

**TOWN COUNCIL  
AGENDA  
October 4, 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. Re-Interview Lynn Wiles (Incumbent), Dana Coons (Incumbent) and Chris Davies (Incumbent) to the Planning Board
- B. Interview Jeff Locke and Tim McKenney for “At-Large” positions on the Open Space Taskforce
- C. Re-Interview Art Rugg (Incumbent), to the Heritage Commission

III. PUBLIC HEARING

- A. 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

IV. OLD BUSINESS

V. NEW BUSINESS

- A. NHDOT Presentation on Exit 5 and South Road Projects
- B. Order #2010-17 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects

VI. APPROVAL OF MINUTES

- A. Minutes of Council’s Public Meeting of 9/20/10

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager Reports

- C. Board/Committee Appointments/Reappointments
1. Re-Appointment of John Michels to the Londonderry International Exchange Committee, three year term to expire on 12/31/13
  2. Re-Appointment of Duane Himes as a Full Member to the SWAC, three year term to expire on 12/31/13
  3. Re-Appointment of Martin Surgis as an Alternate Member to the SWAC, one year term to expire on 12/21/11
  4. Re-Appointment of Lynn Wiles and Chris Davies as Full Members to the Planning Board, three year terms to expire on 12/31/13
  5. Re-Appointment of Dana Coons as an Alternate Member to the Planning Board, three year term to expire on 12/31/3
  6. Appoint Jeff Locke and Tim McKenney as “At-Large” representatives to the Open Space Taskforce, Ad Hoc position.
  7. Re-Appointment of Ben Parker as an Alternate Member to the Recreation Commission, one year term to expire on 12/31/11
  8. Re-Appointment of Mike Boyle as a Full Member to the Recreation Commission, three year term to expire 12/31/13 (Note: Mike will be assigned to military duty in Afghanistan he will be back in Sept. and would like to remain on the Commission. The Commission is amendable to this.)
  9. Re-Appointment of Patty Hanley as a Full Member to the Recreation Commission, three year term to expire 12/31/10
  10. Re-Appointment of Art Rugg as a Full Member to the Heritage Commission, three year term to expire 12/31/13

VIII. ADJOURNMENT

IX. MEETING SCHEDULE:

- A. Town Council Meeting – October 18, 2010, Moose

- Hill Council Chambers, Town Council, 7:00 PM
- B. Town Council Meeting – November 1, 2010,  
Moose Hill Council Chambers, Town Council, 7:00  
PM
  - C. Town Council Meeting – November 15, 2010,  
Moose Hill Council Chambers, Town Council, 7:00  
PM
  - D. Town Council Meeting – Sat., November 20, 2010,  
Moose Hill Council Chamber, Town Council, 8:00  
AM
  - E. Town Council Meeting – November 22, 2010,  
Moose Hill Council Chambers, Town  
Council/Budget Workshop, 7:00 PM
  - F. Town Council Meeting – November 29, 2010,  
Moose Hill Council Chambers, Town  
Council/Budget Workshop, 7:00 PM

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

- I. CALL TO ORDER
  
- II. PUBLIC COMMENT
  - A. Re-Interview Lynn Wiles (Incumbent), Dana Coons (Incumbent) and Chris Davies (Incumbent) to the Planning Board
  - B. Interview Jeff Locke and Tim McKenney for “At-Large” positions on the Open Space Taskforce – Should the Council appoint these citizens to the two at-large positions, the only remaining member to be named is a representative from Londonderry’s state legislative delegation, which will be filled after the November 2 General Election
  - C. Re-Interview Art Rugg (Incumbent), to the Heritage Commission
  
- III. PUBLIC HEARING –
  - A. 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 attached proposed ordinance. Staff will be in attendance to answer any questions.
  
- IV. OLD BUSINESS –
  
- V. NEW BUSINESS –
  - A. NHDOT Presentation on Exit 5 and South Road Projects – Peter Stamnas from NHDOT will brief the Council on planned interchange improvements at Exit 5 on I-93 and South Road mitigation and roadway improvements. DPW Director Janusz Cyszowski will also be in attendance
  - B. Order #2010-17 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects – Attached is an order requesting authorization to expend maintenance trust funds for projects/repairs at the Town Common, Police Department, Highway Garage, Recreation Facilities and Leach Library.

