

# **LONDONDERRY, NH PLANNING BOARD**

## **MINUTES OF THE MEETING OF APRIL 12, 2017 AT THE MOOSE HILL COUNCIL CHAMBERS**

### **I. Call to Order**

Members Present: Mary Wing Soares, Vice Chair; Chris Davies, Secretary; Scott Benson, Assistant Secretary; Rick Brideau, Ex-Officio – Town Employee; Tom Dolan, Town Council Ex-Officio (alternate); Giovanni Verani, Ex-Officio – Town Manager Appt; Leitha Reilly, member; Al Sypek, member; Ann Chiampa (alternate member);

Also Present:

Colleen Mailloux, Town Planner; John Vogl, GIS Manager/Comprehensive Planner; Laura Gandia, Associate Planner; William Parker, ADG Consultant

Chairwoman Soares called the meeting to order at 7:02 PM, explained the meeting, and exit and emergency procedures, and began with the Pledge of Allegiance. She appointed alternate member A. Chiampa to vote for A. Rugg and T. Dolan, Town Council Ex-Officio (alternate) to vote for J. Butler, Town Council Ex-Officio.

### **II. ADMINISTRATIVE BOARD WORK**

- A. APPROVAL OF MINUTES: N/A
- B. REGIONAL IMPACT DETERMINATIONS: N/A
- C. DISCUSSIONS WITH TOWN STAFF: None.

### **III. Old Business: N/A**

### **IV. New Plans/Conceptual/Non-binding Discussions**

Non-binding review and discussion of a design review application for a site plan for the construction of an affordable elderly 102-unit age restricted (62+) apartment complex consisting of two buildings, and for a subdivision plan for a three lot interior subdivision of a 12.6 acre parcel, 30 Sanborn Road, Map 15 Lot 83-2, Zoned R-III, Steven Lewis, Inc. (Applicant) and Town of Londonderry (Owner) – withdrawn by the applicant

Town Planner Mailloux explained that the applicant withdrew his request to appear before the Board. She explained that the application is the design review process and does not typically require a public hearing in front of the Planning Board. Due to NH Finance/HUD requirements, the applicant initially requested a design review hearing pursuant to state statute. With changes in those requirements, he decided not to go forward with the hearing but to proceed under the normal

design review protocol and will appear in front of the Board at the appropriate time for a formal hearing.

## **V. Other Business**

### **A. Growth Management Ordinance ("GMO") Report**

John Vogl introduced himself to the Board and acknowledged the numerous questions and concerns received by the public about the growth of the Town. He stated that the Town does not have a growth management ordinance in effect today but the Town did have one in the past which lapsed on January 1, 2015. He explained that at that point, the Planning Board asked that Town Staff continue to monitor growth including permit activity which is the purpose of his presentation today. He reviewed the April 12, 2017 GMO Determination Exercise Memo referencing the 94 building permits issued in the Town during the 2016 calendar year and the three criteria to determine if the Town is in a period of sustainable growth. He reviewed those three criteria as outlined on the GMO memo (see attached) noting that two of those conditions were met and found given those findings, that if the GMO was in effect today, it is likely that a permit limitation would be justified per the 2002 ordinance (now lapsed). He commented on the impact to the facilities as part of the third criteria looking at the ability of the Town to absorb growth. He stated that it is difficult for the Town to demonstrate that it is having problems in absorbing the growth under existing conditions. He noted that he has not heard any concerns from department heads relative to providing services or the need to expand facilities. He added that the capital improvement plan identifies the potential for a new elementary school but noted that the under existing conditions the third criteria is not met. Chairwoman Soares asked about the fire station expansion. J. Vogl stated that the expansion is to meet existing needs and with this exercise, the Town is focused on the inability to absorb the growth. Chairwoman Soares asked at what point in time would the Town consider reenacting the GMO. J. Vogl responded that the Town would consider reenacting it if the Town could demonstrate the facilities were taxed enough and not able to absorb the growth. Chairwoman Soares asked about being proactive and predicting the unsustainable growth. J. Vogl stated that state law looks for a demonstrable inability to meet current needs which would then have to be studied and identified. C. Davies spoke of putting the ordinance back in place. J. Vogl stated that to put in back in place, a complete capacity study and facility study would be necessary. L. Reilly spoke of the capital improvement plan and how it relates to the GMO. A. Chiampa asked about Woodmont and was informed that it is exempt from the GMO ordinance per the conditions of the developer agreement. J. Vogl also noted the elderly projects are exempted as well. A. Sypek asked about projects that are in the pipeline and how they figure into the GMO analysis. J. Vogl stated that the GMO is reviewed annually using calculations from number of permits issued per year, and he commented on the ranking criteria for projects. J. Vogl stated that the GMO allows the Town to limit the number of permits issued, and limits property rights so it needs to be carefully considered. He added that if a GMO was enacted, the Town would need to determine how many permits could be issued and absorbed by the Town. A. Chiampa asked if 55+ communities were included in the study but not elderly. J. Vogl noted that elderly were included in

