development of walkable downtown areas which are consistent with historic patterns.
- Enhance Main streets and promote a small, New England town atmosphere.

Findings:

- Londonderry has a mixed use village area and a town common.
- The town lacks a Village Master Plan or Village Plan Alternative Ordinance.
- Londonderry has design guidelines for new commercial and residential development under section 3.12 of the town's Site Plan Regulations.
- The Heritage Commission serves as the reviewer of architectural design and makes recommendations to the Planning Board.
- The town's ordinances encourage the preservation of existing trees within the right-of-way of existing and proposed roadways.

Recommendations:

The Town of Londonderry has planned well for village center preservation and vitality. The town common area is a historic area that the town would rather preserve for its aesthetic qualities than see the furtherance of commercial or residential development. The town's implementation of design guidelines has been an effective way to preserve the historical New England aesthetic that resident's desire. The Town of Londonderry should consider creating and adopting a Village Master Plan to guide the preservation and planning of the mixed use village area and town common.

Theme D

Local Economy

The purpose of this theme is to determine if the CTAP community has enacted policies that promote economic viability, foster a prosperous business environment, and support agricultural development. The development of a strong local economy should result in increased local employment opportunities and livable wages.

Theme D generated 15 questions dealing with the development of economic development strategies, commercial and agricultural development, and tax incentives to attract new business development.

The Steering Committee identified a number of broad goals that CTAP-designated communities should strive to accomplish. These goals are outlined as follows:

Goals

- Support sustainable and balanced economic growth that reflects the current tax base.
- Strengthen local agriculture and forestry through the support of related infrastructure and economic systems.
- Support the development of new jobs and livable wages.

Findings:

- Londonderry does not participate in the Main Street program.
- The town has helped enhance the vitality of local farming and maintenance of rural character by purchasing conservation easements on several orchards in town, many of which were in and around the town center.
- The town's existing Master plan maps the location of farms and prime farmland soils, however the town's ordinance do not require the mapping of prime soils for agriculture in development proposals.
- The town does not have an Agricultural Inventory.
- The town does not have an Agricultural Commission.

Recommendations:

The Town of Londonderry has experienced significant economic growth in the last twenty years and should enhance the scenic aesthetic quality and economic growth of the Route 102 corridor or mixed use village area. The town has planned well to preserve agricultural lands and should consider creating an agricultural inventory to assist in this planning area. The Town of Londonderry should also reference the right-to-farm law in its ordinance.

Summary

Overall Findings:

- 1. Continue to study affordable housing and consider the adoption of an Inclusionary Housing Ordinance.**
- 2. Create and implement regulations for traffic calming techniques**
- 3. Conduct a Natural Resources Inventory**
- 4. Create an Aquifer Protection Ordinance**
- 5. Conduct an Agricultural Inventory and establish an Agricultural Commission.**

CTAP- Linking Land Use and Transportation



December 23 ,2008



Outline

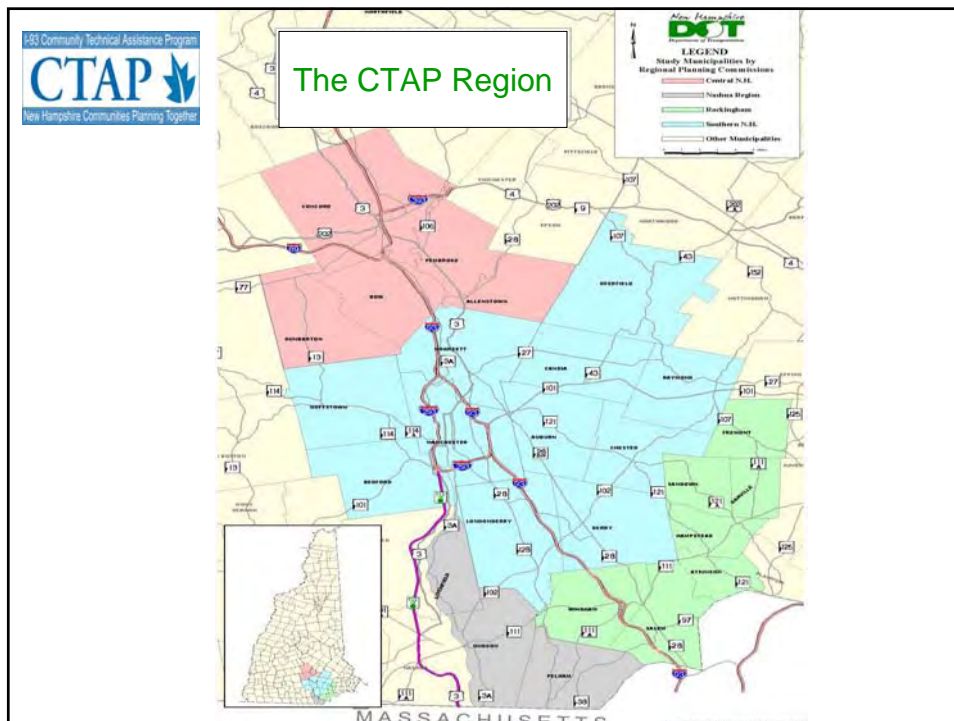
- What is CTAP
- Overall Goal
- New Planning Paradigms
- Population Growth and Trends
- Impacts of Sprawl
- Tools for linking Land Use and Transportation



CTAP: The Community Technical Assistance Program

- NHDOT is committed to this five year program to support a region of 26 towns and cities that are in the area influenced by the reconstruction of I-93.
- Provide technical assistance on sound land-use planning practices.
- Address growth management issues in the region.

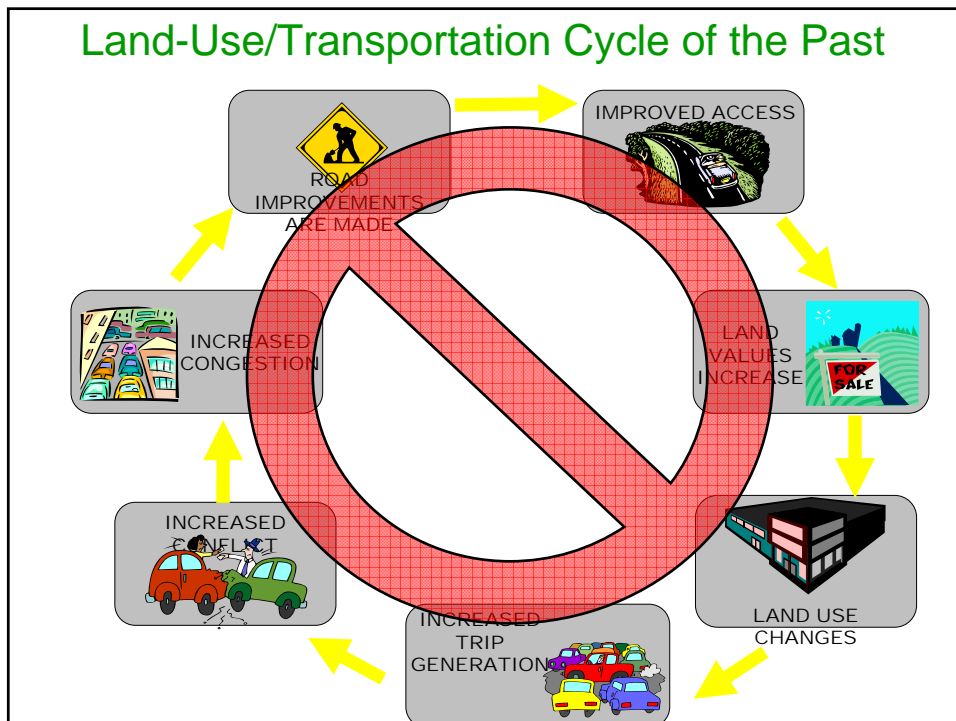
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Overall Goal

- Develop and implement land use and transportation strategies that will prevent sprawl, preserve the capacity and safety of our existing and future roadways, and promote smart growth.
- Improve integration of land use and transportation planning in an effort to reduce the need for highway expansion, auto dependency, improve effectiveness of alternative modes of travel, and help maintain the quality of our communities.

Land-Use/Transportation Cycle of the Past





Key Planning Principals

- Utilize low impact development techniques and green building design.
- Preserve historic buildings and other cultural and community assets.
- Build “complete streets” that can be efficiently served by pedestrians, bicyclists, transit and other alternative modes.
- Discourage auto dependency; encourage a more balanced multimodal transportation system.

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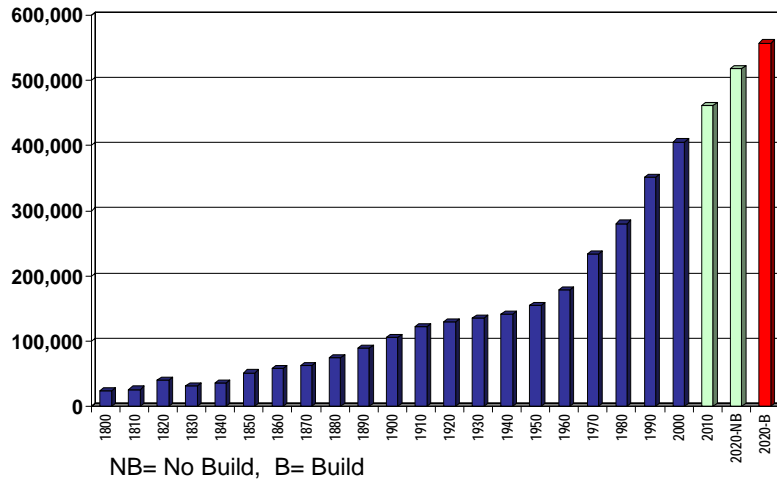
Key Planning Principals (con't)

- Manage access and establish curb cut specifications through MOA with District Engineer’s office and corridor plans.
- Require “traffic smart” design.
- Encourage nodal development; discourage highway strip development.
- Allow mixed-use developments and plan for a balanced, supportable mix of land uses.

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Population Growth in CTAP Communities

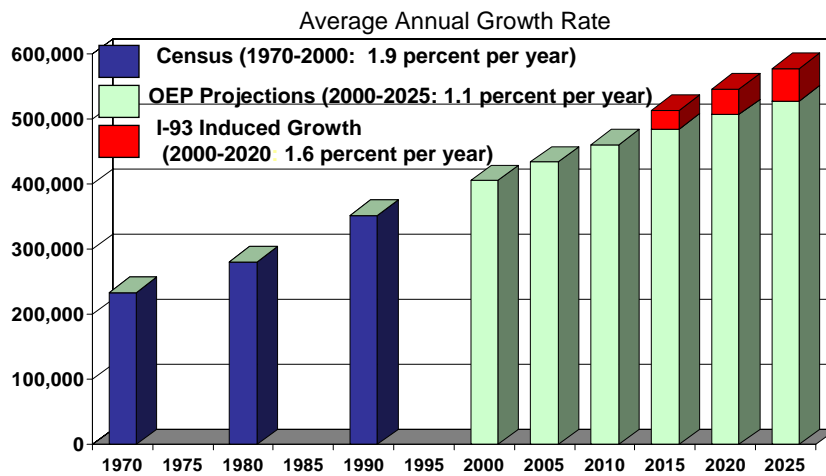


NB= No Build, B= Build

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Population Trends

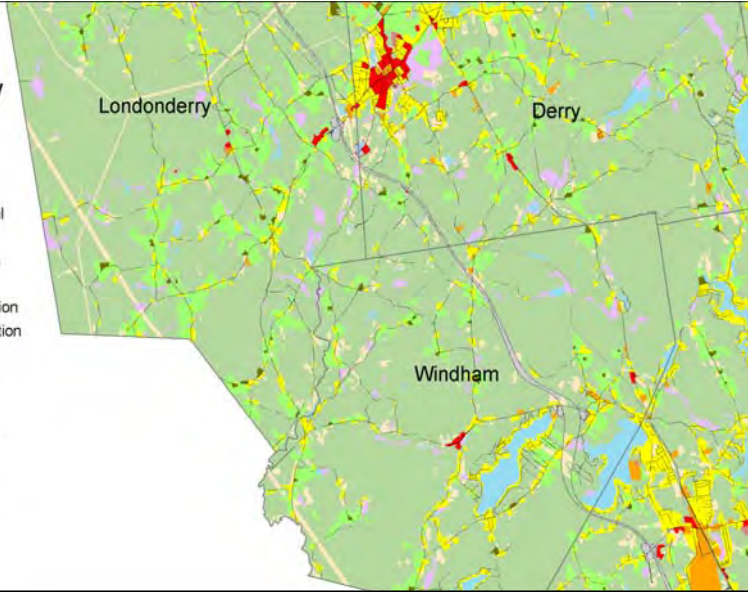


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Community Growth

1962 Land Use Rockingham County

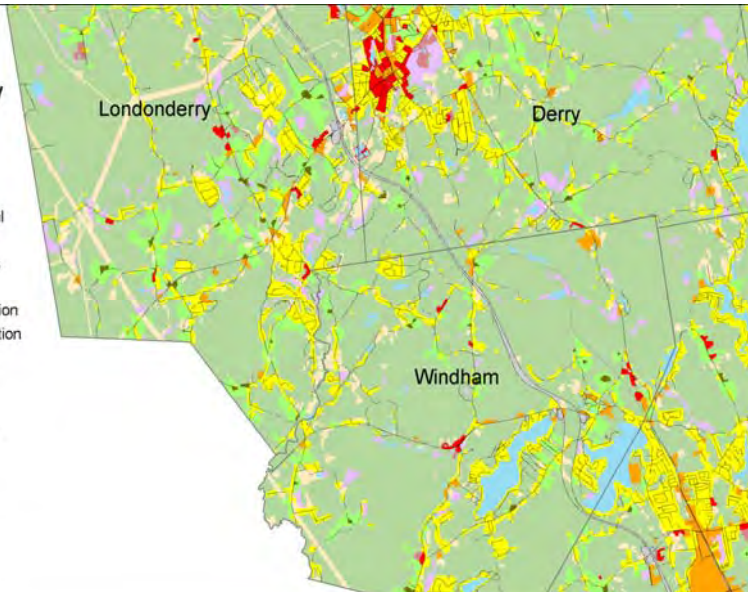
- Urban Classes**
- Residential
 - Industrial/commercial
 - Mixed urban
 - Transportation/roads
 - Railroads
 - Auxilliary transportation
 - Playing fields/recreation
- Agricultural Classes**
- Active agriculture
 - Farmsteads
- Natural Communities**
- Forested
 - Water
 - Open wetlands
- Other**
- Idle/other open



Community Growth

1974 Land Use Rockingham County

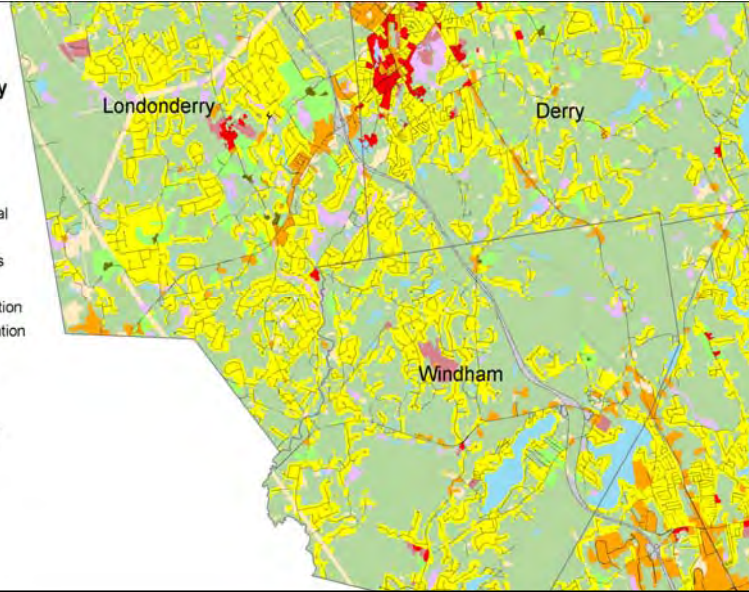
- Urban Classes**
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Community Growth

1998 Land Use Rockingham County

- Urban Classes**
- Residential
 - Industrial/commercial
 - Mixed urban
 - Transportation/roads
 - Railroads
 - Auxilliary transportation
 - Playing fields/recreation
- Agricultural Classes**
- Active agriculture
 - Farmsteads
- Natural Communities**
- Forested
 - Water
 - Open wetlands
- Other**
- Idle/other open



Sprawl

- “Sprawl” is an inefficient pattern of land use which consumes open space and degrades the environment, increases the municipal costs of service, is automobile dependent, and erodes our New Hampshire traditional community character.





Impacts of Sprawl

- Increase in automobile dependency, fuel consumption, and air pollution;
- Increased commuting times and costs;
- Reduced opportunity for public transportation services;
- Increase in health problems in children and adults due to sedentary lifestyle.



