

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF MAY 12, 2010 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Charles Tilgner, P.E.; Lynn Wiles;
6 Laura El-Azem; Chris Davies; Cole Melendy, P.E., alternate member; Scott
7 Benson, alternate member; Dana Coons, alternate member; John Farrell, Ex-
8 Officio; Rick Brideau, CNHA, Ex-Officio; George Herrmann, Ex-Officio
9

10 Also Present: André Garron, AICP; Tim Thompson, AICP; John Trottier, P.E.;
11 Cathy Dirsa, Planning Division Secretary
12

13 M. Soares called the meeting to order at 7:02PM.
14

15 **Administrative Board Work**
16

17 A. Extension Request – Albird Subdivision – Map 16, Lot 58
18

19 T. Thompson referenced the letter from Virginia C St Cyr, requesting a one
20 year extension of the plans that expired on May 7, 2010. This request is due
21 to the current market and the slow approval of these plans. T. Thompson said
22 that staff is supportive of the request.
23

24 **R. Brideau made a motion to grant a one year extension for Albird**
25 **subdivision. L. Wiles seconded the motion. No discussion. Vote on the**
26 **motion: 7-0-2 (J. Farrell and A. Rugg abstained because they were**
27 **not in the room during the discussion). Extension for one year was**
28 **granted.**
29

30 M. Soares passed the Chair back to A. Rugg.
31

32 B. Extension Request – Buttrick Professional Offices Phase 5 Site Plan – Map 6,
33 Lot 34
34

35 T. Thompson referenced the letter from Bob Meissner, DHB Inc., requesting a
36 one year extension to the final approval of this project due to the current
37 economic conditions. He said that staff is supportive of the request.
38

39 **J. Farrell made a motion to grant a one year extension for Phase 5 of**
40 **the Buttrick Professional Offices site plan. R. Brideau seconded the**
41 **motion. No discussion. Vote on the motion: 9-0-0. Extension for one**
42 **year was granted.**
43

44 C. Extension Request – Nutfield Publishing Site Plan – Map 12, Lot 68
45

46 T. Thompson referenced the letter from Chris Paul, Crowells Corner LLC,
47 requesting a one year extension to the site plan approval that will expire on
48 June 10, 2010. He said that at this point he will leave this to the Board, given
49 the discussion with the town attorney previous to the meeting and he stated

1 that staff will be making no recommendation.

2
3 Chris Paul, Crowells Corner LLC, 2 Litchfield Rd and Thomas Grodt, Attorney
4 representing Crowells Corner LLC, were present to answer any questions.

5
6 *[At request of Planning Board Chair, a transcript of this agenda item follows.]*
7

8 A. Rugg: How long has Nutfield Publishing been operating at 2 Litchfield
9 Road?

10 T. Thompson: November 2006

11 A. Rugg: Do you have a Certificate of Occupancy (CO) to operate there?

12 C. Paul: Not yet

13 M. Soares: Is your expectation that there is going to be any possibility that
14 you will be doing any site work in the next year?

15 C. Paul: That's my hope, that we would be able to do some site work within
16 the next year. It would take some capital to do that, but that's certainly what
17 our plans were.

18 A. Rugg: Any probability at all of that occurring?

19 Attorney Grodt: I think the issue is going to be one of the economy at that
20 point. They've certainly done their diligence in applying for loans and the like,
21 but given the economy and the nature of what they do as a business it's been
22 a very difficult environment, so they will certainly continue with their
23 diligence in terms of applying for financing.

24 C. Paul: We're looking at going towards the grant route at this point, not the
25 traditional bank, for historic preservation.

26 A. Rugg: What grants are you seeking?

27 C. Paul: It would be more of a historic preservation.

28 D. Coons: How long do you expect that to take?

29 C. Paul: It's in the works currently, so they should know one way or the
30 other within the next few months.

31 D. Coons: What are your plans if that does not prove to be successful?

32 C. Paul: Obviously we're not going to be able to do the site plan. If we're not
33 able to gain capital to come up with (I think) \$55,000 at this point, then
34 obviously we're going to have to vacate or pull our plans back and maybe
35 come back at a different time, when maybe the economy is a little better.

36 A. Rugg: Assuming that we do grant an extension, what are your immediate
37 plans, within the next month?

38 C. Paul: To keep pursuing the possibility of some capital. We would also try
39 to get a surety bond to have a preconstruction meeting at least and
40 inspection escrow.

41 A. Rugg: Do you have a date set for the preconstruction meeting at this
42 point?

43 C. Paul: No we have no date set.

44 A. Rugg: This has been probably a 4 year saga for us, from the town having
45 to go to court for the site plan and constantly trying to work with you to get
46 you to this point.

47 C. Paul: I certainly appreciate it.

48 A. Rugg: I think we've really bent over backwards. That's my feeling and I
49 think the Board's feeling also for those 4 years.

50 Attorney Grodt: I think part of the issue has been, in this rather torturous

1 process though, is that between the lawsuit and the Town Council zoning it a
2 C-III, it sort of tied the Planning Board's hands in terms of the flexibility that
3 you could even have in dealing with this historic building and that's been one
4 of the issues. While they appreciate the efforts of the town in helping them
5 deal with it, they've sort of been caught between a rock and a hard place in
6 terms of what flexibility there is.

7 M. Soares: How do you mean?

8 Attorney Grodt: As far as the total cost of the project, etc. that they've done
9 and it's been 3 or 4 years now that this has been sort of held in limbo. It's
10 not that they're not trying to do this, they certainly are. I think one of the
11 issues though that the Board should consider would be that this really looks
12 like its two problems at this point. One of which is the building itself. My
13 understanding is that the building is just lacking a fire inspection to be
14 completely up to code. The other issue is the parking facility and the
15 driveway and things like that. I think if we can look at this as two separate
16 issues...we should probably look at the building, get the building finalized,
17 have the final inspections done and the building be certified at that point.
18 Then we would be able to work on the parking lot and the driveway. There
19 are options available at that point that they need to investigate as well. One
20 of which would be to attempt another site plan with a smaller parking area,
21 given that there haven't really been any issues with traffic or increase of
22 accidents or anything at that site. Do they require a parking lot as large as
23 currently set or would there be a waiver or would there be something else
24 that they could possibly do to help work around this deal. I think the issue, if
25 you look at it from a two problem prospective, one of those can be solved
26 quickly and the other one can be worked on.

27 A. Rugg: I think from our prospective, you have to look at it basically as not
28 a legal operation there now. If we do grant an extension, I'm not quite sure
29 of the assurances of what's going to happen given the past history. Should
30 the town put itself out, in essence proving illegal operation?

31 Attorney Grodt: That's the reason I would suggest looking at it as a two part
32 problem and with the first part going with the building, so that the building is
33 certified as being up to code, solving that problem and now you don't have
34 the issue of the town allowing a building that's not up to code being occupied
35 for work. Then the question becomes one of the traffic issues and the parking
36 issues at that point.

37 A. Rugg: There's public safety issues, even internally with the building.

38 L. El-Azem: Are you saying that the only thing that's standing between you
39 and a CO is a fire inspection.

40 C. Paul: I don't believe that's the case, no.

41 Attorney Grodt: But in terms of the building being up to code, not in terms of
42 the entire site plan being approved, which is my understanding of what a
43 commercial building CO represents.

44 J. Farrell: Mr. Chairman, I believe we were just advised not to consider those
45 type of things.

46 L. El-Azem: That was only part of my question. The other part is, it's been a
47 year since it was approved and I just wanted to hear from you, what kind of
48 progress...I understand that you've been applying for some loans and things
49 like that, but what else has been going on in terms of making progress
50 towards the site plan being accomplished, in the past year?

1 C. Paul: We couldn't do anything until we had the finances. We had to have
2 a preconstruction meeting in order to even start anything and without any
3 kind of finances to back the fact that we were going to start, it seemed like a
4 moot point.

5 A. Rugg: At least you could have the meeting. That would have been a good
6 step. I think filing for permits would be another good step that could have
7 occurred in the past year. Some of the permits do not have a great cost. At
8 least that would have shown that you were serious on developing that site.

9 C. Paul: I had sent Tim Thompson a letter recently and asked him if that was
10 something we could do to get the ball rolling. He told me that we couldn't do
11 anything until we had that surety bond.

12 A. Rugg: Yes, that is required also, of everyone. We don't make exceptions.
13 The reason for that is to protect the town.

14 C. Paul: I was willing to start doing the things that weren't going to be of
15 great costs, but I was advised not to, by Tim.

16 A. Garron: You mentioned that you were going to be submitting for a historic
17 preservation grant. What is the maximum amount awarded for that grant?

18 C. Paul: I'm not sure.

19 A. Garron: Is that something you're going to submit or you already
20 submitted it?

21 C. Paul: We have a company that's doing work for us. They're the ones that
22 are submitting it.

23 A. Garron: No idea what the maximum award would be for that. Whether it's
24 \$10,000 or \$50,000 or \$100,000.

25 C. Paul: No

26 Deb Paul, 118 Hardy Road: We have submitted three different grants. One of
27 them was for \$10,000. One was for \$24,000. Another one was for \$13,000.
28 We have gotten back one letter and we're moving forward. One of them is
29 with a Foundation. I can't disclose those names at this time, because of a
30 legal document I signed with the company.

