

TOWN COUNCIL AGENDA
October 19, 2015
7:00 P.M.

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM

A. CALL TO ORDER

B. PUBLIC COMMENT

C. PUBLIC HEARING

1.) **Ordinance #2015-08** - An Amendment to the Zoning Ordinance Relating to Rezoning Map 17 Lot 17-A, 345 Rear Mammoth Road, from Multi-Family Residential III (R-III) to Industrial I (IND-I)

2.) **Ordinance #2015-06** – An Amendment to the Zoning Ordinance to Update Sections Related to Housing Opportunities in Londonderry
(CONTINUED)

- Table of Contents
- 1.3.3 Phasing of Developments
- 2.2 Use Table
- 2.3.1 Agricultural-Residential District
- 2.3.3 Inclusionary Housing
- 2.3.4 Retention of Housing Affordability
- 2.4.5 General Standards for MUC Sub-district
- 3.4.1 Backlot Development
- 3.6 Elderly Housing
- 3.6.5 Conditional Use Permits
- 3.7 Assisted Living Facilities and Nursing Homes
- 3.10.10 Minimum Parking and Loading Required

3.) **Resolution #2015-08** - Adoption of Airport Area Infrastructure District II

D. OLD BUSINESS

E. NEW BUSINESS

1.) **Order #2015-30** – Expenditure of Maintenance Trust Fund for Various Projects

Presented by Steve Cotton

F. APPROVAL OF MINUTES

Approval of October 5, 2015 Town Council Minutes

G. OTHER BUSINESS

1. Liaison Reports
2. Town Manager Report
3. Board/Committee Appointments/Reappointment
 - 1.) Appointment of members to the Nutfield 300th Anniversary Committee.

H. ADJOURNMENT

I. MEETING SCHEDULE

1. Town Council Meeting – **11/02/15** Moose Hill Council Chambers, 7:00PM
2. Town Council Meeting – **11/16/15** Moose Hill Council Chambers, 7:00PM
3. Town Council Meeting – **12/07/15** Moose Hill Council Chambers, 7:00PM
4. Town Council Meeting – **12/21/15** Moose Hill Council Chambers, 7:00PM

First Reading: 09/14/15
Second Reading/Public Hearing: 10/19/15
Adopted: xx/xx/xx

ORDINANCE #2015-08
AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO REZONING MAP 17, LOT 17A
345 MAMMOTH ROAD

- WHEREAS* the Planning Board has received a request to rezone the above-referenced parcel from Multi-Family Residential III (R-III) to Industrial I (IND-I); and
- WHEREAS* the Planning Board has recommended that the Town Council act favorably upon the request; and
- WHEREAS* the requested rezoning will make the zoning of this lot consistent with the adjacent lots to the south and west;

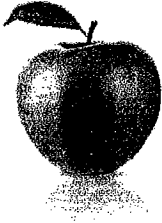
NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 17 Lot 17A from Multi-Family Residential III (R-III) to Industrial I (IND-I), to become effective upon passage of this ordinance.

John Farrell - Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
XX/XX/XX



**Town of Londonderry
Planning and Economic Development Department**

268B Mammoth Road
Londonderry, NH 03053
Phone 603.432.1100 x 134
www.londonderrynh.org

To: Town Council
CC: Building Department
From: Cynthia A. May, ASLA
Date: September 3, 2015
Subject: **Rezoning Recommendation from the Planning Board
Map 17 Lot 17A**

On September 2, 2015, the Planning Board held a public hearing relative to the Zoning Ordinance and Zoning Map.

The Planning Board, by unanimous vote, recommends to the Town Council to approve rezoning Map 17 Lot 17A from the current zoning classification R-III (Multi-Family Residential-III) to IND-I (Industrial I).

The proposed rezoning would allow Lot 17A to be utilized as a parking area to service an adjacent industrial building to the north at 253 Abby Road in Manchester. The parcel is adjacent to Industrial II (IND-II) zoned land to the south and west, Industrial I (I-I) land to the south, and a Multi-Family Residential III (R-III) parcel to the east.

A copy of the application, staff recommendation to the Planning Board, and the Planning Board minutes are included in the packet.

Please feel free to contact Planning and Economic Development Staff if you have any questions.

MEMORANDUM

To: Planning Board

Date: September 2, 2015

From: Cynthia A. May, ASLA
Town Planner | Department Manager

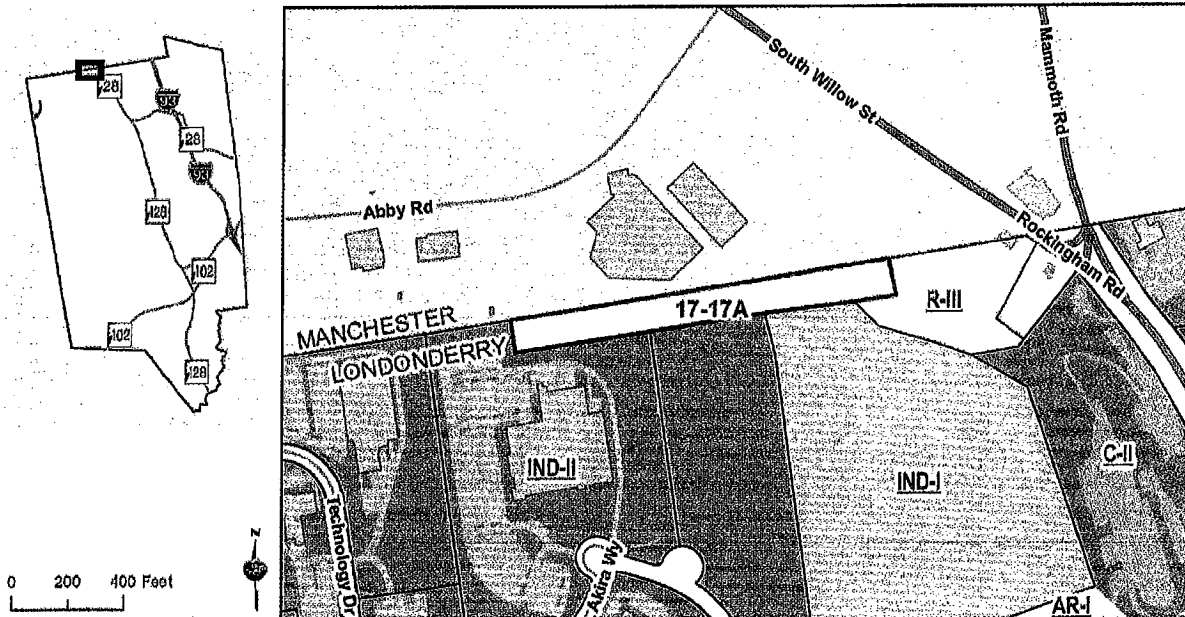
Re: Rezoning Request: Map 17 Lot 17A (From R-III to I-I)

The Planning & Economic Development Division has reviewed the above referenced rezoning request and we offer the following comments:

Review Comments:

The applicant requests the rezoning of the above referenced lot from R-III (Residential-III) to I-I (Industrial I). The parcel is landlocked with no frontage, and is located near the intersection of Mammoth Road, Rockingham Road and South Willow Street (Please see the map image below).

9/2/2015: Rezoning Application:
345 Rear Mammoth Road, change from R-III to I-I



The applicant is requesting that the lot be rezoned so that it can be utilized as a parking area to service an adjacent industrial building to the north at 253 Abby Road in Manchester. The parcel is adjacent to Industrial II (I-II) zoned land to the south and west, Industrial I (I-I) land to the south, and a Residential III (R-III) parcel to the east.

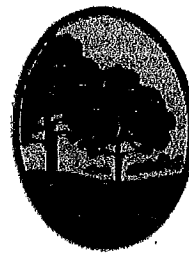
Staff Recommendation:

The proposed rezoning is consistent with the zoning in that area and would allow the development of this land locked parcel to expand the parking lot of an industrial use. As such, Staff supports a Planning Board **RECOMMENDATION** to the Town Council to approve the rezoning of Map 17 Lot 17-A, currently zoned R-III (Residential-III) to the I-I (Industrial I) zoning classification, which is consistent with zoning in the immediate area and adjacent to the parcel.



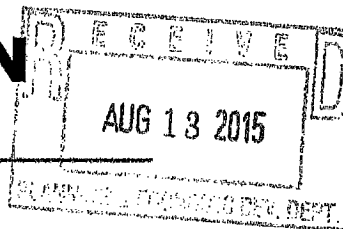
TOWN OF LONDONDERRY

Community Development Department
Planning & Economic Development Division



268B Mammoth Road
Londonderry, New Hampshire 03063
Phone: (603) 432-1100, x134 Fax: (603) 432-1128

REZONING APPLICATION



Name of Applicant: JLJ Properties

Name of Lot Owner: James P Anagnos Jr. & Harry A Anagnos
(If different)

Address: PO Box 251, Londonderry, NH 03053

Telephone #: 603-623-0100

Date Submitted: 8/13/2015

Tax Map # 17 Lot # 17A
(Please list all if multiple lots are involved)

Current Zoning: RIII

Proposed Zoning: IND-1

Please explain the purpose and justification for your rezoning request (attach additional sheets if necessary):

Re: Rezoning Lot 17-17A

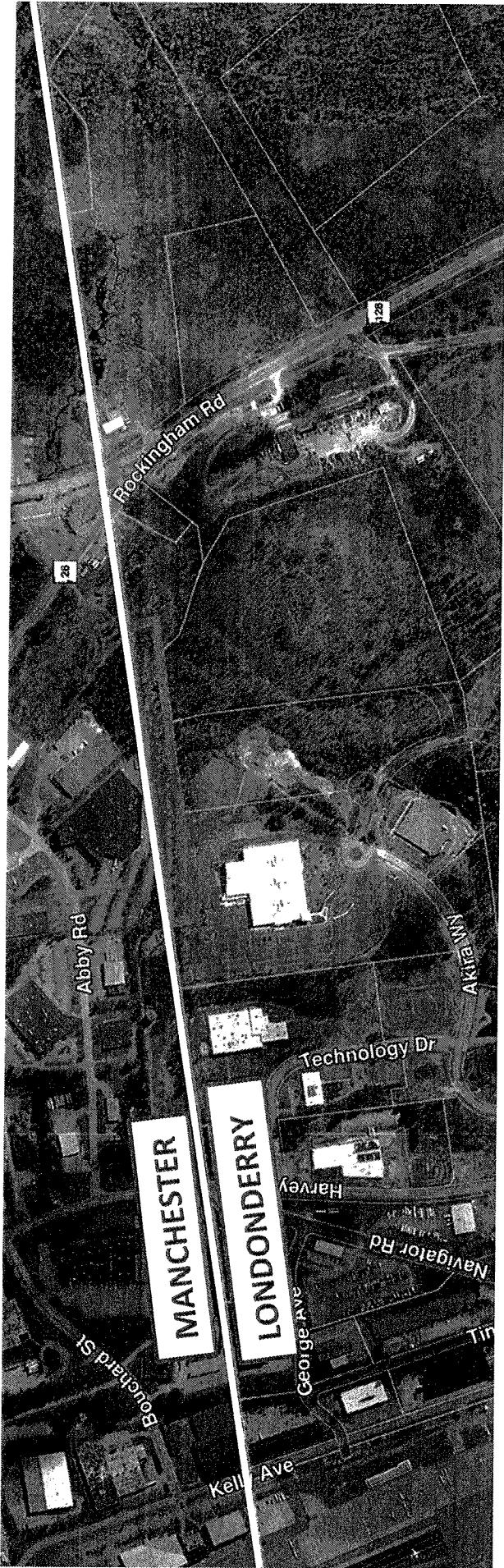
It is being proposed to construct a parking area on Lot 17-17A in Londonderry that will service the JLJ Properties Industrial building at 253 Abby Road in Manchester, NH.

Lot 17-17A is currently zoned R-III - Multi-Family Residential. This parcel is surrounded by land zoned Industrial and Industrial uses in Londonderry and Manchester.

we are Requesting rezoning Lot 17-17A to Industrial II zone.

Planning Department Comments (to be filled in by Town Staff):

[Empty box for Planning Department Comments]



Introduced: 08/17/15
Public Hearing: 09/21/15
Second Public Hearing: 10/19/15
Adopted: xx/xx/15

ORDINANCE 2015-06
AN AMENDMENT TO THE ZONING ORDINANCE
TO UPDATE SECTIONS RELATED TO HOUSING
OPPORTUNITIES IN LONDONDERRY

WHEREAS the Zoning Audit commenced in 2014 identified certain inconsistencies and deficiencies within the Zoning Ordinance related to housing opportunities in Londonderry;

WHEREAS it was determined that the Zoning Ordinance should be amended to better ensure compliance with state law, including NH RSA 674:58-61, Workforce Housing;

WHEREAS the Zoning Ordinance shall provide for enhanced housing opportunities throughout Town in accordance with state law, but remove the ability to develop multi-family Workforce Housing in the AR-I Zone except in the limited areas as noted in the amendments;

WHEREAS the Zoning Ordinance shall permit opportunities for small workforce housing developments, housing for older persons, assisted living, and elderly affordable housing that are more compatible with the character of Londonderry's existing residential neighborhoods;

WHEREAS the Zoning Ordinance shall encourage the development of accessory dwellings as an opportunity to provide compatible affordable living units;

WHEREAS the Conditional Use Permit criteria for inclusionary housing shall be amended to promote project feasibility;

WHEREAS the amendments shall be consistent with the 2013 Master Plan goals; and

WHEREAS after a series of Public Hearings in 2015, the Planning Board by unanimous vote sent a recommendation to the Town Council on July 8, 2015 to approve the Zoning Ordinance amendments related to housing opportunities in Londonderry.