these factors but are exempted from the permit limitation. G. Verani asked about different ways to limit the issuance of permits with different types of development. J. Vogl stated that the Town would adopt a methodology. C. Davies asked L. Reilly about the school board's concerns. L. Reilly stated that the school district works closely with Planning Department and Town Manager's office. She noted the rise in elementary enrollment numbers leading to the Capital Improvement Plan's (CIP) inclusion of a new elementary school. J. Vogl commented on the unpredictability of projects being completed on time. T. Dolan asked about the school enrollment and GMO interaction. He noted a trigger for total school enrollment not just the elementary school numbers. He spoke of a dilemma of not having enough first grade classrooms but having too many empty high school classrooms. M. Soares stated that currently the schools are comfortable. L. Reilly commented that the range of thresholds is part of ongoing discussions with the school and the Town, and spoke of the creativity used in allocating space dependent on the need. J. Vogl concluded that the Town is understanding and preparing for what is coming, and that a GMO is for situations that have not planned for and provides a temporary stop cap. He noted that Londonderry has been proactive in its planning. T. Dolan added that the GMO is very technical especially with the analysis in determining whether a GMO is appropriate and warranted.

J. Vogl added there is an additional item to present which is the status limitation on the elderly units. He added that there is a formula and mechanism to put a hold on that type of construction. He referenced the April 4, 2017 memo noting that whereas the percentage of elderly housing units (7.1%) is less than the percentage of persons age 55 (26.0%) or older, the limitation on the number of elderly housing units per section 3.6.6.1 is not in effect at this time. He asked for the Board's consensus for the acceptance of this memo. The Board gave its consensus. The Board and Town Staff discussed the changes and demographics of the population, and possible redevelopment of those age restricted communities.

Members of the public sought to address the Board. Chairwoman Soares stated that this was not a public hearing but left it up to the Board to decide if the public could participate in the discussion. The Board agreed to allow public input.

Resident, Richard Flier, Adams Road, addressed the Board with two questions. He asked about the 55+ rentals and assisted living units. J. Vogl stated that there are 150 rental units out of the 600 units, and assisted living is viewed as a commercial unit and not considered.

Resident, Janet Stone, asked about public safety. L. Reilly stated that in the CIP, there were only two projects that met the criteria as a priority one (central fire department and communication equipment). J. Stone commented on traffic and air quality concerns. Chairwoman Soares stated that GMO is the topic for discussion and asked that all remain focused on that topic.

Resident, Deb Paul, 118 Hardy Road, addressed the Board and asked at when does the Planning Board take public comment. Chairwoman Soares commented on the public hearing requirements and D. Paul asked why public comment cannot be added. Chairwoman Soares stated that the Board will consider it.

Resident, Valerie Cloutier, Eight Twin Isles Road, addressed the Board regarding the elderly housing calculation and limitation. Chairwoman Soares stated that there are no changes being made to that calculation.

Resident, Amy Wheeler, 11 Darrah Way, addressed the Board about school enrollment and the calculations. She commented that in the future the Town could build an elementary school by a vote of the people. She asked what would happen if the vote was voted down. Chairwoman Soares responded that the Town and school district are very proactive in planning and noted other available options. Chairwoman Soares again reminded the public of the topic being discussed. L. Reilly noted that J. Vogl has been at least three meetings addressing the school board about enrollment numbers.

Resident, Tiffany Richardson, 10 Raintree Drive, addressed the Board, with concerns over school enrollment. She asked about the calculations of numbers for Stonehenge and Wallace Farms. J. Vogl stated the numbers are based on case study and multipliers based on a sampling of similar units. C. Davies asked about the availability of those numbers. J. Vogl stated that the numbers are available during design review as part of the fiscal impact analysis which is available at the Town. L. Reilly explained that these numbers are projections using multiple sources. Town Planner Mailloux noted the requirement of the fiscal impact studies for projects and the project reviews that come to the Planning Board.