31 A. Garron: So that is potentially \$47,000 or \$57,000.

32 M. Soares: Were we to not extend this site plan, Nutfield Publishing could
33 come back in the future and ask us to reaffirm it when they do have the
34 funds in place. As long as nothing has changed in regards to the regulations,
35 in our past we have been willing to do that.

36 T. Thompson: That is something the Board has done in the past, correct.

37 A. Rugg: Yes, because the site plan had lapsed and they came back to us
38 and the Board had reaffirmed that once already.

39 M. Soares: We would be able to do that again. Would there be a cost to
40 them at that point, other than cost they would incur anyways.

41 T. Thompson: There is no cost to that. It's an administrative action of the
42 Board and does not require a public hearing, so there are no fees involved
43 with that at all.

44 A. Rugg: They would just ask for it to be reinstated. Our site plans have no
45 substantial changes in the works.

46 Attorney Grodt: The reality is that they would be forced to leave the
47 building. The building would sit vacant at that point because it's not up to
48 code for commercial and it's zoned (I believe) C-III, so they couldn't even
49 rent it as residential and the building itself would be vacant. There would be
50 an economic loss for them.

1 J. Farrell: They could go to the ZBA and be able to rent it as residential,
2 correct?
3 Attorney Grodt: They would have to go to ZBA and have them rule on that.
4 It's not something that would happen quickly.
5 J. Farrell: I would certainly be more than willing to testify on their behalf.
6 M. Soares: As would I.
7 Attorney Grodt: Thank You.
8 A. Rugg: This Board historically has been more than helpful and I think at
9 the moment there are definitely frustrations. We would like to see it be
10 successful, but on the other hand we do have to protect the town because of
11 liabilities and there are other businesses that see what's going on and say
12 why can't we be treated like this. We have to be cognizant of that. That is the
13 other side of the coin. We have to think of everyone.
14 Attorney Grodt: The Board has given extensions for financial reasons to
15 other businesses as well. I understand the distinctions between those
16 situations and here, but again those other buildings were basically under
17 construction at the time as opposed to being a 150 or 200 year old building
18 that was occupied at the time. The Board has given these extensions before
19 for financial reasons.
20 A. Rugg: Yes, we do know that, but this is a little unusual case, a real
21 anomaly.
22 Attorney Grodt: I understand, although the distinction being that the other
23 buildings were not built at the time or they were not able to be occupied at all
24 because they weren't finished. We understand the differences there, but the
25 Board has granted extensions for economic reasons.
26 A. Rugg: Our dilemma is that it's an illegal operation right now. Enforcement
27 is not in our purview. We have to be cognizant of what we do that could
28 extend such a thing.
29 L. El-Azem: The last paragraph requests a 30 day extension so the business
30 operating there may move without interruption. Could someone please
31 explain to me why that would make a difference?
32 T. Thompson: It wouldn't
33 A. Rugg: There is actually 29 days between now and June 10. It would be
34 the same time period.
35 C Paul: I meant from the 10th of June. Sorry, I didn't make that clear on the
36 letter.
37 J. Farrell: If we were to not grant an extension, would we be allowed to give
38 them 30 days from June 10 so they could organize.
39 T. Thompson: That would be direction (I think) from the Town Council to the
40 Enforcement Officer, to not enact any enforcement action during that 30 day
41 period.
42 J. Farrell: If this Board decided not grant an extension, I would have to take
43 it to the Town Council and ask the Town Council to give that direction.
44 T. Thompson: Correct.
45
46 **M. Soares made a motion to grant a one year extension to Nutfield**
47 **Publishing site plan. R. Brideau seconded the motion.** No discussion.
48 **Vote on the motion: 0-9-0.** Motion failed.
49
50 **M. Soares made a motion to deny one year extension to Nutfield**

1 **Publishing site plan. R. Brideau seconded the motion.** No discussion.
2 **Vote on the motion: 9-0-0.** One year extension was denied.

- 3
4 D. Reaffirmation of Approval and Extension Request – Benson Lumber Millwork
5 Building Site Plan – Map 7, Lot 40-11

6
7 A. Rugg said to let the records show that Scott Benson, alternate member,
8 was not voting tonight.

9
10 T. Thompson referenced the letter from Bradley Benson, Benson Lumber,
11 requesting reinstatement of the conditional approval that has expired and a
12 six month extension. He said that they are in the process of setting up a
13 preconstruction meeting to start construction on the facility. T. Thompson
14 said there have been no changes to ordinances and regulations that impact
15 this plan and that staff is supportive of the request.

16
17 **J. Farrell made a motion to reaffirm approval and grant a six month**
18 **extension of this plan. R. Brideau seconded the motion.** No discussion.
19 **Vote on the motion: 9-0-0.**

- 20
21 E. Plan to Sign - Reeds Ferry Expansion Site Plan – Map 2, Lots 34 & 34-3

22
23 J. Trottier said all precedent conditions for approval have been met and the
24 staff recommends signing the plans.

25
26 T. Thompson noted that these plans must also be signed by the Town of
27 Hudson, and a voluntary merger needs to be signed by the chair.

28
29 **J. Farrell made a motion to authorize the Chair and Secretary to sign**
30 **the plans. R. Brideau seconded the motion.** No discussion.

31
32 **J. Farrell made a motion to authorize the Chair to sign the voluntary**
33 **lot merger form. R. Brideau seconded the motion.**

34
35 **Vote on the two motions: 9-0-0.** A. Rugg said the plans and voluntary lot
36 merger form will be signed at the conclusion of the meeting.

- 37
38 F. Governmental Land Use Request – Slusser Aviation Learning Center – Map
39 28, Lot 19

40
41 T. Thompson referenced the letter from Richard Fixler, with a request under
42 RSA 674:54 for the planned construction of the new Slusser Aviation Learning
43 Center, adjacent to the existing museum (former terminal building at the
44 airport). The architectural design of the building will be in keeping with the
45 overall design of the original terminal building. He asked the Board whether
46 or not they would like a public hearing for this project. Consensus of the
47 Board was to ask the airport representative to come before the Board for an
48 informational update on this and other Airport projects. A public hearing for
49 this project is not required.

1 G. Approval and Signing of Minutes - April 7 & 14

2
3 **J. Farrell made a motion to approve and sign the minutes from the**
4 **April 7 meeting. R. Brideau seconded the motion.** No discussion. **Vote**
5 **on the motion: 7-0-2.** (L. Wiles and G. Herrmann abstained because they
6 were absent at the April 7 meeting).

7
8 **J. Farrell made a motion to approve and sign the minutes from the**
9 **April 14 meeting. R. Brideau seconded the motion.** No discussion. **Vote**
10 **on the motion: 7-0-2** (M. Soares and C. Tilgner abstained because they
11 were absent at the April 14 meeting).

12
13 Minutes for April 7 and April 14 are approved and will be signed at the
14 conclusion of the meeting.

15
16 H. Regional Impact Determinations

17
18 T. Thompson stated that the Estate of Stephen Manning c/o Bernard Manning
19 is proposing a 2 lot subdivision on Map 3, Lot 185 and Demoulas Super
20 Markets, Inc. is proposing a Relocation of Market Basket into the former
21 Sears Essentials location, minor demolition and additions to the existing
22 structure on Map 10, Lots 52 & 54-1. He said that staff recommends these
23 projects are not developments of regional impact, as they do not meet any of
24 the regional impact guidelines suggested by Southern NH Planning
25 Commission (SNHPC).

26
27 **J. Farrell made a motion to accept staff recommendations that these**
28 **two projects are determined not to be of regional impact under RSA**
29 **36:56. R. Brideau seconded the motion.** No discussion. **Vote on the**
30 **motion: 9-0-0.**

31
32 I. Discussions with Town Staff

- 33
34
35 • Mr. Steer - Outdoor Cooler

36
37 T. Thompson said that Mr. Steer has stated that due to the success of the
38 café they have found that they are running out of space for cold storage
39 and freezer storage. They are proposing to add an 8' x 10' enclosed area
40 to the end of the building to house and screen an outdoor freezer. The
41 reason this is before the Board tonight is for direction from the Board as
42 to whether or not they want this to come back in for a site plan review or
43 if they are comfortable with staff handling it administratively. The Board
44 said they are comfortable with staff handling it administratively. They also
45 said they would like to see vegetation used as screening.

46
47 *[J. Farrell left the room at 7:30PM]*

- 48
49 • Mammoth Green Driving Range - Covered Tee Boxes

50
51 T. Thompson referenced a letter from Vinaya Gupta, Owner/Operator of

1 Mammoth Green Driving Range. They would like to provide a covering
2 over five of the tee boxes at their driving range to provide shade on sunny
3 days and protection from the weather on rainy days. T. Thompson said he
4 consulted with John Trottier, DPW Engineer, and they feel that given the
5 overall size of the site and the amount of green area, it does not appear
6 that drainage would be a significant concern for this project. The reason
7 this is before the Board tonight is for direction from the Board as to
8 whether or not they want this to come back in for a site plan review or if
9 they are comfortable with staff handling it administratively. The Board
10 said they are comfortable with staff handling it administratively.

- 11
- 12 • PSNH - 32W4 Line Project Status update presentation offer
- 13

14 T. Thompson referenced a letter from Nick Golan, TF Moran, on behalf of
15 PSNH. They are offering to provide a status report to the Planning Board
16 on the particular project which extends from the Scobie Pond distribution
17 station in Derry, through Londonderry to the Ash St substation in Derry.
18 They would like to know if the Board is interested in PSNH giving them an
19 overview of the project. The Board would like to see them at the June 9
20 meeting.