**Ordinance 2015-XX Amendment to Zoning Ordinance
Housing Opportunities**

**Introduced: 08/17/15
Public Hearing: 09/21/15
Second Public Hearing: 10/19/15
Adopted: xx/xx/15**

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the following Sections of the Zoning Ordinance are amended as posted:

- Table of Contents
- 1.3.3 Phasing of Developments
- 2.2 Use Table
- 2.3.1 Agricultural-Residential District
- 2.3.3 Inclusionary Housing
- 2.3.4 Retention of Housing Affordability
- 2.4.5 General Standards for MUC Sub-district
- 3.4.1 Backlot Development
- 3.6 Elderly Housing
- 3.6.5 Conditional Use Permits
- 3.7 Assisted Living Facilities and Nursing Homes
- 3.10.10 Minimum Parking and Loading Required

John Farrell, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

***Sharon Farrell - Town
Clerk x/xx/xx***

Town Seal

**Revisions to Workforce Housing Zoning Amendment
Regarding Small Workforce Housing Developments**

September 28, 2015

2.3.3.6 Small Workforce Housing Developments

- A. Single-family, two-family, three-family, four-family or any combination of dwelling units (up to 4) not to exceed two buildings per lot are permitted in the AR-1 Agricultural and Residential zoning district, according to the following:
- 1 Provisions of Section 2.3.1.3 to the contrary notwithstanding, minimum area of a lot containing 1 to 4 units shall comprise:
 - a. A minimum of 35,000 SF for a single-family dwelling on lots served by public water and sewer, or
 - b. A minimum of 52,500 SF for a two-family dwelling on lots served by public water and sewer, or
 - c. A minimum of 78,750 SF for a three-family dwelling in a single building or in two buildings on lots served by public water and sewer, or
 - d. A minimum of 105,000 SF for a four-family dwelling in a single building or in two buildings on lots served by public water and sewer, or
 - e. The minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, if the property is not serviced by either public water or sewer or both, but in any case not less than 40,000 SF per unit.
 - 2 The proposed development must be of a scale and architectural character that is compatible with the surrounding residential neighborhood in the sole judgment of the Planning Board.
 - 3 Lot frontage for a single-family dwelling shall be a minimum of 75'; lot frontage for a two-family dwelling shall be a minimum of 100'; lot frontage for a 3 or 4 family dwelling shall be a minimum of 150'; back-lots shall have a minimum frontage of 50' with development permitted behind the point the lot meets the minimum required width at the setback line for the proposed number of dwelling units.
- B. A minimum of 50 % of the units shall be workforce housing as defined in Section 2.3.3.5 and subject to all the provisions of this Ordinance pertaining to Inclusionary Housing.
- D. All height and setback dimensional requirements of the AR-1 zoning district shall apply.
- E. No parking shall be located between the front lot line and the front plane of the building(s) closest to an existing Town street. A minimum of two parking spaces shall be provided for each dwelling unit.

- F. Conversions of an existing structure to workforce housing with 2 – 4 units shall be directed to the rear of the building as practical. Renovations and alterations to portions of an existing structure that are visible from a Town street shall be compatible with the appearance of the existing structure in the judgment of the Planning Board.
Reconstruction of, or renovations or additions to, structures and new buildings associated with an existing structure in the Historic District shall comply with Section 2.6.4.
- G. Each dwelling unit shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
- H. A new detached structure containing Small Workforce Housing units shall be located to the rear of an existing structure. Detached structures shall be separated from each other and from any existing structure by a minimum of 20 feet for 1 and 2 family buildings, and 30 feet if either structure contains 3 units.
- I. A Conditional Use Permit is required for Small Workforce Housing Developments, and shall be through application to the Planning Board. Approval of a Conditional Use Permit is contingent upon successful demonstration to the Planning Board that the proposed development is compatible with the surrounding neighborhood and is fully compliant with the provisions of Sections 2.3.3.4 A, 2.3.3.8, and 2.3.3.10.

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- C. 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
- D. 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:

- A. 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;
- B. 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. 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.
- C. 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: The total number of dwelling units shall not exceed seventy-two (72) per year from the date of final approval;
- D. For single family development approved under the requirements of “Inclusionary Housing (**Section 2.3.4**): twenty five (25) dwelling units per year from the date of final approval;
- E. 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;
- F. 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).

1.4 GROWTH MANAGEMENT AND INNOVATIVE LAND USE CONTROL

1.4.1 Expired

This section was allowed to sunset on January 1, 2015.

resulting in conforming lots. The subdivision shall be subject to Planning Board approval in accordance with the Subdivision Regulations.

- C. If a zoning district boundary line runs through any lot and the lot is not of sufficient size and configuration to permit conforming lots in each district, the lot cannot be subdivided and the entire lot is deemed to be in the more restricted district. For purposes of this section, the order of most restrictive to least restrictive is as follows: CO, AR-I, R-III, C-IV, POD, C-III, C-I, C-II, IND-I and IND-II, AD."
- D. If a zoning district boundary line runs through a lot and one of the zoning districts within the lot is the Conservation Overlay District, **Section 2.6.3** applies.

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 GB District Services Table (Follows Use Table below)

Londonderry Zoning Ordinance Use Table																		
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception																		
	Overlay Districts																	
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD-102 ¹	POD-28 ¹	CO	AH	AZ	FP
RESIDENTIAL AND AGRICULTURAL																		
Agriculture	P	P									P ⁵							
Assisted Living Facilities	C	P	P	P	P		P				P ⁵		P	P				
Back Lot Development	C										P ⁵				See specific district regs.			
Dwelling, multi-family		P	C ³	C ²	C ¹	C ²	C ²				P ⁵		C ²	C ²				
Dwelling, multi-family workforce	C ^{2,6,7}	C ³	C ¹	C ³	C ³	C ³	C ³				P ⁵		C ¹	C ¹				
Small workforce housing development	C ³																	
Dwelling, single family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³					P ⁵							
Dwelling, two-family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³					P ⁵							
Elderly Housing	P ³	P	P	P	P	P	C				P ⁵		P	P				
Elderly Housing, Affordable	C	C	C	C	C	C	C				P ⁵		C	C				
Live-Work Units			C	C	C	C	C	C	C	C	P ⁵							
Manufactured housing	P, C ³	P, C ³																
Mixed use residential						P, C ³	P, C ³				P ⁵		C ³	C ³				
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P		P				P ⁵		P	P				

Londonderry Zoning Ordinance Use Table

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

														Overlay Districts					
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD-102 ¹	POD-28 ¹	CO	AH	AZ	FP	
Preexisting manufactured housing parks	P																		
Presite Built Housing	P																		
	P																		
CIVIC USES																			
Community center			P	P		C					P ⁴								
Cemetery	P																		
Public Facilities	P		P	P		C		P	P	P	P ⁴	P							
Public Utilities	P	P	P	P				S	S	S	P ⁵	S							
Recreational Facilities, Public	P			P							P ⁴		P	P					
Religious Facilities	P		P	P	P	P					P ⁵		P	P					
Cultural Uses and Performing Arts							C			P	P ⁴								
BUSINESS USES																			
Aeronautical Facilities												P							
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	P ⁴								
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	P ⁴								
Bed and Breakfast Homestay	P										P ⁵								
Business center development			P	P			P			P	P ⁴		P	P					
Conference/Convention Center							C			P	P ⁴								
Day Care Center, Adult						C	C				P ⁴								
Drive-thru window as an accessory use			P	P			C												
Drive-in establishments			P	P															
Drive-in theatres				P															
GB District Services	(See GB District Services Use Table, Section 2.2.2)																		
Financial institution			P	P			P			P	P ⁴								
Funeral homes			P	P	P														
Education and Training Facilities							C			P	P ⁴								
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		P ⁴		C	C					
Home Occupation	S										S								
Hotels				P			C			P	P ⁴								

Londonderry Zoning Ordinance Use Table

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

														Overlay Districts					
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD-102 ¹	POD-28 ¹	CO	AH	AZ	FP	
Manufacturing, Heavy									P	P		P							
Manufacturing, Light up to 250,000 sq. ft.				P				P	P	P	P ⁴	P							
Manufacturing, Light 250,001 sq ft or larger				P				P	P	C	P ⁴	P							
Membership club			P	P							P ⁴								
Hotels				P															
Motor Vehicle Maintenance, Major Repair and Painting									P			P							
Motor vehicle rental												P							
Motor Vehicle Station, Limited Service				P		C ²					P ⁴	P							
Recreation, commercial			P	P			P				P ⁴		P	P					
Retail sales establishment up to 75,000 sq. ft.			P	P		P	P				P ⁴		P	P					
Retail sales establishment 75,001 sq. ft. or larger			P	P			C				P ⁴								
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use										C									
Professional office			P	P	P	P	P	P	P	P	P ⁴	P	P	P					
Rental Car Terminal up to 50,000 sq. ft.										P	P ⁴								
Rental Car Terminal 50,001 sq. ft. or larger										C	P ⁴								
Repair services			P	P		P		P	P		P ⁴	P	P	P					
Research or Development Laboratories				P			P	P	P	P	P ⁴	P							
Restaurant			P	P		C	P				P ⁴	P	P	P					
Restaurant, fast food			P	P			C				P ⁴								
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C									
School, Private					P						P ⁴		P	P					
Service establishment			P	P			P	P	P		P ⁴	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 ⁴	P							
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P ⁴	P							

Londonderry Zoning Ordinance Use Table

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

														Overlay Districts				
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD-102 ¹	POD-28 ¹	CO	AH	AZ	FP
Vehicle Sales Establishment				P														
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	P ⁴	P	C	C				
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	P ⁴	P	C	C				
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	P ⁴	P						
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	P ⁴	P						

- 1 - Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use
- 2 - See **Section 2.4.1(B)(4)** for additional dimensional requirements related to fuel dispensers
- 3 - See **Section 2.3.3** for specific requirements (workforce housing)
- 4 - As part of an approved PUD Master Plan, See **Section 2.8**
- 5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See **Section 2.8**
- 6 - **Applies only to proposed multi-family workforce housing developments in the AR-1 district which meet the following conditions:**
 - a. Prior to May 13, 2014, one or more variances were granted to the proposed development from provisions of this ordinance that were in effect at that time;
 - b. As of May 13, 2014, no additional variances were necessary for the proposed development to constitute a proposal sufficiently complete as to qualify for consideration by the Planning Board for approval
 - c. A Conditional Use Permit for the proposed development is approved by the Planning Board not later than DATE (said date being eighteen months after the adoption of these amendments.
- 7 - In the AR-1 district, Multi-family workforce housing may be permitted subject to a Conditional Use Permit on lots adjacent to commercial and industrial districts, provided that the proposed development meets the Conditional Use criteria for workforce housing.
- 8 - Elderly Housing in the AR-1 District is limited to no more than 6-units per building, attached in a row house configuration.
- 9 - See **Section 2.3.2.4** for building size criteria

GB District Services Use Table

GB

Accessory Uses up to 5,000 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 5,001 – 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 5,000 sq. ft.	P
Automotive Repair from 5,001 to 10,000 sq. ft.	C
Computer Services up to 5,000 sq. ft.	P
Computer Services from 5,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 5,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 5,001 to 20,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 5,000 sq. ft.	P
Daycare from 5,001 to 10,000 sq. ft.	C
Health Clubs up to 5,000 sq. ft.	P
Health Clubs from 5,001 to 20,000 sq. ft.	C
Personal Service Businesses up to 5,000 sq. ft.	P
Personal Service Businesses from 5,001 to 20,000 sq. ft.	C

2.3 RESIDENTIAL DISTRICTS

2.3.1 Agricultural-Residential (AR-I)

2.3.1.1 Objectives and Characteristics

The Agricultural-Residential District is designed to permit uses that are compatible with and protective of certain areas that have been and are being developed for agricultural and forestry uses, water quality preservation, residential use, and public use.

2.3.1.2 Uses

See Use Table Section 2.2

- A. No lot in the agricultural-residential (AR-I) district may be used for the outside storage of more than one unregistered motor vehicle (in accordance with RSA 236:92) or the outside storage of more than one boat other than a rowboat, canoe or other boat less than twenty (20) feet in length.
- B. In instances where a dwelling located in the agricultural-residential (AR-I) district has been damaged by fire or other catastrophe, and is being rebuilt or repaired, it shall be permissible to occupy one manufactured housing unit on a lot for a period not exceeding 12 months, or until a certificate of occupancy for the replacement structure is issued, per RSA 674:32 II.

2.3.1.3 Residential Lot Size Requirements

A. Minimum Lot Area

1. Single or two-family lots served by municipal water and sewer will not be subject to the high intensity soils survey requirements described below. Minimum lot sizes and frontage requirements for lots with municipal water and sewer shall be according to Table 1 listed in this section

Dwelling Type	Bedrooms	Frontage Requirements	Minimum Lot Size
Single Family	1 – 2	100 LF	35,000 SF
Single Family	3 or more	150 LF	40,000 SF
Duplex	2 – 4 (total of both dwelling units)	150 LF	52,500 SF
Duplex	5 or more	200 LF	60,000 SF

2. The minimum lot size for a single or two family residence not served by a municipal wastewater system shall be 43,560 SF
3. All land to be included as part of the lot shall be contiguous
4. In the absence of a municipal wastewater system, to protect ground water quality for the purpose of public health and safety, minimum lot sizes shall, in addition to the Zoning Ordinance requirements listed in **2.3.1.3(A)(2)**, also meet such additional lot size requirements as specified by “minimum lot size by soil type” in Table 2 which are based on high intensity soil Maps and specified in this Section of the Town ordinance. This requirement is subject to the following:
 - a. Each lot shall have a soil carrying capacity of one or greater, which is calculated by dividing the given area of any soil type to be used by the required are for the soil type found in Table 2 of this section.
 - b. Where more than one soil type is found on the lot, a soil carrying capacity of those soils occurring on the lot shall be used to determine the minimum lot size.
 - c. Areas designated as poorly drained (type b hydric) soils may be utilized to fulfill the minimum lot site required by the Town ordinance and subdivision regulations provided that a minimum of 30,000 SF of

a contiguous non-wetland area with proper configuration to adequately accommodate all housing and required utilities such as sewage disposal and water supply to include setbacks, is provided.

- d. Areas designated as type a hydric soils (very poorly drained soils, fresh or saltwater marsh or surface water areas) may not be utilized to fulfill minimum lot size requirements.
- e. No subsurface wastewater disposal system shall be constructed with seventy five (75) feet of any type a hydric soil or fifty (5) feet from any type b hydric soil.
- f. Slopes greater than twenty five percent (25%) may be used in the computed lot size according to the following: areas designated with slopes of greater than twenty five percent (25%) may be utilized to fulfill the minimum lot size required by the Town ordinance and subdivision regulations provided that a contiguous area of a minimum of 20,000 SF with less than fifteen percent (15%) slopes and proper configuration to adequately accommodate all housing and required utilities such as sewage disposal and water supply to include setbacks, is provided.
- g. For duplex use, where the total number of bedrooms in the building shall not exceed five (5), the lot size shall be increased by forty percent (40%) of the minimum lot size as determined by the appropriate table. For each bedroom exceeding five (5) the lot size shall be increased by fifteen percent (15%).
- h. For single family homes with greater than four (4) bedrooms, the required lot size will be increased fifteen percent (15%) for each additional bedroom exceeding four (4).
- i. Soils information shall be provided by high intensity soil Maps and prepared by a field examination performed by a certified soil scientist and so stamped.
- j. The area of drainage easement located on the lot shall not be included as part of the minimum lot size calculation.
- k. Each residential lot shall have at least 22,000 SF of contiguous land above the 100-year flood elevation as determined by the flood insurance rate Maps and flood boundary and floodway Maps of the Town of Londonderry as prepared by the U.S. department of housing and urban development, federal insurance administration.

