

1 **LONDONDERRY, NH PLANNING BOARD**  
2 **MINUTES OF THE MEETING OF NOVEMBER 19, 2009 AT THE MOOSE HILL**  
3 **COUNCIL CHAMBERS**  
4

5 7:00 PM: Members Present: Art Rugg; John Farrell; Charles Tilgner, P.E., Ex-  
6 Officio; Lynn Wiles; Laura El-Azem; Chris Davies, alternate member; Cole  
7 Melendy, P.E., alternate member  
8

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

12 A. Rugg called the meeting to order at 7::03 PM. A. Rugg appointed C. Davies to  
13 vote for R. Nichols and C. Melendy to vote for M. Soares.  
14

15 **Administrative Board Work**  
16

17 A. SNHPC Regional Economic Steering Committee - Interviews and  
18 Recommendations  
19

20 A. Rugg said there are five candidates; Don Moskowitz, Deb Paul, Scott  
21 Benson, Jonathan Williams and Steve Young. He said that he had asked the  
22 Board for their input on what they saw as criteria for selecting the  
23 candidates. The common theme of the criteria they are looking for is:

- 24 1. Planning and Economic Development experience
- 25 2. Experience on Town boards, committees, etc.
- 26 3. Active participation in the community
- 27 4. Availability and commitment to make all the meetings
- 28 5. Conflict of interests or potential ethical issues  
29

30 A. Don Moskowitz  
31

32 C. Davies asked Don about his participation in the SNHPC.

33 Don said he has been on the SNHPC for about a year. He has attended the  
34 first 3 meetings of the REDSC. He chose to attend the meetings because he  
35 thought someone should be there.

36 C. Davies asked Don if his schedule would allow him to attend the meetings.  
37 Don said he is retired and has flexibility to attend the meetings. He is the  
38 State Treasurer of the American Legion and is also on the state finance  
39 committee for the American Legion. He was chairman for the past couple of  
40 years on the state finance committee. He said that even with his current  
41 commitments he had almost perfect attendance at the SNHPC meetings.

42 L. Wiles asked Don to describe his career and how he got to where he is at  
43 now.

44 He went through the school system in Brookline MA and enlisted in the Navy  
45 in 1957 and attained the rating of E5, which is Petty Officer, second class. He  
46 passed the Navy ROTC test for the fleet. He graduated from Penn State and  
47 got a commission in the Navy as an Ensign. He graduated with a bachelor's  
48 degree in science, served 4 years in the Navy on the Admiral's staff, on about  
49 13 different ships. He was an intelligence officer in the Navy. He made

1 Lieutenant in the Navy in 3 years. After he left the Navy he went back to  
2 school and got his MBA from Babson College. He worked at Environmental  
3 Research & Technology for a number of years as an industrial engineer,  
4 setting up manufacturing plants primarily in the Midwest. He then worked in  
5 environmental consulting field for about 18 years. Being a Division Manager  
6 of the program office, they conducted environmental site assessments,  
7 implemented monitoring programs, did a lot work with fortune 500  
8 companies around the country. At one point he had about 7 offices around  
9 the country reporting to him with approximately 1500 people. After leaving  
10 that business he later bought some Dominos pizza stores, where he was  
11 President & Treasurer of the corporation for about 16 years. He has also been  
12 involved in the American Legion for many years. He was Post Commander of  
13 the Londonderry Post and has been the state treasurer for the American  
14 Legion since 2008. He has also been on the state finance committee for the  
15 American Legion since 2003 and he was Chairman of the state finance  
16 committee for 2 years.

17 L. El-Azem asked Don if there were any conflicts of interest or potential  
18 ethical issues he could foresee serving on this committee. Don said he could  
19 not think of anything.

20 C. Melendy asked Don why he would want to be on the committee.

21 Don said he has the time available, he has the interest and he feels that he  
22 should be giving back to Londonderry and the country. He said that he feels  
23 confident that he can contribute in any matter on any committee and any  
24 venue based on his background, knowledge, experience and education. He  
25 said that he wants to see the economy improve and to see Londonderry  
26 achieve a better economic status. He would love to see the 1000 acres in  
27 north Londonderry activated, but also from a regional standpoint he is  
28 interested in the economy of southern NH because he is already on the  
29 SNHPC and he thinks we can pull together with all the communities to  
30 achieve these goals. He said that we need to attract businesses and retain  
31 existing businesses. He feels this will have a positive impact on our tax base  
32 and bring jobs to the communities.

33 A. Garron noted that Don also sat on the Master Plan Committee.

34  
35 B. Deb Paul

36  
37 C. Melendy asked Deb what her relationship is to the Londonderry Times. She  
38 said that she started Nutfield Publishing in her basement about 10 years ago.  
39 Based on that, C. Melendy asked Deb if she would have any conflict of  
40 interest when serving on this committee. She said no and feels that what she  
41 brings is her expertise and knowledge in a variety of different businesses and  
42 knowing what businesses need. She looks at it from a different prospective,  
43 not necessarily from development, but from how it affects the community and  
44 how a business can thrive in a certain area. She does a lot of mentoring with  
45 businesses, so she hears what they want or need to be successful. She thinks  
46 that by being on these committees and hearing how planning sees it, which is  
47 a little different than the way a business sees things, which is why she enjoys  
48 it.

49 L. El-Azem asked Deb if she would be able to make meetings held during the  
50 day. Deb said she can make meetings, then said that she missed the first

1 REDSC meeting, she attended the second one and missed the third meeting  
2 due to a family illness. She said that because she is her own boss she can  
3 come and go as she sees fit, unless something happens.

4 C. Tilgner asked Deb what kind of business experience she had prior to  
5 owning and operating the Londonderry Times. Deb said that after she  
6 graduated college she worked in the MA school system doing diagnostic  
7 testing. She worked at State Street Bank as a foreign exchange teller, in  
8 which she got a job at First Commodity Corporation in Boston, where she  
9 became a commodities broker in the 1980's. In the mid 1980's she started  
10 her own marketing re-engineering company in Boston, which she ran for a  
11 while. She moved up here about 15 years ago, when she decided to be a  
12 stay-at-home Mom. She realized there was no one covering this area so she  
13 started a newsletter, which developed into Nutfield Publishing. She said that  
14 she's always been into re-engineering and re-thinking. She worked for a lot  
15 of large companies such as Bose, Reed Elsier, Deloit Tuch, Little Brown  
16 Publishing, American Express, Blue Cross / Blue Shield, Social Security,  
17 Oracle, Citgo, running projects and fixing problems within their own  
18 company.

19 J. Farrell reminded Deb that he was one of her advocates for the Heritage  
20 Commission, as well as when Nutfield Publishing was working on the  
21 Litchfield Road property. He was one of the folks that when the violations  
22 came about, he was the one who brokered the deal with Frank Holdsworth,  
23 (former Code Enforcement Officer) so he could get the court to move forward  
24 on everything. He also said that he was the person on the Economic  
25 Development Committee that Deb approached and asked about this position  
26 on the REDSC and he encouraged her to go for it. Deb agreed. He said that  
27 he is therefore a little perplexed by something that happened recently and he  
28 read a statement in hopes of understanding why the statement was made. He  
29 read from the minutes of the Town Council meeting. The charm and character  
30 of Londonderry is being changed. Ms. Paul said that there were so many  
31 violations that go on at our Planning Board at any given time that we are  
32 always set up to being sued by a developer. Deb said that is correct and that  
33 she would like to explain her comments. She said she recently attended a  
34 series of municipal law courses that were held in Derry. She spoke to the  
35 attorneys and from what she understood, a lot of things that we're doing in  
36 our procedures could really hurt us, in the sense of when there is an open  
37 hearing and a note is being passed from member to member or somebody is  
38 talking in the audience to each other or if you talk to the press, it can have a  
39 whole mishearing and you have to wait 90 days according to the laws after  
40 you've made decision before discussing it, otherwise all of that information is  
41 supposed to be part of the public hearing. She said that at first she didn't  
42 understand it, so she went over to the female attorney after the meeting and  
43 discussed it with her. Deb said "According to the way I understood her, is if  
44 the person who was presenting to the Planning Board wasn't happy with the  
45 result of their public hearing(s) they could then go to court and say there was  
46 whispering that wasn't brought to the public, since it's a public hearing and  
47 then they would usually go on their side. I saw that and after watching a  
48 zoning board meeting recently, that they had brought that whole issue up  
49 about speaking to the press and stuff and they were absolutely 110%, so  
50 that's what I meant by that". A. Rugg said that's the Zoning Board not the

1 Planning Board. Deb said that the attorney (she couldn't recall her name, but  
2 she works at LGC) said it's true for any Board that is having a public hearing.  
3 The attorney works for Mitchell and Bates in Laconia, as clarified by Chairman Art  
4 Rugg who also attended the seminar.

5 A. Rugg said there is only one statute that deals with court review, RSA  
6 677:15 and that is not in the statute. A. Rugg said he knows the attorney  
7 Deb is referring to and they are checking on the accuracy of what Deb had  
8 told the Board. Deb said it might not be in the statute, but the attorney said  
9 the developer has an opportunity to sue and the state would more than likely  
10 side with the developer as opposed to the Board. J. Farrell said he doesn't  
11 disagree that developers have an upper hand in the court and he asked T.  
12 Thompson how many times the town has been sued in the last 15-20 years.  
13 T. Thompson said that based on Planning Board decisions, there has been the  
14 Sleep Inn case (about 10 years ago), Pine View condominium conversion that  
15 was brought to court but never made it to trial because the property was  
16 sold. J. Farrell said that the only reason he asked the question is because if  
17 they are breaking the law he wants to know. Deb said she has no idea what  
18 that has to do with economic development. J. Farrell said he is asking  
19 because it's something to do with the Planning Board and they are doing the  
20 interviews.

21 L. Wiles asked Deb, in regards to economic development, what does she see  
22 as the biggest problem facing southern NH at this point in time and what  
23 does she see as the biggest opportunity?

24 Deb said that the biggest problem right now facing anyone is that the banks  
25 aren't lending any money. Businesses have huge hurdles of being creative  
26 and figuring out ways to help with cash flow issues. She feels that a lot of  
27 banks are worried about the commercial fallout (strip malls, etc.). Deb said  
28 that some other boards in the state are looking at taxing the part of homes  
29 that are used for commercial business to encourage them to go into the  
30 empty strip malls, so that the strip malls don't close and empty out. Deb  
31 thinks that the positive things are that NH is set in the perfect location and it  
32 has a lot of great things to offer besides highways and airports. She feels that  
33 the best thing that NH brings to business owners is volunteerism. She said  
34 that a lot of the businesses volunteer their time, products and services to  
35 help a lot of the non-profits, which helps other citizens, which is the basis of a  
36 community. She sides with smaller to medium businesses as opposed to huge  
37 industry.

38 A. Garron noted that D. Paul also served on the Historic Preservation Task  
39 Force.

40  
41 C. Scott Benson

42  
43 C. Davies asked Scott if his schedule would allow him to attend the meetings.  
44 Scott said that being one of the owners of Benson's Hardware, he has much  
45 flexibility in regards to attending the meetings His only commitment is that  
46 he is on an advisory board for OM Scotts, which meets in Philadelphia once a  
47 month for 2 days.

48 L. Wiles asked Scott to describe his career/business background.  
49 He attended Hamilton College in New York, London School of Economics in  
50 London. He was a speechwriter for the Director of England for the UN.

1 He joined the family business in 1988 at the lumber counter and has been in  
2 the business ever since. He said that Benson's is much bigger than people  
3 might realize; they own Derry Ironworks, they do a lot for Yankee Candle,  
4 they do some real estate development.

5 C. Tilgner asked Scott if he has any experience in planning or being on town  
6 boards, etc.

7 He's been on the Chamber of Commerce, Boy and Girls Clubs and other  
8 organizations as far as board of directors. He feels that this would be a good  
9 committee to get his feet wet because obviously his interests in southern NH  
10 is very vested, as far as economic growth and still enjoying the quality of life  
11 that we all enjoy here. He thought it was time to do something in the town.  
12 Benson's does a lot with charities and donations for organizations within  
13 Derry and Londonderry, but he's never been generous with his time, so he  
14 thought this would be a good opportunity.

15  
16 D. Jonathan Williams

17  
18 C. Melendy asked Jonathan to tell everyone about himself.

19 He graduated from Bentley College about 4 years ago. He majored in  
20 economics and business management. He moved from the Boston area to  
21 Londonderry about a year ago because of the tax incentives. He thinks it's a  
22 great place to live and raise a family. He works for the Dow Company, a  
23 heavy highway contractor in the Boston area. Dow works for both private and  
24 public institutions (MA highway, MA water resource authority). He is a  
25 construction estimator and basically he prepares bids, puts projects together  
26 (project management). He said that a lot of the people he deals with on a  
27 daily basis live in southern NH. He would like to see more people move to this  
28 area and he would like to be part of the economic development.