Resident Ray Breslin, Three Gary Drive, addressed the Board, about the public having an opportunity to provide input. He commented on the master plan and the lack of implementation of that plan. He spoke of the priorities contained in the master plan. He commented on the purpose of the zoning ordinance (health, safety and welfare) and Stonehenge. Chairwoman Soares redirected the conversation back to the GMO and the Planning Board's position that the Town is not in a position to enact a GMO. C. Davies stated that the Town Council puts in place a GMO not by the Planning Board which only recommends whether or not a GMO is appropriate. Chairwoman Soares stated that the Planning Board is not making the recommendation to enact a GMO.

## B. Zoning Update

J. Vogl reintroduced William Parker, consultant ADG Development Group to the Board and thanked him for all of his hard work with the zoning update. He stated that the purpose of the presentation is to give updates to the commercial zoning re-write. He began with and reviewed the overview memo dated April 7, 2017 from ADG. He added that he is looking for feedback from the Board. He explained that the changes involve the C-I and C-II districts. He added in comments about the Route 102 and Route 28 overlay districts and the elimination of those overlay districts with a creation of a new zoning district, Commercial Performance (CP) district with the goal of retaining the design characteristics that the Town is looking for, and simplifying zoning in that corridor. He explained that provisions were added for pedestrian accessibility, vehicle access, outdoor storage

and loading and signs with additional reliance on conditional use permits (CUP). He referenced the memo for section 3.23. and minimum standards and moving certain requirements into the zoning ordinance. J. Vogl noted a proposed change of a 60,000 SF building footprint limitation with a maximum building height of 50 SF. G. Verani commented that is less than what is currently allowed in the Route 102 and 28 corridors. C. Mailloux responded that Target and BJ are bigger than 60,000 SF and stated that the dimensional criteria are subject to CUPs. She explained that Staff wants feedback on the 60,000 SF limitation. J. Vogl asked the Board if they want a size limit, what should it be and should it encompass the whole corridor. He added that the goal is to use the innovative zoning provision of state law. G. Verani questioned the process and timing of granting the CUP and the amount of money spent up to that point suggesting a new process of obtaining the CUP first. C. Mailloux offered the idea of a tiered process before the engineer process started. G. Verani added that he believes that 60,000 SF limitation is too small. She added that there are some uses in the use table that allow for larger building footprints. C. Davies asked if there would be a public hearing on these changes, and C. Mailloux stated yes. A. Chiampa asked about the buffers and setbacks, and C. Mailloux stated that they will remain. G. Verani added that the workforce housing is part of an overlay district, and cautioned about making other commercial areas too restrictive. C. Mailloux stated that the intent is to streamline the process and make it a planning board process eliminating the necessity of zoning board variances, etc. J. Vogl commented on the ability of the Planning Board to be heavily involved in the design. L. Reilly questioned the requirement of sidewalks. J. Vogl responded that the intent is for sensitive design where some places should be welcoming and pedestrian friendly, and some should not with that decision being left up to the Board. C. Mailloux noted the various processes available such as the minor site plan review process. C. Davies asked for the wholesale business column on the use table be corrected by removing an extra zero.

Town Planner Mailloux reviewed the use table with the Board. She pointed out the changes in the CP district such as civic uses permitted by CUP and cultural uses. She also informed the Board of a new use "commercial kennels" that will be allowed in the CP district and would remove it from the AR-1 where it is currently allowed. She also commented on hotels and motels being allowed in the CP by CUP, the requirement of a CUP for retail sales establishments over a certain height, the elimination of warehouse and storage in excess of 100,000 SF in the expanded zone. She emphasized that these changes are open for discussion. C. Davies commented on the location of the mixed use commercial (MUC), and the location and permissibility of sexually orientated businesses. L. Reilly asked for clarification about mixed use residential and live work unit. Town Planner Mailloux and J. Vogl had a discussion about the differences. J. Vogl recommended reconsidering the inclusion of the MUC district in the CP district. G. Verani suggested more emphasis on building design and architectural standards as well as landscaping as compared to building size.

Town Planner Mailloux pointed out in the use table that self-storage is permitted in the C-II district and it is not allowed in the CP district, and will be allowed only in the Ind-I and Ind-II districts. G. Verani questioned the use of hotels as a conditional use, and Town Planner Mailloux responded that it is all up for

discussion commenting on the balancing act and trade-offs allowed with different uses. G. Verani wanted that use to remain permanent. The Board wanted to digest the information before giving a consensus on the 60,000 SF limitation on the building footprint. Town Planner Mailloux reviewed the Route 102 building footprint of 12,000 SF and the Route 28 with its varying setbacks based on the building's square footage noting that there is not a dimensional requirement restriction. The Board thought it would be wise to keep it at 75,000 SF. L. Reilly asked for Town Staff to provide information to the Board members on lot sizes and building heights for review. G. Verani commented on the buffer zone between commercial and residential areas, and suggested a buffer from a residential use. W. Parke commented on other options to obtain a CUP.