TABLE 2

Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)

Soil Type	Slope B	Slope C	Slope D	Slope E
111-H	31,750	35,250	40,000	46,000
112-H	31,750	35,250	40,000	46,000
114-H	77,000	89,000	106,000	132,000
117-H	54,500	60,500	67,500	77,000
118-H	65,750	74,750	86,750	104,500
121-H	31,750	35,250	40,000	46,000
122-H	31,750	35,250	40,000	46,000
124-H	77,000	89,000	106,000	132,000
127-H	54,500	60,500	67,500	77,000
128-H	65,750	74,750	86,750	104,500
161-H	31,750	35,250	40,000	46,000
164-H	77,000	89,000	106,000	132,000
167-H	54,500	65,000	67,500	77,000
168-H	65,750	74,750	86,750	104,500
211-H	31,750	35,250	40,000	46,000
212-H	31,750	35,250	40,000	46,000
214-H	77,000	89,000	106,000	132,000
217-H	54,500	60,500	67,500	77,000

TABLE 2

Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)

Soil Type	Slope B	Slope C	Slope D	Slope E
218-H	65,750	74,750	86,750	104,500
221-H	40,000	46,000	54,500	67,500
222-H	40,000	46,000	54,500	67,500
223-H	54,500	60,500	67,500	77,000
224-H	77,000	89,000	106,000	132,000
227-H	54,500	60,500	67,500	77,000
228-H	65,750	74,750	86,750	104,500
231-H	40,000	46,000	54,500	67,500
234-H	77,000	89,000	106,000	132,000
237-H	54,500	60,500	67,500	77,000
238-H	65,750	74,750	86,750	104,500
243-H	54,500	60,500	67,500	77,000
247-H	54,500	60,500	67,500	77,000
248-H	65,750	74,750	86,750	104,500
253-H	54,500	60,500	67,500	77,000
257-H	54,500	60,500	67,500	77,000
258-H	65,750	74,750	86,750	104,500
261-H	40,000	46,000	54,500	67,500
263-H	54,500	60,500	67,500	77,000
264-H	77,000	89,000	106,000	132,000
267-H	54,500	60,500	67,500	77,000
268-H	65,750	74,750	86,750	104,500
275-H	40,000	46,000	54,500	67,500
311-H	54,500	60,500	67,500	77,000
312-H	54,500	60,500	67,500	77,000
313-H	54,500	60,500	67,500	77,000
314-H	77,000	89,000	106,000	132,000
317-H	54,500	60,500	67,500	77,000
318-H	65,750	74,750	86,750	104,500
321-H	54,500	60,500	67,500	77,000
322-H	54,500	60,500	67,500	77,000
323-H	54,500	60,500	67,500	77,000
324-H	77,000	89,000	106,000	132,000
325-H	54,500	60,500	67,500	77,000
327-H	54,500	60,500	67,500	77,000
328-H	65,750	74,750	86,750	104,500
331-H	54,500	60,500	67,500	77,000
332-H	54,500	60,500	67,500	77,000
333-H	54,500	60,500	67,500	77,000
334-H	77,000	89,000	106,000	132,000
337-H	54,500	60,500	67,500	77,000
338-H	65,750	74,750	86,750	104,500
343-H	54,500	60,500	67,500	77,000
344-H	77,000	89,000	106,000	132,000
347-H	54,500	60,500	67,500	77,000
348-H	65,750	74,750	86,750	104,500
353-H	106,000	132,000	N/A	N/A

TABLE 2

Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)

Soil Type	Slope B	Slope C	Slope D	Slope E
354-H	106,000	132,000	N/A	N/A
357-H	106,000	132,000	N/A	N/A
358-H	106,000	132,000	N/A	N/A
361-H	54,500	60,500	67,500	77,000
363-H	54,500	60,500	67,500	77,000
364-H	77,000	89,000	106,000	132,000
367-H	54,500	60,500	67,500	77,000
368-H	65,750	74,750	86,750	104,500
374-H	77,000	89,000	106,000	132,000
375-H	54,500	60,500	67,500	77,000
411-H	77,000	89,000	106,000	132,000
412-H	77,000	89,000	106,000	132,000
413-H	77,000	89,000	106,000	132,000
414-H	77,000	89,000	106,000	132,000
417-H	77,000	89,000	106,000	132,000
418-H	77,000	89,000	106,000	132,000
421-H	77,000	89,000	106,000	132,000
422-H	77,000	89,000	106,000	132,000
423-H	77,000	89,000	106,000	132,000
424-H	77,000	89,000	106,000	132,000
427-H	77,000	89,000	106,000	132,000
428-H	77,000	89,000	106,000	132,000
431-H	77,000	89,000	106,000	132,000
432-H	77,000	89,000	106,000	132,000
433-H	77,000	89,000	106,000	132,000
434-H	77,000	89,000	106,000	132,000
437-H	77,000	89,000	106,000	132,000
438-H	77,000	89,000	106,000	132,000
443-H	77,000	89,000	106,000	132,000
444-H	77,000	89,000	106,000	132,000
447-H	77,000	89,000	106,000	132,000
448-H	77,000	89,000	106,000	132,000
453-H	106,000	132,000	N/A	N/A
454-H	106,000	132,000	N/A	N/A
457-H	106,000	132,000	N/A	N/A
458-H	106,000	132,000	N/A	N/A
461-H	77,000	89,000	106,000	132,000
463-H	77,000	89,000	106,000	132,000
464-H	77,000	89,000	106,000	132,000
467-H	77,000	89,000	106,000	132,000
468-H	77,000	89,000	106,000	132,000
475-H	77,000	89,000	106,000	132,000
511-H	106,000	132,000	N/A	N/A
512-H	106,000	132,000	N/A	N/A
513-H	106,000	132,000	N/A	N/A
514-H	106,000	132,000	N/A	N/A
517-H	106,000	132,000	N/A	N/A

TABLE 2

Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)

Soil Type	Slope B	Slope C	Slope D	Slope E
518-H	106,000	132,000	N/A	N/A
521-H	106,000	132,000	N/A	N/A
522-H	106,000	132,000	N/A	N/A
523-H	106,000	132,000	N/A	N/A
524-H	106,000	132,000	N/A	N/A
527-H	106,000	132,000	N/A	N/A
528-H	106,000	132,000	N/A	N/A
531-H	106,000	132,000	N/A	N/A
532-H	106,000	132,000	N/A	N/A
533-H	106,000	132,000	N/A	N/A
534-H	106,000	132,000	N/A	N/A
537-H	106,000	132,000	N/A	N/A
538-H	106,000	132,000	N/A	N/A
543-H	106,000	132,000	N/A	N/A
544-H	106,000	132,000	N/A	N/A
547-H	106,000	132,000	N/A	N/A
548-H	106,000	132,000	N/A	N/A
553-H	N/A	N/A	N/A	N/A
554-H	N/A	N/A	N/A	N/A
557-H	N/A	N/A	N/A	N/A
558-H	N/A	N/A	N/A	N/A
561-H	106,000	132,000	N/A	N/A
563-H	106,000	132,000	N/A	N/A
564-H	106,000	132,000	N/A	N/A
567-H	106,000	132,000	N/A	N/A
568-H	106,000	132,000	N/A	N/A
575-H	106,000	132,000	N/A	N/A

The soil types listed below have one or more limiting characteristics that make the soil type “NA” or require onsite investigation, no matter what other characteristics of the soil may be present:

Soil Type	Minimum Lot Size
6***H	NA, very poorly drained soil
*66*H	NA, fill does not meet the standards for fill material (see key to soil types)
76**H	Onsite evaluation needed (Usually filled, excavated or regarded sites)
The soil type symbols are explained in “High Intensity Soil Maps for New Hampshire, Standards and Origins. SSSNNE Special Publications No. 1”, as most recently amended. “N/A” - means not allowed (Doesn’t count at all toward lot size). “**” - means any slope or any number	

B. Minimum Frontage On A Class V Or Better Road

1. Single Family Dwelling - 150 Feet
2. Two Family Dwelling - 200 Feet

C. Minimum Setback Distances For Structures From Property Line (All Uses)

1. Front - 40 Feet
2. Side - 15 Feet
3. Back - 15 Feet
4. If a property abuts more than one existing and/or proposed right of way, the building setback will be forty (40) feet from each right of way.

D. **Maximum height of structure (all uses with the exception of agricultural purposes)** is thirty-five (35) feet.

2.3.1.4 Livestock

- A. Agricultural livestock, poultry, and horses will not be permitted except on lots containing two acres or more. All buildings, runs, pens, and kennels (excluding pastures) will be located a minimum of 25 feet from any property line. This lot size and setback requirements also pertain to dog kennels.
- B. At no time shall a public nuisance be created as to sight, sound, smell, or any other action which would interfere with nearby property owner's rights. Exempted from this provision are domestic pets as defined in this ordinance.
- C. Commercial piggeries or mink farms established for the raising, care, and keeping of pigs or minks as business in any district shall not be permitted. The raising of pigs for one's own home consumption shall be permitted, providing that in so doing, a public nuisance is not created and the operation does not offend by reason of the emission of smoke, noise, odors, or fumes.

2.3.1.5 Location of Religious Facilities

- A. Religious facilities in residential districts must be on lots of two acres minimum and must have traffic access onto arterial or collector streets.
- B. All buildings and the parking lot associated with a religious facility will be set back a minimum of 20 feet from all adjacent residential lots, in accordance with Section 5.02 of the Site Plan Regulations. The landscaping of this setback buffer zone will be approved by the Planning Board
- C. Prior to construction or occupation, a sewage disposal plan will be approved and signed by the New Hampshire water supply and pollution control commission.
- D. Parking for religious facilities shall be determined by the requirements of **Section 3.10**, Table 1 of this ordinance.

2.3.1.6 Parking Requirements

A minimum of two parking spaces per dwelling unit shall be provided in the AR-I district.

2.3.1.7 Accessory Dwellings

To increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory dwelling is permitted on any property containing an owner-occupied single-family dwelling, provided the following conditions are met:

- A. Accessory Dwellings shall be permitted only on properties containing an owner-occupied single-family dwelling.
- B. There shall be not more than one accessory dwelling per lot.
- C. An accessory dwelling shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size (of Section 2.3.1.3) or development density of the property.
- D. The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling, as of the date of the permit approval.

- E. The accessory dwelling shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
- F. The maximum size for an Accessory Dwelling shall not exceed 40% of the living area of the principal dwelling, and shall include no more than 2 bedrooms.
- G. The accessory dwelling shall be subsidiary in size and function to the principal dwelling and be consistent with the principal dwelling in appearance, design, colors, and materials.
- H. The accessory dwelling may be located within or added to the principal structure, or attached to an accessory structure such as a free-standing garage, or may itself be a free-standing accessory structure.
 - 1. If contained within or added to the principal structure, exterior entry to the accessory dwelling shall not face the street as a second door.
 - 2. If a free-standing structure or attached to a free-standing structure, the accessory dwelling shall be located only in the side or rear yard of the property.
- I. All required setbacks shall be complied with.
- J. If the accessory dwelling is not on public water and sewer, then well and septic provisions shall comply with New Hampshire Department of Environmental Services regulations.
- K. There shall be one parking space in the rear or side yard for the accessory dwelling and no additional curb cut.
- L. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family dwelling.
- M. Every Accessory Dwelling shall be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59.

2.3.1.8 Bed and Breakfast Homestay

- A. Bed and breakfast homestay uses shall be subject to the following regulations.
 - 1. With the exception of homes or historic barns located within the Town of Londonderry cultural resources survey or listed on the national register of historic places, there shall be no more than four guest rooms
 - 2. Up to six guest rooms may be allowed for homes or historic barns located within the Town of Londonderry cultural resources survey or listed on the national register of historic places.
 - 3. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building.
 - 4. The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
 - 5. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes
 - 6. No exterior alterations, other than those required by law to ensure safety of the structure shall be made to any building for the purpose of providing a bed and breakfast homestay
 - 7. The homestay operation shall not use more than 50% of the floor area of the principal residence. Common areas such as kitchens are not included in this calculation.
 - 8. Adequate sewage disposal service shall be provided.
 - 9. A minimum of two parking spaces for the dwelling unit and one additional for each guest room shall be required.
 - 10. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than thirty (30) days in any one year period

2.3.1.9 Portable Storage Structures:

The use of portable storage structures are allowed in the AR-I District under the following conditions:

- A. There must be no more than one portable storage structure per property.
- B. The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.
- C. A portable storage structure shall not remain at any property in excess of 6 consecutive months in any calendar year. A building permit is required for placement of a portable storage structure on a property.
 - 1. The Permit for a portable storage structure may be extended upon approval by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension shall be made in writing to the Building Department, and if granted, shall not result in any additional permit fees.
- D. The portable storage structure shall be set back a minimum of 15 feet from any side or rear lot lines, and 40 feet from any front property line.
- E. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
- F. The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks.
- G. Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from **Sections 2.3.1.9(A)** through **2.3.1.9(F)**.

2.3.2 Multi-Family Residential (R-III)

2.3.2.1 Objectives and Characteristics

The Multi-Family (R-III) district is designed to permit an increased residential density in areas where municipal services make it appropriate and to promote flexibility in the design of residential projects with various housing types, reduced lot sizes and modified dimensional requirements, while maintaining a fixed maximum density. Flexible design can provide for the appropriate use of the land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land and expand opportunities for the development of affordable housing.

2.3.2.2 Uses

- A. See **Use Table Section 2.2**
- B. Single family and two family dwellings are allowed per the use Table provided that at least seventy five percent (75%) of such dwelling units shall be restricted housing for older persons under the fair housing act, as amended, 42 USC 3601, et.seq., and RSA 354-A:15. Such restrictions shall be secured by restrictive covenants or similar instrument, approved by the Board, recorded in the registry of deeds.
- C. No lot in the Residential-III (R-III) district may be used for the outside storage of more than one unregistered motor vehicle (in accordance with RSA 236:92) or the outside storage of more than one boat other than a rowboat, canoe or other boat less than twenty (20) feet in length.

2.3.2.3 Regulations and Design Criteria

A. Development Plan

- 1. The applicant shall prepare and submit to the Planning Board for approval of a development plan of the tract proposed for development ("development lot"), which locates the proposed types of residential development, utilities, access roads and streets. ("development plan")

- a. The development plan shall include general, conceptual site and architectural plans sufficiently detailed to show the intended land uses, structures, improvements, and other features necessary to demonstrate compliance with this Section and other applicable provisions of the Zoning Ordinance.
 - b. The applicant may elect to develop the development lot in phases.
 - c. Final approval of development of any portion of the development lot shall require site plan approval according to the Site Plan Regulations of the Planning Board.
 - d. Once development of any portion of the development lot begins, no portion of the development lot may thereafter be developed or used except in conformity with the approved development plan, or an amended development plan approved by the Board.
2. The development lot may, but need not, be divided into two or more smaller legal separate lots of record (“internal legal lots”), which shall require subdivision approval by the Planning Board.
 3. The density, design and dimensional requirements of **Section 2.3.2.3(B)** shall be applied to the development lot and not the internal legal lots.
 4. The internal legal lots, if any, shall be subject to the density, design and dimensional requirements of **Section 2.3.2.3(C)**.
 5. The applicant shall be permitted to allocate permitted density among the internal legal lots in any manner so long as the sum total of development for all internal legal lots does not exceed the permitted density for the development lot.