29 L. El-Azem asked Jonathan if it will be a problem for him to make the  
30 meetings because he works in Boston.

31 He said that because the meetings are held during the day it should not be a  
32 problem for him.

33  
34 E. Steve Young

35  
36 C. Davies asked Steve if his schedule would allow him to attend the  
37 meetings.

38 He's been in business for 20 years and makes his own schedule, so he would  
39 not have a problem attending the meetings. He said that he served on the  
40 Manchester airport authority for over two terms and ran into his term limits,  
41 so he had to step down this year. That board also met during the day, in the  
42 afternoon, and he never missed a single meeting.

43 L. Wiles asked Steve, in regards to economic development, what does he see  
44 as the biggest problem facing southern NH right now and what does he see  
45 as the biggest opportunity?

46 He feels that the biggest problem we have right now is the airport access  
47 road, that when he joined the airport authority was going to be completed  
48 within the next year or two, and that was in the early 2000's. That airport  
49 access road is now on plan and actually early (scheduled to open in 2012).  
50 He said that we have a stub on that road, which leads to our 1,000 acre park

1 and that is probably the biggest detriment to the southern NH region. The  
2 fact that we have a stub sitting there on land that could turn 20-28 million  
3 dollars in tax revenue and it leads nowhere. He said that also ends up being  
4 our biggest opportunity. He said that land was once called the Thousand Acre  
5 Park and Roswell Annis, a genius in 1875, developed that park and harvested  
6 the raw materials off the park. He created the bustling north Londonderry  
7 center, which is similar today to the proposed mixed use development. He  
8 sees this as an incredible opportunity, not just for Londonderry, but for the  
9 entire region. Steve said that in his time on the Manchester airport authority,  
10 particularly in the last years of that, were spent looking at the region and  
11 how we can help the region to be successful. He said that partnering with  
12 Bedford, Merrimack, Manchester and surrounding communities with our space  
13 is our biggest opportunity. Steve said there is also the I-93 widening which  
14 we can finally go through with. He said that is another incredible corridor  
15 which we now have two exits on, possibly three in the future.  
16 He served as a volunteer on the economic development committee. He said  
17 that in his business he deals with many companies in the area and that if  
18 something became a conflict of interest he would step down. A. Garron noted  
19 that Steve also served on the Master Plan Steering Committee.

20  
21 J. Farrell said he would prefer to refrain from making the motion, seeing that  
22 he was involved in the process of sending the candidate information to the  
23 Planning Division, which was then sent to the Economic Development Task  
24 Force, and then sent to the Planning Board Chairman, who then gave the  
25 information to the Town Council. T. Thompson mentioned that the next Town  
26 Council meeting where they would actually be able to make the appointment  
27 is December 7, so if the Board wants to get the recommendation to the Town  
28 Council it would make sense to do so tonight, so they can set the agenda.

29  
30 **C. Melendy made a motion to recommend D. Moskowitz as a regular**  
31 **member. C. Tilgner seconded the motion.** L. El-Azem questioned if the  
32 Board could motion for all 3 candidates at once, perhaps to rank them and  
33 then motion, or if there was a better way to proceed.

34 J. Farrell asked for point of order and suggested doing a secret ballot. L. El-  
35 Azem suggested ranking them on a scale of 1-5, 1 being their first choice.  
36 The Board was in favor of L. El-Azem's suggestion. T. Thompson said that the  
37 motion and second would need to be withdrawn. C. Melendy withdrew his  
38 motion. C. Tilgner withdrew his second. The Board decided to compile the  
39 rankings while the meeting continued and then announce the decisions  
40 sometime during the meeting.

- 41  
42  
43 B. Extension Request - Quantem Aviation Site Plan - Request additional year on  
44 final approval

45  
46 T. Thompson referenced the letter from Jeff Merrit from Keach Nordstrom. He  
47 said that due to the current economy they have not been able to secure bank  
48 lending and they are requesting a one year extension of the site plans. T.  
49 Thompson said that staff is supportive of that request.  
50

1 **L. Wiles made a motion to grant a one year extension to 12/3/10. J.**  
2 **Farrell seconded the motion. No discussion. Vote on the motion: 7-0-0.**  
3 Extension for one year was granted.

- 4  
5 C. Extension Request - Nevins Expansion Site Plan - Request additional year on  
6 final approval

7  
8 T. Thompson referenced the letter from Elmer Pease, senior associate of PD  
9 Associates. He said that due to the economic climate and unsettled financial  
10 markets they are requesting a one year extension of the site plans. T.  
11 Thompson said that staff is supportive of that request.

12  
13 **L. Wiles made a motion to grant a one year extension to 12/3/10. J.**  
14 **Farrell seconded the motion. No discussion. Vote on the motion: 7-0-0.**  
15 Extension for one year was granted.

- 16  
17 D. Signing of Minutes – October 7 & 14

18  
19 Minutes for October 7 and 14 will be signed at the conclusion of the meeting  
20 by the Vice Chairman in the absence of the Secretary and Assistant  
21 Secretary.

- 22  
23 E. Regional Impact Determinations

24  
25 T. Thompson stated that Richard & Debra Higgins are proposing a lot line  
26 adjustment on Map 9, Lots 85 & 85-1. He said that staff recommends this  
27 project is not a development of regional impact, as it does not meet any of  
28 the regional impact guidelines suggested by Southern NH Planning  
29 Commission (SNHPC).

30  
31 **L. Wiles made a motion to accept staff recommendations that this**  
32 **project is determined not to be of regional impact under RSA 36:56.**  
33 **L. El-Azem seconded the motion. No discussion. Vote on the motion: 7-**  
34 **0-0.**

- 35  
36 F. Discussions with Town Staff

37  
38 A. Garron reported that the business lunch they conducted with the airport  
39 businesses on Friday November 13 went very well. He said that their primary  
40 agenda was to update the airport businesses on the new Economic  
41 Revitalization Zone (ERZ) that Londonderry was successful in getting over the  
42 summer and the tax benefits that could be derived from companies  
43 expanding or new businesses coming or the increase of our workforce from  
44 those businesses. There are tax credits attached to it that are administered  
45 through the state. They also had representatives from NHDOT who gave  
46 updates on the airport access road and the progress they've been making.  
47 They said that 2012 is the scheduled date for completion of the airport access  
48 road. He said that on this past Monday,, the Regional Economic Development  
49 Steering Committee (REDSC) had a meeting to review the cluster analysis  
50 plan (called the target industry analysis). Moran, Stahl & Boyer was the

1 consultant picked to do this work. In the document they analyze each one of  
2 the communities that make up the southern NH region, as to what their  
3 target industry should be as opposed to what it is currently. A. Garron said he  
4 would like to include some businesses that are headquartered here in  
5 Londonderry. He said they also did a regional SWOT analysis (strength,  
6 weaknesses, opportunities and threats). All the comments were consolidated  
7 into a matrix which he has, if anyone would like to see it. A. Rugg asked A.  
8 Garron to send the Board members an electronic version, to place a hard  
9 copy in the read file and to also post it on our website.

10 D. Moskowitz added that A. Garron was their group leader and he did an  
11 excellent job. A. Garron said the REDSC is also requesting that the  
12 communities do their own respective SWOT analysis and get the responses  
13 back to them by December 18. He recommended that the Economic  
14 Development Task Force meet with the appointed members of the REDSC to  
15 conduct the SWOT analysis and then provide those results to the Board to  
16 see if they have any additional comments. The REDSC would like to discuss  
17 the feedback at their January 25 meeting.

18  
19 J. Farrell announced that they have the results of the votes for REDSC  
20 members. He said that the Board members voted as 1 being the best a  
21 candidate could receive through to a 5. He said that one Board member only  
22 voted for 3 candidates, so he gave the remaining 2 candidates a 4, which  
23 didn't affect the way the scores were done. J. Farrell said the candidates with  
24 the lowest scores were the ones that were selected for the REDSC  
25 recommendations. He said that he did the calculations and when L. Wiles  
26 checked it he found one error and corrected it. J. Farrell said he has the votes  
27 for the read file (Board members names are on them) and they are public  
28 information (See attachment #1).

29  
30 **L.Wiles made a motion to recommend to the town council to**  
31 **nominate Don Moskowitz as a full member, Scott Benson as a full**  
32 **member and Steve Young as an alternate member to the Regional**  
33 **Economic Development Steering Committee (REDSC). C. Tilgner**  
34 **seconded the motion. No discussion. Vote on the motion: 7-0-0.**

35 A. Rugg said that these names will be sent to the Town Council as the  
36 Planning Board's recommendation.

37  
38 T. Thompson said that the Town Council did meet Monday night regarding the  
39 workforce housing public hearing and it has been continued to December 7.

40 A. Rugg announced that Ken Solinsky, President of Insight Technology, was  
41 named the Ernest Young Entrepreneur of the Year.

42  
43  
44 **Public Hearings**

- 45  
46 A. Discussion - Zoning of Map 17, Lot 13 (Discrepancies between Zoning Maps  
47 and previously approved plans) - ***Postponed to a future meeting***

48  
49 T. Thompson said they need additional time to do research.  
50

1 B. Public Hearing - Zoning Ordinance Amendments - Gateway Business District

2  
3 A. Garron mentioned the 2003 design charette and said that flexibility kept  
4 coming up in discussions. He said there first attempt was the Flexible  
5 Industrial District, but the input they received from owners and the public  
6 was that it wasn't as flexible as originally hoped. They started over and had  
7 more workshop hearings, which led to the proposed Gateway Business  
8 District (GBD) with a Planned Unit Development (PUD) component. He said  
9 that the PUD has the opportunity to master plan a bigger area, so you have  
10 the villages, interconnectivity amongst the various uses that we're looking to  
11 achieve. With the PUD the Board, the public and the developer can all voice  
12 their opinions and work together to create an environment that we all can  
13 take a look at and say this is what we want here.

14  
15 T. Thompson said that even though these proposed ordinance amendments  
16 are posted as 3 separate public hearings, his presentation covers all of them  
17 in the order that they appear in the zoning ordinance. (See attachment #2)

18  
19 A. Garron stressed that our goal is to maintain quality. T. Thompson said the  
20 PUD is a Planning Board only process. It would not need to go before the  
21 Town Council.

22  
23 A.Rugg asked for public input.

24  
25 Joel Garret, Kluber Lubrication, said they see this as placing new restrictions  
26 moving forward and he is concerned about how this would affect any future  
27 plans they may have. T. Thompson said this actually provides businesses with  
28 more flexibility.

29 John Michels, 11 Nutfield Dr, said he feels that these proposed amendments  
30 are very flexible. He suggested removing the section that refers to keeping  
31 the sewer in accordance with the sewer facilities plan. J. Trottier suggested  
32 updating our existing sewer facilities and he thinks it would not be a problem  
33 to remove that section.

34  
35 There was no further public comment.

36  
37 **J. Farrell made a motion to recommend the Gateway Business District**  
38 **to the Town Council as presented and posted for public hearing. L.**  
39 **Wiles seconded the motion.** No discussion. **Vote on the motion: 7-0-0.**  
40 This recommendation will be sent to the Town Council.

41  
42 C. Public Hearing - Zoning Ordinance Amendments - Planned Unit Development

43  
44 **J. Farrell made a motion that we recommend the Planned Unit**  
45 **Development with the included amendment as discussed (In the I-I**  
46 **and I-II zones "Assembly, Testing, Packing, and Repair Operations" are**  
47 **permitted uses.) to section 2.8.5.4 to the Town Council as posted for**  
48 **public hearing. L. Wiles seconded the motion.** No discussion. **Vote on**  
49 **the motion: 7-0-0.** This recommendation will be sent to the Town Council.  
50

1 D. Public Hearing - Zoning Ordinance Amendments - Zoning Districts and  
2 Permitted Use Table (related to the Gateway Business District and Planned  
3 Unit Development ordinance public hearings)  
4

5 **J. Farrell made a motion that we recommend to amend the Permitted**  
6 **Use Table to include assembly, testing, repair and packing operations**  
7 **adding as permitted in I1 and I2 for the Gateway Business District**  
8 **and Planned Unit Development, which was an omission from the**  
9 **posted draft, to the Town Council for public hearing. L. Wiles**  
10 **seconded the motion.** No discussion. **Vote on the motion: 7-0-0.** This  
11 recommendation will be sent to the Town Council.  
12

13 **Other Business**  
14

15 A. Garron recommended reconvening again regarding the SWOT analysis on a  
16 local level for the REDSC.

17 Glen Douglas, 6 Overlook Ave, said he does not agree with the voting process that  
18 took place regarding the candidates for the REDSC. In his opinion, based on the  
19 law, the Board is out of order. A. Rugg said he doesn't agree and that everything  
20 is public information (See attachment #3).  
21

22 **Adjournment:**  
23

24 **J. Farrell made a motion to adjourn the meeting. C. Melendy seconded the**  
25 **motion.** No discussion. **Vote on the motion: 7-0-0.** Meeting adjourned at  
26 9:35PM.  
27

28  
29 These minutes prepared by Cathy Dirsra, Planning Division Secretary.  
30  
31

32  
33 Respectfully Submitted,  
34  
35

36  
37 Mary Wing Soares, Secretary  
38

DON	1114111	<del>11</del> 10
DEB	5555543	32
SCOTT	2342222	17
JONATHAN	4433354	26
STEVE	3221434	19

LOWEST ~~SCORES~~  
ARE THE MEMBERS

1. DON MOSKOWITZ
2. SCOTT BENSON
3. JONATHAN WILLIAMS
4. STEVE YOUNG
5. DEB PAUL

Lynn Wices  
Lynn Wices

COLE MELWARD

① Don Moscowitz (KELMAN)

② SCOTT BENSON (KELMAN)

~~③ DEBBIE PITRE (KELMAN)~~

③ DEBB PITRE (AUTOMATIC)

- 1 DON
- 2 STEVE
- 3 SCOTT
- 4 JOHANNATHAN
- 5 DEBB

CHUCK

Course

- ① Steve Young
- ② Scott Benson
- ③ Jonathan Williams
- ④ Don Moskowitz
- ⑤ Deb Paul

Don	Moskowitz.	1
Deb	Paul	5
Scott	Benson	4
Jonathan	Williams	3
Steve	Young	2

Chris Daniels

1. Don
2. Scott
3. Steve
4. Jonathan
5. Deb

~~AT~~

- 1 DON
- 2 SCOTT
- 3 STEVE
- 4 DEB
- 5 JONATHAN

JOHN  
FARRELL

## **Zoning Ordinance Amendments:**

### **Gateway Business District Planned Unit Development Related Amendments**

### **Planning Board Public Hearing**

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November 19, 2009

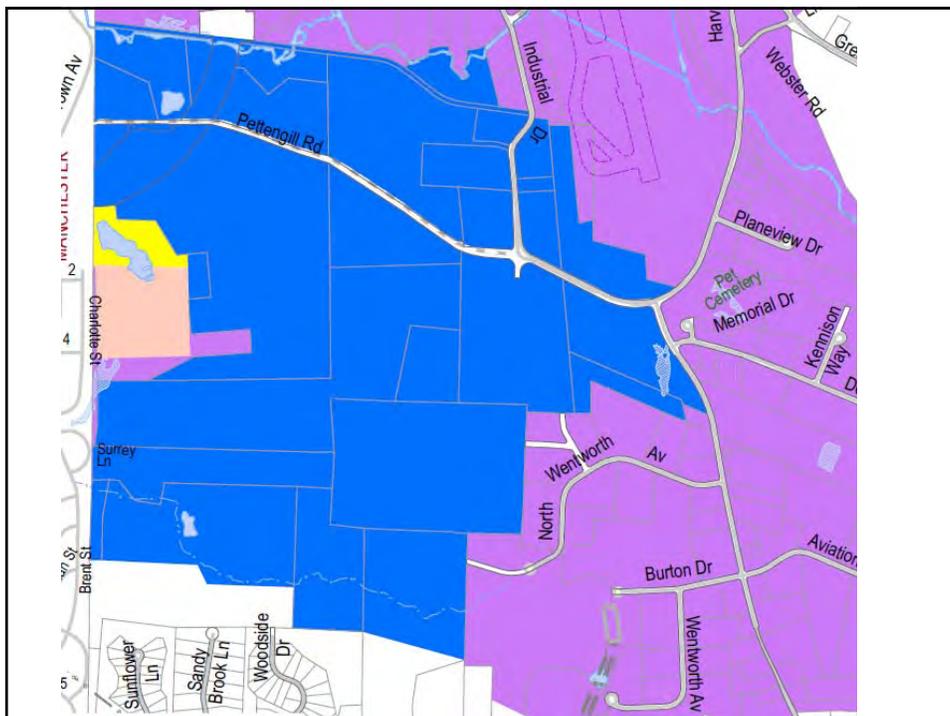
### **Summary of Proposed Amendments**

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- Amend Section 2.11 (Districts) as follows:
  - Amend # of districts from 14 to 17, adding the Gateway Business District, Planned Unit Development, and Historic District (correcting a current omission).
- Amend Section 2.2 (Permitted Use Table) as follows:
  - Insert permitted and conditional uses associated with the Gateway Business District.
  - Insert permitted and conditional uses associated with Planned Unit Development.
  - Creation of new subsection 2.2.2 – “GB District Services Table”
- Amend Section 2.5.2.5 to properly reflect the process for reviewing projects in the Airport District under the Inter-municipal Agreement between the Town of Londonderry and the City of Manchester.

## Summary of Proposed Amendments (Cont'd)

- Create new Section 2.7 (Gateway Business District) to include the objectives & characteristics and standards of development within the new district.
- Amend the Zoning Map to rezone the following lots to the new Gateway Business District:
  - **On Map 14:** Lots 35 (I-II portion only), 36 (I-II portion only), 38, 39, 45, 45-1, 45-2, 45-4, 46, 47, 49, and 49-1.
  - **On Map 28:** Lots 15, 16, 17, 17-2, 17-4, 17-5, 17-6, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 20-5, and 34.



## Summary of Proposed Amendments (Cont'd)

- Create new Section 2.8 (Planned Unit Development) to create a process by which the Planning Board and land owners can “master plan” large scale development areas, allowing for creation of a “PUD Master Plan” which, if adopted by the Planning Board following the procedures and standards of the proposed ordinance, will allow for said “PUD Master Plan” to govern development of areas instead of conventional zoning.

## Section 2.11

- Amend as follows:

### 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 seventeen (17) districts and sub-districts as follows:

Deleted: fourteen

Deleted: 14

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
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, New Section 2.2.2

## 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)

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Please Note: The proposed amendments to the use table that follows includes revisions currently being considered by the Town Council related to Workforce Housing Zoning Amendments. These changes, while not yet adopted, are by statute considered to be "in effect" during the time the ordinance is posted for Public Hearing.

The changes highlighted in green are related to the Workforce Housing Amendments.  
 The changes highlighted in yellow are related to the Gateway Business District Amendments.  
 The changes highlighted in blue are related to the Planned Unit Development Amendments.

Londonderry Zoning Ordinance Use Table

												Overlay Districts						
	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	GB	PUD	AD	POD - 102 <sup>1</sup>	POD - 28 <sup>1</sup>	CO	AH	AZ	FP	
<b>RESIDENTIAL AND AGRICULTURAL</b>																		
Agriculture	P	P																
Assisted Living Facilities		P	P	P	P							P	P					
Back Lot Development	C													See specific district regs.				
Dwelling, multi-family	C <sup>3</sup>	P, C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>												
Dwelling, single family	P, C <sup>3</sup>	P, C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	S, C <sup>3</sup>	C <sup>3</sup>												
Dwelling, two-family	P, C <sup>3</sup>	P, C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	S, C <sup>3</sup>	C <sup>3</sup>												
Elderly Housing	P	P	P	P	P	P						P	P					
Manufactured housing	P, C <sup>3</sup>	P, C <sup>3</sup>																
Mixed use residential						P												
Mobile homes	P																	
Nursing Home and accessory uses		P	P	P	P							P	P					
Preexisting manufactured housing parks	P																	
Presite Built Housing	P																	
<b>CIVIC USES</b>																		
Community center			P	P		C												
Cemetery	P																	
Public Facilities	P		P	P		C	P	P	P	P	P							
Public Utilities	P	P	P	P			S	S	S	S	S							
Recreational Facilities, Public	P		P	P								P	P					
Religious Facilities	P		P	P	P	P						P	P					
Cultural Uses and Performing Arts									P	P								
<b>BUSINESS USES</b>																		
Aeronautical Facilities												P						
Assembly, testing, repair and packing operations up to 250,000 sq. ft.							P	P	P	P								
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger							P	P	C	P								
Bed and Breakfast Homestay	P																	

Proposed change from posted version (correcting an omission, not a substantive change)

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

participate in the regulatory proceedings of such state and federal agencies to the extent permitted by statutes and regulations governing those proceedings.

2.5.2.5.1.3 The proposed development shall not be deemed approved until the Town engineer issues written confirmation of compliance with site plan drainage standards and the absence of evident encroachments.

2.5.2.5.1.4 The Planning Board shall hold an informational public hearing at which a representative of the airport shall attend and discuss the proposed development with the Planning Board and interested members of the public.

2.5.2.5.1.5 The airport representative shall respond in writing to all input, oral or written, received from the Board or members of the public during the informational public hearing.

2.5.2.5.1.6 The Planning Board shall not have the authority to disapprove the development or the plans, specifications or response of the airport representative to the input received at the informational public hearing; provided that the written approval of the Town engineer referred to in subsection 2.5.2.5.1.3, above shall be required.

2.5.2.5.1.7 The airport shall submit to the Building Inspector an as built plan of the development with a certificate that the development complies with all applicable federal and state laws and regulations as well as copies of all applicable state and federal permits and a certificate of compliance with the Town standards referred to in subsection 2.5.2.5.1.2 and 2.5.2.5.1.3, above.

2.5.2.5.2 Nothing herein is intended to affect the applicability of any other Town public health or safety codes, ordinances or regulations that may apply to aeronautical activities.

## Section 2.5.2.5

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- Proposed Ordinance Language:

2.5.2.5 Planning Board Site Plan Review. - In the Airport District, the Londonderry Planning Board shall shall review projects following the procedures outlined in RSA 674:54 as stipulated by the most recently adopted Intermunicipal Agreement between the Town of Londonderry and the City of Manchester.

## New Section 2.7 – Gateway Business District

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### 2.7 GATEWAY BUSINESS DISTRICT

#### 2.7.1 Objectives and Characteristics

The Gateway Business District (GB) is intended to allow for the development of gateways to the Town of Londonderry, centers of commerce, and employment centers for the Southern NH region.

It is the desire of the Town of Londonderry that all of these activities be developed in a manner that both serves the business interests contained in the district, and in a manner that conveys a campus atmosphere to those arriving here. Traffic circulation and alternate modes of transportation need to be provided for, as does parking for employees and visitors alike. A wide variety of industrial, supporting commercial development, and open space & recreational amenities are desired, in accordance with the various planning efforts undertaken by the Town in recent years (primarily the 2004 Master Plan which includes the 2003 Londonderry Business Park Design Charrette, and any other planning efforts as completed and applicable). All of these activities are envisioned as being developed in a manner that involves quality design of landscaping, a high level of quality in individual building and site design which takes into account the context of the site in its natural environment, and flexibility on the part of the Town so as to achieve the design suggested in those documents.

## Section 2.7.2 – General Standards

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- Permitted Uses per Section 2.2 (previously discussed)
  - Setbacks:
    - Front: 30'
    - Sides & Rear: 20'
  - Minimum Lot Size – Subject to Planning Board approval for specifics of the parcel and proposed use, but no less than 1 acre.
  - Maximum Building Height of 50' or as restricted by Airport Approach Overlay
  - 25% Minimum Open Space
  - No outdoor storage, unless specifically approved by Planning Board
  - Parking subject to Section 3.10 of Zoning Ordinance
  - Landscaping & Lighting subject to Site Plan Regulations
- 

## Section 2.7.2.5

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### 2.7.2.5 Transportation Demand Management/Sustainable Site & Building Design

2.7.2.5.1 Development within the GB District shall be required to meet one of the 2 following requirements, unless waived by the Planning Board as outlined in Section 2.7.2.5.2.

2.7.2.5.1.1 **Transportation Demand Management.** The proposed development shall incorporate Transportation Demand Management (TDM) techniques in the proposed operation of the facility (Such as car/vanpooling or rideshare programs, establishment of a Transportation Management Authority, establishment of bus or transit service or contribution towards the establishment of a bus or transit service, flex-time work schedules, etc. For more examples of TDM strategies see <http://www.vtpi.org/tdm/>). The applicant shall provide documentation to the Town outlining the types of TDM methods proposed, and documentation to ensure the continued use of the TDM methods meeting the approval of the Planning Board, or

2.7.2.5.1.2 **Sustainable Site & Building Design.** The proposed development of the property shall be determined to meet the "Certified" level of LEED (Leadership in Energy and Environmental Design) Certification or higher (Silver, Gold, or Platinum). The project need not actually receive LEED certification, but must be able to demonstrate that the project would meet the "certified" level of certification criteria.

2.7.2.5.2 Waiver of TDM/Sustainable Site & Building Design Requirement

2.7.2.5.2.1 The Planning Board, may, with sufficient justification presented, waive the requirements of Section 2.7.2.5.1 where it is shown that the Transportation Demand Management or Sustainable Site & Building Design standards impose an unreasonable burden on development of property within the GB District.

## Section 2.7.2.9

2.7.2.9 Sign Standards - All signs, their quantity and location, shall comply with the permitted Industrial District signs as outlined in Section 3.11 of this Ordinance, except as provided below.

2.7.2.9.1 Off-Premise Directory Signs - An off-premise directory sign which identifies the name and location of business located in the GB District may be allowed by Conditional Use Permit from the Planning Board provided the following conditions are met:

2.7.2.9.1.1 Such off-premise directory signs in the GB district shall only be permitted at intersections of roadways where at least one of the streets is an arterial or connector roadway, as defined in the appendix of this ordinance.

2.7.2.9.1.2 No more than one (1) off-premise sign shall exist on an individual parcel.

2.7.2.9.1.3 No business shall be advertised on more than two (2) off-premise signs within the GB District.

2.7.2.9.1.4 Off-premise signs located in the GB District shall have a maximum surface area of twenty-five (25) square feet and a maximum height of ten (10) feet from grade.

2.7.2.9.1.5 Appropriate setbacks from property lines shall be determined by the Planning Board, and shall in no way obstruct proper sight distance from any intersecting roads or driveways.

2.7.2.9.1.6 The off-premise sign must be reviewed and approved by the Planning Board for aesthetic design, landscaping, and method of illumination.

2.7.2.9.1.7 The sign must otherwise conform to other applicable regulations of this ordinance.

2.7.2.9.1.8 Any other conditions or restrictions as the Planning Board may deem to be in the public interest.

## Section 2.7.3 – Conditional Use Permits

- 2 parts – Uses requiring a CUP & Dimensional Relief by CUP
- Certain larger uses require CUP to ensure that those types of uses are not dominating overall development of GB areas, consistent with vision of the area.
- Planning Board also has ability through a CUP to modify any dimensional standard within the GB District, giving flexibility in the application of the ordinance to the Planning Board, rather than requiring variances from the ZBA.

## Conditional Use Permit Criteria

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- The proposed use is consistent with the Objectives and Characteristics of the District
  - Granting of the application is in the public interest
  - 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
  - The applicant has demonstrated that the alternative design for which the CUP 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
  - The application demonstrates that the alternative design for which the CUP 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
- 

## Planned Unit Development: General Explanation

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- PUD's allow for a parcel, or group of parcels, to propose a "master plan" for development.
  - The Planning Board holds hearings on the PUD Master Plan, and if adopted, the PUD Master Plan, and not the underlying zoning, governs how the project is developed.
  - Once PUD Master Plan is adopted, all future site plans & subdivisions within the PUD will be reviewed in accordance with the PUD Master Plan.
-

## Sections 2.8.1 & 2.8.2

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- Enacted under the authority of the “Innovative Land Use Controls” statute, RSA 674:21
- Purpose:

### 2.8.2 Purpose.

2.8.2.1 A Planned Unit Development (PUD) allows a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property. A PUD master plan is akin to a special zoning district designation for a particular tract of land in terms of uses, dimensions, and other development standards. (Note: every reference to a master plan in this PUD ordinance refers to the PUD Master Plan rather than the Town of Londonderry Master Plan, except where the latter is specifically referred to as such.)

2.8.2.2 The purpose of this ordinance is to promote flexibility in large scale development by considering project proposals based upon a comprehensive, integrated and detailed plan rather than the specific constraints applicable to piecemeal lot-by-lot development under conventional zoning. A PUD should improve the quality of new development by encouraging aesthetically attractive features and promoting quality site and architectural design.

## Section 2.8.3 - Process

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- Due to the relative complexity of the process, applicants are encouraged to meet with Staff and hold conceptual discussions with the Planning Board
- Formal PUD Application filed
- Planning Board holds public hearing, determines completeness, and makes decision within 65 days of application filing
- Planning Board approves, denies, or approves with conditions the PUD Master Plan
- Community Development Department keeps record of all approved PUD Master Plans, and updates Zoning Map to indicate approved PUD's

## Section 2.8.3 – Process (cont'd)

- Subsequent to PUD Master Plan approval, applicant submits separate subdivisions and site plans to carry out development.
- Any development will be governed by the PUD Master Plan rather than the underlying zoning requirements.
- Active & Substantial development in accordance with the PUD Master Plan must take place within 4 years from the date of PUD Master Plan approval.
- Landowners in a PUD may, utilizing the same process as the initial PUD Master Plan approval, request amendments to the PUD Master Plan.
- PUD's can be extinguished (if no development has taken place) by request of the landowner.

## Section 2.8.4 – PUD Master Plan

### 2.8.4 PUD Master Plan

2.8.4.1 In devising the PUD master plan, subject to specific limitations, guidelines, and objectives stated elsewhere in this ordinance, there is flexibility in the selection of land uses, density, setbacks, buffers, building heights, lot sizes, lot dimensions, parking requirements, and most site design and development standards contained in the Zoning Ordinance, Site Plan Regulations, Subdivision Regulations.

2.8.4.2 The master plan is composed of all of the elements submitted by the applicant which describe the project including:

2.8.4.2.1 A land use plan (drawing),

2.8.4.2.2 Land use list,

2.8.4.2.3 PUD application,

2.8.4.2.4 Narrative,

2.8.4.2.5 Architectural guidelines (if applicable),

2.8.4.2.6 Any other development guidelines

2.8.4.2.7 Any additions, deletions, modifications, and/or clarifications stipulated by the Planning Board in its approval.

2.8.4.3 The land plan delineates one or more land use areas. An accompanying land use list gives a designation for each land use area specifying approximate acreage, types of uses, density and any other development standards peculiar to that area.

## Section 2.8.5 – Basic Requirements

### 2.8.5 Basic Requirements. The following requirements apply:

2.8.5.1 Location. PUD's are permitted in any zoning district on one or more lots, or portions of lots, of land provided they meet all other criteria outlined in this Section.

2.8.5.2 Tract size. The minimum area required for a PUD shall be one hundred (100) contiguous acres of land. Where portions of the tract are separated by a road, road right-of-way, utility, waterway, or another like element, the land shall be deemed contiguous unless the intervening feature is of such a nature that the Planning Board determines that the land could not function effectively as a PUD.

2.8.5.2.1 A PUD may include land which has been previously developed under the requirements of the underlying zoning only when, as part of the PUD Master Plan, the previously developed portion of land is substantially redeveloped in a manner which is consistent with the spirit of the PUD ordinance and which proposes improvements to such items as the aesthetics, architectural design, connectivity with the undeveloped part of the PUD and which creates a unified concept and design for the entire parcel.

2.8.5.3 Ownership. The PUD shall either be under unified ownership or be a collection of lots under separate ownership with a development agreement stipulating all owners are subject to the requirements of any PUD Master Plan approval by the Planning Board at the time of application. However, the tract may be subsequently subdivided consistent with the terms and conditions of the approved master plan. Multiple parties may own, manage, and/or develop various components of the PUD provided that the overall PUD remains integrated.

2.8.5.4 Water and Sewer. Only those tracts which contain buildings that will be serviced by water (Manchester Water Works, Derry Municipal Water, or Pennichuck Water) and municipal sewer systems (and consistent with the Town's Sewer Facilities Master Plan) are permitted to be included in a PUD.

## Section 2.8.6 – Permitted Uses

- Per use table previously discussed
- Additional ordinance language:
  - Any use not listed in the Table of Permitted Uses (Section 2.2) may be considered by the Planning Board for inclusion in a PUD Master Plan if it is determined to be in compliance with the purpose and intent of this Section, or the purpose and intent of the underlying zoning district.
  - Any uses that are permitted in the underlying zoning district, either by right, special exception or conditional use permit (at such time as this procedure may be established) shall be considered permitted uses in a PUD.

## Section 2.8.7 – Standards of Development

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- Parking requirements per Zoning Ordinance, but can be modified by Planning Board through PUD Master Plan Process.
  - Maximum building height of 50' or as restricted by Airport Approach Height Overlay.
  - When residential uses are allowed, maximum of 6 units per acre of PUD tract. Layout of residential and non-residential uses to be determined through PUD Master Plan.
- 

## Section 2.8.7 – Standards of Development (cont'd)

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- PUD must be in compliance with:
    - All standards of all local ordinances and regulations unless specifically waived as part of PUD Master Plan
    - Health, safety, building construction, and drainage standards are **not waivable** in PUD Master Plan
    - Roads and structures set back minimum of 50' from overall PUD boundary
    - All proposed covenants, restrictions, and easements must be approved by Planning Board
-

## **Section 2.8.8 – Criteria for Review of PUD Proposals**

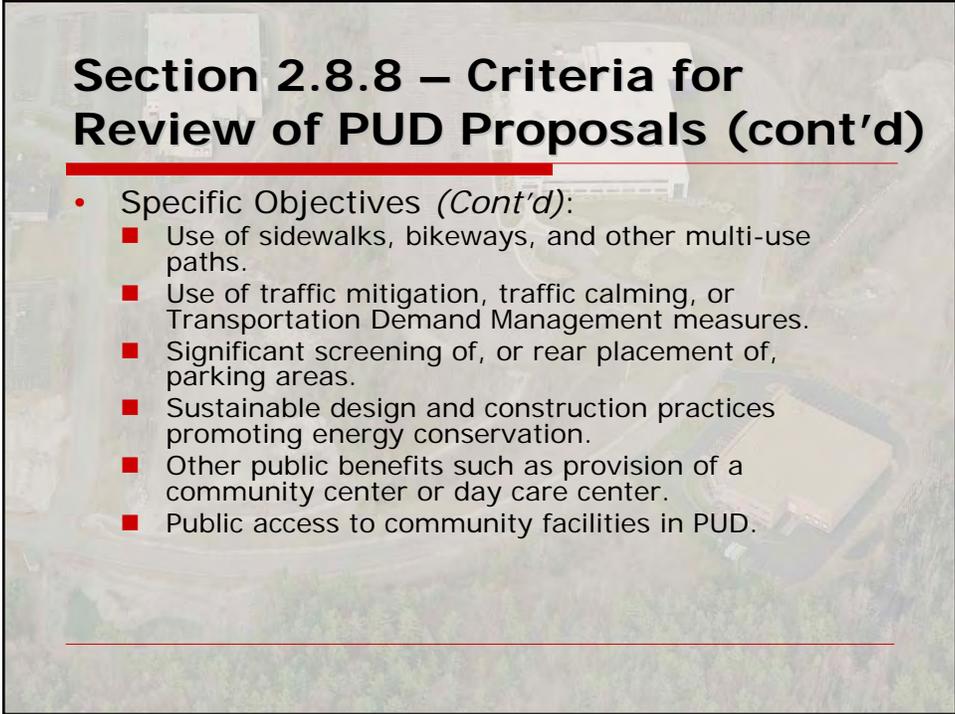
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- General Considerations:
    - Provisions of local ordinances/ regulations, state and federal laws
    - Consistency with 2004 Master Plan or any other related plans or studies
    - Conformance with objectives of PUD section of ordinance
    - Infrastructure capacity and impact of PUD on public services and safety
    - Fiscal impact to the Town
- 

## **Section 2.8.8 – Criteria for Review of PUD Proposals (cont'd)**

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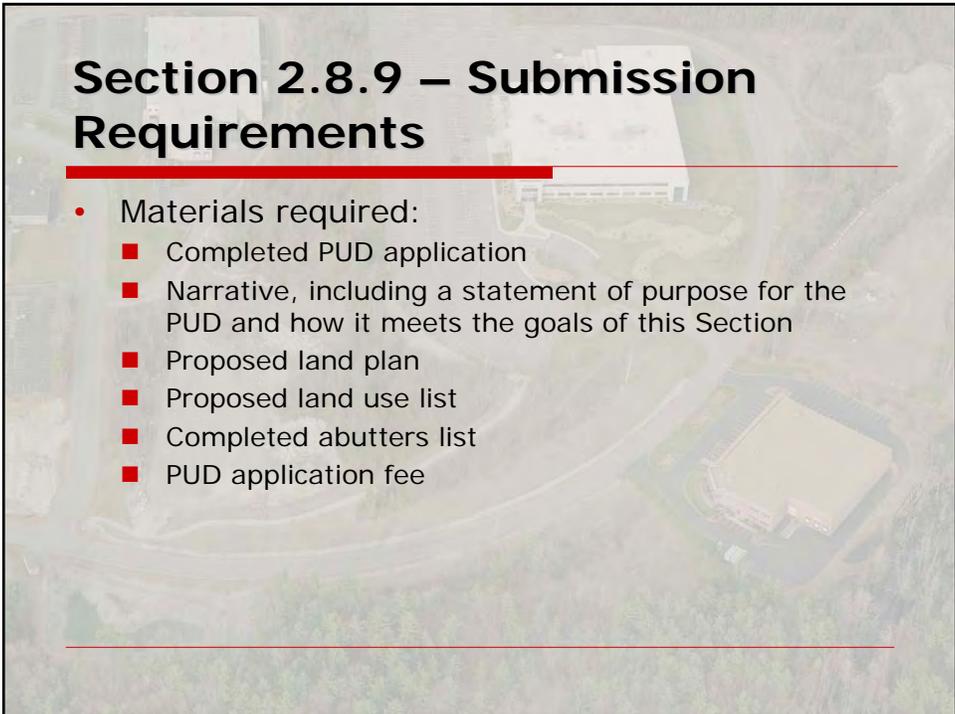
- Specific Objectives:
    - Inclusion of a harmonious mix of uses.
    - Provisions for quality architectural design.
    - Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
    - Preservation of open space.
    - Preservation of natural vegetation and other important natural features.
    - Preservation of important cultural resources such as stone walls and other archaeological sites.
    - Development of active or passive recreational areas.
-



## Section 2.8.8 – Criteria for Review of PUD Proposals (cont'd)

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- Specific Objectives (*Cont'd*):
    - Use of sidewalks, bikeways, and other multi-use paths.
    - Use of traffic mitigation, traffic calming, or Transportation Demand Management measures.
    - Significant screening of, or rear placement of, parking areas.
    - Sustainable design and construction practices promoting energy conservation.
    - Other public benefits such as provision of a community center or day care center.
    - Public access to community facilities in PUD.
- 



## Section 2.8.9 – Submission Requirements

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- Materials required:
    - Completed PUD application
    - Narrative, including a statement of purpose for the PUD and how it meets the goals of this Section
    - Proposed land plan
    - Proposed land use list
    - Completed abutters list
    - PUD application fee
-

## Section 2.8.9 – Submission Requirements (cont'd)

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- Required Information:
    - Present underlying zoning classification and zoning classification of all adjoining lots.
    - Topographic information on the tract including soil types, wetlands, surface water,
    - land contours, natural and cultural resources, ridges and knolls, rock outcrops,
    - steep slopes, etc.
    - Total acreage of the tract; rough delineation of each land use area with approximate acreage,
    - Proposed uses for each land use area, preferably given with some specificity.
    - Proposed total number of dwelling units and overall residential density for the tract (if applicable).
- 

## Section 2.8.9 – Submission Requirements (cont'd)

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- Required Information (*cont'd*):
    - Proposed general estimates of location, size, use(s) for each structure.
    - Proposed general estimates of location, width, and materials of all streets, drives, sidewalks, and paths.
    - Proposed general estimates of location and number of spaces for each parking area.
    - Summary of proposed traffic impact, including preliminary estimates of trip generation, trip distribution, and potential areas of off-site transportation improvements.
    - Proposed open space areas.
-

## Section 2.8.9 – Submission Requirements (cont'd)

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- Required Information (*cont'd*):
    - Natural and cultural resources proposed to be preserved.
    - Proposed buffers, if appropriate, to adjoining property.
    - Sketch/plan of proposed landscaping.
    - Brief explanation or sketch of proposed water and sewer/septic systems.
    - Brief explanation or sketch of proposed stormwater management plan.
    - Brief explanation or sketch of other proposed utilities.
- 

## Section 2.8.9 – Submission Requirements (cont'd)

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- Required Information (*cont'd*):
    - Brief explanation or sketch of proposed firefighting strategy.
    - Proposed architectural standards or guidelines or brief explanation/sketch of architectural treatment.
    - A "Signage Plan" shall be submitted. This document shall establish guidelines regulating and coordinating all signage within the PUD including general representations of tenant signage, development signage, directional signage, and vehicular and pedestrian traffic circulation signage. Specific criteria for design, size, proposed sign types (wall, free standing, etc.), materials, heights, colors, setbacks, projections and contextual issues shall be established.
-

## Section 2.8.9 – Submission Requirements (cont'd)

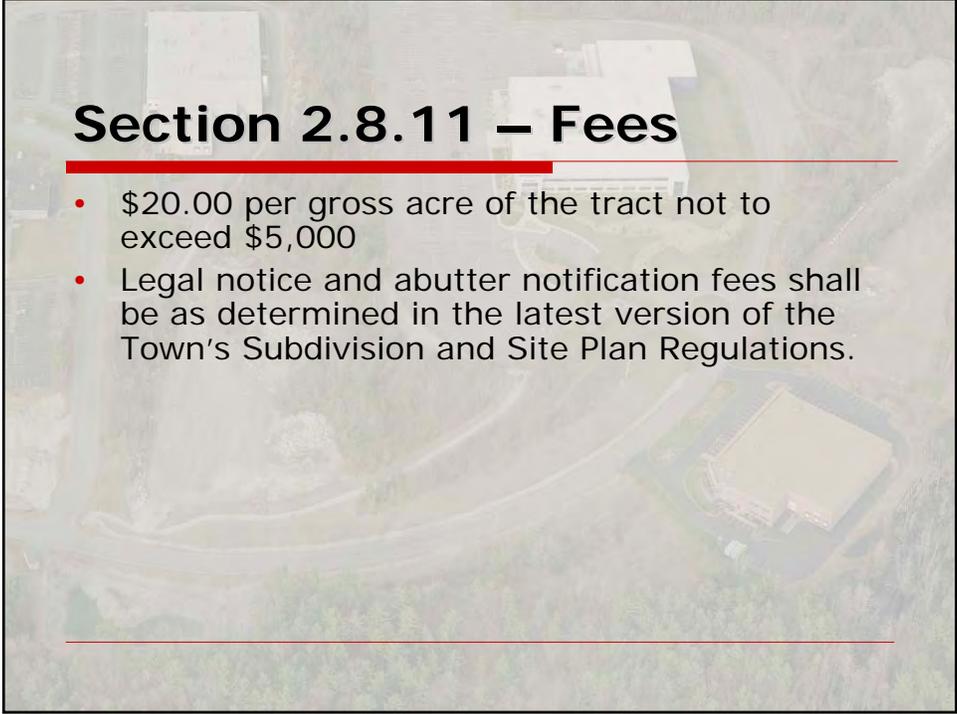
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- Required Information (*cont'd*):
    - Proposed time schedule for completion of the project, phasing schedule (if applicable), etc.
    - Proposed covenants, restrictions and easements and how they will be monitored and enforced, if applicable.
    - Proposed ownership arrangement of each section of the PUD
    - Proposed articles of incorporation and bylaws of any corporation and/or association to be formed.
    - The Planning Board can require the submittal of additional information, studies, documents, etc.,
    - Any other information that the Planning Board or the Town Attorney may deem reasonably necessary.
- 

## Section 2.8.10 – Interpretation/ Application of PUD Master Plan

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- The Planning Board shall review any site plan or subdivision application for its conformity with the approved PUD master plan; however the PUD will have control over site review and subdivision regulations. The Board may use its discretion in determining if particular items are consistent with the intent of the plan.
  - All development standards must ultimately be determinable for each land use area. Where specific development standards are neither stated nor implied in the PUD master plan, the most appropriate standards otherwise applicable (from the Zoning Ordinance, Site Plan Regulations, and/or Subdivision Regulations) shall apply as determined by the Planning Board.
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## **Section 2.8.11 – Fees**

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- \$20.00 per gross acre of the tract not to exceed \$5,000
  - Legal notice and abutter notification fees shall be as determined in the latest version of the Town's Subdivision and Site Plan Regulations.
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## 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 19<sup>th</sup> day of November, 2009, 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 create a new Gateway Business District (new Section 2.7) of the Ordinance. The proposed amendments are a result of implementing the recommendations of both the 2004 Master Plan and 2009 Northwest Small Area Master Plan. Related to these changes, and subject to a separate public hearing on November 19 will be changes to other sections of the Zoning Ordinance dependant on adoption of the amendments proposed by this public hearing.

The proposed changes are summarized as follows:

- Create new Section 2.7 (Gateway Business District) to include the objectives & characteristics and standards of development within the new district.
- Amend the Zoning Map to rezone the following lots to the new Gateway Business District:
  - **On Map 14:** Lots 35 (I-II portion only), 36 (I-II portion only), 38, 39, 45, 45-1, 45-2, 45-4, 46, 47, 49, and 49-1.
  - **On Map 28:** Lots 15, 16, 17, 17-2, 17-4, 17-5, 17-6, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 20-5, and 34.

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](http://www.londonderrynh.org) (Click on Boards & Commissions, then Planning Board)



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Timothy J. Thompson, AICP  
Town Planner

**2.7 GATEWAY BUSINESS DISTRICT**

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**2.7.1 Objectives and Characteristics**

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The Gateway Business District (GB) is intended to allow for the development of gateways to the Town of Londonderry, centers of commerce, and employment centers for the Southern NH region.

It is the desire of the Town of Londonderry that all of these activities be developed in a manner that both serves the business interests contained in the district, and in a manner that that conveys a campus atmosphere to those arriving here. Traffic circulation and alternate modes of transportation need to be provided for, as does parking for employees and visitors alike. A wide variety of industrial, supporting commercial development, and open space & recreational amenities are desired, in accordance with the various planning efforts undertaken by the Town in recent years (primarily the 2004 Master Plan which includes the 2003 Londonderry Business Park Design Charrette, and any other planning efforts as completed and applicable). All of these activities are envisioned as being developed in a manner that involves quality design of landscaping, a high level of quality in individual building and site design which takes into account the context of the site in its natural environment, and flexibility on the part of the Town so as to achieve the design suggested in those documents.

**2.7.2 General Standards**

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Within the GB District the following regulations and controls are required for the development and continued use of the area.

2.7.2.1 Permitted Uses: See use tables section 2.2 and 2.2.2 of this zoning ordinance.

2.7.2.1.1 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.

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Minimum Setback Distances for Structures from Property Line:

Front	- 30 feet
Side	- 20 feet
Back	- 20 feet

2.7.2.1.1.1 Setbacks may be reduced by the Planning Board as set forth in Section 2.7.3.2.

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2.7.2.1.1.2 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.

2.7.2.2 **Minimum Lot Size** - Minimum lot size in the GB District is subject to Planning Board approval based on on such requirements as parking, lighting, building size, sewage disposal requirements, soil types, topography, vehicular and non-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.

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- 2.7.2.3 **Building Height** - Except for structures not intended for human occupancy (chimney, water tower, etc.) height of buildings shall not exceed 50 feet, or as specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay (Section 2.6.6 of this Ordinance). ← --- Formatted: Bullets and Numbering
- 2.7.2.4 **Minimum Green Space** - The parcel must contain a minimum of 25% of the total land in the parcel dedicated as green space (landscaping or undeveloped areas). ← --- Formatted: Bullets and Numbering
- 2.7.2.5 **Transportation Demand Management/Sustainable Site & Building Design** ← --- Formatted: Bullets and Numbering
- 2.7.2.5.1 **Development within the GB District shall be required to meet one of the 2 following requirements, unless waived by the Planning Board as outlined in Section 2.7.2.5.2:** ← --- Formatted: Bullets and Numbering
- 2.7.2.5.1.1 **Transportation Demand Management.** The proposed development shall incorporate Transportation Demand Management (TDM) techniques in the proposed operation of the facility (Such as car/vanpooling or rideshare programs, establishment of a Transportation Management Authority, establishment of bus or transit service or contribution towards the establishment of a bus or transit service, flex-time work schedules, etc. For more examples of TDM strategies see <http://www.vtpi.org/tdm/>). The applicant shall provide documentation to the Town outlining the types of TDM methods proposed, and documentation to ensure the continued use of the TDM methods meeting the approval of the Planning Board; or ← --- Formatted: Bullets and Numbering
- 2.7.2.5.1.2 **Sustainable Site & Building Design.** The proposed development of the property shall be determined to meet the “Certified” level of LEED (Leadership in Energy and Environmental Design) Certification or higher (Silver, Gold, or Platinum). The project need not actually receive LEED certification, but must be able to demonstrate that the project would meet the “certified” level of certification criteria.
- 2.7.2.5.2 **Waiver of TDM/Sustainable Site & Building Design Requirement** ← --- Formatted: Bullets and Numbering
- 2.7.2.5.2.1 **The Planning Board, may, with sufficient justification presented, waive the requirements of Section 2.7.2.5.1 where it is shown that the Transportation Demand Management or Sustainable Site & Building Design standards impose an unreasonable burden on development of property within the GB District.** ← --- Formatted: Bullets and Numbering
- 2.7.2.6 **Storage Areas** ← --- Formatted: Bullets and Numbering
- 2.7.2.6.1 **No outdoor storage is allowed in the GB District unless specifically approved as part of a site plan approved by the Planning Board.** ← --- Formatted: Bullets and Numbering
- 2.7.2.6.2 **All outdoor storage shall be visually screened from access streets, arterials and adjacent property. Outdoor storage shall be meant to include parking of all company owned and operated motor vehicles, with the exception of passenger vehicles. No storage shall be permitted between a frontage street and the building line.** ← --- Formatted: Bullets and Numbering

2.7.2.6.3 Bulk storage of gasoline, chemicals, petroleum products, and flammable materials shall not be permitted except as accessory to a principal use, accessory to a service station, laboratory, production operation, airport service or the servicing of company owned or leased vehicles. ← --- Formatted: Bullets and Numbering

2.7.2.7 Parking, Loading, & Vehicle Access Standards - See Section 3.10 of this Ordinance. ← --- Formatted: Bullets and Numbering

2.7.2.8 Landscaping Standards - All landscape designs shall comply with the Town of Londonderry Site Plan Regulations. ← --- Formatted: Bullets and Numbering

2.7.2.9 Sign Standards - All signs, their quantity and location, shall comply with the permitted Industrial District signs as outlined in Section 3.11 of this Ordinance, except as provided below: ← --- Formatted: Bullets and Numbering

2.7.2.9.1 Off Premise Directory Signs - An off-premise directory sign which identifies the name and location of business located in the GB District may be allowed by Conditional Use Permit from the Planning Board provided the following conditions are met: ← --- Formatted: Bullets and Numbering

2.7.2.9.1.1 Such off premise directory signs in the GB district shall only be permitted at intersections of roadways where at least one of the streets is an arterial or connector roadway, as defined in the appendix of this ordinance. ← --- Formatted: Bullets and Numbering

2.7.2.9.1.2 No more than one (1) off-premise sign shall exist on an individual parcel.

2.7.2.9.1.3 No business shall be advertised on more than two (2) off premise signs within the GB District.

2.7.2.9.1.4 Off-premise signs located in the GB District shall have a maximum surface area of twenty-five (25) square feet and a maximum height of ten (10) feet from grade.

2.7.2.9.1.5 Appropriate setbacks from property lines shall be determined by the Planning Board, and shall in no way obstruct proper sight distance from any intersecting roads or driveways.

2.7.2.9.1.6 The off premise sign must be reviewed and approved by the Planning Board for aesthetic design, landscaping, and method of illumination.

2.7.2.9.1.7 The sign must otherwise conform to other applicable regulations of this ordinance.

2.7.2.9.1.8 Any other conditions or restrictions as the Planning Board may deem to be in the public interest.

2.7.2.10 Lighting Standards - All lighting shall comply with the Town of Londonderry Site Plan Regulations. ← --- Formatted: Bullets and Numbering

2.7.3 Conditional Use Permits ← --- Formatted: Bullets and Numbering

2.7.3.1 Uses Permitted by Conditional Use Permit: Some developments (see Use Table, Section 2.2) in the GB 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 Master Plan. ← --- Formatted: Bullets and Numbering

- 2.7.3.2 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 truly supportive of the goals of the GB District as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives. ← --- Formatted: Bullets and Numbering
- 2.7.3.3 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. ← --- Formatted: Bullets and Numbering
- 2.7.3.4 Application Procedure - Applications for conditional use permits (CUP) within this district shall be made in accordance with the following procedures: ← --- Formatted: Bullets and Numbering
- 2.7.3.4.1 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. ← --- Formatted: Bullets and Numbering
- 2.7.3.4.2 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
- 2.7.3.4.3 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.
- 2.7.3.4.4 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.
- 2.7.3.5 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 2.7.3.5.1. 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. ← --- Formatted: Bullets and Numbering
- 2.7.3.5.1 The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the Gateway Business District. The applicant shall demonstrate that: ← --- Formatted: Bullets and Numbering
- 2.7.3.5.1.1 The proposed use is consistent with the Objectives and Characteristics of the Gateway Business District, Section 2.7.1; ← --- Formatted: Bullets and Numbering
- 2.7.3.5.1.2 Granting of the application is in the public interest;
- 2.7.3.5.1.3 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.
- 2.7.3.5.1.4 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

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

2.7.4 District Defined – The GB District shall be comprised of the following parcels:

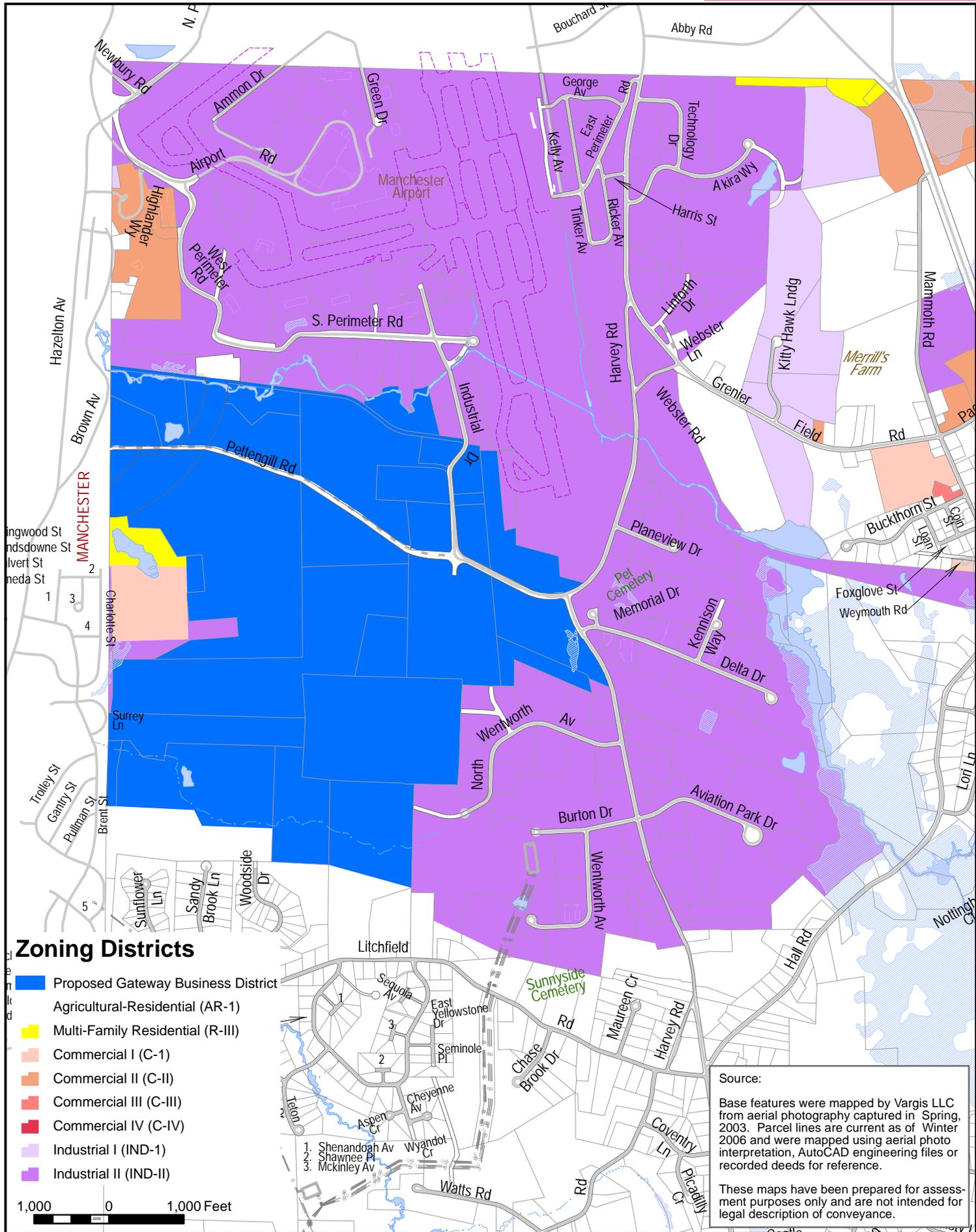
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On Map 14: Lots 35 (I-II portion only), 36 (I-II portion only), 38, 39, 45, 45-1, 45-2, 45-4, 46, 47, 49, and 49-1

On Map 28: Lots 15, 16, 17, 17-2, 17-4, 17-5, 17-6, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 20-5, and 34

# Proposed GB District Parcels

November 19, 2009



## Town of Londonderry, New Hampshire

### LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 19<sup>th</sup> day of November, 2009, 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 create a new Planned Unit Development Section (new Section 2.8) of the Ordinance. The proposed amendments are a result of implementing the recommendations of the 2004 Master Plan. Related to these changes, and subject to a separate public hearing on November 19 will be changes to other sections of the Zoning Ordinance dependant on adoption of the amendments proposed by this public hearing.

The proposed changes are summarized as follows:

- Create new Section 2.8 (Planned Unit Development) to create a process by which the Planning Board and land owners can “master plan” large scale development areas, allowing for creation of a “PUD Master Plan” which, if adopted by the Planning Board following the procedures and standards of the proposed ordinance, will allow for said “PUD Master Plan” to govern development of areas instead of conventional zoning.

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](http://www.londonderrynh.org) (Click on Boards & Commissions, then Planning Board)



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Timothy J. Thompson, AICP  
Town Planner

**2.8 PLANNED UNIT DEVELOPMENT**

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**2.8.1 Authority.** The Section is enacted in pursuant to RSA 674:21, innovative land use controls, which provides the statutory authority for the Town of Londonderry to allow for the development of a Planned Unit Development ordinance.

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**2.8.2 Purpose.**

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**2.8.2.1** A Planned Unit Development (PUD) allows a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property. A PUD master plan is akin to a special zoning district designation for a particular tract of land in terms of uses, dimensions, and other development standards. (Note: every reference to a master plan in this PUD ordinance refers to the PUD Master Plan rather than the Town of Londonderry Master Plan, except where the latter is specifically referred to as such.)

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**2.8.2.2** The purpose of this ordinance is to promote flexibility in large scale development by considering project proposals based upon a comprehensive, integrated and detailed plan rather than the specific constraints applicable to piecemeal lot-by-lot development under conventional zoning. A PUD should improve the quality of new development by encouraging aesthetically attractive features and promoting quality site and architectural design.

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**2.8.3 Process.** The process for administering a Planned Unit Development is as follows:

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**2.8.3.1** Due to the complexity inherent in PUD's, prior to developing a detailed PUD proposal or submitting an application applicants are strongly encouraged to:

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**2.8.3.1.1** Meet with the Community Development Department to discuss their ideas; and

**2.8.3.1.2** Hold a conceptual discussion with the Planning Board.

**2.8.3.2** The applicant submits a formal PUD application (also known as the proposed PUD master plan) as specified elsewhere in this section.

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**2.8.3.3** The Planning Board holds a public hearing on the PUD application and determines whether or not it is complete, in accordance with this ordinance. The board must take final action on the application within 65 days of a finding of completeness.

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**2.8.3.4** The Planning Board approves, denies, or approves with conditions the PUD application. An applicant may appeal any such decision of the Planning Board in the same manner specified for appeals for site plan determinations and subdivision determinations (RSA 677:15).

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**2.8.3.5** The Community Development Department maintains a record of all approved PUD master plans. The PUD is demarcated on the Zoning Map of the Town (over the underlying zoning district) and labeled based on the order in which the master plan was approved (as PUD-1, PUD-2, etc.).

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**2.8.3.6** Subsequent to the PUD approval, the applicant submits a separate site plan application and/or subdivision application for development of the tract in accordance with the

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master plan. In the event of a conflict between the terms of the approved master plan and the terms of the site plan regulations or subdivision regulations, the terms of the approved master plan shall control.

2.8.3.7 Any development on the subject property must be consistent with the approved master plan as determined by the Planning Board. While it is the master plan, rather than the underlying zoning district, that regulates development of the subject tract, there shall remain an underlying zoning designation for the tract at all times.

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2.8.3.8 In the event active and substantial development or building has not begun on the site by the owner or the owner's successor-in-interest in accordance with the approved master plan within four years after the date of approval, or in accordance with other specific terms of the approval, then the master plan shall be deemed to have expired and the underlying zoning shall then control development of the land. Landowners may apply to the Planning Board for extensions of this time period for good cause shown.