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Land Use and Transportation Tools



- Low Impact Development →
- Complete Streets →
- Transit Oriented Development (TOD) →
- Access Management →
- Context Sensitive Solutions →
- Traffic Smart Design →



Alternative Geometric Roadway Design Standards

- The intent of these standards are to promote the creation of low-impact residential neighborhoods with enhanced “livability” for residents.
- Alternative minimum standards are applied to low volume residential streets recognizing the need for safe and efficient travel, but also the creation of aesthetically pleasing residential and pedestrian environments.

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Alternative Geometric Design Standards- Example Standards

	ADT (vpd)		
	1-50 vpd	51-150 vpd	151-400 vpd
Design speed:	20 mph	25 mph	30 mph
Min. right-of-way width:	50'	50'	50'
Min. angle of intersection:	75 degrees	75 degrees	90 degrees
Min. tangent length at intersections & between successive horiz. curves:	N/A	N/A	100'
Min. street grade:	1 %	1%	1%
Max. street grade:	8%	8%	8%
Max grade within 50-feet of intersection:	3%	3%	3%
Min. K-values for vert. curves:			
Sag:	17	26	37
Crest:	7	12	19
Min. intersection sight dist.:	225'	280'	335'
Min. pavement & shoulder width (Uncurbed):	18' ¹ / ₂ '	20' ¹ / ₂ '	22' ¹ / ₂ '
Min. pavement width (Curbed):	20'	22'	24'
Min. sidewalk width:	N/A	4' (1-side)	4' (2-sides)

Source SNHPC

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 **CTAP**
New Hampshire Communities Planning Together

Traffic Calming

- Traffic calming involves changes in street alignment, installation of barriers, and other physical measures to reduce traffic speeds and/or cut-through volumes, in the interest of street safety, livability, and other public purposes.

Source: ITE

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Traffic Calming Goals

- Encourage safe vehicle speeds,
- Reducing collision frequency and severity,
- Reducing the need for police enforcement,
- Increasing access for all modes of transportation,
- Reducing cut-through motor vehicle traffic



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Traffic Calming Goals (con't)

- Incorporate the preferences and requirements of the people using the area,
- Creating safe and attractive streets,
- Helping to reduce negative effects of motor vehicles on the environment, and
- Promoting alternative modes of transportation.



Rye, NH

Southern New Hampshire Planning Commission



Complete Streets

- Represents a paradigm shift in traditional road construction philosophy. Instead of a project-by-project struggle to accommodate bicycle- and pedestrian-friendly practices, complete streets policies require all road construction and improvement projects to begin by evaluating how the right-of-way serves all who use it.
- Ensures that the entire right of way is routinely designed and operated to enable safe access for all users.

Source: APA

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Elements of a Good Complete Street Policy

- Specifies that 'all users' include pedestrians, bicyclists of all ages, transit vehicles, and motorists.
- Aims to create a comprehensive, integrated, connected network.



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Elements of a Good Complete Streets Policy (con't)

- Recognizes the need for flexibility: that all streets and users are different and they need to be balanced,
- Adoptable by all agencies and municipal departments,
- Establishes performance standards with measurable outcomes.



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Complete Streets Elements

- Speeds are reduced to be more compatible with pedestrians and bicyclists.
- Sidewalks, if missing, are installed.
- Street parking maintained or installed, which helps discourage speeding.
- Pedestrian crossings are enhanced with ladder-style crosswalk markings, signal modifications such as leading pedestrian interval or countdown timer, etc.

source: Complete the Streets

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Access Management

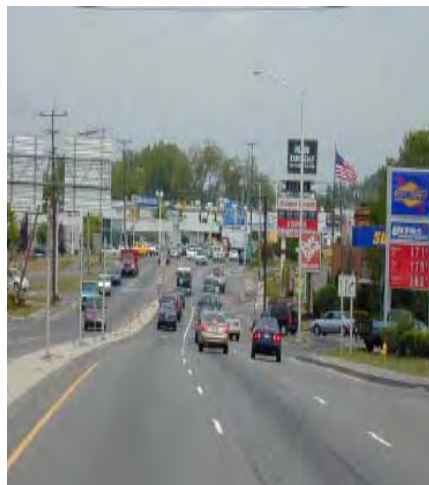
- The goal is to limit the number and control the spacing of access points (ideally before development occurs), thus reducing the number of conflict points a user may encounter.
- The result is a roadway that functions more safely and efficiently for its useful life, and a more attractive corridor.

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Access Management- Issues- Strip Development

- Access management seeks to limit and consolidate access along major roadways, while promoting a supporting street system and unified access and circulation systems for development.



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NH 28 (South Willow Street) Access Management Phase I Plan



Access Management (con't)

- Effective access management can:
 - Increase highway capacity 25-30 percent
 - Reduce the total number of vehicle trips
 - Minimize traffic delays and congestion
 - Reduce travel and delay times by 40-60 percent
 - Decrease energy consumption by 35-50 percent
 - Reduce vehicle emissions by reducing acceleration, deceleration, and stops
 - Encouraging compact development patterns

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US 1- Hampton Falls Access Management



Access Management- Local Examples

- **Town of Bedford-** zoning ordinance requires a minimum separation of 120 feet between curbs.
- **Town of Hooksett-** US Route 3 Performance Zoning District Ordinance- shared driveways, development of frontage or service roads.
- **Allenstown-** Intersection of US Route 3 and Granite Street- reducing number of curb cuts, improve flow onto Granite Street, improve parking.



Transit-Oriented Development (TOD)

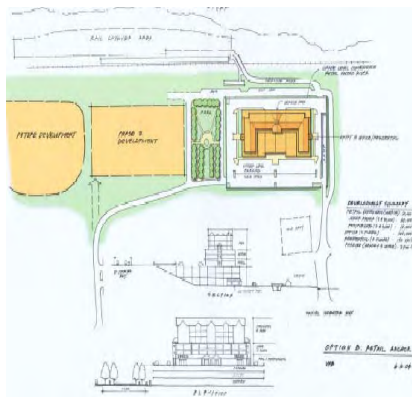
- TOD results from deliberate planning and code provisions drafted to produce a mix of uses in close proximity to transit that facilitates access to transit.
- TOD involves new construction or redevelopment of one or more buildings whose design and orientation facilitates transit use.



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Transit-Oriented Development- Examples in New Hampshire



- **Nashua Transit Overlay District – MBTA Lowell commuter rail extension.**
- **Mixed-uses, including commercial/retail space, office space, and residential condominiums.**
- **Financed by Tax Increment Financing and developed by private investors.**

Sample TOD design for Nashua station.

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Transit-Oriented Development- Examples in Massachusetts

- **Davis Square – MBTA public/private partnership.**
- **Canton – new housing developments within a five minute walk to commuter rail.**
- **Massachusetts – funding to support housing in commercial areas within a quarter mile of a transit station.**



Stores opening to street side plaza in Davis Square

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Transit-Oriented Development- Benefits

- Greater mobility with ease of moving around,
- Increased transit ridership,
- Reduced traffic congestion and driving,
- Reduced incentive to sprawl, increased incentive for compact development,
- Enhanced ability to maintain economic competitiveness.



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Source: Urban Land Institute



Traffic Smart Design

- Allow appropriate mixed land uses to reduce the need for, or shorten, auto trips
- Pedestrian, bicycle and transit-friendly design at the site level
- Trip-generation performance standards
- Parking standards



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Traffic Smart Design (con't)

- Require building, site design, and landscaping that supports community character
- Encourage development in and around existing village and town centers, or, around already developed intersections and interchanges
 - Use development incentives for town centers such as density bonuses, flexible lot dimensions etc.
 - Establish public facilities investments to promote centers
- Discourage development along the highway between nodes
 - Preserve integrity of non-commercial uses
 - Resist pressure to extend commercial zones along the highway

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Context Sensitive Solutions

- A collaborative, interdisciplinary approach that involves all stakeholders in developing transportation facilities that fit its physical setting and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility.

Source: NHDOT

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Context Sensitive Solutions (con't)

- **Benefits**
 - CSS conserves environmental and community resources, facilitates and streamlines the process of NEPA compliance
 - CSS saves time and money by gaining consensus early eliminating obstacles down the line
 - CSS builds support from the public and from the regulators
 - CSS helps prioritize and allocate scarce transportation funds in a cost-effective way, at a time when needs far exceed resources

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Context Sensitive Solutions- Case Studies

- **Bow-Concord-** section of interstate 93 (from the I-89/I-93 interchange to the I-93/I-393 interchange)- improvements to meet the varied transportation and safety demands of interstate highway users, balance demands against the interests of the Capital Region communities in their unique identities and visions.
- **Pelham-** improvements in the area of Pelham Town Center- intersections improvements to make the town safer and more welcoming to drivers, pedestrians, and bicyclists.

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Pelham CSS- Existing Condition

PELHAM 14491
EXISTING CONDITION

Photo taken on Marsh Road in front of Town Hall
30ft above the road, looking toward the Fire Station.





Pelham CSS- Alternative A

**PELHAM 14491
DUAL ROUNDABOUT ALTERNATIVE A**

Photo taken on Marsh Road in front of Town Hall
30ft above the road, looking toward the Fire Station.



Pelham CSS- Alternative

**PELHAM 14491
DUAL SIGNAL ALTERNATIVE A**

Photo taken on Marsh Road in front of Town Hall
30ft above the road, looking toward the Fire Station.





Four strategies you can use to benefit your community:

1. Concentrate new development in town centers, and discourage development between centers,
2. Encourage mixed-uses
3. Encourage alternative transportation
4. Promote access management

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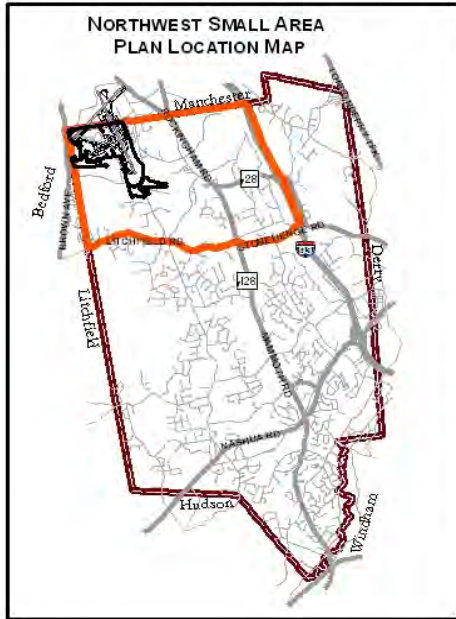


Summary

- **Key Recommendations**
 - Promote redevelopment opportunities,
 - Concentrate development to conserve land, and to maximize use/efficiency of infrastructure,
 - Utilize low impact development techniques,
 - Discourage auto dependency,
 - Establish curb cut specifications to manage access,
 - Encourage nodal development,
 - Implement traffic calming techniques,
 - “Complete the Streets”,
 - Promote mixed-use development around transit centers

Southern New Hampshire Planning Commission

Northwest Small Area Plan



Town of Londonderry, NH
Londonderry Planning Board
Londonderry Community Development Department

DRAFT Report March 2009



Northwest Small Area Plan

Introduction

This **Small Area Plan** integrates land use, zoning, transportation, housing, economic, development, community design, and other key planning factors into a small area-wide plan for the Northwest Area of the Town of Londonderry. The Northwest Area is bounded by I-93 to the east; Stonehenge and Litchfield Roads to the south; the City of Manchester to the north; and Town of Bedford to the east (see location map below).

The purpose of the **Northwest Small Area Plan** is to identify opportunities and propose strategies for guiding the future growth and development of this important part of Londonderry. The plan builds upon current and previous planning initiatives for the area and incorporates the public input received as a result of a community-wide telephone survey and three public workshops. The plan also provides guidance for improving the Rt. 28 corridor performance overlay district.

It is recommended that this plan be adopted as an element of the 2004 Master Plan of Town of Londonderry.

Background

Telephone Survey

Between June 3 and June 16, 2008, the University of New Hampshire (UNH) Survey Center conducted a detailed telephone survey of four hundred (400) Londonderry residents. The survey was conducted at a sampling error of +/- 4.9 percent and includes questions designed to assess areas of interest and attitudes about the Northwest Area and various planning initiatives for the area.

A copy of the survey questions and the detailed results of the survey are available in the UNH Survey Center's June 2008 Final Report which is on file with the Londonderry Planning Department. The highlights of the survey are as follows:

Overall Growth of Londonderry:

Overall, Londonderry residents feel the Town as a whole is growing at the right pace or too fast, while some would like to see the Northwest Area of Londonderry grow faster.

• Northwest Area General Development:

Londonderry residents favor low density residential along with other light commercial and industrial development in the Northwest Area.

• Northwest Area Non-Residential Development:

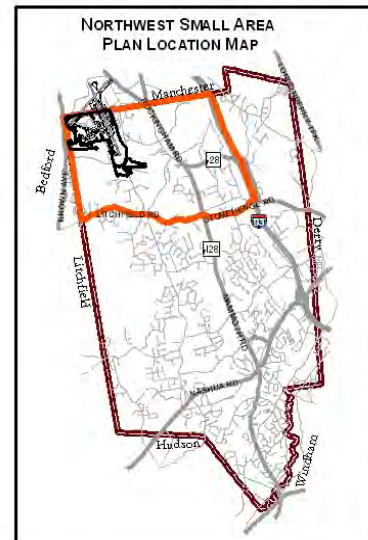
Londonderry residents favor non-residential development that is light and locally-oriented. About 62 percent favor building retail, restaurants and services businesses; 57 percent favor light industrial; 42 percent favor hotels; 40 percent favor convention; 39 percent manufacturing; 38 percent warehouses and distribution facilities; and 20 percent heavy industrial.

Satisfaction with Current Development in the Northwest Area:

Londonderry residents are satisfied (57 percent) with Town services (police, fire, recreation) within the Northwest Area, but many residents indicate less satisfaction with the protection of the area's natural resources and drinking water, the provision of necessary infrastructure, and expanding non-residential opportunities and affordable housing.

Londonderry Planning Initiatives:

Overall, a majority of Londonderry residents (61 percent) feel that the Town of Londonderry has been effective in providing a balance of residential, commercial, and industrial development along the Route 28 corridor.



Introduction

Links for additional information:

UNH Survey Center, June 2008 Final Report
Londonderry.nh.org
snhpc.org

Londonderry Planning Board
Londonderry Community Development Department

Northwest Small Area Plan

Summary of Public Workshops

A total of three public workshops were advertised and sponsored by the Londonderry Planning Board to develop this plan.

The first workshop was held on June 25, 2008 at the Londonderry High School. At this workshop, the telephone survey was reviewed and the main issues and opportunities of the Northwest Area were identified.

The second workshop was held on September 24, 2008 at Matthew Thornton School. At this workshop, the effectiveness of the Town's Rt. 28 Performance Overlay District was discussed.

At the third workshop held on November 24, 2008 at Londonderry High School, NH DOT's I-93, Exit 5 and Airport Access Road projects were reviewed as well as the Town of Londonderry's proposals to improve Page Road and Pettengill Road. In addition, the overall future growth of the Northwest Area was discussed.

Copies of the workshop agendas, power point presentations, the workshop results as well as the registration/sign-in sheets are available from the Londonderry Planning Division and are posted on the Town's website.

Some of the identified key issues and opportunities:

Key Issues:

- Appropriate Land Use
- Utilizing Existing Zoning
- Traffic and Pedestrian Safety
- Community Appearance
- Affordable Housing

Key Opportunities:

- Economic Growth
- Job Development
- Availability of Developable Land
- Prime Location – Exit 5/Airport
- Mobility – Park & Ride/Bus/Rail
- Zoning Improvements
- Land Use Improvements
- Rt. 28/Mammoth Roads
- Village District

Breakout Group Questions:

- ***What Type and Scale of Commercial Development would you like to see allowed along:***

- Rt. 28 corridor;
- Mammoth Road; and
- Rockingham Road

- ***What is your Vision for the Rt. 28 and Mammoth Road corridors and Exit 5?***

- ***Would Mammoth and Rockingham Roads benefit from a Performance Overlay District similar to Rt. 28?***

- ***Should the 75,000 sq.ft. standard in the Rt. 28 Performance Overlay District be revised and if so, how?***

- ***How important is regulating building design within the corridor to you?***

- ***Should a new Village District zone be created to provide a sense of place and community identify and if so, where?***

- ***Are there areas which might be better suited for future residential, commercial or industrial development?***

Links for additional information:

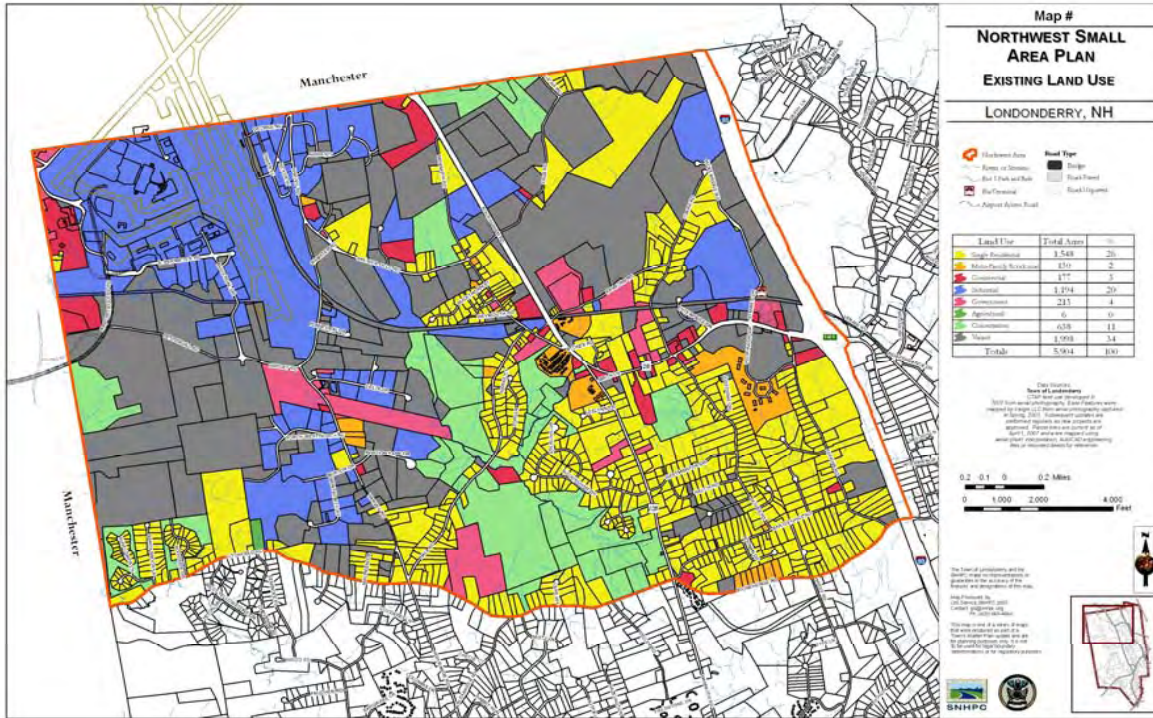
Londonderrynh.org
snhpc.org

Londonderry Planning Board
Londonderry Community Development Department



Public Workshops

Northwest Small Area Plan



Existing Land Use (2007)

Land Use Category	Acres	Percent
Single Family	1,548	26%
Multifamily	130	2%
Commercial	177	3%
Industrial	1,194	20%
Government	213	4%
Agricultural	6	0%
Conservation	638	11%
Vacant Land	1,998	34%
Total Area	5,904	100%
Total Developed Land*	3,268	55%

Source: SNHPC, NH DOT
 Aerial Photography (2007)

Existing Land Use: The Northwest Area is home to many residences and businesses as well as important transportation facilities and corridors, Interstate 93, NH Route 128, NH Route 28, and the Manchester-Boston Regional Airport. The area contains a total of 5,904 acres. Roughly 55 percent of the area is developed and 34 percent of the area is currently vacant. Single-family homes (26%) and industrial (20%) are the largest land uses. Currently only 3% of the land area is used for commercial and 2% for multifamily use.

Links for additional information:

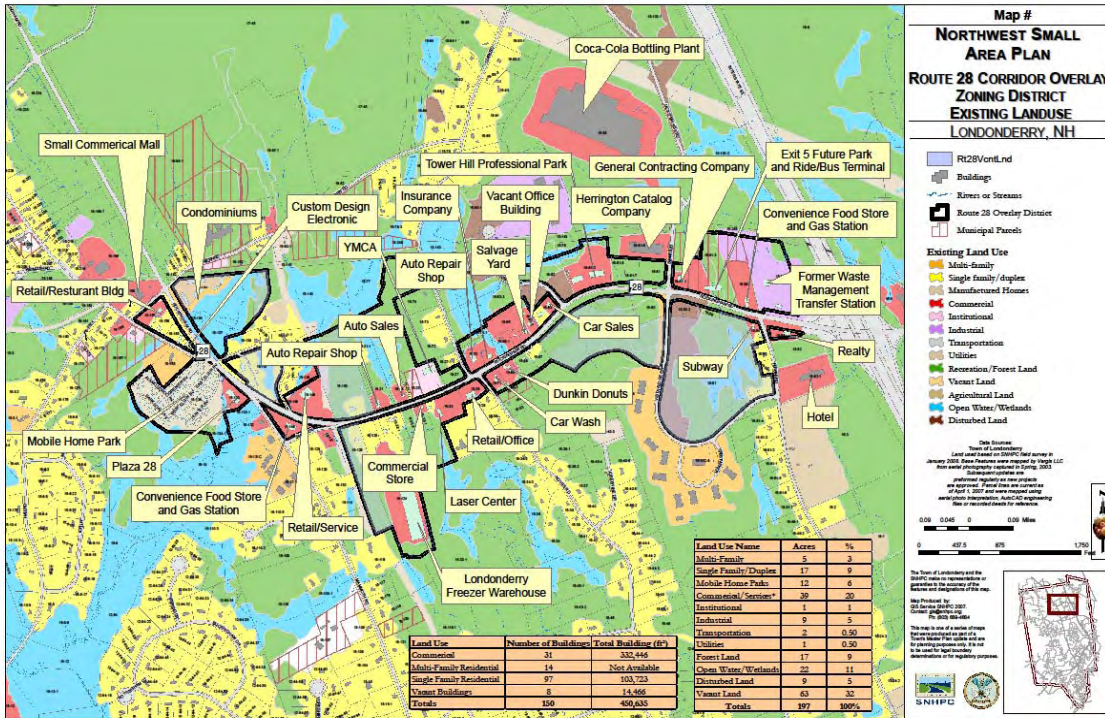
Londonderry Zoning Ordinance
 Londonderry Master Plan, 2004

Londonderry Planning Board
 Londonderry Community Development Department



Existing Land Use

Northwest Small Area Plan



Existing Land Use (2007)

Land Use Category	Acres	Percent
Single Family/Duplex	17	9%
Multifamily	5	3%
Mobile Home Parks	12	6%
Commercial	39	20%
Industrial	9	5%
Institutional	1	0.5%
Transportation	2	0.5%
Conservation	22	11%
Vacant Land	89	45%
Total Area	197	100%
Total Developed Land*	85	43%

Source: SNHPC, NH DOT
Aerial Photography (2007)

Existing Land Use: The Route 28 Corridor is a highly visible gateway to Londonderry and contains a variety of businesses. Within the Town of Londonderry's Rt. 28 Performance Overlay District (shown as the black lines on the adjoining map); commercial is the largest use of land at 39 acres or 20% of the corridor. Residential (mostly multi-family) is the next largest use at 34 acres or 17% of the corridor. Industrial consists of 9 acres or 5% and Transportation/Utilities at 2 acres make up 1% of the balance of the land.

Links for additional information:

Londonderry Zoning Ordinance
Londonderry Master Plan, 2004



Existing Land Use Rt. 28 Corridor

Londonderry Planning Board
Londonderry Community Development Department

Northwest Small Area Plan



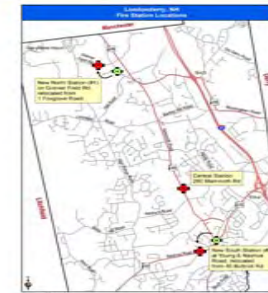
Existing Land Use: The Mammoth Road Area is important gateway to Londonderry and the area includes a wide variety and mix of commercial and industrial uses. Most of the industrial uses are located along both sides of Rockingham Road south of the City of Manchester and north of Rt. 28. North Londonderry Elementary School is located on Sanborne Road to the east of Rockingham Road. A mixture of residential and commercial uses are found along Mammoth Road and within the small historic village/neighborhood located north of the former railroad line. This village area also contains the Town of Londonderry's Northwest Fire Station, a senior center, and the New England Velodrome and Cycling Park. Roughly 27% of the area is currently developed, however 67% of the land area is vacant which presents future growth opportunities and challenges for the area.

In anticipation of future growth and to address poor existing building conditions, the Town of Londonderry is proposing to upgrade and build a new Northwest Fire Station at the location shown on the adjoining map.

Existing Land Use (2007)

Land Use Category	Acres	Percent
Single Family/Duplex	58	9%
Multifamily	2	0%
Commercial	62	9%
Industrial	28	4%
Government	2	0%
Agricultural	24	4%
Recreation	8	1%
Conservation	41	6%
Vacant Land	450	67%
Total Area	675	100%
Total Developed Land*	184	27%

Source: SNHPC, NH DOT
Aerial Photography (2007)



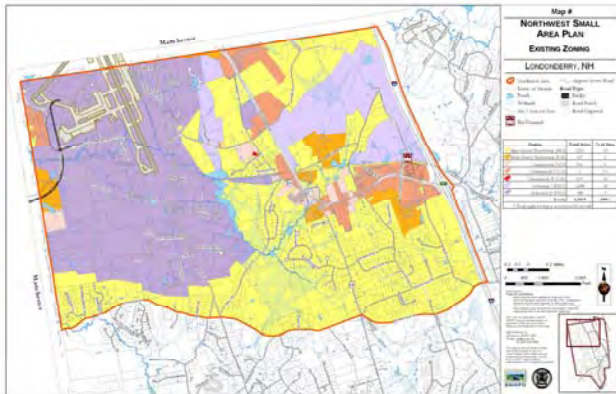
Links for additional information:
[Londonderry Zoning Ordinance](#)
[Londonderry Master Plan, 2004](#)

Londonderry Planning Board
 Londonderry Community Development Department

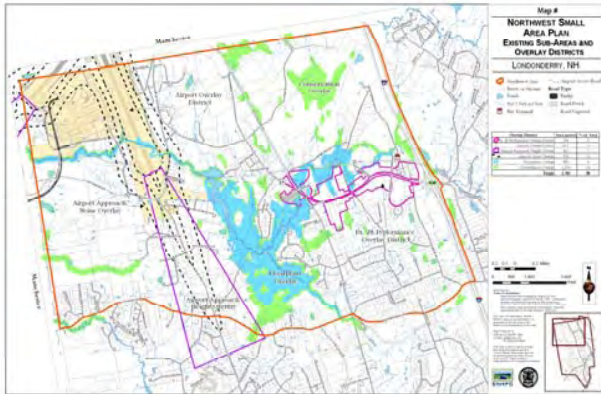


Existing Land Use Mammoth Road Area

Northwest Small Area Plan



Existing Zoning: The Northwest Area consists of 8 basic zoning districts and 5 overlays districts. These zones are shown on the adjacent maps. The largest zone is **Agricultural-Residential (AR-1)** containing 2,550 acres or 43% of the total zoned land. There is also 2,088 acres of **Industrial IND-1** zoned land or 36% of the area. The next largest zones are **C-III** at 10%; **C-1** at 6%; **IND-1** at 3%, and **Multifamily R-III** at 2%.



The 5 overlay districts include: the **Airport District** which provides for uses associated with the airport, including associated utilities and facilities, parking, motor vehicle rental, professional office, airport terminals, warehouse/wholesale establishments and other related businesses; the **Conservation Overlay District** designed to protect wetlands, ponds and streams and applies to areas within 100 feet of named wetlands and within 50 feet of unnamed wetlands; the **Floodplain Development Overlay District** which includes all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA); the **Rt. 28 Performance Overlay District**; and the **Airport Approach – Height and Noise District** to ensure aircraft safety and operation on the flight approaches to the airport.

Existing Zoning (2007)

Zoning District	Acres	Percent
Agricultural-Residential R-1	2,550	43%
Multi-family Residential (R-111)	107	2%
Commercial (C-1)	342	6%
Commercial (C-II)	1	<1%
Commercial (C-III)	599	10%
Industrial (IND-1)	2,088	36%
Industrial (IND-II)	188	3%
Total Zoned Land	5,875	100%
Airport District	627	11%
Conservation Overlay District	1,015	17%
Performance Overlay - Rt. 28	195	3%
Floodplain Overlay District	495	8%
Airport Approach Overlay	427	7%

Source: Town of Londonderry Zoning Map

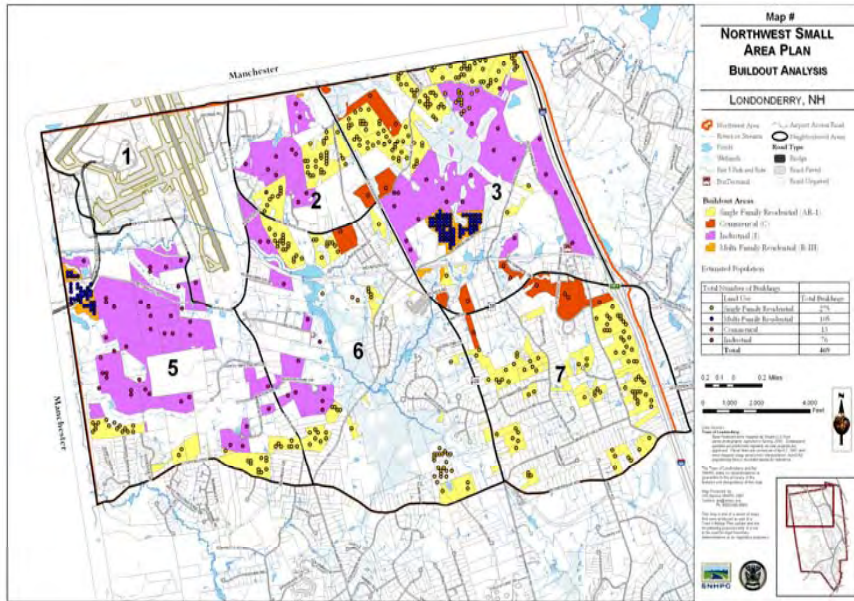
Links for additional information:
[Londonderry Zoning Ordinance/Map](#)
[Londonderry Master Plan, 2004](#)



Existing Zoning

Londonderry Planning Board
 Londonderry Community Development Department

Northwest Small Area Plan



Build Out Potential: The Town of Londonderry conducted a build out analysis of the community in 2006 which also included examining vacant land parcels with development potential located within the Northwest Area. These vacant parcels of land are shown in subareas 1, 2, 3, 5, 6 and 7 on the adjoining map.

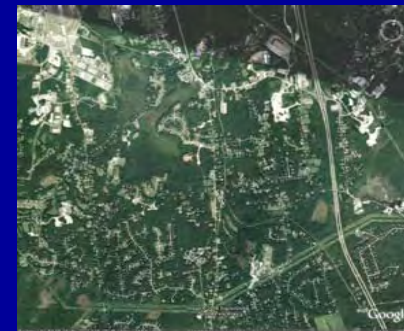
The build out results for potential future residential, commercial and industrial development based upon the town's existing zoning regulations – minimum lot size and building density - are summarized in the table below.

The analysis indicates that the Northwest Area could experience full build out with the addition of **170** new residential dwelling units (a 19 percent increase); 13 new commercial units or **170,000** of new commercial square footage (a 20 and 21 percent increase); and 76 new industrial units or 5,486,000 industrial square footage (a 71 and 221 percent increase). New industrial development represents the largest potential area of growth within the Northwest area.

Build Out	Existing Units	New Units	% Increase	New Sq. Ft.	% Increase
Residential	902	170	19%	NA	NA
Commercial	66	13	20%	170,000	21%
Industrial	107	76	71%	5,486,000	221%

Links for additional information:

- Town of Londonderry Build Out Analysis, 2006
- Londonderry Master Plan, 2004



Build Out Potential

Londonderry Planning Board
 Londonderry Community Development Department

Northwest Small Area Plan



PETTINGILL ROAD DEVELOPMENT AREAS
TOWN OF LONDONDERRY, NH
SCALE: 1" = 200'



Transportation: There are significant transportation improvements currently under construction and proposed within the Northwest Area.

State of New Hampshire Department of Transportation improvements include:

- **Widening I-93** (Salem to Manchester) scheduled to be completed by 2011;
- **Exit 5 Area**, reconstruct interchange and off-ramps scheduled to be completed by 2011;
- 443 space **Park & Ride @ Exit 5**, completed in 2007;
- **Commuter Bus Terminal** (completed in 2007 and now open) and Bus Maintenance Facility; currently under construction, scheduled to be completed in 2009;
- **I-93 Transit Investment Study** to begin phased implementation of Manchester-Boston bus on shoulder (BOS) strategy and preserve right-of-way for future transit/regional rail system, completed in 2008;
- **Airport Access Road** (Bedford, Manchester, Londonderry and Merrimack), currently under construction, scheduled to be completed in 2012.

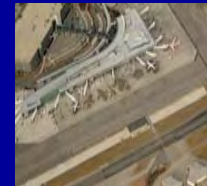
Town of Londonderry proposed transportation projects include:

- **Pettengill Road Connection** – a new proposed 4 lane boulevard connecting Harvey Road to Airport Access Road; and
- **Page/Rockingham Road** Intersection improvements

(see adjoining conceptual plans)

Links for additional information:

- RebuildingI93.com
- I-93 Transit Study, Final Report December 2008
- www.i93transit.org
- www.bostonexpressbus.com
- www.rideshare.nh.gov
- Southern New Hampshire Region Transportation Plan
- Londonderry Master Plan, 2004

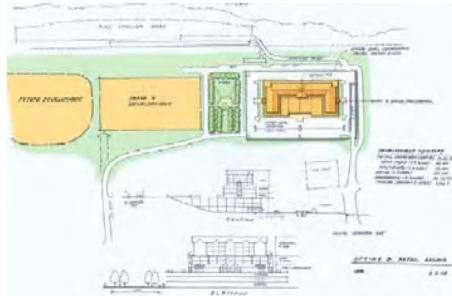
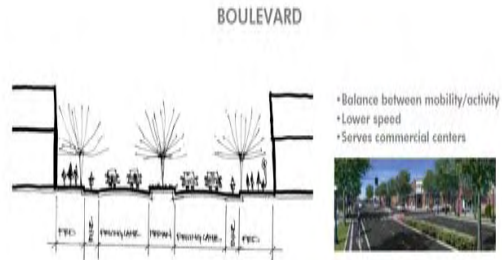


Transportation

Londonderry Planning Board
Londonderry Community Development Department

Northwest Small Area Plan

Community Appearance



Vision for Rt. 28 and Exit 5

Resulting from Public Workshops:

• **Traffic and Pedestrian Safety:**

- Monitor and control traffic;
- Require joint parking with shared access and mobility between lots;
- Improve pedestrian access along corridor, at Park & Ride and through Exit 5;
- Prevent traffic impacts on Perkins Road and to adjoining neighborhood; and
- Improve Rt. 28 as a boulevard with landscaped median and sidewalks (see adjacent example).

• **Community Appearance:**

- Seek a balance between mandatory and volunteer design standards;
- Encourage building styles that blend with traditional New England architecture; and
- Consider implementing Mixed-Use and Transit-Oriented Development (TOD) at Exit 5 (see adjacent example TOD plan in Nashua, NH).

• **Transit-Oriented Development (TOD)** – includes moderate to higher density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding the automobile. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.

-- A typical TOD has a rail or bus station at its center, surrounded by relatively moderate to high-density development, with progressively lower-density spreading outwards one-quarter to one half mile, which represents pedestrian scale distances.

Links for additional information:

smart growth/smart energy toolkit/Massachusetts
Online TDM Encyclopedia - TOD
Londonderrynh.org
snhpc.org

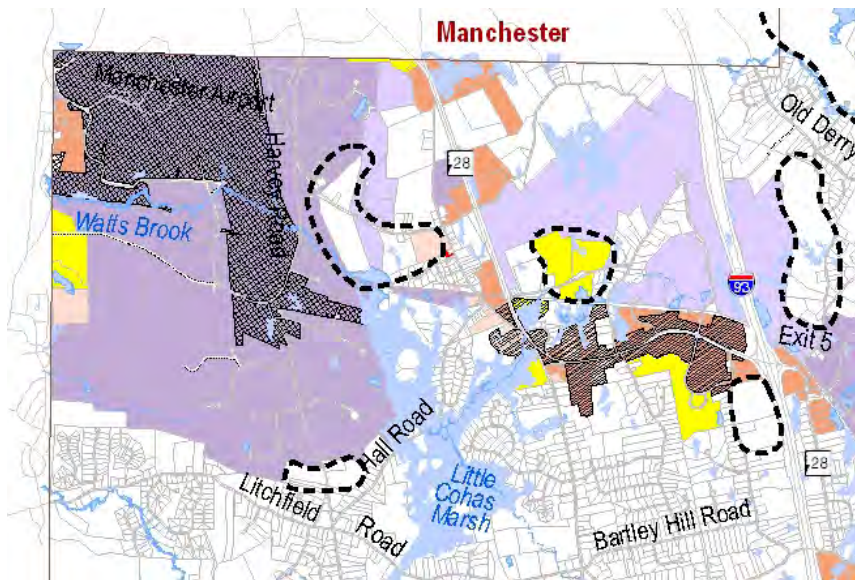
Londonderry Planning Board
Londonderry Community Development Department



Community Appearance

Northwest Small Area Plan

Housing



**Possible
Locations for a
Housing District**

Housing: The Londonderry Housing Task Force (HTF) was established by the Town Council on November 1, 2006 to study the issue of housing affordability and diversity. The Report of the Londonderry, NH Housing Task Force was prepared in April 2008. This report identifies the possible locations for an Affordable Housing Zoning District on the adjoining map. Two locations are proposed within the Northwest Area: Mammoth and Rockingham Roads north of Rt. 28 and the south end of Harvey Road north of Litchfield and Hall Roads. These areas were selected due to availability of lots greater than 10 acres in size; close proximity to water and/or sewer lines; and reasonable extension possible for frontage on a Class V or better road. These areas were suggested primarily as an exercise to better understanding of the potential for affordable housing in locations that might support it.

Some of the key findings:

- There exists a substantial, untapped demand for affordable housing
- Project selection follows the path of least resistance;
- Development fees and costs are passed on to end users in the purchase price of the home;
- Current zoning ordinances tend to reflect historic priorities;
- Local zoning has typically been designed to encourage single-family, detached housing;
- Density is critical attaining affordability.

Links for additional information:

Report of the Londonderry, NH Housing Task Force, April 2008
Londonderrynh.org
snhpc.org



Housing

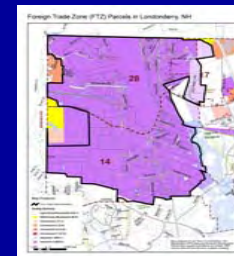
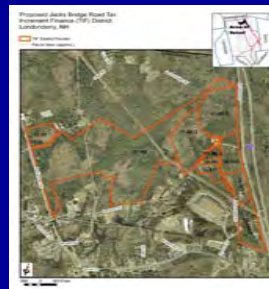
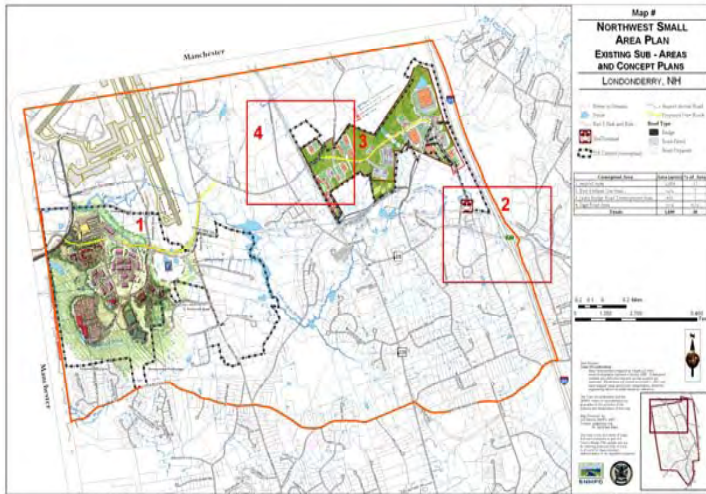
Londonderry Planning Board
Londonderry Community Development Department

Northwest Small Area Plan

Economic Development Opportunities

Economic Development: The Northwest Area presents significant economic development opportunities for the Town of Londonderry. Four sub-areas and generalized concept plans previously prepared for those areas to date are shown on the adjacent map and include:

- **1# Airport Sub-Area:** currently relatively undeveloped due to lack of infrastructure and access. However, with establishment of the Airport Access Road and construction of the proposed Pettingill Road connection, this area has 800 acres of existing industrial zoning which could be available for future growth. During the Londonderry Business Park Design Charrette held in May 2003, a concept plan for a future business park was prepared which could generate 3.6 million square feet of space and 6,000 new jobs. The Airport Sub-Area also contains the Town of Londonderry's Foreign Trade Zone (see FTZ parcel map below). The Londonderry Planning Board is currently working on a new Flexible Industrial District (FI) to promote a campus atmosphere to the future development of the area.
- **2# Exit 5 Mixed Use Commercial Area:** currently identified in the Londonderry Master Plan as a major commercial center. The transportation improvements to and around Exit 5 and the citizen input received indicate that this area is suitable for mixed use and higher density development (including transit oriented development) provided safeguards are maintained in the town's zoning to protect the adjoining residential neighborhood along Perkins Road.
- **3# Jack's Bridge Road Sub-Area:** located north-west of Rt. 28, directly north of Exit 5 and west of I-93. This area is similar to the airport sub-area as it is largely zoned industrial and contains a number of established distribution and warehouse businesses (see adjacent map showing conceptual plan and improvements to Page Road).
- **4# Page Road:** During the public workshops, residents recommended that the Town of Londonderry encourage industrial zoning on the east side of Rockingham Road and commercial zoning on the west side.



Economic Development Opportunities

Links for additional information:

Londonderry Zoning Ordinance
Londonderry Master Plan, 2004
Londonderrynh.org
snhpc.org

Londonderry Planning Board
Londonderry Community Development Department

Northwest Small Area Plan

Planning & Zoning Strategies

Planning Themes/Goals/Strategies Resulting from Public Workshops:

- **Aesthetics:** Improve future building styles/architecture design along Rt. 28 and make it an attractive destination.
- **Zoning/Land Use:** Fix zoning now and for the future; consider best use of land based on energy, smart growth and economic reasons; seek attractive and necessary services at Exit 5; behind Perkins Road encourage workforce housing development.
- **Transportation:** Improve overall traffic flow and safety on Rt. 28 and at Exit 5; make area more accessible to all users, cars and people; mass transit/park and ride/rail are all good for the town; expand trail system in areas and in/around Exit 5.
- **Economic:** Continue to utilize prime location to promote jobs and attract desirable companies to increase tax base and lower property taxes.

Village District:

- Establish a Village District zone within the Mammoth Road area to safeguard existing historic character and encourage continued residential and small scale commercial revitalization of the village/neighborhood;
- ideally this Village District could be located north of Hall Road and the former railroad line and include the Page Road intersection;

Mammoth and Rockingham Roads:

- Protect overall appearance of Rockingham Road as an important gateway to Londonderry;
- Maintain existing commercial zoning as currently established, but include architectural standards;
- Establish industrial zoning – east side of Rockingham Road and commercial zoning on west side.

Rt. 28 and Exit 5:

- Protect overall appearance of Rt. 28 as an important gateway to Londonderry;
- Consider removing existing Rt. 28 Performance Overlay District at Exit 5;
- Allow higher density/clustering and mix of land use at Exit 5 through appropriate zoning/transit-oriented development options (see Exit 5 Zoning Options – next slide);
- Maintain existing building size and scale along Rt. 28 corridor west of Exit 5 consistent with Rt. 28 Performance Overlay District standards, including 75,000 sq.ft. cap;
- Provide incentives to increase 75,000 sq.ft. cap in the Overlay District with increased building setbacks, landscaping and parking at rear/behind buildings;
- Establish a standard landscape buffer along the corridor;
- Require smaller building signage with one entrance sign per shopping/business center;
- Prevent strip commercial development and commercial creep; and
- Encourage banks, restaurants, grocery, medical and personal services, and a healthy balance of mix of retail, professional and residential development to locate along the corridor.

Airport/Jack's Bridge and Page Road Sub-Areas:

- Establish proposed Flexible Industrial Zoning District (FI);
- Consider establishing where feasible TIFDs and Economic Revitalization Zone Tax Credits (RSA 162-N).

Links for additional information:

Londonderrynh.org
snhpc.org

Londonderry Planning Board
Londonderry Community Development Department



Planning & Zoning Strategies

Northwest Small Area Plan

Exit 5 Zoning Options



Option A: Leave Existing Zone and Rt. 28 Performance Overlay District as is at Exit 5 (see attached example)

- Local zoning is designed primarily to encourage small scale business and commercial use; and
- Transportation improvements at Exit 5 are secondary to current zoning goals



Option B: Remove Rt. 28 Performance Overlay District at Exit 5 from Vista Ridge and Simes Drive east to I-93 (see attached example)

- Underlying commercial zoning is adequate to address small scale business and commercial use;
- Rt. 28 POD (75,000 sq.ft. building cap) has discouraged growth at Exit 5; and
- Development of Exit 5 is critical in improving overall community appearance/economic growth/tax base



Option C: Replace Rt. 28 Performance Overlay District with a new Transit-Oriented Development Overlay District at Exit 5 (see attached example)

- Significant transportation improvements/opportunities - commuter bus/park and ride/rail exist at Exit 5 making it conducive for well-planned TOD; and
- Substantial, untapped supply of vacant land and former commercial uses exist at Exit 5 for higher density/mixed use development opportunities

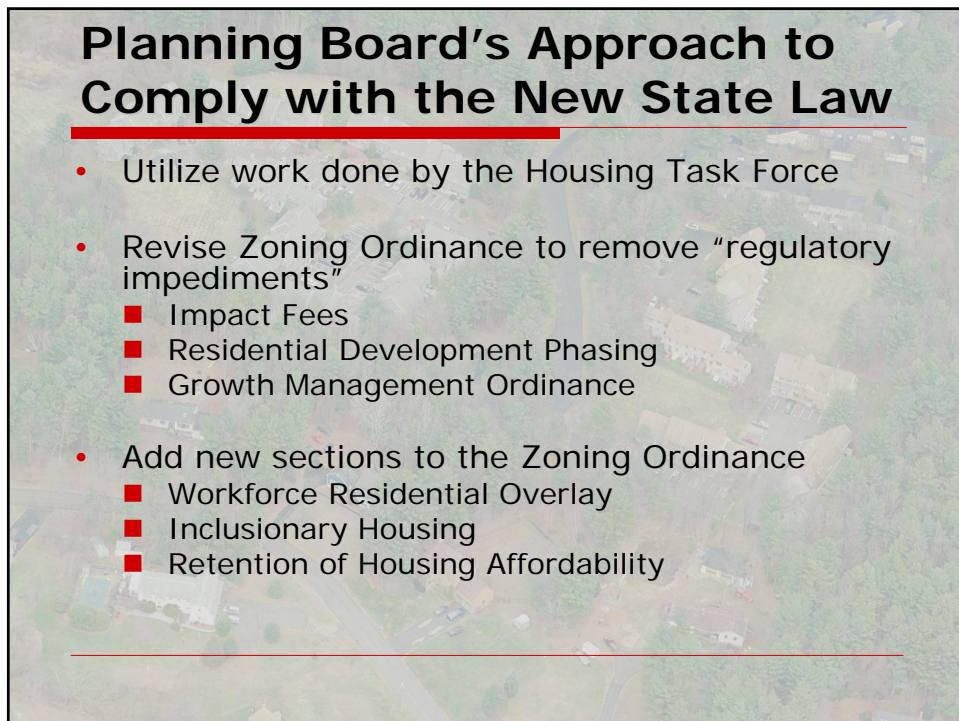
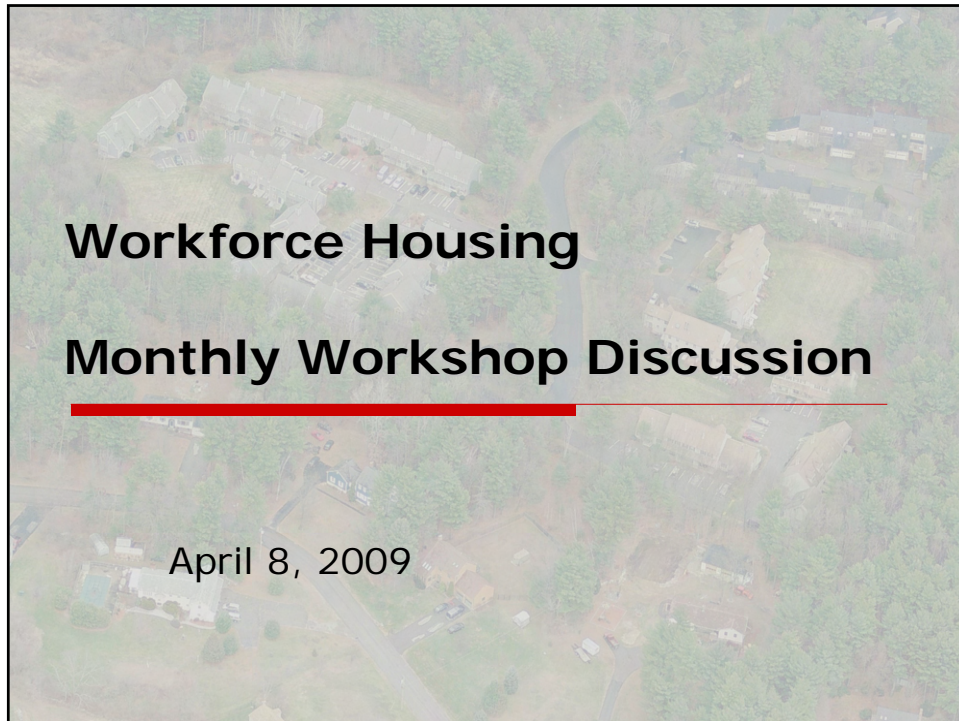
Links for additional information:

Londonderry Zoning Ordinance
Londonderry Master Plan, 2004
Londonderrynh.org
snhpc.org

Londonderry Planning Board
Londonderry Community Development Department



Exit 5 Zoning Options



Housing Task Force Information

- Serves as a snapshot of the issues facing Londonderry
- Contains many recommendations that are being put forth now, or have already been completed (Road Standards, Conservation Subdivisions)
- Identifies locations of parcels that can accommodate increased densities needed to make workforce housing development possible.

Impact Fees – Proposed Revisions

- “Housekeeping” items
 - Add reference to 2004 Master Plan in Section 1.2.3.1
 - Revise Section 1.2.3.6 to point to the updated methodologies
- Revise Section 1.2.5.4 as follows:

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 twenty (20) years, may apply for a waiver of impact fees for said workforce units.

Deleted: be restricted to persons of low and moderate income as defined by the United States Department of Housing and Urban Development (HUD)

Deleted: low and moderate income

Deleted: restricted

Residential Development Phasing

- Revise Section 1.3.4 as follows:

1.3.4 **Exemptions from Phasing**
The Planning Board shall grant exemption to the phasing requirements of Section 1.3.3 under the following conditions:

1.3.4.1 The proposed project is for Elderly Housing as defined in Section 4.7. The owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older).

1.3.4.2 The proposed project is for "workforce housing" as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60.

Growth Management Ordinance

- Revise Under Section 1.4.7 (Procedures for Permit Limitations):

1.4.7.1.3 Prior to April 1, applications will be scored according to the following priority system:

1.4.7.1.3.1 First priority shall be given to dwelling units which are exempt from the provisions of Section 1.4 under Section 1.4.8, RSA 674:39 or RSA 676:12.

- Add New Section 1.4.8, renumber remaining sections accordingly:

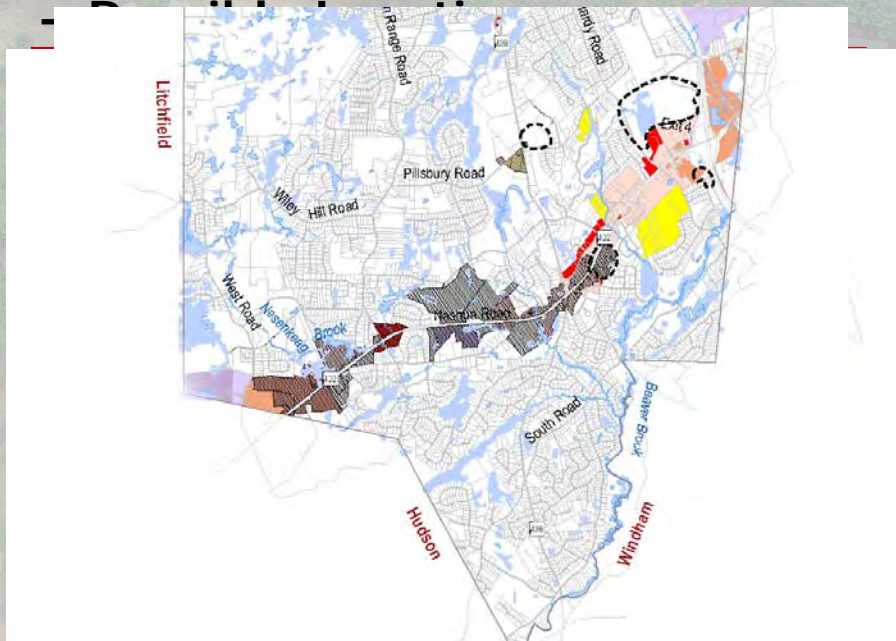
1.4.8 **Workforce Housing Exemption**
Projects that are approved by the Planning Board meeting the definition of "workforce housing" under RSA 674:58 and under the procedures of RSA 674:60 shall be exempt from the permit limitations of the Growth Management Ordinance.

- Amend Sunset date from 2010 to 2015
-

Workforce Residential Overlay

- Overlay District, based on general structure of the R-III District.
- Underlying zoning remains, WRO is an optional overlay for development of workforce units.
- Would allow for Multi-family, Single Family, and Duplex residential development
- Would require projects to be for “workforce housing” in order to be eligible for use of the overlay provisions
- Selected parcels based on Housing Task Force Report

Workforce Residential Overlay



Workforce Residential Overlay

- Section Highlights:
 - 10 units per acre with public sewer
 - Minimum of 5 units per building for multi-family dwellings (per new state law) and maximum of 36 units per building.
 - Minimum of 51% of units must contain at least 2 bedrooms (per new state law)
 - 40% Open Space requirement
 - 1.75 parking spaces per unit
 - Dimensional Relief Conditional Use Permit section allows Planning Board to waive dimensional requirements without the need to approach the ZBA for variances.

2.3.4.6.1 A Site Plan or subdivision plan that will guarantee a designated percentage of units, reserved as affordable housing, may be approved with an increase in the density of the site or a reduction of the minimum site frontage as is set forth in Table 1. The developer shall specify in the application whether the density bonus or the frontage reduction is the option being sought for the development. These bonuses shall not apply to development within the Workforce Residential Overlay (WRO), as that overlay district has increased density allowances built into the district.

Table 1	Minimum Set Aside	Density Bonus or Frontage Reduction *
Low Income Owner-occupied Housing	10%	20% Density Bonus or 30' Frontage Reduction
Moderate to Low Income Owner-occupied Housing	20%	25% Density Bonus or 40' Frontage Reduction
Moderate Income Owner-occupied Housing	25%	25% Density Bonus or 50' Frontage Reduction

* At no point shall a frontage reduction reduce a lot's frontage to less than 50' total.

2.3.4.6.2 A site plan or subdivision plan can mix affordable housing types and accumulate density bonuses to a maximum bonus equal to 30 percent where municipal sewer and water are available or in areas without water and sewer service to the maximum density permitted by on-site well and septic standards of the New Hampshire Department of Environmental Services as applied to the site.

2.3.4.6.3 When mixing affordable unit types the designated affordable percentage for each individual affordable housing type may be less than that required in Table 1. The density bonus is then proportioned to the actual percentage of designated affordable units provided, so that if the applicant provides only one-half of the required designation of one type of affordable housing they will receive one-half of the density bonus. The combined total of all affordable housing types must equal a 15 percent designation of affordable units, at a minimum.

Retention of Housing Affordability

- Requirement for all projects that create “workforce housing”
 - Developed by NHHFA, and language is required if a municipality wants NHHFA to be the monitoring agent for the Town.
 - Spells out in great detail the mechanics of long-term housing affordability
-



1.2 IMPACT FEES

1.2.1 Authority

These provisions are established pursuant to New Hampshire 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 of Londonderry Master Plan, 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.
- 1.2.2.2 Insure the adequate provision of public facilities necessitated by the growth of the Town of Londonderry.
- 1.2.2.3 Assess an equitable share of the growth-related cost of new and expanded public capital facilities to all types of new development in proportion to the 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 in 1997 and 2004.
- 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 March 11, 1988.
- 1.2.3.3 The Master Plan and the Capital Improvement Program demonstrate that significant new growth 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 residential and non-residential growth and development in a manner which protects and promotes the public health, safety and welfare.
- 1.2.3.5 The cost of providing public capital facility capacity to serve 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 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.

Deleted: a report by the Planning Board entitled "Impact Fee Analysis: Town of Londonderry,"

- 1.2.3.7 Impact fee payments from new development will enable the Town of Londonderry to provide adequate public facilities to serve 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.

1.2.4 **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.

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

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.

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.

1.2.5 **Imposition of Public Capital Facilities Impact Fee**

- 1.2.5.1 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.
- 1.2.5.2 A 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 that 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 1.2.11 of this Ordinance.
- 1.2.5.3 A person undertaking new development for residential use in which all or a 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, may apply for a waiver of the school impact fees 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 twenty (20) 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, 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.

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1.3 RESIDENTIAL DEVELOPMENT PHASING

1.3.1 Authority

Pursuant to the provisions of the New Hampshire RSA 674:21, the Town of Londonderry adopts the following phasing standards for residential development, to be administered by the Planning Board in conjunction with the Londonderry Subdivision Regulations.

1.3.2 Purposes

The purposes of this Section of the Zoning Ordinance are as follows:

- 1.3.2.1 To guide efforts by the Town to monitor, evaluate, plan for and guide residential growth in Londonderry that is consistent with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such development without establishing absolute limits on the overall growth rate of the community;
- 1.3.2.2 To provide for the current and future housing need of existing residents and their families;
- 1.3.2.3 To phase in or control the implementation and development of tracts of land and future subdivisions thereon, at a rate which will be compatible with the orderly and gradual expansion of community services, including but not limited to education, fire protection, road maintenance, waste disposal, police protection and recreation; and
- 1.3.2.4 To provide a mechanism to allow for phased development of residential projects to manage the impact on municipal services.

1.3.3 Phasing of Developments

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

- 1.3.3.1 For development proposed under the provisions of Section 3.3 Planned Residential Development: twenty five (25) dwelling units per year from the date of final approval;
- 1.3.3.2 For development located in the R-III district: Two (2) multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;
- 1.3.3.3 For other residential development proposed to be serviced with public water and public sewerage, and proposing no dwelling structures within 200 feet of a street other than one created by that development: twenty (20) dwelling units per year from the date of final approval;
- 1.3.3.4 For all other residential developments: fifteen (15) dwelling units per year from the date of final approval.

1.3.4 Exemptions from Phasing

The Planning Board shall grant exemption to the phasing requirements of Section 1.3.3 under the following condition~~s~~:

1.3.4.1 The proposed project is for Elderly Housing as defined in Section 4.7. The owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older).

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1.3.4.2 The proposed project is for "workforce housing" as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60.

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1.4 GROWTH MANAGEMENT AND INNOVATIVE LAND USE CONTROL

1.4.1 Authority

The Section is enacted in pursuant to RSA 674:21 and 674:22.

1.4.2 Purposes

The purposes of this Section of the Zoning Ordinance are as follows:

- 1.4.2.1 Promote the development of an economically sound and environmentally stable community which considers and balances regional development needs.
- 1.4.2.2 Guide efforts by the Town to monitor, evaluate, and establish a rate of residential growth in Londonderry that is consistent with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such growth.
- 1.4.2.3 Provide a temporary mechanism when municipal services are strained or overloaded to reduce the rate of residential growth to allow the Town time to correct any deficiencies that have developed.
- 1.4.2.4 Protect the health, safety, convenience, and general welfare of the Town's residents.
- 1.4.2.5 This ordinance is grounded upon its correlation with the Master Plan and Capital Improvements Plans of the Town of Londonderry.

1.4.3 Findings - The Town Hereby Finds That:

- 1.4.3.1 Londonderry's developable land resources are still sufficient to support extensive growth. The 1997 Master Plan for the Town of Londonderry indicates there were 5,884 acres of available developable land in 1996.
- 1.4.3.2 Housing demand has been and is projected to be large. The number of housing units in Londonderry increased 47% between 1980 and 1990, and grew another 14.53% from 1990 to 2000. Studies made for the 1997 Master Plan project another 22.98% increase from 2000 to 2010.
- 1.4.3.3 Londonderry population growth reflects housing growth that has been and is projected to be large. Londonderry population increased at an average annual rate of 3.15% over a twenty-year period from 1980-2000. Total population grew 46% between 1980 and 1990, and another 17.5% from 1990 to 2000. Projections of population growth to 2020 indicate average annual growth rates between 2000 and 2020 ranging from a low of 2.07% (Office of State Planning, 1997) to a high of 2.14% (Master Plan, 1997). The rate of growth is predicted to accelerate based on a study of the Secondary Impacts of the I-93 Widening project prepared by Parsons Brinckerhoff Quade & Douglas, Inc. for the New Hampshire Department of Transportation.
- 1.4.3.4 The Town is straining to meet projected service and facility demands. For example, the 1997 Master Plan projects a continuing 2% per year pupil enrollment growth through 2010. The most recent Capital Improvements program (CIP) includes a new \$12 million School Building Program in fiscal year 2002-2003. The Master Plan projects a 2.4% annual growth in local auto trip generation, certain to demand road improvements. Police and fire facilities, for which improvements are already sought, will be further strained by continuing rapid growth.

1.4.4 Determining Maximum Sustainable Growth

Not later than March 1 of each year, the Planning Board shall determine Londonderry's maximum sustainable rate of residential development for the twelve months beginning March 1 of that year. The maximum annual sustainable rate of growth shall be the highest figure that does not exceed a 2.0% increase in Londonderry's housing stock over the

preceding calendar year and also does not exceed more than two of the following three measures:

- 1.4.4.1 The average rate of dwelling unit authorizations in Londonderry over the six preceding calendar years;
- 1.4.4.2 A percentage increase in housing units over the preceding calendar year equal to the rate of increase in housing units for that preceding year summed across the six municipalities which abut Londonderry (Auburn, Derry, Hudson, Litchfield, Manchester, and Windham);
- 1.4.4.3 The maximum rate of dwelling unit authorizations whose projected demands can be adequately serviced and provided with facilities at a prudent level of fiscal strain, based upon the following:
 - 1.4.4.3.1 The rate of residential development at which the number of pupils projected by the Londonderry School Board to be enrolled in the Londonderry School System would not in any year exceed the stated capacity of the Londonderry School System in that year, based upon facilities development as contained in the Capital Improvement Program most recently approved by the Planning Board, and/or
 - 1.4.4.3.2 The rate of residential development determined by the Planning Board based upon careful studies and consultation with the agencies involved to be the highest which would not exceed the Town's capacity to service growth with public facilities other than schools, as planned in the six-year Capital Improvement Program most recently approved by the Planning Board, together with facilities anticipated to be provided by developers and others, and/or
 - 1.4.4.3.3 The combined municipal and school appropriations for capital expenditures, including debt service and capital outlay, will on average exceed 15% of the total municipal and school department appropriations combined over the period covered in the current Capital Improvements Program.

1.4.5 Planning Board Monitoring and Notification

It shall be the responsibility of the Planning Board to monitor growth in the Town and region, assembling as soon as practicable following the end of the calendar year such information as is necessary for making the determination of whether unsustainable growth conditions exist, and if they do, determining the annual rate of development which, at maximum, could be sustained. The Planning Board shall also monitor the progress of the Town and School District in providing services and facilities on the schedules called for in the Capital Improvement Program.

- 1.4.5.1 Hearing - Prior to making a final determination of the maximum sustainable annual rate of residential development, the Planning Board shall hold a public hearing with ten days notice to seek input from the public.
- 1.4.5.2 Notification - The Planning Board shall notify the Town Council, the Building Inspector, the Town Clerk, and the general public of its determination of the maximum sustainable rate of residential growth by, among other things, posting a notice to that effect in Town Offices. That determination shall apply for a period of one year from the date of notice to the Town Council or, if sooner, until notification of a subsequent determination by the Planning Board under the provisions of Section 1.4.5.

1.4.6 Limiting the Issuance Of Permits

The Planning Board's notice of unsustainable growth conditions shall include notice that limitations on the issuance of permits will be required during the period of such conditions, and notice of what the sustainable annual rate of development has been determined to be, and notice of how many building permits for new dwelling units will be allocated during said period.

1.4.7 Procedures for Permit Limitations

- 1.4.7.1 Available building permits shall be allocated according to the following procedure. The number of dwelling units that may be authorized shall not exceed the smaller of (a) the number of units allowed to be authorized that calendar year under Section 1.4.4 but not yet authorized in the current calendar year, or (b) the number of dwelling units comprising a 2% increase in Londonderry housing stock at the beginning of the calendar year minus the number of housing units authorized in the eleven months preceding this determination.
- 1.4.7.1.1 Except as otherwise provided in this Section no building permit may be issued without a permit scoring sheet application (henceforth "application") issued by the Planning Board. For purposes of this section, each proposed dwelling unit in a mobile home, single-family dwelling, two-family dwelling or multifamily dwelling, shall require a separate application sheet.
- 1.4.7.1.2 From March 1 through March 21, the Planning Board shall, on a form prepared by the Board, review and score each application for allocation of building permits for the period.
- 1.4.7.1.3 Prior to April 1, applications will be scored according to the following priority system:
- 1.4.7.1.3.1 First priority shall be given to dwelling units which are exempt from the provisions of Section 1.4 under [Section 1.4.8](#), RSA 674:39 or RSA 676:12.
- 1.4.7.1.3.2 Second priority shall be given to dwelling units in proposed two-lot subdivisions; provided that no more than 10% of the number of available dwelling unit authorizations may be allocated on this basis, and no more than one per subdivision.
- 1.4.7.1.3.3 Priority for any remaining dwelling unit authorizations shall be based upon the number of points earned from the point system described in Section 1.4.7.2.
- 1.4.7.1.3.4 In the event of a tie at the lowest priority or score for which authorizations will be made, the remaining number of unit authorizations shall be divided among all the projects having earned that priority or score. Division shall be in proportion to the number of units each applicant has applied for or, to the extent proportionate permit allocation is impossible, by lottery.
- 1.4.7.2 For purposes of determining priority in the system of permit allocation, development shall be assigned points or point debits according to the following:
- 1.4.7.2.1 For development authorized under either Section 3.3 Planned Residential Development or Section 2.3.2 Multi-Family Residential: one (1) point;
- 1.4.7.2.2 For development proposed to be serviced with Town sewerage, and proposing no dwelling structures within 200 feet of a street other than one created by that development: one (1) point;
- 1.4.7.2.3 For development proposing no construction within lands Mapped as recommended open space by the Open Space Task Force and also not assessed under RSA 79-A Current Use Taxation at any time within the preceding three years: one (1) point;
- 1.4.7.2.4 For development documented to increase traffic at build-out by no more than 10% on any existing street: one (1) point;
- 1.4.7.2.5 For Elderly Housing (age 55 and older) as defined in Section 4.7 Definitions, provided that the owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100 % elderly occupants as such for a period of no less than twenty years. One (1) point;

- 1.4.7.2.6 For development in which at least 25% of the dwelling units proposed will be "affordable:" one (1) point. For these purposes, "affordable" shall mean subject to restrictions limiting sale or lease to households with incomes no higher than 80% of the regional median at rates affordable to them, under administrative guidelines to be adopted and from time to time amended by the Planning Board;
- 1.4.7.2.7 For development within a sub area of the Town determined by the Planning Board to have a localized facility capacity shortfall: a two (2) point debit if further growth would seriously inconvenience or disadvantage others already in the neighborhood, such as through school overcrowding; or a one (1) point debit if further growth would constitute a demonstrated threat to health (such as incapacity of waste management facilities) or safety (such as a severe road hazard), provided in such cases that actions have been committed by the Town to address the capacity shortfall.
- 1.4.7.2.8 One point for each year the project has been denied a Building Permit Allocation Certificate.
- 1.4.7.3 If by April 1, the surplus permits have not been issued for the year, a second allocation process using the procedure set forth in §1.4.7.1 and 2 shall take place. The Planning Board shall score applications submitted from May 1 through May 21. All applications shall be completed prior to June 1. If necessary a third allocation process shall be held with applications received from August 1 through August 21 and certificates issued by September first (September 1)
- 1.4.7.4 The owners of the lots scoring enough points to be awarded a building permit for a given period may apply for building permits from the Building Department from April 1 through December 31. Any application scoring enough points to be awarded a building permit that is not applied for by December 31 shall lapse.
- 1.4.7.5 Building permits, which are not used within one year of issuance, shall lapse.
- 1.4.7.6 Lapsed building permits may not be renewed if a notice of unsustainable growth remains in effect. In the case of such a lapsed permit, the number of permits available for the following year shall be increased by one.
- 1.4.7.7 An application earning enough points may be used for a building permit on any lot within the subdivision for which it was awarded but may not be used for lots outside that subdivision.
- 1.4.7.8 Building permits for non-residential construction, or for expansion, alteration, renovation or replacement of existing dwelling units, are not limited by Section 1.4.
- 1.4.7.9 Nothing in Section 1.4 shall be construed to authorize or require issuance of a building permit that is not eligible for issuance under any other provision of law.

1.4.8 **Workforce Housing Exemption**

Projects that are approved by the Planning Board meeting the definition of "workforce housing" under RSA 674:58 and under the procedures of RSA 674:60 shall be exempt from the permit limitations of the Growth Management Ordinance.

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1.4.9 Applicability

Nothing herein is intended to repeal the former Section XIII (numbered as passed by Article 98-01 by the Town Council), as amended, as it applies to subdivisions and site plans approved subject to the permit limitations of such ordinance. Said ordinance shall continue to apply to such subdivisions and site plans.

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1.4.10 Sunset

This Ordinance shall expire on January 1, 2015 unless re-adopted prior to that date

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2.3.3 WORKFORCE RESIDENTIAL OVERLAY (WRO)

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2.3.3.1 Objectives and Characteristics

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The workforce residential overlay (WRO) district is designed to allow for housing of greater densities for income levels associated with those spelled out in RSA 674:58 through 61 (adopted as state law effective July 1, 2009), in areas where municipal services make it appropriate and to promote flexibility in the design of residential projects with various housing types, reduced lot sizes and modified dimensional requirements, while maintaining a fixed maximum density. Flexible design can provide for the appropriate use of the land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land and expand opportunities for the development of affordable workforce housing.

2.3.3.2 District Defined

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2.3.3.2.1 The WRO District shall be described as including the lots identified specifically as follows:

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On Map 9: Lot 49,

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On Map 10: Lot 41,

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On Map 11: Lots 100, 102, 102-5, and 102-6,

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On Map 12: Lots 59-3, 120, 121, 121-1, 121-2, and 131,

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On Map 14: Lots 10 and 35 (AR-I portion only),

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On Map 15: Lots 1, 83-2, 87-1, 215-1, and 215-2,

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On Map 16: Lots 1, 2, 3, 9 (AR-I portion only), 23, and 38 (AR-I portion only),

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On Map 17: Lots 4 (AR-I portion only), 4-1, and 45 (R-III portion only),

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On Map 18: Lots 13 and 32.

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2.3.3.2.2 The term "overlay district" means a zoning district superimposed on one or more established zoning districts to impose supplemental requirements, restrictions, and performance standards on uses in the district.

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2.3.3.3 Conflicts with Underlying Zoning Standards

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Because of the nature of the regulations in this overlay district, the standards and requirements of this Section shall only apply to those projects that have filed a letter of intent with the Planning Board for the purposes of developing workforce housing, per the requirements of RSA 674:60. All other development of lots in the WRO district shall conform to the standards of the underlying district.

2.3.3.4 Uses

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2.3.3.4.1 See use Table Section 2.2

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2.3.3.4.2 Single family and two family dwellings are allowed per the use Table provided that all such dwelling units shall be in compliance with the Inclusionary Housing section of this ordinance (Section 2.3.4).

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2.3.3.4.3 No lot in the WRO district may be used for the outside storage of more than one unregistered motor vehicle (in accordance with RSA 236:92) or the outside storage of more than one boat other than a rowboat, canoe or other boat less than twenty (20) feet in length. ← --- Formatted: Bullets and Numbering

2.3.3.5 Regulations and Design Criteria ← --- Formatted: Bullets and Numbering

2.3.3.5.1 Affordability: Development of housing in the WRO District shall be limited to projects meeting the definition of “workforce housing” under RSA 674:58. Any applicant seeking to develop housing in the WRO shall be required to file a letter of intent with the Planning Board that the project is intended to be for “workforce housing” per the requirements of 674:60. ← --- Formatted: Bullets and Numbering

2.3.3.5.2 Development plan ← --- Formatted: Bullets and Numbering

2.3.3.5.2.1 The applicant shall prepare and submit to the Planning Board for approval of a development plan of the tract proposed for development (“development lot”), which locates the proposed types of residential development, utilities, access roads and streets. (“development plan”) ← --- Formatted: Bullets and Numbering

2.3.3.5.2.1.1 The development plan shall include general, conceptual site and architectural plans sufficiently detailed to show the intended land uses, structures, improvements, and other features necessary to demonstrate compliance with this Section and other applicable provisions of the Zoning Ordinance. ← --- Formatted: Bullets and Numbering

2.3.3.5.2.1.2 The applicant may elect to develop the development lot in phases.

2.3.3.5.2.1.3 Final approval of development of any portion of the development lot shall require site plan approval according to the Site Plan Regulations of the Planning Board.

2.3.3.5.2.1.4 Once development of any portion of the development lot begins, no portion of the development lot may thereafter be developed or used except in conformity with the approved development plan, or an amended development plan approved by the Board.

2.3.3.5.2.2 The development lot may, but need not, be divided into two or more smaller legal separate lots of record (“internal legal lots”), which shall require subdivision approval by the Planning Board. ← --- Formatted: Bullets and Numbering

2.3.3.5.2.3 The density, design and dimensional requirements of Section 2.3.2.3.2 shall be applied to the development lot and not the internal legal lots. ← --- Formatted: Bullets and Numbering

2.3.3.5.2.4 The internal legal lots, if any, shall be subject to the density, design and dimensional requirements of Section 2.3.2.3.3. ← --- Formatted: Bullets and Numbering

2.3.3.5.2.5 The applicant shall be permitted to allocate permitted density among the internal legal lots in any manner so long as the sum total of development for ← --- Formatted: Bullets and Numbering

all internal legal lots does not exceed the permitted density for the development lot.

2.3.3.5.3 Density, Design and Dimensional Standard for Development Lot

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2.3.3.5.3.1 Permitted density - the maximum permitted number of dwelling units ("permitted density") allowed in the development lot shall be as follows:

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2.3.3.5.3.1.1 For dwellings serviced by municipal sewer, the maximum number of dwelling units permitted on the development lot shall 10 units per acre.

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2.3.3.5.3.1.2 For dwellings serviced by onsite septic systems, there shall be at least 14,000 square feet per dwelling unit. In addition, to protect ground water quality and to promote public health and safety, permitted density shall also be subject to such additional density requirements as are required by "minimum lot size by soil type" in Table 2 of Section 2.3.1, with the following modification: one or two bedroom units - lot size x 0.65. Three bedroom units = lot size x 0.85.

2.3.3.5.3.1.3 The minimum number of dwelling units in any multi-family structure in the WRO shall be 5 units.

2.3.3.5.3.1.4 The maximum number of dwelling units per multi-family building in the WRO shall be thirty-six (36).

2.3.3.5.3.1.5 At least 51% of dwelling units on a development lot in the WRO district must contain at least 2 bedrooms.

2.3.3.5.3.2 Screening, Landscaping and Glare - the development plan and the internal legal lots shall be designed to screen parking lots from streets by building location, grading or screening and to minimize glare on adjoining properties. Glare from any use of land, including site illumination, shall not exceed 0.2 foot candles, measured at ground level, at or beyond the perimeter of the development lot. Lighting fixtures shall be designed for downward casting of light. Major topographic changes or removal of existing trees shall be avoided wherever possible, and water, wetlands and other scenic views shall be preserved wherever possible.

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2.3.3.5.3.3 Open space - no less than the area calculated below shall be retained as unoccupied space free of all buildings, parking and pavement, including street access, drives and walks paved with impervious materials, (but such unoccupied open space may include so-called nature walk areas and the like and other recreational uses approved by the Planning Board.) Open space shall be owned by undivided interests appurtenant to lot ownership. Such open space shall either be maintained in its natural state (except for the walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.

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2.3.3.5.3.3.1 Total open space shall not be less than forty percent (40%) of the total development lot area

2.3.3.5.3.3.2 Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.

2.3.3.5.3.3.3 Usable open space shall not be less than ten percent (10%) of the total development lot area. "usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.

2.3.3.5.3.4 Road design - internal roads shall conform to Town standards for roads in new subdivisions as required by the most recent version of the Town's Subdivision Regulations.

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2.3.3.5.3.5 Building separation - single family or two family dwellings shall be at least twenty feet (20') from other dwellings. Multi family dwellings and other buildings shall be at least thirty feet (30') from other dwellings. Up to three (3) buildings may be interconnected by a covered walkway or breeze way for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the Planning Board (after consultation with the fire department) impair access to the buildings by emergency vehicles and equipment.

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2.3.3.5.3.6 Dimensional requirements

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2.3.3.5.3.6.1 Minimum structure setbacks from the perimeter of the development lot shall be as follows: front - 40 feet; side - 35 feet; rear - 30 feet. If the development lot abuts more than one existing and/or proposed external right-of-way, the building setback will be forty (40') feet from each right-of-way.

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2.3.3.5.3.6.2 The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshall, but no residential structure shall be greater than 4 stories.

2.3.3.5.3.6.3 The development lot shall have a minimum frontage of a state highway or Town maintained road of Class V designation or better of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the development lot.

2.3.3.5.3.7 Parking

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2.3.3.5.3.7.1 A minimum of 1.75 parking spaces per dwelling unit shall be provided for all dwelling units in the WRO District. Parking spaces may be located offsite (ie: off the internal legal lot as long as the offsite parking is located within the development lot) and the parking spaces shall be within four hundred feet (400') of the building they are intended to serve.

Comment [TJT1]: Revised from 1.5
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2.3.3.5.3.7.2 Parking areas shall be designated in accordance with requirements for parking areas set forth in Section 3.10 of the Zoning Ordinance (parking).

2.3.3.5.3.8 Perimeter buffer - a perimeter buffer to separate and screen incompatible land uses shall surround the development lot except where streets enter the development lot. The buffer shall include a combination of physical space and vertical elements such as plants, berms, fences or walls, as approved by the Board. The width of the buffer area shall vary according to the abutting zoning district as follows:

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2.3.3.5.3.8.1 Agricultural-residential, Commercial, or Industrial: fifty feet (50') where directly abutting, no buffer where highway separates WRO and a "C" or "I" district.

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2.3.3.5.3.8.2 R-III: no buffer.

2.3.3.5.4 Additional dimensional standards for internal lots:

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2.3.3.5.4.1 Single and two-family dwelling lots:

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2.3.3.5.4.1.1 Minimum lot area 5,000 SF/Unit

2.3.3.5.4.1.2 Minimum lot width 50 ft/unit

2.3.3.5.4.1.3 Minimum setbacks

front - 25 feet

side - see note below

rear - 20 feet

Note: side setbacks may be reduced to any dimension as long as distance between buildings on contiguous lots is greater than twenty feet (20').

2.3.3.5.4.2 Multi family dwelling lots

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2.3.3.5.4.2.1 Minimum lot area 7,000 SF/unit

2.3.3.5.4.2.2 Minimum lot width No minimum width will be applicable to Multi-family Internal lots. Lot width shall be sufficient to ensure proper building placement, parking and traffic circulation.

Comment [TJT2]: Revised from 50'

2.3.3.5.4.2.3 Minimum setbacks

front - 40 feet

side - 15 feet

rear - 30 feet

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2.3.3.5.5 Dimensional Relief by Conditional Use Permit

- 2.3.3.5.5.1 The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, frontage, or parking) for projects that are truly supportive of the purpose and objectives of the WRO District as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives. Formatted: Heading 6
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- 2.3.3.5.5.2 The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board. Formatted: Heading 6
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- 2.3.3.5.5.3 Application Procedure - Applications for conditional use permits (CUP) within this district shall be made in accordance with the following procedures: Formatted: Heading 6
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- 2.3.3.5.5.3.1 It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan. Formatted: Heading 7
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- 2.3.3.5.5.3.2 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
- 2.3.3.5.5.3.3 The application will then begin Pre-Application Design review, followed by the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.
- 2.3.3.5.5.3.4 Unless otherwise addressed in this ordinance, all applications shall meet those requirements set forth in the relevant sections of the Subdivision & Site Plan Regulations of the Town of Londonderry.
- 2.3.3.5.5.4 Approval of Applications Requiring a Conditional Use Permit - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of Section 2.3.3.5.5.5. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or of the 2004 Master Plan, Londonderry Business Park Design Charrette Report, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law. Formatted: Heading 6
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- 2.3.3.5.5.5 The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the Flexible Industrial District. The applicant shall demonstrate that: Formatted: Bullets and Numbering

- 2.3.3.5.5.1 The proposed use is consistent with the Objectives and Characteristics of the WRO District, Section 2.3.3.1;
- 2.3.3.5.5.2 Granting of the application is in the public interest;
- 2.3.3.5.5.3 The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable preservation of natural resources, open space, and does not create a hazard to surface or underground water resources.
- 2.3.3.5.5.4 The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought better achieves the Objectives and Characteristics of the district, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with the Objectives and Characteristics of the district; and
- 2.3.3.5.5.5 The application demonstrates that the alternative design for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

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2.3.4 **INCLUSIONARY HOUSING**

2.3.4.1 **Purpose:**

The purpose of this Section is to encourage and provide for the development of affordable housing within Londonderry. It is intended to ensure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households. This Section was established in order to meet the goals related to affordable housing provision set forth in the 2004 Master Plan and 2008 Housing Task Force Final Report. Additionally, in implementing this Section Londonderry has considered the region's affordable housing need as defined in the Southern NH Planning Commission Housing Needs Assessment.

Comment [TJT3]: New Section to allow PB flexibility in dimensional standards within the WRO.
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2.3.4.2 **Authority:**

This Section is adopted under the authority of RSA 674:21, and is intended as an "Inclusionary Zoning" provision, as defined in RSA 674:21(I)(k) and 674:21(IV)(a).

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2.3.4.3 **Applicability**

2.3.4.3.1 Development in accordance with the provisions of this Section is permitted by conditional use permit within the following zoning districts as defined in this Zoning Ordinance: AR-I, WRO, R-III, and C-IV.

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2.3.4.3.2 Permitted Uses: In the interest of encouraging affordability, single-family, duplex, multi-family, and manufactured housing is permitted within an application under this Section in the WRO, R-III, and C-IV districts. In the AR-I District, single-family,

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duplex, and manufactured housing is permitted within an application under this Section.

2.3.4.3.3 Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).

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2.3.4.4 Conditional Use Permit Criteria – The Criteria of Section 1.5.2 shall be utilized by the Planning Board in the evaluation of Conditional Use Permits for Inclusionary Housing projects.

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2.3.4.5 Definitions Specific to This Section.

Comment [TJT4]: Added to ensure that there are criteria being used for the evaluation of CUP's.

2.3.4.5.1 Affordable Rental Housing – where the rent plus utilities for the dwelling unit does not exceed 30 percent of the allowed individual household income.

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2.3.4.5.2 Affordable Owner-Occupied Housing – where the total cost of mortgage principal and interest, mortgage insurance premiums, property taxes, association fees, and homeowner's insurance does not exceed 30 percent of the maximum allowed income of the purchaser. The calculation of housing costs shall be based on current taxes, a 30-year fixed rate mortgage, a 5 percent down payment, and prevailing mortgage rates within the region.

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

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2.3.4.5.4 Assets – As defined as "Net Family Assets" by 24 CFR Part 5, Subpart F, and as amended from time to time.

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2.3.4.5.5 Income – As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.

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2.3.4.5.6 Low Income – A household income (as defined herein) that does not exceed 50 percent of the area median income.

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2.3.4.5.7 Low to Moderate Income – A household income (as defined herein) that is more than 50 percent and does not exceed 80 percent of the area median income.

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

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2.3.4.5.9 Moderate Income – A household income (as defined herein) that is more than 80 percent and does not exceed 100 percent of the area median income.

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

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2.3.4.5.11 Rental Housing – Any dwelling unit intended for leasehold occupancy.

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2.3.4.6 Affordable Housing Categories and Incentives

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2.3.4.6.1 A Site Plan or subdivision plan that will guarantee a designated percentage of units, reserved as affordable housing, may be approved with an increase in the density of the site or a reduction of the minimum site frontage as is set forth in Table 1. The developer shall specify in the application whether the density bonus or the frontage reduction is the option being sought for the development. These bonuses shall not apply to development within the Workforce Residential Overlay (WRO), as that overlay district has increased density allowances built into the district.

	Minimum Set Aside	Density Bonus or Frontage Reduction *
Low Income Owner-occupied Housing	10%	20% Density Bonus or 30' Frontage Reduction
Moderate to Low Income Owner-occupied Housing	20%	25% Density Bonus or 40' Frontage Reduction
Moderate Income Owner-occupied Housing	25%	25% Density Bonus or 50' Frontage Reduction

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* At no point shall a frontage reduction reduce a lot's frontage to less than 50' total.

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2.3.4.6.2 A site plan or subdivision plan can mix affordable housing types and accumulate density bonuses to a maximum bonus equal to 30 percent where municipal sewer and water are available or in areas without water and sewer service to the maximum density permitted by on-site well and septic standards of the New Hampshire Department of Environmental Services as applied to the site.

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2.3.4.6.3 When mixing affordable unit types the designated affordable percentage for each individual affordable housing type may be less than that required in Table 1. The density bonus is then proportioned to the actual percentage of designated affordable units provided, so that if the applicant provides only one-half of the required designation of one type of affordable housing they will receive one-half of the density bonus. The combined total of all affordable housing types must equal a 15 percent designation of affordable units, at a minimum.

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2.3.4.7 General Requirements Of Affordable Units

2.3.4.7.1 The dwellings qualifying as affordable housing shall be compatible in architectural style and appearance with the market rate dwellings in the proposed development. The affordable units should be interspersed throughout the overall development.

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2.3.4.7.2 To ensure that the application is completed as permitted, the dwellings qualifying as affordable housing shall be made available for occupancy on approximately the same schedule as a project's market units, except that the certificates of occupancy for the last 10 percent of the market rate units shall be withheld until certificates of occupancy have been issued for all the affordable housing units. A schedule setting forth the phasing of the total number of units in a project under this Section, along with a schedule setting forth the phasing of the required affordable housing units shall be established prior to the issuance of a building permit for any development subject to the provisions of this Section.

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2.3.4.7.3 To ensure that only eligible households purchase/rent the designated affordable housing units, the purchaser/renter of an affordable unit must submit copies of their last three years' federal income tax returns and written certification verifying their annual income level, combined with household assets, does not exceed the maximum level as established by this ordinance in sections 2.3.4.4 and 2.3.4.5.1 of this Section. The tax returns and written certification of income and assets must be submitted to the developer of the housing units, or the developer's agent, prior to the transfer of title. A copy of the tax return and written certification of income and assets must be submitted to all parties charged with administering and monitoring this ordinance, as set forth in sections 2.3.4.8 through 2.3.4.8.4 of this Section, within 30 days following the transfer of title.

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2.3.4.7.4 All applicants under this section must submit the following data to ensure project affordability:

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2.3.4.7.4.1 Calculation of the number of units provided under this Section and how it relates to its provisions.

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2.3.4.7.4.2 Project Cost Estimate including land, development and construction costs; financing, profit, and sales costs; and other cost factors.

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2.3.4.7.4.3 Description of each unit's size, type, estimated cost and other relevant data.

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2.3.4.7.4.4 Documentation of household eligibility as required in section 2.3.4.6.3 of this Section.

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2.3.4.7.4.5 All agreements established as part of sections 2.3.4.6.7 through 2.3.4.6.7.2

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2.3.4.7.4.6 List of required variances, conditional use permits, and special exceptions including justification of their necessity and effectiveness in contributing to affordability of this Section.

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2.3.4.8 **Assurance of Continued Affordability**

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In order to qualify as affordable housing under this Section, the developer must make a binding commitment that the affordable housing units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction; restrictive covenant; or a

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contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency. For the 30-year term, the deed restriction, restrictive covenant, or contractual arrangement established to meet this criterion must make the following continued affordability commitments:

2.3.4.8.1 Affordable housing units offered for sale shall comply with **Section 2.3.5, Retention of Housing Affordability.**

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2.3.4.8.2 Affordable housing rental units shall limit annual rent increases to the percentage increase in the area median income, except to the extent that further increases are made necessary by hardship or other unusual conditions.

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2.3.4.8.3 Deed restrictions, restrictive covenants, or contractual arrangements related to dwelling units established under this Section must be documented on all plans filed with the Planning Board and the Rockingham County Registry of Deeds.

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2.3.4.9 Administration, Compliance and Monitoring

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2.3.4.9.1 This Section shall be administered by the Planning Board. Applications for the provisions provided under this Section shall be made to the planning board and shall be part of the submission of an application for site plan or subdivision plan approval.

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2.3.4.9.2 No certificate of occupancy shall be issued for an affordable housing unit without written confirmation of the income eligibility of the tenant or buyer of the affordable housing unit and confirmation of the rent or price of the affordable housing unit as documented by an executed lease or purchase and sale agreement.

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2.3.4.9.3 On-going responsibility for monitoring the compliance with resale and rental restrictions on affordable units shall be the responsibility of the Community Development Department or their designee.

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2.3.4.9.4 The owner of a project containing affordable units for rent shall prepare an annual report, due on December 31 each year, certifying that the gross rents of affordable units and the household income of tenants of affordable units have been maintained in accordance this Section. Such reports shall be submitted to the Community Development Department or their designee and shall list the contract rent and occupant household incomes of all affordable housing units for the calendar year.

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2.3.5 Retention of Housing Affordability

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2.3.5.1 Authority and Purpose

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2.3.5.1.1 Authority: This ordinance is adopted as an "innovative land use control" pursuant to RSA 674:21.

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2.3.5.1.2 Purpose: The purpose of this ordinance is to provide a means by which Londonderry may promote the long-term affordability of housing units built as part of a development approved by the planning board under the terms of the Londonderry's inclusionary housing provisions. It is intended to ensure that the

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units remain affordable to households of low- and moderate-income, while also facilitating homeowners' capacity to benefit from property value appreciation. It creates a lien interest in the property held by the Town, enforceable by the Town as a mortgage.

2.3.5.2 General Provisions

2.3.5.2.1 Definitions. For purposes of this section:

2.3.5.2.1.1 "Affordable Housing Unit" means a residential dwelling unit intended to be affordable to persons of low or moderate incomes, which an applicant agrees to produce as a condition of approval of an "inclusionary" housing development as described in Section 2.3.4 of this Ordinance. More particularly an "Affordable Housing Unit" means the following, as determined by the planning board at the time a particular development is granted approval by the Board: A unit of housing which – in addition to any other specific conditions of approval imposed by the planning board at the time of approval – is required to be administered in accord with the general provisions as set forth herein; which is subject to the procedures set forth in Section 2.3.5.3 below at the time of its initial conveyance; and which is conveyed subject to a contingent subsidy lien and covenants in favor of the Municipality, as set forth in 2.3.5.4 below.

2.3.5.2.1.2 The "Developer" means the person or entity which applies for and receives planning board approval for an "inclusionary" housing project as set forth in Section 2.3.4 of this Ordinance, any person or entity to which rights to construct such a project under such an approval have been conveyed, or any person or party acting as contractor or agent for such a party, or who otherwise performs acts in furtherance of constructing or implementing the approval, or fulfilling any conditions thereof.

2.3.5.2.1.3 "Housing Cost" means the estimated monthly cost to an Owner of an Affordable Housing Unit, including mortgage principal and interest, property taxes (municipal, school, county, and state), homeowner's insurance, mortgage insurance, and any applicable homeowner's association fees. Interest calculations shall be based upon the prevailing market interest rate at the time of conveyance for a 30-year fixed-rate conventional mortgage. Schedules used to determine Housing Cost may be adopted and revised as needed by the Planning Board.

2.3.5.2.1.4 The "Municipality" means the Town of Londonderry; provided that, however, and except where responsibilities are specifically assigned herein or where statute creates a non-delegable responsibility, the tasks and functions required herein to be performed by the Municipality shall be performed by the Town Council or its designee, or may be delegated in whole or in part by vote of the Town Council to a third-party designee such as a nonprofit organization or quasi-governmental agency, subject to the supervision of the Town Council or its designee.

2.3.5.2.1.5 The "Owner" shall mean the person(s) who initially separately purchases and occupies the completed Affordable Housing Unit, under the procedures set forth in Section 2.3.5.3 below, as well as any person(s) who

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subsequently purchases the unit under the procedures required under Section 2.3.5.4 below.

- 2.3.5.2.1.6 The "Fair Market Value" of the Affordable Housing Unit, at the time of the initial or any subsequent conveyance shall be the price which such unit would command at that time in an arm's-length transaction on the open market if the unit were not subject to any of the restrictions of this Section, and the Owner were to purchase the property in fee simple absolute. ← --- Formatted: Bullets and Numbering
- 2.3.5.2.1.7 "First Mortgage" means a recorded mortgage which is senior to any other mortgages or liens against the Affordable Housing Unit (other than the lien for real estate taxes and homeowner assessments, if any), and which is used to secure a loan to an eligible buyer to purchase the unit. ← --- Formatted: H6
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- 2.3.5.2.1.8 "Qualified Purchaser" means a purchaser who has been certified by the Municipality as meeting income standards to purchase an Affordable Housing Unit. It also includes a non-profit organization, the primary purpose of which is to provide or to facilitate the acquisition of housing that is affordable to low- and moderate-income households. ← --- Formatted: H6
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- 2.3.5.2.1.9 "Area Median Income" means Area Median Income ("AMI") for a family of four as established and updated periodically by the U.S. Dept. of Housing and Urban Development for the Fair Market Rent Area where the Municipality is located. ← --- Formatted: H6
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- 2.3.5.2.2 The planning board shall, as a condition of approval, make an initial determination of the following with respect to all included Affordable Housing Units which, unless modified pursuant to Section 2.3.5.3.3 below, shall serve as the basis for conveyance by the Developer: ← --- Formatted: H6
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- 2.3.5.2.2.1 An estimated projected Fair Market Value for the Affordable Housing Units to be constructed by the Developer, using Developer projections or such other available information as the planning board may require. Construction details shall be provided in sufficient detail to enable a reasonable projection of such Value, and compliance with such details shall be deemed a condition of approval. ← --- Formatted: H5
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- 2.3.5.2.2.2 An initial target income level for the initial conveyance of the Affordable Housing Units, which shall not be greater than 80% of the Area Median Income ("AMI"). ← --- Formatted: H6
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- 2.3.5.2.2.3 A corresponding initial selling price for each Affordable Housing Unit, which shall be set at a level that is projected to require a Housing Cost no greater than 30% of the initial target income determined in Section 2.3.5.2.2.2 above. ← --- Formatted: H6
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- 2.3.5.2.2.4 A corresponding projected initial subsidy for each Affordable Housing Unit, which shall be the difference between the estimated projected Fair Market Value and the initial selling price. The projected initial subsidy shall be between fifteen and thirty-three percent of the estimated projected Fair Market Value of the unit, inclusive. ← --- Formatted: H6
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2.3.5.2.3 Except as expressly set forth in this Section, in the conditions of Development approval by the planning board, or in a lien and covenant document recorded pursuant to Section 2.3.5.3 below, an Owner shall have the same rights and privileges with respect to the Affordable Housing Unit as would any person who owned the unit in fee simple absolute, including but not limited to the right of quiet enjoyment, the right to make improvements, and the right to convey a First Mortgage interest, as detailed below.

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2.3.5.3 Procedures at Time of Initial Conveyance - An Affordable Housing Unit shall not be separately conveyed, or initially occupied, except in accordance with the following procedures:

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2.3.5.3.1 During construction and upon completion of construction, the Municipality shall inspect the unit to confirm that all applicable codes, ordinances, conditions of approval (including construction details presented at the time of approval) and all other legal requirements have been met.

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2.3.5.3.2 Upon successful inspection, the Municipality at the Developer's expense shall cause an independent appraisal to be performed to determine the Fair Market Value of the unit.

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2.3.5.3.3 The initial selling price shall be as set by the planning board at the time of plan approval under Section 2.3.5.2.2; provided, however, that under unusual circumstances the Developer may petition the planning board, which may for good cause and following a hearing for which reasonable notice is provided to the Developer and such others as the planning board may require, amend the initial selling price, the projected initial subsidy, and/or the initial target income level.

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2.3.5.3.4 The Municipality or its agent shall be responsible for certifying potential purchasers as meeting the relevant target income requirements and eligible to purchase the unit and for ranking Qualified Purchasers. Any potential buyer identified by the Developer or its agent must be referred to the Municipality. If, after the impartial application of objective criteria for priority eligibility have been applied to all persons wishing to purchase the unit, there exists more than one top priority income-eligible purchaser ready, willing, and able to execute a purchase and sales agreement at the initial selling price, then the final choice of purchasers shall lie with the Developer.

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2.3.5.3.5 The Town Council shall from time to time establish rules and procedures for determining income-eligibility and priority for ranking Qualified Purchasers, such rules and procedures to be consistent with U.S. Dept. of Housing & Urban Development Program Requirements at 24 CFR Part 5, Subpart F. Such rules may give priority to persons who are already residents of the Municipality, or who are or will be employed in the Municipality. There shall be no requirement for continuing Owner income-eligibility, and no Owner shall, subsequent to purchase, be deemed in violation of this Section or of the Subsidy Lien and Restrictive Covenant for lack of income-eligibility, unless false or fraudulent information is found to have been provided by said Owner at the time of initial eligibility determination.

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2.3.5.3.6 The Developer shall not convey, or agree to convey, the Affordable Housing Unit for a total consideration any higher than the initial selling price as set by the

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planning board. The Developer shall not convey, or agree to convey, the unit except to the top priority Qualified Purchaser; provided, however, that if the Municipality fails to identify a Qualified Purchaser, or if the Developer, after exercising a good faith effort, fails to produce a purchaser who is subsequently certified by the Municipality as a Qualified Purchaser and who is ready, willing and able to execute a purchase and sales agreement at the initial selling price within 120 days after the Municipality grants a Certificate of Occupancy in Section 2.3.5.3.1 above, the Developer may convey the unit to any purchaser of the Developer's choosing; nevertheless such conveyance shall remain subject to the initial selling price, as set by the Board, and the recording of a Subsidy Lien and Restrictive Covenant, as set forth below. The Developer shall not use these provisions to avoid selling the unit to any Qualified Purchaser, including one identified by the Municipality.

2.3.5.3.7 The initial Owner shall, at the time of closing, execute and convey to the Municipality a covenant document, to be called a "Subsidy Lien and Restrictive Covenant", which shall be recorded in the Rockingham County Registry of Deeds together with the Owner's deed. This document shall contain the initial value of the Municipality's subsidy lien, and all the elements required under Section 2.3.5.4 below.

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2.3.5.3.8 The initial value amount of the Municipality's subsidy lien shall be the difference between the appraised value reached under Section 2.3.5.3.2 above, and the unit's initial selling price. The burden of the creation of the subsidy shall fall upon the Developer as a condition of approval.