B. Density, Design and Dimensional Standard for Development Lot

1. *Permitted density* - the maximum permitted number of dwelling units (“permitted density”) allowed in the development lot shall be as follows:
 - a. For dwellings serviced by municipal sewer, the maximum number of dwelling units permitted on the development lot shall be determined by the following formula: number of dwelling units = 0.80 (development lot area - unusable land area)/7000 square feet. “unusable land” is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
 - b. 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.
 - c. The maximum number of dwelling units per dwelling shall be sixteen (16).
 - i. 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**.
 - d. The average number of bedrooms per dwelling unit in a multifamily dwelling shall not exceed two (2).
2. *Screening, Landscaping and Glare* - the development plan and the internal legal lots shall be designed to screen parking lots from streets by building location, grading or screening and to minimize glare on adjoining properties. Glare from any use of land, including site illumination, shall not exceed 0.2 foot candles, measured at ground level, at or beyond the perimeter of the development lot. Lighting fixtures shall be designed for downward casting of light. Major topographic changes or removal of existing trees shall be avoided wherever possible, and water, wetlands and other scenic views shall be preserved wherever possible.
3. *Open space* - no less than the area calculated below shall be retained as unoccupied space free of all buildings, parking and pavement, including street access, drives and walks paved with impervious materials, (but such unoccupied open space may include so-called nature walk areas and the like and other

recreational uses approved by the Planning Board.) Open space shall be owned by undivided interests appurtenant to lot ownership. Such open space shall either be maintained in its natural state (except for the walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.

- a. Total open space shall not be less than forty percent (40%) of the total development lot area
 - b. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
 - c. Usable open space shall not be less than twenty five percent (25%) of the total development lot area. "usable open space" shall not include "unusable land" as defined in **2.3.2.3(B)(1)(a)**.
4. *Road design* - internal roads shall conform to Town standards for roads in new subdivisions as required by the most recent version of the Town's Subdivision Regulations.
5. *Building separation* - single family or two family dwellings shall be at least twenty feet (20') from other dwellings. Multi family dwellings and other buildings shall be at least thirty feet (30') from other dwellings. Up to three (3) buildings may be interconnected by a covered walkway or breeze way for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the Planning Board (after consultation with the fire department) impair access to the buildings by emergency vehicles and equipment.
6. *Dimensional requirements*
- a. Minimum structure setbacks from the perimeter of the development lot shall be as follows: front - 40 feet; side - 35 feet; rear - 30 feet. If the development lot abuts more than one existing and/or proposed external right-of-way, the building setback will be forty (40') feet from each right-of-way.
 - b. Maximum building height shall not exceed (50') fifty feet (excluding non-occupied features such as towers, cupolas, etc.)
 - c. Maximum building footprint coverage as a percentage of the development lot shall not exceed fifty five percent (55%).
 - d. The development lot shall have a minimum frontage of a state highway or Town maintained road of class v designation or better of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the development lot.
7. *Parking*
- a. A minimum of two (2) parking spaces per dwelling unit shall be provided for single family and two family dwellings.
 - b. A minimum of two and one-half (2.5) parking spaces per dwelling unit shall be provided for multi-family dwellings. Parking spaces may be located offsite (i.e.: off the internal legal lot so long as the offsite parking is located within the development lot) and the parking spaces shall be within four hundred feet (400') of the building they are intended to serve.
 - c. Assisted living and nursing home uses shall require one half (0.5) a parking space per resident unit or bed, plus one per employee.
 - d. Parking for other uses shall comply with standards applicable to such uses in other districts.
 - e. Parking areas shall be designated in accordance with requirements for parking areas set forth in **Section 3.10** of the Zoning Ordinance (parking).
8. *Perimeter buffer* - a perimeter buffer to separate and screen incompatible land uses shall surround the development lot except where streets enter the development lot. The buffer shall include a combination of physical space and vertical elements such as plants, berms, fences or walls, as approved by the Board. The width of the buffer area shall vary according to the abutting zoning district as follows:

- a. Agricultural-residential: one hundred feet (100') where directly abutting; fifty feet (50') where highway separates R-III and AR-I district.
- b. Commercial or industrial: fifty feet (50') where directly abutting, no buffer where highway separates R-III and a "C" or "I" district.
- c. Multi-family residential: no buffer.

C. Additional dimensional standards for internal lots:

- 1. Single and two-family dwelling lots:
 - a. Minimum lot area 5,000 SF/Unit
 - b. Minimum lot width 50 f Ft/Unit
 - c. Minimum setbacks
 - i. front - 25 feet
 - ii. side - see note below
 - iii. rear - 20 feet
 - iv. Note: side setbacks may be reduced to any dimension as long as distance between buildings on contiguous lots is greater than twenty feet (20').
- 2. *Multi family dwelling lots*
 - a. Minimum lot area 7,000 SF/unit
 - b. Minimum lot width 50 ft/unit
 - c. Minimum setbacks
 - i. front - 40 feet
 - ii. side - 15 feet
 - iii. rear - 30 feet
- 3. *Other allowed uses* - yard dimensions for all other uses shall be as per the development lot external lot standards referenced in **subsection 2.3.2.3(B)(6)** (dimensional requirements) above.

2.3.2.4 Conditional Use Permits

- A. 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.
- B. 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.
- C. **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:
 - 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. The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.

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.
- D. 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.
1. The proposed use is consistent with the Objectives and Characteristics of the district, **Section 2.3.2.1**;
 2. Granting of the application is in the public interest;
 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.
 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.
 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(B)(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

2.3.3.1 Purpose:

The purpose of this Section is to encourage and provide for the development of workforce housing within Londonderry. It is intended to ensure the continued availability of a diverse supply of home ownership and rental opportunities for persons meeting the definitions established in the State of NH's "Workforce Housing Statutes," RSA 674:58-61. Additionally, in implementing this Section, Londonderry has considered the region's affordable housing need as defined in the Southern NH Planning Commission Housing Needs Assessment.

2.3.3.2 Authority:

The Section is enacted as an Inclusionary Zoning provision, pursuant to RSA 674:21, Innovative Land Use Controls, which provides the statutory authority for the Town of Londonderry to provide intensity and use incentives, impact zoning, performance standards, and the ability for the Planning Board to grant conditional use permits. The Planning Board shall be solely responsible for the interpretation and administration of this section, including the granting of all conditional use permits relative thereto. Any decision made by the Planning Board under this section may be appealed directly to Superior Court in the same manner provided by RSA 677:15.

2.3.3.3 Applicability

- A. Development in accordance with the provisions of this Section is permitted by Conditional Use Permit as defined in this Zoning Ordinance and as listed in the Permitted Use Table, **Section 2.2**.
- B. Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).

2.3.3.4 Conditional Use Permit Criteria for Workforce Housing

In addition to the Criteria of Section 1.5.2, the following criteria shall be used by the Planning Board in the evaluation of Conditional Use Permits for Inclusionary Housing, including Workforce Housing projects:

A. General:

1. The proposed development is fully compliant with all pertinent requirements of this Ordinance.
2. The proposed use is consistent with the Objectives and Characteristics *of the zoning district* and of this Inclusionary Housing Section 2.3.3.4.
3. The application demonstrates that the project for which the Conditional Use Permit is sought does not impact the 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.
4. The applicant has demonstrated that an alternative design for which dimensional relief 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.
5. Workforce housing units must be constructed at the same rate as market-rate units in the development.
6. All workforce housing units must be completed and made available for sale or rental before the final 10% of the market-rate units are approved for occupancy within the same development.
7. At least 51% of dwelling units on a development lot in any inclusionary housing development must contain at least 2 bedrooms.
8. 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.
9. The Planning Board may consider a project that would be the conversion of a large single family residential structure into multiple units that is identified as a "historic property" and listed in the Historic Properties Preservation Taskforce Report, on file with the Heritage Commission. Such conversions shall be required to place a historic preservation easement on the historic structure. Any conversion of a historic structure shall also meet all of the other conditional use permit criteria from this section.

B. Multi-Family Workforce Housing:

1. The project shall be served by municipal sewer and water service from Manchester Water Works, Derry Municipal Water, or Pennichuck Water and be consistent with the Town's Sewer Facilities Master Plan.
2. The project is designed to meet the requirements of RSA 674:59, and provides a minimum of **50%** of the units meeting the definition of "workforce housing" under RSA 674:58.
3. All workforce units must be designed in such a way as to be indistinguishable (architecturally) from any "market rate" units included in the development. Architectural design of any multi-family buildings must be reviewed by the Heritage Commission for their recommendations to the Planning Board.
4. Permitted density - the maximum permitted number of dwelling units ("permitted density") allowed in the development lot shall not exceed 10 units per acre.
5. The number of dwelling units in each building shall be determined by current fire, safety and building codes.
6. Open space - no less than the area calculated below shall be retained as unoccupied space free of all buildings, parking

and pavement including street access, drives and walks paved with impervious materials, (but such unoccupied open space may include so-called nature walk areas and the like and other recreational uses approved by the Planning Board.) Open space shall be owned by undivided interests appurtenant to lot ownership. Such open space shall either be maintained in its natural state (except for the walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.

- a. Total open space shall not be less than forty percent (40%) of the total development lot area
- b. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
- c. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.

7. Road design - internal roads shall conform to Town standards for roads in new subdivisions as required by the most recent version of the Town's Subdivision Regulations, but may be waived by the Planning Board.

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

9. Dimensional requirements:

- a. Minimum structure setbacks from the perimeter of the development lot shall be as follows: front - 40 feet; side - 35 feet; rear - 30 feet. If the development lot abuts more than one existing and/or proposed external right-of-way, the building setback will be forty (40') feet from each right-of-way.
- a.b. The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshall, but no residential structure shall be greater than 3 stories.
- b.c. The development lot shall have a minimum frontage on a state highway or Town maintained road of Class V designation or better of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the development lot.
- d. The maximum building length for any multi-family workforce buildings shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.

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

- a. Agricultural-Residential, Commercial, or Industrial: fifty feet (50') where directly abutting, no buffer where highway separates the development lot and a "C" or "I" district.
- b. R-III: no buffer.

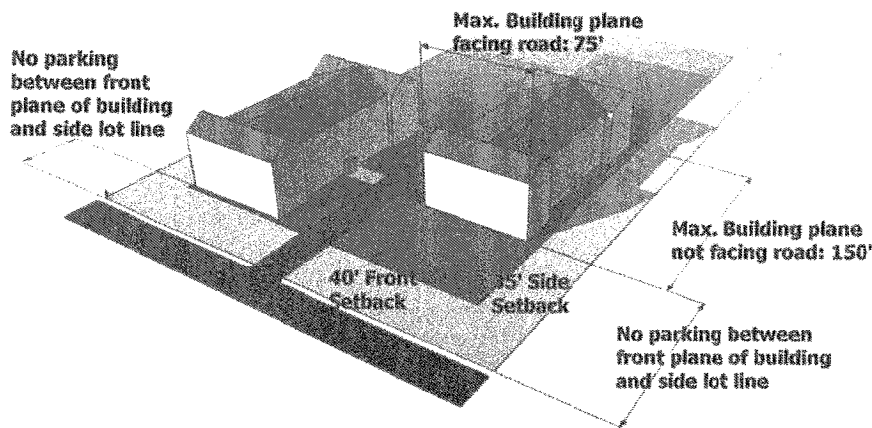
11. Dimensional Relief by Conditional Use Permit for Multi-Family Workforce Housing

- a. The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement for multi-family workforce housing (for example: setback, density, green space, frontage, roads and driveways, or parking).

b. 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.

12. Parking

- a. A minimum of 2.0 parking spaces per dwelling unit shall be provided for all dwelling units in an inclusionary multi-family development.
- b. Parking areas shall be designated in accordance with requirements for parking areas set forth in Section 3.10 of the Zoning Ordinance (parking).
- c. No parking shall be located between the front lot line and the front plane of the building(s) closest to the existing Town street. The line of the front building plane for each structure shall extend to the side property lines to establish the parking lot setback.



2.3.3.5 Definitions Specific to This Section.

Workforce Rental Housing – where the rent plus utilities for the dwelling unit does not exceed 30 percent of the allowed individual household income (60% of the Area Median Income adjusted for a family of 3, as defined by the US Department of Housing and Urban Development as required by RSA 674:58).

Workforce Owner-Occupied Housing – where the total cost of mortgage principal and interest, mortgage insurance premiums, property taxes, association fees, and homeowner's insurance does not exceed 30 percent of the maximum allowed income of the purchaser (100% of the Area Median Income adjusted for a family of 4, as defined by the US Department of Housing and Urban Development as required by RSA 674:58). The calculation of housing costs shall be based on current taxes, a 30-year fixed rate mortgage, a 5 percent down payment, and prevailing mortgage rates within the region.

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

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

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

Rental Housing – Any dwelling unit intended for leasehold occupancy.

Small Workforce Housing Development – Workforce housing permitted in the Agricultural-Residential (AR-1) District to accommodate structures with up to 4 units on an individual lot, and designed to be compatible with the context of the neighborhood.

Live-Work Unit - A single unit consisting of both a work space for occupations like commerce, professional services, artisan, or similar, along with a residential component that is occupied by the entrepreneur. The live/work unit shall be the primary dwelling of the occupant and is intended for non-residential zones as applicable.

2.3.3.6 Small Workforce Housing Developments

A. Single-family, two-family, three-family, four-family or any combination of dwelling units (up to 4) not to exceed two buildings per lot are permitted in the AR-1 Agricultural and Residential zoning district, according to the following:

1. Provisions of Section 2.3.1.3 to the contrary notwithstanding, minimum area of a lot containing 1 to 4 units shall comprise:

- a. A minimum of 35,000 SF for a single-family dwelling on lots served by public water and sewer, or
- b. A minimum of 52,500 SF for a two-family dwelling on lots served by public water and sewer, or
- c. A minimum of 78,750 SF for a three-family dwelling in a single building or in two buildings on lots served by public water and sewer, or
- d. A minimum of 105,000 SF for a four-family dwelling in a single building or in two buildings on lots served by public water and sewer, or
- e. The minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, if the property is not serviced by either public water or sewer or both, but in any case not less than 40,000 SF per unit.

2. The proposed development must be of a scale and architectural character that is compatible with the surrounding residential neighborhood in the sole judgment of the Planning Board.

3. Lot frontage for a single-family dwelling shall be a minimum of 75'; lot frontage for a two-family dwelling shall be a minimum of 100'; lot frontage for a 3 or 4 family dwelling shall be a minimum of 150'; back-lots shall have a minimum frontage of 50' with development permitted behind the point the lot meets the minimum required width at the setback line for the proposed number of dwelling units.

B. A minimum of 50 % of the units shall be workforce housing as defined in Section 2.3.3.5 and subject to all the provisions of this Ordinance pertaining to Inclusionary Housing.

C. All height and setback dimensional requirements of the AR-1 zoning district shall apply.

D. No parking shall be located between the front lot line and the front plane of the building(s) closest to an existing Town street. A minimum of two parking spaces shall be provided for each dwelling unit.

E. Conversions of an existing structure to workforce housing with 2 – 4 units shall be directed to the rear of the building as practical. Renovations and alterations to portions of an existing structure that are visible from a Town street shall be compatible with the appearance of the existing structure in the judgment of the Planning Board. Reconstruction of, or renovations or additions to, structures and new buildings associated with an existing structure in the Historic District shall comply with Section 2.6.4.

- F. Each dwelling unit shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
- G. A new detached structure containing Small Workforce Housing units shall be located to the rear of an existing structure. Detached structures shall be separated from each other and from any existing structure by a minimum of 20 feet for 1 and 2 family buildings, and 30 feet if either structure contains 3 units.
- H. A Conditional Use Permit is required for Small Workforce Housing Developments, and shall be through application to the Planning Board. Approval of a Conditional Use Permit is contingent upon successful demonstration to the Planning Board that the proposed development is compatible with the surrounding neighborhood and is fully compliant with the provisions of Sections 2.3.3.4 A, 2.3.3.8, and 2.3.3.10.

2.3.3.7 Live-Work Units The business component of live/work units are intended for use by entrepreneurs and professionals in occupations including but not limited to : accountants; architects; artists and artisans; attorneys, computer software and multimedia-related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; insurance, real estate and travel agents; one-on-one instructors; photographers; and for light manufacturing/assembly and similar occupations;

- A. Live/work units are permitted by Conditional Use Permit in the Commercial and Industrial Zones.
- B. In addition to the permitted uses above, the zoning administrator may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law;
- C. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
- D. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space;
- E. The commercial component as designated on the floor plan approved through the Conditional Use Permit shall remain commercial and cannot be converted to residential use;
- F. The residential component as designated on the floor plan approved through the Conditional Use Permit shall remain residential and cannot be converted to commercial use;
- G. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
- H. Signage intended to promote on-site commercial uses shall be restricted to a single four-square foot sign permanently affixed to the door or wall of the business component;
- I. The live/work unit shall be required to provide parking at least 3 spaces per unit.

2.3.3.8 Administration, Compliance and Monitoring: Assurance of Continued Affordability

Each workforce housing lot or dwelling unit in a subdivision, conservation subdivision, multi-family residential development, mixed use residential development, or Planned Unit Development shall remain affordable, as defined in RSA 674:58-61, for a period of not less than 40 years. This section shall be administered by the Planning Board.

A. For-Sale Workforce Housing:

1. No certificate of occupancy shall be issued for a workforce housing unit without written confirmation of the income eligibility of the buyer and the selling price of the workforce housing unit. An executed purchase and sale agreement shall be used to document selling price. Income eligibility of the buyer shall be certified by a

qualified third-party entity with expertise in determining the eligibility of the prospective owners to purchase workforce housing, and provided to the Town in the form of an affidavit of compliance prior to closing on the unit.

2. There shall be a limitation on the resale price of an affordable lot or unit consistent with the annual NHHFA Workforce Housing Purchase Limits (current year), and in every transfer of the lot's or unit's ownership. A restriction of resale to an income-eligible buyer is required by means of legally enforceable deed restrictions, restrictive covenants, contractual arrangements established to meet these continued affordability requirements, or other suitable methods specified in a legally enforceable document, applicable to the development and to each affordable lot or dwelling unit, found by the Planning Board to be appropriate and effective for ensuring such affordability, and filed in the Rockingham County Registry of Deeds. For each sale or re-sale of a workforce unit, the deed shall reflect submission of an affidavit of compliance to the Town certifying income eligibility and qualifying selling price.
3. The documents specifying such legally enforceable methods shall provide that the Town of Londonderry has legal rights on its own volition, or through its duly designated agent, to monitor and ensure the continuing validity of such covenant or document and to renew or cause renewal of such covenant or document for the purpose of extending for as many times as necessary the continuing affordability of lots or dwelling units as originally approved by the Planning Board.

B. Rental Workforce Housing:

1. The property owner, successor, or assign, shall be responsible for the continued affordability of workforce rental dwelling units consistent with RSA 674:58-61 and aforementioned covenants and documents, as certified by a qualified third-party entity with expertise in determining the eligibility of the prospective renters. Annual reports shall be submitted to the Planning and Economic Development Department by December 31st of each year. These reports shall contain all pertinent information relative to determination of gross rents and respective income qualification of tenants in accordance with the RSA's.
2. Annual rent increases for workforce housing rental units shall not exceed any increase in Area Median Income as reported by the US Department of Housing and Urban Development and by the New Hampshire Housing Finance Authority.

C. Enforcement and penalties for non-compliance shall be in accordance with Sections 4.4 and 4.3 of the zoning

ordinance.

2.3.3.9 Conditional Use Permit Application Procedures

- A. Application Procedure - Applications for Conditional Use Permits (CUP) for workforce housing in accordance with this section shall be submitted as part of the Site Plan application in accordance with the following procedures:
- 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 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
 - 3 The application will then begin Pre-Application Design review, which will include the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.
 - 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.
- B. 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 approvals. A Conditional Use Permit shall be issued only if the development complies with all of the requirements of Section 2.3.3.4. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or of the most recently adopted Master Plan, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law.

2.3.3.10 Statutory Procedures for Applications and Appeals

- A. Any person who applies for a workforce housing development under this ordinance shall file a written statement of such intent as part of the application. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. In any appeal where the applicant has failed to file the statement required by this paragraph, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development, or otherwise permits the proposed workforce housing development to proceed despite its nonconformance with the municipality's ordinances or regulations.
- B. If the Planning Board approves an application to develop workforce housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1). It shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.
- C. Upon receiving notice of conditions and restrictions as stated in **Section 2.3.3.9(B)**, the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the Planning Board, which shall not be less than 30 days.

1. Upon receipt of such evidence from the applicant, the Planning Board shall allow the applicant to review the evidence at the board's next meeting for which 10 days' notice can be given, and shall give written notice of the meeting to the applicant at least 10 days in advance. At such meeting, the board may also receive and consider evidence from other sources.
2. The board may affirm, alter, or rescind any or all of the conditions or restrictions of approval after such meeting.
3. Subject to **Section 2.3.3.9(C)(4)**, the Planning Board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the Board, in which case it may issue its final decision any time after the expiration of the period.
4. If an applicant notifies the Planning Board in writing at any time that the applicant accepts the conditions and restrictions of approval, the Board may issue its final decision without further action.

2.4 COMMERCIAL DISTRICTS

2.4.1 Commercial District

A. Objectives and Characteristics

The five commercial sub-districts (C-I, C-II, C-III, C-IV, and MUC) are designed to provide areas for commercial development to include, but not limited to, retail businesses, financial institutions, service oriented businesses, office buildings, recreational facilities, and repair shops.

B. Sub-district Uses

1. *Commercial I (C-I)*

This sub-district is primarily intended to provide for Town-servicing business activities where the establishment of planned business center development shall be encouraged.

- a. **Permitted uses:** see use Table **Section 2.2** of this Zoning Ordinance.
- b. **Prohibited uses:** facilities for the maintenance or repair of machinery, large appliances, and equipment having internal combustion engines are prohibited in this district.

2. *Commercial II (C-II)*

This sub-district is primarily intended to encourage the development of business areas designed to serve the motoring public.

- a. **Permitted uses:** see use Table **Section 2.2** of this Zoning Ordinance

3. *Commercial III (C-III)* - this sub-district is primarily intended for business-professional offices and residential use.

- a. **Permitted uses:** see use Table **Section 2.2** of this Zoning Ordinance.

4. *Commercial IV (C-IV)* - this sub-district is primarily intended for neighborhood commercial and office use, limiting the size, scale and expansion of neighborhood commercial uses in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which said establishments are located. All uses within the C-IV sub-district shall be subject to the Site Plan Regulations and must have building renderings reviewed by the Heritage Commission for their recommendation on the building design prior to the Planning Board approving any site plan.

- a. **Permitted uses:** see use Table **Section 2.2** of this Zoning Ordinance.

5. *Mixed Use Commercial (MUC)* - this sub-district is primarily intended for mixed use commercial development appropriate to areas adjacent to exits from Interstate 93.

area shall enclose the entire lot perimeter as follows: minimum width of “green” areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet.

2. When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required:
 - a. The buffer zone shall be a minimum of fifty (50) feet wide.
 - b. The buffer zone shall be planted and permanently maintained to diminish the deleterious effect of the commercial activity in accordance with specifications outlined the Site Plan Regulations.

2.4.4 Additional Standards for C-IV Sub-district

- A. Building height: no structure in the C-IV sub-district shall be greater than 30 feet in height.
- B. Building footprint: no use in the C-IV sub-district shall have a building footprint greater than 3,500 square feet with the exception of except community centers, and religious facilities
- C. No drive-thru windows are permitted in the C-IV sub-district
- D. Outside storage: no outside storage or display of any kind is permitted within the C-IV sub-district.
- E. Standards for conditional use permits in the C-IV sub-district. In addition to the standards listed in **Section 1.5.2(B)**, the following criteria must be met for the Planning Board to grant a conditional use permit in the C-IV sub-district:
 1. The applicant shall show that the proposed use is needed to serve primarily the convenience commercial needs of the surrounding neighborhood, considering proximity and accessibility of similar uses.
 2. The scale of the proposed structure is consistent with and complimentary to the surrounding land uses in the neighborhood.

2.4.5 General Standards for MUC sub-district:

Within the MUC sub-district, the following regulations and controls are required for the development and continued use of the area.

- A. **Minimum setback distances for structures from property line:**
 1. Front setbacks shall be based on the following performance standards:
 - a. Building footprint of 0 – 75,000 square feet: 60 feet
 - b. Building footprint of 75,001+ square feet: 90 feet
 - i. For purposes of this sub-district the front setback shall be measured from the property line at the arterial road. Where a lot has additional “front setbacks” from other local roadways, the front setback from a local roadway shall be 60 feet
 - c. Side setbacks shall be one-half ($\frac{1}{2}$) the front setback, but no less than 30 feet
 - d. Rear setbacks shall be one-third ($\frac{1}{3}$) the front setback, but not less than 30 feet.
- B. **Building Height:** As an incentive for use of steep roofs or other architectural elements (clock towers, cupolas, etc.) the Planning Board may, with recommendation from the Heritage Commission, allow for a height bonus not to exceed sixty (60) feet from grade.
- C. **Landscaping**
 1. Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a “green”

area shall enclose the entire lot perimeter as follows: minimum width of “green” areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet.

2. When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required:
 - a. The buffer zone shall be based on the following performance standards:
 - i. Properties with less than 75,000 square feet of commercial structures: 50 feet
 - ii. Properties with greater than 75,001 square feet of commercial structures: 75 feet
 - b. The buffer zone shall be planted and permanently maintained to minimize the visual impact of the commercial activity from residential districts in accordance with specifications outlined the Site Plan Regulations.

D. Conditional Use Permits for the MUC Sub-district

1. Uses Permitted by Conditional Use Permit: Some developments (see Use Table, **Section 2.2**) in the MUC sub-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 most recently adopted Town Master Plan.
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 determined to be consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan.
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. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.
4. *Application Procedure* - Applications for conditional use permits (CUP) within this sub-district shall be made in accordance with the following procedures:
 - a. 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.
 - b. The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
 - c. 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.
 - d. 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.
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 2.4.5(D)(5)(i)**. In addition, multi-family housing as a proposed development or part of a proposed mixed-use development is subject to the provisions of Section 2.3.2.4.. Workforce multi-family housing as a proposed development or part of a proposed mixed-use development is subject to the provisions of

Section 2.3.3.4. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or any other federal/state regulation or law.

- a. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the MUC sub-district. The applicant shall demonstrate that:
 - i. The proposed use is consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan;
 - ii. Granting of the application is in the public interest;
 - iii. The property in question is reasonably suited for the use requested.
 - iv. The design of the site represents to the extent practicable a minimization of impacts to natural resources, and maximizes the provision of green space and accommodation of non-vehicular and pedestrian traffic.
- b. In addition to the criteria listed in **Section 2.4.5(D)(5)(i)**, projects which seek a dimensional conditional use permit shall meet the following additional criteria:
 - i. The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought is not feasible without relief from the strict terms of this ordinance, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with their zoning district; and
 - ii. 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 will all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

2.5 INDUSTRIAL DISTRICTS

2.5.1 Industrial District

2.5.1.1 Objectives and Characteristics

The two industrial subdistricts (IND-I and IND-II) 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.

2.5.1.2 Subdistrict Uses

- A. **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.
 1. *Permitted uses:* see use Table **Section 2.2** of this Zoning Ordinance.
 2. *Industrial II (IND-II):* this district is primarily a district which allows a more intensive industrial use than IND-I
 - a. **Permitted uses:** see use Table **Section 2.2** of this Zoning Ordinance.

2.5.1.3 General Standards

Within the industrial district and all subdistricts, the following regulations and controls are required for the development and continued use of the area.

3.3.7 Road Design Criteria.

Roads in Conservation Subdivisions shall be designed to the appropriate road design criteria found in the Subdivision Regulations, as most recently amended.

3.4 BACK LOT DEVELOPMENT

3.4.1 Back Lot Development

3.4.1.1 Purpose

The purpose of Back Lot Development is to allow a landowner to develop areas of his/her property without any road frontage in exchange for permanently prohibiting development of roadside areas identified by the community as contributing to Londonderry's character, such as land that is being actively farmed. The purpose is also to protect open space, to maintain a viable contribution to the community's economic base through agricultural employment and gross regional product, and to product roadside land which will preserve the rural historic character of the community. The Planning Board is authorized to utilize a Conditional Use Permit in accordance with the provisions of RSA 674:21, innovative zoning.

The Planning Board finds:

- A. Back lot development is consistent with the Natural Resource Objective 4 of the 1988 Master Plan "To purchase or otherwise protect selected open space areas for community needs."
- B. Back lot development is consistent with the Historic Preservation Objective 2 of the 1988 Master Plan "to encourage the use of easements and covenants to insure that the essential qualities of specific buildings or sites remains intact.
- C. Back lot development is consistent with the Agricultural Goal and Objective of the 1988 Master Plan "To encourage the continued use of land in Town for farming" and "to encourage the preservation of Londonderry's agricultural atmosphere".
- D. Agriculture is an important component of Londonderry's community character.
- E. The retention of stone walls and open space viewed from our roads enhances the community's rural and agrarian character.
- F. The Londonderry Master Plan 1988, et seq., and the Orchard and Open Space Protection Plan, 1996, shall be used as a guide in determining which properties reflect this character.

3.4.1.2 Definitions

Back Lot Development - The development of up to four (4) single family house lots with reduced development requirements including a narrow connecting strip to a Class V or better street, in exchange for permanently protecting through the use of agricultural preservation restrictions or conservation easements, an area of two acres and 150' of frontage on a Class V or better street, contiguous to each new back lot developed.

Agricultural Preservation Restriction or Conservation Easement - For each lot created, the landowner shall place a permanent restriction on a minimum of two (2) acres of roadside agricultural land or open space with at least 150' of frontage per lot. The easement or restriction shall be granted to the Town and/or a non-profit conservation or agricultural organization. The landowner may retain ownership and use of the land, although its use would be limited to agriculture and open space. The Planning Board has the right to add easement language that maintains the rural character of the protected land. For example, best management practices could be proposed for orchard land or regular haying for meadowland. The easements/restrictions must be in a form acceptable to the Planning Board.

Private Access Agreement or Common Driveway - A narrow connecting strip extending from the public street (Class V or better) to the boundary of last lot of the back lot development. The common driveway shall be constructed in accordance with the requirements of Section 4.10.D.3.