- 21
- 22 • Londonderry Trailways DRC status
- 23

24 T. Thompson said that last year when we looked at the regulations, part of
25 the DRC comment process included the Londonderry Trailways Committee.
26 He said that the Trailways is not specifically mentioned in the regulations. He
27 asked the Board if they wanted to continue to include them or to drop them
28 from the list. G. Herrmann suggested contacting Bob Saur, Trailways
29 Committee.

30

31 T. Thompson reminded everyone that Sunday, May 16 is the Apple Blossom
32 5K Walk for Autism.

33

34 A. Garron said that a few weeks back they got a draft report of the housing
35 needs assessment. Southern NH Planning Commission (SNHPC) updates the
36 housing needs assessment every five years and the last update was done in
37 2005. He said that the SNHPC is on their way to completing the next update,
38 and asked the Board to let him know if they have any questions or comments
39 on this. The last update focused on rental property (where Londonderry was
40 with regard to deficiencies within its rental property). This one examines what
41 percentage of Londonderry's existing housing stock currently meets the
42 threshold of affordability in accordance to the Housing and Urban
43 Development (HUD) standards, which in this report is \$90,600 for a 4 person
44 household. The 2005 update didn't focus much on that at all. In accordance
45 with the analysis that was done by SNHPC and Bruce Mayberry (hired
46 consultant for this project), currently as of 2008 Londonderry had 4,028
47 households that met the definition of workforce housing. In 2015 (next
48 update) Londonderry would need 4,402, which is a difference of 374 units.
49 What SNHPC won't do is tell us whether those 374 units need to be rental or
50 households. The state law states that you have to make available the

1 majority of your residentially zoned property open to workforce housing and
2 you cannot exclude rental housing. He thinks that most of the 374 units
3 would be our rental housing deficiency. He wants the Board to look at the
4 document and let him know if they have any questions.

5
6 A. Rugg asked A. Garron if he has any news on the I-93 expansion.
7 A. Garron said it appears they have enough funding to do between exit 1 and
8 exit 3, although the lawsuit with the Conservation Law Foundation has not
9 been fully satisfied, but not enough funding for exit 4 and up. They are
10 looking at other methods, i.e. tolling. He feels they need more of a concerted
11 effort. A lot of communities take for granted that this project is happening,
12 but it may not. They are currently looking at the completion being between
13 2020 - 2025.

14
15 L. El-Azem said that some residents on Seasons Lane told her that they had
16 heard that noise reduction/fencing would be going in by the end of the
17 summer. Is that completely separate from the I-93 widening project?

18 A. Garron said that when they did the noise abatement study, it was all part
19 of the environmental impact statement and sound walls were going to be put
20 up on those high dense areas, Seasons Lane being one of them. He's wasn't
21 sure if they would treat those as separate projects, much like they did the red
22 list of bridges. Even though the lawsuit between the state and the
23 Conservation Law Foundation was going on, the courts did allow them to
24 address the red listed bridges from exit 1 all the way up to exit 5. This might
25 be another separate project. He said that he would find out and get back to
26 her.

27
28 A. Rugg said the NH Municipal Association is having a session on Practical
29 Steps for Community Planning and Transportation, Thursday May 27 from
30 9am-12:30pm at the Local Government Center.

31
32 **Public Hearings**

33
34 A. Marco & Jean Barbato, Map 3, Lot 138A - Public Hearing for final approval of
35 2 lot subdivision.

36
37 T. Thompson said that this subdivision was conditionally approved on
38 December 2, 2009. Due to the substantive change made to the access to the
39 new lot (increasing in width from the Public Hearing on 12/2), State Law
40 requires a Public Hearing prior to final approval of the project.

41
42 Brian Haynes, Promised Land Survey presented their plans. At the public
43 hearing on December 2, 2009 the engineering review comment stated that
44 the access road needed to be a 20' width, not 12' as they had proposed. They
45 have since revised the plans to a 20' width. Due to this change, the plans
46 also show additional trees that need to be cut and revised grading.

47
48
49
50

1 J. Trottier said the 20' width is a RSA requirement.

2
3 1. The plan indicates "Proposed 20-foot driveway (landscaped area to be
4 removed)" please clarify what will occur to removed landscaped area. It
5 appears that additional trees will need to be removed as a result of the
6 proposed improvements (5-foot cut). As discussed at the Planning Board
7 meeting of December 2, 2009, access to the McLaughlin property needs to
8 be maintained, where is this access and how will it be maintained?

9
10 2. A construction sequence should be added to the plan set to include
11 erosion control measures to be performed in the unimproved section of
12 Dianna Road.

13
14 *[J. Farrell returned at 7:47PM]*

15
16 T. Thompson said staff recommends **that final approval not be granted,**
17 **and the Board not sign the plans until the comments listed above are**
18 **addressed by the Applicant** (additionally, the requisite number of plan
19 sets, mylars, and electronic submission need to be provided). A public
20 hearing will not be required for final approval of the plans following the Public
21 Hearing this evening.

22
23 A.Rugg asked for public input.

24
25 Jan McLaughlin, 15 Apollo Rd, that she is concerned about the extended
26 width of the driveway. The change in elevation would limit the access to her
27 property. She would like to see the area graded down instead of cutting into
28 the knoll.

29
30 J. Trottier said he recommended regrading the area so they can have access
31 to the driveway.

32
33 Jean Barbato asked where the knoll is and what the definition is of a knoll.
34 Marco Barbato asked where the access is now.

35
36 J. Farrell said there is no access now, but the town engineer stated that
37 access will be provided prior to the plans being approved and signed.

38
39 *[J. Farrell left the room at 8:00PM]*

40
41 J. McLaughlin said she just wants to ensure that she will have access to the
42 back of her property.

43
44 T. Thompson added that these are directly related to precedent conditions.

45
46 There was no further public comment.

47
48 **M. Soares made a motion to conditionally approve the changes to the**
49 **Barbato 2 lot subdivision, with the 2 items raised by staff added to**
50 **the previous approval's precedent conditions. R. Brideau seconded.**

1 No discussion. **Vote on the motion 8-0-0**

2
3 *[M. Soares left the room at 8:03PM]*

- 4
5 B. Conceptual Discussion - David McCurdy - Rezoning of Map 15, Lot 187 from
6 C-I to AR-I

7
8 David McCurdy, 5 Weymouth Road, would like to change the zoning of this
9 parcel from commercial to residential.

10
11 *[J. Farrell and M. Soares returned at 8:08PM]*

12
13 T. Thompson said that this parcel is surrounded on three sides by AR-I zoning
14 and to the immediate south by industrial zoning. The project to the south of
15 this parcel is Crowning Holdings. Historically there was a small commercial
16 structure on this property and that this parcel has been zoned commercial
17 since the 1960's because it had a commercial structure on it. At the time it is
18 currently vacant. Staff doesn't see anything in the master plan that would
19 preclude this from being used residentially and staff has no objection for this
20 to move forward to a rezoning request.

21
22 T. Thompson asked the Board whether or not they support this request.
23 Consensus of the Board was to support the rezoning request and schedule a
24 public hearing.

- 25
26 C. Conceptual Discussion - Eric Chinburg - Conservation Subdivision and partial
27 re-zoning - Map 16, Lot 38

28
29 Presenting their concept were: Eric Chinburg, Chinburg Builders; John Ring,
30 Jones and Beach Engineers; Mark West, Wetland Scientist; Dave Lozie,
31 Project Engineer from Chinburg Builders.

32
33 E. Chinburg said they are very interested in doing the conservation
34 development that our conservation subdivision provides for. They have done
35 many of these over the years and have successfully integrated housing with
36 open space. He said that the conservation subdivision is excellent for
37 providing for homes that can be reasonably affordable and preserving open
38 space.

39
40 *[C. Davies left the room at 8:08PM]*

41
42 T. Thompson described the existing split zoning of the parcel (AR-I and I-II),
43 and the proposal to rezone the entirety of the parcel to AR-I. Staff is
44 supportive of the request, as the industrial portion of the lot is inaccessible
45 due to existing developments and existing conservation easements.

46
47 E. Chinburg continued discussion of the proposed subdivision. The land is
48 currently owned by the Lorden family and they do have the parcel under
49 agreement with them. He is working with the Lordens on determining the
50 feasibility of putting in single family homes there. There are two zones and

1 one of their requests will be to rezone the industrial land to residential.
2 E. Chinburg said they want to create something that will not require waivers,
3 that would meet every part of the regulations and that could be phased
4 (staying within the 25 units per year limit on how many homes can be built).

5
6 *[C. Davies returned at 8:14PM]*
7

8 John Ring, Jones and Beach Engineers, Stratham NH, said this parcel is 211
9 acres and they have a conceptual conservation subdivision designed with 159
10 lots and about 9,000 feet of road. They propose municipal sewer and they are
11 working with Manchester Water Works on service from them. They expect the
12 sewer to flow on the south westerly side toward Liberty Drive Extension,
13 across the land of Waste Management, which recently discussed a lot line
14 adjustment with Town staff. There are 6 acres of land that they may
15 subdivide off or do a lot line adjustment with Waste Management in exchange
16 for the sewer easement crossing their property. They will provide a traffic
17 impact study for the project for town review. For the plan itself they propose
18 ½ acre lots. Along Old Derry Rd would be a vegetative buffer and 102 acres
19 of open space.

