

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF DECEMBER 10, 2008 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Rick Brideau, Ex-Officio; John Farrell;
6 Kathy Wagner, Ex-Officio; Charles Tilgner, P.E., Ex-Officio; Rob Nichols; Lynn
7 Wiles; Mary Soares; Laura El-Azem; Chris Davies, alternate member; Melissa
8 Nemon, alternate member; Greg Warner, 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 7pm. A. Rugg appointed C. Davies to vote
14 for J. Farrell until he arrives, M. Nemon for L. El-Azem & G. Warner for M. Soares.
15

16 **Administrative Board Work**
17

18 A. Plans to sign - Reeds Ferry Site Plan
19

20 J. Trottier said all precedent conditions for approval have been met and the
21 staff recommends signing the plans.
22

23 [J. Farrell arrived at 7:05pm. C. Davies returned to alternate member
24 status.]
25

26 **R. Brideau made a motion to authorize the Chair and Secretary to**
27 **sign the plans. J. Farrell seconded the motion.** No discussion. **Vote on**
28 **the motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of
29 the meeting.
30

31 B. Plans to sign - Coca-Cola Expansion Site Plan
32

33 J. Trottier said all precedent conditions for approval have been met and the
34 staff recommends signing the plans.
35

36 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
37 **the plans. R. Brideau seconded the motion.** No discussion. **Vote on the**
38 **motion: 9-0-0.** A. Rugg said the plans will be signed at the conclusion of the
39 meeting.
40

41 C. Extension Request – Cider Mill
42

43 T. Thompson referenced the letter from Paul Morin, Tarkka Homes, stating
44 that they are very close to having the plans ready for signature, however
45 staff has not yet received a confirmed receipt from the Registry of Deeds that
46 the required easements have been recorded and until such time staff cannot
47 support signature of the plans. He said that because their extension does
48 expire tonight they have requested a one month extension to January 14,
49 2009 and staff does support the extension.

1
2 **J. Farrell made a motion to grant a one month extension to January**
3 **14, 2009. R. Brideau seconded the motion.** No discussion. **Vote on the**
4 **motion: 9-0-0.** Extension has been granted.

5
6 D. Regional Impact Determinations

7
8 T. Thompson stated that Tropic Star Development LLC is proposing a Gas
9 station (including a 3,520 s.f. convenience store, 1,500 s.f. donut shop, car
10 wash) on Map 16, Lots 72 & 73 and DiFava Realty, LLC is proposing a 13,480
11 sq ft office, warehouse, light mfg. on Map 15, Lot 62-3 and Vasilios & Georgia
12 Palaskas are proposing a 1,375 s.f. restaurant & ice cream shop on Map 15,
13 Lot 69.

14
15 T. Thompson said that staff recommends these three projects are not
16 developments of regional impact, as they do not meet any of the regional
17 impact guidelines suggested by Southern NH Planning Commission (SNHPC).

18
19 **J. Farrell made a motion to accept staff recommendations that these**
20 **three projects are determined not to be of regional impact under RSA**
21 **36:56. K. Wagner seconded the motion.** No discussion. **Vote on the**
22 **motion: 9-0-0.** Regional impact determinations accepted.

23
24 E. Signing of Minutes – November 5 & 12

25
26 Minutes for November 5 and 12 have been signed.

27
28 F. Discussions with Town Staff

29
30 [L. El-Azem arrived at 7:12pm. M. Nemon returned to alternate member
31 status.]

32
33 A. Garron said he attended a meeting with Metro Center-NH regarding
34 workforce housing. He noted some examples of people making a moderate
35 income that are finding a difficult time finding affordable housing in town.
36 He hopes that Londonderry will be able to provide affordable workforce
37 housing in the future.

38
39 [M. Soares arrived at 7:14pm. G. Warner returned to alternate member
40 status.]

41
42 T. Thompson reminded everyone that the joint workshop for the Heritage
43 Commission on the Historic Overlay District is scheduled for Jan 22 at 7pm
44 (place To Be Determined, likely High School or Middle School Cafeteria).

45

1 **Cont'd Plans/Workshops/Public Hearings/Conceptual Discussions**

2
3 A. Crowells Corner Properties, LLC (Nutfield Publishing), Map 12, Lot 68 -
4 Application Acceptance and Public Hearing for a Site Plan for a change in use
5 from residential to commercial office.

6
7 T. Thompson stated that there were no checklist items, and staff
8 recommended the application be accepted as complete.

9
10 **J. Farrell made a motion to accept the application as complete. R.**
11 **Brideau seconded the motion. No discussion. Vote on the motion: 9-0-**
12 **0. Application accepted as complete.**

13
14 Bill Gregsak, Gregsak Engineering, presented their plans. The building will be
15 used for office space. They are proposing additional screening to provide
16 privacy to the abutters and are therefore requesting waivers for drainage and
17 setbacks. There will be 17 parking spaces.

18
19 J. Trottier summarized the design review items from the DPW/Stantec memo.
20 He read the two waivers into the record from the Staff Recommendation
21 memo.

22
23 1. The Applicant's proposed drainage system design indicates an increase in
24 runoff will occur at Mammoth Road (NH Route 128) under the 25-year
25 storm (pre= 0.61 cfs vs. post= 1.32 cfs), which does not comply with
26 Section 3.07 of the regulations. The Applicant is requesting a waiver for
27 the increase in runoff to Mammoth Road. The Town has received
28 verification from NHDOT that they would accept the additional runoff of
29 less than 1cfs from this site.

30
31 2. The revised landscape plan does not appear to provide the minimum
32 number of trees in accordance with section 3.11.g of the regulations. The
33 Applicant is requesting a waiver to this requirement.

34
35 T. Thompson said staff recommends conditional approval as outlined in the
36 staff recommendation memo, and noted that the project will require a
37 certificate of approval from the Historic District Commission, as the lot will
38 become part of the Historic District as part of the rezoning of the parcel.

39
40 A. Rugg asked for public input, but there was none.

41
42 **J. Farrell made a motion to grant the waivers to section 3.07 & 3.11.g**
43 **based on the applicant's letter and staff recommendation. R. Brideau**
44 **seconded the motion. No discussion. Vote on the motion: 9-0-0.**
45 **Waivers granted.**

1
2 **J. Farrell made a motion to conditionally approve the site plan with**
3 **the following conditions:**
4

5 "Applicant", herein, refers to the property owner, business owner, or
6 organization submitting this application and to his/its agents, successors, and
7 assigns.
8

9 **PRECEDENT CONDITIONS**

10 All of the precedent conditions below must be met by the Applicant, at the
11 expense of the Applicant, prior to certification of the plans by the Planning
12 Board. Certification of the plans is required prior to commencement of any
13 site work, any construction on the site or issuance of a building permit.
14
15

- 16 1. The Applicant's detail for the paved ramp located between the parking
17 lot and existing walk on sheet 6 indicates the curb will remain that does
18 not provide a proper accessible route. The Applicant shall remove the
19 curb in this location to provide proper access and update all applicable
20 plans as necessary. In addition, the Applicant shall label the sidewalk
21 width for proper construction and provide a minimum 8" of crushed
22 gravel under the sidewalk in accordance with the regulations.
23
- 24 2. The Applicant shall address the following in the plan set:
25 A. The Applicant shall provide a detail in the plan set of the grass
26 lined treatment area indicated on the Grading - Drainage and
27 Utilities Plan - sheet 3 - for proper construction.
28 B. The Applicant shall provide a typical driveway apron in accordance
29 with NHDOT requirements for proper construction.
30
- 31 3. The Applicant shall obtain a Certificate of Approval from the Historic
32 District Commission (per the conditional rezoning of the parcel to C-
33 III/Historic District) prior to final approval of the site plan by the
34 Planning Board.
35
- 36 4. Note all waivers granted on the plan.
37
- 38 5. The Applicant shall provide a digital (electronic) copy of the complete
39 final plan sent to the Town at the time of signature by the Board in
40 accordance with Section 2.05.n of the regulations.
41
- 42 6. Outside consultant's fees shall be paid within 30 days of approval of
43 plan.
44
- 45 7. Financial guaranty if necessary.
46
- 47 8. Final engineering review
48

49 **PLEASE NOTE -** Once these precedent conditions are met and the plans are
50 certified the approval is considered final. If these conditions are not met

1 within 120 days to the day of the meeting at which the Planning Board grants
2 conditional approval the board's approval will be considered to have lapsed
3 and re-submission of the application will be required. See RSA 674:39 on
4 vesting.

5
6 **GENERAL AND SUBSEQUENT CONDITIONS**

7
8 All of the conditions below are attached to this approval.

- 9
10 1. The Applicant shall obtain final site plan approval from the Town of
11 Hudson prior to commencement of construction on the property.
12
13 2. **No construction or site work for the amended site plan may be**
14 **undertaken until the pre-construction meeting with Town staff**
15 **has taken place, filing of an NPDES-EPA Permit and the site**
16 **restoration financial guaranty is in place with the Town.** Contact
17 the Department of Public Works to arrange for this meeting.
18
19 3. The project must be built and executed exactly as specified in the
20 approved application package unless modifications are approved by the
21 Planning Division & Department of Public Works, or if staff deems
22 applicable, the Planning Board.
23
24 4. All of the documentation submitted in the application package by the
25 Applicant and any requirements imposed by other agencies are part of
26 this approval unless otherwise updated, revised, clarified in some
27 manner, or superseded in full or in part. In the case of conflicting
28 information between documents, the most recent documentation and
29 this notice herein shall generally be determining.
30
31 5. All site improvements must be completed prior to the issuance of a
32 certificate of occupancy. In accordance with Section 6.01.d of the Site
33 Plan Regulations, in circumstances that prevent landscaping to be
34 completed (due to weather conditions or other unique circumstance),
35 the Building Division may issue a certificate of occupancy prior to the
36 completion of landscaping improvements, if agreed upon by the
37 Planning Division & Public Works Department, when a financial
38 guaranty (see forms available from the Public Works Department) and
39 agreement to complete improvements are placed with the Town. The
40 landscaping shall be completed within 6 months from the issuance of
41 the certificate of occupancy, or the Town shall utilize the financial
42 guaranty to contract out the work to complete the improvements as
43 stipulated in the agreement to complete landscaping improvements.
44 **No other improvements shall be permitted to use a financial**
45 **guaranty for their completion for purposes of receiving a**
46 **certificate of occupancy.**
47
48 6. As built site plans must be submitted to the Public Works
49 Department prior to the release of the Applicant's financial guaranty.
50

1 7. All required Traffic impact fees (including those for the
2 Litchfield/Mammoth/ Bartley Hill/ Stonehenge Road Intersection) must
3 be paid prior to the issuance of a Certificate of Occupancy.
4

5 8. It is the responsibility of the Applicant to obtain all other local, state,
6 and federal permits, licenses, and approvals which may be required as
7 part of this project (that were not received prior to certification of the
8 plans). Contact the Building Division at extension 115 regarding
9 building permits.
10

11 **R. Brideau seconded the motion.** No discussion. **Vote on the motion: 9-**
12 **0-0.** Plan is conditionally approved.
13

- 14 B. Londonderry Historical Society, Map 6, Lot 18-1 -Public Hearing for
15 amendments to Conditionally Approved Plan of the 1725 Proctor-Morrison-
16 Perry House at the Londonderry Historical Society site.
17

