

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF JUNE 10, 2015 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Chris Davies; Rick
6 Brideau, CNHA, Ex-Officio; Leitha Reilly, alternate member; Al Sypek, alternate
7 member; and Ann Chiampa, alternate member
8

9 Also Present: Cynthia May, ASLA, Town Planner and Planning and Economic
10 Development Department Manager; John Vogl, GIS Manager and Comprehensive
11 Planner; Jaye Trottier, Associate Planner; and Nicole Doolan, Planning and
12 Economic Development Department Secretary
13

14 A. Rugg called the meeting to order at 7:00.
15

16 A. Rugg announced that full member and Assistant Secretary L. El-Azem has
17 resigned from the Board for personal reasons. He thanked her for her service and
18 described her as a significant asset to the Board. He appointed L. Reilly to vote for
19 L. El-Azem and appointed A. Sypek to vote for Scott Benson.
20

21 **Administrative Board Work**
22

23 A. Discussions with Town Staff
24

25 Staff had no topics to bring to the Board.
26

27 A. Rugg asked if any Board members were interested in the offer made by
28 developer Mike Kettenbach of Pillsbury Realty Development at the May 6, 2015
29 meeting to tour sites that would demonstrate the style of development
30 intended for the Woodmont Commons Planned Unit Development (PUD). The
31 Town Attorney has determined that three Board members could attend as
32 requested by Pillsbury Realty since three would not constitute a meeting. A.
33 Rugg said the trip would be considered a fact finding tour and that no bias
34 would be involved since the PUD Master Plan has been approved and signed by
35 the Board. A. Rugg said he would not be able to attend. Any Board members
36 interested, he said, should submit their names to the Town Manager who is
37 organizing a trip to North Carolina. M. Soares and L. Wiles expressed interest.
38

39 **Public Hearings/Workshops/Conceptual Discussions**
40

41 A. Proposed Zoning Ordinance Amendments – Public Hearing [Continued from
42 May 13, 2015]:
43

44 A. Rugg explained that this evening's discussion would focus on changes made
45 to the proposed zoning ordinance amendments due to the questions, concerns
46 and comments raised at the May 13, 2015 continued public hearing. C. May
47 stated that the additional amendments were made by Staff and Consultant

1 Jonathan Edwards of Arnett Development Group (ADG) as a result of
2 investigations into the issues and questions that remained unanswered after
3 the May 13 discussion. The results were compiled into a memo that would be
4 reviewed this evening by J. Edwards (see Attachment #1). C. May added that
5 the memo also contained further edits made by Staff since May 13 based on
6 inconsistencies and missing items discovered when making the aforementioned
7 changes. All revisions were reviewed by the Town Attorney, she said, whose
8 only concern was the broader issue of avoiding unintended consequences,
9 particularly since the current ordinance has, at times, resulted in unintended
10 issues.

11
12 The changes made since the May 13 public hearing were reviewed by J.
13 Edwards and Staff as follows:

14
15 **Section 2.2 Use Table** [pp. 16-19 of Attachment #2]:

- 16
17 • Dwelling, Multi Family Category: Add footnote #9 to all Commercial, Mixed
18 Use Commercial and Performance Overlay Districts to instruct the user to
19 see Section **2.3.2.4** for building size criteria.
20
21 • Dwelling, Multi-Family Workforce Category:
22
23 ○ Add a "C" to footnotes #6 and 7 to (the Multi-Family Workforce
24 Dwelling category in the AR-I zone only to further clarify that those
25 issues would be addressed through a Conditional Use Permit (cup)
26 application to the Board.
27
28 ○ Also add footnote #3 to clarify that a proposed Multi-Family use in
29 the AR-I zone would be required to meet the CUP criteria for
30 workforce housing.
31
32 • Amend Footnote #3 to correctly reference Section 2.3.3 (instead of Section
33 2.3.4).
34
35 • Add Footnote #8 to clarify that Elderly housing in the AR-I zone cannot be
36 garden style (multi-story stacked flats), with the intent that it will fit the
37 neighborhood context/character.
38
39 • Add Footnote #9 to direct the user to see Section 2.3.2.4 for building size
40 criteria for multi-family housing (note: this does *not* apply to Multi-Family
41 *Workforce* Housing).
42
43 • Add the date of May 13, 2015 in footnote #6 to specify the actual date of
44 the "first public hearing on these amendments".
45
46 • Replace the original wording of footnote #6 with three separate points to
47 better clarify the conditions of that footnote.

48 There were no questions or concerns on these points.
49

1 **Section 2.3.1.7** [p. 26 of Attachment #2]:
2

- 3 • Amend Section 2.3.1.7.F regarding the 1,000 square foot limitation on
4 accessory dwellings to instead say “The maximum size for an accessory
5 dwelling shall be in accordance with NH RSA 674:68 and as amended”. This
6 will ensure the ordinance complies with proposed State legislation if it is
7 approved (Senate Bill 146).
8

9 J. Edwards noted that the proposed legislation states that a minimum size
10 can be imposed by a municipality, however it also implies that a maximum
11 size cannot be set by a municipality. M. Soares noted that an accessory
12 dwelling would naturally be limited by building setbacks and height
13 restrictions. C. May added that if a private septic is being used, the
14 proposed accessory dwelling would be further limited by the carrying
15 capacity of the lot in question, i.e. the number of bedrooms those soils can
16 support.
17

- 18 • Add subsection 2.3.1.7.N to the accessory dwelling ordinance, also to
19 comply with RSA 674:68, stating “Every accessory dwelling shall be deemed
20 a unit of workforce housing”
21

22 Because the State RSAs governing workforce housing require that town
23 regulations provide feasibility with regard to the development of workforce
24 housing and that workforce housing be provided for in a majority of the
25 residentially zoned land, J. Edwards explained that accessory dwellings
26 would help the Town meet the statutory mandates. C. May noted, however,
27 that while accessory dwellings are a way to provide workforce housing in a
28 majority of the residential area, they are not regulated by the requirements
29 that govern designated workforce housing. Restrictions on how much rent
30 can be charged and the demonstration of continued affordability, for
31 example, would not apply to accessory dwellings. A. Chiampa verified that
32 if an owner chooses to invest more in the construction of an accessory
33 dwelling, they would not be restricted from doing so because of the
34 increased cost.
35

36 C. May also noted that the revisions to this section of the ordinance would
37 allow for an accessory dwelling to be built at the same time the main
38 dwelling is. Currently, a house must be certified for occupancy for three
39 years before an accessory dwelling can be added.
40

41 L. Wiles questioned whether there was any valid benefit to the town in
42 considering accessory dwellings to be workforce housing if they are not
43 enforced by workforce housing regulations. J. Edwards explained that the
44 intent, as he understood it, is that accessory dwellings can be characterized
45 as affordable because of the relatively lower cost involved in their
46 construction based on their inherently smaller size. C. May added that at a
47 recent American Planning Association (APA) conference, it was stated that
48 one of the simplest ways to provide affordable housing is to regulate size.
49 Counting accessory dwellings in a town’s workforce housing stock therefore

1 makes it more difficult for the town’s ordinance to be challenged because it
 2 adds to the variety of affordable housing being offered.

3
 4 A. Sypek noted that according to subsection 2.3.1.7.M, an accessory
 5 dwelling loses its status as such if a property ceases to be owner-occupied
 6 for more than a year. He asked how that can be enforced when no
 7 reporting requirements apply to accessory dwellings as they do to
 8 designated workforce housing. Although J. Edwards and Staff stated that
 9 the Town is typically alerted to such enforcement issues by neighbors, it
 10 was decided that a reporting stipulation could be added to the subsection.
 11 The suggested condition was that an owner be required to report when they
 12 are no longer living on the property so that the 12-month “clock” could
 13 begin on the renting of either or both units.

14
 15 **Section 2.3.3.2** [*p. 32 of Attachment #2*]:

- 16
 17 • Amend Section 2.3.3.2 to make clear that the Planning Board has sole
 18 authority to interpret and administer the Inclusionary (Workforce) Housing
 19 Section, including the granting of all relative Conditional Use Permits
 20 (CUPs). Any decisions made under this Section can be appealed directly to
 21 Superior Court, as opposed to first seeking relief from the Zoning Board of
 22 Adjustment. C. May explained that like in the Performance Overlay District
 23 portion of the ordinance, the Planning Board’s jurisdiction over this section
 24 provides the opportunity for flexibility within the regulations on a case by
 25 case basis. The need for applicants to seek variances from the Zoning
 26 Board is thereby precluded.

27
 28 **Section 2.3.3.4** [*pp. 32-35*]:

- 29
 30 • Remove subsection 2.3.3.4.A.3, i.e. “The design of the site represents to
 31 the extent practicable preservation of natural resources, open space, and
 32 does not create a hazard to surface or underground water resources.” The
 33 requirement is already repeated below in the same section (2.3.3.4.A.8).
 34
 35 • Within subsection 2.3.3.4.A.5, change “in proportional relationship” to “at
 36 the same rate as” in reference to the construction of workforce housing
 37 units and market rate units. J. Edwards explained that this requirement will
 38 ensure that a developer complies with the provisions regarding the
 39 percentage of workforce housing units to be included in a given project.
 40 Subsection 2.3.3.4.A.3.A.6 further enforces this requirement by
 41 necessitating that all workforce housing units in a development be
 42 “completed and made available for sale or rental before the final 10% of the
 43 market-rate units are approved for occupancy.”
 44
 45 • Within subsection 2.3.3.4.B.2, change the minimum workforce housing
 46 units required for a multi-family workforce house building from 33% to 50%
 47 per Planning Board direction at the May 13 hearing. J. Edwards explained
 48 that he and Staff had originally suggested changing the 75% ratio in the
 49 current ordinance to 33% since it was found that the majority of towns in

1 NH use the rate of 33%. At the May 13 meeting, however, the consensus
2 of the Board was to increase the ratio to 50%.

- 3
4 • Under dimensional requirements for a multi-family workforce housing, add
5 subsection 2.3.3.4.B.9.d with a maximum building length at 200 feet. C.
6 May explained that the number is based on a dimensional review of existing
7 and approved buildings in Londonderry and similar buildings in communities
8 comparable to Londonderry. A further requirement would be included to
9 minimize the impact of the scale, i.e. that the "short" side of the building
10 must face the street, and cannot exceed 100 feet.

11
12 A discussion ensued regarding subsection 2.3.3.4.B.5, which states there is
13 no maximum number of dwelling units that may be contained in one
14 building "as long as applicable fire, safety and building codes are adhered
15 to". The current ordinance places the maximum at 16 units (with the
16 Planning Board being able to increase the number to 20 via a Conditional
17 Use Permit). J. Edwards explained that developers have received variances
18 from the current maximum because they have been able to demonstrate
19 that 16 and 20-unit buildings are not economically feasible to build. The
20 State statute, however, specifies that towns must provide economic
21 feasibility regarding the construction of workforce housing units. J. Edwards
22 said that he and Staff felt a restriction that all applicable fire and building
23 codes must be met would place a reasonable cap on the number of units
24 without restricting the "reasonable opportunity" to build workforce housing.
25 C. May noted that density requirements would also help create a limit. J.
26 Edwards added that the limitation on the size of the buildings themselves
27 (subsection 2.3.3.4.B.9.d) will serve to limit the number of units, along with
28 the aforementioned safety codes.

29
30 L. Wiles noted that even more so than the number of units in a building,
31 Board members and members of the public had expressed concern over the
32 size and scale of the buildings that can be produced by the current
33 ordinance. Using the Vista Ridge development (Map 15 Lot 51) as a guide,
34 it was decided after a brief discussion that for aesthetic purposes, the 200
35 and 100 foot buildings dimensions noted in subsection 2.3.3.4.B.9.d for a
36 multi-family workforce building should be further limited. The subsection
37 would instead allow for a building length of 150 feet, with the "short" side of
38 the building facing the street and not exceeding 75 feet in length. It was
39 believed this would make the multi-family workforce housing structures
40 better fit the character of Londonderry without contradicting the economic
41 feasibility requirement of the State RSA. To provide flexibility, particularly if
42 a developer can satisfy the Board's comfort level with a building exceeding
43 the 150' x 75' maxima, it was further decided that the language should
44 allow the Board to permit an increase via a Conditional Use Permit.

- 45
46 • Add to parking subsection 2.3.3.4.B.12 item "c," that parking for multi-
47 family workforce housing shall be located on the side and rear of the lot.
48 Staff proposes that this subsection be further amended and include a
49 diagram to be clear that: "No parking lots shall be located between the front
50 lot line and buildings closest to the existing Town street."

1
2 During public comment, Mike Speltz, 18 Sugarplum Lane, suggested adding
3 to the proposed language that "No parking lots shall be located between the
4 front lot line and buildings closest to the existing Town street." He
5 recommended describing 'the building' as the building plane which extends
6 to the side property lines.

7
8 **Section 2.3.3.6.D [p. 36]:**

- 9
10 • Modify this subsection to be clear that a minimum of 51% of provided
11 workforce housing shall have 2 bedrooms.

12
13 It was noted based on a question from L. Reilly that the subsections prior to
14 this (2.3.3.6.A.1.b and 2.3.3.6.B), that pertain to lots not serviced by either
15 public sewer or water or both pertain only to Small Workforce Housing
16 Developments. Access to public sewer and water is one of the conditions
17 applied to Multi-Family Workforce Housing.

18
19 L. Reilly also received confirmation that under subsection 2.3.3.6.C, the 75-
20 foot minimum frontage requirement applies to any small workforce housing
21 configuration (e.g., four units within a farmhouse, four individual cottages,
22 etc.). L. Reilly questioned whether four separate units could be placed
23 within a frontage of only 75 feet. C. May replied that a developer may not
24 be able to fit four units on a lot with only 75 feet of road frontage, but as
25 with all dimensional limitations, they can be creative in how they use a
26 particular parcel and still meet the requirements of the ordinance.

27
28 A. Chiampa asked if there were any open space requirements for Small
29 Workforce Housing Developments beyond building setbacks, etc. C. May
30 stated separate open space requirements currently only apply to elderly
31 housing developments. The flexibility given to the Board through the
32 requirement of a Conditional Use Permit, however, can aid in determining
33 how many units and how much open space is appropriate on a case by case
34 basis. The main point, she said, is that the ordinance is providing for the
35 opportunity to create workforce housing. During public comment, M. Speltz
36 suggested an open space requirement be included for the small workforce
37 housing development ordinance. He noted that according to the two
38 economic feasibility reports submitted recently to the ZBA for workforce
39 housing developments, land costs are not a significant cost consideration
40 for developers. Having open space density requirements should therefore
41 not significantly affect total project costs for developers. C. May noted that
42 although those two developments did not show land cost to be a substantial
43 factor and although land costs can vary from site to site, it is typically a
44 much greater element in most workforce housing projects based on her
45 experience.

46
47 C. Davies asked how developers can be incentivized to provide small scale
48 workforce housing. J. Edwards suggested more market rate units be
49 allowed relative to the number of workforce housing units. He explained
50 that profit margins for developers would not be as high for small workforce

1 housing developments as they would be for multi-family workforce housing
 2 developments. C. May added that such a change could be addressed
 3 through the Conditional Use Permit process, but noted that it is the overall
 4 market that largely determines the kind of housing a developer chooses to
 5 build. Staff offered to contact NeighborWorks of Southern NH to see why
 6 they specifically chose to build the workforce housing townhouse unit
 7 development on Map 12 Lot 59-4. J. Edwards noted that housing types not
 8 mentioned in this ordinance but discussed with the Board during the zoning
 9 audit in the fall of 2014 could aid in encouraging workforce housing on a
 10 smaller scale. He noted mixed use developments, cluster developments,
 11 village developments, and designed neighborhood developments as
 12 examples that could promote better diversity.
 13

14 During public comment, M. Speltz suggested allowing a greater proportion
 15 of market rate units as an incentive to build smaller scale developments.
 16 He added that further restricting where multi-family workforce housing
 17 developments can be built, without contradicting the economic feasibility
 18 requirement of the State RSA, could also be considered. Since the Board
 19 has determined that limiting building size is more important than limiting
 20 the number of units in a building (see the discussion of subsection
 21 2.3.3.4.B.5 above), he proposed a sliding scale could be developed to
 22 reward developers for having smaller building footprints through increased
 23 density. Larger buildings would therefore require more open space. He
 24 said we should challenge ourselves about how to encourage small workforce
 25 housing developments. He also recommended that density be described in
 26 terms of usable acres, since a parcel with 40 acres (for example) may only
 27 have 10 acres of buildable area due to wetlands, steep slopes, etc. J.
 28 Edwards noted that "useable acreage" is part of the definition of Open
 29 Space.
 30

31 **Section 2.3.3.9 [pp. 44-45]:**
 32

- 33 • CUP Application Procedures were moved out of the center of the section and
 34 assigned to a separate subsection. The subsequent section, 2.3.3.10, was
 35 renumbered accordingly. The language of the section has not changed
 36 since the May 13 hearing.
 37

38 **Section 2.4.5.D.5 [p. 56]:**
 39

- 40 • This amendment is merely to correct the reference to Section 2.3.3.4 in the
 41 third sentence of this subsection.
 42

43 **Section 3.6.1 [p. 127]:**
 44

- 45 • A statement has been added to Section 3.6.1 to give the Planning Board the
 46 authority to administer the Elderly Housing section of the ordinance. This
 47 section is now consistent with the amendment to Section 2.3.3.2 (above)
 48 regarding the workforce housing ordinance.
 49

50 **Section 3.6.2.A.2 [p. 127]:**

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7
- Remove the words “residential and commercial” regarding the placement of Elderly Housing Support Facilities and add “where permitted by Section 2.2, Table of Uses”. The intent is to avoid contradictions within the ordinance that have occurred previously when one section is amended, however corresponding changes not made to other sections.

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Section 3.6.3 Definitions [p. 128]:

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- Under the definition of Assisted Living Facilities, delete the words “shall be defined as” since it is redundant.
 - Amend the definition of Elderly Affordable **Ownership** Housing to be aligned with the requirements of the US Department of Housing and Urban Development (HUD).
 - Amend the definition of Elderly Affordable **Rental** Housing to be aligned with the requirements of HUD. C. May added that removing the requirement that these developments be subsidized provides for more possibilities as that language could be a deterrent and is not necessary.

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C. Davies received clarification from J. Edwards that the rent limit under Elderly Affordable Rental Housing (i.e. rent plus utilities not exceeding 30% of the allowed individual household income) is set by HUD as opposed to the State RSA. When asked, J. Edwards estimated that the rent limit in Londonderry for this housing would equal approximately \$900 per month for a single person. This is based on the \$1,440 a month limit for a household of three. L. Wiles asked how the income requirements would be determined if roommates occupy a rental unit that is in the name of only one of the residents. J. Edwards replied that income is addressed on the basis of the “household,” so the income of both residents in that scenario would be considered. It was reiterated from previous discussions that under the proposed ordinance language, the verification of incomes, rent ratios, etc. would be the responsibility of the property owners, who would be required to submit annual reports to the Town, demonstrating initial and ongoing compliance. Those annual reports would then be reviewed by a qualified third party instead of being performed by Town Staff as the current ordinance requires. Staff would only need to read and accept the annual reports. L. Reilly confirmed that the cost of the third party review is the responsibility of the developer.

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L. Wiles asked if the age restriction of “62 and over” in the two Elderly Affordable definitions meant that all residents within a unit must be at least 62. J. Edwards said the age restriction applied to only one resident and that the definition explaining this is within the State RSA. L. Wiles confirmed that for Assisted Living, an elderly person is defined as being 55 and older. M. Soares verified that there is no age restriction under the Assisted Living ordinance, so therefore those needing that form of housing but under the age of 55 could still reside there.

1 **Section 3.6.4 (Elderly) Regulations and Design Criteria [pp. 128-131]:**

- 2 • **3.6.4.B** Reduce the single family elderly building separation requirement
3 from 30' to 20'. Separation between multi-family elderly structures would
4 remain at 30'.
5
6 • **3.6.4.D** Add that the maximum length of buildings in the AR-1 zone are
7 150', along with a requirement that the "short" side of the building faces
8 the street, and does not exceed 75 feet. The 150' length is based on a row
9 house configuration of up to six townhouses, since this is the only
10 configuration allowed in the AR-I zone.
11
12 • **3.6.4.E** Delete the building height limit of 35' and instead apply the height
13 limitation per each zoning district where elderly housing is permitted.
14
15 • **3.6.4.K.1**
16 ○ How "net tract area" is calculated was previously deleted and needed
17 to be re-inserted for the time being. Once a definition is created
18 during the larger scale rewrite of the zoning ordinance, this specific
19 instance can be stricken.
20 ○ Elderly housing (and affordable elderly) may be attached in a row
21 house configuration in the AR-1 zone
22 • **3.6.4.K.1.a** Increase the density permitted for elderly housing:
23 ○ 10 du/ac in Non-residential, with the R-III zone to be added
24 ○ 8 du/ac in AR-1 zone
25
26 • **3.6.4.K.1.b** Increase the density permitted for elderly affordable housing:
27 ○ 12 du/ac in Non-residential, with the R-III zone to be added
28 ○ 10 du/ac in AR-1 zone
29

30 There was no objection to adding the R-III zone to either K.1.a or K.1.b.

31
32 **Section 3.6.5 [p. 132]:**

- 33
34 • **3.6.5.A.2.e** Delete the first "general" because it is redundant. Delete the
35 second part of the sentence (regarding the demographic group the housing
36 is intended for) because this is covered in the definition of elderly affordable
37 housing.
38
39 • **3.6.5.A.2.g** Renumber "g" to "h" and add new criteria to address the
40 concern of proposed housing being compatible with the neighborhood
41 context in response to the Master Plan.
42

43 **Section 3.7 [p. 133]:**

- 44
45 • Add the language "where allowed according to **Section 2.2 Use Table**"
46 after Nursing Homes. Nursing homes are not permitted in the AR-1 zone,
47 but the development criteria are the same as for elderly and assisted living.

1
2 A. Rugg asked for public input.

3
4 Pauline Caron, 369 Mammoth Road, recommended that the language of
5 Section 2.3.3.4.A.7 (requiring a minimum of 51% of units in a workforce
6 housing development at least two bedrooms) be repeated in the Multi-Family
7 Workforce Housing subsection 2.3.3.4.B, just as it is reiterated in the section
8 addressing Small Workforce Housing developments. J. Edwards noted that the
9 "General" provisions of Section 2.3.3.4.A are required for all forms of workforce
10 housing. She also suggested that the words "Superior Court" be consistently
11 capitalized throughout the document since it currently is not. P. Caron also
12 asked if elevators are required for three story buildings. When M. Soares
13 replied that they would be required in three story elderly housing, P. Caron
14 noted that the ordinance does not specify that. M. Soares answered that the
15 requirement for an elevator is in the State RSA and A. Sypek added that fire
16 and building codes will dictate this requirement.

17
18 Ted Combes, 23 Holton Circle, asked if Section 2.3.3.4.B.4, allowing a density
19 in multi-family workforce housing of 10 units per acre, contradicted Section
20 2.3.3.4.B.5 since it states there is no restriction on the number of units in a
21 building (as long as fire and building codes are met). J. Edwards explained
22 that regardless of the number of units proposed for *a given building*, the
23 cumulative number of units cannot exceed 10 units *per acre*. C. Davies
24 suggested rewording 2.3.3.4.B.5 so that the number of units is determined by
25 the requirements imposed by the fire, safety and building codes.

26
27 There was no further public input.

28
29 A. Rugg directed Staff to incorporate the suggestions made this evening into
30 the prior amendments in preparation for further discussion on July 8. He also
31 asked that two versions be presented at that time; one showing all of the edits
32 to date and the second showing the proposed amendments in red, but
33 removing the strikeouts of language to be deleted (i.e. a "clean" copy).

34
35 **A. Rugg entertained a motion to continue the public hearing to July 8,**
36 **2015. M. Soares so moved. L. Wiles seconded the motion.** No
37 discussion. **Vote on the motion, 7-0-0.**

38
39 A. Rugg stated the July 8, 2015 public hearing would begin at 7 PM in the
40 Moose Hill Council Chambers and that this would be the only official public
41 notice.

42
43 [C. May left the meeting].

44
45 **Other Business**

46
47 A. Master Plan Implementation Committee Update

48
49 C. Davies spoke to the 2015 Annual Report which M. Speltz completed for the
50 Committee (see Attachment #3). He stated:

- 1
2 - There were meetings in 2014 that were cancelled due to weather and
3 attendance issues.
4
5 - J. Vogl completed a spreadsheet of measurable tasks from the Master Plan
6 that will track performance.
7 J. Vogl stated 53% of the recommendations to the Plan are underway and
8 that they will likely be considered as part of the zoning ordinance updates.
9 He said that 6% of the recommendations have been implemented and are
10 in maintenance mode, that 25% of the recommendations have no action,
11 and that 4% have been closed.
12
13 - Measurement of tasks will be driven by the adoption of revisions to the
14 ordinances.
15
16 - The Committee also completed a report on the Town Common.
17

18 C. Davies went over a list of priority goals that was drafted by the
19 Implementation Committee for the Town to consider which included:

- 20
21 - Promotion of urban agriculture and agri-tourism, which could include other
22 tourism-oriented businesses (i.e., marketing for a farmers market; working
23 with both small and large businesses).
24

25 A. Rugg stated that legislature was passed a few years ago for agricultural
26 commissions, and that perhaps the Town might consider their own such
27 commission.
28

29 Deb Paul, 118 Hardy Road, stated she has spoken with YMCA youth, the
30 Grange, local businesses, the Historical Society, along with the Londonderry
31 Arts Council. She said she'll be working with them quarterly to get them
32 involved with the promotion of agriculture.
33

- 34 - Energy efficiency (i.e., compliant housing construction and alternative
35 energy sources).
36

37 A. Rugg stated as part of Southern New Hampshire Planning Commission
38 there's a project called Solar Up that may have some available grant
39 money. He said he would forward the email regarding Solar Up onto the
40 Master Plan members.
41

- 42 - Conservation subdivisions and transfer of development rights.
43

44 M. Speltz, 18 Sugarplum Lane, explained that the idea is to have increased
45 density in parts of Town where the Town wants development, and to have
46 open space in areas where the Town wants open space protected.
47 Development rights could be transferred from a protected area to a more
48 built up area. He said the Town may use documented techniques from
49 other cities and towns for guidance.
50

1 A. Chiampa expressed concerns about developed areas becoming denser.
2 She would like to see those areas have some open space.

3
4 D. Paul noted that in Derry, Manchester and Portsmouth those towns are
5 buying up land from foreclosed properties at an auction price. She said
6 they are then creating an RFP for to sell the land for profit, and that
7 dependent on the market they are telling the developer what they want the
8 property to be.

9
10 A. Rugg stated that properties could also be combined as mixed use and
11 use them as residential and commercial.

- 12
13 - Allowing accessory dwelling units.

14
15 C. Davies stated this topic was already discussed earlier in this meeting
16 during the ordinance review with C. May and J. Edwards.

- 17
18 - Promotion of bicycle transportation and complete streets.

19
20 C. Davies stated they'd like the Committee to re-look at places to park a
21 bicycle, where to connect roads, and where bicycle lanes could be made.

- 22
23 - Intersection improvement in the north village area.

24
25 C. Davies stated they are the intersections which go into the airport access.

26
27 J. Vogl stated it's the traffic pattern westerly across the part of town
28 between Exit 5 and Pettengill Road.

- 29
30 - Studies on water quality and quantity and sewer capacity over time.

31
32 A. Rugg stated an air, water, and sound study was completed 10 years ago,
33 but that further follow-up has not been done to re-look at that study.

34
35 L. Reilly and A. Rugg publicly thanked the Implementation Committee for their
36 work. For her, tasks on the Master Plan that are geared towards young and old
37 families are most important, and that completing them will be important to revive
38 and promote the sense of community in Londonderry (i.e., farms, markets, trails
39 and ponds). In order to have maximum impact, L. Reilly encouraged the
40 Committee to work with volunteers at the Londonderry recreation department and
41 the school district. She stated there are also student projects that are community
42 based that are completed each year to help clean up Town areas. M. Speltz
43 concurred with L. Reilly that the end result of the Master Plan is to create a better
44 Londonderry.

45
46 A. Sypek agreed with L. Reilly and spoke about the Town having its own
47 sponsored and paid for recreation department. D. Paul stated that the parks and
48 recreation department in Derry costs that town 2.6 million dollars a year.

49

1 D. Paul stated there are other trails on Otterson and Holton that can be cleared
2 and opened up to Town. A. Chiampa expressed her concerns about having trails
3 be handicap accessible. A. Rugg stated A. Sypek has completed a video on CTV-
4 20 which features some of the new trails.

5
6
7 C. Davies stated there is an opening on the Committee, as Barbara Mee had to
8 step down due to scheduling conflicts. A. Rugg stated Kirby Wade will advertise to
9 fill this vacant alternate position.

10
11 J. Vogl stated that with respects to the priority goals that C. Davies spoke of that
12 the Implementation members won't be implementing the goals, but rather be
13 encouraging the coordination from other groups to work together to complete the
14 goals. He also said that Staff will have no more resources to dedicate to the Plan.

15
16 A. Rugg stated that agri-tourism will be the first goal to implement which will
17 encourage patrons to buy local. He said the second goal to implement would be
18 energy efficiency, and the third goal to implement would be the quality of the air
19 and water.

20
21 C. Davies stated that once the Committee has determined the amount of
22 resources it will take to complete a goal they will report back to the Planning
23 Board so that they can ask the Town Council to take a vote and funds
24 appropriated. A. Rugg stated the budget cycle starts in September.

25
26 A. Chiampa asked about the status of Apple Way and whether or not brochures
27 will be made. J. Vogl stated it was complete and that a website will be set up and
28 that further promotion would be done by the Heritage Commission. To answer A.
29 Chiampa's other question; A. Rugg stated there are no federal funds at this time
30 to put up a Kiosk for it.

31
32 A. Rugg stated the next Master Plan Implementation meeting will be on June 24,
33 2015 at 7:00PM in Sunnycrest.

34
35 B. Planning Board Ex-Officio Vacancy

36
37 A. Rugg stated the Town Manager has appointed Giovanni Verani as the ex-
38 officio to represent the Town Manager's position on the Board. G. Verani's
39 first meeting will be July 8, 2015.

40
41 C. Assistant Secretary Vacancy

42
43 A. Rugg stated with Laura El-Azem leaving the Board, a new Assistant
44 Secretary will need to be voted in.

45
46 A. Rugg entertained a motion to appoint C. Davies as Assistant Secretary to
47 the Board. **M. Soares made a motion to appoint C. Davies as Assistant**
48 **Secretary. L. Wiles seconded the motion.** No discussion. **Vote on the**
49 **motion: 6-0-1** with C. Davies abstaining.

50

1 D. Full Member Vacancy

2
3 **A. Rugg entertained a motion to recommend to the Town Council that**
4 **L. Reilly be selected to finish the term vacated by L. El-Azem since she**
5 **is the most senior alternate. M. Soares so moved. L. Wiles seconded**
6 **the motion. No discussion. Vote on the motion, 7-0-0.**

7
8 A. Rugg noted that since the full member term vacated by L. El-Azem is set to
9 expire on Decemeber 31 of this year, L. Reilly's will have to be reappointed at
10 that time for another full term.

11
12 **Adjournment:**

13
14 **M. Soares made a motion to adjourn the meeting. R. Brideau seconded**
15 **the motion. Vote on the motion: 7-0-0.**

16
17 The meeting adjourned at approximately 9:58 PM.

18
19 These minutes prepared by Associate Planner Jaye Trottier and Planning and
20 Economic Development Department Secretary Nicole Doolan.

21
22 Respectfully Submitted,

23
24
25
26 Lynn Wiles, Secretary
27

Section 2.2 Use Table [pp. 16-19]:

- Dwelling, Multi Family: Add footnote #9 to all Commercial, MUC and POD's to see Section **2.3.2.4** for building criteria
- Dwelling, Multi-Family Workforce:
 - Add a "C" to the "6,7" under the AR-I zone in the "Dwelling, multi-family workforce" category of the Use Table, Section 2.2, so that the issue would be addressed through a Conditional Use Permit
 - Also add footnote #3 to direct this use to CUP Criteria for Workforce Housing
- Amend Footnote #3 to reference correct Section of the ordinance (Should be **2.3.3.**)
- Add Footnote #8 to clarify that Elderly housing in the AR-1 zone can't be garden style (multi-story stacked flats) in order to fit the neighborhood context/character
- Add Footnote #9 to identify building criteria location for multi-family housing (NOT workforce)
- Add the date of May 13, 2015 in footnote #6 to specify the actual date of the "first public hearing on these amendments"
- Replace the original wording of footnote 6 with three separate points to better clarify the conditions within that footnote

Section 2.3.1.7 [p. 26]:

- Section 2.3.1.7.F Amend the 1,000 square foot limitation on accessory dwellings to say "The maximum size for an accessory dwelling shall be in accordance with NH RSA 674:68 and as amended" to comply with proposed State legislation if it is approved
- Add a subsection to the accessory dwelling ordinance stating "Every accessory dwelling shall be deemed a unit of workforce housing"

Section 2.3.3.2 [p. 32]:

- Amend section to give the Planning Board authority to administer the Inclusionary Housing Section & provide reasonable flexibility

Section 2.3.3.4 [pp. 32-35]:

- **A.3.** Remove the requirement because it's repeated below in the same section
- **A.5.** Change "in proportional relationship" to "at the same rate as" in reference to market rate units

- **B.2.** Change the minimum workforce housing units required from 33% to 50% per Planning Board direction
- **B.9.d.** Add maximum multi-family workforce building length at 200 feet (the number is based on a dimensional review of existing and approved buildings in Londonderry and similar buildings in other communities). Add a requirement that the “short” side of the building faces the street, and does not exceed 100 feet.
- **B.12.c.** Add that parking shall be located on the side and rear of the lot. Staff proposes that this be amended to be clear and instead state: “No parking lots shall be located between the front lot line and buildings closest to the existing Town street.” Recommend that a diagram be included.

Section 2.3.3.6.D [p. 36]:

- Modify to be clear that a minimum of 51% of provided workforce housing shall have 2 bedrooms

Section 2.3.3.9 [pp. 44-45]:

- Move CUP Application Procedures out of the center of the section and created its own subsection (renumbered the following section to **2.3.3.10** accordingly)

Section 2.4.5.D.5 [p. 56]:

- Amend to provide the correct reference to **Section 2.3.3.4**

Section 3.6.1 [p. 127]:

- Add statement to give the Planning Board the authority to administer the section

Section 3.6.2.A.2 [p. 127]:

- Remove the words “residential and commercial” and add “where permitted by the use table”

Section 3.6.3 Definitions [p. 128]:

- Delete the words “shall be defined as” after Assisted Living facilities because it’s redundant
- Amend the definition of Elderly Affordable **Ownership** Housing to be aligned with the requirements of HUD
- Amend the definition of Elderly Affordable **Rental** Housing to be aligned with the requirements of HUD

Section 3.6.4 (Elderly) Regulations and Design Criteria [pp. 128-131]:

- **3.6.4.B** Reduce single family elderly building separation requirement to 20'
- **3.6.4.D** Maximum length of buildings in the AR-1 zone are 150', and add a requirement that the "short" side of the building faces the street, and does not exceed 75 feet.
- **3.6.4.E** Delete the building height limit (35') and apply the height limitation per each zoning district where elderly housing is permitted
- **3.6.4.K.1**
 - How "net tract area" is calculated was deleted and needs to be re-inserted
 - Elderly housing (and affordable elderly) may be attached in a row house configuration in the AR-1 zone
- **3.6.4.K.1.a** Increase the density permitted for elderly housing:
 - 10 du/ac in Non-residential, **need** to add R-III zones
 - 8 du/ac in AR-1 zone
- **3.6.4.K.1.b** Increase the density permitted for elderly affordable housing:
 - 12 du/ac in Non-residential, **need** to add R-III zones
 - 10 du/ac in AR-1 zone

Section 3.6.5 [p. 132]:

- **3.6.5.A.2.e** Delete the first "general" because it is redundant. Delete the second part of the sentence because this is covered in the definition of elderly affordable housing
- **3.6.5.A.2.g** Renumber "g" to "h" and add new criteria to address the concern of proposed housing to be compatible with the neighborhood context in response to the Master Plan

Section 3.7 [p. 133]:

- Add the language "where allowed according to **Section 2.2 Use Table**" after Nursing Homes. Nursing homes are not permitted in the AR-1 zone, but the development criteria is the same as for elderly and assisted living.

**TOWN OF LONDONDERRY
PLANNING BOARD**

The Londonderry Planning Board will hold a Public Hearing on Wednesday, June 10, 2015 at 7:00 p.m. in the Moose Hill Council Chambers, 268B Mammoth Road, Londonderry, NH to consider the following:

A. Proposed Zoning Ordinance Amendments – Public Hearing:

The Town of Londonderry seeks to amend the zoning ordinance to more fully comply with NH RSA 674:58-61, Workforce Housing; provide for enhanced housing opportunities throughout Town; amend Conditional Use Permit criteria to promote project feasibility; and to carry out other associated administrative changes consistent with the 2013 Master Plan goals, **as updated by the Planning Board on May 13, 2015**. The following sections (inclusive of subsections) are proposed to be amended:

- 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

(The full text of the proposed can be found on the Town's web page, and is available for viewing in the Town Clerk's Office, Planning and Economic Development Department, and Leach Library during regular business hours.)

1 PRACTICAL ZONING ADMINISTRATION	5
1.1 TITLE, AUTHORITY, PURPOSE, AND RULES OF CONSTRUCTION.....	5
1.1.1 Short Title	5
1.1.2 Authority	5
1.1.3 Purpose	5
1.1.4 Rules of Construction	6
1.2 IMPACT FEES	6
1.2.1 Authority	6
1.2.2 Purpose	7
1.2.3 Findings.....	7
1.2.4 Definitions.....	7
1.2.5 Imposition and Payment of Public Capital Facilities Impact Fee	8
1.2.6 Computation of Impact Fee	9
1.2.7 Appeals.....	10
1.2.8 Administration of Funds Collected.....	10
1.2.9 Refund of Fees Paid.....	10
1.2.10 Credit	10
1.2.11 Additional Assessments	11
1.2.12 Premature and Scattered Development.....	11
1.2.13 Review.....	11
1.3 RESIDENTIAL DEVELOPMENT PHASING.....	11
1.3.1 Authority	11
1.3.2 Purposes	11
1.3.3 Phasing of Developments	12
1.3.4 Exemptions from Phasing	13
1.4 GROWTH MANAGEMENT AND INNOVATIVE LAND USE CONTROL	13
1.4.1 Expired	13
1.5 SPECIAL DEVELOPMENT REVIEW PROCEDURES.....	13
1.5.1 Planning Board Review	13
1.5.2 Conditional Use Permits	13
2 ZONING DISTRICTS	15
2.1 DISTRICTS AND USES	15
2.1.1 Districts	15
2.1.2 District Boundaries & Zoning Maps.....	15
2.2 USE TABLE	16
2.2.1 Accessory Uses.....	16
2.2.2 GB District Services Table (Follows Use Table below).....	16
2.3 RESIDENTIAL DISTRICTS <u>& Housing Opportunities</u>	20
2.3.1 Agricultural-Residential (AR-I)	20
2.3.2 Multi-Family Residential (R-III)	2827
2.3.3 Inclusionary Housing	3234
2.3.4 <u>Retention of Housing Affordability</u>	4544
2.4 COMMERCIAL DISTRICTS	5254
2.4.1 Commercial District	5254
2.4.2 General Standards for all Commercial Sub-districts	5254
2.4.3 General Standards for C-I, C-II, C-III, and C-IV sub-districts:.....	5453
2.4.4 Additional Standards for C-IV Sub-district.....	5453
2.4.5 General Standards for MUC sub-district:	5554
2.5 INDUSTRIAL DISTRICTS	5756
2.5.1 Industrial District.....	5756
2.5.2 Airport District.....	5958
2.6 OVERLAY DISTRICTS.....	6160
2.6.1 Performance Overlay District - Route 102 Corridor	6160
2.6.2 Performance Overlay District - Route 28 Corridor	7274
2.6.3 Conservation Overlay District (CO).....	7675
2.6.4 Historic District.....	8284
2.6.5 Floodplain Development.....	8685
2.6.6 Airport Approach Height Overlay.....	9294
2.6.7 Airport Approach Noise Overlay.....	9493
2.7 GATEWAY BUSINESS DISTRICT	9897
2.7.1 Objectives and Characteristics.....	9897

2.7.2 General Standards	9998
2.7.3 Conditional Use Permits	101400
2.7.4 District Defined	102401
2.8 PLANNED UNIT DEVELOPMENT	102401
2.8.1 Authority.	102401
2.8.2 Purpose.	102401
2.8.3 Process. The process for administering a Planned Unit Development is as follows:	102401
2.8.4 PUD Master Plan.....	103402
2.8.5 Basic Requirements.	103402
2.8.6 Permitted Uses.	104403
2.8.7 Standards of Development.....	104403
2.8.8 Criteria for Review of PUD Proposals.	105404
2.8.9 Submission Requirements	106405
2.8.10 Interpretation/application of PUD master plan.	107406
2.8.11 Fees.....	107406
3 TOWN-WIDE REGULATIONS.....	108407
3.1 GENERAL REGULATIONS.....	108407
3.1.1 District Regulations - General	108407
3.1.2 Local Excavation Standards.....	108407
3.1.3.....	115414
3.2 PERFORMANCE STANDARDS.....	115414
3.2.1 Performance Standards for Commercial and Industrial Districts:	115414
3.2.2 Vibration	115414
3.2.3 Noise	115414
3.2.4 Air Pollution	115414
3.2.5 Odors.....	116415
3.2.6 Glare and Heat	116415
3.2.7 Harmful Interference.....	116415
3.2.8 Sewage and Waste Disposal	116415
3.2.9 Curb and Gutter.....	116415
3.2.10 Sidewalks and Pedestrian Facilities	117416
3.2.11 Lighting	117416
3.2.12 Electrical Power and Communication System Lines.....	117416
3.3 CONSERVATION SUBDIVISIONS	117416
3.3.1 Purposes.	117416
3.3.2 Objectives.....	117416
3.3.3 General Regulations.....	118417
3.3.4 Density Bonus Criteria.....	119418
3.3.5 Application Requirements:	120419
3.3.6 Open Space.....	120419
3.3.7 Road Design Criteria.	124423
3.4 BACK LOT DEVELOPMENT.....	124423
3.4.1 Back Lot Development	124423
3.5 MANUFACTURED HOUSING.....	126425
3.5.1 Purpose	126425
3.5.2 General Regulations.....	126425
3.6 ELDERLY HOUSING.....	127426
3.6.1 Objectives And Characteristics	127426
3.6.2 Uses	127426
3.6.3 Definitions.....	128427
3.6.4 Regulations And Design Criteria	128427
3.6.5 Conditional Use Permits.....	131430
3.6.6 Limitation on the Number of Elderly Housing Units.....	132434
3.7 ASSISTED LIVING FACILITIES AND NURSING HOMES	133434
3.7.1 Density.....	133434
3.8 SEXUALLY ORIENTED BUSINESSES	133434
3.8.1 Purpose and Intent	133434
3.8.2 Location Restrictions of Sexually Oriented Businesses	133432
3.8.3 Performance Standards	134432
3.8.4 Severability.....	134432
3.9 WIRELESS FACILITIES - REGULATION AND PERFORMANCE CRITERIA	134433

3.9.1	134133
3.9.2	134133
3.9.3	134133
3.9.4 Performance Criteria	134133
3.9.5 Non-Commercial Wireless Facility (Amateur Radio) Standards	136134
3.9.6 Removal of Unused Towers or Portions of Towers	136134
3.9.7	136135
3.9.8 Special Exception for Wireless Communications Facilities	136135
3.10 VEHICLE ACCESS AND PARKING	137135
3.10.1 Purpose and Intent	137135
3.10.2 Authority	137136
3.10.3 Severability	137136
3.10.4 Application, and Non-Conforming Structures	137136
3.10.5 Vehicle Access	138136
3.10.6 Location of Off-Street Parking and Loading Facilities:	138136
3.10.7 Dimensional Requirements:	138137
3.10.9 Off-Street Parking and Loading Standards by District:	140139
3.10.10 Minimum Parking and Loading Required:	141140
3.10.11 Flexibility in Off-Street Parking and Loading Standards:	144142
3.10.12 Alternative Parking Standards	144143
3.10.13 Design & Construction Standards	146144
3.10.14 Parking for Disabled Persons	147146
3.10.15 Pedestrian and Bicycle Circulation	147146
3.10.16 Bicycle Parking	147146
3.10.17 Definitions	148147
3.11 SIGNS	148147
3.11.1 Purpose & Intent	148147
3.11.2 Authority	148147
3.11.3 Severability	149147
3.11.4 Permit Process	149147
3.11.5 Measurement and Calculation of Area	149148
3.11.6 General Requirements	150148
3.11.7 Design, Construction, and Maintenance	155154
3.11.8 Pre-Existing Signs	156155
3.11.9 Definitions	157156
3.12 HOME OCCUPATIONS	157156
3.12.1 General Home Occupations by Special Exception	157156
3.12.2 Child Care Facilities as Home Occupations	158157
3.12.3 Adult Day Care Facilities as Home Occupations	159158
3.13 FARM RETAIL SALE OF CONSUMABLE NON-FARM PRODUCTS	160159
3.14 FENCES	160159
3.15 SMALL WIND ENERGY SYSTEMS	161160
3.15.1 Purpose	161160
3.15.2 Definitions Specific to this Section:	161160
3.15.3 Procedure for Review	162161
3.15.4 Standards	163162
3.15.5 Abandonment	165163
3.15.6 Violation	165164
3.15.7 Penalties	165164
4 GENERAL ADMINISTRATION	166165
4.1 BOARD OF ADJUSTMENT	166165
4.1.1 Authority	166165
4.1.2 Purpose and Responsibilities	166165
4.1.3 Public Hearing	166165
4.1.4 Application Procedures	166165
4.1.5 Special Exception Uses For Commercial And Industrial Uses	166165
4.1.6 Special Exceptions For Residential Garage Setbacks	167166
4.1.7 Special Exceptions for Historic Structures	168167
4.1.8 Restrictions	168167
4.2 NON-CONFORMING USE	168167
4.2.1 Existing Non-Conforming Use	168167

4.3 PENALTY.....	<u>169468</u>
4.4 ENFORCEMENT.....	<u>169468</u>
4.5 SAVING CLAUSE.....	<u>169468</u>
4.6 AMENDMENTS.....	<u>169468</u>
4.7 DEFINITIONS.....	<u>170469</u>
5 BUILDING CODE AMENDMENTS.....	<u>184183</u>
5.1 BUILDING CODE AMENDMENTS - PART I.....	<u>184183</u>
5.2 BUILDING CODE AMENDMENTS – PART II.....	<u>186185</u>
5.3 BUILDING CODE AMENDMENTS – PART III, DEMOLITION DELAY.....	<u>187486</u>
5.3.1 Definitions.....	<u>187486</u>
5.3.2 Criteria.....	<u>188187</u>
5.3.3 Procedure.....	<u>188187</u>
5.3.4 Demolition Review Committee Responsibilities.....	<u>188187</u>
5.3.5 Demolition.....	<u>189188</u>
5.4 BOARD OF ADJUSTMENT.....	<u>189188</u>
5.5 AMENDMENTS.....	<u>189188</u>
5.6 ENFORCEMENT.....	<u>189188</u>
5.7 EFFECTIVE DATE.....	<u>189188</u>
5.8 CONFLICTING PROVISIONS.....	<u>189188</u>
5.9 VALIDITY.....	<u>190189</u>
APPENDIX A ROADWAY CLASSIFICATIONS.....	<u>191190</u>
A. DEFINITIONS:.....	<u>191190</u>
B. ROAD CLASSIFICATIONS.....	<u>191190</u>
APPENDIX “B” ZONING CHANGES/AMENDMENTS.....	<u>193192</u>

- 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](#): ~~Three (3) multi-family buildings, the~~The total number of dwelling units ~~shall not to exceed forty eight (48)~~seventy-two (72) 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 a multi-family development meeting the definition of “workforce housing” as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.~~
- 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 conversions of previously approved and unbuilt Elderly Housing developments to “workforce housing” as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: The Phasing shall be one of the following:

 - ~~1. If the project was approved in Phases as part of the Elderly Housing site plan, the phasing shall be consistent with the approved phasing plan approved by the Planning Board for the Elderly Housing site plan. Each phase in such situation shall mean the number of dwelling units permitted in each year subsequent to final approval of the conversion by the Planning Board.~~
 - ~~2. If the Project was not subject to phasing as part of the approval for Elderly Housing, the appropriate requirements of either **Section 1.3.3(C)** of **1.3.3(D)** shall apply.~~~~
- ~~F.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;
- ~~G.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.

1.5 SPECIAL DEVELOPMENT REVIEW PROCEDURES

1.5.1 Planning Board Review

In accordance with [RSA 36-19-a](#), adopted March 6, 1973, the Londonderry Planning Board will review and approve or disapprove plans for the development of land tracts for non-residential uses whether or not such development includes a subdivision or re-subdivision of the site. Additional Planning Board review procedures and requirements may be found within the specific zoning districts of this Zoning Ordinance.

1.5.2 Conditional Use Permits

- A. As provided for in [RSA 674:21, Innovative Land Use Control](#), this Section of the Zoning Ordinance shall provide for the granting of conditional use permits, by the Planning Board, as follows:
1. The Planning Board shall then vote either to approve a conditional use permit as presented, approve it with conditions, or deny it.
 2. Prior to the granting of any conditional use permit, the applicant may be required to submit a performance security in a form acceptable to the Planning Board, depending on the scale of the proposed use. The security shall be submitted in a form and amount with surety and conditions satisfactory to the Planning Board to ensure that the construction will be carried out in accordance with the approved design. The security shall be submitted and approved prior to the issuance of any permit authorizing construction.
 3. The applicant may also be assessed reasonable fees to cover the cost of other special investigative studies and for the review of documents required by particular applications, reviews by the Town's legal counsel, and any third party consultant as may be required by the Planning Board per Section 2.01 d of the Site Plan Regulations.
- B. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the Commercial District:
1. Granting of the application would meet some public need or convenience.
 2. Granting of the application is in the public interest.
 3. The property in question is reasonably suited for the use requested.
 4. The use requested would not have a substantial adverse effect on the rights of the owners of surrounding properties.
 5. The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community

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	<u>C</u>	P	P	P	P		P					p ⁵	P	P				
Back Lot Development	C											p ⁵		See specific district regs.				
Dwelling, multi-family	<u>C³</u>	P, <u>C³</u>	<u>C³</u> , <u>C⁹</u>	<u>C³</u> , <u>C⁹</u>	<u>C³</u> , <u>C⁹</u>	<u>C³</u> , <u>C⁹</u>	<u>C⁹</u>					p ⁵	<u>C⁹</u>	<u>C⁹</u>				
Dwelling, multi-family workforce	<u>C^{3,6,7,8}</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>					<u>P⁵</u>	<u>C³</u>	<u>C³</u>				
Small workforce housing development	<u>C³</u>																	
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 ⁸	P	P	P	P	P	<u>C</u>					p ⁵	P	P				
Elderly Housing, Affordable	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					<u>P⁵</u>	<u>C</u>	<u>C</u>				
Live-Work Units			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P⁵</u>						
Manufactured housing	P, C ³	P, C ³																
Mixed use residential						P, <u>C³</u>	P, <u>C³</u>					p ⁵	<u>C³</u>	<u>C³</u>				
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P		<u>P</u>					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							
Motels				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 2.3.4-3** 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).

This change of use shall not apply to workforce housing projects that were granted variances in the twelve months immediately preceding the first public hearing on these amendments, provided that: (1) the proposed development would otherwise have been permitted in AR-1 under Sec. 2.3.3 of this Ordinance; (2) at the time of the first public hearing on the amendments, no additional variances would have been required under the former Ordinance for the project to submit a completed plan to the Planning Board for approval; and (3) a Conditional Use Permit is approved by the Planning Board within eighteen months following 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

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 ~~apartments~~ Dwellings

~~To increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory apartment within a detached single family dwelling shall be permitted provided the following conditions are met:~~

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.
- E. The accessory dwelling shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
- F. The accessory dwelling shall not exceed 1,000 gross square feetmaximum size for an Accessory Dwelling shall be in accordance with NH RSA 674:68, and as amended.
- 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. If the property ceases to be owner-occupied for a period exceeding one year, then the use of the accessory dwelling shall be discontinued until owner-occupancy is restored.
- N. Every Accessory Dwelling shall be deemed a unit of workforce housing.
- ~~A.—Maximum of one (1) accessory apartment per lot.~~
- ~~B.—The property owner must occupy one of the two units.~~
- ~~C.—The exterior appearance and entrances of the dwelling shall be consistent with a single-family residence.~~
- ~~D.—Only one (1) bedroom is permitted in the accessory apartment and to qualify as an accessory apartment under this section, the apartment may not exceed 750 Sq. Ft. of floor space.~~
- ~~E.—Where municipal sewer is not provided, the total number of bedrooms shall not exceed the capacity of the septic system~~
- ~~F.—Off-street parking shall be provided for at least four (4) vehicles. Garage and “piggy-back” parking is encouraged.~~
- ~~G.—The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. Accessory apartment use shall be recorded by deed addendum.~~
- ~~H.—The accessory apartment shall be allowed only within an existing building which has been certified for occupancy for at least three (3) calendar years prior to date of application.~~
- ~~I.—No accessory apartment shall be permitted on a lot created as part of a back lot development, per the requirements of **Section 3.4.1.3(G)** of this ordinance.~~

2.3.1.8 Bed and Breakfast Homestay

- A. Bed and breakfast homestay uses shall be subject to the following regulations.

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:

~~This Section is adopted under the authority of RSA 674:21, and is intended as an "Inclusionary Zoning" provision, as defined in RSA 674:21(I)(k) and 674:21(IV)(a). 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 ~~C~~conditional ~~U~~use ~~P~~permit ~~within the following zoning districts~~ as defined in this Zoning Ordinance: ~~AR-I, R-III, and C-IV, and~~ as listed in the Permitted Use Table, **Section 2.2**.
- ~~1. Conversion of previously approved and unbuilt "Elderly Housing" developments to workforce housing are permitted by conditional use permit in the AR-I, R-III, C-I, C-II, C-III, and C-IV districts, as listed in the Permitted Use Table, Section 2.2. See Section 2.3.3.8 for standards and requirements.~~
- 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

~~The Criteria of Section 1.5.2 shall be utilized by the Planning Board in the evaluation of Conditional Use Permits for Inclusionary Housing projects. Additional criteria for multi-family workforce housing development is found in Section 2.3.3.7, and additional criteria for the conversion of previously approved unbuilt Elderly Housing is found in Section 2.3.3.8. 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.~~
~~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.~~
- ~~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 **in proportional relationship to 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 75% **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. There are no maximum number of dwelling units that may be contained in one building, as long as applicable fire, safety and building codes are adhered to.
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 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.
 - d. The maximum building length for any multi-family workforce buildings shall be 200'. The length of a building plane closest to the front property line and visible from the street shall not exceed 100'.
- 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 (including but not limited to: setback, density, green space, frontage, roads and driveways, or parking) for projects that are truly supportive of the purpose and objectives of the Inclusionary Housing section as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.
 - 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).~~

~~a.c. Parking shall be located in the side and rear of the lot.~~

~~Application Procedure—Applications for conditional use permits (CUP) for dimensional relief for multi-family workforce housing shall be submitted as part of the Site Plan application in accordance with the following procedures:~~

~~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.~~

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

~~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.~~

~~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.~~

~~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.~~

2.3.3.5 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.

~~**Assets**—As defined as "Net Family Assets" by 24 CFR Part 5, Subpart F, and as amended from time to time.~~

~~**Income**—As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.~~

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 residential zones districts 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 ~~Single Family & Duplex Workforce Housing Categories and Incentives~~ Small Workforce Housing Developments

~~A. A Site Plan or subdivision plan that will guarantee a designated percentage of units, reserved as workforce housing, may be approved with an increase in the density of the site or a reduction of the minimum site frontage as is set forth in Table 1. The developer shall specify in the application whether the density bonus or the frontage reduction is the option being sought for the development. These bonuses shall not apply to multi-family workforce housing development, which is governed by the provisions of Section 2.3.3.7.~~

Table 1		
	Minimum Set-Aside	Density Bonus or Frontage Reduction*
Workforce Owner-occupied Housing	25%	25% Density Bonus or 50' Frontage Reduction

* At no point shall a frontage reduction reduce a lot's frontage to less than 50' total.

- A. ~~Single-family, duplex, triplex, or quadriplex workforce dwellings 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 workforce units shall comprise:

 - a. ~~10,890 square feet (1/4 acre) per workforce dwelling unit if the property is served by public water and sewer, or~~
 - b. ~~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.~~~~~~
- B. ~~A duplex structure containing one market-rate unit and one workforce unit may be developed on a 21,780 square-foot (1/2 acre) lot if served by public water and sewer, or 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 served by either public water or sewer or both, provided that the workforce dwelling unit shall be similar in exterior appearance and otherwise visually indistinguishable from the market-rate unit.~~
- C. ~~Minimum lot frontage shall be 75 feet for any lot containing 1 to 4 workforce dwelling units.~~
- D. ~~A minimum of 51% of the Workforce dwelling units shall contain at least two bedrooms.~~
- E. ~~All height and setback dimensional requirements of the AR-1 zoning district shall apply.~~
- F. ~~A Conditional Use Permit is required for Small Workforce Housing Developments.~~

2.3.3.7 Standards and Requirements for Multi-Family Workforce Housing 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 signs 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.

A. Conditional Use Permit Criteria for Multi-Family Workforce Housing

- ~~1. In addition to the criteria from Section 2.3.3.4, the following criteria must be met in order for the Planning Board to grant a Conditional Use Permit for multi-family workforce housing:
 - ~~a. Granting of the application is in the public interest;~~
 - ~~b. 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.~~
 - ~~c. The project shall be serviced 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.~~
 - ~~d. The project is designed to meet the requirements of RSA 674:59, and provides a minimum of 75% of the units meeting the definition of "workforce housing" under RSA 674:58.~~
 - ~~e. 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.~~
 - ~~f. The project must be located on a tract of property or properties of at least 20 acres in size. The Planning Board may consider a project smaller than 20 acres if the project proposed 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 not propose any additional structures on the property and 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.~~~~

- ~~g. The application demonstrates that project for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.~~

~~B. Development Plan~~

- ~~1. The applicant shall prepare and submit to the Planning Board for approval 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.~~

~~C. Density, Design and Dimensional Standards 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. The maximum number of dwelling units permitted on the development lot shall 10 units per acre.~~
 - ~~b. The maximum number of dwelling units per multi-family building in an inclusionary development 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 2.3.3.7(D)**.~~
 - ~~c. At least 51% of dwelling units on a development lot in an inclusionary development must contain at least 2 bedrooms.~~
- ~~2. Screening, Landscaping and Glare—the development plan 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” which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.~~

~~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~~

~~c.— 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.~~

~~d.— 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 4 stories.~~

~~e.— 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 1.75 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).~~

~~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, 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.~~

~~D.— Dimensional Relief by Conditional Use Permit for Multi-Family Workforce Housing~~

~~1.— The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement for multi-family workforce housing (including but not limited to: setback, density, green space, frontage, or parking) for projects that are truly supportive of the purpose and objectives of the Inclusionary Housing section as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.~~

~~2.— 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.~~

- ~~3. *Application Procedure*—Applications for conditional use permits (CUP) for dimensional relief for multi-family workforce housing shall be made in accordance with the following procedures:
 - ~~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.~~
 - ~~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.~~~~
- ~~4. *Approval of Applications Requiring a Conditional Use Permit*—Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of **Section 2.3.3.7(5)[e]**. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or of the 2004 Master Plan, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law.~~
- ~~5. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit for dimensional relief in a multi-family workforce housing development. The applicant shall demonstrate that:
 - ~~a.—The proposed use is consistent with the Purpose of the Inclusionary Housing Section, **Section 2.3.3.1**;~~
 - ~~b.—Granting of the application is in the public interest;~~
 - ~~c.—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.~~
 - ~~d.—The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought better achieves the Objectives and Characteristics of the district, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with the Objectives and Characteristics of the district; and~~
 - ~~e.—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.~~~~
- ~~6. *Additional Criteria to increase the maximum number of units allowed in a multi-family building.* In addition to all the criteria listed in **Section 2.3.3.7(E)**, the following additional criteria must be met in order to increase the maximum number of units in a multi-family inclusionary building from 16 to not more than 20.
 - ~~a.—There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 50% of the permitted density allowed by **Section 2.3.3.7(C)(1)(a)** 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).~~
 - ~~b.—The applicant must demonstrate to the Planning Board that the limitation of the number of units per building at 16 per building makes the overall project unfeasible such that the development costs exceed the ability of the applicant recover development costs through rent/sales and any applicable~~~~

tax credits or subsidies. The applicant must demonstrate this to the Planning Board through an independent Project Cost Estimate which includes the cost of the land, development and construction costs; financing, profit, and sales costs, and any other cost factors.

2.3.3.8 Conversion of Previously Approved Unbuilt Elderly Housing Development to Workforce Housing 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.

~~D. Conditional Use Permit Criteria for Conversion of Previously Approved Unbuilt Elderly Housing to Workforce Housing~~

- ~~1. In addition to the criteria from Section 2.3.3.4, the following criteria must be met in order for the Planning Board to grant a Conditional Use Permit for a conversion of an unbuilt, previously approved Elderly Housing project into workforce housing:~~
 - ~~a. The property must have received a final approval from the Planning Board for development of Elderly Housing, and must not have constructed any dwelling units on the property since receiving approval.~~
 - ~~b. The approval for the Elderly Housing development must still be valid. Elderly Housing developments that have expired approvals shall not be eligible for conversion to Workforce Housing.~~
 - ~~c. Granting of the application is in the public interest;~~
 - ~~d. 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.~~
 - ~~e. The project shall be serviced 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.~~
 - ~~f. The project is designed to meet the requirements of RSA 674:59, and provides a minimum of 100% of the units meeting the definition of "workforce housing" under RSA 674:58.~~
 - ~~g. The application demonstrates that project for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.~~

~~E. Density, Design, and Dimensional Standards~~

- ~~1.— The Planning Board may allow for design and density changes from the approved Elderly Housing project when a conversion is sought, however under no circumstances shall the density of the project exceed that which is permitted in **Section 3.6 (Elderly Housing)**. The project must meet all other applicable requirements from **Section 3.6**, except for those relative to occupancy of the units by those considered to be “Elderly.”~~
- ~~2.— All conversions from Elderly Housing to Workforce Housing must follow the declaration procedure as outlined in RSA 674:60 and **Section 2.3.3.12(A)**, and must receive both a conditional use permit and site plan approval in order to proceed with conversion of the units.~~

~~**2.3.3.9 General Requirements of Workforce Units**~~

- ~~A.— The dwellings qualifying as workforce housing shall be compatible in architectural style and appearance with the market rate dwellings in the proposed development. The workforce units should be interspersed throughout the overall development.~~
- ~~B.— To ensure that the application is completed as permitted, the dwellings qualifying as workforce housing shall be made available for occupancy on approximately the same schedule as a project’s market units, except that the certificates of occupancy for the last 10 percent of the market rate units shall be withheld until certificates of occupancy have been issued for all the workforce housing units. A schedule setting forth the phasing of the total number of units in a project under this Section, along with a schedule setting forth the phasing of the required workforce housing units shall be established prior to the issuance of a building permit for any development subject to the provisions of this Section.~~
- ~~C.— To ensure that only eligible households purchase/rent the designated workforce housing units, the purchaser/renter of an workforce unit must submit copies of their last three years’ federal income tax returns and written certification verifying their annual income level, combined with household assets, does not exceed the maximum level as established by this ordinance in **Section 2.3.3.5** of this Section. The tax returns and written certification of income and assets must be submitted to the developer of the housing units, or the developer’s agent, prior to the transfer of title. A copy of the tax return and written certification of income and assets must be submitted to all parties charged with administering and monitoring this ordinance, as set forth in this Section and **Section 2.3.4** if applicable, within 30 days following the transfer of title.~~
- ~~D.— All applicants under this section must submit the following data to ensure project affordability:
 - ~~1.— Calculation of the number of units provided under this Section and how it relates to its provisions.~~
 - ~~2.— Project Cost Estimate including land, development and construction costs; financing, profit, and sales costs; and other cost factors.~~
 - ~~3.— Description of each unit’s size, type, estimated cost and other relevant data.~~
 - ~~4.— Documentation of household eligibility as required in **section 2.3.3.9(C)** of this Section.~~
 - ~~5.— All agreements established as part of **sections 2.3.3.10** and **2.3.4** as applicable~~
 - ~~6.— List of required variances, conditional use permits, and special exceptions including justification of their necessity and effectiveness in contributing to affordability of this Section.~~~~

~~**2.3.3.10 Assurance of Continued Affordability**~~

~~In order to qualify as workforce housing under this Section, the developer must make a binding commitment that the workforce housing units will remain affordable for a period of 40 years. This shall be enforced through a deed restriction; restrictive covenant; or a contractual arrangement through a local, state or federal housing authority or other housing trust or agency. For the 40 year term, the deed restriction, restrictive covenant, or contractual arrangement established to meet this criterion must make the following continued affordability commitments:~~

- ~~A.— Workforce housing units offered for sale shall comply with **Section 2.3.4, Retention of Housing Affordability**.~~

- B. ~~Workforce housing rental units shall limit annual rent increases to the percentage increase in the area median income.~~
- C. ~~Deed restrictions, restrictive covenants, or contractual arrangements related to dwelling units established under this Section must be documented on all plans filed with the Planning Board and the Rockingham County Registry of Deeds.~~

~~2.3.3.11 Administration, Compliance and Monitoring~~

- A. ~~This Section shall be administered by the Planning Board. Applications for the provisions provided under this Section shall be made to the planning board and shall be part of the submission of an application for site plan or subdivision plan approval.~~
- B. ~~No certificate of occupancy shall be issued for an workforce housing unit without written confirmation of the income eligibility of the tenant or buyer of the workforce housing unit and confirmation of the rent or price of the workforce housing unit as documented by an executed lease or purchase and sale agreement.~~
- C. ~~On going responsibility for monitoring the compliance with resale and rental restrictions on workforce units shall be the responsibility of the Planning Board or its designee.~~
- D. ~~The owner of a project containing workforce units for rent shall prepare an annual report, due on December 31 each year, certifying that the gross rents of workforce units and the household income of tenants of workforce units have been maintained in accordance this Section. Such reports shall be submitted to the Community Development Department or their designee and shall list the contract rent and occupant household incomes of all workforce housing units for the calendar year.~~

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.

2.3.3.12-910 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 2.3.3.129(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 2.3.3.129(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.

2.3.4 Retention of Housing Affordability

2.3.4.1 Authority and Purpose

~~A. **Authority:** This ordinance is adopted as an "innovative land use control" pursuant to RSA 674:21.~~

~~B. **Purpose:** The purpose of this ordinance is to provide a means by which Londonderry may promote the long-term affordability of housing units (intended for ownership and not rental or lease) built as part of a development approved by the Planning Board under the terms of the Londonderry's Inclusionary Housing provisions. It is intended to ensure that the units remain affordable to households of low and moderate income, while also facilitating homeowners' capacity to benefit from property value appreciation. It creates a lien interest in the property held by the Town, enforceable by the Town as a mortgage.~~

2.3.4.2 General Provisions

~~A. **Definitions.** For purposes of this section:~~

- ~~1. "Workforce (or "Affordable") Housing Unit" means a residential dwelling unit intended to be affordable to persons of low or moderate incomes, which an applicant agrees to produce as a condition of approval of an "inclusionary" housing development as described in Section 2.3.3 of this Ordinance. More particularly a~~

~~“Workforce Housing Unit” means the following, as determined by the Planning Board at the time a particular development is granted approval by the Board: A unit of housing which—in addition to any other specific conditions of approval imposed by the Planning Board at the time of approval—is required to be administered in accord with the general provisions as set forth herein; which is subject to the procedures set forth in **Section 2.3.4.3** below at the time of its initial conveyance; and which is conveyed subject to a contingent subsidy lien and covenants in favor of the Municipality, as set forth in **2.3.4.4** below.~~

~~2. The “Developer” means the person or entity which applies for and receives Planning Board approval for an “inclusionary” housing project as set forth in **Section 2.3.3** of this Ordinance, any person or entity to which rights to construct such a project under such an approval have been conveyed, or any person or party acting as contractor or agent for such a party, or who otherwise performs acts in furtherance of constructing or implementing the approval, or fulfilling any conditions thereof.~~

~~3. “Housing Cost” means the estimated monthly cost to an Owner of a Workforce Housing Unit, including mortgage principal and interest, property taxes (municipal, school, county, and state), homeowner’s insurance, mortgage insurance, and any applicable homeowner’s association fees. Interest calculations shall be based upon the prevailing market interest rate at the time of conveyance for a 30-year fixed-rate conventional mortgage. Schedules used to determine Housing Cost may be adopted and revised as needed by the Planning Board.~~

~~4. The “Municipality” means the Town of Londonderry; provided that, however, and except where responsibilities are specifically assigned herein or where statute creates a non-delegable responsibility, the tasks and functions required herein to be performed by the Municipality shall be performed by the Town Council or its designee, or may be delegated in whole or in part by vote of the Town Council to a third-party designee such as a nonprofit organization or quasi-governmental agency, subject to the supervision of the Town Council or its designee.~~

~~5. The “Owner” shall mean the person(s) who initially separately purchases and occupies the completed Workforce Housing Unit, under the procedures set forth in **Section 2.3.4.3** below, as well as any person(s) who subsequently purchases the unit under the procedures required under **Section 2.3.4.4** below.~~

~~6. The “Fair Market Value” of the Workforce Housing Unit, at the time of the initial or any subsequent conveyance shall be the price which such unit would command at that time in an arm’s-length transaction on the open market if the unit were not subject to any of the restrictions of this Section, and the Owner were to purchase the property in fee simple absolute.~~

~~7. “First Mortgage” means a recorded mortgage which is senior to any other mortgages or liens against the Workforce Housing Unit (other than the lien for real estate taxes and homeowner assessments, if any), and which is used to secure a loan to an eligible buyer to purchase the unit.~~

~~8. “Qualified Purchaser” means a purchaser who has been certified by the Municipality as meeting income standards to purchase a Workforce Housing Unit. It also includes a non-profit organization, the primary purpose of which is to provide or to facilitate the acquisition of housing that is affordable to low and moderate income households.~~

~~9. “Area Median Income” means Area Median Income (“AMI”) for a family of four as established and updated periodically by the U.S. Dept. of Housing and Urban Development for the Fair Market Rent Area where the Municipality is located.~~

~~B. The Planning Board shall, as a condition of approval, make an initial determination of the following with respect to all included Workforce Housing Units which, unless modified pursuant to **Section 2.3.4.3(C)** below, shall serve as the basis for conveyance by the Developer:~~

~~1. An estimated projected Fair Market Value for the Workforce Housing Units to be constructed by the Developer, using Developer projections or such other available information as the Planning Board may require. Construction details shall be provided in sufficient detail to enable a reasonable projection of such Value, and compliance with such details shall be deemed a condition of approval.~~

- ~~2.—An initial target income level for the initial conveyance of the Workforce Housing Units, which shall not be greater than 100% of the Area Median Income (“AMI”).~~
 - ~~3.—A corresponding initial selling price for each Workforce Housing Unit, which shall be set at a level that is projected to require a Housing Cost no greater than 30% of the initial target income determined in **Section 2.3.4.2(B)(2)** above.~~
 - ~~4.—A corresponding projected initial subsidy for each Workforce Housing Unit, which shall be the difference between the estimated projected Fair Market Value and the initial selling price. The projected initial subsidy shall be between 15% and 33% of the estimated projected Fair Market Value of the unit, inclusive.~~
- ~~C.—Except as expressly set forth in this Section, in the conditions of Development approval by the Planning Board, or in a lien and covenant document recorded pursuant to **Section 2.3.4.3** below, an Owner shall have the same rights and privileges with respect to the Affordable Housing Unit as would any person who owned the unit in fee simple absolute, including but not limited to the right of quiet enjoyment, the right to make improvements, and the right to convey a First Mortgage interest, as detailed below.~~

2.3.4.3 Procedures at Time of Initial Conveyance

~~A Workforce Housing Unit shall not be separately conveyed, or initially occupied, except in accordance with the following procedures:~~

- ~~A.—During construction and upon completion of construction, the Municipality shall inspect the unit to confirm that all applicable codes, ordinances, conditions of approval (including construction details presented at the time of approval) and all other legal requirements have been met.~~
- ~~B.—Upon successful inspection, the Municipality at the Developer’s expense shall cause an independent appraisal to be performed to determine the Fair Market Value of the unit.~~
- ~~C.—The initial selling price shall be as set by the Planning Board at the time of plan approval under **Section 2.3.4.2(B)**; provided, however, that under unusual circumstances the Developer may petition the Planning Board, which may for good cause and following a hearing for which reasonable notice is provided to the Developer and such others as the Planning Board may require, amend the initial selling price, the projected initial subsidy, and/or the initial target income level.~~
- ~~D.—The Municipality or its agent shall be responsible for certifying potential purchasers as meeting the relevant target income requirements and eligible to purchase the unit and for ranking Qualified Purchasers. Any potential buyer identified by the Developer or its agent must be referred to the Municipality. If, after the impartial application of objective criteria for priority eligibility have been applied to all persons wishing to purchase the unit, there exists more than one top priority income eligible purchaser ready, willing, and able to execute a purchase and sales agreement at the initial selling price, then the final choice of purchasers shall lie with the Developer.~~
- ~~E.—The Town Council shall from time to time establish rules and procedures for determining income-eligibility and priority for ranking Qualified Purchasers, such rules and procedures to be consistent with U.S. Dept. of Housing & Urban Development Program Requirements at 24 CFR Part 5, Subpart F. There shall be no requirement for continuing Owner income-eligibility, and no Owner shall, subsequent to purchase, be deemed in violation of this Section or of the Subsidy Lien and Restrictive Covenant for lack of income-eligibility, unless false or fraudulent information is found to have been provided by said Owner at the time of initial eligibility determination.~~
- ~~F.—The Developer shall not convey, or agree to convey, the Workforce Housing Unit for a total consideration any higher than the initial selling price as set by the Planning Board. The Developer shall not convey, or agree to convey, the unit except to the top priority Qualified Purchaser, or second priority Qualified Purchaser if the top priority purchaser is unable to complete the sale of the property; provided, however, that if the Municipality fails to identify a Qualified Purchaser, or if the Developer, after exercising a good faith effort, fails to produce a purchaser who is subsequently certified by the Municipality as a Qualified Purchaser and who is ready, willing and able to execute a purchase and sales agreement at the initial selling price within 120 days after the Municipality grants a Certificate of Occupancy in **Section 2.3.4.3(A)** above, the Developer may convey the unit~~

to any purchaser of the Developer's choosing; nevertheless such conveyance shall remain subject to the initial selling price, as set by the Board, and the recording of a Subsidy Lien and Restrictive Covenant, as set forth below. The Developer shall not use these provisions to avoid selling the unit to any Qualified Purchaser, including one identified by the Municipality.

- G. ~~The initial Owner shall, at the time of closing, execute and convey to the Municipality a covenant document, to be called a "Subsidy Lien and Restrictive Covenant", which shall be recorded in the Rockingham County Registry of Deeds together with the Owner's deed. This document shall contain the initial value of the Municipality's subsidy lien, and all the elements required under Section 2.3.4.4 below.~~
- H. ~~The initial value amount of the Municipality's subsidy lien shall be the difference between the appraised value reached under Section 2.3.4.3(B) above, and the unit's initial selling price. The burden of the creation of the subsidy shall fall upon the Developer as a condition of approval.~~
- I. ~~In addition, the Developer shall, at the time of the closing, pay to the Municipality an administrative fee for each unit, which shall be used by the Municipality to fund the administration of the unit under this Subsection, including appraisals, drafting of documents, costs incurred for program administration by an independent agent of the Municipality, and other expenses relating to the Municipality's subsidy lien. The amount of the administrative fee shall be two percent (2%), or as otherwise determined by the Town Council, of the unit's initial selling price, provided however that the Town Council may if warranted, pursuant to RSA 41:9-a, prospectively alter the rate of the fee to more accurately reflect actual administrative costs. The fee shall be accounted for in the same manner as an impact fee, as provided in RSA 674:21, V(c).~~
- J. ~~Notwithstanding the foregoing, the initial selling price, the projected initial subsidy, and/or the initial target income as conditions of approval may be reviewed and recalculated by the Planning Board as needed between the date of approval and conveyance by the Developer, for the purposes of ensuring that the objectives of this ordinance are met. Amendment of any such condition shall only be made following a hearing for which reasonable notice is provided to the Developer and such others as the Planning Board may require.~~

~~2.3.4.4 Subsidy Lien and Restrictive Covenant~~

~~The "Subsidy Lien and Restrictive Covenant" required under 2.3.4.3(G) above shall set forth the initial value amount of the subsidy lien as determined under 2.3.4.3(H) above, shall incorporate all of the requirements for subsequent conveyances of the Workforce Housing Unit as set forth in Sections 2.3.4.5 through 2.3.4.7 below, shall provide that any and all of such requirements shall be subject to enforcement pursuant to 2.3.4.9 below, and shall, in addition, incorporate the following conditions and restrictions:~~

- A. ~~The unit shall be the primary residence of the Owner, and shall be occupied by the Owner.~~
- B. ~~The unit shall at all times be maintained in conformity with all applicable building or housing codes, land use ordinances or conditions of approval, and any other applicable provisions of federal, state, or local law. The Owner shall immediately notify the Municipality of any existing or anticipated violation of any such requirement, or of any provision of the Subsidy Lien and Restrictive Covenant.~~
- C. ~~The Owner shall not, without the prior written consent of the Municipality, convey any mortgage or other lien interest in the unit, other than a First Mortgage interest. The Municipality's Subsidy Lien interest shall generally be deemed the equivalent of a second mortgage interest subordinate to any such First Mortgage, and shall entitle the Municipality to the right to notice as a lienholder for all purposes, including foreclosure notice under RSA 479:25. The Municipality may consider an alternative lien position on a case-by-case basis, based on a reasonable assessment of risk and an appraisal of value.~~

~~2.3.4.5 Subsequent Conveyances of the Unit~~

~~Except in the cases of purchase of a unit by the Municipality in accordance with Sections 2.3.4.6 or 2.3.4.7 below, or release or termination of the Subsidy Lien and Restrictive Covenant by the Municipality in accordance with Section 2.3.4.8 below, no Owner of a Workforce Housing Unit shall convey the unit except in accordance with the following procedures:~~

- ~~A.—An Owner may at any time notify the Municipality in writing of an intent to convey the unit. The Municipality shall, as soon as practicable, cause an appraisal to be conducted to arrive at a current Fair Market Value of the unit (including the value of any fixtures or improvements made by the Owner). If the Owner disagrees with or has doubts or questions concerning the accuracy of the appraisal, the Owner may choose to fund a second appraisal, and the current Fair Market Value shall be deemed to be the average of the two appraisals unless otherwise agreed. If the Owner does not convey the unit within one year after providing written notice of intent to convey the unit or otherwise rescinds its notice of intent to dispose of the unit either directly in writing to the Municipality or constructively by either failing to market the property or withdrawing it from the market, the Owner shall reimburse the Municipality for the cost of its appraisal of the unit. Subsequent notices of intent to convey the unit shall require a new appraisal.~~
- ~~B.—The Municipality shall set the maximum resale price of the unit by adjusting the recorded initial value amount of its subsidy lien by the change in the US Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) for Boston, Brockton-Nashua, MA-NH-ME-CT for Shelter or a comparable housing cost index should the CPI-U be discontinued, calculating from the time of such recording, then subtracting that adjusted subsidy lien amount from the current Fair Market Value determined under **Section 2.3.4.5(A)** above. The Municipality shall also, based upon that maximum resale price, determine a revised target income level for which the unit would be affordable at such a resale price, such that the unit's Housing Cost would be no greater than 30% of the revised target income. If the revised target income level is greater than 120% of the Area Median Income or if the adjusted subsidy lien amount is not between fifteen and thirty three percent of the Fair Market Value, the Municipality may retire or modify the subsidy lien in accordance with **Section 2.3.4.8** below. An increase to the subsidy lien will result in a corresponding decrease to the maximum resale price; a decrease to the subsidy lien will result in a corresponding increase to the maximum resale price. In neither case will the Owner's equity be affected, if any.~~
- ~~C.—The Municipality or its agent shall be responsible for certifying potential purchasers as meeting the revised target income requirements, in the same manner set forth in **Section 2.3.4.3(D)** above, and for ranking Qualified Purchasers. Any potential buyer identified by the Owner or its agent must be referred to the Municipality. If, after the impartial application of objective criteria for priority eligibility have been applied to all persons wishing to purchase the unit, there exists more than one top priority income-eligible purchaser ready, willing, and able to execute a purchase and sales agreement at the maximum resale price, then the final choice of purchasers shall lie with the current Owner.~~
- ~~D.—The Owner shall not convey, or agree to convey, the Workforce Housing Unit for a total consideration any higher than the maximum resale price as determined under **Section 2.3.4.5(B)**. The Owner shall not convey, or agree to convey, the unit except to persons who have been certified as income-eligible under **Section 2.3.4.5(C)**; provided, however, that if the Municipality fails to identify a Qualified Purchaser, or if the Owner, after exercising a good faith effort, fails to produce a purchaser who is subsequently certified by the Municipality as a Qualified Purchaser and who is ready, willing, and able to execute a purchase and sales agreement at the maximum resale price within 120 days after the Owner's written notice of intent to convey the unit, the Owner may convey the unit to any purchaser of the Owner's choosing; nevertheless such conveyance shall remain subject to the maximum resale price, to the purchaser income qualification procedures for subsequent conveyances, and to the Subsidy Lien and Restrictive Covenant, and such a conveyance shall permit, but shall not obligate, the Municipality to modify or retire the adjusted subsidy lien in accordance with **Section 2.3.4.8** below. Nothing in the foregoing shall be construed to relieve or limit the Owner's obligation to engage in good faith and energetic efforts to market the unit for purposes of identifying a purchaser who is likely to meet the income qualification standards herein. The Owner shall not use these provisions to avoid selling the unit to any Qualified Purchaser, including one identified by the Municipality.~~
- ~~E.—At the time of closing, the new Owner shall execute a Subsidy Lien and Restrictive Covenant, substantively similar to that executed by the prior Owner, and the Municipality shall execute a certification of compliance with the conveyance procedures required by the Subsidy Lien and Restrictive Covenant. Both of these documents shall be recorded together with the new Owner's deed. The seller shall also, at the time of the closing, pay to the Municipality an administrative fee of two percent (2%), or as otherwise determined by the Town Council, of the resale price, but such fee shall be subject to adjustment, as set forth in **2.3.4.3(I)** above.~~

~~F. Notwithstanding **Sections 2.3.4.1** through **2.3.4.5** above, the following types of conveyances are exempt from the Owner Conveyance provisions set forth in this Subsection:~~

- ~~1. A conveyance to a first mortgagee resulting from foreclosure, or~~
- ~~2. Any of the following, provided, however, that the unit shall, subsequent to such an exempt conveyance, remain subject to the provisions of the Subsidy Lien and Restrictive Covenant:~~
 - ~~a. A conveyance resulting from the death of an Owner where the conveyance is to the spouse who is also an Owner.~~
 - ~~b. A conveyance to the Owner's estate following his or her death for the purpose of administering the estate and distributing the assets thereof during a limited period of time.~~
 - ~~c. A conveyance resulting from the death of an Owner when the conveyance is to one or more children or to a parent or parents of the deceased Owner.~~
 - ~~d. A conveyance by an Owner where the spouse of the Owner becomes the co-Owner of the Property.~~
 - ~~e. A conveyance directly resulting from a legal separation or divorce, by which a co-Owner becomes the sole Owner of the unit.~~

2.3.4.6 Right of First Refusal in Subsequent Conveyances

~~Upon receipt of a notice of intent to convey a Workforce Housing Unit under **Section 2.3.4.5(A)** above, the Municipality shall have the right to purchase the property at the maximum resale price, as determined according to **Section 2.3.4.5(B)** above. If the Municipality elects to purchase the unit, it shall exercise the purchase right by notifying the Owner, in writing, of such election ("Notice of Exercise of Right") within forty-five (45) days of the receipt of the Intent to Convey Notice, or the Right shall expire. Within seven (7) days of the Municipality exercising its purchase right, the Municipality and the Owner shall enter into a purchase and sale contract. The purchase by the Municipality must be completed within forty-five (45) days of the Municipality's Notice of Exercise of Right, or the Owner may convey the property as provided in **Section 2.3.4.5** above. The time permitted for the completion of the purchase may be extended by mutual written agreement of the Owner and the Municipality. If the Municipality has in writing waived its purchase right, or if the Purchase Right has expired, or if the Municipality has failed to complete the purchase within forty-five (45) days of its Notice of Exercise of Right, the Owner may convey the unit according to **Section 2.3.4.5** above for no more than the maximum resale price as calculated therein.~~

2.3.4.7 Municipality's and Owner's Rights in Foreclosure

~~A. The Owner shall give immediate written notice to the Municipality upon the first to occur:~~

- ~~1. the date any notice of foreclosure is provided to the Owner or any foreclosure is commenced against the unit under the First Mortgage, or~~
- ~~2. the date when the Owner becomes twenty-one (21) days late in making a payment on any indebtedness encumbering the unit required to avoid foreclosure of the First Mortgage.~~

~~B. At any time within sixty (60) days after receipt of any notice described in **Section 2.3.4.7(A)(1)** above, the Municipality may, but shall not be obligated to, proceed to make any payment required in order to avoid foreclosure or to redeem the unit after a foreclosure. Upon making any such payment, the Municipality shall succeed to all rights of the Owner to the Property and shall assume all of the Owner's rights and obligations under the First Mortgage, subject to the terms of the Subsidy Lien and Restrictive Covenant. In such event the Owner shall forthwith quit the unit and relinquish possession thereof to the Municipality, which shall assume ownership of the property.~~

~~C. The Owner may redeem his or her interest in the unit by payment to the Municipality of all sums paid by the Municipality in connection with the First Mortgage and all other sums reasonably expended by the Municipality in relation to the unit, plus eighteen percent (18%) simple interest from each date of expenditure.~~

~~This redemption may only occur within forty five (45) days after the Municipality succeeds to the Owner's rights to the unit, after which the Municipality may proceed to convey the property to an eligible buyer. Notwithstanding such redemption, the property shall nonetheless remain subject to the Subsidy Lien and Restrictive Covenant.~~

~~D.—If the Municipality conveys the property it may recover all incidental and consequential costs as are reasonably incurred or estimated to be incurred by the Municipality in connection with its ownership and disposition of the property, including but not limited to insurance, maintenance, repairs or improvements, and marketing expenses. If after conveyance of the property by the Municipality there are excess proceeds above the Municipality's costs, then within 60 days of settlement by the purchaser or purchasers of the property conveyed, the municipality shall reimburse the Owner from whom the Municipality acquired the property in the amount of such excess proceeds.~~

~~2.3.4.8 Retirement or Modification of Subsidy Lien~~

~~A.—At the time of any transfer of a Workforce Housing Unit, the Municipality may, but is not obligated to, retire or modify the subsidy lien if, in accordance with **Section 2.3.4.2** above, the revised target income level is greater than 120% of the Area Median Income, or if the adjusted subsidy lien amount is not between fifteen and thirty-three percent of the Fair Market Value. Upon making a determination that any such condition has been met, the Municipality may notify the Owner in writing of its intention to retire or modify the subsidy lien. The notice shall indicate the value of the subsidy lien to be retired, or the amount by which the Municipality will reduce or enhance the subsidy lien. Such notification shall be made within 45 days of the Owner's Notice of Intent, as provided under **Section 2.3.4.1** above.~~

~~B.—Reduction or retirement of the subsidy lien shall be accomplished at the time of closing by payment from the Owner to the Municipality, such payment to be deposited in the Municipality's Affordable Housing Revolving Fund [if one exists at the time]. Enhancement of the subsidy lien shall be accomplished at the time of closing by payment from the Municipality to the Owner. Retirement of the subsidy lien shall be accompanied by release of the restrictive covenant by the Municipality and shall eliminate the need to calculate a maximum resale price, allowing the unit to sell at its Fair Market Value.~~

~~2.3.4.9 Default and Other Enforcement~~

~~Failure of the Owner to comply with the terms of this ordinance, with any condition of Planning Board approval, or with the terms of the recorded Subsidy Lien and Restrictive Covenant shall constitute default, which shall entitle, but which shall not obligate, the Municipality to undertake the following actions:~~

~~A.—Foreclosure on the Subsidy Lien, in accordance with RSA 479:19 et seq., provided that the Owner shall have 60 days after receiving written notice of default from the Municipality to fully correct the reasons for default identified by the Municipality in its notice; and~~

~~B.—Enforcement under RSA 676:17, 676:17-a, and 676:17-b.~~

~~2.3.4.10 Conveyances to Non-Profit Housing Organizations~~

~~Notwithstanding the foregoing, the Municipality may require that initial or subsequent conveyances of Workforce Housing Units be made to a non-profit organization of the Municipality's choice, where the primary purpose of the organization is to provide or facilitate the acquisition of housing that is affordable to low- and moderate-income households. The Municipality shall release its Right of First Refusal under **Section 2.3.4.6** above upon such conveyance, provided that upon subsequent conveyance the organization acquires a similar right of first refusal. The Municipality shall also release its Subsidy Lien and Restrictive Covenant upon conveyance to such an organization. Conveyance to such an organization shall be made at the initial selling price in **Section 2.3.4.3(C)** or at the maximum resale price in **Section 2.3.4.5(B)**, as appropriate.~~

- 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 2.3.3.74. 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 with 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.

- A. **Setbacks** - no building shall be located on a lot nearer to the front, side or rear lot line than the minimum setback set forth below.
 1. Minimum setback distances for structures from property line:
 - a. front 30 feet
 - b. side 20 feet
 - c. back 20 feet
 - d. If a property abuts more than one existing and/or proposed right-of-way, the building setback will be 30 feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.
- B. **Minimum lot size** - minimum lot size in all industrial districts are subject to Planning Board approval based on sewage disposal requirements, soil types, topography, vehicular access, intended use and compatibility with adjacent areas but shall be not less than one acre (43,560 sq. Ft.) With at least one hundred fifty (150) feet of frontage on a class v or better road.

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. Residential uses in a back lot development shall be limited to single family dwellings. No accessory apartments shall be allowed.~~
- ~~G.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.
- ~~H.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 Country 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 residential or commercial 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

B. Conditional Uses

~~—Elderly Affordable Housing—~~ subject to the requirements of ~~Section 3.6.5.~~

~~1. Small Lot Elderly Housing or Assisted Living is permitted.~~

3.6.3 Definitions

~~**Open Space:** Open Space is that portion of a lot open and unobstructed from its lowest level to the sky. It shall not include land occupied by buildings and structures as well as all roads and drives. Where no separate right-of-way is delineated for private streets, only the pavement areas of the street, curbs and sidewalks are excluded. Walkways integral to the open space areas that are not curbside sidewalks do not count. A minimum of 30% of the required open space shall be useable lands. Minimum areas between dwellings (3.6.4(B)) and the minimum setback between the building and the edge of right-of-way for the internal road system (3.6.4(C)) shall not be counted towards the required 30% useable uplands. Up to 50% of the required open space can be wetlands or water bodies.~~

~~**Useable Uplands:** Land which is not a water body, wetland, or steep slopes above 25%.~~

~~**Assisted Living Facilities:** shall be defined as Ffacilities 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, solely 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, and that are subsidized and administered by a federal or state governmental entity.~~

3.6.4 Regulations And Design Crit

3.6.4 Regulations and Design Criteria

~~A. Minimum size of tract area for an elderly housing development shall be fifteen (15) acres. This~~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. Each dwelling shall have a minimum separation from any other building of sixty (60) feet. Minimum building separation of multi-family elderly structures shall be thirty (30) feet. Each single family dwelling shall have a minimum separation from any other building of~~thirty twenty (320) 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. Each building shall have a minimum setback of forty (40) feet from the edge of right-of-way of the internal road system.~~

~~C. **Buffers** – The Planning Board shall establish the criteria for a Buffer zone around the entire perimeter of the site based on the following:~~

- ~~1. Topographic features of the site and adjacent studies;~~
- ~~2. Use or zoning classification of abutting land;~~
- ~~3. Degree of visual barrier provided by proposed buffer.~~

~~a. In no event shall the buffer zone be less than the following:~~

~~i. Adjacent zone or use:~~

- ~~a. AR-I, R-III, = 30 feet~~
- ~~b. C-I, C-II, C-III = 50 feet~~
- ~~c. I-I, I-II = 50 feet~~

~~ii. The criteria for establishing the buffer zone is found in the “Non-Residential Site Plan Review Regulations” and “Subdivision Regulations” of the Town of Londonderry, as amended.~~

~~D.E. **Parking** - There shall be 1.2 parking spaces per bedroom in 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.

~~E. **Building Height** – The building height shall not exceed thirty five (35) feet.~~

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

- ~~1. Elderly – The standard unit will be two (2) bedrooms.~~
- ~~2. Elderly Affordable – The majority of standard units shall be one bedroom units. There may also be two bedroom units.~~
- ~~3. The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with **Section 3.6.5(B)**.~~

~~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.~~
- ~~1. Elderly – Open space as defined elsewhere in this section of the zoning ordinance shall constitute no less than seventy (70) percent of the gross tract area of the site.~~
- ~~2. Affordable Elderly – Open space as defined elsewhere in this section of the zoning ordinance shall constitute no less than fifty (50) percent of the gross tract of the site.~~

~~**Required Support Facility/Service Uses** – The applicant shall be required to demonstrate the provision of support facilities and/or services specifically designed to meet the physical and social needs of older persons, OR if provision of such facilities and services is not practicable, that the proposed elderly housing is necessary to provide~~

~~important housing opportunities for older persons. Consideration of support facilities and services shall include, but not be limited to:~~

~~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.~~

~~H.—~~

~~1.—Religious Facility~~

~~2.—“Neighborhood” market;~~

~~3.—Recreational facilities (i.e., card rooms, swimming pool, meeting room, video room, music room, etc.);~~

~~4.—Postal sub-station;~~

~~5.—Medical sub-station (i.e., first aid, pharmacy, circuit health care, etc.)/Emergency and preventative health care services~~

~~6.—Library;~~

~~7.—Circuit Veterinary Care.~~

~~8.—Programs designed to provide a social life for residents~~

~~9.—Continuing education programs of interest to residents~~

~~10. Information and counseling services~~

~~11. Homemaker services~~

~~12. Services designed to assist residents with the maintenance and upkeep of buildings and grounds~~

~~13. An accessible physical environment~~

~~14. Congregate dining facilities~~

~~15. Transportation to facilitate access to social services~~

~~16. Referral services~~

~~a.—In demonstrating that Support Facilities and/or Services are provided, it is not required that all of the services listed above are being provided.~~

~~b.—It is intended under this Section that the applicant provide appropriate services & facilities, consistent with NH law which imposes similar requirements.~~

~~c.—In the Planning Board's deliberations the Board shall give strong consideration to the needs of elderly, not the applicant.~~

~~I.—Site Ownership – At the time of application, the entire site shall either be under one owner, or documents shall be submitted with application that show that all owners of record have applied to the Planning Board for consolidation, pending approval of the site plan.~~

~~J.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.

K.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.

L.I. Review - Any proposed elderly housing development shall be subject to the “Non-Residential Site Plan Review Regulations” of the Town of Londonderry, as amended.

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

~~1. From Gross Tract Area subtract:~~

~~a. Areas of slopes greater than fifteen (15) percent;~~

~~Wetland~~

~~2.1. The resulting calculation shall be called “net tract area” and 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 Districts. In the AR-1 District, no greater than eight (8) units per acre, 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) bedrooms per acre, except no greater than eight (8) twelve (12) units per acres in Non-Residential Districts. In the AR-1 District, ten (10) units per acres, with Multi-Family units attached in a row house configuration, which can be incorporated as a mix of one and two bedroom units.~~

~~b.c. For sites without municipal water and/or sewer: The minimum contiguous area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, pertinent standards of the New Hampshire Department of Environmental Services if the property is not serviced by either public water or sewer. An area or areas shall be set aside in perpetuity and designated for sewerage disposal, its capacity shall be determined for acceptance on leachate on a site specific basis. The density shall be determined by using the State of New Hampshire criteria for flowage for housing for the elderly on a per bedroom basis and dividing that number into the capacity of the site and then multiplied by a safety factor of eighty (80) percent.~~

3.6.5 Conditional Use Permits

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

- ~~1. Prior to Planning Board action on any site plan for Affordable Elderly Housing, which requires a Conditional Use Permit, the Board must have already granted grant a the Conditional Use Permit. The Conditional Use Permit may be sought either separately or 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 general health, safety, and general welfare of the Town, and provides for a housing need for an elderly population whose income level is not greater than 60% of the median income for Rockingham County.

f.e. 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.

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

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

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

b. Granting of the application is in the public interest;

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

d.a. There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 3.6.4(N) 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).

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

3.7.1 Density

~~For purposes of this Ordinance “assisted living facilities” and “nursing home facilities” serviced by municipal sewer shall not be subject to density standards of **Section 2.3.2.3(B)**; provided that such a facility shall be subject to the density standards of **2.3.2.3(B)(1)(a)** and **2.3.2.3(B)(1)(b)** and **2.3.2.3(B)(1)(d)** in the event that the facility has been included in an analysis of the “substantial positive tax impact” to obtain an exemption from growth management phasing and permit limitations. For density purposes, two bedrooms shall be equivalent to one dwelling unit, whether or not the facility includes full dwelling units. 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 for, and no Sexually Oriented Business shall be permitted within a building, premises, structure or any other facility that contains another Sexually Oriented Business.
 1. No Sexually Oriented business shall be permitted within 500 feet of any:
 - a. Residentially zoned land (AR-I and R-III)
 - b. Commercial III (office) zoned land;
 - c. Church, place of worship, parish house, convent, public or parochial or private school; kindergarten, state approved day care center, public sports or recreation park;
 - d. Town boundary line

B. Measure of Distance

2. Off-street loading spaces shall be provided on the same lot as the principal use they are intended to serve. In no case shall an off-street loading space be counted to satisfy the off-street parking requirements.
3. Loading bays shall meet the dimensional requirements of **Section 3.10.7(B), Loading Space Dimensions**.
4. Loading bay area abutting a residential zoning district shall be located within fifty (50) feet of the residential (AR-I or R-III) zoning boundary line. Loading bays shall not be located on sides of buildings facing a public right-of-way except as specifically approved by the Planning Board. Where such request is granted, the Board shall require an opaque wall, fence, natural terrain, vegetation or other solution to provide screening as effectively as possible.
5. The area approved for loading or unloading shall not obstruct access to a property or right-of-way. All loading spaces shall have direct access to a public right-of-way.
6. All loading bay areas shall be surfaced in compliance with **Section 3.10.13(B)**.

B. Route 102 & Rt. 28 POD Parking Requirements

1. *General performance standards for off-street parking.*
 - a. The minimum number of parking spaces, dimensional requirements for parking stalls and aisle widths shall be determined by the requirements of the underlying zoning district (See **Section 3.10.10**, Table 2) except for parking lot setbacks (also called green area setbacks as defined in **Sections 2.5.1.3(H)** and **2.4.1(C)(9)**) which are governed by the performance standards for landscaping, as outlined in **Section 2.6.1.7(B)**.
2. In parking lots where shared access and/or interconnected parking lots occur, the side and rear landscape area requirements of **2.6.1.7(B)** can be omitted.

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	Resident unit or bed and employees	0.5 per resident bed plus 1 per unit or bed plus one per employee <u>at the largest shift.</u>
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	2-1.5 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		

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

USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT	
	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 ad 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.
	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

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

USE	UNIT OF MEASUREMENT	SPACES REQUIRED PER UNIT OF MEASUREMENT	
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
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)</p> <p>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>			

MEMO

**Master Plan
Implementation Committee**

Town of Londonderry, NH

To: Art Rugg, Chairman, Planning Board
From: Chris Davies, Chairman Master Plan Implementation Committee
CC: Cynthia May
Date: June 10, 2015
Re: 2015 Annual Report

The charge creating the Master Plan Implementation Committee included the following among its Duties/Responsibilities:

9. The Committee shall make reports and provide recommendations to the Planning Board for action on, and provide an 'Implementation Report Card' to the Planning Board on an annual basis prior to the end of each calendar year.

The intent of this letter is to provide a report of the Committee's work to date in an abbreviated format, rather than the "implementation Report Card" referred to above. The Committee believes that the preliminary nature of the efforts described below make a more detailed report unnecessary at present.

The Committee created a database (attached) that details the progress made on each of the actions recommended in the Master Plan. You will note that a large portion of these tasks is tied to the ongoing audit and subsequent re-write of the Zoning Ordinance. For this reason, the Committee sees its primary responsibility to monitor and contribute to the ongoing effort to improve Zoning Ordinance.

Nonetheless, the Committee has pursued several Master Plan actions that are independent of the Zoning Ordinance. These include:

- Created and revised a comprehensive database of Master Plan actions to be used in tracking implementation progress
- Development of a conceptual plan for improvements to the Town Forest and Town Common. This plan has been briefed to the Planning Board and Town Council.
- Development of a draft set of metrics to be used in judging the success of the Master Plan in improving the overall quality of life in Londonderry.
- Monitoring new construction and planning at the airport area.
- Review of the town's Recreation Guide, which is now available on the town's website.

The Committee has attempted to meet monthly however the frequency has been interrupted due to poor weather or a lack of quorum. The Committee has repeatedly discussed the meeting schedule but given such lack of quorum, no votes were taken. Despite this, an informal poll of the members indicated their preference to continue involvement with the Committee.

Recent discussions have focused on identifying key areas of the Master Plan that the Committee recommends the Town consider priority goals. A draft list includes the following themes:

- Promotion of urban agriculture and agri-tourism, which could include other tourism-oriented businesses

- Energy efficiency
- Conservation subdivisions and transfer of development rights (relates to the ongoing rewrite of the zoning ordinance) (D. Paul was concerned that transfer of development rights could produce an unequal distribution of open space in north Londonderry; others felt that was an implementation issue, but not a conceptual issue)
- Allowing accessory dwelling units (relates to the ongoing rewrite of the zoning ordinance)
- Promotion of bicycle transportation and complete streets
- Improving intersections in the North Village area
- Beginning the studies recommended in the Master Plan as a basis for further planning, especially the studies on water quality and quantity and sewer capacity over time.

/s/ Chris Davies

Comprehensive Master Plan Recommendations-

Sorted by Focus Area

6/9/2015 Page 1 of 8

Scorecard:	Recc's Underway - 10%	Recc's Underway - 50%	Recc's Underway - 75%	Recc's Completed	Recc's Not Yet Considered	Recc's Implemented, in Maint. Mode	Recc's Ongoing	Recc's Closed
	53%	11%	2%	0%	24%	6%	0%	4%

Number	Focus Area	Action	Timeframe (Completion date)	Budget Allowance	Lead Party	Other Partners	Funding Source	Regulatory Items supported by Zoning Audit	Private Sector Contribution?	Low-Hanging Fruit?	"Big Ticket Items"	Studies	Implementation status	Date of Status	Remarks
1.01	Town-Wide Recommendations	Include new rules and standards that prohibit development in the 500-yr floodplain.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		
1.02	Town-Wide Recommendations	Include tree preservation and buffer standards for protecting mature tree stands throughout the study area.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Open Space Task Force, Planning and Economic Development Department, Cons. Comm	N/A	✓					Underway - 10%		
1.03	Town-Wide Recommendations	Include new rules and standards that incorporates open space as a meaningful component of new development. Open space could be used for tree preservation, stormwater retention, recreation, animal habitat protection, or preserving scenic views.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Conservation Commission, Open Space Task Force, Planning and Economic Development Department	N/A	✓					Underway - 10%		
1.04	Town-Wide Recommendations	Include new rules and standards that reduces the amount of impervious surface for a development. This is a very cost- effective and environmentally-sensitive method for reducing stormwater runoff.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department, Public Works Department, Cons. Comm	N/A	✓					Underway - 10%		
1.05	Town-Wide Recommendations	Fund a purchase of development rights program that allows landowners the opportunity to voluntarily sell their development rights on a parcel for permanent conservation.	Near Term (2016)	\$100,000 -\$200,000 (Annual, Demand Driven)	Town Council	Conservation Commission, Open Space Task Force, Planning and Economic Development Department	General Fund		✓		✓		Not Yet Considered	5/27/2015	Open Space Fund was previously established for this purpose; regular contributions from LUCT monies
1.06	Town-Wide Recommendations	Adopt a form-based code for the study area that consolidates, simplifies, and updates zoning and subdivision language to implement the vision and supporting recommendations from the comprehensive master plan.	Near Term (2016)	\$200,000 - \$250,000	Planning Board	Planning Board, Zoning Board, Zoning Board of Adjustment, Planning and Economic Development Department	General Fund	✓			✓		Underway - 10%		
1.07	Town-Wide Recommendations	Provide incentives for preserving historic buildings in the study area, which take advantage of the uniqueness of these sites and buildings for creating cool spaces.	Near Term (2016)	In-House Resources (Policy) / \$10,000	Town Council	Heritage/Historic District Commission, Planning and Economic Development Department	General Fund, Grant	✓					Underway - 10%		Heritage Commission is tracking enabling legislation to permit optional tax abatement for historic structures
1.08	Town-Wide Recommendations	Permit accessory dwelling units in growth sectors (G1 - G4) depicted on the Conservation & Growth Map. These units encourage greater housing choice for young adults, new families, and elderly residents in the study area.	Concurrent Action (2013)	In-House Resources	Planning Board	Housing Task Force, Community Development Department	N/A	✓					Underway - 50%	5/27/2015	Update of ADU section of Zoning Ordinance underway as part of workforce housing amendments
1.09	Town-Wide Recommendations	Include new standards in a form-based code that promotes neighborhood diversity and greater housing choice to meet the needs of young adults, new families, and elderly residents.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Housing Task Force, Planning and Economic Development Department	N/A	✓					Underway - 50%	5/27/2015	Update of workforce housing and elderly housing sections of zoning ordinance is underway
1.1	Town-Wide Recommendations	Evaluate the feasibility of building a graduated care facility within an activity center, and actively seek a development partner for expediting its construction. Remove unnecessary hurdles in the zoning and subdivision ordinances for construction. ¹	Near Term (2016)	In-House Resources	Town Council	Elder Affairs, Planning and Economic Development Department	N/A	✓	✓		✓		Underway - 50%	5/27/2015	Housing Opportunities Zoning Amendment contain provisions to encourage affordable and market rate elderly projects as well as assisted living and nursing home units.

Comprehensive Master Plan Recommendations-
Sorted by Focus Area
6/9/2015 Page 2 of 8

Number	Focus Area	Action	Timeframe (Completion date)	Budget Allowance	Lead Party	Other Partners	Funding Source	Regulatory Items supported by Zoning Audit	Private Sector Contribution?	Low-Hanging Fruit?	"Big Ticket Items"	Studies	Implementation status	Date of Status	Remarks
1.11	Town-Wide Recommendations	Include street connectivity standards in a form-based code that require every street be connected to another street in a new development, unless otherwise deemed not feasible because of topographic or environmental concerns.	Concurrent Action (2013)	See Budget Allowance for Form-Based Code	Planning Board	Traffic Safety Committee, Planning and Economic Development Department, Public Works Department	N/A	✓					Underway - 10%		
1.12	Town-Wide Recommendations	Include new rules and standards in a form-based code that addresses specific use, density, and design elements to reinforce safe and efficient transit service between major activity centers.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Cooperative Alliance for Regional Transportation, Planning and Economic Development Department	N/A	✓					Underway - 10%		
1.13	Town-Wide Recommendations	Connectivity standards should not be limited to automobiles.	Near Term	See Budget	Planning	Traffic Safety Committee,		✓					Underway - 10%		
1.14	Town-Wide Recommendations	Implement rules and requirements in a form-based code to build a comprehensive network of sidewalks, paths, and passage ways that make walking more convenient and enjoyable.	-2016	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department		✓					Underway - 10%		
1.15	Town-Wide Recommendations	Streamline the development review process (where necessary) to promote business recruitment and economic development in the study area. Remove unnecessary hurdles for attracting new or expanding business, including rules and requirements that make the development review process unfair, unclear, or cumbersome.	Concurrent Action (2013)	In-House Resources	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%	5/27/2015	2-review consultant policy added in 2013
1.16	Town-Wide Recommendations	Invest in agri-tourism activities at the community level as another tool for economic development. Provide a budget and the staff necessary to let it thrive, supporting a farmers market, general marketing and communication activities, etc. ¹	Near Term (2016)	\$15,000 (Annual)	Town Council	Planning and Economic Development Department	General Fund	✓	✓				Underway - 10%		
1.17	Town-Wide Recommendations	Partner with the New Hampshire Cooperative Extension Service to provide resources for individuals, businesses, schools, and family farms interested in growing food for local consumption.	Near Term (2016)	In-House Resources	Planning and Economic Development Department	Open Space Task Force, Conservation Commission	N/A		✓	✓			Not Yet Considered		
1.18	Town-Wide Recommendations	Provide incentives in a form-based code for development that includes high-quality architecture and place-making principles, which together reinforce the town's history and sense of place. Actively market the quality of development and Londonderry brand for recruiting new businesses and industries to the study area. ¹	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓		✓			Underway - 10%	5/27/2015	Apple Way state designation completed and reauthorized
2.01	Town-Led Initiatives	Embrace Light Imprint Design principles for managing the impact of new growth on the natural environment, especially for minimizing the amount of impervious surface associated with new development.	Concurrent Action (2013)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department, Public Works Department, Cons. Comm	N/A	✓					Underway - 10%	5/27/20015	Porous pavement utilized in Prologis site
2.02	Town-Led Initiatives	Advocate for a town-wide stormwater management strategy that spans the boundaries of individual parcels to collect and store stormwater in local lakes, ponds, streams, and swales for groundwater infiltration.	Near Term (2016)	In-House Resources	Planning Board	Planning and Economic Development Department, Public Works Department	N/A	✓				✓	Underway - 10%	5/27/2015	Town working on updates to site/subdivision regulations re: stormwater; in development
2.03	Town-Led Initiatives	Resume annual monitoring of the town's surface and groundwaters, following the protocol set up by the Environmental Baseline Study Committee in 2001.	Near Term (2016)	\$50,000 - \$100,000 (Annual)	Town Manager	Planning and Economic Development Department, Cons. comm	General Fund				✓		Not Yet Considered		
2.04	Town-Led Initiatives	Locate open space required in a form-based code to complement green elements depicted on the Green Print Initiative Map.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Conservation Commission, Open Space Task Force, Planning and Economic Development Department	N/A	✓		✓			Underway - 10%		
2.05	Town-Led Initiatives	Launch an education campaign and outreach program to let residents know about the benefits of vegetated areas for protecting surface waters.	Near Term (2016)	\$5,000 - \$15,000 (Annual)	Cons. Comm	Open Space Task Force, Planning and Economic Development Department	N/A			✓			Not Yet Considered		

Comprehensive Master Plan Recommendations-
Sorted by Focus Area
6/9/2015 Page 3 of 8

Number	Focus Area	Action	Timeframe (Completion date)	Budget Allowance	Lead Party	Other Partners	Funding Source	Regulatory Items supported by Zoning Audit	Private Sector Contribution?	Low-Hanging Fruit?	"Big Ticket Items"	Studies	Implementation status	Date of Status	Remarks
2.06	Town-Led Initiatives	Continue resistance to widening entire street segments in the study area; focusing instead on maintaining the grid street system to diffuse traffic, a complete streets policy to encourage other modes of travel, and building more walkable, mixed-use activity centers that capture trips before they reach the major street network.	Concurrent Action (2013)	N/A	Planning Board	Planning Board, Traffic Safety Committee, Planning and Economic Development Department, Public Works Department	N/A	✓					Underway - 10%		
2.07	Town-Led Initiatives	Make the town a more walkable community, focused on a hierarchy of new mixed-use, walkable activity centers and a complete street system that supports multi-modal travel behavior.	Concurrent Action (2013)	See budget for supporting actions	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		
2.08	Town-Led Initiatives	Lead a town-wide initiative to encourage 'active living' in the study area, including plans and policies that promote more walkable development and programs that increase the frequency and level of daily physical activity for students, families, employees, and seniors.	Near Term (2016)	In-House Resources	Planning and Economic Development Department	Open Space Task Force, Elder Affairs, Londonderry Recreation Committee	N/A	✓		✓			Underway - 10%		
2.09	Town-Led Initiatives	Participate in the Derry-Londonderry Chamber of Commerce, the Greater Manchester Chamber of Commerce, Metro Center, and other legislative or business organizations that promote economic development initiatives in Londonderry.	Concurrent Action (2013)	\$5,000 - \$15,000 (Annual)	Planning and Economic Development Department	Town Manager	General Fund			✓			Implemented - Maint. Mode	6/25/2014	Town is participating with each group mentioned. Town is also participating on the REDC CEDS Steering Committee
2.1	Town-Led Initiatives	Create a business liaison position within Town government responsible for helping new and existing businesses navigate the planning and approval process. Priority for this position should be on making it easier to open and run a business in Londonderry. Weekly office hours for drop-in questions and general education material to help businesses navigate the bureaucratic process should be maintained to support the initiative.	Concurrent Action (2013)	\$5,000 - \$15,000 (Annual)	Town Manager	Planning and Economic Development Department	General Fund			✓			Implemented - Maint. Mode	6/25/2014	Town is currently contracting with Arnett Development Group (ADG) to provide economic development assistance
2.11	Town-Led Initiatives	Form an action committee to work with state and regional leaders on new incentives, legislation, education opportunities, or town initiatives that will attract (and grow) businesses and industries to Londonderry. Key partners for the action committee will include the New Hampshire Department of Resources & Economic Development, Regional Economic Development Center of New Hampshire, and Southern New Hampshire Planning Commission, among others.	Concurrent Action (2013)	In-House Resources	Town Manager	Planning and Economic Development Department	N/A		✓				Underway - 50%		
2.12	Town-Led Initiatives	Town officials should support 'buy local' and 'support small business' campaigns in the study area, building a reputation for a community that values and partners with local businesses.	Concurrent Action (2013)	In-House Resources	Economic Development Task Force	Planning and Economic Development Department	N/A			✓			Not Yet Considered		
2.13	Town-Led Initiatives	Become the hub of sustainable development in Southern New Hampshire, promoting green town principles and technologies that will attract niche industries to the area. ³	Near Term (2016)	In-House Resources	Economic Development Task Force	Planning Board, Community Development Department	N/A	✓	✓				Not Yet Considered		
2.14	Town-Led Initiatives	Coordinate with local water and sewer utility providers to ensure adequate capacity is reserved for the magnitude and timing of future growth anticipated in the comprehensive master plan.	Concurrent Action (2013)	In-House Resources	Public Works Department	Derry Water Works Department, Manchester Water Works Department, Penichuck Water Service Company	N/A				✓		Not Yet Considered		
2.15	Town-Led Initiatives	Coordinate with the Londonderry School District on the timing and location of new development influenced by the comprehensive master plan and zoning ordinance, and strengthen their ties to the District's strategic plan and capital investment plan.	Concurrent Action (2013)	In-House Resources	Town Council	Londonderry School District, Planning and Economic Development Department	N/A						Implemented - Maint. Mode	5/27/2015	SAU is part of CIP process and has representation on Planning Board

Comprehensive Master Plan Recommendations-

Sorted by Focus Area

6/9/2015 Page 4 of 8

Number	Focus Area	Action	Timeframe (Completion date)	Budget Allowance	Lead Party	Other Partners	Funding Source	Regulatory Items supported by Zoning Audit	Private Sector Contribution?	Low-Hanging Fruit?	"Big Ticket Items"	Studies	Implementation status	Date of Status	Remarks
3.01	Specific Capital Projects	Build or improve pedestrian facilities identified in the recommended pedestrian facilities map. ³	Concurrent Action (2013)	\$50,000 - \$100,000 (Annual)	Londonderry Trailways	Open Space Task Force, Planning and Economic Development Department, Public Works Department	General Fund, New Hampshire DOT	✓			✓		Underway - 10%		
3.02	Specific Capital Projects	Build or improve bicycle facilities identified in the recommended bicycle facilities map; including bicycle routes on local streets and off-street, shared-use trails. Way-finding signage and pavement markings should be used throughout the proposed system to clearly designate bicycle routes and reinforce the presence of bicyclists in the travel realm. ³	Concurrent Action (2013)	\$50,000 - \$100,000 (Annual)	Londonderry Trailways	Open Space Task Force, Planning and Economic Development Department, Public Works Department	General Fund, New Hampshire DOT	✓		✓	✓		Underway - 10%		
3.03	Specific Capital Projects	Install a new emergency traffic signal at Fire Station One on Grenier Field Road.	Near Term (2016)	\$125,000 - \$200,000	Public Works Department	Southern New Hampshire RPC, Public Works Department	General Fund, New Hampshire DOT				✓		Not Yet Considered		
3.04	Specific Capital Projects	Improve the intersection of Pillsbury Road and Gilcreast Road. In the short-term, reconfigure the off-set intersection for stop control with signs placed to stop traffic on Gilcreast Road (southbound at both locations) and Pillsbury Road (eastbound and westbound). ⁴	Long-Term (2020)	\$10,000 - \$15,000	Public Works Department	New Hampshire DOT, Southern New Hampshire RPC	General Fund, Development Impact Fees			✓	✓		Not Yet Considered		
3.05	Specific Capital Projects	Improve the intersection of Pillsbury Road and Gilcreast Road. In the long-term, construct two single-lane roundabouts that work together to ease congestion in the area. The southern roundabout should include a right-turn bypass lane from Gilcreast Road (northbound) to Pillsbury Road (eastbound). ⁴	Long-Term (2020)	\$500,000 - \$700,000	Public Works Department	New Hampshire DOT, Southern New Hampshire RPC	General Fund, Development Impact Fees		✓		✓		Not Yet Considered		
3.06	Specific Capital Projects	Improve the intersection of Sanborn Road and Rockingham Road. Reconfigure the intersection for a turbine treatment (i.e., a modified roundabout design). ⁴	Long-Term (2020)	\$250,000 - \$500,000	New Hampshire DOT	Southern New Hampshire RPC, Public Works Department	New Hampshire DOT				✓		Not Yet Considered		
3.07	Specific Capital Projects	Improve the intersection of Grenier Field Road and Mammoth Road. Add eastbound right and westbound left turn lanes at the signalized intersection on Grenier Field Road to improve intersection performance. ⁴	Long-Term (2020)	\$75,000 - \$100,000	New Hampshire DOT	Southern New Hampshire RPC, Public Works Department	New Hampshire DOT				✓		Not Yet Considered		
3.08	Specific Capital Projects	Improve the intersection of Harvey Road and Grenier Field Road. Construct a double-lane roundabout at the Webster Road and Grenier Field intersection, and convert Harvey Road to two-way traffic between Webster Road and Grenier Field Road. Webster Road should be widened to four lanes between Harvey and Grenier Field Roads to support proposed turning movements.	Long-Term (2020)	\$2.0 - \$3.0M	New Hampshire DOT	Southern New Hampshire RPC, Public Works Department	New Hampshire DOT				✓		Not Yet Considered		
3.09	Specific Capital Projects	Expand the Town's sewer collection and interceptor system to keep pace with growth, with priority given to serving new and emerging activity centers. ³	Near Term (2016)	Total estimated project cost: \$3M to \$20M	Public Works Department	Manchester Wastewater Department, Derry Wastewater Department	Program Revenues	✓			✓		Underway - 10%	5/27/2015	Facilities Plan underway by DPW; Plan to identify potential expansion areas
3.1	Specific Capital Projects	Invest in local police service to keep pace with growth. New police sub-stations, equipment and personal should be focused where development is most concentrated. ⁴	Long-Term (2018)	\$10,000 - \$20,000 (Annual, Demand-Driven)	Town Council	Police Department	General Fund, Program Revenues			✓	✓		Underway - 10%		
3.11	Specific Capital Projects	Invest in fire protection and emergency medical services to keep pace with growth. New fire stations, equipment, or personnel should be focused where development is most concentrated. ⁴	Long-Term (2018)	\$10,000 - \$20,000 (Annual, Demand-Driven)	Town Council	Fire Department	General Fund, Program Revenues			✓	✓		Underway - 75%	5/27/2015	Town committed to hiring new firefighters following 2015 Town Meeting vote
3.12	Specific Capital Projects	Coordinate with local utility providers to identify opportunities to bury existing utility lines, and require buried utilities in new development (especially new activity centers) to minimize the risk of outages in the community. ²	Long-Term (2018)	\$100,000 - \$300,000 (Annual Town Contribution)	Planning Board	Planning and Economic Development Department	General Fund, Program Revenues, Utility Service Provider	✓	✓		✓		Underway - 10%		

Comprehensive Master Plan Recommendations-

Sorted by Focus Area

6/9/2015 Page 5 of 8

Number	Focus Area	Action	Timeframe (Completion date)	Budget Allowance	Lead Party	Other Partners	Funding Source	Regulatory Items supported by Zoning Audit	Private Sector Contribution?	Low-Hanging Fruit?	"Big Ticket Items"	Studies	Implementation status	Date of Status	Remarks
4.01	Focus Area: Pettengill Road	Include new rules and standards in a form-based code for minimum lot size, list of permitted uses, site design standards, and building design elements to be consistent with a strategy developed for recruiting target industries to the village.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		
4.02	Focus Area: Pettengill Road	Include new rules and standards in a form-based code to implement village-wide design guidelines for all lots and buildings.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning Board, Planning and Economic Development Department	N/A	✓					Underway - 10%		
4.03	Focus Area: Pettengill Road	Include typical street section requirements in a form-based code to promote more walkable streets in the industrial village; emphasizing key principles from a new complete street design policy recommended for the town.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department, Public Works Department	N/A	✓					Underway - 10%		
4.04	Focus Area: Pettengill Road	Expand the type of uses allowed in a form-based code for this area to support services recommended for the industrial village; extending activities in the village area beyond normal work hours.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		
4.05	Focus Area: Pettengill Road	Include new rules and standards in a form-based code to allow recreation facilities as a permitted use.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Conservation Commission, Open Space Task Force, Planning and Economic Development Department	N/A	✓					Underway - 10%		
4.06	Focus Area: Pettengill Road	Continue fundraising campaign to build the rail-trail, beginning work soon on a preliminary engineering study. Explore opportunities to partner with the development community to expedite construction of the segment proposed through the industrial village. ³	Near Term (2016)	Total estimated project cost: \$1.5M - \$2.0M (outside funding sources are being sought)	Londonderry Trailways	Planning and Economic Development Department, Public Works Department	General Fund, Grant Opportunities, Donations	✓	✓		✓		Underway - 10%		
4.07	Focus Area: Pettengill Road	Include new rules and standards in a form-based code that increase minimum green space requirements and allow agriculture as a permitted use.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning and Economic Development Department	Conservation Commission, Open Space Task Force, Planning and Economic Development Department	N/A	✓					Underway - 10%		
5.01	Focus Area: Town Center Rec Village	Update the Auditorium Study Committee report completed in 2006 to reaffirm if the conclusions and recommendations are still valid for 2012.	Concurrent Action (2013)	In-House Resources	Town Manager	School District	N/A					✓	Closed	5/27/2015	Study Committee report completed; Warrant question failed at Town Meeting; Closed for time being.
5.02	Focus Area: Town Center Rec Village	Evaluate the feasibility of building a field house and community pool at this location; start the process to secure funding for these improvements.	Near Term (2016)	\$100,000 - \$200,000	Recreation Department	Londonderry Recreation Committee	General Fund		✓		✓	✓	Not Yet Considered		
5.03	Focus Area: Town Center Rec Village	Evaluate the feasibility for reorganizing the ball fields in this location and start the process to secure funding for these improvements.	Near Term (2016)	\$100,000 - \$200,000	Recreation Department	Londonderry Recreation Committee	General Fund		✓		✓	✓	Not Yet Considered		
5.04	Focus Area: Town Center Rec Village	Include provisions in a form-based code to allow the type and scale of neighborhood development recommended in this location.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		
5.05	Focus Area: Town Center Rec Village	Include new rules and standards in a form-based code to allow assisted living facility and nursing home as permitted uses.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		
5.06	Focus Area: Town Center Rec Village	Sponsor and administer a community garden program for town residents, with fee-simple purchase or lease agreements for agriculture uses, loan garden tools or donate seed and supplies, and connect growers with a local farmers market. ³	Near Term (2016)	\$5,000 - \$15,000	Town Manager	Londonderry Recreation Committee, Recreation Department, Planning and Economic Development Department, Cons. Comm	General Fund	✓	✓	✓			Underway - 10%		
6.01	Focus Area: Town Center	Support provisions in a form-based code to allow the unique design proposed for the church site.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department, Heritage Commission	N/A	✓	✓				Closed	5/27/2015	Church property site plan approved since plan adoption

Comprehensive Master Plan Recommendations-
Sorted by Focus Area
6/9/2015 Page 6 of 8

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6.02	Focus Area: Town Center	Complete a formal study of the town commons area to refine recommendations for making it a formal destination in the community, and develop zoning regulations to ensure proper execution of the vision.	Near Term (2016)	\$35,000 - \$60,000	Town Council	Planning and Economic Development Department, Heritage Commission	General Fund	✓		✓	✓	✓	Underway - 50%	5/27/2015	Town Center Concept Plan completed for Committee. Minor improvements approved by Heritage Commission
6.03	Focus Area: Town Center	Evaluate the feasibility of a skating pond in the town forest, and start pre-planning for extension of trails leading to the pond.	Near Term (2016)	In-House Resources	Heritage Commission	Londonderry Recreation Committee, Londonderry Trailways, Cons. Comm, Heritage Comm, Recreation Comm.	N/A			✓			Underway - 10%		Discussions underway at Committee level. Presentations made to Cons. Comm, Heritage and Master Plan Imp. Committee. Heritage adopted goal of new trails in Town Forest by 2019
6.04	Focus Area: Town Center	Determine whether map 9 lot 49 (corner of Mammoth & Pillsbury) should become permanent open space, and secure funding for its purchase if deemed appropriate. Alternatively, develop provisions in a form-based code to allow this type and scale of neighborhood development contemplated in this location.	Near Term (2016)	See Budget Allowance for Form-Based Code	Londonderry Conservation Commission	Planning and Economic Development Department	N/A	✓		✓			Underway - 10%		
6.05	Focus Area: Town Center	Move forward with funding recommended improvements for the new town commons area proposed in the comprehensive master plan.	Long-Term (2020)	\$250,000 - \$450,000	Town Council	Planning and Economic Development Department	General Fund				✓		Underway - 10%	5/27/2015	Concept plan completed by Implementation Committee. New trails in Town Forest added by volunteer effort
6.06	Focus Area: Town Center	Work with the New Hampshire Department of Transportation to implement improvements for Mammoth Road that emphasize complete street design principals; program funding for these improvements as a catalyst for redevelopment in the town commons.	Long-Term (2020)	\$150,000 - \$250,000	Town Council	Public Works Department	New Hampshire DOT				✓		Not Yet Considered		
7.01	Focus Area: North Village Artisan District	Use provisions in a form-based code to allow expansion of the street network in a grid format.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning and Economic Development Department	Public Works Department	N/A	✓					Underway - 10%		
7.02	Focus Area: North Village Artisan District	Include provisions in a form-based code to allow retrofit of existing mill buildings for mixed use development.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Heritage/Historic District Commission, Community Development Department	N/A	✓					Underway - 50%	5/27/2015	Housing Opportunities Zoning Amendment contain provisions to encourage mixed use developments and live-work units.
7.03	Focus Area: North Village Artisan District	Continue fundraising campaign to build the rail-trail, beginning work soon on a preliminary engineering study.	Near Term (2016)	\$35,000 - \$85,000	Londonderry Trailways	Planning and Economic Development Department, Public Works Department	General Fund, Grant Opportunities, Donations		✓		✓	✓	Underway - 50%		New mileage added in 2014 at no cost to Town. Grant opportunity for crossing Rte 28 not pursued due to lack of available match.
7.04	Focus Area: North Village Artisan District	Coordinate with the New Hampshire Department of Transportation to program recommended improvements at the intersection of Rockingham Road and Sanborn Road.	Long-Term (2020)	\$150,000 - \$250,000	Public Works Department	New Hampshire DOT	New Hampshire DOT				✓		Underway - 10%	5/27/2015	Early discussions have taken place. No schedule in place yet.
7.05	Focus Area: North Village Artisan District	Program improvements to North Londonderry Elementary School in the School District's Capital Improvements Program.	Long-Term (2020)	N/A	Londonderry School District	Town Council, Community Development Department	N/A				✓		Underway - 50%	5/27/2015	CIP process for 2017-2022 initiating in July, 2015
8.01	Focus Area: South Village Suburban Retrofit	Include new rules and standards in a form-based code to reduce minimum front yard setback requirements along the Nashua Road Corridor.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		

Comprehensive Master Plan Recommendations-
Sorted by Focus Area
6/9/2015 Page 7 of 8

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8.02	Focus Area: South Village Suburban Retrofit	Include new rules and standards in a form-based code to allow urban character development.	Near Term (2016)	See Budget Allowance for Form-Based Code	Planning Board	Planning and Economic Development Department	N/A	✓					Underway - 10%		
8.03	Focus Area: South Village Suburban Retrofit	Promote redevelopment of the existing apartment complex through policy incentives. Reach out to the property owner to gauge interest for moving forward with the redevelopment project.	Near Term (2016)	In-House Resources	Planning Board	Planning and Economic Development Department, Private Developer	N/A	✓	✓				Underway - 10%		
8.04	Focus Area: South Village Suburban Retrofit	Undertake a corridor study for Route 102 to make the street more walkable and ready for future fixed-route bus service.	Near Term (2016)	\$50,000 - \$100,000	Planning Board	Planning and Economic Development Department, Public Works Department	N/A				✓	✓	Not Yet Considered		
8.05	Focus Area: South Village Suburban Retrofit	Make improvements to the town park on Route 102 to activate this quadrant of the activity center.	Long-Term (2020)	\$100,000 - \$300,000	Recreation Department	Recreation Committee, Community Development Department	General Fund				✓		Closed	6/25/2014	Deleted due to infeasibility of material changes to the described parcel
9.01	Specific Plans and Studies	Study the feasibility of implementing a transfer of development rights program to protect scenic view sheds and natural areas in town.	Near Term (2016)	In-House Resources	Town Council	Planning and Economic Development Department, Cons. Comm	N/A	✓				✓	Underway - 10%		
9.02	Specific Plans and Studies	Update the 1990 Water Resources Management Plan to evaluate the potential for a town-wide stormwater management strategy and identify next steps for moving forward.	Near Term (2016)	\$50,000 - \$150,000	Town Council	Planning and Economic Development Department, Public Works Department, Cons. Comm	General Fund				✓	✓	Not Yet Considered		
9.03	Specific Plans and Studies	Work with the New Hampshire Department of Transportation and Southern New Hampshire Regional Planning Commission to include the extension of Pettengill Road, between Industrial Drive and Raymond Wieczorek Drive, in their adopted plans and work programs.	Concurrent Action (2013)	In-House Resources	Town Council	New Hampshire DOT, Southern New Hampshire RPC	N/A					✓	Implemented - Maint. Mode	5/27/2015	Pettengill Road under construction
9.04	Specific Plans and Studies	Develop a comprehensive bicycle and pedestrian plan to facilitate the implementation of a safe and accessible system of trails in accordance with the recommendations of the master plan. The Town should work with Londonderry Trailways to look for alternative funding sources as matching contributions to state or federal grants. ¹	Near Term (2016)	\$35,000 - \$65,000	Planning and Economic Development Department	Open Space Task Force, Planning and Economic Development Department, Public Works Department, Trailways	General Fund	✓			✓	✓	Underway - 10%		
9.05	Specific Plans and Studies	Complete a transit circulator feasibility study to confirm when demand for such a service would be high, and establish appropriate service parameters and cost estimates for implementing the preferred system.	Long-Term (2020)	\$20,000 - \$35,000	Planning and Economic Development Department	Cooperative Alliance for Regional Transportation	General Fund				✓	✓	Not Yet Considered		
9.06	Specific Plans and Studies	Stay committed to the www.thriveinlondonderry.com website as a one-stop resource for advertising sites, statistics, and quality-of-life in Londonderry important to recruiting new businesses or industries to the area.	Concurrent Action (2013)	In-House Resources	Planning and Economic Development Department	Town Council	N/A			✓		✓	Implemented - Maint. Mode	6/25/2014	Town has developed a new economic development site as part of the the existing londonderrynh.org. Construction of a new "living in Londonderry" site is complete.
9.07	Specific Plans and Studies	Update the 2008 Community Economic Development Plan to reflect key economic drivers in the new economy (i.e., post 2008 Recession) and the development types, patterns, and intensities recommended in the comprehensive master plan. Key topics for the plan update should include: regional cooperative partnerships, growing existing business, education and training opportunities, and maximizing community assets for economic development.	Near Term (2016)	\$50,000 - \$80,000	Planning and Economic Development Department	Town Manager, Economic Development Task Force	General Fund				✓	✓	Not Yet Considered		

Comprehensive Master Plan Recommendations-
Sorted by Focus Area
6/9/2015 Page 8 of 8

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9.08	Specific Plans and Studies	Review the Londonderry Hazard Mitigation Plan on an annual basis and update the document every three to five years. ³	Near Term (2016)	\$15,000 - \$25,000	Planning and Economic Development Department	Town Council, Cons. Comm	General Fund	✓			✓	✓	Underway - 75%	5/27/2015	Plan update in progress, Committee established and report is being assembled by SNHPC
9.09	Specific Plans and Studies	Update the Londonderry Wastewater Facilities Plan based on the development types, patterns, and intensities recommended in the comprehensive master plan.	Near Term (2016)	\$85,000 - \$125,000	Public Works Department	Manchester Wastewater Department, Derry Wastewater Department	Program Revenues				✓	✓	Underway - 50%	5/27/2015	Facilities Plan underway by DPW

Footnotes:

1. Recommendation contains multiple parts which may be addressed by the Town in differing time periods and/or projects
2. Implementation of this recommendation may require private sector support.
3. Implementation of this recommendation may take the form of incentives included in future iterations of the Town's land use regulations
4. Implementation of this recommendation may be concurrent with development projects in the vicinity as off-site improvements