## **VI. Adjournment**

**Member R. Brideau made a motion to adjourn the meeting at approximately 9:00 p.m. Seconded by A. Sypek.**

**Motion was granted, 9-0-0.**

**The meeting adjourned at approximately 9:02 PM.**

These minutes were prepared by Associate Planner Laura Gandia.

Respectfully Submitted,



Chris Davies, Secretary

These minutes were accepted and approved on May 3, 2017 by a motion made by C. Davies and seconded by R. Brideau.

To: Planning Board  
From: John Vogl, GIS Manager/Comprehensive Planner  
CC:  
Date: April 12, 2017  
Re: 2017 GMO Determination Exercise

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While the Town of Londonderry's Growth Management Ordinance (GMO) lapsed on January 1, 2015, the Planning Board has requested that Town staff continue running determination exercises to keep track of residential growth and provide information to the Board. Absent a GMO on the books, this report is considered informational only.

This document follows the same model utilized in earlier GMO determinations to gauge whether or not the Town is in a period of sustainable growth. As in years past, the US Census Annual Building Permits Survey was utilized as the data source for permit information, wherever possible. Where reported data for Londonderry was incomplete (representing only 6 months) and a Litchfield count was unavailable, the Planning Department consulted each town's Annual Report to determine the number of new units permitted to fill in this information.

In Londonderry, the 2016 Annual Town Report presents that a total of 94 permits were issued in calendar year 2016 for new residential units. This figure is the sum of new permits, including accessory dwellings, minus demolitions.

#### **Evaluation:**

Londonderry has historically had two GMOs, one adopted in 2002 (Section 1.4) and one adopted in 1998 (Section 1304). The 2002 version required compliance with 2 of the 3 listed criteria for a determination of unsustainable growth. The 1998 version required compliance with all 3.

- A. *The present year number of building permits authorized by the Building Department exceeds the average rate of dwelling unit authorizations in Londonderry over the six preceding calendar years;*

The average number of permits authorized over the preceding six years is 63.5. In 2016, Londonderry authorized 94 permits. Whereas 94 is more than 63.5, **this condition is met.**

- B. *A percentage increase in housing units over the preceding calendar year equal to [or greater than] the rate of increase in housing units for that preceding year summed across the six municipalities which abut Londonderry (Auburn, Derry, Hudson, Litchfield, Manchester, and Windham).*

The number of housing units authorized by the Londonderry Building Division grew by 1.06842% between 2015 and 2016; the number of housing units authorized by the building departments in abutting municipalities grew by 0.67867% between same period. Whereas 1.06842% is more than 0.67867%, **this condition is met.**

Given these findings, if the GMO was in effect today, it is likely that a permit limitation would be justified per the 2002 ordinance (now lapsed).

C. *The maximum rate of dwelling units authorizations whose projected to demands can be adequately serviced and provided with facilities at a prudent level of fiscal strain, based upon the following:*

- 1. The rate of residential development at which the number of pupils projected by the Londonderry School Board to be enrolled in the Londonderry School System would not in any given year exceed the state capacity of the Londonderry School System in that year, based upon facilities development as contained in the Capital Improvement Program most recently approved by the Planning Board.*
- 2. The rate of residential development determined by the Planning Board, based upon careful studies and consultation with the agencies involved, to be the highest which would not exceed the Town's capacity to service growth with public facilities other than schools, as planned in the six year Capital Improvement Program most recently approved by the Planning Board.*
- 3. The combined municipal and school appropriations for capital expenditures, including debt service and capital outlay, will on average exceed 15% of the total municipal and school department appropriations combined over the period covered in the current Capital Improvements Program.*

The Town performed a limited review of facilities in 2016. There have been few significant changes to facilities since that time. In 2016, Staff noted that the Town's public facilities are generally adequate. The CIP process identified improvements to several fire, school and sewer facilities, with only a new elementary school being expressly tied to new growth. This follows the recent construction of a new police station, town hall, new south fire station, new north/west fire station, and senior center improvements that have address growing demands. In the 2017 Town Meeting Ballot, Londonderry voters approved a measure to commence a central fire station engineering study to determine options for expanding or replacing the Central Fire Station, a capital project identified as "Urgent" in the FY 2018-2023 CIP. Staff notes that school department officials have stated that while conditions are currently adequate to meet immediate demands, they have expressed concerns over significant growth in the elementary levels, kindergarten, LEEP and Special Education programs in the near future. The FY 2018-2023 CIP includes an entry for a new elementary school, preferably in the north-east section of Londonderry. This project was intentionally put in the out years of the CIP and ranked as a Priority 3 "Desirable" project, needed within 4-6 years to improve quality of level of service".