18 David Colglazier, Londonderry Historical Society, presented their plans. He
19 said that due to the amount of ledge they have discovered it is necessary to
20 make some changes to the originally approved site plan to allow for a full
21 basement. They propose to use packed stone vs. a gravel path and to build
22 some stairs at the front entrance.
23

24 J. Trottier referenced the memo with staff recommendations.
25 T. Thompson said staff is recommending final approval and signature of the
26 plans, as the conditions of the original approval are met with the amended
27 plan.
28

29 A. Rugg asked for public input, but there was none.
30

31 **J. Farrell made a motion to grant final approval on the Amendment to**
32 **the approved site plan and recommend that the Chair and Secretary**
33 **sign the plans at the conclusion of the meeting. R. Brideau seconded**
34 **the motion.** No discussion. **Vote on the motion: 9-0-0.** Plan is approved
35 and will be signed at the conclusion of the meeting tonight.
36

- 37 C. Flexible Industrial District - Zoning Ordinance Amendments Public Hearing
38

39 **ZONING ORDINANCE AMENDMENTS**

40 T. Thompson presented the proposed amendments. (See attachment #1)

41 A. Garron said that we have been working on this since 2005. He said that
42 they did receive a letter from Attorney Lazos and they did incorporate some
43 of their proposed changes.
44

45 A. Rugg asked for public input.
46

47 Morgan Hollis, attorney from Gottesman & Hollis, represented TANA
48 Properties Limited Partnership and Ballinger Properties who have properties
49 within the proposed district. He said that the Pettengil Road is proposed to go
50 through his clients properties and they feel that it would have a negative

1 impact on their properties. His clients are concerned about which lots are
2 included. His client has a lot that is currently split zoned AR-I and I-II and
3 they would like to see that entirely changed to FI.
4

5 Mike Speltz, Conservation Commission, pointed out the wildlife corridor in
6 regards to the property in question.
7

8 M. Hollis said his client has mentioned an interest in multi-family housing for
9 that parcel, if it becomes part of the FI district.

10 M. Hollis also noted that his client would like lot 28-20-5 to be included in the
11 FI district as well. A. Garron agreed on this proposal.
12

13 M. Hollis said they would also like parcel 14-36 included in the FI district.
14 He also asked about clarification of the standards for section 2.5.3.2.
15

16 T. Thompson said our town attorney reviewed this section and gave his
17 approval. J. Farrell suggested having our town attorney review the standards
18 again.
19

20 M. Hollis also asked about the possibility of multi-family housing within an FI
21 district. He also said he would like to see the limitations on the size of
22 buildings within an FI district changed to a wider scope.
23

24 A. Garron said we want the limitations to attract individual businesses vs.
25 strip malls. K. Wagner said that as a Town Council member she would be
26 against a grant for Pettengil Road if it was designated for only small
27 businesses.
28

29 M. Hollis said his client is concerned about the Conditional Use Permit for
30 larger parcels.
31

32 A. Garron said that LEED (Leadership in Energy and Environmental Design)
33 and TDM (Transportation Demand Management) would attract more potential
34 business.
35

36 J. Farrell asked A. Garron to find out how much it adds to the development
37 costs for a parcel to be LEED and TDM.
38

39 Attorney Nicholas Lazos, representing the King Family Trust.

40 He said that his clients parcel consists of about 90 acres. They feel that the FI
41 district should change the types of business they are looking for. He said the
42 trends are leaning to things like, movie cinemas, restaurants, etc.

43 He said that industrial is leaving NH and the northeast, due to energy and
44 efficiency costs. He said that a lot of industrial business is leaving the country
45 to cut operating costs. He suggested improving performance concepts
46 (expanding buffering, shared driveway access, etc). He would like to see
47 more of a mixed use village vs industrial use. He also suggested that the
48 town look at signage process for the Pettengil Road. He recommended
49 looking at Bedford's performance zoning, which is very flexible and includes
50 mixed uses.

1
2 John Michaels, resident, said he feels that before we move toward LEED
3 certified buildings and engineers, we should be careful as to the outcome. He
4 also said that some areas of the country that have mixed uses, have walkable
5 areas that make commuting/working very appealing.

6
7 Mike Speltz, Conservation Commission said he works in a LEED certified
8 building. In his opinion, LEED is feasible if a business plans to be here for the
9 long haul.

10 A. Rugg suggested that staff holds another workshop.

11
12 *A. Rugg announced that the Board would hear item F first and then item D.*

13
14 F. Claudette Adams - Conceptual Discussion

15
16 A. Rugg read the minutes from 10/8/08 in regards to Alamo Fireworks.
17 Gerard Adams, Hall Road, asked how the town arrived at 365' of sight
18 distance. J. Trottier said it was determined according to the AASHTO
19 standards for safety. G. Adams said he wants to understand why some site
20 plans are allowed waivers/variances to the sight distance requirements. J.
21 Farrell said these requests are addressed on a case-by-case basis and many
22 different situations are considered when the Board decides on whether or not
23 to grant waivers/variances. A. Rugg suggested that if they have a concern
24 about traffic safety that they should contact the traffic safety committee (i.e.
25 Chief Joe Ryan).

26
27 *A. Rugg announced that the Board would hear item E first and then item D.*

28
29 E. Workforce Housing - Workshop Discussion

30
31 T. Thompson gave the Board a quick overview of the laws regarding
32 workforce housing. (See attachment #2)

33
34 John Michaels, workforce taskforce, gave the Board a summary of their
35 research and how this would apply to Londonderry. (See attachment #3)

36
37 Al Baldasaro, housing task force, said that a speaker at one of their meetings
38 noted that even Doctors have to use vouchers to be able to afford housing in
39 town. He said that we need to address this.

40
41 Marty Bove, 3 Tinkham Lane (& housing task force), said there are many
42 different size parcels in town. It's obvious that if we can address density,
43 build neighborhoods, etc. perhaps a developer would see that they can make
44 a profit from providing affordable housing.

45
46 T. Thompson said that staff is recommending that we address this as a
47 workshop at the second Planning Board meeting of every month until the
48 issue has been resolved.

1
2 Joseph DeCarolus, consultant for EmLu Realty, said he would like to change
3 his plans for Stonehenge Road from affordable elderly housing to affordable
4 housing. He said that the decrease in NH tax credits make it difficult to
5 develop an affordable elderly housing plan. He said that if he could change
6 the percentage of elderly (one bedroom) vs family (two bedroom) units it
7 would be enough to compensate the loss of tax credits. He spoke with Jim
8 Minehan, NH Housing, who told him that family housing would be qualified for
9 the tax credits. He asked the Board if they could revise their plans from
10 affordable elderly to affordable family housing.

11
12 Consensus of the Board was to be in favor of changing his plans to affordable
13 family housing.

14
15 D. Zoning Ordinance Amendments Workshop - Fence regulations requested by
16 Building Division

17
18 T. Thompson gave an overview of the fence regulations. (See attachment #4)
19 Consensus of the Board was to discuss this item in January with Richard
20 Canuel of the Building Division present to answer questions.

21
22 **Other Business**

23
24 None.


25
26 **Adjournment:**

27
28 **J. Farrell made a motion to adjourn the meeting. M. Soares seconded the**
29 **motion.** No discussion. **Vote on the motion: 9-0-0.** Meeting adjourned at
30 11:34pm.

31
32
33
34 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

35
36
37
38 Respectfully Submitted,

39
40
41
42 Mary Wing Soares, Secretary
43

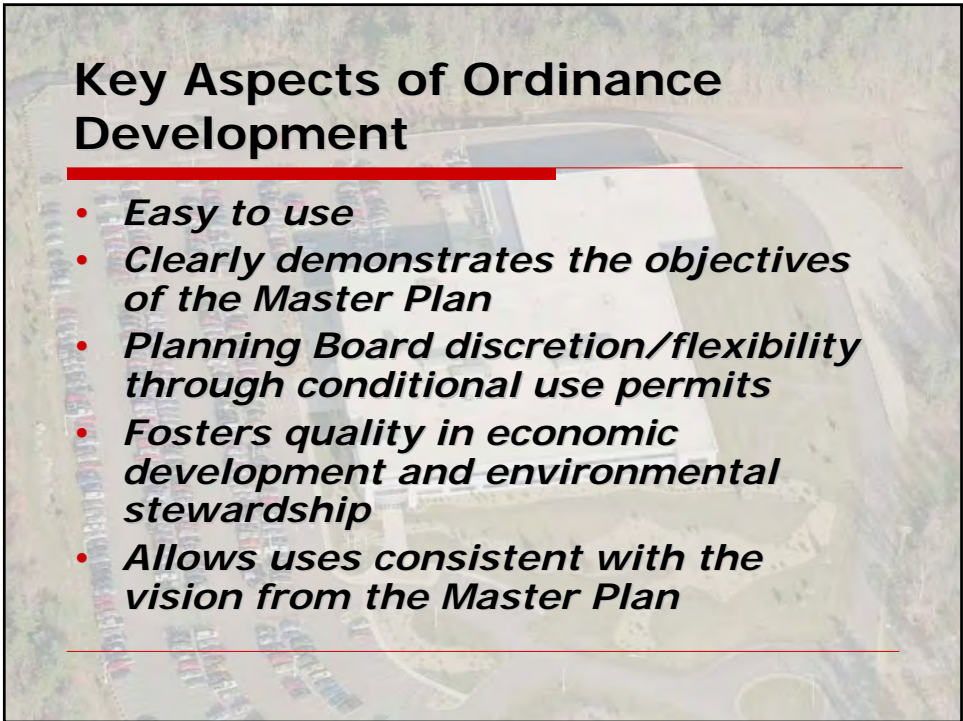


FI District

Zoning Ordinance Amendments

Public Hearing

December 10, 2008



Key Aspects of Ordinance Development

- *Easy to use*
- *Clearly demonstrates the objectives of the Master Plan*
- *Planning Board discretion/flexibility through conditional use permits*
- *Fosters quality in economic development and environmental stewardship*
- *Allows uses consistent with the vision from the Master Plan*

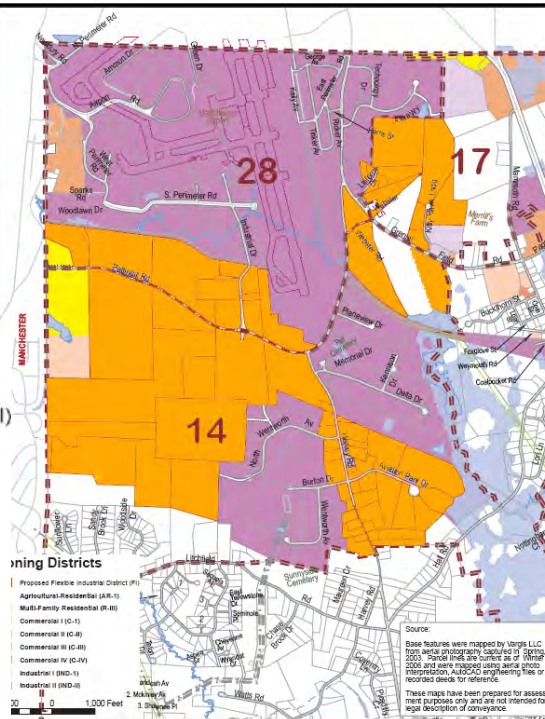
Summary of Proposed Ordinance

- Amend the Permitted Use Table to add uses associated with the new Flexible Industrial District and add new Section 2.2.2, FI District Services Use Table.
- Amend Section 2.5, Industrial District to add new Section 2.5.1.2.3 – Flexible Industrial District.
- Amend Section 2.5.2.5 to correspond to current process for review of projects in the Airport District.
- Amend Section 2.5, Industrial District to add new Section 2.5.3 – Flexible Industrial District (including the objectives & characteristics and standards of development within the new district).
- Amend the Zoning Map to rezone lots in the Airport/Pettingill Road Area to the new FI District.