20
21 Mark West, West Environmental, is working on the wetlands. He recommends
22 to creating a linkage between the open space in the valley and the south.
23

24 A. Garron said this is in line with the discussions staff had in the past
25 regarding this parcel. In regards to the partial re-zoning, the town had
26 planned for that section of this parcel to be used as industrial, but they now
27 favor the re-zoning. He said that this parcel will be subject to phasing.
28

29 T. Thompson said it's likely that this project will require some off-site
30 improvements.
31

32 A. Garron said that depending on the cost these homes will sell for; they
33 could be counted as part of Londonderry's affordable housing.
34

35 L. El-Azem asked if bringing the sewer in for this development would force anyone else
36 to hook into that sewer system.

37 J. Trottier explained that this would not be the case because they plan to go through
38 waste management's property and cross over into the 211 acres.
39

40 C. Melendy asked if this is consistent with our sewer master plan and if it would affect
41 our reserve capacity for the future.

42 J. Trottier explained that at this point, before the applicant finalizes his numbers, he
43 doesn't foresee any capacity issues and that we're not that tight in our capacity.
44

45 A. Rugg asked for public input, but there was none. Consensus of the Board
46 was to support the rezoning.
47

48 *[G. Herrmann left the meeting at 8:35PM]*
49
50

1 D. Public Hearing - Zoning Ordinance Amendments - "Mixed Use Commercial
2 sub-district" ordinance

3
4 T. Thompson presented the proposed amendments. (See attachment #1)

5
6 C. Davies asked if we could include hotels as conditional use and also change
7 Route 28 to arterial roads.

8
9 D. Coons asked if we should address parking garages. T. Thompson said it
10 would be considered a structure and would have to following the guidelines.

11
12 A. Rugg read a letter from Christine and Scott Bristol into the record (See
13 attachment #2).

14
15 A. Rugg asked for public input.

16
17 Bob Lebreux, 76 Hall Rd, doesn't like the rezoning. He feels it creates a lot of
18 congestion and affects the quality of life.

19 A. Garron explained that they had looked at using Jack's Bridge Road for
20 access from Rockingham Rd to the airport, but it was met with very
21 unfavorable results.

22
23 John Michels, 11 Nutfield, said that the town did a traffic study in the last
24 couple years, but anyone wanting to build needs to have a traffic analysis
25 done as part of their project application. He noted that the town is also
26 working on revising the impact fees. He doesn't feel that traffic issues are the
27 reason not to do this. He suggested that allowing different uses will also vary
28 the traffic throughout the day/night.

29
30 Dave Maloney, 2 Crestview Circle, is concerned with all the proposed uses
31 and the increase in traffic. He would like to see a minimum of a 75' setback
32 when parcels are adjacent to residential properties.

33
34 Pauline Caron, 369 Mammoth Rd, said she went to the workshops on the mini
35 master plan, and it was her understanding that people did not want big box
36 stores at the exit 5 area. J. Farrell said that he facilitated the meetings and
37 the majority of people were in favor of big box retail and grocery stores.

38
39 A. Garron said he has lived in Bedford for about 15 years and they have strip
40 malls that give the "village style" appearance.

41
42 Suzanne Williams, 14 Vista Ridge Dr, is not opposed to having development
43 there. She would like to see more credit unions, smaller businesses, etc. for
44 more of a community feel.

45
46 Carrol Clementy, 16 Crestview Circle, said that traffic is a major concern for
47 her. She said it takes her a half hour to get from her home to her job at
48 Parkland Medical Center.

49
50 T. Thompson stated that if the Board wants to add the hotel comment, as

1 permitted or conditional, it will require another public hearing.

2
3 There was no further public comment.

4
5 **M. Soares made a motion that we recommend to the Town Council**
6 **adopting the amendments to the Zoning Ordinance and to amend**
7 **section 2.4.5.1.1.2.1 to replace route 28 with arterial road. L. Wiles**
8 **seconded the motion.** No discussion.

9
10 T. Thompson asked the Board if they want to include hotels as a permitted
11 use or conditional use.

12
13 Consensus of the Board was to request the Town Council amend the
14 proposed ordinance to permit hotels as a conditional use.

15
16 **Vote on the motion: 8-0-0.** This recommendation will be sent to the Town
17 Council.

- 18
19 E. Workshop Discussion - Multifamily buildings - Number of Units per building
20 reduction in Inclusionary Housing, R-III, and Elderly Housing as requested by
21 Town Council

22
23 T. Thompson read the staff memo into the record (attachment #3).

24
25 A Garron said the infrastructure costs cannot be overlooked and could mean
26 a significant difference.

27
28 A. Rugg asked for public input.

29
30 Pauline Caron, 369 Mammoth Rd, said that multi-family workforce housing is
31 defined at 5 units or more (from the workforce housing statutes).

32
33 A. Rugg and T. Thompson explained that this is the minimum threshold set
34 by state law and doesn't apply to Londonderry as we already permit more
35 than 5 units for multi-family buildings. P. Caron said she doesn't feel that
36 changing from 24 units to 16 units is a significant change for developers.

37
38 A. Garron said that on a total project the infrastructure rule of thumb is
39 between 10-15% of the total cost is associated to infrastructure. If you were
40 to utilize 10%, given that 10% is the difference between 24 units and 16
41 units, you could be looking at a million dollars with regard to the additional
42 infrastructure costs, which could vary from project to project. He feels that
43 the infrastructure cannot be overlooked.

44
45 John Curran, 6 Faye Lane, asked the Board to decide on 16 units. He feels
46 that our concern should be that the developers make a profit, not how much
47 of a profit they make.

48
49 Pam MacFarland, 4 Buckingham Dr, asked if \$98,000 is within the realm of
50 workforce housing. A. Garron said that what we're looking at is what the

1 difference would be to go from 24 units to 16 units.

2
3 John Michel, 11 Nutfield, said he doesn't see a problem with setting the
4 amount at 16 units, but allow for applicants to ask for more than that if
5 necessary.

6
7 Consensus of the Board was for 16 units.

8
9 **J. Farrell made a motion to direct staff to explore 16 units, with an**
10 **appeal mechanism for hardship for more units, not to exceed 24**
11 **units. Seconded by R. Brideau.** Discussion: L. Wiles said he feels we
12 should go with 16 units. **J. Farrell withdrew the motion. R. Brideau**
13 **withdrew his second.**

14
15 **J. Farrell made a motion to instruct staff to prepare an ordinance for**
16 **16 units across the board and for a public hearing next month. R.**
17 **Brideau seconded the motion.** Vote on the motion 7-1-0 (R. Brideau
18 opposed)

19
20 **Other Business**

21
22 None.

23
24 **Adjournment:**

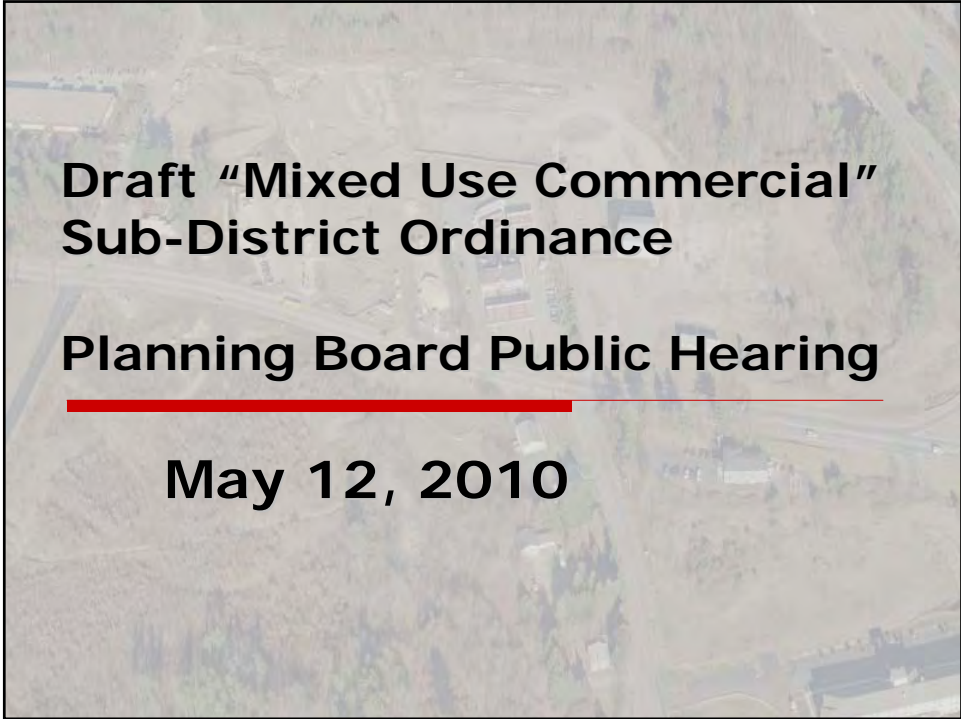
25
26 **M. Soares made a motion to adjourn the meeting. L. Wiles seconded the**
27 **motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at
28 10:35PM.

29
30
31
32 These minutes prepared by Cathy Dirsra, Planning Division Secretary.