VI. APPROVAL OF MINUTES – Minutes of the Council’s Public Meeting of 9/20/10.

VI. OTHER BUSINESS

D. Liaison Reports –

E. Town Manager Reports –

F. Board/Committee Appointments/Reappointments -

- a. Re-Appointment of John Michels to the Londonderry International Exchange Committee, three year term to expire on 12/31/13
- b. Re-Appointment of Duane Himes as a Full Member to the SWAC, three year term to expire on 12/31/13
- c. Re-Appointment of Martin Surgis as an Alternate Member to the SWAC, one year term to expire on 12/21/11
- d. Re-Appointment of Lynn Wiles and Chris Davies as Full Members to the Planning Board, three year terms to expire on 12/31/13
- e. Re-Appointment of Dana Coons as an Alternate Member to the Planning Board, three year term to expire on 12/31/3
- f. Appoint Jeff Locke and Tim McKenney as “At-Large” representatives to the Open Space Taskforce, Ad Hoc position.
- g. Re-Appointment of Ben Parker as an Alternate Member to the Recreation Commission, one year term to expire on 12/31/11
- h. Re-Appointment of Mike Boyle as a Full Member to the Recreation Commission, three year term to expire 12/31/13 (Note: Mike will be assigned to military duty in Afghanistan he will be back in Sept. and would like to remain on the Commission. The Commission is amendable to this.)
- i. Re-Appointment of Patty Hanley as a Full Member to the Recreation Commission, three year term to expire 12/31/10
- j. Re-Appointment of Art Rugg as a Full Member to the

Heritage Commission, three year term to expire  
12/31/13

VII. ADJOURNMENT –

MEETING SCHEDULE:

- G. Town Council Meeting – October 18, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- H. Town Council Meeting – November 1, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- I. Town Council Meeting – November 15, 2010, Moose Hill Council Chambers, Town Council, 7:00 PM
- J. Town Council Meeting – November 20, 2010, Moose Hill Council Chambers, Town Council, Budget Presentations, 8:00 AM
- K. Town Council Meeting – November 22, 2010, Moose Hill Council Chambers, 1<sup>st</sup> Town Council/Budget Workshop, 7:00 PM
- L. Town Council Meeting – November 29, 2010, Moose Hill Council Chambers, 2<sup>nd</sup> Town Council/Budget Workshop, 7:00 PM

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

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| ISSUE       | ACTION  | RESPONSIBILITY |
|-------------|---|----------------|
| Assessments | Review/Develop Hardship Criteria<br><i>(In process)</i> | Dave/Karen     |

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

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

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***

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***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.

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Paul DiMarco, Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***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 8<sup>th</sup> 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](http://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.

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).

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2.3.3 - Inclusionary Housing

2.3.3.7 - Standards and Requirements for Multi-Family Workforce Housing

2.3.3.7.3 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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# ORDER #2010-17

An Order Relative to  
**EXPENDITURE OF  
MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS**

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Reading: 10/04/2010  
Adopted: 10/04/2010

**WHEREAS** voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

**WHEREAS** expenditures have been made for various projects, specifically:

- 1) New pump and electrical repairs at recreational facilities at a cost of \$3,849.84;
- 2) Electrical and Flag Pole repairs at Leach Library at a cost of \$765.00;
- 3) HVAC Repairs at the Police Department at a cost of \$9,337.00;
- 4) Septic Repairs at the Highway Garage at a cost of \$719.00;
- 5) Painting at the Senior Center at a cost of \$1,800.00;
- 6) Rehabilitation of the Bandstand at the Town Common at a cost of \$20,750.

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$37,220.84 for the aforementioned repairs and improvements.

---

Paul DiMarco, Chairman  
Town Council

---

Marguerite Seymour  
Town Clerk

**A TRUE COPY ATTEST:**  
**10/04/2010**

**TOWN COUNCIL MEETING**  
**September 20, 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 Chairman 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 7:00 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

**PUBLIC COMMENT**

**Hank Peterson and Karen Flaherty** Hank Peterson and Karen Flaherty from the Londonderry Grange were in attendance to inform the public that they will have the noted stone wall builder Kevin Garner speaking at the Grange about building stonewalls on 9/30/10 at 7:00PM. Kevin Garner also published a book entitled Granite Kiss.

**Recognition of Welcome to Londonderry Sign Sponsors -** The Council recognized the following town business who sponsored the “Welcome To Londonderry” signs:

In Attendance Tonight:

Rotary Club of Londonderry accepted by Reed P. Clark  
Steven Feinberg-Appletree Business Services  
Tony DiSessa-Londonderry Wildcats

Not In Attendance Tonight:

Giovanni Verani-Prudential Verani Realty  
Ron Hill-Shady Hill Greenhouse and Nursery  
Eric Skinner-Trimmmers Landscaping  
Dave Johnson-Dave Johnson Landscaping  
Fred Fuller-Fred Fuller Oil

**Andre Garron-Radek Maly, Falling Waters Development** – Andre Garron, Community Development Director introduced Radek Maly, CEO of Highland Forwarding, Inc. Mr. Maly received conditional approval to build a 125,000 sq ft office building and a 23,000 sq. ft. warehouse located in Kitty Hawk Landing in Londonderry. Phase 1 had a groundbreaking ceremony this past July and is ongoing. Mr. Maly explained he is the president and owner of Highland Forwarding. It is a logistics company that started in 1998 in the Manchester area; they moved 2 years ago to Bedford and are now relocating to Londonderry. They are involved in the international logistics business and being close to the airport was an advantage. He thanked the town for helping him out with the long process. He said he had a good experience with the town. He said his company is one of the fastest growing companies in the country. Councilor O’Keefe thanked him for coming asked specifically what the company does. Mr. Maly said they focus on international logistics, import/export. They do customs clearance exporting and importing by