Map of Prop

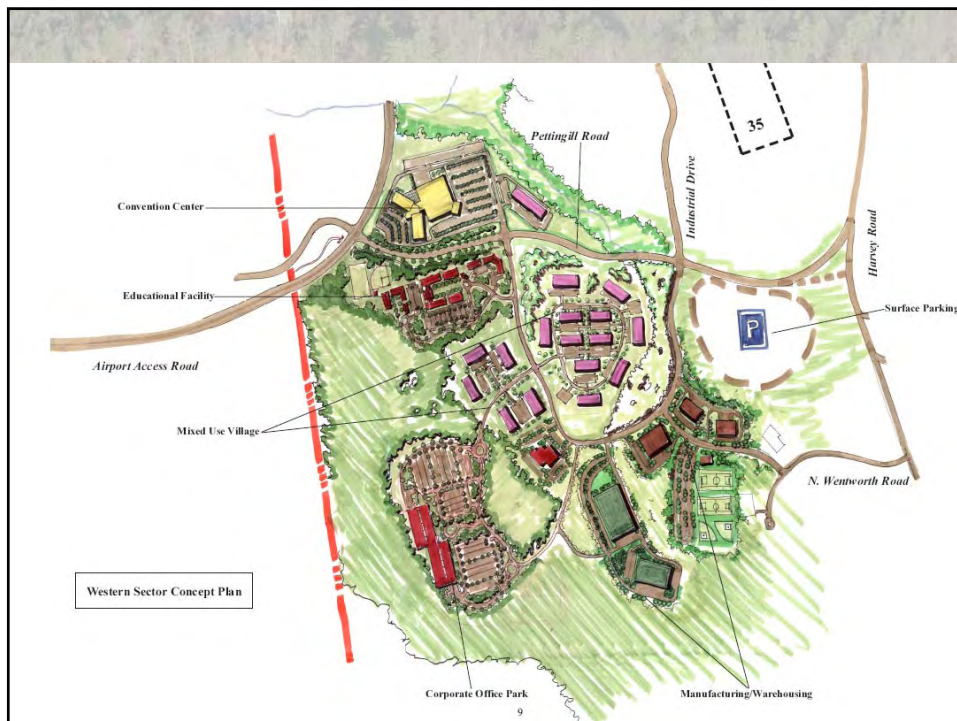
Zoning Districts

-  Proposed Flexible Industrial District (FI)
-  Agricultural-Residential (AR-1)
-  Multi-Family Residential (R-III)
-  Commercial I (C-1)
-  Commercial II (C-II)
-  Commercial III (C-III)
-  Commercial IV (C-IV)
-  Industrial I (IND-1)
-  Industrial II (IND-II)



List of Proposed FI District Lots

- Map 14: Lots 11, 25A, 25C, 26, 27, 28, 29, 29-1, 29-10, 29-11, 29-12, 29-13, 29-14, 29-16, 29-17, 29-2, 29-3, 30, 31, 31-1, 32, 35 (I-II portion only), 36, 38, 39 (I-II portion only), 41, 42, 42-1, 42A, 43, 44-11, 44-2, 44-4, 44-5, 44-6, 44-7, 44-8, 45, 45-1, 45-2, 45A, 46, 47, 49 (I-II portion only).
- Map 17: Lots 2, 4 (I-II portion only), 5-3, 5-4, 5-5, 5-6.
- Map 28: Lots 15, 17, 17-2, 17-3, 17-4, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 25, 29-2, 29-3, 29-5, 29-6




Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	FI	AD	POB - 102*	POB - 28*	CO	AH	AZ	FP
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use									C							
Professional office up to 150,000 sq. ft.			P	P	P	P	P	P	C	P	P	P				
Professional office 150,001 sq. ft. or larger			P	P	P	P	P	P	C	P	P	P				
Rental Car Terminal up to 50,000 sq. ft.									P							
Rental Car Terminal 50,001 sq. ft. or larger									C							
Repair services			P	P		P	P	P		P	P	P				
Research or Development Laboratories up to 250,000 sq. ft.				P			P	P	C	P						
Research or Development Laboratories 250,001 sq. ft. or larger				P			P	P	C	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	C							
School, Private					P						P	P				
Service establishment			P	P			P	P		P	P	P				
Sexually oriented businesses			P	P									C	C		
Storage, self serve				P			P	P								
Terminal, Airplane									P	P						
Terminal, Trucking up to 100,000 sq. ft.								P	P	P						
Terminal, Trucking 100,001 sq. ft. or larger								P	C	P						
Vehicle Sales Establishment				P												
Warehouses and Storage up to 250,000 sq. ft.				P			P	P	C	P	C	C				
Warehouses and Storage 250,001 sq. ft. or larger				P			P	P	C	P	C	C				
Wholesale Businesses up to 250,000 sq. ft.				P			P	P	C	P						
Wholesale Businesses 250,001 sq. ft. or larger				P			P	P	C	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.B.4 for additional dimensional requirements related to fuel dispensers

P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

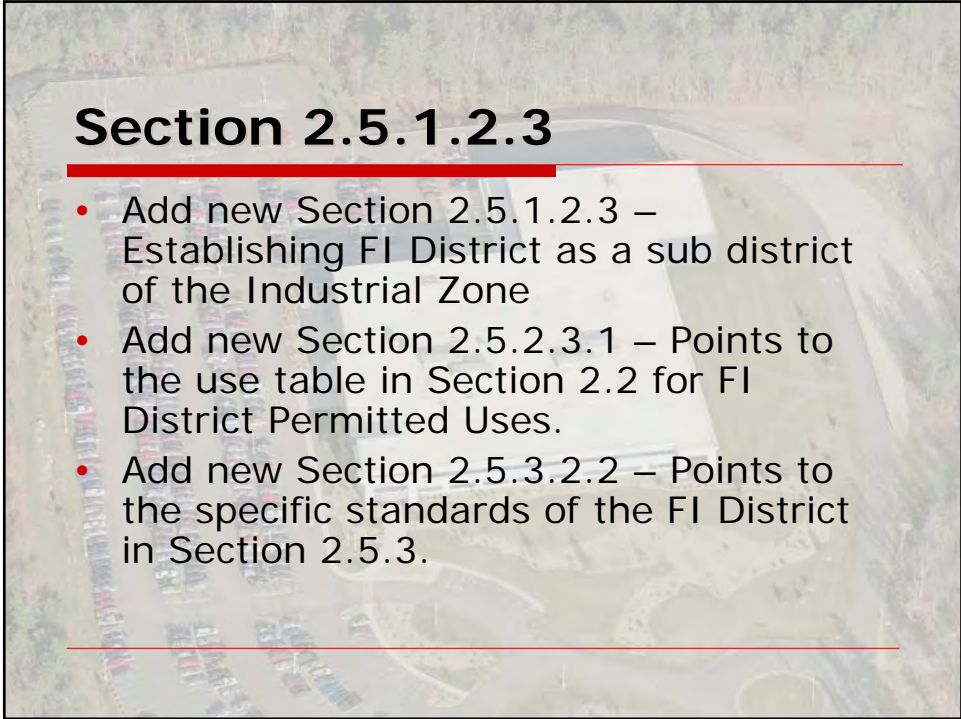


FI District Services Use Table	FI
Accessory Uses up to 3,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	P
Accessory Uses from 3,001 – 20,000 sq. ft. Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	C
Automotive Repair up to 3,000 sq. ft.	P
Automotive Repair from 3,001 to 10,000 sq. ft.	C
Computer Services up to 3,000 sq. ft.	P
Computer Services from 3,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 3,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 3,001 to 10,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 3,000 sq. ft.	P
Daycare from 3,001 to 10,000 sq. ft.	C
Health Clubs up to 3,000 sq. ft.	P
Health Clubs from 3,001 to 10,000 sq. ft.	C
Personal Service Businesses up to 3,000 sq. ft.	P
Personal Service Businesses from 3,001 to 10,000 sq. ft.	C

Section

• Add ne

se Table.



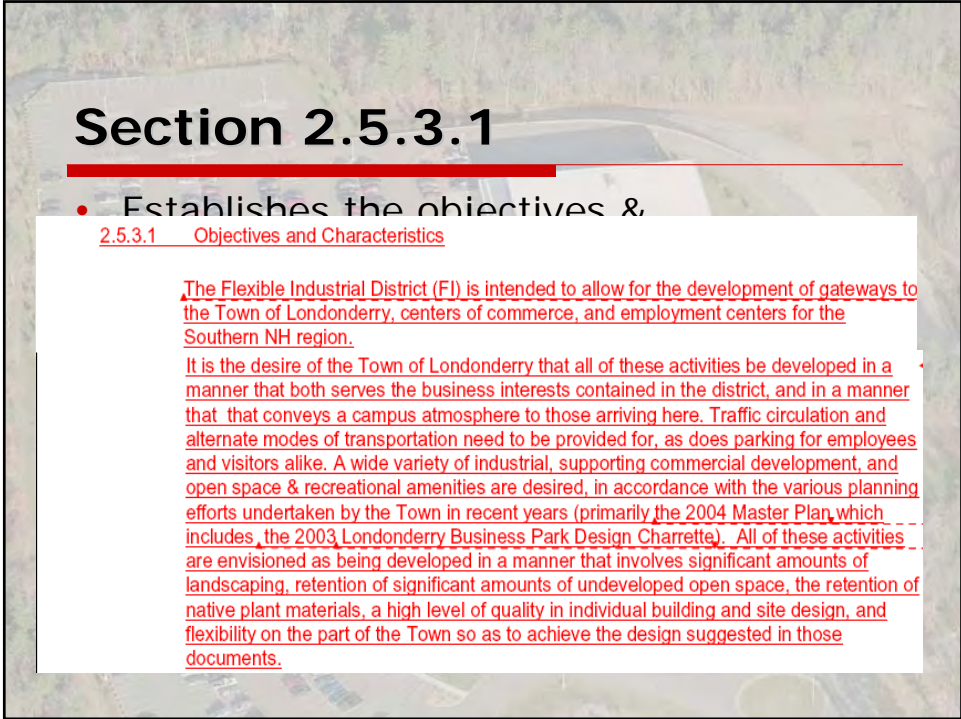
Section 2.5.1.2.3

- Add new Section 2.5.1.2.3 – Establishing FI District as a sub district of the Industrial Zone
 - Add new Section 2.5.2.3.1 – Points to the use table in Section 2.2 for FI District Permitted Uses.
 - Add new Section 2.5.3.2.2 – Points to the specific standards of the FI District in Section 2.5.3.
-



