

**TOWN COUNCIL
AGENDA
September 20, 2010**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. *All regular meetings will be adjourned by 10:00pm unless otherwise notified.*

7:00 PM

I. CALL TO ORDER

II. PUBLIC COMMENT

- A. Andre Garron; Radek Maly, Falling Waters Development
- B. Welcome to Londonderry Sign Sponsors

III. OLD BUSINESS

IV. NEW BUSINESS

- A. Order #2010-16 – Relative to the Expenditure of Capital Reserve Funds for Highway Trucks and Equipment
- B. Ordinance #2010-05 – Relative to an Amendment to the Zoning Ordinance Revising the Number of Units in a Residential Multiunit Structure and Associated Phasing Ordinance Revisions

V. APPROVAL OF MINUTES

- A. Minutes of Council's Public Meeting of 9/13/10

VI. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager Reports
- C. Board/Committee Appointments/Reappointments

VII. ADJOURNMENT

VIII. MEETING SCHEDULE:

- A. Town Council Meeting – October 4, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- B. Town Council Meeting – October 18, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- C. Town Council Meeting – November 1, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- D. Town Council Meeting – November 15, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- E. Town Council Meeting – November 20, 2010, Moose Hill Council Chambers, Town Council, 8:00 AM – FY12 Town Budget Presentation

**SUPPORTING DOCUMENTATION
COUNCIL MEETING OF SEPTEMBER 20, 2010**

I. CALL TO ORDER

II. PUBLIC COMMENT

- A. Andre Garron; Radek Maly, Falling Waters Development – In accordance with the Council goal to reach out to business leaders who have interacted with the Town’s development review process, Mr. Maly has accepted Andre’s invitation to meet with the Council this evening. Mr. Maly is owner of Highland Forwarding and is constructing 220,000 s.q. of Class A office space off Grenier Field Road.
- B. Welcome to Londonderry Sign Sponsors – The following sponsors of the welcome signs have confirmed the invitation to meet with the Council to receive thanks for their community efforts:

Appletree Business Services – Steven Feinberg
Londonderry Wildcats – Tony DiSessa
Dave Johnson Landscaping – Dave Johnson

III. OLD BUSINESS –

IV. NEW BUSINESS –

- A. Order #2010-16 – Relative to the Expenditure of Capital Reserve Funds for Highway Trucks and Equipment – Attached is an order requesting authorization to expend funds to purchase replacement vehicles for the Highway Division as contemplated in the Capital Reserve Plan. Adequate funds in the respective Capital Reserve Funds are available.
- B. Ordinance #2010-05 – Relative to an Amendment to the Zoning Ordinance Revising the Number of Units in a Residential Multiunit Structure and Associated Phasing Ordinance Revisions – Pursuant to the Council’s request, the Planning Board has studied the issue of the proper number of units in residential multiunit buildings, and has submitted its recommendations in the proposed ordinance. A public hearing is required and can be scheduled for October 4, 2010.

V. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 9/13/10.

VI. OTHER BUSINESS

D. Liaison Reports –

E. Town Manager Reports –

F. Board/Committee Appointments/Reappointments -

VII. ADJOURNMENT –

MEETING SCHEDULE:

- F. Town Council Meeting – September 20, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- G. Town Council Meeting – October 4, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- H. Town Council Meeting – October 18, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- I. Town Council Meeting – November 1, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM

**FOLLOW-UP FROM COUNCIL'S
September 13, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Land Use Boards	Begin reappointment process <i>(In process)</i>	Margo
Assessments	Review/Develop Hardship Criteria <i>(In process)</i>	Dave/Karen

**FOLLOW-UP FROM COUNCIL'S
August 23, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
Welcome to L-Derry	Invite welcome sign sponsors to TC mtg. <i>(In process)</i>	Dave/Margo

**FOLLOW-UP FROM COUNCIL'S
July 15, 2010 MEETING**

ISSUE	ACTION	RESPONSIBILITY
LFD Staffing Analysis	Impact of contracting Ambulance <i>(In process)</i>	Dave/Chief M
Town Historian	Seek replacement for Marilyn <i>(In process)</i>	Dave/Margo

ORDER #2010-16

An Order Relative to

THE DISTRIBUTION OF CAPITAL RESERVE FUNDS

First Reading: 09/20/10

Adopted: 09/20/10

WHEREAS the Town of Londonderry created Capital Reserve Fund to purchase Highway Department Equipment and Trucks, and,

WHEREAS the Town needs to replace a one-ton truck with dump body/accessories, and a backhoe; and,

WHEREAS it has been determined that sufficient funds have been allocated to the fund for the Department to replace this equipment; and

WHEREAS the cost to purchase this equipment totals \$147,100;

IT IS THEREFORE ORDERED by the Londonderry Town Council that the Town Treasurer is hereby directed and authorized to expend the following:

Highway Truck Cap Reserve:	\$ 48,345 to Quirk GMC for a one-ton truck
	\$ 55,736 to Liberty International for a six-wheel dump
	\$ 49,115 to Howard P; Fairfield for dump body/accessories
Highway Equipment Cap Reserve:	\$ 49,650 to Southworth-Milton for a Backhoe;

and further, to authorize the Town Manager to sign such documents as are required to complete said transactions.

Paul DiMarco - Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk

A TRUE COPY ATTEST:
09/20/10

Introduced: 09/20/10
Public Hearing: 10/04/10
Adopted: xx/xx/10

ORDINANCE 2010-05
***AN AMENDMENT TO THE ZONING ORDINANCE
TO REVISE THE NUMBER OF UNITS ALLOWED IN
A RESIDENTIAL MULTIUNIT STRUCTURE and
AMEND THE PHASING ORDINANCE WHICH
ADJUSTS THE NUMBER OF UNITS ALLOWED PER
PHASE BASED ON THE REVISIONS TO THE
NUMBER OF RESIDENTIAL MULTIUNITS PER
STRUCTURE***

WHEREAS the Town Council requested the Planning Board to review the allowable number of units in a multi-unit residential structure; and

WHEREAS the Planning Board and staff reviewed various alternatives in concert with the community's Master Plan, community input and existing land use regulations;

WHEREAS the Planning Board has recommended that the Town Council act favorably upon the request;

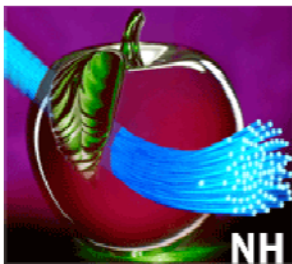
NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that Sections 1.3, 2.3.2, 2.3.3 and 3.6 of the Town Zoning Ordinance be amended to reflect the new limits in units per residential structure.

Paul DiMarco, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal



Londonderry

Business is good. Life is better.

TOWN OF LONDONDERRY
Community Development
Planning & Economic Development Division

Timothy J. Thompson, AICP, Town Planner
268B Mammoth Road
Londonderry, New Hampshire 03053
Phone: (603) 432-1100, x103 Fax: (603) 432-1128
e-mail: tthompson@londonderrynh.org

To: Town Council
CC: Building Division

From: Timothy J. Thompson, AICP

Date: September 9, 2010

Subject: Zoning Amendments (Multi-Family Buildings - # of Units Per Building) Recommendation from the Planning Board

On September 8, 2010, the Planning Board held a public hearing relative to the Zoning Ordinance.

The Planning Board, by a 7-1 vote, recommends the approval of the attached amendments to the ordinance.

Please feel free to contact me if you have any questions, and please advise me on when the public hearing will be held by the Council so that I can be present to present the ordinance.

Town of Londonderry, New Hampshire

LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 8th day of September, 2010, at 7:00 PM on proposed amendments to the Londonderry Zoning Ordinance.

The proposed amendments were prepared by the Planning Division of the Community Development Department and Planning Board at the direction of the Town Council to reduce the number of units allowed in multi-family buildings across the Zoning Ordinance.

The proposed changes are summarized as follows:

- Amend Section 1.3 (Residential Development Phasing) as follows:
 - Amend Section 1.3.3.2 to indicate phasing requirements for the R-III district to allow 3 buildings (not more than 48 dwelling units) per year
 - Add new subsection 1.3.3.2.1 to outline phasing requirements for the R-III district when a conditional use permit to increase the number of units per building is granted by the Planning Board
 - Amend Section 1.3.3.3 to indicate phasing requirements for Multi-Family Inclusionary Housing to allow 3 buildings (not more than 48 dwelling units) per year
 - Add new subsection 1.3.3.3.1 to outline phasing requirements for Multi-Family Inclusionary Housing when a conditional use permit to increase the number of units per building is granted by the Planning Board
- Amend Section 2.3.2 (R-III, Multi-Family Residential) as follows:
 - Amend Section 2.3.2.3.2.1.3 to set the maximum number of units in a multi-family structure at 16 units.
 - Add new subsection 2.3.2.3.2.1.3.1 to allow the Planning Board to grant by conditional use permit the number of units per building from 16 to not more than 20.
 - Add new Section 2.3.2.4 outlining the procedures and criteria for granting of conditional use permits in the R-III District.
- Amend Section 2.3.3 (Inclusionary Housing) as follows:
 - Amend Section 2.3.3.7.3.1.2 to set the maximum number of units in a multi-family structure at 16 units.
 - Add new subsection 2.3.3.7.3.1.2.1 to allow the Planning Board to grant by conditional use permit the number of units per building from 16 to not more than 20.
 - Add new Section 2.3.3.7.4.6 to outline the criteria for granting of conditional use permits to increase the number of units per building in the Inclusionary Multi-Family section of the ordinance.
- Amend Section 3.6 (Elderly Housing) as follows:
 - Amend Section 3.6.4.7 to establish the maximum number of units in a multi-family structure at 16 units.
 - Add new Section 3.6.4.7.3 to allow the Planning Board to grant by conditional use permit the number of units per building from 16 to not more than 20.
 - Amend and renumber accordingly Section 3.6.5 to add new subsection 3.6.5.2 to outline the criteria for granting of conditional use permits to increase the number of units per building in the Elderly Housing section of the ordinance.

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

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 Conservation Subdivisions: 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: ~~Three (3)~~ multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;

1.3.3.2.1 In the event that the Planning Board grants a conditional use permit to allow more than 16 units per building in the R-III District: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.

- 1.3.3.3 For multi-family development meeting the definition of "workforce housing" as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: ~~Three (3)~~ multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;

1.3.3.3.1 In the event that the Planning Board grants a conditional use permit to allow more than 16 units per building in a multi-family development meeting the definition of "workforce housing" as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.

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- 1.3.3.4 For single family development approved under the requirements of “Inclusionary Housing (Section 2.3.3): twenty five (25) dwelling units per year from the date of final approval;
 - 1.3.3.5 For conversions of previously approved and unbuilt Elderly Housing developments to “workforce housing” as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: The Phasing shall be one of the following:
 - 1.3.3.5.1 If the project was approved in Phases as part of the Elderly Housing site plan, the phasing shall be consistent with the approved phasing plan approved by the Planning Board for the Elderly Housing site plan. Each phase in such situation shall mean the number of dwelling units permitted in each year subsequent to final approval of the conversion by the Planning Board.
 - 1.3.3.5.2 If the Project was not subject to phasing as part of the approval for Elderly Housing, the appropriate requirements of either Section 1.3.3.3 of 1.3.3.4 shall apply.
 - 1.3.3.6 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;
 - 1.3.3.7 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: 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).

2.3.2.3.2 Density, Design and Dimensional Standard for Development Lot

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

2.3.2.3.2.1.1 For dwellings serviced by municipal sewer, the maximum number of dwelling units permitted on the development lot shall be determined by the following formula: $\text{number of dwelling units} = 0.80 (\text{development lot area} - \text{unusable land area}) / 7000 \text{ square feet}$. "unusable land" is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.

2.3.2.3.2.1.2 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.

2.3.2.3.2.1.3 The maximum number of dwelling units per dwelling shall be sixteen (16).

2.3.2.3.2.1.3.1 The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 2.3.2.4.

2.3.2.3.2.1.4 The average number of bedrooms per dwelling unit in a multifamily dwelling shall not exceed two (2).

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2.3.2.4 Conditional Use Permits

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2.3.2.4.1 The Planning Board may through the granting of a Conditional Use Permit allow the maximum number of dwelling units in a single building to be increased from sixteen (16) to no more than twenty (20) in the R-III District.

2.3.2.4.2 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.