49 ocean and air. It is strictly international mainly with China, Russia, and the former Soviet  
50 Republics. Councilor Farrell said he is building a very nice facility and thanked him for  
51 choosing Londonderry. Councilor Dolan asked him about his experience with the permitting  
52 process and asked him for suggestions on how to improve that process. Mr. Radek responded he  
53 had no experience to compare it to, it took time and the engineering firm found it smooth. He  
54 did note that the change in bonding requirements was a little difficult. Councilor Dolan  
55 suggested he talk to Art Rugg who is the chairman of the International Exchange Committee.  
56 They work with our sister city in Russia and suggested Mr. Radek talk to Art. Councilor Brown  
57 thanked him for coming and asked what the factors were that allowed him to grown in a difficult  
58 economic climate. Mr. Radek said his ability to hire and attract very smart and capable people  
59 allows them to do their job better than their competition in Boston. Chairman DiMarco thanked  
60 him for coming in to talk to them. A. Garron explained that the town revamped their bonding  
61 requirements in the early 2000's. They have contacted several banks and bonding/insurance  
62 companies that do business in Londonderry to revise the bonding to allow a less expensive  
63 mechanism for the building community to move their projects. They now have a tool that is  
64 equally as protective as the former tool and is less expensive.  
65

66 Dennis Martin, 182 Pillsbury Rd talked about the use of a private ambulance service in town. He  
67 said he works in the field and this is a zero impact, it is cost effective when you bring in a private  
68 ambulance. He said he does not understand why there is no discussion on this subject and why it  
69 gets tabled. Chairman DiMarco said at the July 15 Council meeting they asked the Town  
70 Manager to investigate it, it is something we are looking at. Town Manager Caron said he has  
71 nothing new to report at this time. Councilor Farrell stated that 2 people have come in to talk  
72 about private ambulance service and both of them worked for private ambulance companies.  
73 Councilor Farrell said we asked the Town Manager to look at it and he has said that we operate  
74 in a cash positive manner. We have also said we will look at it in the budget process. The Town  
75 Manager also stated that this will not decrease staff. We have a lot of things to look at, there is  
76 no need to go immediately to a private ambulance service and the public has not indicated their  
77 interest. Pauline Caron, 369 Mammoth Rd. said she mentioned having a private ambulance at  
78 prior meetings, so she is the third person and does not remember the dates.  
79

#### 80 OLD BUSINESS

81  
82 None

#### 83 NEW BUSINESS

84  
85  
86 **Order #2010-16 – Relative to the Expenditure of Capital Reserve Funds for Highway**  
87 **Trucks and Equipment.** Councilor O'Keefe read the first reading and made a motion to  
88 **accept, second by Councilor Dolan.** Town Manager Caron stated that the Town is replacing  
89 vehicles and are not adding additional vehicles to the fleet. Councilor Dolan clarified for the  
90 public that this is money on hand it has already been voted on by the public from the capital  
91 reserve fund. Councilor O'Keefe asked what would happen if the money sat for another year.  
92 Town Manager Caron responded the interest earned would be negligible, the existing equipment  
93 will become older which will wear down more and have down time and loss of productivity, and  
94 costs will increase. Janusz Czyzowski, Director of Public Works said we have a maintenance  
95 plan that we are following and were supposed to replace this equipment a year ago. Councilor  
96 Brown asked about the fund balance after this money is expended. Town Manager Caron  
97 responded the balance in the truck reserve will be about \$155K; the equipment capital reserve

98 will be approximately \$157K. Chairman DiMarco asked if there was any value in the old  
99 equipment, J. Czyzowski responded we have value from the trade-in. **Council's vote was 5-0-0.**  
100

101 **Ordinance #2010-05-Relative to an Amendment to the Zoning Ordinance Revising the**  
102 **number of units in a Residential Multiunit Structure and Associated Phasing Ordinance**  
103 **Revisions -** Councilor Dolan made a motion to accept the first reading tonight and  
104 schedule a second reading and public meeting on 10/4/10, second Councilor O'Keefe.  
105 Council's vote was 5-0-0.

106  
107 **APPROVAL OF MINUTES**

108  
109 **Minutes of Councils Public Meetings of 09/13/10.** Councilor Farrell made a motion to  
110 accept the minutes, second Councilor O'Keefe. Council's vote was 5-0-0.

111  
112 **OTHER BUSINESS**

113  
114 **Liaison Reports** -Councilor Dolan said at the polls he heard from a representative from the  
115 Attorney General's Office talking to the Town Moderator, saying everything was done correctly  
116 and it was one of the few towns where everything ran well at the polls.

117  
118 **Board/Committee Appointments/Reappointments -**

119  
120  
121  
122 **ADJOURNMENT**

123 Councilor Farrell made a motion to adjourn at 7:35 PM, second Councilor O'Keefe.  
124 Council's vote was 5-0-0.

125  
126 Notes and Tapes by: **Margo Lapietro** Date: **09/20/10**

127  
128 Minutes Typed by: **Margo Lapietro** Date: **09/22/10**

129  
130 Approved; **Town Council** Date: