

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF APRIL 8, 2015 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Lynn Wiles; Laura El-Azem; Jim Butler, Ex-Officio;
6 Scott Benson; Leitha Reilly, alternate member; and Al Sypek, alternate member
7

8 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic
9 Development Department Manager
10

11 A. Rugg called the meeting to order at 7:00 PM. He appointed A. Sypek to vote
12 for Mary Soares and L. Reilly to vote for Chris Davies.
13

14 **Administrative Board Work**
15

16 A. Discussions with Town Staff
17

18 C. May stated that Staff had updates to share with the Board regarding the
19 Proposed Zoning Ordinance Amendments discussed at the March 11 meeting.
20 A public hearing was to take place this evening, however A. Rugg explained
21 that ongoing input from the Town Attorney and discussions with the Town's
22 consultant and other NH Planners led to the decision to continue that public
23 hearing to May 13. Instead, the Board would discuss the updates with Staff
24 and potentially vote to adopt them under "Other Business" so that they may be
25 posted for the May 13 meeting.
26

27 **A. Rugg entertained a motion to continue the public hearing on the**
28 **Proposed Zoning Ordinance Amendments to May 13, 2105. L. Wiles so**
29 **moved. S. Benson seconded the motion. No discussion. Vote on the**
30 **motion: 7-0-0.**
31

32 **Public Hearings/Workshops/Conceptual Discussions**

33 A. B-Sani Group, LLC (Owner and Applicant), Map 13 Lot 105 - Application
34 Acceptance and Public Hearing for formal review of a site plan ("Stumble Inn")
35 to construct a 32' x 35' proposed patio with overhang onto an existing
36 restaurant at 20 Rockingham Road, Zoned C-II [Continued from March 4,
37 2015].
38

39 A. Rugg announced that the applicant for this project has requested a
40 continuance to the May 6, 2015. **He entertained a motion to continue the**
41 **application acceptance and public hearing regarding Map 13 Lot 105 to**
42 **the May 6, 2015 meeting L. Wiles so moved. L. El-Azem seconded the**
43 **motion. No discussion. Vote on the motion: 6-0-0.***
44

45 [*J. Butler had not yet arrived at the meeting when this vote was taken. He
46 arrived at approximately 7:05 during Discussions with Town Staff].
47

48 A. Rugg stated that this would be the only official public notice of the
49 continuation of this public hearing to May 6, 2015 at 7:00 PM.

1
2 B. Jack Szemplinski (Owner and Applicant, 62 Rear Adams Road, Map 6 Lot
3 113-1, Zoned AR-I), and Harold Kicza (Owner and Applicant, 86 and 88 Adams
4 Road, Map 6 Lots 90 and 90-1, Zoned AR-I) – Application Acceptance and
5 Public Hearing for formal review of a lot line adjustment plan (“Adams Road”)
6 to adjust the lot lines between Lots 6-113-1, 6-90 and 6-90-1, to create an
7 access utility easement on Lot 6-90-1, and to provide access via a shared
8 driveway and utility corridor for Lot 6-90-1 and 6-113-1 [Continued from
9 March 4, 2015].

10
11 C. May stated there were no checklist items and that Staff recommends
12 the application be accepted as complete.

13
14 **L. Wiles made a motion to accept the application as complete per**
15 **Staff’s Recommendation memo dated April 8, 2015. J. Butler seconded**
16 **the motion. No discussion. Vote on the motion: 7-0-0.**

17
18 A. Rugg noted that the 65 day time frame for the Board to render a decision
19 under RSA 676:4 commenced with acceptance of the application as complete.

20
21 Nicholas Loring of Benchmark Engineering explained that the plan originated
22 with property owner J. Szemplinski seeking to access his property on Map 6 Lot
23 113-1. Although he retained a right of way easement to access the lot from the
24 Abbey Road subdivision to the north, using that access would require an
25 extensive wetland crossing. He instead approached H. Kicza about obtaining
26 access through the existing gravel drive on H. Kicza’s undeveloped Lot 90-1.
27 The result was the proposed lot line adjustment between J. Szemplinski’s
28 lot and two of H. Kicza’s lots which comprise a total of approximately 20 acres.
29 Two variances were obtained for the lot line adjustment. The first was to
30 create a lot (113-1) without frontage on a Class V road and to also exempt Lot
31 90-1 from the Conservation Overlay District (COD) wetland buffer ordinance.
32 The second variance permitted the subdivision of a lot (90) with less than
33 30,000 contiguous non-wetland area. Six waivers are being sought by the
34 applicants (see below).

35
36 Lot 90 contains an existing single family residence built in the 1960’s which will
37 retain use of its on-site septic and well, along with its two access points via a
38 circular driveway. The two undeveloped lots will also be serviced by on-site
39 septic and well and will share access through a proposed access and utility
40 easement where the aforementioned gravel drive is located. Discussions with
41 the Fire Department resulted in the decision to pave that driveway when
42 residences are constructed to allow for adequate emergency vehicle access.
43 Paving the driveway will be required before any certificates of occupancy are
44 issued for the residences. Since the gravel drive is within the 50-foot COD
45 wetland buffer, a Conditional Use Permit (CUP) is being sought for 8,800
46 square feet of buffer intrusion. No wetland impacts will take place. The
47 Conservation Commission has recommended approval of the CUP with specific
48 conditions regarding monumnetation of the easement and the distance
49 between the edges of driveway pavement to those bounds (see CUP
50 description below for the exact language, as well as reference to placement of

1 COD boundary signage). A NH Department of Environmental Services (DES)
2 subdivision permit has been obtained. No off-site improvements are required
3 for the project.

4
5 A. Rugg asked for Staff input.

6
7 C. May read into the record the six waiver requests from the Staff
8 Recommendation memo:

- 9
10 1. Section 4.01.C limiting the maximum scale for all plans other than the
11 boundary plan to 1" = 40'. The Applicant is requesting that the topographic
12 plan be at a scale of 1" = 50'. Although the project encompasses nearly 20
13 acres of land, the lot line relocation involves only the front portion of the
14 properties. Since the 1" = 50' scale provides adequate detail of the area
15 involved as well as the surrounding area, Staff recommends **granting** the
16 waiver.
17
18 2. Sections 3.10 and 4.17.A.32.iii requiring HISS soil mapping be shown
19 over all subject parcels on the topographic plan. Sufficient information has
20 been provided to verify that the lots meet the minimum requirements of the
21 zoning ordinance, therefore Staff recommends **granting** the waiver.
22
23 3. Sections 3.04.A and 4.17.A.23 requiring two foot contour intervals
24 be shown over all subject parcels on the topographic plan. Since the
25 topographic survey completed ensures all current regulations are met, Staff
26 recommends **granting** the waiver.
27
28 4. Sections 4.17.A.2 and 4.17.A.3 requiring that the topographic plan show
29 the entire property to be subdivided, along with all corresponding metes
30 and bounds. The entire boundary is provided on the lot line relocation plan
31 (sheet 2), therefore Staff recommends **granting** the waiver.
32
33 5. Section 3.05 requiring all proposed utilities be placed underground. The
34 Applicant proposes to use overhead utilities where underground utilities are
35 required by the regulations. Staff recommends **granting** the waiver, as
36 other residential homes in the neighborhood are serviced by overhead
37 utilities and this is consistent with past practices of the Planning Board.
38
39 6. Section 3.02.A.2 requiring that monuments for external boundaries be
40 placed not more than 1,000 feet apart in any straight line, at all corners and
41 at all angle points. The Applicant seeks to waive the requirement for corner
42 monumentation in the rear (north) of Lot 113-1 because those points fall
43 within wetlands. Staff recommends **granting** the waiver.
44

45 C. May read into the record the Conditional Use Permit request from the Staff
46 Recommendation memo:

- 47
48 1. The Applicant has requested a Conditional Use Permit to allow a
49 permitted use in the Conservation Overlay District. The request is to
50 allow 8,800 square feet of impact to the Conservation Overlay District

1 (COD) wetland buffer associated with an existing gravel driveway that is
2 to be upgraded and will provide access to both Lots 90-1 and 113-1.
3 The Conservation Commission recommends approval of the CUP Permit,
4 subject to 10 pipes being installed along the bounds of the proposed
5 access and utility easement on Map 6 Lot 90-1, and that the edge of
6 driveway pavement be at a distance of 6.5 feet from the
7 monumentation. Approval requires installation of the COD buffer
8 signage along the driveway as well as the rest of the COD buffer per the
9 zoning ordinance. Staff recommends **granting** the Conditional Use
10 Permit because the application meets the criteria as outlined in Section
11 2.6.3.4.1 of the zoning ordinance.
12

13 A. Rugg asked for comments and questions from the Board.
14

15 L. Wiles verified the applicant's intent to build a residence on Lot 113-1 and
16 that no structure currently exists at the end of the existing gravel drive. L. El-
17 Azem asked for clarification regarding the reconfiguration of the lots and N.
18 Loring reviewed what existing lines would be removed and how the acreage will
19 be split between the three properties after the lot lines are adjusted (see
20 Attachment #1). L. Reilly confirmed that the three properties will remain
21 single family house lots and that there is only one point of access from Adams
22 Road into Lot 90-1. A. Sypek asked about the length of the existing gravel
23 drive and N. Loring replied it is approximately 500 feet from Adams Road to
24 the beginning of Lot 113-1. A. Sypek also asked who would be responsible for
25 maintenance of the new driveway. N. Loring said the responsibilities would be
26 shared between the owners of Lot 90-1 and Lot 113-1 and will be specified in
27 the access and utility easement deed.
28

29 A. Rugg asked for public input. There was none.
30

31 **L. Wiles made a motion to approve the Applicant's request for the six**
32 **waivers as outlined in Staff's Recommendation Memo dated April 8,**
33 **2015. L. El-Azem seconded the motion. No discussion. Vote on the**
34 **motion: 7-0-0.**
35

36 **L. Wiles made a motion to approve the Applicant's Request for the**
37 **Conditional Use Permit as outlined in Staff's Recommendation Memo**
38 **Dated April 8, 2015. S. Benson seconded the motion. No discussion.**
39 **Vote on the motion: 7-0-0.**
40

41 **L. Wiles made a motion to grant final approval to the to the Lot Line**
42 **Adjustment Plan for Jack Szemplinski (Owner and Applicant, 62 Rear**
43 **Adams Road, Map 6 Lot 113-1, Zoned AR-I), and Harold Kicza (Owner**
44 **and Applicant, 86 and 88 Adams Road, Map 6 Lots 90 and 90-1, Zoned**
45 **AR-I), to adjust the lot lines between Lots 6-113-1, 6-90 and 6-90-1,**
46 **to create an access utility easement on Lot 6-90-1, and to provide**
47 **access via a shared driveway and utility corridor for Lot 6-90-1 and**
48 **6-113-1, in accordance with the plans prepared by Benchmark**
49 **Engineering, Inc., dated July 30, 2014, and last revised March 2, 2015,**
50 **with the precedent conditions to be fulfilled within two (2) years of the**

1 **approval and prior to plan signature, and the general and subsequent**
2 **conditions of approval to be fulfilled as noted in the Staff memo, dated**
3 **April 8, 2015. S. Benson seconded the motion. No discussion. Vote on**
4 **the motion: 7-0-0.**

5
6 C. Proposed Zoning Ordinance Amendments – Public Hearing

7
8 See “Discussions with Town Staff” above and “Other Business below.”

9
10 **Other Business**

11
12 A. Second reading: Proposed Amendments to Planning Board Rules of Procedure;
13 Section 3.2 Annual Election of Officers and Section 7.3 Annual Appointment
14 of Designees

15
16 A. Rugg restated his explanation from the April 1, 2015 meeting that the
17 proposed changes involve moving the annual election of officers and
18 appointments of designees from April to March. Doing so will bring the Board
19 into compliance with the State’s request to be informed of current officers on
20 all boards and committees in NH by the end of March. Section 3.2 would be
21 amended to require the election of Board officers in March after Londonderry’s
22 Town Meeting. Section 7.3 would be amended in the same fashion so that the
23 annual appointment of designees who would sign plans in place of the Chair
24 and/or Secretary would be changed to the same timeframe. The first reading of
25 the proposed changes took place on April 1. A. Rugg noted that the
26 amendments could be adopted at this meeting if the Board chose to do so.

27
28 **L. El-Azem made a motion to adopt the proposed amendments to the**
29 **Planning Board Rules of Procedure. L. Wiles seconded the motion. No**
30 **discussion. Vote on the motion: 7-0-0.**

31
32 B. Proposed Updates to the Posted Zoning Ordinance Amendments

33
34 C. May reviewed the following proposed updates to the Zoning Ordinance
35 Amendments which were discussed at the March 11 meeting and subsequently
36 posted for the public. If adopted this evening by the Board, C. May said the
37 updates could be posted and incorporated into the public hearing continued by
38 the Board to May 13.

39
40 The proposed updates were as follows:

- 41
42 1. [Suggested by Town Attorney Michael Ramsdell] Add a footnote #6 in the
43 empty box under AR-I in the Use Table (Sec. 2.2), next to the newly
44 created column, “Dwelling, multi-family Workforce,” and insert the following
45 language at the end of the Use Table (with the other explanatory notes):

46
47 “6. This change of use shall not apply to workforce housing projects
48 that were granted variances in the twelve months immediately
49 preceding the first public hearing on these amendments, provided

1 that: (1) the proposed development would otherwise have been
2 permitted in AR-I under Sec. 2.3.3 of this Ordinance; (2) at the time
3 of the first public hearing on the amendments, no additional
4 variances would have been required under the former Ordinance for
5 the project to submit a completed plan to the Planning Board for
6 approval; and 3) a Conditional Use Permit is approved by the
7 Planning Board within eighteen months following the adoption of
8 these amendments.”

- 9
10 2. Add a footnote #7 in the empty box under AR-1 in the Use Table (Section
11 2.2) next to the newly created column, “Dwelling, multi-family Workforce,”
12 and insert the following language at the end of the Use Table (with the
13 other explanatory notes) permitting multi-family workforce housing on lots
14 adjacent to commercial and industrial districts as a transition between those
15 zones and low density residential zones:

16
17 “7. Multi-family workforce housing may be permitted on lots adjacent
18 to commercial and industrial districts, provided that the proposed
19 development meets the Conditional Use criteria for workforce
20 housing.”

21 C. May noted that creation of this footnote resulted from the fact that
22 the proposed amendments included the allowance of multi-family
23 workforce housing in commercial zones, however such land could prove
24 to be too expensive to make a workforce housing project economically
25 viable. Since multi-family workforce housing would only otherwise be
26 allowed in industrial zones and the few R-III zones in town, it was
27 considered that the Town would not be providing adequate opportunities
28 for that housing choice. This revision would provide more opportunities
29 be permitting multi-family workforce housing on residential properties
30 directly abutting commercial and industrial lots, thereby acting as a
31 transitional zone between the two. Because the development must still
32 meet the criteria for a workforce housing Conditional Use Permit, she
33 noted that the Planning Board would retain significant discretion over
34 approval of the proposal.

- 35
36 3. Amend Section 2.3.3.6. Small Workforce Housing Developments in
37 two places to clearly reference the applicable NH DES regulations. P
38 36:

39
40 2.3.3.6.A.1.b. The minimum area necessary to comply with NH Code of
41 Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum
42 Lot Sizes) Latest Revision, if the property is not serviced by either public
43 water or sewer or both.

44
45 2.3.3.6.B. A duplex structure containing one market-rate unit and one
46 workforce unit may be developed on a 21,780 square-foot (1/2 acre) lot
47 if served by public water and sewer, or the minimum area necessary to
48 comply with NH Code of Administrative Rules Chapter ENV-Ws 1000

1 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, if the property is
2 not served by either public water or sewer or both, provided that the
3 workforce dwelling unit shall be similar in exterior appearance and
4 otherwise visually indistinguishable from the market-rate unit.

5
6 C. May explained that this update was in response to a question from A. Rugg
7 regarding the determination of minimum lot sizing where neither public water nor
8 sewer are available. A consultation with the Assistant Director of Public Works
9 and the Senior Building Inspector resulted in the above references to codes from
10 the State Department of Environmental Services. High Intensity Soil Study
11 mapping would still be required. These changes, she added, could eventually be
12 made to all residential housing, not just workforce housing.

13
14 4. Amend Section 2.3.3.8 Administration, Compliance and Monitoring:

15
16 Assurance of Continued Affordability to:

- 17 a. Separate the requirements for rental and ownership workforce
18 housing.
19 b. Add a statement that a qualified third-party reporting entity must
20 have expertise in determining eligibility of prospective owners and
21 renters. It can be the NHHFA or other qualified agency.
22 c. Require submission of an affidavit of compliance [with the ordinance]
23 certifying income eligibility prior to sale of workforce units. Rental
24 may be provided in an annual report to the Town. Sales should be
25 reported at each transaction. The requirement for an affidavit should
26 be reflected in the deed.
27 d. Provide a reference to the enforcement and penalty sections in the
28 ordinance for non-compliance.

29
30 C. May reviewed the proposed language for amended Section 2.3.3.8 [See
31 Attachment #2]. J. Butler asked how administration of the amended section
32 would be managed. C. May explained that the proposed revision actually
33 simplifies the language currently used and removes the Town (i.e. staff) from
34 having the responsibility to oversee certification and ensure the continued
35 affordability of workforce housing projects within Londonderry. The proposal
36 requires instead that staff review the annual reports that will verify continued
37 affordability is being maintained. She added that if staff determines the
38 information is insufficient, developers can be required to fund a third party review
39 performed by an entity of the Town's choosing. Staff will verify with both the
40 Town Attorney and consultant Jonathan Edwards that this language is appropriate
41 and legal. L. Reilly inquired about annual reporting regarding rental workforce
42 housing tenants (proposed Section 2.3.3.8.B.1). C. May clarified that income
43 qualification would not occur annually for tenants, only when they first apply for
44 tenancy. L. Reilly verified that if the tenant's income should increase after this
45 initial qualification, their rent does not increase correspondingly. She also
46 confirmed that staff would not be responsible for determining these qualifications.
47 L. Wiles noted that under proposed Section 2.3.3.8.B.2, an annual rent in a
48 workforce housing rental project cannot "exceed an increase in Area Median
49 Income as reported by the US Department of Housing and Urban Development

1 and by the New Hampshire Housing Finance Authority.” He asked what recourse
2 the owner of a rental workforce housing development would have if they find they
3 cannot make money in an economic scenario where the Area Median Income were
4 to remain level while property taxes increased. C. May offered to inquire with her
5 counterparts in other communities to see if that scenario has arisen.

6
7 5. Amend Section 3.6.4 under Elderly Housing to change the maximum
8 density per acre back to 6 units per acre in the AR-1 district and increase
9 Elderly Affordable to 8 units per acre. The proposed reduction could make
10 elderly housing unaffordable to construct, which was not intended by the
11 change:

- 12
13 a. Elderly Housing and Assisted Living - Sites with P.U.C. regulated
14 municipal water and sewer disposal system: No greater than eight (8)
15 dwelling units per acre, except no greater than six (6) units per acre in
16 the AR-1 district.
17 i. Elderly Affordable Housing – Sites with P.U.C. regulated municipal
18 water and sewer Disposal system: No greater than twelve (12)
19 bedrooms per acre, except no greater than eight (8) units per acres
20 in the AR-1 District
21

22 A. Rugg asked for consensus from the Board on adopting the updates presented.
23 There was no objection to staff making the changes as discussed and reposting
24 the proposed updated amendments. A. Rugg reiterated that the public hearing
25 will take place on May 13.

26
27 **Adjournment:**

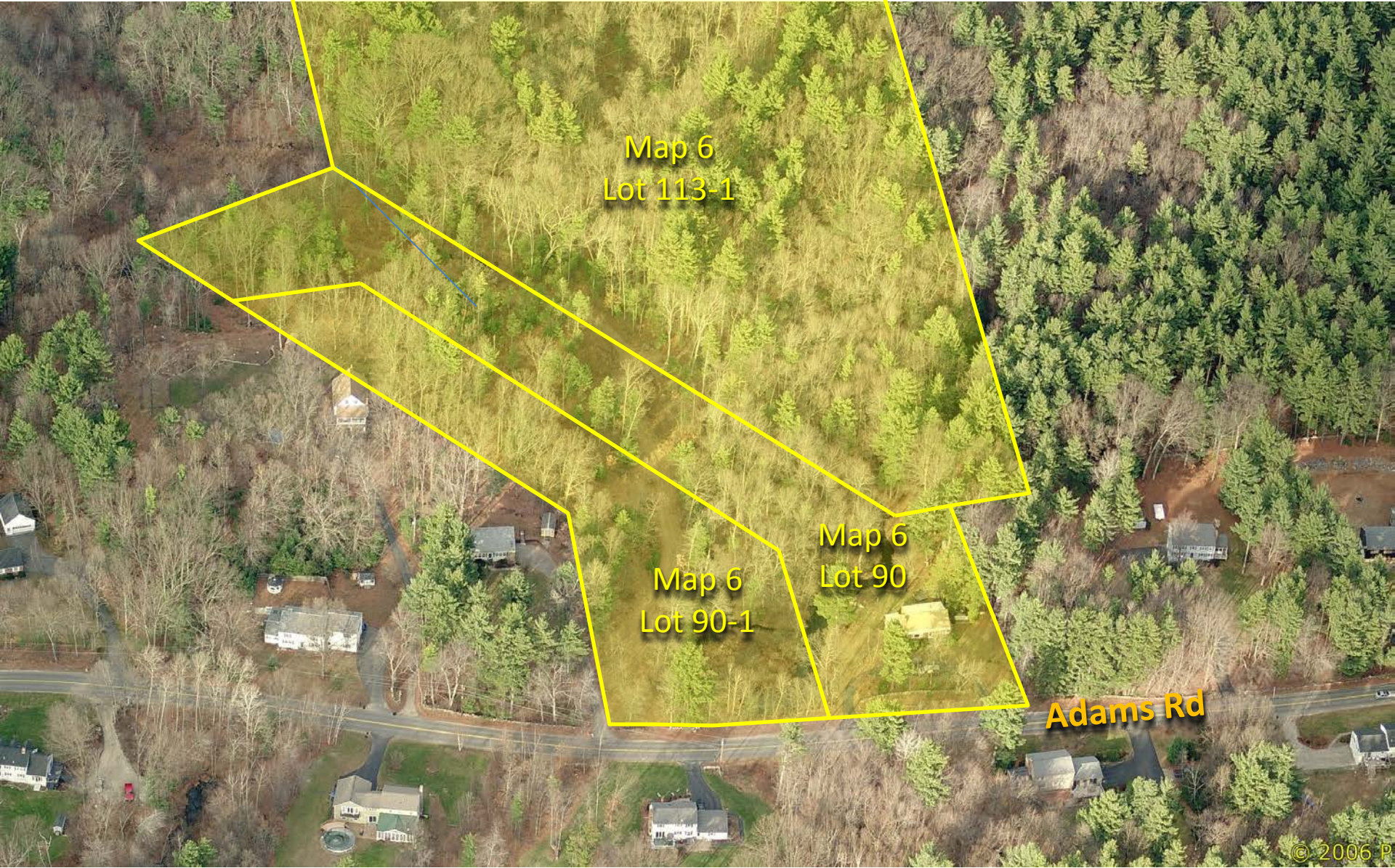
28
29 **L. El-Azem made a motion to adjourn the meeting. L. Wiles seconded the**
30 **motion. Vote on the motion: 7-0-0.**

31
32 The meeting adjourned at 7:50 PM.

33
34 These minutes prepared by Associate Planner Jaye Trottier

35
36 Respectfully Submitted,

37
38
39
40
41 Lynn Wiles, Secretary

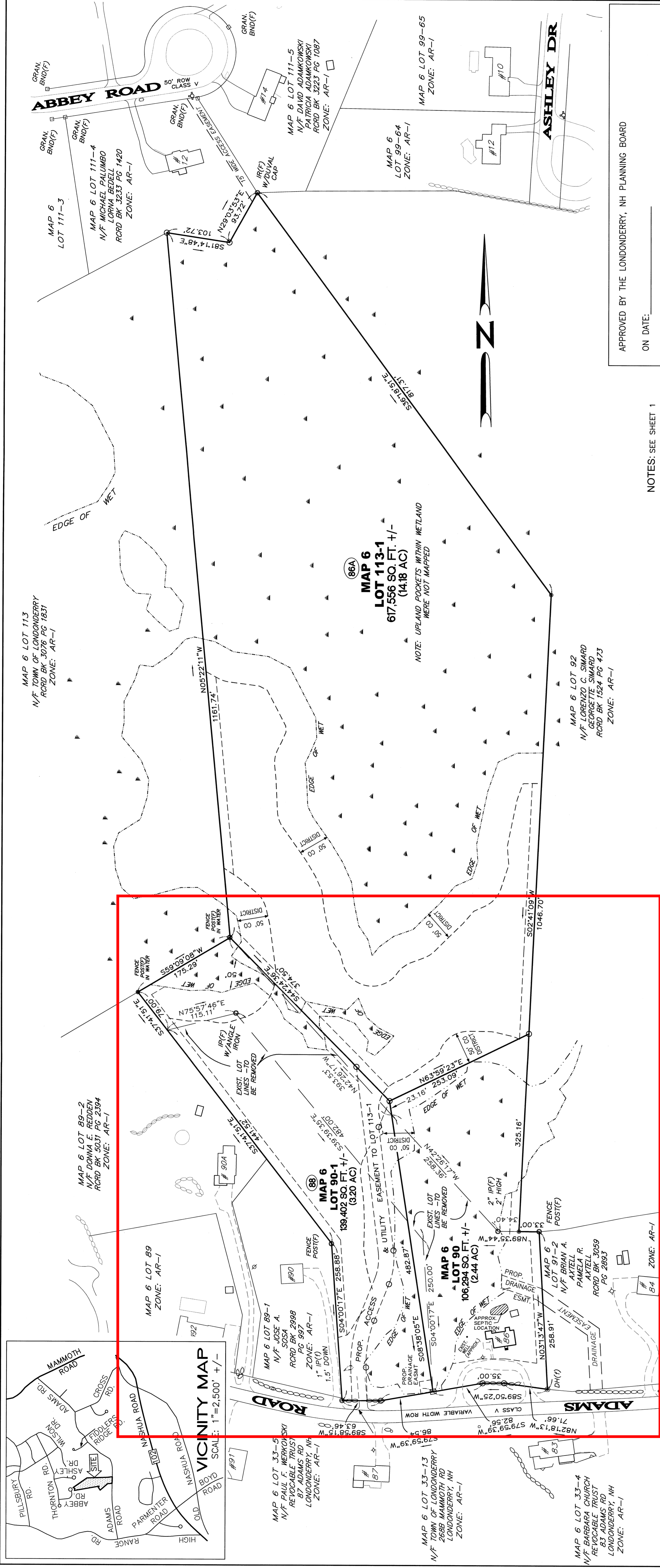


Map 6
Lot 113-1

Map 6
Lot 90-1

Map 6
Lot 90

Adams Rd



APPROVED BY THE LONDONDERRY, NH PLANNING BOARD

ON DATE: _____

CERTIFIED BY: _____

LOT LINE RELOCATION PLAN
TAX MAP 6 LOTS 90, 90-1 & 113-1
86, 86A AND 88 ADAMS ROAD
LONDONDERRY, NEW HAMPSHIRE 03053

OWNER OF RECORD:
 TAX MAP 6 LOTS 90 AND 90-1
 HAROLD KICZA
 86 ADAMS ROAD
 LONDONDERRY, NH 03053

OWNER OF RECORD:
 TAX MAP 6 LOT 113-1
 JACK A. SZEMPLINSKI
 258 DAMON DRIVE
 ALTON, NH 03809

SCALE: 1"=80' SHEET 2 OF 6 JULY 30, 2014

OWNER OF RECORD: *[Signature]* DATE: 3/4/2015

JACK A. SZEMPLINSKI (TAX MAP 6 LOT 113-1)

OWNER OF RECORD: *[Signature]* DATE: 3/4/2015

HAROLD KICZA (TAX MAP 6 LOTS 90 & 90-1)

I CERTIFY THAT THE WORK PERFORMED IN PREPARATION OF THIS PLAN HAS AN ERROR OF CLOSURE NO GREATER THAN 1:10,000.

[Signature] DATE: 3/4/2015
 ALBERT T. TRUDEL, LLS
 C.S.I. ASSOCIATES

#	DATE	REVISION
1	3/2/15	STANTEC/ DRC COMMENTS DATED 1/7/15

PLAN REFERENCES:
 1. RCRD PLAN No. 311.
 2. RCRD PLAN No. 495.
 3. RCRD D-7113.
 4. RCRD D-9515.
 5. RCRD C-13539.
 6. RCRD D-19705.
 7. RCRD D-25265.

DEED REFERENCES:
 RCRD BOOK 3794/PAGE 1636
 RCRD BOOK 2036/PAGE 005

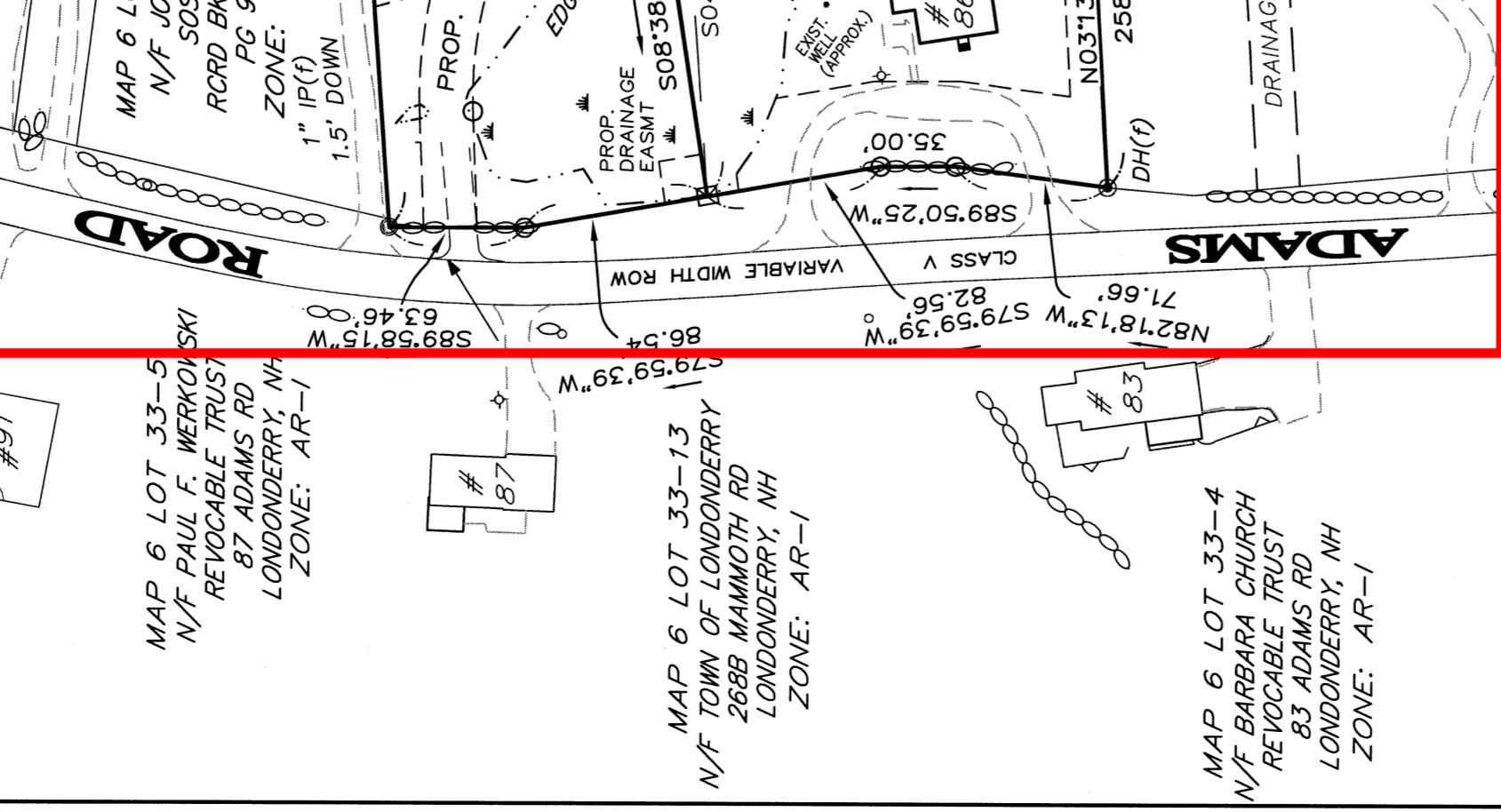
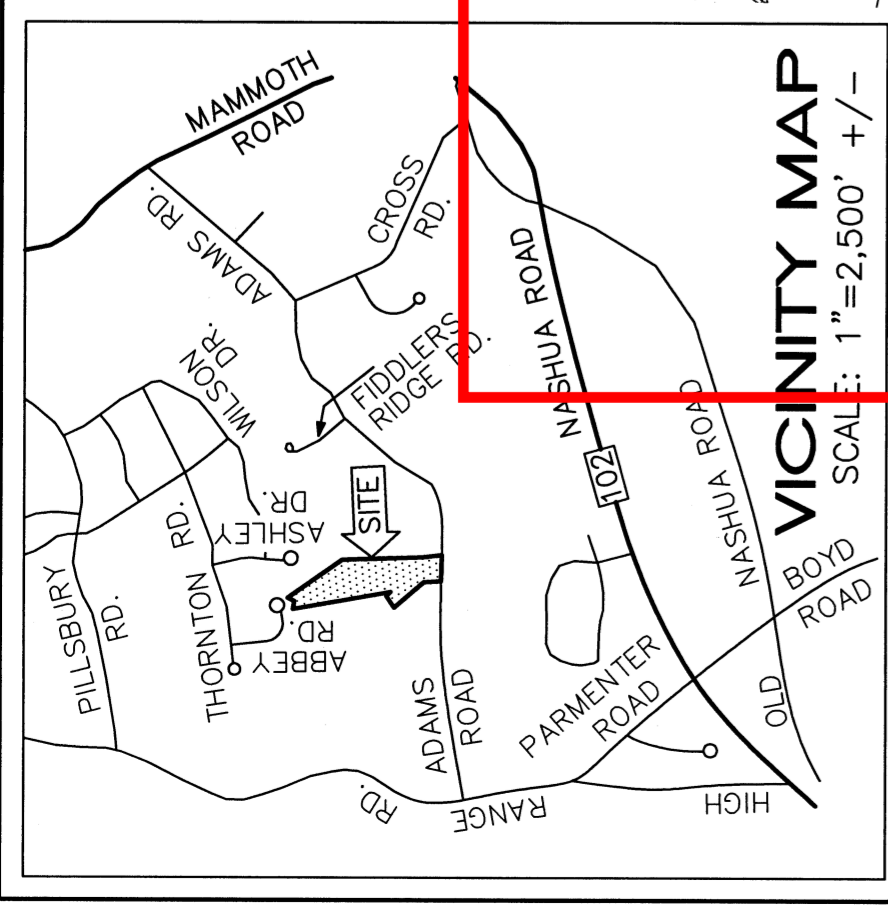
LEGEND:
 ○ IRON PIPE/ REBAR FOUND
 □ BOUND FOUND
 ○ DRILL HOLE FOUND
 ○ DRILL HOLE/ REBAR TO BE SET
 □ BOUND TO BE SET
 △ TBM
 ■ CATCH BASIN
 ○ FLOW DIRECTION
 ○ SPOT ELEVATION
 ○ EXISTING UTILITY POLE
 ○ OVERHEAD UTILITIES
 --- TREE LINE
 --- SOIL LINE
 366BH SOIL DESCRIPTION
 270 EXISTING CONTOUR LABEL
 ○ TEST PIT (88) STREET NUMBER

SOIL MAPPING NOTES:

This Site Specific Soil Map was prepared by Nancy B. Rendall, CSS #83 based on field work conducted at and site conditions on the site between May and July, 2011. This soil map was prepared in accordance with the SSSSNE Special Publication #3, Version 4.0, February 2011, "Site Specific Soil Mapping Standards for New Hampshire & Vermont". This map product is within the technical standards of the National Cooperative Soil Survey. It is a special purpose product, intended for use in the permitting of a proposed residential subdivision. It was produced by a certified soil scientist and is not a product of the USDA Natural Resources Conservation Service. There is a narrative report prepared by the certified soil scientist that is meant to accompany this map.

WETLAND NOTES:

- Wetlands were field delineated by Nancy B. Rendall, Certified Wetland Scientist, #073 in the May 2014.
- Wetland delineation was performed to the standards in the "Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northeast and Northcentral Region, USACE, October, 2009."
- Hydric soils were determined in accordance with the protocol in "Field Indicators of Hydric Soils in the United States - A Guide for Identifying and Delineating Hydric Soils, NRCS, Version 7.0, 2010."
- Dominance of wetland vegetation was assessed using the National List of Wetland Plant Species that Occur in Wetlands - Northeast; Region 1, USFWS, 1988.
- Wetlands were classified using the USFWS Methodology, "Classification of Wetlands and Deepwater Habitats, Cowardin et al, 1979."



GENERAL AND SUBSEQUENT CONDITIONS

- NO CONSTRUCTION OR SITE WORK FOR THE SUBDIVISION MAY BE UNDERTAKEN UNTIL THE PRE-CONSTRUCTION MEETING WITH TOWN STAFF HAS TAKEN PLACE, FILING OF AN NPDES-EPA PERMIT AND THE SITE RESTORATION FINANCIAL GUARANTEE IS IN PLACE WITH THE TOWN. CONTACT THE DEPARTMENT OF PUBLIC WORKS TO ARRANGE FOR THIS MEETING.
- THE DEPARTMENT OF PUBLIC WORKS SHALL EXTENDS MODIFICATIONS TO THE APPROVED APPLICATION PACKAGE AND DEPARTMENT OF PUBLIC WORKS, OR IF STAFF DEEMS APPLICABLE, THE PLANNING BOARD.
- ALL OF THE DOCUMENTATION SUBMITTED IN THE APPLICATION PACKAGE BY THE APPLICANT AND ANY REQUIREMENTS IMPOSED BY OTHER AGENCIES ARE IN SOME MANNER OR SUPERSEDED, UPDATED, REVISED, CLARIFIED OR CONFLICTING INFORMATION BETWEEN DOCUMENTS, THE MOST RECENT DOCUMENTATION AND THIS NOTICE HEREIN SHALL GENERALLY BE DETERMINING.
- IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN ALL OTHER LOCAL, STATE AND FEDERAL PERMITS, LICENSES, AND APPROVALS WHICH MAY BE REQUIRED FOR THIS PROJECT (THAT WERE NOT RECEIVED AS PRIOR TO THE FILING OF THIS PROJECT) AND TO OBTAIN THE BUILDING DEPARTMENT AT EXTENSION 115 REGARDING BUILDING PERMITS.



BENCHMARK ENGINEERING, INC.
 Consulting Engineers Land Planners
 1F Commons Drive, Suite 35
 Londonderry, New Hampshire 03053
 Phone: (603) 437-5000

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.

2.3.3.8 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.

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