Section 2.5.3

- Establishes section of the ordinance for the FI District
-



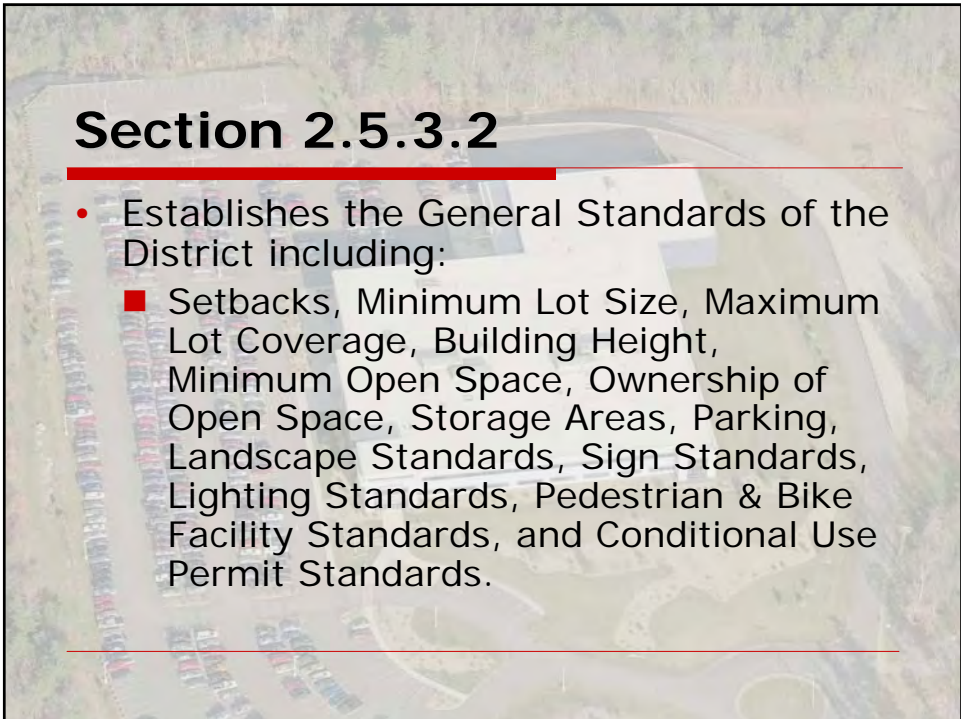
Section 2.5.3.1

- Establishes the objectives &

2.5.3.1 Objectives and Characteristics

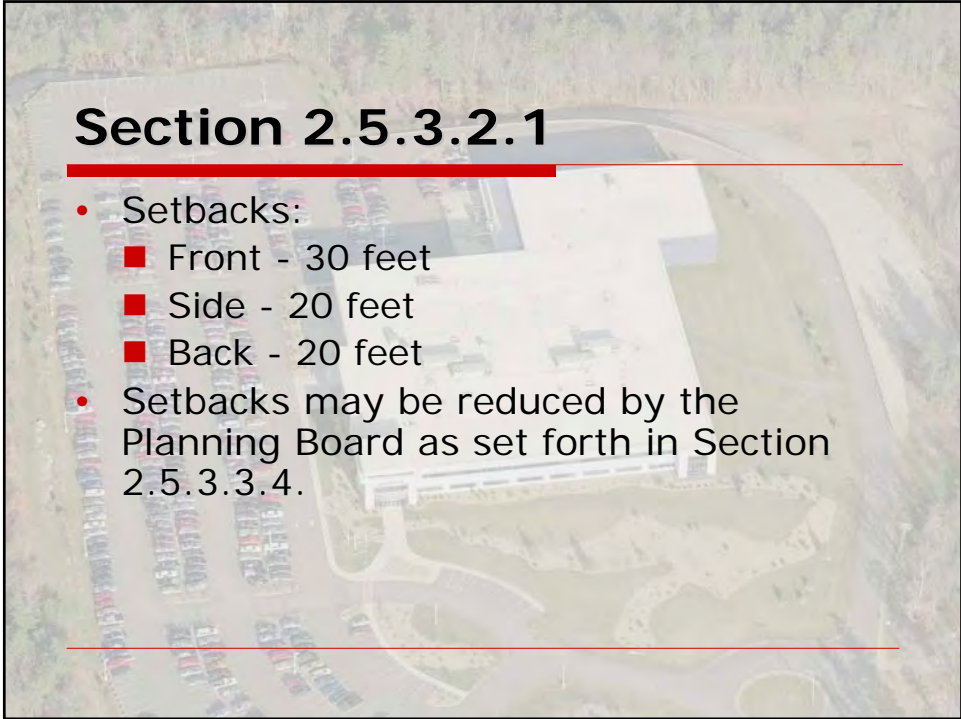
The Flexible Industrial District (FI) is intended to allow for the development of gateways to the Town of Londonderry, centers of commerce, and employment centers for the Southern NH region.

It is the desire of the Town of Londonderry that all of these activities be developed in a manner that both serves the business interests contained in the district, and in a manner that conveys a campus atmosphere to those arriving here. Traffic circulation and alternate modes of transportation need to be provided for, as does parking for employees and visitors alike. A wide variety of industrial, supporting commercial development, and open space & recreational amenities are desired, in accordance with the various planning efforts undertaken by the Town in recent years (primarily the 2004 Master Plan, which includes the 2003 Londonderry Business Park Design Charrette). All of these activities are envisioned as being developed in a manner that involves significant amounts of landscaping, retention of significant amounts of undeveloped open space, the retention of native plant materials, a high level of quality in individual building and site design, and flexibility on the part of the Town so as to achieve the design suggested in those documents.



Section 2.5.3.2

- Establishes the General Standards of the District including:
 - Setbacks, Minimum Lot Size, Maximum Lot Coverage, Building Height, Minimum Open Space, Ownership of Open Space, Storage Areas, Parking, Landscape Standards, Sign Standards, Lighting Standards, Pedestrian & Bike Facility Standards, and Conditional Use Permit Standards.
-



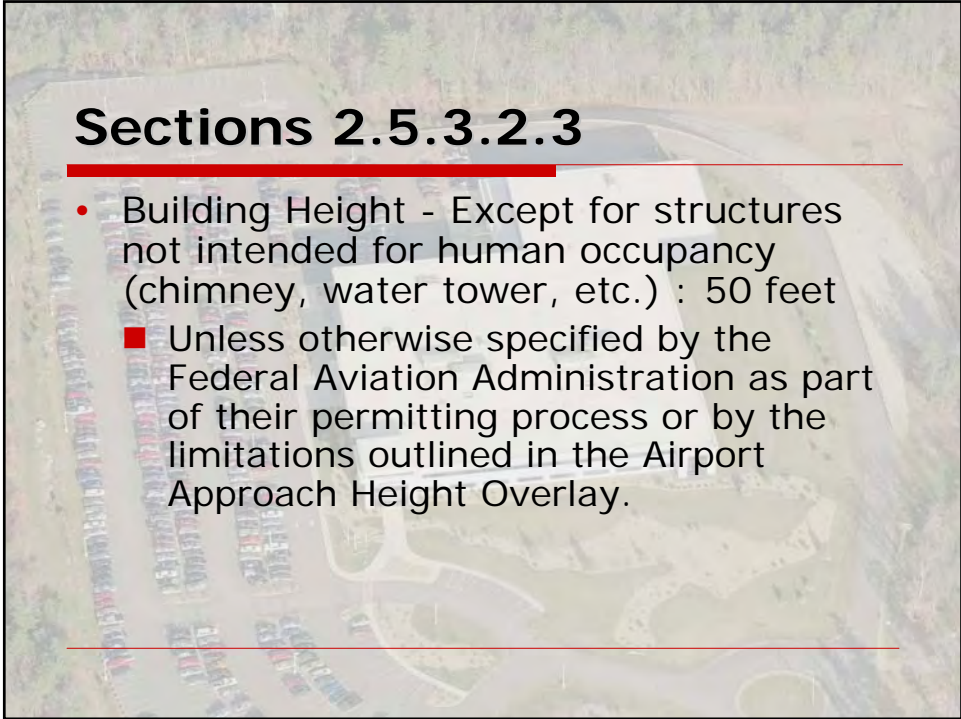
Section 2.5.3.2.1

- Setbacks:
 - Front - 30 feet
 - Side - 20 feet
 - Back - 20 feet
 - Setbacks may be reduced by the Planning Board as set forth in Section 2.5.3.3.4.
-



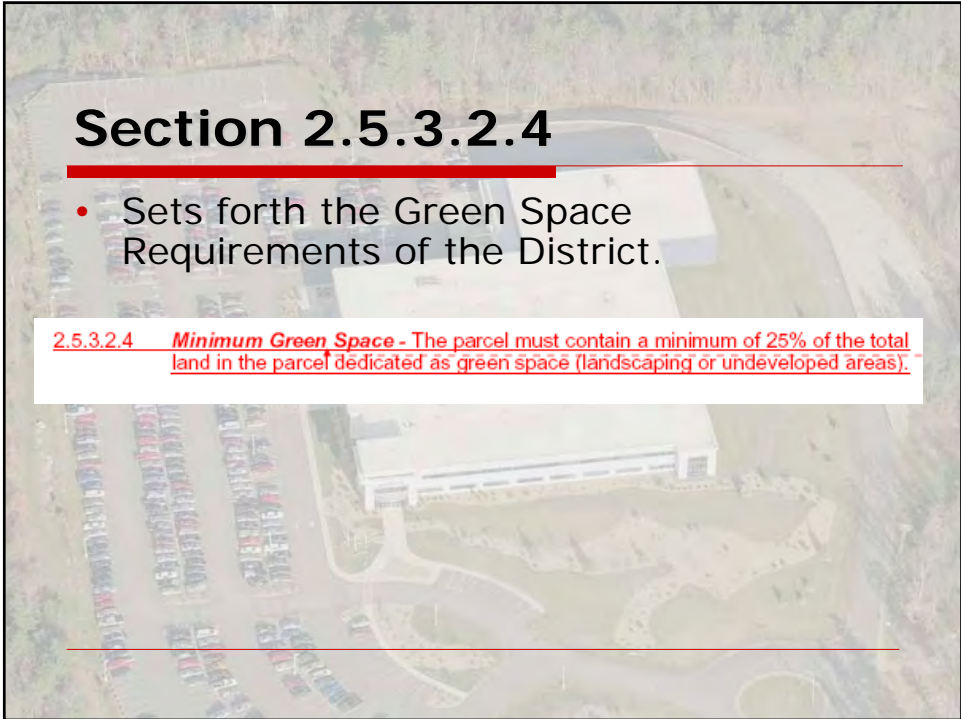
Section 2.5.3.2.2

- Minimum lot size in the FI District is subject to Planning Board approval based on such requirements as parking, lighting, building size, sewage disposal requirements, soil types, topography, vehicular and non-vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre (43,560 sq. ft.) with at least one hundred fifty (150) feet of frontage on a Class V or better road.
-