A more thorough, targeted study would be required to identify the Town's level of compliance with Part C.

## 2017 Growth Management Ordinance (GMO) Determination

Criteria 1: The present year number of building permits authorized by the Building Department exceeds the average number of dwelling unit authorizations in Londonderry over the six preceeding calendar years;

Permits Issued by Mun									
Year	Londonderry	Auburn	Derry	Hudson	Litchfield	Manchester	Windham	Abutters	
2016	94	36	71	74	13	298	39	531	
2015	278	30	39	80	15	286	35	485	
2014	11	34	30	47	16	112	95	334	
2013	29	22	46	58	19	87	68	300	
2012	16	28	22	34	12	122	46	264	
2011	26	28	20	9	8	290	53	408	
2010	21	15	23	38	13	195	75	359	
Avg. Permits Issued Preceeding 6 Years		63.5							
# Permits Issued This Year		94							

Criteria 2: A percentage increase in housing units over the preceeding calendar year equal to [or greater than] the rate of increase in housing units for that preceeding year summed across the six municipalities which abut Londonderry (Auburn, Derry, Hudson, Litchfield, Manchester and Windham)

Total Housing Units									
Year	Londonderry	Auburn	Derry	Hudson	Litchfield	Manchester	Windham	Abutters	
2015	8,798	1,907	12,694	9,128	2,898	46,623	4,991	78,241	
2016	8,892	1,943	12,765	9,202	2,911	46,921	5,030	78,772	
Numeric Increase (2016-15)		94							
Rate of Increase (2016-16)		1.06842%							
Percent Increase for abutting Municipalities		0.67867%							
Percent Increase for Londonderry		1.06842%							

### Maximum sustainable Growth

Highest figure that does not exceed a 2.0% increase in Londonderry's housing stock over the preceeding calendar year:

2015 Housing Supply	8,798
Housing Supply plus 2%	8,974
Difference	175.96

\*Building Permit Source: US Census Bureau Building Permit Data, 2016

<http://censtats.census.gov/bldg/bldgprmt.shtml>

Reported data for Londonderry was incomplete (representing only 6 months) and a Litchfield count was not reported. For these communities, each Town's Annual Report was consulted. Figure presented is the sum of new units (including Accessory Dwelling Units minus demolitions)

**MEMO**

Planning and Economic Development  
Department  
268B Mammoth Road  
Londonderry, NH 03053

**Town of Londonderry, NH**

To: Art Rugg, Chair, Londonderry Planning Board  
From: John Vogl, GIS Manager/Comprehensive Planner  
CC:  
Date: 4/12/2017  
Re: Status of limitation on the number of elderly housing units

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The Town of Londonderry includes 10 Over-55 (Elderly Housing) communities, consisting of 621 built and 631 approved units. A breakdown of units by community follows:

Community	Existing Units	Approved Units
Buttrick Village	40	40
Cohas Landing	44	44
Forest Hills	65	65
Grand Estate	110	110
Harvest Village	45	45
Hickory Woods	98	98
The Nevins	128	128
Parrish Hills	37	37
Sugarplum Lane	36	36
Trail Haven Estates	18	28
Total	621	631

Based on the 2011-2015 US Census American Community Survey (ACS) Demographic and Housing Estimates count of 8,870 total housing units, the total (existing and proposed) age restricted units account for 7.1% of the current supply.

According to the same reporting, the Town of Londonderry had a total 2015 population of 24,563. The population 55 years and older is 6,388 or 26.0% of the total.

Whereas the percent of elderly housing units (7.1%) is less than the percent of persons age 55 (26.0%) or older, the limitation on the number of elderly housing units per section 3.6.6.1 is not in effect at this time.

*Source: ACS Demographic and Housing Estimates, 2011-2015 American Community Survey 5-Year Estimates. Data selected for Londonderry town, Rockingham County, New Hampshire*