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2.3.2.4.3 Application Procedure - Applications for conditional use permits (CUP) for increased units per building for multi-family housing in the R-III District shall be made in accordance with the following procedures:

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2.3.2.4.3.1 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.

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

2.3.2.4.3.3 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.

2.3.2.4.4 The following criteria must be met in order to increase the maximum number of units in a multi-family building in the R-III District from 16 to not more than 20.

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2.3.2.4.4.1 The proposed use is consistent with the Objectives and Characteristics of the district, Section 2.3.2.1;

2.3.2.4.4.2 Granting of the application is in the public interest;

2.3.2.4.4.3 The property in question is reasonably suited for the larger buildings 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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2.3.2.4.4.4 The application demonstrates that the 20-unit buildings 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 will all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

2.3.2.4.4.5 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 2.3.2.3.2.1 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).

2.3.3 - Inclusionary Housing

2.3.3.7 - Standards and Requirements for Multi-Family Workforce Housing

2.3.3.7.3 Density, Design and Dimensional Standards for Development Lot

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

2.3.3.7.3.1.1 The maximum number of dwelling units permitted on the development lot shall 10 units per acre.

2.3.3.7.3.1.2 The maximum number of dwelling units per multi-family building in an inclusionary development shall be ~~sixteen~~ (16).

2.3.3.7.3.1.2.1 The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 2.3.3.7.4.

2.3.3.7.3.1.3 At least 51% of dwelling units on a development lot in an inclusionary development must contain at least 2 bedrooms.

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2.3.3 - Inclusionary Housing

2.3.3.7 - Standards and Requirements for Multi-Family Workforce Housing

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

- 2.3.3.7.4.1 The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement for multi-family workforce housing (including but not limited to: setback, density, green space, frontage, or parking) for projects that are truly supportive of the purpose and objectives of the Inclusionary Housing section as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.
- 2.3.3.7.4.2 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.
- 2.3.3.7.4.3 Application Procedure - Applications for conditional use permits (CUP) for dimensional relief for multi-family workforce housing shall be made in accordance with the following procedures:
 - 2.3.3.7.4.3.1 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.
 - 2.3.3.7.4.3.2 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
 - 2.3.3.7.4.3.3 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.
 - 2.3.3.7.4.3.4 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.
- 2.3.3.7.4.4 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 2.3.3.7.5.5. 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, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law.
- 2.3.3.7.4.5 The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit for dimensional relief in a multi-family workforce housing development. The applicant shall demonstrate that:

- 2.3.3.7.4.5.1 The proposed use is consistent with the Purpose of the Inclusionary Housing Section, Section 2.3.3.1;
- 2.3.3.7.4.5.2 Granting of the application is in the public interest;
- 2.3.3.7.4.5.3 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.
- 2.3.3.7.4.5.4 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
- 2.3.3.7.4.5.5 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.

2.3.3.7.4.6 Additional Criteria to increase the maximum number of units allowed in a multi-family building. In addition to all the criteria listed in Section 2.3.3.7.5, the following additional criteria must be met in order to increase the maximum number of units in a multi-family inclusionary building from 16 to not more than 20.

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2.3.3.7.4.6.1 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 50% of the permitted density allowed by Section 2.3.3.7.3.1.1 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).

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2.3.3.7.4.6.2 The applicant must demonstrate to the Planning Board that the limitation of the number of units per building at 16 per building makes the overall project unfeasible such that the development costs exceed the ability of the applicant recover development costs through rent/sales and any applicable tax credits or subsidies. The applicant must demonstrate this to the Planning Board through an independent Project Cost Estimate which includes the cost of the land, development and construction costs; financing, profit, and sales costs, and any other cost factors.

3.6 - Elderly Housing

3.6.4 - Regulations and Design Criteria

3.6.4.7 Dwelling Units ~~← The maximum number of dwelling units in a single building shall be sixteen (16) units.~~ The base population shall not exceed an average of two persons per unit for the site. A site specific floor plan shall be part of the approval process and all designs shall reflect full time occupancy of no greater than two residents per unit.

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3.6.4.7.1 Elderly – The standard unit will be two (2) bedrooms.

3.6.4.7.2 Elderly Affordable – The majority of standard units shall be one bedroom units. There may also be two bedroom units.

~~3.6.4.7.3 The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 3.6.5.2.~~

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3.6.5 Conditional Use Permits

3.6.5.1 Conditional Use Permits for Affordable Elderly Housing

3.6.5.1.1 Prior to Planning Board action on any site plan for Affordable Elderly Housing, which requires a Conditional Use Permit, the Board must have already granted the Conditional Use Permit. The Conditional Use Permit may be sought either separately or concurrently with Site Plan approval.

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3.6.5.1.2 The following criteria must be satisfied in order to the Planning Board to grant a Conditional Use Permit for Elderly Affordable Housing. The applicant shall demonstrate that:

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3.6.5.1.2.1 All criteria outlined in Section 3.6, as applicable to the application have been met;

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3.6.5.1.2.2 The proposed Affordable Elderly Housing use is consistent with the Objectives and Characteristics of the District, Section 3.6.1;

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3.6.5.1.2.3 Granting of the application would meet some public need or convenience;

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3.6.5.1.2.4 Granting of the application is in the public interest;

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3.6.5.1.2.5 The application demonstrated that the proposed Affordable Elderly Housing for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and provides for a housing need for an elderly population whose income level is not greater than 60% of the median income for Rockingham County.

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3.6.5.1.2.6 Documentation has been provided to insure the long term affordability of the project.

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3.6.5.1.2.7 The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable the preservation of natural resources, open space, and does not create a hazard to surface or underground water resources.

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3.6.5.2 Conditional Use Permits to increase the maximum number of units per building

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3.6.5.2.1 The following criteria must be satisfied in order to the Planning Board to grant a Conditional Use Permit to increase the maximum number of units per building from 16 to not more than 20. The applicant shall demonstrate that:

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3.6.5.2.1.1 Granting of the application would meet some public need or convenience;

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3.6.5.2.1.2 Granting of the application is in the public interest;

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3.6.5.2.1.3 The owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (either 55+ or 62+, depending on whether the project is standard elderly housing or affordable elderly housing respectively);

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3.6.5.2.1.4 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 3.6.4.14 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).

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TOWN COUNCIL MEETING
September 13, 2010

The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry.

PRESENT: Town Council: Chairman Paul DiMarco; Vice Chairperson, Sean O’Keefe; Councilors: Mike Brown; Tom Dolan; John Farrell; Town Manager Dave Caron; Executive Assistant, Margo Lapietro.

CALL TO ORDER

Chairman DiMarco opened the meeting at 7:30 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country. Chairman DiMarco also mentioned the tragedies that happened this weekend in Londonderry, namely the deaths of Rebecca Tenney a Londonderry High School Junior and the tragic death of four young men of which two were Londonderry High School Alumni. He reminded everyone that tomorrow is Election Day for the primary; the polls at the Londonderry High School Gym will be open from 7:00AM – 8:00PM.

PUBLIC COMMENT

Manchester-Boston Regional Airport – Noise Mitigation Update – Airport Director Mark Brewer and Assistant Airport Director-Engineer and Planning Rich Fixler were in attendance. M. Brewer stated the last contours were completed in 2003 as part of their Master Plan Update; they are currently being updated to the 2009 noise contours and are being projected to what the noise contours are anticipated to be in 2018. He presented information on airport operations and compared the flight operations and passenger forecast. R. Fixler explained the integrated noise model used by the FAA. He explained the aircraft operations, existing and forecast. He explained that due to the economy there has been a large drop off in general aviation both local and non-local that equals almost 23,000 operations. He proceeded to show the actual noise contours from 2003 and 2009 and stated that they sound proofed 71 homes in Londonderry. He explained that the 65 DNL contour is the only level eligible for sound insulation, they completed a total of 1,233 living units surrounding the airport. They also worked on three schools, three daycares, a few churches, and living quarters in a fire station in Manchester. He explained the 2018 contours are not much different from today’s contours. Noise contours are smaller due to two reasons:

Stage 2 aircraft which were very noisy have been phased out. Stage 3 are being used, which are quieter. He explained that the 727 which is the noisiest aircraft used at the airport is being used infrequently. Operations are down significantly which contribute to a much smaller noise contour.