Front Lot - The land abutting a public street (Class V or better) which is placed under a conservation easement or agricultural preservation restriction. The area of the front lot shall be a minimum of two acres with 150' of frontage and contiguous to the back lot.

3.4.1.3 General Requirements

- A. The use of back lot development shall be subject to approval by the Planning Board under its Conditional Use Permit and shall be subject to approval by the Planning Board under the Londonderry Subdivision Regulations. It is strongly recommended that the applicant schedule a discussion with the Planning Board as early in the process as possible.
- B. In order to grant a Conditional Use Permit, the Planning Board must have found that three of the following conditions apply to the site:
 - 1. The property proposed for Back Lot Development typifies Londonderry's Rural and Agricultural character
 - 2. Existing fields, pastures, orchards and other land in agricultural use with be preserved and maintained.
 - 3. The development will leave unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads, sites deemed worthy of preservation as listed in the Open Space and preservation Plan, 1996, and from Londonderry's Scenic Roads.
 - 4. The project preserves historic and prehistoric sites and their environs in so far as needed to protect the character of the site.
 - 5. The elements of the Back Lot Development (buildings, circulation, front lot, landscaping, etc.) Are arranged so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views.
 - 6. The restricted land is reasonably contiguous, coherent and if the tract of land abuts adjacent permanently protected open space, it is connected with it.
The Planning Board shall consult the list of properties and qualities of properties worthy of preservation generated by our citizens during the Board's 10/24/95 Orchard Preservation and Land Protection Plan citizen participation process. Subsequent amendments to this plan shall be considered as well. Plans presented by the applicant to illustrate the findings above may also be consulted.
- C. The applicant shall place a permanent agricultural preservation restriction or conservation easement over a minimum of two (2) acres of roadside land (to be known as the FRONT LOT) with at least 150' of frontage on a Class V or better street and contiguous to each back lot created.
- D. Setbacks shall be a minimum of fifteen (15) feet from each property line
- E. Minimum back lot area shall not be less than one half (1/2) an acre. In addition, the back lot, together with the contiguous to acre restricted area assigned to it, shall satisfy the total soil carrying capacity as computed using Minimum Lot Size by Soil Type requirements specified in Section 4.03.
- F. Fifty feet (50') of frontage is required on the common driveway for each back lot created. The area within the common driveway access easement running through the restricted front lot shall not be counted for frontage purposes.
- G. All Zoning Regulations of the Town of Londonderry shall apply except as specified here.

3.4.1.4 Specific Design Requirements

- A. A Subdivision Plan of the entire site proposed for back lot development shall be provided.

B. The Water Supply and Waste Treatment System for a back lot development shall be designed in accordance with the standards and requirements of the New Hampshire Water Supply and Pollution Control Division and the Town of Londonderry.

C. Common driveway construction standards

1. Common driveway must meet AASHTO criteria for street intersection sight distance.
2. Maximum length of the common driveway shall not exceed twelve hundred (1200) feet
3. The width of the common driveway access easement shall be thirty five (35) feet. Additional width may be required to accommodate slope and drainage easements.
4. Paved travel lane width shall be eighteen feet (18'), with two foot (2') shoulders on each side.
5. If only one (1) back lot is to be served by the driveway, the travel way may be gravel and twelve feet (12') wide.
6. Common driveway to be constructed to Town of Londonderry Subdivision Street requirements.
7. Maximum gradient eight percent (8%)

D. Two (2) outdoor parking spaces are to be shown on each lot as no parking is allowed on the common driveway.

E. Turnaround or "T" approved by the Fire Department shall be provided at the end of the common driveway.

3.4.1.5 Agricultural Preservation Restrictions and Conservation Easements

Agricultural Preservation Restrictions and Conservation Easements as appropriate are to be placed on the front lots and registered at the Rockingham County Registry of Deeds. Such easements and restrictions are to be in a form acceptable to the Planning Board of the Town of Londonderry. The back lots and the protected front lots shall be shown on the same subdivision plan/plat.

3.4.1.6 Home Owners Association

Home Owners Association shall be required in a form acceptable to the Planning Board.

A. Within the deed of each lot will be the right to use of the common driveway or access easement, a shared snow plowing and maintenance agreement and a stipulation that the driveway cannot be offered to the Town for acceptance as a public way.

3.4.1.7 The common driveway

The common driveway shall be built and the access easement recorded prior to issuance of certificate of occupancy for any dwelling located on a back lot.

3.5 MANUFACTURED HOUSING

3.5.1 Purpose

The purpose of this Section is to establish guidelines for the use of mobile homes/house trailers.

3.5.2 General Regulations

- A. Every house trailer and mobile home hereinafter occupied as a dwelling shall be placed in an established trailer court/park, or on a separate lot in an AR district.
- B. The provisions of this Section shall not apply to the continued use of any house trailer or mobile home now occupied as a dwelling in its present location.

- C. If a house trailer or mobile home now occupied as a dwelling is moved from its present location, the future use of the trailer or mobile home must comply with the above paragraph **3.5.2(A)**.
- D. This Section does not prohibit a person from substituting a new trailer or mobile home for the one now existing in its present location if the square footage of the living area is at least equivalent to the replaced unit.
- E. Mobile homes entering or leaving courts or parks shall be registered by the owner at the Town Assessor's Office.
- F. The maximum number of trailers or mobile homes allowed in any trailer park shall be four (4) per acre unless such trailer will be attached to a Town sewer system in which case a maximum of eight (8) per acre shall be allowed.
- G. The placement or replacement of a mobile home, as may be allowed under the terms of this Ordinance, shall also comply with the provisions of the Floodplain Development Ordinance (**Section 2.6.5**) as it applies to mobile homes within special flood hazard areas.
- H. Mobile homes shall have a minimum of 600 square feet and mobile homes shall be certified that they comply with the mobile home construction and safety standards as adopted by the Department of Housing and Urban Development in 1976. All other manufactured housing shall comply with the Building Code of the Town of Londonderry.

3.6 ELDERLY HOUSING

3.6.1 Objectives And Characteristics

The Elderly Housing and Elderly Affordable Housing standards are designed to permit an increased residential density above that allowed in the AR-I and R-III districts and to set criteria that assures that a project for the elderly will address the needs of elderly as opposed to any other residential use.

Any elderly housing development under this Section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq. The Board may require assurance of compliance with the Act by deed restriction or other instrument as condition of approval. "Such assurance may consist of a written plan submitted by the Developer, which sets forth (1) the regulations under the Fair Housing Act whereby a project may lawfully discriminate in favor of elderly residents, and (2) how the Developer does or proposes to comply with such requirements, including covenants and other deed restrictions and other to-be-recorded agreements."

The Planning Board shall be solely responsible for the interpretation and administration of this ordinance, including the granting of all conditional use permits relative thereto. Any decision made by the Planning Board under this section may be appealed directly to superior court in the same manner provided by RSA 677:15.

3.6.2 Uses

A. Permitted Uses

1. Elderly Housing
2. *Elderly Housing Support Facilities*
Elderly Housing shall be allowed in any district in the Town of Londonderry, where permitted by Section 2.2 Table of Uses, as long as all of the requirements of the "Regulations and Design Criteria" (**Section 3.6.4**), Elderly Housing, can be met.
3. Assisted Living, subject to the requirements of Section 3.6.5
4. Elderly Affordable Housing, subject to the requirements of Section 3.6.5

3.6.3 Definitions

Assisted Living Facilities: Facilities licensed under RSA 151:2-I(e) for elderly (over 55 years of age) or disabled individuals, which provide onsite services that support independent living for residents, including, at a minimum, communal dining facilities, and may include onsite personal care services, housekeeping and linen service and the supervision of self-administered medications.

Elderly Affordable Ownership Housing - Housing units that are intended for elderly ownership residential occupancy by those age 62 and over (as provided for in RSA 354-A:15), where the total cost of mortgage principal and interest, mortgage insurance premiums, property taxes, association fees, and homeowner's insurance does not exceed 30 percent of the maximum allowed income of the purchaser as defined by the US Department of Housing and Urban Development.

Elderly Affordable Rental Housing - Housing units that are intended for elderly leasehold residential occupancy, by those age 62 and over (as provided for in RSA 354-A:15), where the rent plus utilities for the dwelling unit does not exceed 30 percent of the allowed individual household income as defined by the US Department of Housing and Urban Development.

3.6.4 Regulations and Design Criteria

- A. The tract shall have a minimum of fifty (50) foot frontage on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage on a Class V road or better may be required for traffic circulation or safety.
- B. Minimum building separation of multi-family elderly structures shall be thirty (30) feet. Each single-family **or two-family** dwelling shall have a minimum separation from any other building of twenty (20) feet.
- C. The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshall, but no residential structure shall be greater than 3 stories.
- D. The maximum building length for any elderly multi-family building in the AR-1 District shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.

B.E. Parking - There shall be 1.2 parking spaces per each unit for elderly housing. There shall be .5 parking spaces required for each bed in an assisted living facility, plus one space per employee on the largest shift. The Planning Board shall carefully consider the location of parking, the parking area and the parking area's access to the unit it serves in keeping with its attendant use by the elderly.

G.F. Open Space

- 1. Total open space shall not be less than forty percent (40%) of the total development lot area.
 - 2. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
 - 3. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
- G. Required Facilities** - The applicant shall be required to demonstrate the provision of support facilities and services as appropriate for the scale and location of an elderly housing or assisted living project.
- 1. Independent elderly housing - each development shall provide paved sidewalks and pathways, preferably to on-site amenities and off-site destinations where proximity allows. Amenities shall include seating areas, courtyards, gardens or other outdoor gathering spaces. There shall also be provisions for regularly accessible public or private transportation services as a condition of approval.

2. Assisted Living facilities shall provide onsite services that support independent living for residents, including, at a minimum, communal dining facilities, and may include on-site personal care services, housekeeping and linen service and the supervision of self-administered medications.

D.H. Agreements, Restrictions and Provisions - All agreements, deed restrictions and organizational provisions for methods of management and maintenance of the common land, roads, utilities and support facilities shall be approved by the Planning Board, and shall indicate that occupancy is restricted to persons age 55 or over, in accordance with State and Federal Fair Housing law.

E.I. Road Construction - All roads and drives in a site shall be privately owned and maintained. Street design and construction is subject to the approval of the Planning Board. Easements for emergency access and relief from liability shall be given to the Town in a form acceptable to Town counsel.

F.J. Review - Any proposed elderly housing development shall be subject to the "Non-Residential Site Plan Review Regulations" of the Town of Londonderry, as amended.

G.K. Density - Maximum density shall be determined as follows:

Net tract area shall be calculated by subtracting wetlands and slopes greater than fifteen (15) percent from the gross tract area.

1. The "net tract area" shall be the basis for density determinations as follows:

a. Elderly Housing and Assisted Living - Sites with P.U.C. regulated municipal water and sewer disposal system: No greater than ten (10) dwelling units per acre in Non-Residential and R-III Districts. In the AR-1 District, no greater than eight (8) units per acre is permitted, with Multi-Family units attached in a row house configuration.

a.b. Elderly Affordable Housing - Sites with P.U.C. regulated municipal water and sewer disposal system: No greater than twelve (12) units per acre in Non-Residential and R-III Districts. In the AR-1 District ten (10) units per acre is permitted, with Multi-Family units attached in a row house configuration.

c. For sites without municipal water and/or sewer: The minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, but not to exceed the number of dwelling units permitted with the provision of public water and sewer as applicable to the zoning district.

b-d.

3.6.5 Conditional Use Permits

A. Conditional Use Permits for Affordable Elderly Housing and Assisted Living Facilities

1. The Board must grant a Conditional Use Permit concurrently with Site Plan approval.
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:
 - a. All criteria outlined in **Section 3.6**, as applicable to the application have been met;
 - b. The proposed Affordable Elderly Housing use is consistent with the Objectives and Characteristics of the District, **Section 3.6.1**;
 - c. Granting of the application would meet some public need or convenience;
 - d. Granting of the application is in the public interest;
 - e. The application demonstrated that the proposed Affordable Elderly Housing for which the Conditional Use Permit is sought does not impact the health, safety, and general welfare of the Town. Documentation has been provided to insure the long term affordability of the project.

- f. 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.
- g. The proposed use is consistent with the context of the neighborhood and the objectives and characteristics of the District in accordance with the Town's Master Plan.

3.6.6 Limitation on the Number of Elderly Housing Units

- A. The Planning Board shall not accept for consideration any proposal which, if approved, would increase the total number of all elderly housing units in Londonderry, existing and proposed, above a number representing the percentage of units greater than the percentage of persons age 55 and older residing in Londonderry as calculated by the most recent US Census. (For example, if the percentage of persons over age 55 in Londonderry is 13%, not more than 13% of the total number of dwelling units in Londonderry may be Elderly Housing).
- B. The Planning Board, may, by Conditional Use Permit, allow for Affordable Elderly Housing to exceed the percentage cap if the proposal meets all of the criteria from **Section 3.6.5(B)** and also provides documentation from the NH Office of Energy & Planning that the percentage of elderly residents residing in Rockingham County has increased more than 2% from the information available for the County from the most recent US Census.

3.7 ASSISTED LIVING FACILITIES AND NURSING HOMES

Assisted Living and Nursing Homes, where allowed according to Section 2.2, Use Table, shall be permitted according to the same requirements for elderly housing as provided in Section 3.6.

3.8 SEXUALLY ORIENTED BUSINESSES

3.8.1 Purpose and Intent

It is the intent of this Section to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses within the Town of Londonderry; and to protect the citizens of the Town of Londonderry from the secondary effects of such Sexually Oriented Businesses and, it is the intent to promote the health, safety, and general welfare of the citizens of the Town of Londonderry; and it is the intent of this Section that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of Sexually Oriented Businesses; and the provisions of this article have neither the purpose nor the intent of imposing limitation or restrictions on the contact of any communicative materials, including Sexually Oriented Materials, and it is not the intent nor the effect of this article to restrict or deny access by adults to Sexually Oriented Materials protected by the First Amendment, or to deny access by the distributors and exhibitors of Sexually Oriented Entertainment to their intended market; and neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

3.8.2 Location Restrictions of Sexually Oriented Businesses

Location Restrictions of Sexually Oriented Businesses as defined in **Section 4.7**, shall be subject to all regulations, requirements, and restrictions for the zone in which the Sexually Oriented Businesses are permitted and shall be subject to the following distance requirements:

- A. No Sexually Oriented Business shall be permitted within 1,000 feet of another Sexually Oriented Business which is either existing at the effective date of his article or one for which a building permit has been applied

3.10.10 Minimum Parking and Loading Required:

Off-street parking spaces shall be provided whenever any new use is established or any existing use is enlarged. The quantity of required spaces will be determined as shown in TABLE 2 of this section.

TABLE 2 OFF-STREET PARKING AND LOADING		
USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT
Subject to the requirements of section 3.10.8(A)(6)		
Agricultural and Residential		
Agriculture	GFA	1 per 1,000 sq. ft.
Assisted Living Facilities	Bed and employees	0.5 per bed plus 1 per employee at the largest shift.
Back Lot Development	DU and type	2 spaces per DU
Dwelling, multi-family 1,3	DU	2.5 per DU
Dwelling, single family 1	DU	2 per DU
Dwelling, two-family 1	DU	2 per DU
Dwelling, with accessory apartment 2	DU	2 per DU, (4 total)
Elderly Housing	DU	1.5 per DU
Elderly Housing (Affordable)	DU	1.2 per DU
Mixed use residential	Various	As mandated per use by percentage
Nursing Home and accessory uses	Resident unit or bed and employees	0.5 per resident unit or bed plus one per employee
Planned residential development	DU	2 per DU
Civic Uses		
Community center	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Public Facilities	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Recreational Facilities, Public	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Religious Facilities	Seats or linear feet of bench space	1 per each 3 seats or 6 linear ft.
Cultural Uses and Performing Arts	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Business Uses		
Aeronautical Facilities	Various	1 per employee on maximum shift, plus 1 per vehicle used in connection with terminal, plus sufficient number of space to accommodate the largest number of vehicles that may be expected at any one time
Assembly, testing, repair, and packing operations up to 100,000 sq. ft.	GFA or employees	1 per 500 sq. ft. or 1 per employee
Assembly, testing, repair, and packing operations 100,001 sq. ft. or larger	GFA or employees	1 per 600 sq. ft. or 1 per employee
Bed and Breakfast Homestay	D.U. and guest room	2 per D.U. plus 1 per guest room
Computer Services	GFA	1 per 200 sq. ft. or 1 per employee
Conference/Convention Center	GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Day Care Center, Adult	Employees and attendees	1 per employee plus 1 per 7 attendees at peak attendance plus parking for any associated busses or vans
Day Care Center, Child	Employees and attendees	1 per employee plus 1 per 8 attendees at peak attendance
Drive-in establishments	Employees and vehicles served	2 per employee plus 1 per each vehicle served
Drive-in theatres	Capacity	1 per vehicle at capacity plus 10%
Financial institution	GFA	1 per 300 sq. ft.

**TABLE 2
OFF-STREET PARKING AND LOADING**

USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT	
Funeral homes		Various	1 per 5 seats in largest chapel, plus 1 per employee, plus 1 per service vehicle
Education and Training Facilities		Faculty, students, & administrators	1 per faculty member, administrator, and employee, plus .5 per student at peak attendance
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.		GFA or employees	1 per associated vehicle plus 1 per 600 sq. ft. or 1 per employee
Health Clubs		GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Home Occupation		Variable	Applicant must demonstrate that parking is adequate for the proposed use, in no case less than 2 spaces in addition to those required for the residence
Hotels up to 50,000 sq. ft.		Various	1 per room, plus 1 per 20 rooms (staff), plus 50% normally required for accessory uses
Hotels 50,001 sq. ft. or larger		Various	1 per room, plus 1 per 20 rooms (staff), plus 75% normally required for accessory uses
Manufacturing, Heavy		GFA or employees	1 per 800 sq. ft. or 1 per employee
Manufacturing, Light up to 100,000 sq. ft.		GFA or employees	1 per 600 sq. ft. or 1 per employee
Manufacturing, Light 100,000 sq. ft. or larger		GFA or employees	1 per 800 sq. ft. or 1 per employee
Membership club		GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Motels		Rooms and employees	1 per room plus 1 per employee
Motor Vehicle Maintenance, Major Repair and Painting		GFA and bays	1 per 800 sq. ft. but no less than 3 per service bay
Motor Vehicle Rental		Various	1 per 300 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
Motor Vehicle Sales		Various	1 per 300 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
Motor Vehicle Station, Limited Service		Various	1 per 300 sq. ft. of floor area, plus 1 per accessory service bay, plus 1 per employee, plus 1 per vehicle used for the business and kept on premises
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use		Storage area	1 per 1,500 sq. ft. of storage area
Personal Service Businesses up to 3,000 sq. ft.		GFA or chairs	1 per 200 sq. ft. or 2 per chair
Personal Service Businesses 3,001 sq. ft. or larger		GFA or chairs	1 per 300 sq. ft. or 2 per chair
Professional Office up to 50,000 sq. ft.		GFA	1 per 200 sq. ft.
Professional Office 50,001 sq. ft. or larger		GFA	1 per 300 sq. ft.
Recreation, commercial		GFA, or seats and persons accommodated	1 space per 200 sq. ft. or 1 per 3 seats or 3 persons the facility is intended to accommodate
Rental Car Terminal up to 50,000 sq. ft.		Various	1 per 300 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
Rental Car Terminal 50,001 sq. ft. or larger		Various	1 per 400 sq. ft indoor sales per office area, plus 1 per 1,500 sq. ft. outdoor storage, plus 4 per service bay
Repair services		GFA	1 per 400 sq. ft.
Research or Testing Laboratories up to 100,000 sq. ft.		GFA	1 per 600 sq. ft.
Research or Testing Laboratories 100,001 sq. ft. or larger		GFA	1 per 800 sq. ft.
Restaurant		Seats and employees	1 per 3 seats plus 1 per employee
Restaurant, fast food		Seats and employees	1 per 4 seats plus 1 per employee
Retail Stores up to 75,000 sq. ft.		GFA	1 per 200 sq. ft.
Retail Stores 75,001 sq. ft. or larger		GFA	1 per 300 sq. ft.
Sales of Heavy Equipment or Heavy Trucks as an accessory use		Lot area	1 per 2,000 sq. ft. of lot area

**TABLE 2
OFF-STREET PARKING AND LOADING**

USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT	
School, Private, Elementary and Middle	Various	1 per faculty, employee and bus if bus transportation is provided, plus 1 per each 4 seats for assembly areas	
School, Private, High	Various	1 per faculty member, administrator, and employee, plus 1 per bus if bus transportation is provided, plus 1 per each 4 students	
Service establishment	GFA or employees	1 per 300 sq. ft. or 2 per employee	
Sexually oriented businesses	GFA or occupants	1 per 300 sq. ft. or 1 per 2 occupants at building capacity	
Storage, self serve	GFA	1 per 1,200 sq. ft.	
Terminal, Airplane	Various	1 per employee on maximum shift plus 1 per vehicle used in connection with terminal, plus sufficient number of spaces to accommodate the largest number of vehicles that may be expected at any one time	
Terminal, Trucking	Various	1 per 200sq. ft. plus adequate parking and loading spaces for each company vehicle operating from the premises plus 1 per employee	
Warehouse and Storage up to 100,000 sq. ft.	GFA	1 per 1,200 sq. ft.	
Warehouse and Storage 100,001 sq. ft. or larger	GFA	1 per 1,400 sq. ft.	
Wholesale Businesses up to 100,000 sq. ft.	GFA	1 per 800 sq. ft.	
Wholesale Businesses 100,001 sq. ft. or larger	GFA	1 per 1,000 sq. ft.	
<p>* Other Uses: Parking and loading requirements shall be calculated for the closest similar use as determined by the Planning Board * Refer to section 3.10.8.1.5 for a definition of "employee(s)" as used in this table * GFA = Gross Floor Area * DU = Dwelling Unit(s) Footnotes: Elderly affordable housing is exempt from this requirement. Refer to Section 3.6 for elderly affordable requirements. Off-street parking shall be provided for at least four (4) vehicles. Garage and "piggy-back" parking is encouraged. In the R-III District, parking spaces may be located offsite (i.e.: off the internal legal lot so long as the offsite parking is located within the development lot) and the parking spaces shall be within four hundred feet (400') of the building they are intended to serve.</p>			

3.10.11 Flexibility in Off-Street Parking and Loading Standards:

A. Flexibility in Administration Required

1. Due to the particularities of any given development, the inflexible application of the parking standards set forth in **Subsection 3.10.10**) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, the Planning Board may permit deviations from the presumptive requirements of **Subsection 3.10.10** and may require more parking or allow less parking by granting a conditional use permit meeting the requirements of **section 3.10.11(B)**.

B. Conditional Use Permits for Deviations in the Number of Required Off-Street Parking Spaces

1. The Planning Board may allow deviations from the parking requirements set forth in **section 3.10.10** by issuance of a conditional use permit when it finds that at least two of the following criteria are met (one of which must be **Section 3.10.11(B)(1)(a)**):
 - a. Such deviations are consistent with the purpose and intent of **section 3.10.1**
 - b. The applicant is able to demonstrate through studies of similar uses or similar facilities owned by the same company that the actual parking demand for the property is significantly different from the requirements of **3.10.10**, and can document that there have been no parking shortages at such studied sites.

RESOLUTION 2015-08

An Amendment to a Resolution Relative to the
***Adoption of Airport Area Infrastructure
District II***

First Reading: 10/05/15

Second Reading/Public Hearing: 10/19/15

Adopted: 10/19/15

WHEREAS

having adopted **RSA Chapter 162-K**, and having found that the construction of additional public infrastructure in this District will serve Public Purposes, the Town of Londonderry establishes the Airport Area Infrastructure District II upon passage of this resolution, in accordance with **RSA 162-K:3**. The District Boundaries are represented on Exhibit A attached as part of this Resolution; and

WHEREAS

in accordance with **RSA 162-K4 Hearing**, the Town represents that it has held at least one public hearing on October 19th, 2015 as required, and has offered to meet with the Londonderry School Board and County Commissioners as required by **RSA 162-K:9**; and

WHEREAS

in accordance with **RSA 162-K:5 – Limitations**, the Town finds that the District now adopted conforms with both requirements:

- i. The District is less than five (5) percent of the total acreage of the municipality and is less than a total of 10 percent with any other District, as there are no others at the time of this adoption;
- ii. The District is less than eight (8) percent of the total assessed value of the municipality, and less than sixteen (16) percent of the Districts for which bonds remain outstanding, as there are no others at the time of this adoptions; and

WHEREAS

in accordance with **RSA 162-K:6 – Development Program and Tax Increment Financing Plan**, the Town adopts the Airport Area Infrastructure Development II Program, which contains a Financing Plan, attached as part of this Resolution, and finds that the proposed uses are permissible under the Town and **RSA 162-K** requirements; and

WHEREAS

in accordance with **RSA 162-K:7 Grants and Other Sources of Financing**, the Town may seek public grants and other financial assistance for the advancement or construction of public

infrastructure. The Town may establish other financing options, such as a Special Assessment District (RSA Chapter 49-C), Economic Revitalization Zones (RSA 162-N), enhance public benefits, and to encourage private investment; and

WHEREAS

in accordance with **RSA 162-K:9 and RSA 162-K:10 Tax Increment Financing Plan and Computation of Tax Increments**, the Town acknowledges and adopts the Airport Area Tax Increment Financing Plan, which is part of the attached Development Program, and finds that it meets the requirements of these RSAs; and

WHEREAS

in accordance with **RSA 162-K:10 Computation of Tax Increments**, upon formation of the Airport Area Infrastructure District II, the Town assessors shall determine the current assessed value of the real property within the District, and thereafter comply with the annual requirements of RSA 162-K:10; and

WHEREAS

in accordance with **RSA 162-K:11 Annual Report**, the Town shall prepare and distribute an annual report as required by this section and by Town requirements; and

WHEREAS

in accordance with **RSA 162-K:12 Maintenance and Operations and RSA 162-K:13 Administration**, the Town hereby appoints the Town Manager as the District Administrator, and provides for the District's operation and maintenance per the attached Financing Plan; and

WHEREAS

in accordance with **RSA 162-K:14 Advisory Board**, the Town shall create by Town Council appointment, an Advisory Board for the Airport Area Infrastructure District II within thirty (30) days of adoption of the Airport Area Infrastructure District II for the purpose of the requirements of RSA 162-K:14. Unless otherwise designated by vote of the Town Council, the Chair of the Advisory Board shall be the Town Manager; and

WHEREAS

in accordance with **RSA 162-K:15 Relocation**, the Town does not foresee any displacement or relocation of persons as a result of this Resolution, the requirements of this Section are adopted; and

WHEREAS

the Airport Area Infrastructure District II terminates upon action by the Town Council or immediately upon the Town having met its obligation of \$250,000 and \$1,000,000 for roadway infrastructure improvements as outlined in Exhibit B attached as part of this Resolution;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that pursuant to New Hampshire statute **Chapter 162-K Municipal Economic Development and Revitalization Districts**, the Town of Londonderry hereby adopts the Airport Area Infrastructure District II, which shall be in place upon the termination of the existing Airport Area Infrastructure District.

John Farrell, Jr., Chairman
Town Council

Sherry Farrell
Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:
Adopted 10/19/15

Exhibit
"A"

District Area and Value:

Total Area: 202.1 Acres
(0.75% of Londonderry)

Total Assessment: \$607,053
(0.02% of Londonderry)

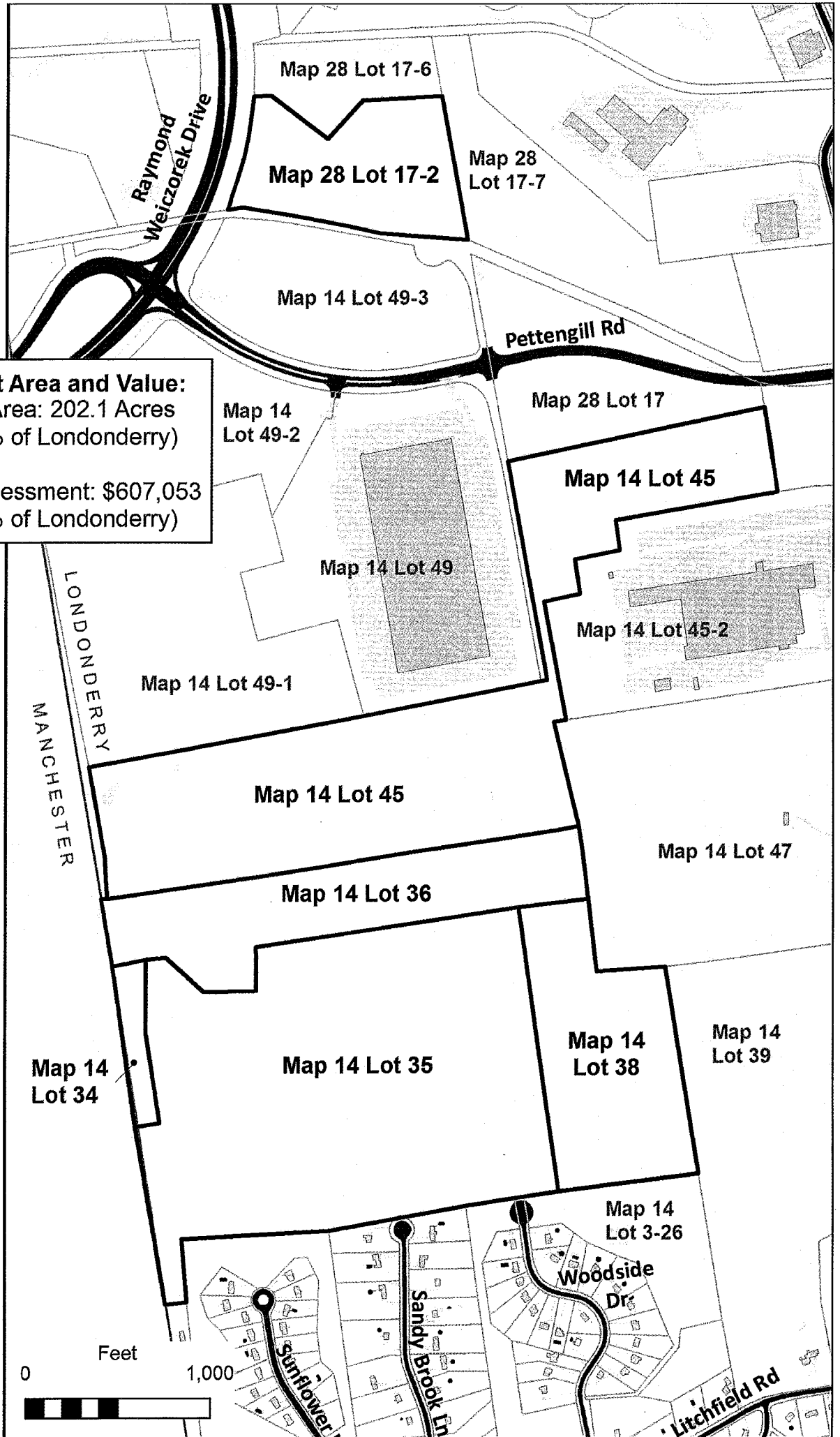
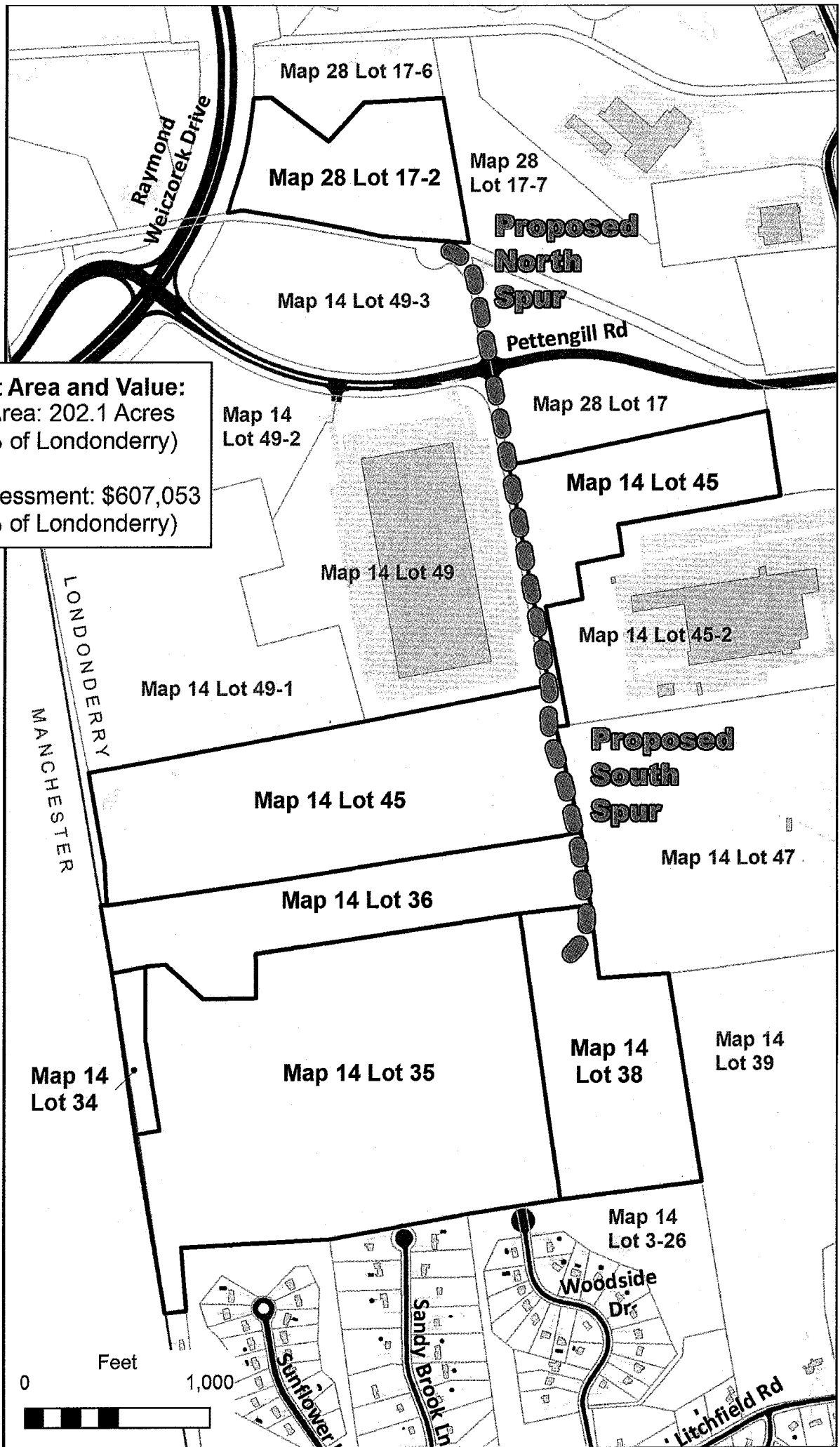


Exhibit
"B"



District Area and Value:
Total Area: 202.1 Acres
(0.75% of Londonderry)

Total Assessment: \$607,053
(0.02% of Londonderry)

**Town of Londonderry
Airport Area Infrastructure
District II Development Program**

Including the:

- Tax Increment Financing Plan
- District Boundaries, Acreage, and Tax Value Assessment Totals

Having adopted the enabling RSA 162-K and finding that infrastructure improvements in the District will serve public purposes, the following Development Program is adopted Per Section 162-K:

Statement of Public Facilities to be constructed: Facilities will be publicly-owned infrastructure such as roads, ROW, sewer systems, drainage and others related to these uses. It does not include any improvements to, or construction of, public buildings, parks, or new public services. The major infrastructure components of the District are:

- The construction of **North and South Spur Roads (exhibit B)** and to procure easements, rights-of-way (“ROWs”), designs, and permissions (budgeted at \$3,392,155).

The construction is estimated to occur over two building seasons, and will be overseen by the Town Public Works Department. The Town will not charge its oversight costs to the District.

Relocation or displacement of persons: No relocations are expected. Should displacement or relocations be required, the required state and federal relocation assistance procedure will be followed, including reimbursements as required.

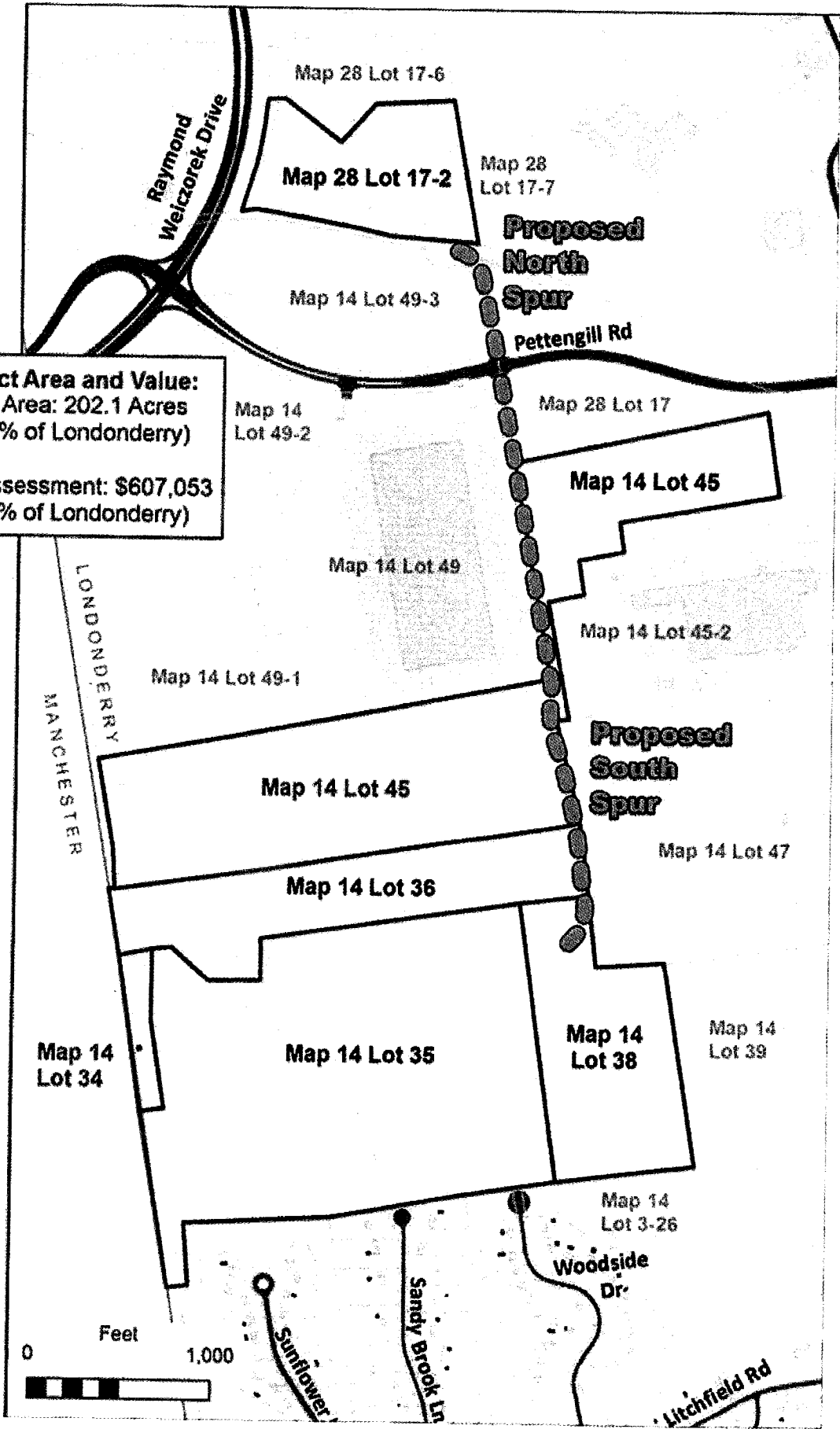
Tax Increment Financing Plan: The Town, upon execution of Development Agreements, agrees to reimburse the developers the cost of constructing North and South Spur Roads, using incremental tax revenue from the Area, at an amount not to exceed \$1.25 million. (See attachments A&B, Development Agreements)

Public Benefit: The construction of North and South Spur Roads will improve access to the airport area in Londonderry and impact development favorably throughout Town. Per the Financing Plan section of this policy, there will be no bonded indebtedness or other negative impact on town, county or school tax rates that can be directly attributed to implementation of a TIF District as the reimbursement plan is funded solely by tax payments to the TIF District.

Duration of the Program's Existence: The Airport Area Infrastructure District II shall terminate upon action by the Town Council or immediately upon the Town having met its obligation of \$250,000 and \$1,000,000 for roadway infrastructure improvements as outlined in attachments A&B.

No Impact on Other Assessed Values: The tax increment financing should have no impact on the assessed values of the taxing jurisdiction in which the TIF District is located.

District Area and Value:
 Total Area: 202.1 Acres
 (0.75% of Londonderry)
 Total Assessment: \$607,053
 (0.02% of Londonderry)



ORDER #2015-30

An Order Relative to

EXPENDITURE OF

MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

Reading: 10/19/2015

Adopted: 10/19/2015

WHEREAS

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

WHEREAS

by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$2,494.49 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$2,494.49 from the Expendable Maintenance Trust Fund for the aforementioned repairs and improvements.

John Farrell, Chairman
Town Council

Sharon Farrell
Town Clerk

A TRUE COPY ATTEST:
10/19/2015

**Expendable Maintenance Trust TC Order Request
for Town Council Meeting *10/19/15***

Description	Vendor	Amount
Trim repair & trim painting - Leach Library Several areas around the front entrance and front windows required replacement of rotted trim with PVC material. This EMTF request is for the labor and materials to replace the rotted trim and paint these various sections on the front of the Leach Library.	Drouin - Invoice #20151007 EMTF Request Amount	\$ 1,962.50 \$ 1,962.50
<u>Furniture Replacement - Access Center</u> The recent water main leak damaged the foyer sofa which needed to be replaced. This EMTF request is for the material cost to replace the damaged foyer sofa.	W.B. Mason - Invoice #128949412	\$ 531.99 \$ 531.99
Total Town Council EMTF Order		\$ 2,494.49

LONDONDERRY TOWN COUNCIL MEETING MINUTES

October 5, 2015

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

Present: Chairman John Farrell; Vice Chairman Jim Butler; Councilors Tom Freda and Tom Dolan; Town Manager Kevin Smith; Executive Assistant Kirby Wade

CALL TO ORDER

Chairman Dolan opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence all first responders and the men and women who serve us here and abroad.

PUBLIC COMMENT

Reed Clark, Stonehenge Rd, stated that coming down Stonehenge road between 4 PM and 7 PM, it is a seven to eight car holdup before you can get out. Clark asked if there can be something that can be done about getting a light there to help out with traffic. Town Manager Smith stated that there will be a traffic study done when it goes through the Planning Board. Town Manager Smith stated that there have been preliminary comments made about that area.

PUBLIC HEARING

Motion to enter Public Hearing made by Councilor Green and second by Councilor Freda. Chair votes 5-0-0.

Chairman Farrell introduced Resolution #2015-05, a Resolution relative to the re-naming of a portion of Meadow Drive. Karen Marchant, Town Assessor, stated that they have been working with the residents and the Street Naming Committee to re-name a section of Meadow Drive [see attached]. Marchant stated that none of the property owners came to the meeting where it was discussed in August and a notice was sent out to abutters for this meeting as well. Marchant stated that they spoke with Stratham Tire, located facing Nashua Rd, and they stated that they have no problem with the name change. They will be changing that section of Meadow Drive to Horizon Drive. Motion to approve Resolution #2015-05 made by Councilor Green and second by Councilor Freda. Chair votes 5-0-0.

Motion to exit Public Hearing made by Councilor Dolan and second by Councilor Green. Chair votes 5-0-0.

OLD BUSINESS

None

NEW BUSINESS

Chairman Farrell introduced Resolution #2015-08, the adoption of Airport Area Infrastructure District II. Motion to waive the first reading and schedule a Public Hearing for October 19th made by Councilor Green and second by Vice Chairman Butler. Chair votes 5-0-0.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

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APPROVAL OF MINUTES

Motion to approve the minutes from September 21, 2015 made by Councilor Green and second by Councilor Freda. Chair votes 5-0-0.

ADJOURNMENT

Motion to adjourn made by Councilor Green and second by Vice Chairman Butler. Chair votes 5-0-0.

Notes and Tapes by:	Kirby Wade	Date: 10/05/15
Minutes Typed by:	Kirby Wade	Date: 10/06/15
Approved by:	Town Council	Date: 10/19/15