33
34
35
36 Respectfully Submitted,

37
38
39
40 Charles Tilgner, Secretary

41



Draft "Mixed Use Commercial" Sub-District Ordinance

Planning Board Public Hearing

May 12, 2010

Overview of Proposed Amendments:

- Amend Section 2.1.1 to add Mixed Use Commercial (MUC) sub-district to list of districts
 - Amend Section 2.2.1 to add permitted and conditional uses for the MUC sub-district
 - Reorganize the Commercial District for ease of use and readability, add MUC sub-district requirements
 - Amend Rt. 28 POD to remove lots slated for rezoning to MUC.
 - Amend Section 4.7 (Definitions)
-

Section 2.1.1

2 ZONING DISTRICTS

2.1 DISTRICTS AND USES

2.1.1 Districts

For the purpose of this Ordinance, the Town of Londonderry is divided into ~~eighteen (18)~~ districts and sub-districts as follows:

Deleted: seventeen
Deleted: 17

Full Name	Short Name
Agricultural-Residential	AR-I
Multi-family Residential	R-III
Commercial-I	C-I
Commercial-II	C-II
Commercial-III	C-III
Commercial – IV	C-IV
Mixed Use Commercial	MUC
Industrial-I	IND-I
Industrial-II	IND-II
Gateway Business	GB
Planned Unit Development	PUD
Airport District	AD
Conservation Overlay	CO
Performance Overlay District	POD
Flood Plain Development	FP
Airport Approach Height Overlay	AH
Airport Approach Noise Overlay	AN
Historic District	H

Section 2.2.1

- Amend the permitted use table as follows

Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	Overlay Districts		CO	AH	AZ	FP
													POD - 102 ¹	POD - 28 ¹				
RESIDENTIAL AND AGRICULTURAL																		
Agriculture	P	P																
Assisted Living Facilities		P	P	P	P		P							P	P			
Back Lot Development	C																	See specific district regs.
Dwelling, multi-family	C ³	P, C ³	C ³	C ³	C ³	C ³												
Dwelling, single family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³												
Dwelling, two-family	P, C ³	P, C ³	C ³	C ³	S, C ³	C ³												
Elderly Housing	P	P	P	P	P	P								P	P			
Manufactured housing	P, C ³	P, C ³																
Mixed use residential						P	P											
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P									P	P			
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							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							

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	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
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											
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																	
Hotels											P	P ⁴						
Manufacturing, Heavy				P						P	P	P ⁴	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														
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					
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		P	C						P ⁴	P	P			
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				

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	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
Rental Car Terminal up to 50,000 sq. ft.																		
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 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						
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 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 2.4.1.2.4 for additional dimensional requirements related to fuel dispensers

3 - See Section 2.3.3 for specific requirements (workforce housing)

4 - As part of an approved PUD Master Plan, See Section 2.8

5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB). See Section 2.8

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Overview of Commercial District Re-Organization

- Will now include 5 sub-districts
- Broke the various standards previously contained in 1 section into 3 reorganized sections, and 1 new section for MUC sub-district:
 - "General Standards for all Commercial sub-districts"
 - "General Standards for C-I, C-II, C-III, and C-IV subdistricts"
 - "Additional Standards for C-IV Sub-district"
 - "General Standards for MUC sub-district"

Section 2.4.1.1

2.4 COMMERCIAL DISTRICTS

2.4.1 Commercial District

2.4.1.1 Objectives and Characteristics

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

Deleted: four

Deleted: and

Section 2.4.1.2

- Correct terminology (substitute word "sub-district" for "district" throughout)
- Remove additional standards for C-IV sub-district, relocate to new subsection of ordinance
- Add new subsection for MUC:

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



Section 2.4.2

- Revise section to new title: “General Standards for all Commercial Sub-Districts”
 - Contains standards applicable to all sub-districts (utilizing existing ordinance language):
 - Minimum lot size, Outside Storage, Building Height, Building Coverage, Building Design, Vehicle Access, Parking & Loading, Signs, and Portable Storage Structures.
-



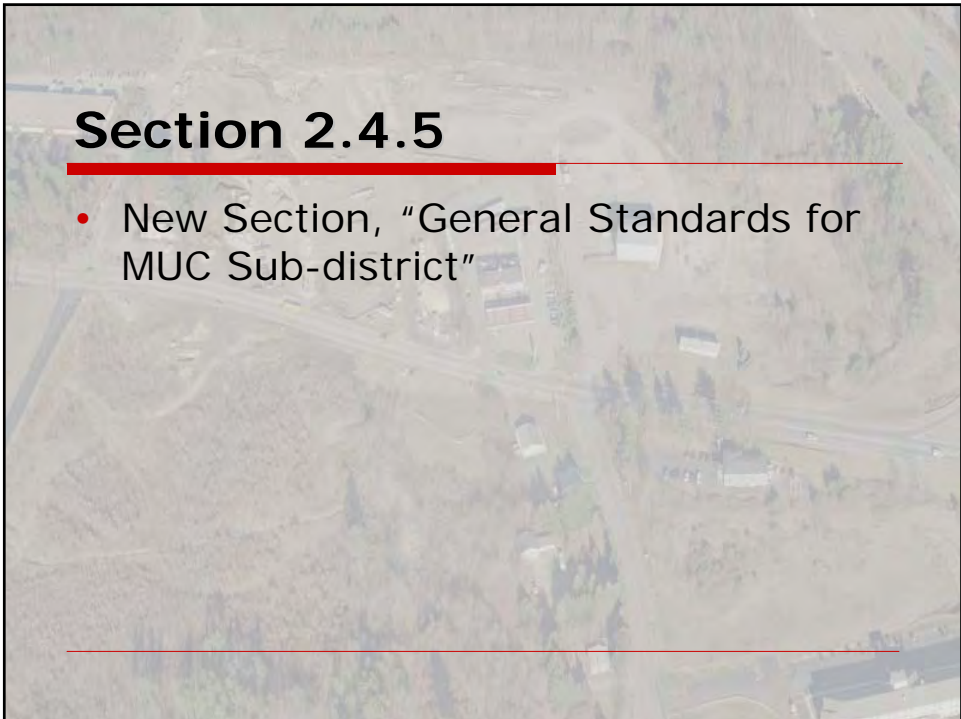
Section 2.4.3

- New Sub-Section utilizing existing ordinance language for standards applicable to C-I, C-II, C-III, and C-IV sub-districts
 - Setbacks & Landscaping
-



Section 2.4.4

- Relocated existing standards specific to the C-IV sub-district.
-



Section 2.4.5

- New Section, "General Standards for MUC Sub-district"
-

Section 2.4.5.1 - Setbacks

2.4.5.1 Minimum setback distances for structures from property line:

2.4.5.1.1 Front setbacks shall be based on the following performance standards:

2.4.5.1.1.1 Building footprint of 0 – 75,000 square feet: 60 feet

2.4.5.1.1.2 Building footprint of 75,001+ square feet: 90 feet

2.4.5.1.1.2.1 For purposes of this sub-district the front setback shall be measured from the property line at NH Route 28. Where a lot has additional "front setbacks" from other local roadways, the front setback from a local roadway shall be 60 feet

2.4.5.1.1.3 Side setbacks shall be one-half (1/2) the front setback, but no less than 30 feet

2.4.5.1.1.4 Rear setbacks shall be one-third (1/3) the front setback, but not less than 30 feet.

Sections 2.4.5.2 & 2.4.5.3

2.4.5.2 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.

2.4.5.3 Landscaping

2.4.5.3.1 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.

2.4.5.3.2 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:

2.4.5.3.2.1 The buffer zone shall be based on the following performance standards:

2.4.5.3.2.1.1 Properties with less than 75,000 square feet of commercial structures: 50 feet

2.4.5.3.2.1.2 Properties with greater than 75,001 square feet of commercial structures: 75 feet

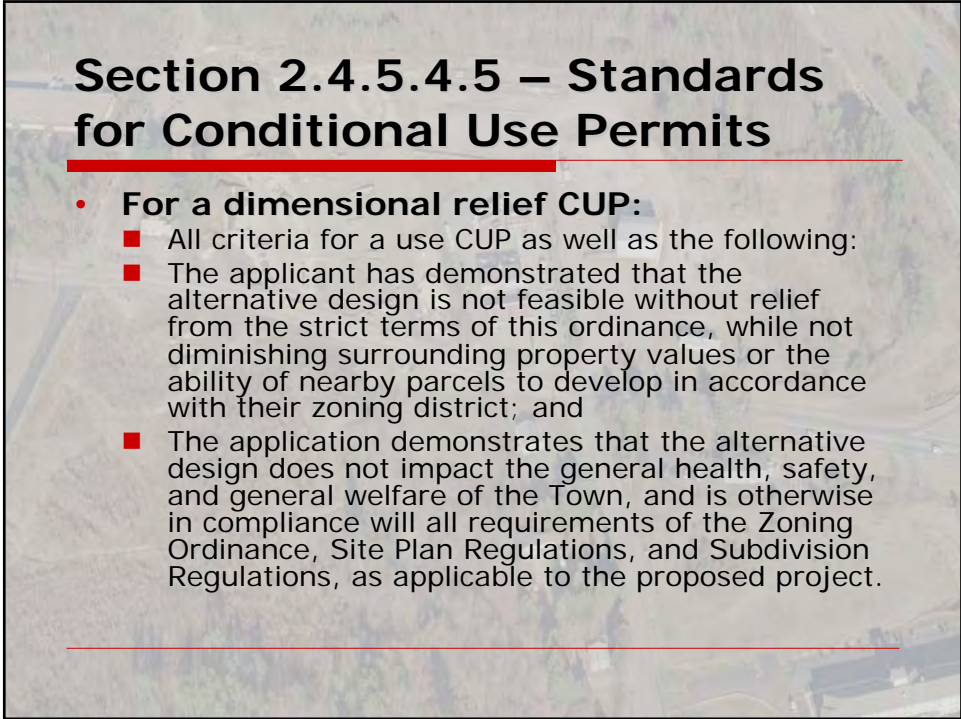
2.4.5.3.2.2 The buffer zone shall be planted and permanently maintained to minimize the visual impact of the commercial activity from residential districts in accordance with specifications outlined the Site Plan Regulations.

Section 2.4.5.4 – Conditional Use Permits

- **Uses by CUP:**
 - Cultural & Performing Arts
 - Convention Center
 - Adult Day Care
 - Drive Through Window Accessory Use
 - Education & Training Facilities
 - Retail over 75,000 square feet
 - Fast Food Restaurant
 - **Dimensional Relief by CUP**
 - PB will have authority to waive any dimensional standard in MUC sub-district, similar to flexibility built into GB District.
-

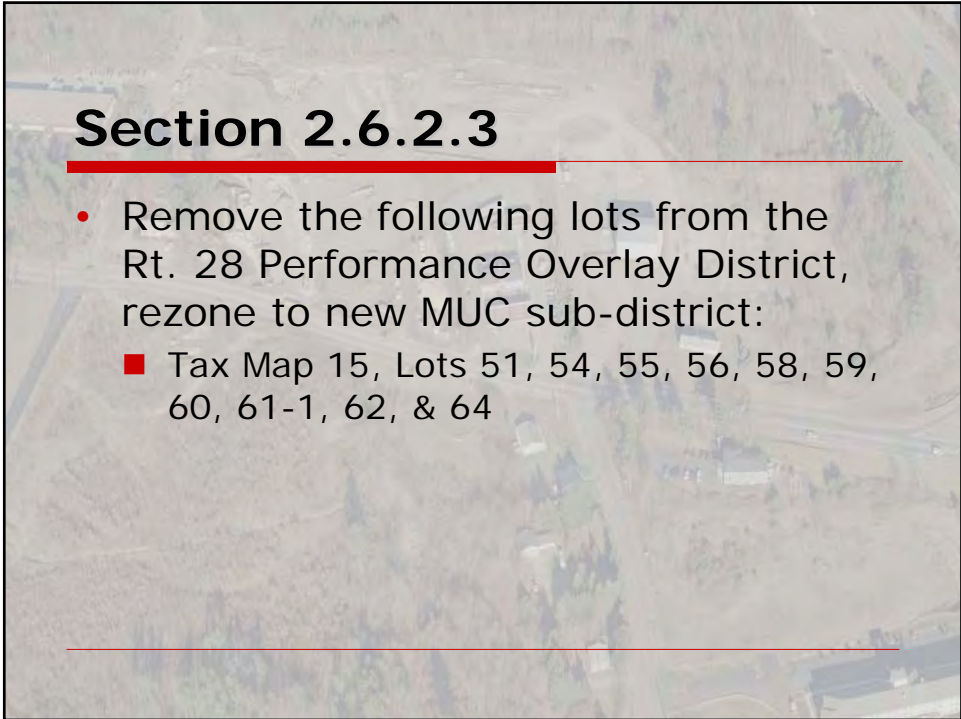
Section 2.4.5.4.5 – Standards for Conditional Use Permits

- **For uses requiring a CUP:**
 - 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;
 - Granting of the application is in the public interest;
 - The property in question is reasonably suited for the use requested;
 - 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.
-



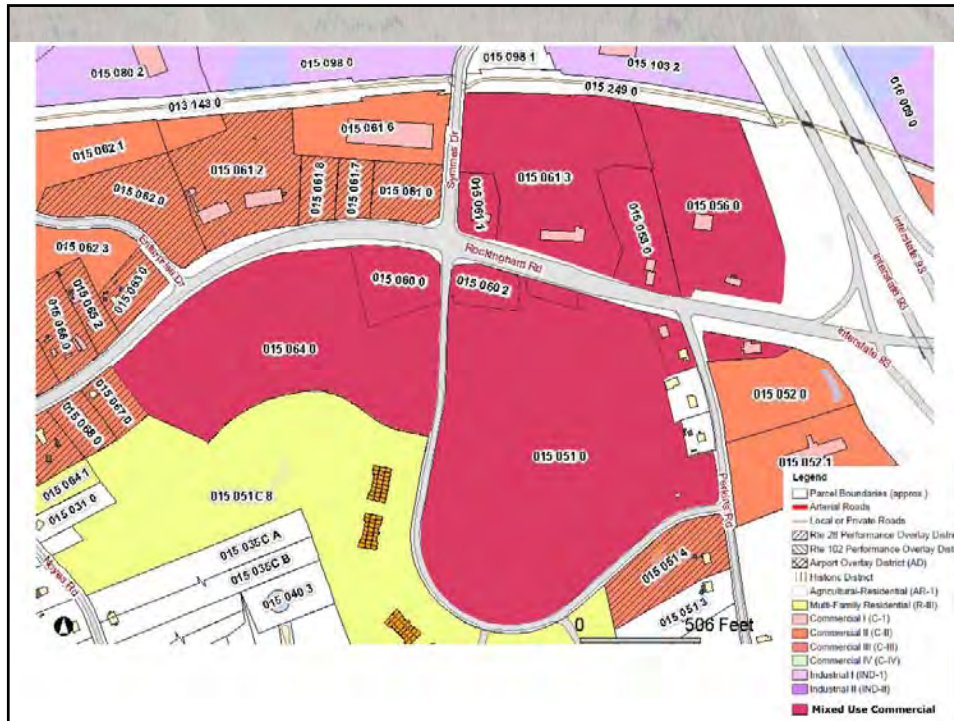
Section 2.4.5.4.5 – Standards for Conditional Use Permits

- **For a dimensional relief CUP:**
 - All criteria for a use CUP as well as the following:
 - The applicant has demonstrated that the alternative design 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
 - The application demonstrates that the alternative design 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.
-



Section 2.6.2.3

- Remove the following lots from the Rt. 28 Performance Overlay District, rezone to new MUC sub-district:
 - Tax Map 15, Lots 51, 54, 55, 56, 58, 59, 60, 61-1, 62, & 64
-



Section 4.7

- Create new definition for Mixed Use Commercial Development:
 - **DEVELOPMENT, COMMERCIAL MIXED USE:**
A tract of land or building or structure containing more than one type of land use or a single development of more than one building and use, where the different types of land uses (including, but not limited to, residential, office, manufacturing, retail, public, or entertainment) are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Town of Londonderry, New Hampshire

LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AND ZONING MAP AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 12th day of May, 2010, at 7:00 PM on proposed amendments to the Londonderry Zoning Ordinance.

The proposed amendments were prepared by the Planning Division of the Community Development Department and Planning Board to implement recommendations of the Northwest Small Area Master Plan and to encourage responsible development of the Exit 5 area of NH Rt. 28.

The proposed changes are summarized as follows:

- Amend Section 2.1.1 (Districts) as follows:
 - Amend number of districts from 17 to 18
 - Add new "Mixed Use Commercial" (MUC) sub-district to list of districts
- Amend Section 2.2 (Use Table) to reflect the permitted and conditional uses associated with the MUC sub-district.
- Amend Section 2.4 (Commercial District) as follows:
 - Amend Section 2.4.1.1 to include MUC sub-district.
 - Add new Section 2.4.1.2.6 to include the MUC sub-district.
 - Amend Section 2.4.2 to be re-titled and revised to include general standards for all commercial sub-districts
 - Amend Section 2.4.3 to be re-titled and revised to include standards for the C-I, C-II, C-III, and C-IV sub-districts
 - Add new Section 2.4.4 to relocate standards previously in Section 2.4.1.2.5 related to the C-IV sub-district
 - Add new Section 2.4.5 to establish standards specific to the MUC sub-district
- Amend Section 2.6.2.3.1 (Rt. 28 Performance Overlay District) to remove parcels listed in the final bullet below to be re-zoned to MUC.
- Amend Section 4.7 (Definitions) to include a new definition for "Development, Commercial Mixed Use."
- Amend the Zoning Map to rezone the following parcels to MUC: On Map 15, Lots 51, 54, 55, 56, 58, 59, 60, 61-1, 62, and 64.

Copies of the full text of the proposed amendments are available at the Planning Division, Second Floor of the Town Hall & on the Town Website www.londonderrynh.org (Click on Boards & Commissions, then Planning Board)



Timothy J. Thompson, AICP
Town Planner

2 ZONING DISTRICTS

2.1 DISTRICTS AND USES

2.1.1 Districts

For the purpose of this Ordinance, the Town of Londonderry is divided into ~~eighteen (18)~~ districts and sub-districts as follows:

Deleted: seventeen

Deleted: 17

<u>Full Name</u>	<u>Short Name</u>
Agricultural-Residential	AR-I
Multi-family Residential	R-III
Commercial-I	C-I
Commercial-II	C-II
Commercial-III	C-III
Commercial – IV	C-IV
Mixed Use Commercial	MUC
Industrial-I	IND-I
Industrial-II	IND-II
Gateway Business	GB
Planned Unit Development	PUD
Airport District	AD
Conservation Overlay	CO
Performance Overlay District	POD
Flood Plain Development	FP
Airport Approach Height Overlay	AH
Airport Approach Noise Overlay	AN
Historic District	H

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.

Londonderry Zoning Ordinance Use Table

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		P	P	P	P		P				P ⁵		P	P				
Back Lot Development	C										P ⁵		See specific district regs.					
Dwelling, multi-family	C ³	P, C ³	C ³	C ³	C ³	C ³					P ⁵							
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	P	P	P	P	P					P ⁵		P	P				
Manufactured housing	P, C ³	P, C ³																
Mixed use residential						P	P				P ⁵							
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P						P ⁵		P	P				
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							

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

	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
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						P	P ⁴							
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		P	C				P ⁴		P	P				
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				

P = Permitted Use

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Londonderry Zoning Ordinance Use Table

	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
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 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						
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 2.4.1.2.4 for additional dimensional requirements related to fuel dispensers

3 - See Section 2.3.3 for specific requirements (workforce housing)

4 - As part of an approved PUD Master Plan, See Section 2.8

5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 2.8

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

Londonderry Zoning Ordinance Use Table

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

P = Permitted Use

C = Requires Conditional Use Permit

S = Requires Special Exception

2.4 COMMERCIAL DISTRICTS

2.4.1 Commercial District

2.4.1.1 Objectives and Characteristics

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

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2.4.1.2 Sub-district Uses

2.4.1.2.1 Commercial I (C-I)

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

2.4.1.2.1.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

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2.4.1.2.1.2 Prohibited uses: facilities for the maintenance or repair of machinery, large appliances, and equipment having internal combustion engines are prohibited in this district.

2.4.1.2.2 Commercial II (C-II)

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

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2.4.1.2.3.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance

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

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2.4.1.2.4.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

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

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2.4.1.2.5.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

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

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2.4.1.2.6.1 Permitted uses: see use Table Section 2.2 of this Zoning Ordinance.

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2.4.2 General Standards for all Commercial Sub-districts

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2.4.2.1 Minimum lot size - minimum lot size and dimensions in all commercial districts are subject to Planning Board and the State of New Hampshire approval based on sewage disposal requirements, soil type, topography, vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre with at least one-hundred and fifty (150) feet of frontage on a Class V or better road.

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2.4.2.2 Outside storage - any outside storage in the commercial district is subject to Planning Board approval. If allowed, all storage areas will be visually screened from the access street, arterials and adjacent property. No storage shall be allowed between a frontage street and the building line.

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2.4.2.3 Building height - except for structures not intended for human occupancy (chimneys, water towers, etc.) Height of buildings shall not exceed 50 feet (Does not apply to C-IV District, see Section 2.4.4.1).

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2.4.2.4 Building coverage of the site will not exceed twenty-five (25) percent of the lot area.

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2.4.2.5 Building design

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2.4.2.5.1 To enhance the aesthetic quality of development in Londonderry's commercial districts, the Planning Board, during site plan review, will require a rendering of the proposed building(s). Factors that the Planning Board will consider before approving the conceptual design will include, but will not be limited to:

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2.4.2.5.1.1 Roof design

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2.4.2.5.1.2 Exterior finish

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2.4.2.5.1.3 Signs and lighting

2.4.2.5.1.4 Sidewalks

2.4.2.5.1.5 Building shape

2.4.2.6 Vehicle access - see regulations listed in Section 3.10.

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2.4.2.7 Parking standards - see regulations listed in Section 3.10 and Table 1 of Section 3.10 to determine the quantity of spaces required for specific uses.

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2.4.2.8 Loading space standards

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2.4.2.8.1 No on-street loading or unloading shall be permitted.

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2.4.2.8.2 Where off-street loading is required, loading bays shall be provided and maintained in accordance with the following:

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2.4.2.8.2.1 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 exception is granted, the Board shall require an opaque wall, fence, natural

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terrain, vegetation or other solution to provide screening as effectively as practical.

2.4.2.8.3 Specific size of loading space shall be determined by building usage or function. ← --- Formatted: Bullets and Numbering

2.4.2.8.4 Loading areas shall be designed to permit on-site backing or maneuvering as well as forward driving to the lot exit. ← --- Formatted: Bullets and Numbering

2.4.2.8.5 Other than Planning Board approval to use parking aisles as maneuvering space, loading areas requirements shall not encroach on parking areas. ← --- Formatted: Bullets and Numbering

2.4.2.8.6 The area approved for loading or unloading shall not obstruct access to a property or right-of-way. All loading or unloading spaces shall have direct access to a public right-of-way at all times. ← --- Formatted: Bullets and Numbering

2.4.2.8.7 All loading areas shall be surfaced with a durable, asphalt material and graded and drained to dispose of all surface water accumulation. ← --- Formatted: Bullets and Numbering

2.4.2.9 Signs - all signs, their quantity and location shall comply with the Town of Londonderry sign ordinance current at the time a site plan is approved (Section 3.11) ← --- Formatted: H5
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2.4.2.10 Performance standards - see Town wide Section on performance standards for industrial and commercial development (Section 3.2) ← --- Formatted: Bullets and Numbering

2.4.2.11 Portable Storage Structures: The use of portable storage structures are allowed in the Commercial Districts under the following conditions: ← --- Formatted: Bullets and Numbering

2.4.2.11.1 There must be no more than one portable storage structure per property. ← --- Formatted: Bullets and Numbering

2.4.2.11.2 The portable storage structure must be no larger than ten feet wide, twenty feet long and 10 feet high. ← --- Formatted: H5
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2.4.2.11.3 A portable storage structure shall not remain at any property in excess of 45 consecutive days and shall not be placed on any one property in excess of 90 days in any calendar year. A building permit is required for placement of a portable storage structure on a property. ← --- Formatted: H5
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2.4.2.11.3.1 The Permit for a portable storage structure may be extended upon approval by the Building Department when an applicant demonstrates a reasonable hardship necessitating the extension. Such extension shall be made in writing to the Building Department, and if granted, shall not result in any additional permit fees. ← --- Formatted: H5
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2.4.2.11.4 The portable storage structure shall be set back a minimum of 30 feet from any side or rear lot lines, and 60 feet from any front property line. ← --- Formatted: H6
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2.4.2.11.5 The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building. ← --- Formatted: H5
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2.4.2.11.6 The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.

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2.4.2.11.7 Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Sections 2.4.2.12.1 through 2.4.2.12.6.

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2.4.3 General Standards for C-I, C-II, C-III, and C-IV subdistricts:

Within the commercial district and the C-I, C-II, C-III and C-IV sub-districts, the following regulations and controls are required for the development and continued use of the area.

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2.4.3.1 Minimum setback distances for structures from property line:

2.4.3.1.1 front 60 feet

2.4.3.1.2 side 30 feet

2.4.3.1.3 back 30 feet

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2.4.3.1.3.1 If a property abuts more than one existing and/or proposed right-of-way, the building setback will be sixty (60) 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.

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2.4.3.2 Landscaping

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2.4.3.2.1 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.

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2.4.3.2.2 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:

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2.4.3.2.2.1 The buffer zone shall be a minimum of fifty (50) feet wide.

2.4.3.2.2.2 The buffer zone shall be planted and permanently maintained to diminish the deleterious effect of the commercial activity in accordance with specifications outlined the Site Plan Regulations.

2.4.4 Additional Standards for C-IV Sub-district

2.4.4.1 Building height: no structure in the C-IV sub-district shall be greater than 30 feet in height.

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2.4.4.2 Building footprint: no use in the C-IV sub-district shall have a building footprint greater than 3,500 square feet with the exception of except community centers, and religious facilities

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2.4.4.3 No drive-thru windows are permitted in the C-IV sub-district

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2.4.4.4 Outside storage: no outside storage or display of any kind is permitted within the C-IV sub-district.

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2.4.4.5 Standards for conditional use permits in the C-IV sub-district. In addition to the standards listed in Section 1.5.2.2, the following criteria must be met for the Planning Board to grant a conditional use permit in the C-IV sub-district:

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2.4.4.5.1 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.

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2.4.4.5.2 The scale of the proposed structure is consistent with and complimentary to the surrounding land uses in the neighborhood.

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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.

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2.4.5.1 Minimum setback distances for structures from property line:

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2.4.5.1.1 Front setbacks shall be based on the following performance standards:

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2.4.5.1.1.1 Building footprint of 0 – 75,000 square feet: 60 feet

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2.4.5.1.1.2 Building footprint of 75,001+ square feet: 90 feet

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2.4.5.1.1.2.1 For purposes of this sub-district the front setback shall be measured from the property line at NH Route 28. Where a lot has additional "front setbacks" from other local roadways, the front setback from a local roadway shall be 60 feet

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2.4.5.1.1.3 Side setbacks shall be one-half (½) the front setback, but no less than 30 feet

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2.4.5.1.1.4 Rear setbacks shall be one-third (1/3) the front setback, but not less than 30 feet.

2.4.5.2 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.

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2.4.5.3 Landscaping

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2.4.5.3.1 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.

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2.4.5.3.2 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:

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2.4.5.3.2.1 The buffer zone shall be based on the following performance standards:

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2.4.5.3.2.1.1 Properties with less than 75,000 square feet of commercial structures: 50 feet

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2.4.5.3.2.1.2 Properties with greater than 75,001 square feet of commercial structures: 75 feet

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2.4.5.3.2.2 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.

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2.4.5.4 Conditional Use Permits for the MUC Sub-district

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2.4.5.4.1 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.

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2.4.5.4.2 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.

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2.4.5.4.3 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.

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Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

2.4.5.4.4 Application Procedure - Applications for conditional use permits (CUP) within this sub-district shall be made in accordance with the following procedures:

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2.4.5.4.4.1 It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan.

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

2.4.5.4.4.3 The application will then begin Pre-Application Design review, followed by the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.

2.4.5.4.4.4 Unless otherwise addressed in this ordinance, all applications shall meet those requirements set forth in the relevant sections of the Subdivision & Site Plan Regulations of the Town of Londonderry.

2.4.5.4.5 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 2.4.5.4.5.1. 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.

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2.4.5.4.5.1 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:

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2.4.5.4.5.1.1 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;

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2.4.5.4.5.1.2 Granting of the application is in the public interest;

2.4.5.4.5.1.3 The property in question is reasonably suited for the use requested.

2.4.5.4.5.1.4 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.

2.4.5.4.5.2 In addition to the criteria listed in Section 2.4.5.4.5.1, projects which seek a dimensional conditional use permit shall meet the following additional criteria:

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2.4.5.4.5.2.1 The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought

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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

2.4.5.4.5.2.2

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.

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2.6.2.3 District Defined – Route 28 Corridor

2.6.2.3.1 The performance overlay district shall be described as including the lots identified on the “Performance Overlay Zone” Map and specifically as follows:

On Tax Map 15: 21, 21-1, 22, 22-1, 23, 23-1, 23-2, 25, 25-1, 26, 27, 28, ~~60-2, 60-2, 61, 61-2, 61-4, 61-5, 61-7, 61-8, 63, 65-2, 66, 66-1, 67, 68, 69, 70-1, 70, 71,~~
124, 125, 126, 127, 128, 133, 134, 136, 137, 146, 147, 148, 149, 150, 153, 154,
155, 156, 157

Deleted: 51, 54, 55, 56, 58, 59,

Deleted: 60,

Deleted: 61-1,

Deleted: 62,

Deleted: 64,

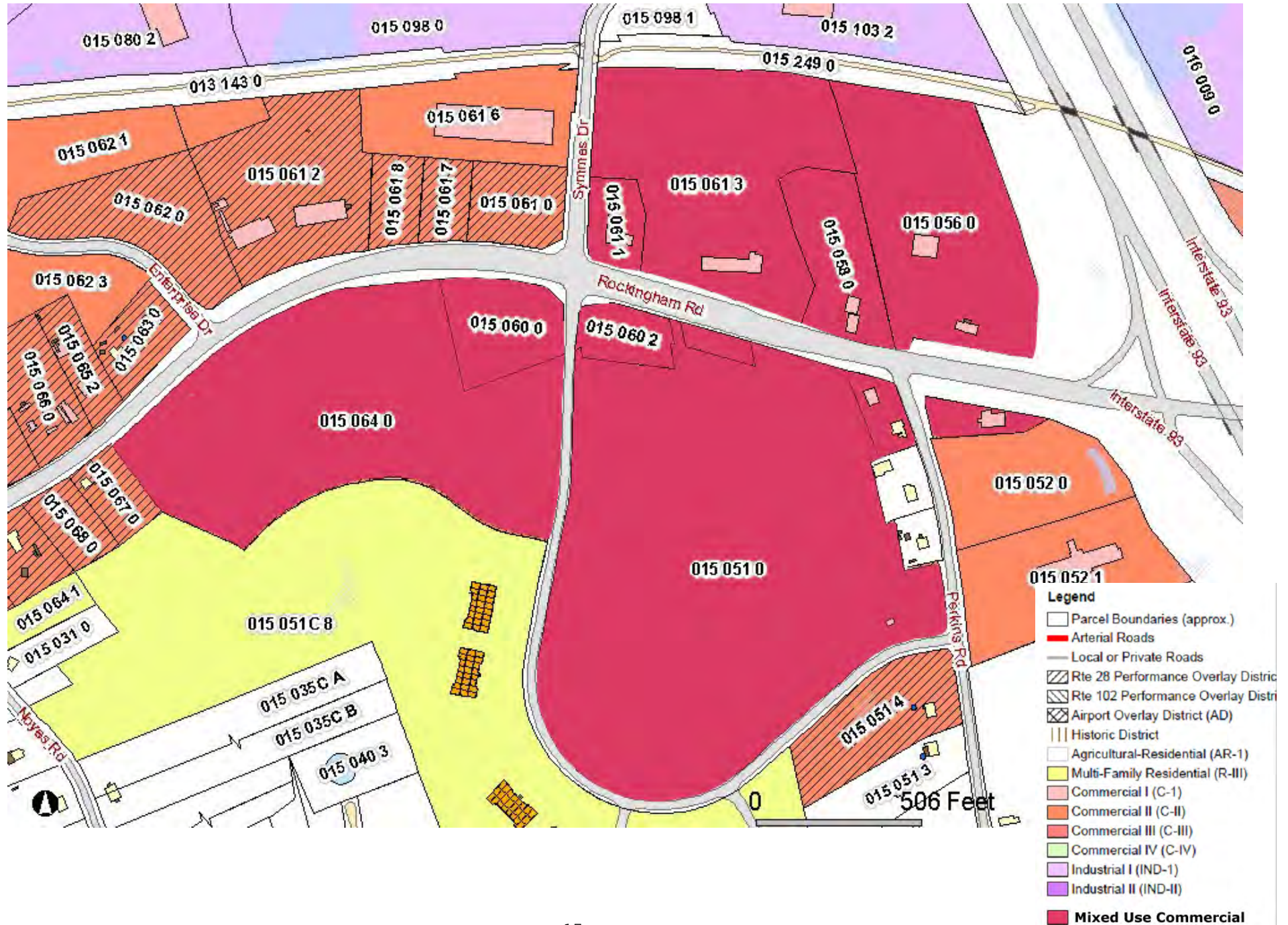
4.7 DEFINITIONS

DEVELOPMENT, COMMERCIAL MIXED USE: A tract of land or building or structure containing more than one type of land use or a single development of more than one building and use, where the different types of land uses (including, but not limited to, residential, office, manufacturing, retail, public, or entertainment) are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

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Proposed Parcels for inclusion in Mixed Use Commercial sub-district



*Mr. and Mrs. Scott Bristol
23 Bartley Hill Rd
Londonderry, NH 03053*

May 12, 2010

Mr. Arthur Rugg
Planning Board Chairman
268B Mammoth Rd
Londonderry, NH 03053

Dear Mr. Rugg:

We are writing to express our concern at the potential rezoning of the area around Exit 5, the Route 28 corridor, and particularly Perkins Road. We are strongly against the rezoning for several reasons:

We are concerned about the volume and speed of traffic that a strip mall or "small" box store will produce on our and neighboring roads.

We are concerned about neighborhood aesthetics and the light pollution that this type of development will bring. Parking lot lights at night are not exactly picturesque.

We are extremely concerned about the "creeping" effect and additional properties turning commercial. (ie. Steve's Automotive and The Beauty Salon also on Perkins). Once you allow this variance, the precedence has been set whereby additional commercial zoning would "creep up" and into our neighborhoods.

We are asking that you help maintain our neighborhood and deny this rezoning.

Sincerely,

Scott Bristol

Christine Bristol

MEMORANDUM

To: Planning Board

Date: May 12, 2010

From: Timothy J. Thompson, AICP, Town Planner



RE: Multifamily buildings – Cost Analysis Information

Following the direction of the Planning Board at the workshop on March 10, Staff has examined the cost impacts of a change in the maximum number of units permitted in a multi-family structure (from 24 to 16).

In examining the cost impacts, it became very clear that it is virtually impossible to quantify the cost impacts in total of such a change. *Because individual sites vary in their topography, natural features & constraints, presence of ledge, etc, we cannot present to the Board with any real confidence what the cost impacts on site work (grading, drainage, blasting, increased pavement, landscaping, etc) would be if the change were to take place.* While we cannot quantify the cost difference, intuitively, we would expect there to be an increase in site costs associated with all of the above factors.

In lieu of being able to calculate the site costs, Staff has looked at the one area we can express with confidence the impacts, the costs associated with the buildings themselves.

In reviewing the cost impacts to the buildings, staff sought, and received, assistance from Neighborworks Greater Manchester (NWGM). NWGM is a non-profit builder of a wide range of workforce housing in the greater Manchester area. Staff believes that seeking the input directly from a non-profit, one that is not currently active in the Londonderry housing development market, would be the best source of information regarding the cost impacts of the change.

Staff presented the following scenario to NWGM:

If you were to do one of your typical NWGM projects, with a maximum density of 120 units, what would the cost difference be for building construction of five 24-unit building be vs. seven 16 unit buildings and one 8 unit building?

The response from NWGM was that the per-unit cost for the structures would be approximately \$89,000 per unit using a 24-unit building, and \$98,000 per unit in the 16- and 8-unit scenario. *This represents approximately a 10% increase in the building costs for the proposed development scenario* (total costs for the 24-unit scenario would be \$10.68 million, and in the 16- and 8-unit scenario \$11.76 million, representing a total cost difference of \$1.08 million).

Staff recommendation at this time is for the Planning Board to determine, as was recommended by the Town Attorney, whether or not this cost difference is "significant."

If the Board feels that the cost difference is significant, Staff would recommend the Board not make any changes to the Zoning Ordinance.

If the Board determines that the change is not significant, Staff will prepare the appropriate revisions to the Zoning Ordinance to reduce the maximum number of units per building in the Inclusionary, R-III, and Elderly Housing sections of the Zoning Ordinance. Staff can present this in either a workshop format or as a public hearing on June 9.

Attached is the previous memo from March 10 for the Board's reference.