Chairman DiMarco said the cargo planes are noisier particularly the 6:00AM one. R. Fixler explained it is a stage 3 but there is very little background noise at that time in the morning so it seems louder, however it is not a louder aircraft. Councilor Brown said he is happy to see they are not using a 727 but asked if there is a federal mandate to have them eliminated. M. Brewer

48 said there is no mandate and they can be brought back, but which probably not occur due to fuel
49 economy considerations. The next quiet stage is Stage 4 engines which are already being used.
50 Councilor Dolan asked if the airport encourages the pilots not to come in low on their approach.
51 He suggested maybe bringing the early flights in over less populated areas in the early mornings.
52 He said the Airport had tried that in the past. M. Brewer said the FAA determines what runway
53 to use; he could meet with the tower manager and make that recommendation, however aircraft
54 landing and take-off into the wind is at the pilot's discretion. R. Fixler explained they have draft
55 noise exposure maps that were presented on 8/26/10 to the public; they have a 30 day comment
56 period both on the Master Plan draft and the noise exposure maps. They are available to the
57 public on the airport's website. The next step is for the airport to submit the noise exposure
58 maps to the FAA for acceptance. M. Brewer reminded everyone that the noise exposure maps
59 are part of the Master Plan process and it is important to get public involvement. He explained
60 that they have had four study advisory meetings and listed the Londonderry representatives to
61 include: Andre Garron, Steve Young, Earl Rosse and Deb Lievens. He also mentioned the
62 Londonderry representatives on the Manchester Airport Authority are Dan Jorgenson and
63 Warren Jennings. He said Chairman DiMarco attends meetings regularly. The Master Plan
64 consultant will make a presentation to the airport authority on 9/23/10 which will be the result of
65 an eighteen month process for the Master Plan update and invited the Councilors to attend the
66 meeting. It is still in the draft mode and it is a public meeting. Councilor Dolan asked what are
67 the plans and timeline for the Highlander. M. Brewer said it is currently MHT property, it will
68 continue operations as a hotel and off-airport parking facility until 12/31/11. At that point it will
69 cease as a hotel, it is located in the airport protection zone so the FAA will help them with the
70 cost of removal. The off-airport parking operation will cease. The Master Plan is looking at the
71 best use of that acreage. Councilor Farrell stated he could not be at the meeting on 9/23 he said
72 he used to fly out of MHT a lot but due to economics has been using Boston because it has lower
73 fares. M. Brewer suggested he look at fares again, Southwest is now crating fare parity with
74 both Logan and TF Green in Rhode Island.

75
76 **Andre Garron – Radek Maly, Falling Waters Development**- Postponed until 9/20/10.

77 78 79 **PUBLIC HEARING**

80
81 **Resolution #2010-19 – Relative to renaming the Class VI portion of Spring Road located**
82 **between Kitt Lane and Hovey Road – Councilor Farrell made a motion to open the public**
83 **hearing, second by Councilor O’Keefe; Council’s vote was 5-0-0.** Firefighter Jim Bilodeau
84 explained the road's name was changed from "Stage Coach Lane" because a resident of the
85 street requested it be done. The new name is "Dragon Fly Way". Councilor O’Keefe made a
86 motion to amend the Resolution to note the name change to "Dragon Fly Way, second by
87 Councilor Farrell. Council's vote as amended was 5-0-0.

88
89 **Councilor O’Keefe made a motion to close the public hearing, second Councilor Farrell.**
90 **Council's was vote 5-0-0.**

91 92 **OLD BUSINESS**

93
94 None

95
96

97 **NEW BUSINESS**

98
99 None

100
101 **APPROVAL OF MINUTES**

102
103 **Minutes of Council's Public Meetings of 08/23/10.** Chairman DiMarco made a correction to
104 the date on line 20 for the date of the general election of 11/7/10; it should be 11/2/10 and was
105 corrected. **Councilor Farrell made a motion to accept the minutes as amended, second by**
106 **Councilor O'Keefe. Council's vote was 5-0-0.**

107
108 **OTHER BUSINESS**

109
110 **Liaison Reports -** Councilor Farrell reported on the last CIP meeting. They have had one
111 public meeting with the Planning Board; they will have a final meeting with the Planning Board
112 when the tax rates are done, it is on schedule. He stated that the Planning Board activity has
113 picked up.

114
115 Chairman DiMarco said he did not have any meetings; he does have the Manchester Airport
116 Authority next week.

117
118 Councilor Dolan said he attended some of the design charrette sessions at Woodmont Orchards
119 and it was good to see so many citizens participate.

120
121 Councilor Brown said he attended the SWAC meeting late last week. A women from Tokanel
122 Dr. spoke about posting "no litter" signs around town. He said there were some other folks who
123 attended and came they came up with a lot of ideas some that might involve town resources or
124 town funding. Action items will be written and given to the Town Manager.

125
126 **Town Manager Reports -** Town Manager Caron said the project at the town common has
127 gone extremely well. The town owned property being leased to the Lions Hall has been
128 undergoing a roof replacement, along with new plywood attached as the existing roof is rotted in
129 many locations; the Lions Club has assisted with the repairs. The final coat of asphalt at Page
130 and 28 has been applied, the traffic signals should be activated this week. He informed the
131 Councilors that December is the expiration date for the various terms served by the volunteers on
132 the various boards/committees/commission. He questioned if the Council wants to interview the
133 land use members whose terms expire and wish to continue serving on the various
134 boards/committees/commissions. Last year the directive was to interview all land use candidates
135 including incumbents who desired to be re-appointed and advertise for interested citizens for
136 boards/committees/commissions where there are incumbents wishing to retain their positions.
137 Councilor Farrell stated he has no interest in interviewing current land use people who have
138 served and been interviewed. Councilor Dolan agreed and said we should only interview new
139 candidates. Both Councilor Brown and O'Keefe said they still want to re-interview land use
140 board members. Chairman DiMarco said this is the only opportunity we have to talk to them,
141 but he wants to re-interview land use people and Councilor O'Keefe agreed with him. Chairman
142 DiMarco said that this is the only time the Council has any say in appointing a person to a board,
143 especially the land use boards because they have powers delegated to them per RSA's. He said
144 he would like to continue doing that. Councilor O'Keefe said he thinks we should advertise the
145 openings on land use boards because there might be someone who would like to get on the

146 boards. Councilor Farrell said we are interviewing people who are already serving. Unless we
147 find them not able to serve, he does not see any reason to advertise. He does not like the idea of
148 making them compete; they have volunteered and have served the community. Councilor Dolan
149 agreed, he stated that we might lose some of them if we make it unpleasant for them. They have
150 already been vetted by this Council and previous Councils and noted that it is an expense to
151 advertise. Chairman DiMarco said his only concern was with the expense of advertising. Town
152 Manager Caron stated that Margo has been successful asking the media to publish news articles
153 on vacancies, which elicit a better response than placing a legal ad; the vacancies will also be
154 listed on the Town's website. Chairman DiMarco said he would prefer that and we should note
155 that there are incumbents that will continue their role. He said he just wants to let people be
156 aware of the positions and if we have an opening we can use those interested folks for future
157 openings. Town Manager Caron said Margo will communicate with the various land use boards
158 to determine who wants to continue so it will give us an idea if there are any vacancies. If there
159 are than Margo will highlight those positions and also mention we have other boards that other
160 folks can volunteer for. Town Manager Caron also informed the Council that by 10/1/10 the
161 Open Space Taskforce members will be named. The at-large positions (2) will be mentioned
162 again by using the media, hopefully the interviews for those two positions will be scheduled for
163 the 10/4/10 meeting.

164
165 Town Manager Caron said that Mr. Maly was ill and could not attend this evening, he stated he
166 will be here next Monday or on 10/16/10. Councilor Farrell spoke about the Bella Tucker house
167 reconstruction and the possibility of seeing what the tax impact will be on the newly expanded
168 home. He inquired if the town can give them some relief. Town Manager Caron said any
169 additional assessment will become effective 4/1/11 and if the Council would like he can look at
170 different options on how to manage the additional tax burden.

171
172 **Board/Committee Appointments/Reappointments -**
173 None

174
175
176 **ADJOURNMENT**

177 **Councilor Farrell made a motion to adjourn at 8:16 PM, second by Councilor O'Keefe;**
178 **Council's vote was 5-0-0.**

179
180 **Notes and Tapes by: Margo Lapietro Date: 09/13/10**

181
182 **Minutes Typed by: Margo Lapietro Date: 09/14/10**

183
184 **Approved; Town Council Date:**