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2.8.3.9 Landowners may apply to amend all or a portion of an approved PUD following the same process applicable to the establishment of a PUD. A landowner may extinguish a PUD by notifying the Planning Board in writing that he/she does not intend to utilize the PUD.

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#### 2.8.4 PUD Master Plan

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2.8.4.1 In devising the PUD master plan, subject to specific limitations, guidelines, and objectives stated elsewhere in this ordinance, there is flexibility in the selection of land uses, density, setbacks, buffers, building heights, lot sizes, lot dimensions, parking requirements, and most site design and development standards contained in the Zoning Ordinance, Site Plan Regulations, Subdivision Regulations.

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2.8.4.2 The master plan is composed of all of the elements submitted by the applicant which describe the project including:

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2.8.4.2.1 A land use plan (drawing).

2.8.4.2.2 Land use list.

2.8.4.2.3 PUD application.

2.8.4.2.4 Narrative.

2.8.4.2.5 Architectural guidelines (if applicable).

2.8.4.2.6 Any other development guidelines

2.8.4.2.7 Any additions, deletions, modifications, and/or clarifications stipulated by the Planning Board in its approval.

2.8.4.3 The land plan delineates one or more land use areas. An accompanying land use list gives a designation for each land use area specifying approximate acreage, types of uses, density and any other development standards peculiar to that area.

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**2.8.5 Basic Requirements.** The following requirements apply:

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2.8.5.1 Location. PUD's are permitted in any zoning district on one or more lots, or portions of lots, of land provided they meet all other criteria outlined in this Section.

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2.8.5.2 Tract size. The minimum area required for a PUD shall be one hundred (100) contiguous acres of land. Where portions of the tract are separated by a road, road right-of-way, utility, waterway, or another like element, the land shall be deemed contiguous unless the intervening feature is of such a nature that the Planning Board determines that the land could not function effectively as a PUD.

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2.8.5.2.1 A PUD may include land which has been previously developed under the requirements of the underlying zoning only when, as part of the PUD Master Plan, the previously developed portion of land is substantially redeveloped in a manner which is consistent with the spirit of the PUD ordinance and which proposes improvements to such items as the aesthetics, architectural design, connectivity with the undeveloped part of the PUD and which creates a unified concept and design for the entire parcel.

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2.8.5.3 Ownership. The PUD shall either be under unified ownership or be a collection of lots under separate ownership with a development agreement stipulating all owners are subject to the requirements of any PUD Master Plan approval by the Planning Board at the time of application. However, the tract may be subsequently subdivided consistent with the terms and conditions of the approved master plan. Multiple parties may own, manage, and/or develop various components of the PUD provided that the overall PUD remains integrated.

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2.8.5.4 Water and Sewer. Only those tracts which contain buildings that will be serviced by water (Manchester Water Works, Derry Municipal Water, or Pennichuck Water) and municipal sewer systems (and consistent with the Town's Sewer Facilities Master Plan) are permitted to be included in a PUD.

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**2.8.6 Permitted Uses.**

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2.8.6.1 The uses listed in the PUD column of the Permitted use table (Section 2.2) may be proposed for inclusion in a PUD. However, no use is permitted in a PUD unless specifically approved by the Planning Board as part of the PUD Master Plan.

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2.8.6.1.1 Due to the unique characteristics of the Gateway Business District, Residential uses otherwise permitted in a PUD shall not be permitted in a PUD Master Plan for any lot with Gateway Business District as the underlying zoning district.

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2.8.6.2 Any use not listed in the Table of Permitted Uses (Section 2.2) may be considered by the Planning Board for inclusion in a PUD Master Plan if it is determined to be in compliance with the purpose and intent of this Section, or the purpose and intent of the underlying zoning district.

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2.8.6.3 Any uses that are permitted in the underlying zoning district, either by right, special exception or conditional use permit (at such time as this procedure may be established) shall be considered permitted uses in a PUD.

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2.8.7 **Standards of Development.** The following standards shall apply to all PUD's:

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2.8.7.1 Off street parking and loading shall comply with the Section 3.10 for each proposed use. However, the Planning Board may grant waivers for parking if the Board finds that waivers will be compatible with the design and purposes of the PUD.

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2.8.7.2 Except for structures not intended for human occupancy (chimney, water tower, etc.) height of buildings shall not exceed 50 feet, or as specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay (Section 2.6.6 of this Ordinance).

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2.8.7.3 In PUD's where residential uses are proposed, the overall residential density of a PUD may not exceed six (6) residential dwelling units (including single family homes) per gross acre of the PUD tract. In determining appropriate density, in addition to other criteria here, the Planning Board shall pay special attention to the amount of buildable land contained on the tract as determined or reasonably estimated in the submission materials. Permitted non-residential uses may be located in a flexible spatial environment, assuring compatibility with residential uses and with the overall development design.

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2.8.7.4 The PUD shall be in compliance with:

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2.8.7.4.1 All standards contained within the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations unless waived or modified as part of the master plan; and

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2.8.7.4.2 All applicable local, state, and federal law relating to public health and safety, building construction, and drainage (these standards may not be waived or modified).

2.8.7.5 All roads and structures shall be set back a minimum of fifty (50) feet from all exterior PUD tract boundaries which abut residential uses except where transportation or use linkages are desired. Landscaping and other screening devices shall be designed to provide a reasonable buffer between the PUD and adjoining property except where compatible uses adjoin one another. ← --- Formatted: Bullets and Numbering

2.8.7.6 Any proposed covenants, restrictions, and easements must be approved by the Planning Board. A provision must be built into the documents providing for municipal enforcement of the covenants, restrictions, and easements at the Town's option and at the developer's expense under appropriate circumstances. ← --- Formatted: Bullets and Numbering

2.8.7.7 In a PUD where ownership is subject to restrictions, covenants and other agreements, those documents shall be recorded in the Rockingham County Registry of Deeds. ← --- Formatted: Bullets and Numbering

2.8.8 Criteria for Review of PUD Proposals. The following criteria shall guide the Planning Board in determining appropriate land uses, densities, and other development standards for the PUD. It is emphasized that the determination of whether or not a proposal meets the intent and objectives of this ordinance is made by the Planning Board in its reasonable discretion. ← --- Formatted: Bullets and Numbering

2.8.8.1 General Considerations. The Planning Board shall consider the following: ← --- Formatted: Bullets and Numbering

2.8.8.1.1 Provisions of Town of Londonderry Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, and other applicable town, state, and federal law, where appropriate. ← --- Formatted: Bullets and Numbering

2.8.8.1.2 Consistency with the Town of Londonderry Master Plan, and any related plans or studies (such as the Londonderry Business Park Design Charrette, Northwest Small Area Master Plan, etc.)

2.8.8.1.3 Conformance with the intent and objectives of this Section.

2.8.8.1.4 Infrastructure capacity and the effect of the PUD upon public services and public safety.

2.8.8.1.5 Prospective fiscal impact upon the Town of Londonderry.

2.8.8.2 Specific objectives. Every PUD should incorporate a number of the following elements. Their usage defines a planned unit development and justifies departures from standards otherwise applicable under conventional zoning (introduction of new uses, more intensive land uses, higher density, novel design approaches, etc.). ← --- Formatted: Bullets and Numbering

2.8.8.2.1 Inclusion of a harmonious mix of uses.

2.8.8.2.2 Provisions for quality architectural design.

2.8.8.2.3 Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.

2.8.8.2.4 Preservation of open space.

2.8.8.2.5 Preservation of natural vegetation and other important natural features.

2.8.8.2.6 Preservation of important cultural resources such as stone walls and other archaeological sites.

2.8.8.2.7 Development of active or passive recreational areas.

2.8.8.2.8 Quality landscaping.

2.8.8.2.9 Use of sidewalks, bikeways, and other multi-use paths.

2.8.8.2.10 Use of traffic mitigation, traffic calming, or Transportation Demand Management measures.

- 2.8.8.2.11 Significant screening of, or rear placement of, parking areas.
- 2.8.8.2.12 Sustainable design and construction practices promoting energy conservation.
- 2.8.8.2.13 Other public benefits such as provision of a community center or day care center.
- 2.8.8.2.14 Public access to community facilities in PUD.

**2.8.9 Submission Requirements**

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2.8.9.1 Materials. The applicant for a PUD shall provide the following materials (in format and number as reasonably determined by the Community Development Department):

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2.8.9.1.1 Completed PUD application

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2.8.9.1.2 Narrative, including a statement of purpose for the PUD and how it meets the goals of this Section

2.8.9.1.3 Proposed land plan

2.8.9.1.4 Proposed land use list

2.8.9.1.5 Completed abutters list

2.8.9.1.6 PUD application fee

2.8.9.2 Information. The applicant for a PUD shall provide the following information. Given the amount of information needed it is recommended that the plan be developed and refined through several conceptual/preliminary iterations with the staff and Planning Board. Many of these items may be presented as approximations or preliminary estimates subject to change, where appropriate.

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2.8.9.2.1 Present underlying zoning classification and zoning classification of all adjoining lots.

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2.8.9.2.2 Topographic information on the tract including soil types, wetlands, surface water, land contours, natural and cultural resources, ridges and knolls, rock outcrops, steep slopes, etc. This information may be presented in an overview format, in less detail than would be required of a site plan or subdivision application provided that a clear sense of the tract is conveyed sufficient to evaluate the PUD proposal (for example, wetlands need not be professionally delineated if potentially wet low lying areas are roughly indicated).

2.8.9.2.3 Total acreage of the tract; rough delineation of each land use area with approximate acreage.

2.8.9.2.4 Proposed uses for each land use area, preferably given with some specificity.

2.8.9.2.5 Proposed total number of dwelling units and overall residential density for the tract (if applicable).

2.8.9.2.6 Proposed general estimates of location, size, use(s) for each structure.

2.8.9.2.7 Proposed general estimates of location, width, and materials of all streets, drives, sidewalks, and paths.

2.8.9.2.8 Proposed general estimates of location and number of spaces for each parking area.

2.8.9.2.9 Summary of proposed traffic impact, including preliminary estimates of trip generation, trip distribution, and potential areas of off-site transportation improvements.

2.8.9.2.10 Proposed open space areas.

2.8.9.2.11 Natural and cultural resources proposed to be preserved.

2.8.9.2.12 Proposed buffers, if appropriate, to adjoining property.

- 2.8.9.2.13 Sketch/plan of proposed landscaping.
- 2.8.9.2.14 Brief explanation or sketch of proposed water and sewer/septic systems.
- 2.8.9.2.15 Brief explanation or sketch of proposed stormwater management plan.
- 2.8.9.2.16 Brief explanation or sketch of other proposed utilities.
- 2.8.9.2.17 Brief explanation or sketch of proposed firefighting strategy.
- 2.8.9.2.18 Proposed architectural standards or guidelines or brief explanation/sketch of architectural treatment.
- 2.8.9.2.19 A "Signage Plan" shall be submitted. This document shall establish guidelines regulating and coordinating all signage within the PUD including general representations of tenant signage, development signage, directional signage, and vehicular and pedestrian traffic circulation signage. Specific criteria for design, size, proposed sign types (wall, free standing, etc.), materials, heights, colors, set-backs, projections and contextual issues shall be established. Any other sign design information as required by the Town shall also be provided.
- 2.8.9.2.20 Proposed time schedule for completion of the project, phasing schedule (if applicable depending on scale and type of PUD), plans for bonding if applicable, and well thought out plan to ensure that the amenities will be completed as proposed and in a timely manner.
- 2.8.9.2.21 Proposed covenants, restrictions and easements and how they will be monitored and enforced, if applicable.
- 2.8.9.2.22 Proposed ownership arrangement of each section of the PUD whether to be subdivided, held in fee simple, owned under a condominium arrangement, etc.
- 2.8.9.2.23 Proposed articles of incorporation and bylaws of any corporation and/or association to be formed.
- 2.8.9.2.24 Miscellaneous Studies and Documents - The Planning Board shall have the authority to require the submittal of any additional information, studies, documents, etc., relative to the design, operation, or maintenance of the proposed project.
- 2.8.9.2.25 Any other information that the Planning Board or the Town Attorney may deem reasonably necessary.

2.8.10 Interpretation/application of PUD master plan. The Planning Board shall review any site plan or subdivision application for its conformity with the approved PUD master plan; however the PUD will have control over site review and subdivision regulations. The Board may use its discretion in determining if particular items are consistent with the intent of the plan.

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2.8.10.1 Many items in the PUD Master Plan will be presented and construed to be in preliminary sketch form subject to preparation of detailed, engineering analysis and some modification at the site plan/subdivision application stage consistent with the master plan. These items include exact lot locations and layouts, exact locations of roads and paths, size and configuration of parking lots, utility information, water and sewer/septic, drainage, landscaping, and architectural renderings. (For example, the land plan may show numerous trees to be planted. The applicant would be able to significantly modify the locations and types of planting at the site plan stage provided the intent of the landscaping element as presented in the land plan is met.)

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2.8.10.2 All development standards must ultimately be determinable for each land use area. Where specific development standards are neither stated nor implied in the PUD master plan, the most appropriate standards otherwise applicable (from the Zoning Ordinance, Site Plan Regulations, and/or Subdivision Regulations) shall apply as determined by the Planning Board. (For example, an area designated for a particular use in the PUD

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master plan does not specify front setbacks. The front setbacks contained in the appropriate underlying zoning district would then apply.)

2.8.11 Fees. The application fees for a PUD are as follows:

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2.8.11.1 \$20.00 per gross acre of the tract not to exceed \$5,000

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2.8.11.2 Legal notice and abutter notification fees shall be as determined in the latest version of the Town's Subdivision and Site Plan Regulations.

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# Town of Londonderry, New Hampshire

## LEGAL NOTICE OF PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS

A public hearing will be held at the Moose Hill Council Chambers, 268B Mammoth Road on the 19<sup>th</sup> day of November, 2009, 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 amend Section 2.11 (Districts), Section 2.2 (Permitted Use Table), and amend the Airport District (Section 2.5.2.5). The proposed amendments are related to the 2 separate public hearings for the creation of the Gateway Business District and the Planned Unit Development sections of the Zoning Ordinance.

The proposed changes are summarized as follows:

- Amend Section 2.11 (Districts) as follows:
  - Amend number of districts from 14 to 17, reflecting the addition of the Gateway Business District, Planned Unit Development, and Historic District (correcting a current omission).
  
- Amend Section 2.2 (Permitted Use Table) as follows:
  - Insert permitted and conditional uses associated with the Gateway Business District.
  - Insert permitted and conditional uses associated with Planned Unit Development.
  - Creation of new subsection 2.2.2 – “GB District Services Table,” outlining permitted and conditional uses classified as Gateway Business District Services.
  
- Amend Section 2.5.2.5 (Planning Board Site Plan Review in the Airport District) to properly reflect the process for reviewing projects in the Airport District under the Inter-municipal Agreement between the Town of Londonderry and the City of Manchester.

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](http://www.londonderrynh.org) (Click on Boards & Commissions, then Planning Board)



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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 ~~seventeen~~ (17) districts and sub-districts as follows:

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<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
Industrial-I	IND-I
Industrial-II	IND-II
<u>Gateway Business</u>	<u>GB</u>
<u>Planned Unit Development</u>	<u>PUD</u>
Airport District	AD
Conservation Overlay	CO
Performance Overlay District	POD
Flood Plain Development	FP
Airport Approach Height Overlay	AH
Airport Approach Noise Overlay	AN
<u>Historic District</u>	<u>H</u>

## 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)

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Please Note: The proposed amendments to the use table that follows includes revisions currently being considered by the Town Council related to Workforce Housing Zoning Amendments. These changes, while not yet adopted, are by statute considered to be "in effect" during the time the ordinance is posted for Public Hearing.

The changes highlighted in green are related to the Workforce Housing Amendments.  
The changes highlighted in yellow are related to the Gateway Business District Amendments.  
The changes highlighted in blue are related to the Planned Unit Development Amendments.



Londonderry Zoning Ordinance Use Table

	AR-1	R-III	C-I	C-II	C-III	C-IV	IND-I	IND-II	GB	PUD	AD	POD - 102 <sup>1</sup>	POD - 28 <sup>1</sup>	CO	AH	AZ	FP
Business center development			P	P					P	P <sup>4</sup>		P	P				
Conference/Convention Center									P	P <sup>4</sup>							
Day Care Center, Adult						C				P <sup>4</sup>							
Drive-thru window as an accessory use			P	P													
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 <sup>4</sup>							
Funeral homes			P	P	P												
Education and Training Facilities									P	P <sup>4</sup>							
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 <sup>4</sup>		C	C				
Home Occupation	S									S							
Hotels				P					P	P <sup>4</sup>							
Manufacturing, Heavy								P	P		P						
Manufacturing, Light up to 250,000 sq. ft.				P			P	P	P	P <sup>4</sup>	P						
Manufacturing, Light 250,001 sq ft or larger				P			P	P	C	P <sup>4</sup>	P						
Membership club			P	P						P <sup>4</sup>							
Motels				P													
Motor Vehicle Maintenance, Major Repair and Painting								P			P						
Motor vehicle rental											P						
Motor Vehicle Station, Limited Service				P		C <sup>2</sup>				P <sup>4</sup>	P						
Recreation, commercial			P	P						P <sup>4</sup>		P	P				
Retail sales establishment			P	P		P				P <sup>4</sup>		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 <sup>4</sup>	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	IND-I	IND-II	GB	PUD	AD	POD - 102 <sup>1</sup>	POD - 28 <sup>1</sup>	CO	AH	AZ	FP
Rental Car Terminal up to 50,000 sq. ft									P	P <sup>4</sup>							
Rental Car Terminal 50,001 sq. ft. or larger									C	P <sup>4</sup>							
Repair services			P	P		P	P	P		P <sup>4</sup>	P	P	P				
Research or Development Laboratories				P			P	P	P	P <sup>4</sup>	P						
Restaurant			P	P		C				P <sup>4</sup>	P	P	P				
Restaurant, fast food			P	P						P <sup>4</sup>							
Sales of Heavy Equipment or Heavy Trucks as an accessory use							C	C	C								
School, Private					P					P <sup>4</sup>		P	P				
Service establishment			P	P			P	P		P <sup>4</sup>	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 <sup>4</sup>	P						
Terminal, Trucking 100,001 sq. ft. or larger								P	C	P <sup>4</sup>	P						
Vehicle Sales Establishment				P													
Warehouses and Storage up to 250,000 sq. ft.				P			P	P	P	P <sup>4</sup>	P	C	C				
Warehouses and Storage 250,001 sq. ft. or larger				P			P	P	C	P <sup>4</sup>	P	C	C				
Wholesale Businesses up to 250,000 sq. ft.				P			P	P	P	P <sup>4</sup>	P						
Wholesale Businesses 250,001 sq. ft. or larger				P			P	P	C	P <sup>4</sup>	P						

5

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

<b>GB District Services Use Table</b>	<b>GB</b>
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

2.5.2.5 Planning Board Site Plan Review - In the Airport District, the Londonderry Planning Board shall ~~shall review projects following the procedures outlined in RSA 674:54 as stipulated by the most recently adopted Intermunicipal Agreement between the Town of Londonderry and the City of Manchester.~~

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Deleted: exercise site plan review authority under RSA 674:43 and regulations adopted thereunder, except for the development or change or expansion of use of those aeronautical activities within the fence that do not include the construction or alteration of a building. Such aeronautical activities shall instead be subject to the following:¶  
<#>The proposed development must meet the standards of the Town Site Plan Regulations for surface water drainage control.¶  
<#>The airport shall submit to the Town engineer its permit application and accompanying plans, specifications, drainage calculations and other supporting documentation for the proposed development simultaneously with submittal to the state and/or federal agencies having jurisdiction over the development. The Town engineer shall review the application for compliance with Town drainage standards and to determine that there are no evident encroachments on abutting property. The Town may also participate in the regulatory proceedings of such state and federal agencies to the extent permitted by statutes and regulations governing those proceedings.¶  
<#>The proposed development shall not be deemed approved until the Town engineer issues written confirmation of compliance with site plan drainage standards and the absence of evident encroachments.¶  
<#>The Planning Board shall hold an informational public hearing at which a representative of the airport shall attend and discuss the proposed development with the Planning Board and interested members of the public.¶  
<#>The airport representative shall respond in writing to all input, oral or written, received from the Board or members of the public during the informational public hearing.¶  
<#>The Planning Board shall not have the authority to disapprove the development or the plans, specifications or response of the airport representative to the input received at the informational public hearing; provided that the written approval of the Town engineer referred to in subsection 2.5.2.5.1.3, above shall be required.¶  
<#>The airport shall submit to the Building Inspector an as built plan of the development with a certificate that the development complies with all applicable federal and state law ... [1]

exercise site plan review authority under RSA 674:43 and regulations adopted thereunder, except for the development or change or expansion of use of those aeronautical activities within the fence that do not include the construction or alteration of a building. Such aeronautical activities shall instead be subject to the following:

The proposed development must meet the standards of the Town Site Plan Regulations for surface water drainage control.

The airport shall submit to the Town engineer its permit application and accompanying plans, specifications, drainage calculations and other supporting documentation for the proposed development simultaneously with submittal to the state and/or federal agencies having jurisdiction over the development. The Town engineer shall review the application for compliance with Town drainage standards and to determine that there are no evident encroachments on abutting property. The Town may also participate in the regulatory proceedings of such state and federal agencies to the extent permitted by statutes and regulations governing those proceedings.

The proposed development shall not be deemed approved until the Town engineer issues written confirmation of compliance with site plan drainage standards and the absence of evident encroachments.

The Planning Board shall hold an informational public hearing at which a representative of the airport shall attend and discuss the proposed development with the Planning Board and interested members of the public.

The airport representative shall respond in writing to all input, oral or written, received from the Board or members of the public during the informational public hearing.

The Planning Board shall not have the authority to disapprove the development or the plans, specifications or response of the airport representative to the input received at the informational public hearing; provided that the written approval of the Town engineer referred to in subsection 2.5.2.5.1.3, above shall be required.

The airport shall submit to the Building Inspector an as built plan of the development with a certificate that the development complies with all applicable federal and state laws and regulations as well as copies of all applicable state and federal permits and a certificate of compliance with the Town standards referred to in subsection 2.5.2.5.1.2 and 2.5.2.5.1.3, above.

Nothing herein is intended to affect the applicability of any other Town public health or safety codes, ordinances or regulations that may apply to aeronautical activities.

**Tim Thompson**

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**From:** Tim Thompson  
**Sent:** Friday, November 20, 2009 3:18 PM  
**To:** PB MINUTES  
**Subject:** RE: 91A Issue

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**From:** Matthew R. Serge [mailto:mserge@upton-hatfield.com]  
**Sent:** Friday, November 20, 2009 1:51 PM  
**To:** Andre Garron  
**Subject:** RE: 91A Issue

Hi Andre,

I do not believe that the Planning Board violated the Right to Know law. I do not see what the Board did as a vote by secret ballot. At best, it could be argued that the Board voted by ballot, but there is nothing illegal about that. Indeed, the rankings that each Board member submitted are a matter of public record and the Board voted publicly on the three candidates it wanted to nominate for the committee. The members voting for or against that motion is also a matter of public record. Thus, there does not appear to be any secret ballot problem. If you have any further questions let me know. Have a good weekend.

-matt

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**From:** Andre Garron [mailto:agarron@londonderrynh.org]  
**Sent:** Friday, November 20, 2009 9:45 AM  
**To:** Matthew R. Serge  
**Subject:** 91A Issue

**Matt:**

Southern NH Planning Commission is seeking representation from each of the 13 communities that make up the regional planning commission planning area to sit on the newly formed Regional Economic Development Steering Committee (REDSC). The purpose of the steering committee is to oversee the development of a regional economic development plan. To solicit interest in the positions, the Planning Board advertised the positions in the local newspapers, posted advertisement for the position in public places and posted the positions on its website. At last night's Planning Board meeting, the Board interviewed five candidates interested in serving on REDSC. Five candidates were vying for three positions (i.e. two members and one alternate). After the Planning Board conducted its interviews, they were somewhat reticent about speaking about each candidate publicly with four out of five of the candidates in the audience, so they opted to rank each candidate individually and submit each one of their rankings to the vice chair, who abstained from voting, to tabulate. Each one of the Board member signed their rankings and the Chairman put the rankings in the read file for anyone to see (See attached). The vote to recommend the top three candidates to Town Council was done publicly and memorialized in the minutes.

A resident of Londonderry charge the Board of conducting a secret ballot in accordance with RSA 91A. The resident used the following excerpt from RSA 91-A:3 to reinforce his point:

"I also read the following to excerpts from RSA 91A.

Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. “

**Did the Planning Board violate the provision of RSA 91-A:3?**

**Please advise.**

**Thank you**

**André**

**André L. Garron, AICP, Director  
Community Development Department  
268 B Mammoth Road  
Londonderry, NH 03053**

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(F) 603-432-1128  
(EM) [agarron@londonderrynh.org](mailto:agarron@londonderrynh.org)**