Sections 2.5.3.2.3

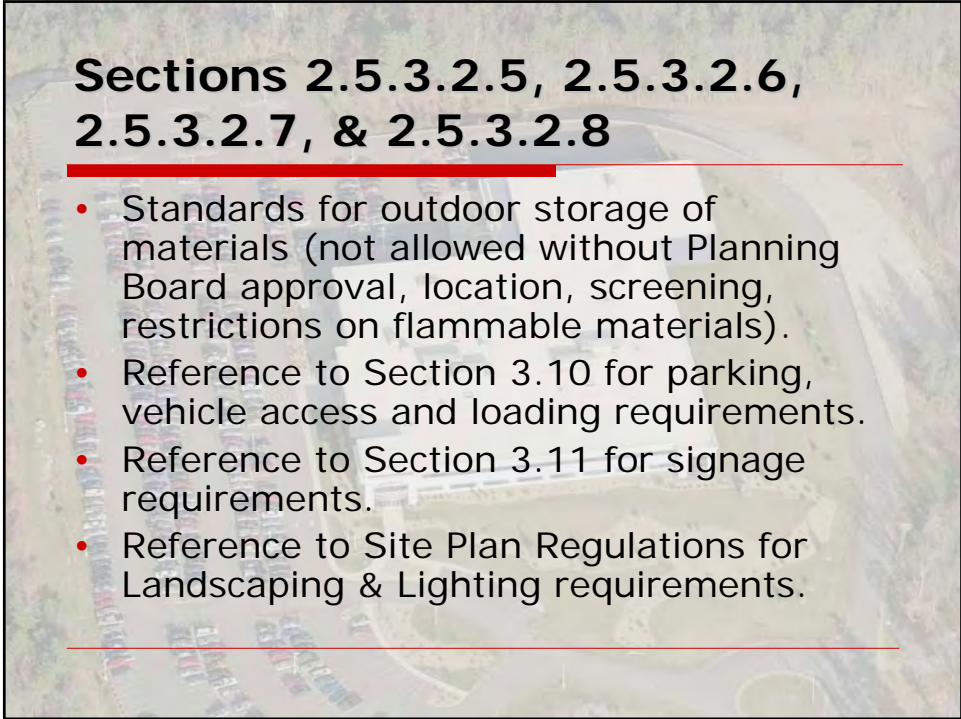
- Building Height - Except for structures not intended for human occupancy (chimney, water tower, etc.) : 50 feet
 - Unless otherwise specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay.
-



Section 2.5.3.2.4

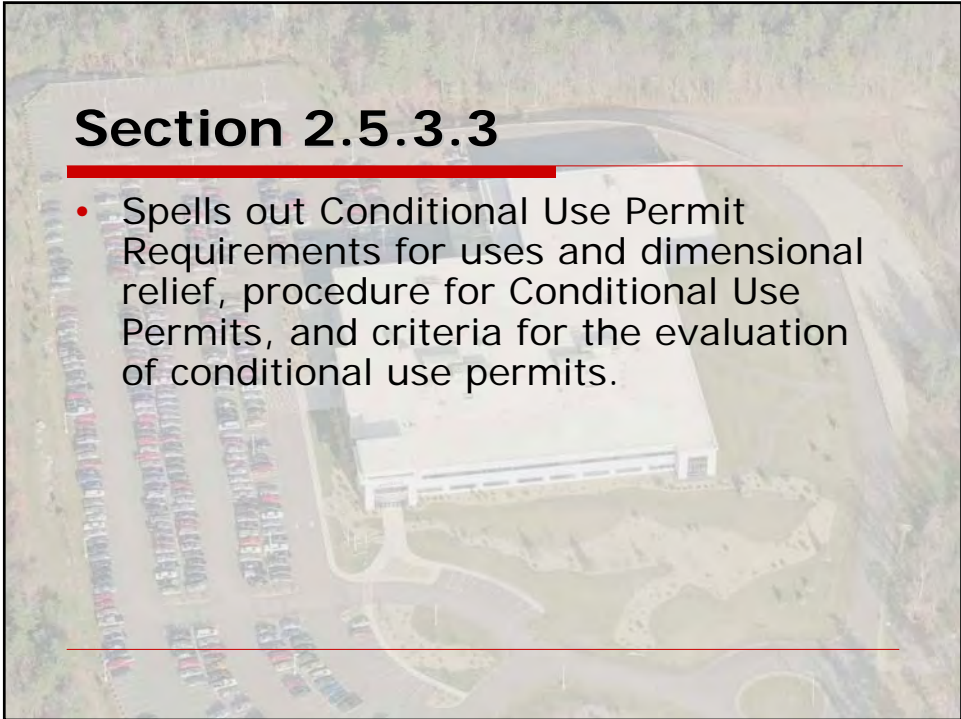
- Sets forth the Green Space Requirements of the District.

2.5.3.2.4 **Minimum Green Space** - The parcel must contain a minimum of 25% of the total land in the parcel dedicated as green space (landscaping or undeveloped areas).



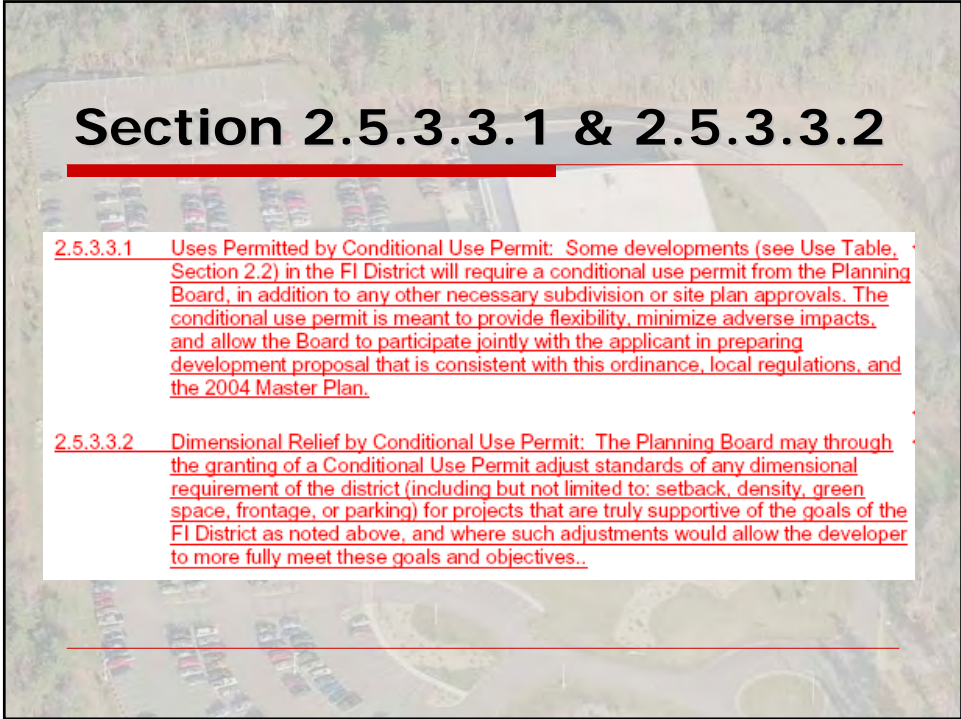
Sections 2.5.3.2.5, 2.5.3.2.6, 2.5.3.2.7, & 2.5.3.2.8

- Standards for outdoor storage of materials (not allowed without Planning Board approval, location, screening, restrictions on flammable materials).
 - Reference to Section 3.10 for parking, vehicle access and loading requirements.
 - Reference to Section 3.11 for signage requirements.
 - Reference to Site Plan Regulations for Landscaping & Lighting requirements.
-



Section 2.5.3.3

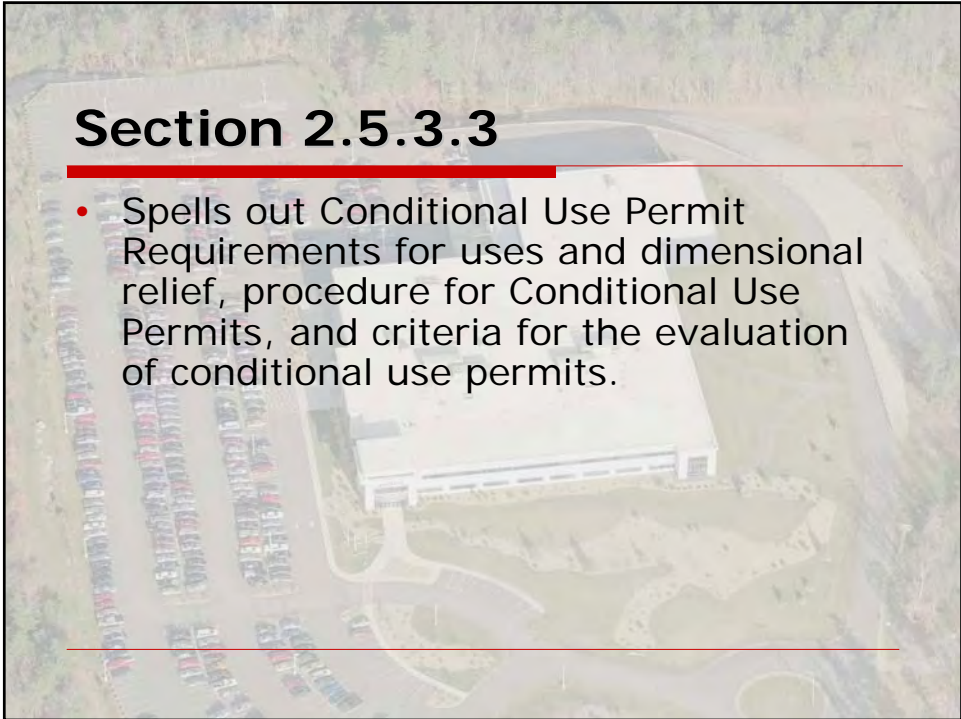
- Spells out Conditional Use Permit Requirements for uses and dimensional relief, procedure for Conditional Use Permits, and criteria for the evaluation of conditional use permits.
-



Section 2.5.3.3.1 & 2.5.3.3.2

2.5.3.3.1 Uses Permitted by Conditional Use Permit: Some developments (see Use Table, Section 2.2) in the FI District will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, and the 2004 Master Plan.

2.5.3.3.2 Dimensional Relief by Conditional Use Permit: The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, frontage, or parking) for projects that are truly supportive of the goals of the FI District as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives..



Section 2.5.3.3

- Spells out Conditional Use Permit Requirements for uses and dimensional relief, procedure for Conditional Use Permits, and criteria for the evaluation of conditional use permits.
-

Section 2.5.3.3.6

2.5.3.3.7 In addition to the criteria from Section 2.5.3.3.6, the applicant shall demonstrate that at least 2 of the following items is demonstrated:

- 2.5.3.3.7.1 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.
- 2.5.3.3.7.2 The proposed development of the property is determined to meet the "Certified" level of LEED (Leadership in Energy and Environmental Design) Certification or higher (Silver, Gold, or Platinum). The project need not actually receive LEED certification, but must be able to demonstrate that the project would meet the "certified" level of certification criteria.
- 2.5.3.3.7.3 The proposed development incorporates Transportation Demand Management (TDM) techniques in the proposed operation of the facility (Such as car/vanpooling or rideshare programs, establishment of a Transportation Management Authority, establishment of bus or transit service or contribution towards the establishment of a bus or transit service, flex-time work schedules, etc. For more examples of TDM strategies see <http://www.vtpi.org/tdm/>). The applicant shall provide documentation to the Town outlining the types of TDM methods proposed, and documentation to ensure the continued use of the TDM methods meeting the approval of the Planning Board.

Town of Londonderry, New Hampshire

LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 10th day of December, 2008, at 7:00 PM on proposed amendments to the Londonderry Zoning Ordinance and Zoning Map.

The proposed amendments were prepared by the Planning Department and Planning Board to amend the Permitted Use Table (Section 2.2) and Industrial District (Section 2.5) of the Ordinance. The proposed changes are a result of implementing the recommendations of both the 2004 Master Plan.

The proposed changes are summarized as follows:

- Amend the Permitted Use Table to add uses associated with the new Flexible Industrial District and add new Section 2.2.2, FI District Services Use Table.
- Amend Section 2.5, Industrial District to add new Section 2.5.1.2.3 – Flexible Industrial District.
- Amend Section 2.5, Industrial District to add new Section 2.5.3 – Flexible Industrial District (including the objectives & characteristics and standards of development within the new district).
- Amend the Zoning Map to rezone the following lots to the new FI District:
 - On Map 14: Lots 11, 25A, 25C, 26, 27, 28, 29, 29-1, 29-10, 29-11, 29-12, 29-13, 29-14, 29-16, 29-17, 29-2, 29-3, 30, 31, 31-1, 32, 35 (I-II portion only), 36, 38, 39 (I-II portion only), 41, 42, 42-1, 42A, 43, 44-11, 44-2, 44-4, 44-5, 44-6, 44-7, 44-8, 45, 45-1, 45-2, 45A, 46, 47, 49 (I-II portion only).
 - On Map 17: Lots 2, 4 (I-II portion only), 5-3, 5-4, 5-5, 5-6.
 - On Map 28: Lots 15, 17, 17-2, 17-3, 17-4, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 25, 29-2, 29-3, 29-5, 29-6

Copies of the full text of the proposed amendments are available at the Planning Division, Second Floor of the Town Hall & on the Town Website www.londonderrynh.org (Click on Boards & Commissions, then Planning Board)



Timothy J. Thompson, AICP
Town Planner

2 ZONING DISTRICTS

2.1 DISTRICTS AND USES

2.1.1 Districts

For the purpose of this Ordinance, the Town of Londonderry is divided into ~~fifteen (15)~~ districts and sub-districts as follows:

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<u>Full Name</u>	<u>Short Name</u>
Agricultural-Residential	AR-I
Multi-family Residential	R-III
Commercial-I	C-I
Commercial-II	C-II
Commercial-III	C-III
Commercial – IV	C-IV
Industrial-I	IND-I
Industrial-II	IND-II
Flexible Industrial	FI
Airport District	AD
Conservation Overlay	CO
Performance Overlay District	POD
Flood Plain Development	FP
Airport Approach Height Overlay	AH
Airport Approach Noise Overlay	AN

2.2 USE TABLE

2.2.1 Accessory Uses

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

2.2.2 FI District Services Table (Follows Use Table below)

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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	FI	AD	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														
Dwelling, single family	P	P			S											
Dwelling, two-family	P	P			S											
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	P						
Public Utilities	P	P	P	P			S	S	S	S						
Recreational Facilities, Public	P			P							P	P				
Religious Facilities	P		P	P	P	P					P	P				
Cultural Uses and Performing Arts up to 50,000 sq. ft									P							
Cultural Uses and Performing Arts 50,001 sq. ft. or larger									C							
BUSINESS USES																
Aeronautical Facilities										P						
Assembly, testing, repair and packing operations up to 250,000 sq. ft.									P							
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger									C							
Bed and Breakfast Homestay	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	FI	AD	POD - 102*	POD - 28*	CO	AH	AZ	FP
Business center development			P	P							P	P				
Conference/Convention Center up to 150,000 sq. ft									P							
Conference/Convention Center 150,001 sq. ft. or larger									C							
Day Care Center, Adult						C										
Drive-thru window as an accessory use			P	P												
Drive-in establishments			P	P												
Drive-in theatres				P												
FI District Services									(See FI District Services Use Table, Section 2.2.2)							
Financial institution			P	P												
Funeral homes			P	P	P											
Education and Training Facilities up to 50,000 sq. ft									P							
Education and Training Facilities 50,001 sq. ft. or larger									C							
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 up to 100,000 sq. ft				P					P							
Hotels 100,001 sq. ft. or larger				P					C							
Manufacturing, Heavy								P		P						
Manufacturing, Light up to 250,000 sq. ft.				P			P	P	P	P						
Manufacturing, Light 250,001 sq ft or larger				P			P	P	C	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				

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	FI	AD	POD - 102*	POD - 28*	CO	AH	AZ	FP
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use									C							
Professional office up to 150,000 sq. ft.			P	P	P	P	P	P	P	P	P	P				
Professional office 150,001 sq. ft. or larger			P	P	P	P	P	P	C	P	P	P				
Rental Car Terminal up to 50,000 sq. ft.									P							
Rental Car Terminal 50,001 sq. ft. or larger									C							
Repair services			P	P		P	P	P		P	P	P				
Research or Development Laboratories up to 250,000 sq. ft.				P			P	P	P	P						
Research or Development Laboratories 250,001 sq. ft. or larger				P			P	P	C	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	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 up to 100,000 sq. ft.								P	P	P						
Terminal, Trucking 100,001 sq. ft. or larger								P	C	P						
Vehicle Sales Establishment				P												
Warehouses and Storage up to 250,000 sq. ft.				P			P	P	P	P	C	C				
Warehouses and Storage 250,001 sq. ft. or larger				P			P	P	C	P	C	C				
Wholesale Businesses up to 250,000 sq. ft.				P			P	P	P	P						
Wholesale Businesses 250,001 sq. ft. or larger				P			P	P	C	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.B.4 for additional dimensional requirements related to fuel dispensers

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

FI District Services Use Table	FI
Accessory Uses up to 3,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	P
Accessory Uses from 3,001 – 20,000 sq. ft. Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	C
Automotive Repair up to 3,000 sq. ft.	P
Automotive Repair from 3,001 to 10,000 sq. ft.	C
Computer Services up to 3,000 sq. ft.	P
Computer Services from 3,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 3,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 3,001 to 10,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 3,000 sq. ft.	P
Daycare from 3,001 to 10,000 sq. ft.	C
Health Clubs up to 3,000 sq. ft.	P
Health Clubs from 3,001 to 10,000 sq. ft.	C
Personal Service Businesses up to 3,000 sq. ft.	P
Personal Service Businesses from 3,001 to 10,000 sq. ft.	C

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

2.5 INDUSTRIAL DISTRICTS

2.5.1 Industrial District

2.5.1.1 Objectives and Characteristics

The ~~three~~ industrial subdistricts (IND-I, ~~IND-II, and FI~~) are designed to provide areas for industrial development to include, but not limited to, manufacturing, transportation services, warehouse facilities, and wholesale businesses. The industrial district will consist of land areas zoned for industrial use as recorded in the office of the Town clerk.

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2.5.1.2 Subdistrict Uses

2.5.1.2.1 Industrial I (IND-I): this district is primarily intended to provide for industrial uses suitable for location in areas of close proximity to non-industrial development.

2.5.1.2.1.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

~~2.5.1.2.2~~ Industrial II (IND-II): this district is primarily a district which allows a more intensive industrial use than IND-I

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~~2.5.1.2.2.1~~ Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

~~2.5.1.2.3~~ Flexible Industrial (FI): This district is primarily intended to promote appropriate industrial development in targeted areas identified by various planning studies, charrettes, and the Master Plan.

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~~2.5.1.2.3.1~~ Permitted Uses: See use tables section 2.2 and 2.2.2 of this zoning ordinance.

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~~2.5.1.2.3.2~~ Specific Standards for the FI Zone are found in Section 2.5.3.

2.5.1.3 General Standards

Within the industrial district and ~~the IND-I and IND-II~~ subdistricts, the following regulations and controls are required for the development and continued use of the area.

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2.5.1.3.1 Setbacks - no building shall be located on a lot nearer to the front, side or rear lot line than the minimum setback set forth below.

2.5.1.3.1.1 Minimum setback distances for structures from property line:

front	30 feet
side	20 feet
back	20 feet

If a property abuts more than one existing and/or proposed right-of-way, the building setback will be 30 feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.

2.5.1.3.2 Minimum lot size - minimum lot size in all industrial districts are subject to Planning Board approval based on sewage disposal requirements, soil types, topography, vehicular access, intended use and compatibility with adjacent areas but shall be not less than one acre (43,560 sq. Ft.) With at least one hundred fifty (150) feet of frontage on a Class V or better road.

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Table 1 - Minimum Dimensional Requirements for Longer Term Airport Parking Areas

(Based on 8.5' x 18" Parking Stall, except for zero (0) degrees)

Angle of Parking Space (Degrees)	"A" (Ft.)	"A" (Ft.)	One-Way Traffic "C" (Ft.)	Two-Way Traffic "C" (Ft.)	"D" (Ft)	One Way Traffic "E" (Ft.)	Two-Way Traffic "F" (Ft.)
0	20.0	8.0	12.0	20.00	---	28.0	36.0
30	17.0	14.7	12.0	20.0	—	41.4	49.4
45	12.0	18.7	12.0	20.0	31.5	49.4	57.4
60	9.8	19.8	12.5	20.0	35.4	52.1	59.6
90	8.5	18.0	22.0	22.0	36.0	58.0	58.0

Note: See parking diagram under Table 2, Section 3.10

- 2.5.2.4.7 Handicapped parking spaces - parking spaces designed to accommodate the needs of the handicapped shall be provided in accordance with federal and state law. See the Town of Londonderry Site Plan Regulations
- 2.5.2.4.8 Sewage and waste disposal - all industrial operations will be subject to the Londonderry industrial pretreatment program which will ensure that all liquid wastes meet federal, state and local regulations prior to disposal into a municipal system.
- 2.5.2.4.9 Curb and gutter - curb and gutter shall be installed within off-street parking and loading areas in order to manage storm drainage, channelize traffic, protect buildings and landscaping areas, and separate pedestrian and vehicular circulation areas
- 2.5.2.4.10 Sidewalks - sidewalks shall be provided onsite as necessary to protect pedestrians and promote the safe and efficient movement of pedestrian and vehicular movement. Sidewalks shall have a minimum unobstructed width of four (4) feet. Sidewalks which are constructed to a six (6) foot width and directly abut the front of a parking or loading space may include two (2) feet of the sidewalk width when determining the length of the parking or loading space.
- 2.5.2.4.11 Electrical power - if the proposed development has a useful life of at least one (1) year, then the electrical power and communications system lines shall be installed underground within the site.
- 2.5.2.4.12 Performance standards per Section 3.2 shall apply in the airport district except for aeronautical facilities

2.5.2.5 Planning Board Site Plan Review - In the Airport District, the Londonderry Planning Board shall shall review projects following the procedures outlined in RSA 674:54 as stipulated by the most recently adopted Intermunicipal Agreement between the Town of Londonderry and the City of Manchester.

2.5.3 Flexible Industrial (FI) District

2.5.3.1 Objectives and Characteristics

The Flexible Industrial District (FI) is intended to allow for the development of gateways to the Town of Londonderry, centers of commerce, and employment centers for the Southern NH region.

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Deleted: exercise site plan review authority under RSA 674:43 and regulations adopted thereunder, except for the development or change or expansion of use of those aeronautical activities within the fence that do not include the construction or alteration of a building. Such aeronautical activities shall instead be subject to the following:¶

<#>The proposed development must meet the standards of the Town Site Plan Regulations for surface water drainage control.¶

<#>The airport shall submit to the Town engineer its permit application and accompanying plans, specifications, drainage calculations and other supporting documentation for the proposed development simultaneously with submittal to the state and/or federal agencies having jurisdiction over the development. The Town engineer shall review the application for compliance with Town drainage standards and to determine that there are no evident encroachments on abutting property. The Town may also participate in the regulatory proceedings of such state and federal agencies to the extent permitted by statutes and regulations governing those proceedings.¶

<#>The proposed development shall not be deemed approved until the Town engineer issues written confirmation of compliance with site plan drainage standards and the absence of evident encroachments.¶

<#>The Planning Board shall hold an informational public hearing at which a representative of the airport shall attend and discuss the proposed development with the Planning Board and interested members of the public.¶

<#>The airport representative shall respond in writing to all input, oral or written, received from the Board or members of the public during the informational public hearing.¶

<#>The Planning Board shall not have the authority to disapprove the development or the plans, specifications or response of the airport representative to the inp... [1]

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It is the desire of the Town of Londonderry that all of these activities be developed in a manner that both serves the business interests contained in the district, and in a manner that that conveys a campus atmosphere to those arriving here. Traffic circulation and alternate modes of transportation need to be provided for, as does parking for employees and visitors alike. A wide variety of industrial, supporting commercial development, and open space & recreational amenities are desired, in accordance with the various planning efforts undertaken by the Town in recent years (primarily the 2004 Master Plan which includes the 2003 Londonderry Business Park Design Charrette). All of these activities are envisioned as being developed in a manner that involves significant amounts of landscaping, retention of significant amounts of undeveloped open space, the retention of native plant materials, a high level of quality in individual building and site design, and flexibility on the part of the Town so as to achieve the design suggested in those documents.

2.5.3.2 General Standards

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Within the FI District the following regulations and controls are required for the development and continued use of the area.

The provisions of this section are intended to be a minimum consideration of allowable impacts. Each tract of land possesses different, unique development characteristics and limitations, and the use allowed on any particular tract will be a function of the design interacting with the special characteristics and limitations of the site while remaining consistent with the purpose and objectives of this section.

2.5.3.2.1 Setbacks - No building shall be located on a lot nearer to the front, side or rear lot line than the minimum setback set forth below.

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Minimum Setback Distances for Structures from Property Line:

Front - 30 feet

Side - 20 feet

Back - 20 feet

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2.5.3.2.1.1 Setbacks may be reduced by the Planning Board as set forth in Section 2.5.3.3.4.

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2.5.3.2.1.2 If a property abuts more than one existing and/or proposed right-of-way, the building setback will be 30 feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.

2.5.3.2.2 **Minimum Lot Size** - Minimum lot size in the FI District is subject to Planning Board approval based on such requirements as parking, lighting, building size, sewage disposal requirements, soil types, topography, vehicular and non-vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre (43,560 sq. ft.) with at least one hundred fifty (150) feet of frontage on a Class V or better road.

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2.5.3.2.3 **Building Height** - Except for structures not intended for human occupancy (chimney, water tower, etc.) height of buildings shall not exceed 50 feet, or as specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay (Section 2.6.6 of this Ordinance).

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- 2.5.3.2.4 **Minimum Green Space** - The parcel must contain a minimum of 25% of the total land in the parcel dedicated as green space (landscaping or undeveloped areas). Formatted: Font: 10 pt
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- 2.5.3.2.5 **Storage Areas** Formatted: Heading 5
- 2.5.3.2.5.1 No outdoor storage is allowed in the FI District unless specifically approved as part of a site plan approved by the Planning Board. Formatted: Heading 6
- 2.5.3.2.5.2 All outdoor storage shall be visually screened from access streets, arterials and adjacent property. Outdoor storage shall be meant to include parking of all company owned and operated motor vehicles, with the exception of passenger vehicles. No storage shall be permitted between a frontage street and the building line. Formatted: Heading 6
- 2.5.3.2.5.3 Bulk storage of gasoline, chemicals, petroleum products, and flammable materials shall not be permitted except as accessory to a principal use, accessory to a service station, laboratory, production operation, airport service or the servicing of company owned or leased vehicles. Formatted: Heading 6
- 2.5.3.2.6 **Parking, Loading, & Vehicle Access Standards** - See Section 3.10 of this Ordinance. Formatted: Heading 5
- 2.5.3.2.7 **Landscaping Standards** - All landscape designs shall comply with the Town of Londonderry Site Plan Regulations. Formatted: Bullets and Numbering
- 2.5.3.2.8 **Sign Standards** - All signs, their quantity and location, shall comply with the permitted Industrial District signs as outlined in Section 3.11 of this Ordinance. Formatted: Heading 5
- 2.5.3.2.9 **Lighting Standards** - All lighting shall comply with the Town of Londonderry Site Plan Regulations.
- 2.5.3.3 **Conditional Use Permits** Formatted: Heading 4
- 2.5.3.3.1 **Uses Permitted by Conditional Use Permit:** Some developments (see Use Table, Section 2.2) in the FI District will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, and the 2004 Master Plan. Formatted: Heading 5
- 2.5.3.3.2 **Dimensional Relief by Conditional Use Permit:** The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, frontage, or parking) for projects that are truly supportive of the goals of the FI District as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.. Formatted: Heading 5, Indent: Left: 0.6"
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- 2.5.3.3.3 The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Formatted: Heading 5

Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

2.5.3.3.4 Application Procedure - Applications for conditional use permits (CUP) within this district shall be made in accordance with the following procedures: ← --- Formatted: Heading 5

2.5.3.3.4.1 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 6

2.5.3.3.4.2 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.

2.5.3.3.4.3 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.

2.5.3.3.4.4 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.

2.5.3.3.5 Approval of Applications Requiring a Conditional Use Permit - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of Section 2.5.3.3.6. 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 5

2.5.3.3.6 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: Heading 5

2.5.3.3.6.1 The proposed use is consistent with the Objectives and Characteristics of the Flexible Industrial District, Section 2.5.3.1; ← --- Formatted: Heading 6

2.5.3.3.6.2 Granting of the application is in the public interest;

2.5.3.3.6.3 Compliance with the standards required by the FI zone would result in a design that is not in the best interest of the Town of Londonderry as expressed in the Objectives and Characteristics (Section 2.5.3.1), and 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 ← --- Formatted: Bullets and Numbering

2.5.3.3.6.4 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. ← --- Formatted: Heading 6

2.5.3.3.7 In addition to the criteria from Section 2.5.3.3.6, the applicant shall demonstrate that at least 2 of the following items is demonstrated:

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2.5.3.3.7.1 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.

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2.5.3.3.7.2 The proposed development of the property is determined to meet the "Certified" level of LEED (Leadership in Energy and Environmental Design) Certification or higher (Silver, Gold, or Platinum). The project need not actually receive LEED certification, but must be able to demonstrate that the project would meet the "certified" level of certification criteria.

2.5.3.3.7.3 The proposed development incorporates Transportation Demand Management (TDM) techniques in the proposed operation of the facility (Such as car/vanpooling or rideshare programs, establishment of a Transportation Management Authority, establishment of bus or transit service or contribution towards the establishment of a bus or transit service, flex-time work schedules, etc. For more examples of TDM strategies see <http://www.vtpi.org/tdm/>). The applicant shall provide documentation to the Town outlining the types of TDM methods proposed, and documentation to ensure the continued use of the TDM methods meeting the approval of the Planning Board.

exercise site plan review authority under RSA 674:43 and regulations adopted thereunder, except for the development or change or expansion of use of those aeronautical activities within the fence that do not include the construction or alteration of a building. Such aeronautical activities shall instead be subject to the following:

The proposed development must meet the standards of the Town Site Plan Regulations for surface water drainage control.

The airport shall submit to the Town engineer its permit application and accompanying plans, specifications, drainage calculations and other supporting documentation for the proposed development simultaneously with submittal to the state and/or federal agencies having jurisdiction over the development. The Town engineer shall review the application for compliance with Town drainage standards and to determine that there are no evident encroachments on abutting property. The Town may also participate in the regulatory proceedings of such state and federal agencies to the extent permitted by statutes and regulations governing those proceedings.

The proposed development shall not be deemed approved until the Town engineer issues written confirmation of compliance with site plan drainage standards and the absence of evident encroachments.

The Planning Board shall hold an informational public hearing at which a representative of the airport shall attend and discuss the proposed development with the Planning Board and interested members of the public.

The airport representative shall respond in writing to all input, oral or written, received from the Board or members of the public during the informational public hearing.

The Planning Board shall not have the authority to disapprove the development or the plans, specifications or response of the airport representative to the input received at the informational public hearing; provided that the written approval of the Town engineer referred to in subsection 2.5.2.5.1.3, above shall be required.

The airport shall submit to the Building Inspector an as built plan of the development with a certificate that the development complies with all applicable federal and state laws and regulations as well as copies of all applicable state and federal permits and a certificate of compliance with the Town standards referred to in subsection 2.5.2.5.1.2 and 2.5.2.5.1.3, above.

Nothing herein is intended to affect the applicability of any other Town public health or safety codes, ordinances or regulations that may apply to aeronautical activities.

Amend the Zoning Map to rezone the following lots to the new FI District:

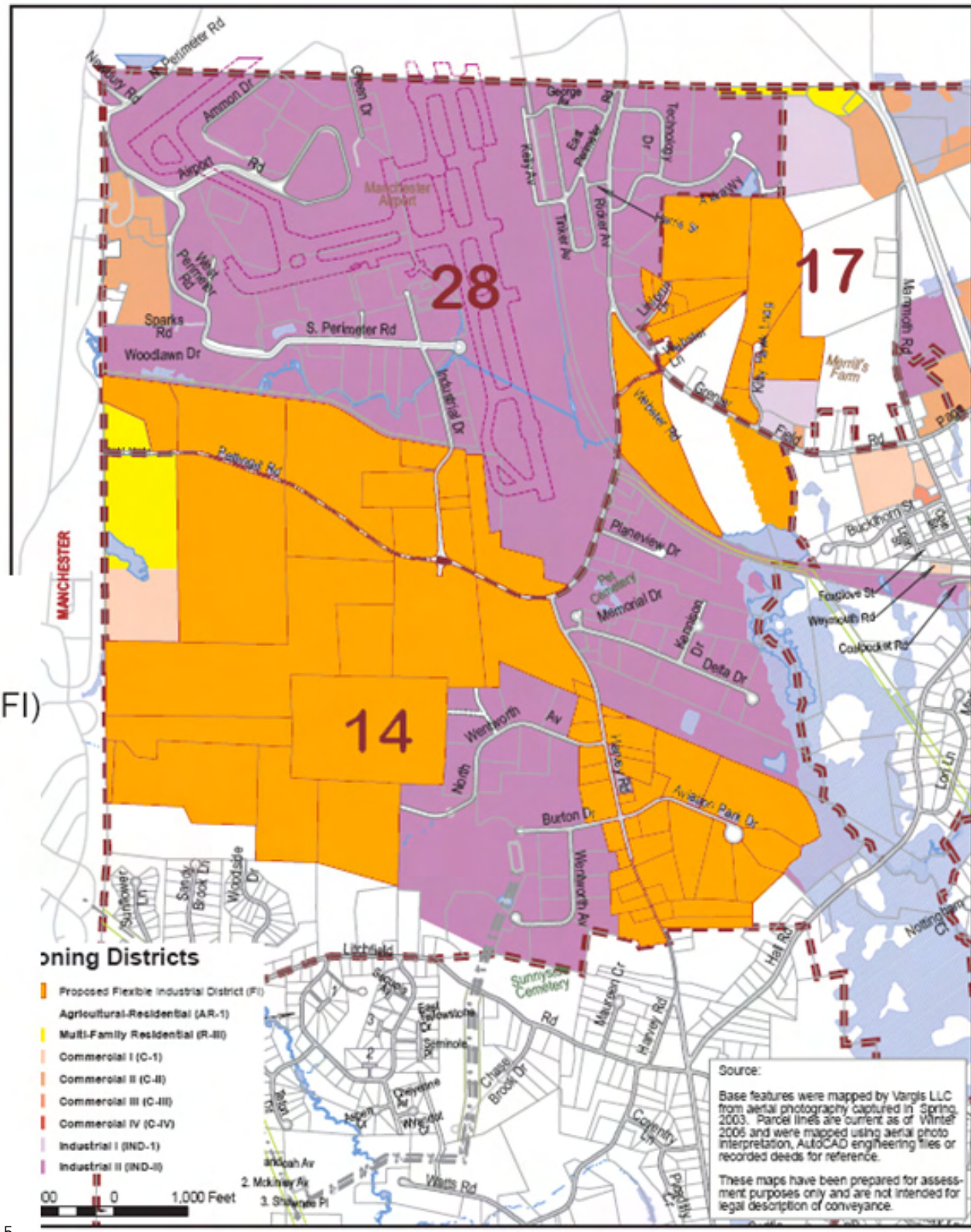
On Map 14: Lots 11, 25A, 25C, 26, 27, 28, 29, 29-1, 29-10, 29-11, 29-12, 29-13, 29-14, 29-16, 29-17, 29-2, 29-3, 30, 31, 31-1, 32, 35 (I-II portion only), 36, 38, 39 (I-II portion only), 41, 42, 42-1, 42A, 43, 44-11, 44-2, 44-4, 44-5, 44-6, 44-7, 44-8, 45, 45-1, 45-2, 45A, 46, 47, 49 (I-II portion only).

On Map 17: Lots 2, 4 (I-II portion only), 5-3, 5-4, 5-5, 5-6. © ©

On Map 28: Lots 15, 17, 17-2, 17-3, 17-4, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 25, 29-2, 29-3, 29-5, 29-6

Zoning Districts

-  Proposed Flexible Industrial District (FI)
-  Agricultural-Residential (AR-1)
-  Multi-Family Residential (R-III)
-  Commercial I (C-1)
-  Commercial II (C-II)
-  Commercial III (C-III)
-  Commercial IV (C-IV)
-  Industrial I (IND-1)
-  Industrial II (IND-II)



Workforce Housing - Workshop Discussion

What Does the Workforce Housing Law Mean?

(RSA 674:58 through 61)

December 10, 2008

The Law's Core Meaning

- All municipalities must provide reasonable and realistic opportunities for the development of workforce housing, including rental and multi-family housing.
 - The collective impact of all local land use regulations adopted under RSA 674 shall be considered to determine if such opportunities exist (a facial test).
 - Workforce housing of some type must be allowed in a majority of land area where residential uses are permitted.
 - Existing housing stock shall be accounted for to determine if a municipality is providing its "fair share" of current and reasonably foreseeable regional need for workforce housing.
 - Reasonable restrictions may be imposed for environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.
-

Land Use Board Process

- As part of the application, the developer must notify the board that a workforce housing development is being proposed.
- Planning board RSA 676:4 plat review (or other process) proceeds as normal.
- Upon approval with conditions, the board notifies the applicant of the conditions, who then has at least 30 days to identify the cost impact of the conditions upon the economic viability of the project. The board may then modify its conditions accordingly.

Appeals

- To superior court if application is denied or has conditions that have a substantial adverse effect on the project's viability. Burden is on developer to show how the municipality's actions violated the Workforce Housing statute (*an as-applied test*).
- Hearing on the merits within 6 months; option to appoint a qualified referee.
- "Builders Remedy" shall include affordability restrictions on workforce housing units.

Definitions

- **Affordable** — no more than 30% of income should be spent on housing (rent + utilities; or mortgage principal and interest, taxes, and insurance).
 - **Multi-family housing** — 5 or more dwelling units.
 - **Reasonable and Realistic Opportunities:**
 - Economically viable workforce housing.
 - Collective impact of land use ordinances and regulations
 - Natural features and market considerations may be beyond the control of the municipality
 - **Workforce Housing** - housing that's "affordable" for:
 - Renter family of 3 making 60% of Area Median Income.
 - Owner family of 4 making 100% of Area Median Income.
 - Does not include age-restricted housing.
 - Does not include developments with less than 50% of the units having less than 2 bedrooms
-

Effective Date

July 1, 2009

Report of the Londonderry Housing Task Force

Planning Board Meeting
December 10, 2008

Task Force Approach

- Meetings structured to collect the following information:
 - Definition of affordable housing
 - Demographic and income mix
 - Supply and cost of existing units
 - Barriers to construction of affordable housing
 - Recommendations for the Town to take proactive steps

Task Force Actions

- 8 meetings
- 4 guest speakers:
 - **Ben Frost** (NH Housing)
 - **Paul Morin** (Tarkka Homes)
 - **Dick Anagnost** (Anagnost Companies)
 - **Robert Tourigny** (Neighborworks of Greater Manchester)
- 5 report drafts
- Final Report issued in April

Ties to Economic Development

- Housing is an important component of economic development
- Recent lessons suggest businesses locate where the workers are
- Economists estimate that for every 1,000 jobs created, 700 housing units also need to be created. New units may be inside and/or within reasonable commuting distance outside the town
- Londonderry has potential for 5,000 – 7,000 new jobs in the airport area alone

Ties to Economic Development

- Business leaders have indicated that housing is a key problem faced in recruiting and retaining a qualified workforce

Barriers to Production

- Land, road construction, materials and engineering costs necessitate constructing high end homes to recoup profit.
- Specific issues cited include:
 - Inflexible zoning ordinances
 - Lack of density
 - Resistance to allowing higher densities
 - Community opposition
 - Lengthy project review/permitting timelines
 - Required provision of curbing/sidewalk amenities
 - Required project timing or phasing
 - Growth Management Ordinances (GMOs)
 - Costly off-site improvement requirements

Recommendations

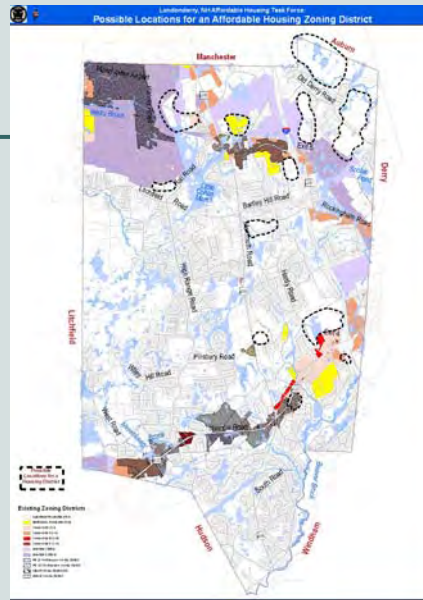
- **Recommendation 1:**
 - The Town should seek full adoption of the structural recommendations according to the Recommended Implementation Schedule (below). The Town Council should seek annual reports from the Town Manager regarding progress made in implementing this plan.
- **Recommendation 2:**
 - The Town should strive for a mix of 34% workforce housing in new construction. This percentage is consistent with the current income mix in Londonderry.
- **Recommendation 3:**
 - Local boards should take a proactive role in educating the public and advocating for workforce housing construction.

Recommendations

- **Recommendation 4:**
 - Land use regulations should be examined and amended to include strategies that meet workforce housing needs. Flexible land use and creative design should be encouraged. Inclusionary zoning should be considered as a tool to offer density bonuses in exchange for guarantees of permanent affordability. Affordability retention models, such as the lien model developed by NH Housing Finance Authority should be adopted as a tool to enforce agreements made through Inclusionary Zoning. Innovative approaches such as increasing building height limits or allowing mixed use development in non-residential districts should be considered. The town should examine allowing increased density in transitional areas that have access to water/sewer infrastructure. Density bonuses should be tied to permanent affordability and should encourage the protection of contiguous open space as part of the site plans.
- **Recommendation 5:**
 - Development fees, impact fees and growth management policies should be examined by the Town Council as they pertain to workforce housing.
- **Recommendation 6:**
 - The Town should adopt strategies that encourage and preserve rental units. Such strategies may be coupled with incentives offered as part of Inclusionary Zoning provisions.

Recommendations

- **Recommendation 7:**
 - The Town should explore financial instruments that might be leveraged in exchange for guarantees of affordability.
- **Recommendation 8:**
 - The Town should establish partnerships with quality housing groups such as NeighborWorks Greater Manchester who have the expertise and experience to assist with the construction and management of workforce housing units.
- **Recommendation 9:**
 - The Town should seek construction of a model development project from which to illustrate the appropriateness of workforce housing for Londonderry in terms of demand, quality of construction, neighborhood fit and the community benefit. Results should be well publicized. The Town should investigate the Auburn Road Landfill site as a potentially viable location.



Next Steps

- Ensure conformity with new Workforce Housing Law

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2.3.1.10 Fences

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2.3.1.10.1 Fences shall be subject to the following regulations to insure safe sight lines and minimize the negative visual impact of high and unsightly fences.

2.3.1.10.1.1 Fences located along the front property line may not exceed four (4) feet in height.

2.3.1.10.1.2 Fences located along the rear and side property lines may not exceed six (6) feet in height.

2.3.1.10.1.2.1 Any fence taller than six (6) feet is considered a structure and must then meet the setback requirements.

2.3.1.10.1.3 Open fence types shall be used for any front property line fencing. The fence shall have some open spacing, sight proof (solid stockade type) fences are not allowed in the front yard.

2.3.1.10.1.4.1 Front property fence types that are permitted; chain link, picket, post and rail, and similar visually open designs.

2.3.1.10.1.4.2 Rear and side property line fencing types that are permitted; chain link, picket, post and rail, vinyl, stockade.

2.3.1.10.1.4.3 Barbed wire and electric fencing are not permitted within AR-1 zone with the exception of livestock fencing for agricultural uses.

2.3.1.10.1.4 No fencing shall conflict with the requirements of the clear vision area for streets and driveways. Fences located on properties at the intersection of two streets shall allow for adequate sight distance, the corner along both the front and side property lines must be kept free of fences that would obstruct any views of oncoming traffic.

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