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2.3.5.3.9 In addition, the Developer shall, at the time of the closing, pay to the Municipality an administrative fee for each unit, which shall be used by the Municipality to fund the administration of the unit under this Subsection, including appraisals, drafting of documents, costs incurred for program administration by an independent agent of the Municipality, and other expenses relating to the Municipality's subsidy lien. The amount of the administrative fee shall be two percent (2%), or as otherwise determined by the Town Council, of the unit's initial selling price, provided however that the Town Council may if warranted, pursuant to RSA 41:9-a, prospectively alter the rate of the fee to more accurately reflect actual administrative costs. The fee shall be accounted for in the same manner as an impact fee, as provided in RSA 674:21, V(c).

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2.3.5.3.10 Notwithstanding the foregoing, the initial selling price, the projected initial subsidy, and/or the initial target income as conditions of approval may be reviewed and recalculated by the planning board as needed between the date of approval and conveyance by the Developer, for the purposes of ensuring that the objectives of this ordinance are met. Amendment of any such condition shall only be made following a hearing for which reasonable notice is provided to the Developer and such others as the planning board may require.

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2.3.5.4 Subsidy Lien and Restrictive Covenant - The "Subsidy Lien and Restrictive Covenant" required under 2.3.5.3.7 above shall set forth the initial value amount of the subsidy lien as determined under 2.3.5.3.8 above, shall incorporate all of the requirements for subsequent conveyances of the Affordable Housing Unit as set forth in Sections 2.3.5.5 through 2.3.5.7 below, shall provide that any and all of such requirements shall be

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subject to enforcement pursuant to 2.3.5.9 below, and shall, in addition, incorporate the following conditions and restrictions:

2.3.5.4.1 The unit shall be the primary residence of the Owner, and shall be occupied by the Owner.

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2.3.5.4.2 The unit shall at all times be maintained in conformity with all applicable building or housing codes, land use ordinances or conditions of approval, and any other applicable provisions of federal, state, or local law. The Owner shall immediately notify the Municipality of any existing or anticipated violation of any such requirement, or of any provision of the Subsidy Lien and Restrictive Covenant.

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2.3.5.4.3 The Owner shall not, without the prior written consent of the Municipality, convey any mortgage or other lien interest in the unit, other than a First Mortgage interest. The Municipality's Subsidy Lien interest shall generally be deemed the equivalent of a second mortgage interest subordinate to any such First Mortgage, and shall entitle the Municipality to the right to notice as a lienholder for all purposes, including foreclosure notice under RSA 479:25. The Municipality may consider an alternative lien position on a case-by-case basis, based on a reasonable assessment of risk and an appraisal of value.

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2.3.5.5 Subsequent Conveyances of the Unit - Except in the cases of purchase of a unit by the Municipality in accordance with Sections 2.3.5.6 or 2.3.5.7 below, or release or termination of the Subsidy Lien and Restrictive Covenant by the Municipality in accordance with Section 2.3.5.8 below, no Owner of an Affordable Housing Unit shall convey the unit except in accordance with the following procedures:

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2.3.5.5.1 An Owner may at any time notify the Municipality in writing of an intent to convey the unit. The Municipality shall, as soon as practicable, cause an appraisal to be conducted to arrive at a current Fair Market Value of the unit (including the value of any fixtures or improvements made by the Owner). If the Owner disagrees with or has doubts or questions concerning the accuracy of the appraisal, the Owner may choose to fund a second appraisal, and the current Fair Market Value shall be deemed to be the average of the two appraisals unless otherwise agreed. If the Owner does not convey the unit within one year after providing written notice of intent to convey the unit or otherwise rescinds its notice of intent to dispose of the unit either directly in writing to the Municipality or constructively by either failing to market the property or withdrawing it from the market, the Owner shall reimburse the Municipality for the cost of its appraisal of the unit. Subsequent notices of intent to convey the unit shall require a new appraisal.

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2.3.5.5.2 The Municipality shall set the maximum resale price of the unit by adjusting the recorded initial value amount of its subsidy lien by the change in the US Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) for Boston, Brockton-Nashua, MA-NH-ME-CT for Shelter or a comparable housing cost index should the CPI-U be discontinued, calculating from the time of such recording, then subtracting that adjusted subsidy lien amount from the current Fair Market Value determined under Section 2.3.5.5.1 above. The Municipality shall also, based upon that maximum resale price, determine a revised target income level for which the unit would be affordable at such a resale price, such that the unit's Housing Cost would be no greater than 30% of the revised target income. If the revised target income level is greater than 120% of the Area Median Income or

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if the adjusted subsidy lien amount is not between fifteen and thirty-three percent of the Fair Market Value, the Municipality may retire or modify the subsidy lien in accordance with Section 2.3.5.8 below. An increase to the subsidy lien will result in a corresponding decrease to the maximum resale price; a decrease to the subsidy lien will result in a corresponding increase to the maximum resale price. In neither case will the Owner's equity be affected, if any.

2.3.5.5.3 The Municipality or its agent shall be responsible for certifying potential purchasers as meeting the revised target income requirements, in the same manner set forth in Section 2.3.5.3.4 above, and for ranking Qualified Purchasers. Any potential buyer identified by the Owner or its agent must be referred to the Municipality. If, after the impartial application of objective criteria for priority eligibility have been applied to all persons wishing to purchase the unit, there exists more than one top priority income-eligible purchaser ready, willing, and able to execute a purchase and sales agreement at the maximum resale price, then the final choice of purchasers shall lie with the current Owner.

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2.3.5.5.4 The Owner shall not convey, or agree to convey, the Affordable Housing Unit for a total consideration any higher than the maximum resale price as determined under Section 2.3.5.5.2. The Owner shall not convey, or agree to convey, the unit except to persons who have been certified as income-eligible under Section 2.3.5.5.3; provided, however, that if the Municipality fails to identify a Qualified Purchaser, or if the Owner, after exercising a good faith effort, fails to produce a purchaser who is subsequently certified by the Municipality as a Qualified Purchaser and who is ready, willing, and able to execute a purchase and sales agreement at the maximum resale price within 120 days after the Owner's written notice of intent to convey the unit, the Owner may convey the unit to any purchaser of the Owner's choosing; nevertheless such conveyance shall remain subject to the maximum resale price, to the purchaser income qualification procedures for subsequent conveyances, and to the Subsidy Lien and Restrictive Covenant, and such a conveyance shall permit, but shall not obligate, the Municipality to modify or retire the adjusted subsidy lien in accordance with Section 2.3.5.8 below. Nothing in the foregoing shall be construed to relieve or limit the Owner's obligation to engage in good faith and energetic efforts to market the unit for purposes of identifying a purchaser who is likely to meet the income qualification standards herein. The Owner shall not use these provisions to avoid selling the unit to any Qualified Purchaser, including one identified by the Municipality.

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2.3.5.5.5 At the time of closing, the new Owner shall execute a Subsidy Lien and Restrictive Covenant, substantively similar to that executed by the prior Owner, and the Municipality shall execute a certification of compliance with the conveyance procedures required by the Subsidy Lien and Restrictive Covenant. Both of these documents shall be recorded together with the new Owner's deed. The seller shall also, at the time of the closing, pay to the Municipality an administrative fee of two percent (2%), or as otherwise determined by the Town Council, of the resale price, but such fee shall be subject to adjustment, as set forth in 2.3.5.3.9 above.

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2.3.5.5.6 Notwithstanding Sections 2.3.5.1 through 2.3.5.5 above, the following types of conveyances are exempt from the Owner Conveyance provisions set forth in this Subsection:

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2.3.5.5.6.1 A conveyance to a first mortgagee resulting from foreclosure, or

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2.3.5.5.6.2 Any of the following, provided, however, that the unit shall, subsequent to such an exempt conveyance, remain subject to the provisions of the Subsidy Lien and Restrictive Covenant:

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2.3.5.5.6.2.1 A conveyance resulting from the death of an Owner where the conveyance is to the spouse who is also an Owner.

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2.3.5.5.6.2.2 A conveyance to the Owner's estate following his or her death for the purpose of administering the estate and distributing the assets thereof during a limited period of time.

2.3.5.5.6.2.3 A conveyance resulting from the death of an Owner when the conveyance is to one or more children or to a parent or parents of the deceased Owner.

2.3.5.5.6.2.4 A conveyance by an Owner where the spouse of the Owner becomes the co-Owner of the Property.

2.3.5.5.6.2.5 A conveyance directly resulting from a legal separation or divorce, by which a co-Owner becomes the sole Owner of the unit.

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2.3.5.6 Right of First Refusal in Subsequent Conveyances

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Upon receipt of a notice of intent to convey an Affordable Housing Unit under Section 2.3.5.5.1 above, the Municipality shall have the right to purchase the property at the maximum resale price, as determined according to Section 2.3.5.5.2 above. If the Municipality elects to purchase the unit, it shall exercise the purchase right by notifying the Owner, in writing, of such election ("Notice of Exercise of Right") within forty-five (45) days of the receipt of the Intent to Convey Notice, or the Right shall expire. Within seven (7) days of the Municipality exercising its purchase right, the Municipality and the Owner shall enter into a purchase and sale contract. The purchase by the Municipality must be completed within forty-five (45) days of the Municipality's Notice of Exercise of Right, or the Owner may convey the property as provided in Section 2.3.5.5 above. The time permitted for the completion of the purchase may be extended by mutual written agreement of the Owner and the Municipality. If the Municipality has in writing waived its purchase right, or if the Purchase Right has expired, or if the Municipality has failed to complete the purchase within forty-five (45) days of its Notice of Exercise of Right, the Owner may convey the unit according to Section 2.3.5.5 above for no more than the maximum resale price as calculated therein.

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2.3.5.7 Municipality's and Owner's Rights in Foreclosure

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2.3.5.7.1 The Owner shall give immediate written notice to the Municipality upon the first to occur:

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2.3.5.7.1.1 the date any notice of foreclosure is provided to the Owner or any foreclosure is commenced against the unit under the First Mortgage, or

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2.3.5.7.1.2 the date when the Owner becomes twenty-one (21) days late in making a payment on any indebtedness encumbering the unit required to avoid foreclosure of the First Mortgage.

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2.3.5.7.2 At any time within sixty (60) days after receipt of any notice described in Section 2.3.5.7.1.1 above, the Municipality may, but shall not be obligated to, proceed to make any payment required in order to avoid foreclosure or to redeem the unit after a foreclosure. Upon making any such payment, the Municipality shall succeed to all rights of the Owner to the Property and shall assume all of the Owner's rights and obligations under the First Mortgage, subject to the terms of the Subsidy Lien and Restrictive Covenant. In such event the Owner shall forthwith quit the unit and relinquish possession thereof to the Municipality, which shall assume ownership of the property.

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2.3.5.7.3 The Owner may redeem his or her interest in the unit by payment to the Municipality of all sums paid by the Municipality in connection with the First Mortgage and all other sums reasonably expended by the Municipality in relation to the unit, plus eighteen percent (18%) simple interest from each date of expenditure. This redemption may only occur within forty-five (45) days after the Municipality succeeds to the Owner's rights to the unit, after which the Municipality may proceed to convey the property to an eligible buyer. Notwithstanding such redemption, the property shall nonetheless remain subject to the Subsidy Lien and Restrictive Covenant.

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2.3.5.7.4 If the Municipality conveys the property it may recover all incidental and consequential costs as are reasonably incurred or estimated to be incurred by the Municipality in connection with its ownership and disposition of the property, including but not limited to insurance, maintenance, repairs or improvements, and marketing expenses. If after conveyance of the property by the Municipality there are excess proceeds above the Municipality's costs, then within 60 days of settlement by the purchaser or purchasers of the property conveyed, the municipality shall reimburse the Owner from whom the Municipality acquired the property in the amount of such excess proceeds.

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2.3.5.8 Retirement or Modification of Subsidy Lien

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2.3.5.8.1 At the time of any transfer of an Affordable Housing Unit, the Municipality may, but is not obligated to, retire or modify the subsidy lien if, in accordance with Section 2.3.5.2 above, the revised target income level is greater than 120% of the Area Median Income, or if the adjusted subsidy lien amount is not between fifteen and thirty-three percent of the Fair Market Value. Upon making a determination that any such condition has been met, the Municipality may notify the Owner in writing of its intention to retire or modify the subsidy lien. The notice shall indicate the value of the subsidy lien to be retired, or the amount by which the Municipality will reduce or enhance the subsidy lien. Such notification shall be made within 45 days of the Owner's Notice of Intent, as provided under Section 2.3.5.1 above.

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2.3.5.8.2 Reduction or retirement of the subsidy lien shall be accomplished at the time of closing by payment from the Owner to the Municipality, such payment to be deposited in the Municipality's Affordable Housing Revolving Fund [if one exists at the time]. Enhancement of the subsidy lien shall be accomplished at the time of closing by payment from the Municipality to the Owner. Retirement of the subsidy lien shall be accompanied by release of the restrictive covenant by the Municipality and shall eliminate the need to calculate a maximum resale price, allowing the unit to sell at its Fair Market Value.

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2.3.5.9 Default and Other Enforcement - Failure of the Owner to comply with the terms of this ordinance, with any condition of planning board approval, or with the terms of the recorded Subsidy Lien and Restrictive Covenant shall constitute default, which shall entitle, but which shall not obligate, the Municipality to undertake the following actions:

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2.3.5.9.1 Foreclosure on the Subsidy Lien, in accordance with RSA 479:19 et seq., provided that the Owner shall have 60 days after receiving written notice of default from the Municipality to fully correct the reasons for default identified by the Municipality in its notice; and

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2.3.5.9.2 Enforcement under RSA 676:17, 676:17-a, and 676:17-b.

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2.3.5.10 Conveyances to Non-Profit Housing Organizations

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Notwithstanding the foregoing, the Municipality may require that initial or subsequent conveyances of Affordable Housing Units be made to a non-profit organization of the Municipality's choice, where the primary purpose of the organization is to provide or facilitate the acquisition of housing that is affordable to low- and moderate-income households. The Municipality shall release its Right of First Refusal under Section 2.3.5.6 above upon such conveyance, provided that upon subsequent conveyance the organization acquires a similar right of first refusal. The Municipality shall also release its Subsidy Lien and Restrictive Covenant upon conveyance to such an organization. Conveyance to such an organization shall be made at the initial selling price in Section 2.3.5.3.3 or at the maximum resale price in Section 2.3.5.5.2, as appropriate.

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Londonderry Zoning Ordinance Use Table

											Overlay Districts						
	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	AD	WRO	POD - 102*	POD - 28*	CO	AH	AZ	FP	
RESIDENTIAL AND AGRICULTURAL																	
Agriculture	P	P															
Assisted Living Facilities		P	P	P	P						P	P					
Back Lot Development	C												See specific district regs.				
Dwelling, multi-family		P								P***							
Dwelling, single family	P	P			S					P***							
Dwelling, two-family	P	P			S					P***							
Elderly Housing	P	P	P	P	P	P					P	P					
Manufactured housing	P																
Mixed use residential						P											
Mobile homes	P																
Nursing Home and accessory uses		P	P	P	P						P	P					
Planned residential development	P																
Preexisting manufactured housing parks	P																
Presite Built Housing	P																
CIVIC USES																	
Community center			P	P		C											
Cemetery	P																
Public Facilities	P		P	P		C	P	P	P								
Public Utilities	P	P	P	P			S	S	S	P							
Recreational Facilities, Public	P			P							P	P					
Religious Facilities	P		P	P	P	P					P	P					
BUSINESS USES																	
Aeronautical Facilities									P								
Bed and Breakfast Homestay	P																
Business center development			P	P							P	P					
Day Care Center, Adult						C											
Drive-thru window as an accessory use			P	P													
Drive-in establishments			P	P													
Drive-in theatres				P													

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	AD	WRO	POD - 102*	POD - 28*	CO	AH	AZ	FP
Financial institution			P	P												
Funeral homes			P	P	P											
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	P		P	P	P		P	P	P							
Group Child Care Center					P	C	S	S			C	C				
Home Occupation	S															
Hotels				P												
Manufacturing, Heavy								P	P							
Manufacturing, Light				P			P	P	P							
Membership club			P	P												
Motels				P												
Motor Vehicle Maintenance, Major Repair and Painting								P	P							
Motor vehicle rental									P							
Motor Vehicle Station, Limited Service				P		C**			P							
Recreation, commercial			P	P							P	P				
Retail sales establishment			P	P		P					P	P				
Professional office			P	P	P	P	P	P	P		P	P				
Repair services			P	P		P	P	P	P		P	P				
Research Laboratory				P			P	P	P							
Restaurant			P	P		C			P		P	P				
Restaurant, fast food			P	P												
Sales of Heavy Equipment or Heavy Trucks as an accessory use							C	C								
School, Private					P						P	P				
Service establishment			P	P			P	P	P		P	P				
Sexually oriented businesses			P	P												
Storage, self serve				P			P	P			C	C				
Terminal, Airplane									P							
Terminal, Trucking								P	P							
Vehicle Sales Establishment				P												
Warehouse				P			P	P	P		C	C				
Wholesale establishment				P			P	P	P							

*Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use

**See section 2.4.1.2.4 for additional dimensional requirements related to fuel dispensers

*** See Section 2.3.3 for specific requirements (workforce housing)

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception