

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF August 11, 2010 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 7:00 PM: Members Present: Art Rugg; Mary Soares (7:02); Charles Tilgner, P.E.;
6 Lynn Wiles; Chris Davies; Rick Brideau, CNHA, Ex-Officio; George Herrmann, Ex-
7 Officio; Dana Coons, alternate member;

8
9 Also Present: André Garron, AICP; Tim Thompson, AICP; Margo Lapietro standing
10 in for Cathy Dirsra, Planning Division Secretary; Jodie Levandowski, Planning
11 Division Intern

12
13 A. Rugg called the meeting to order at 7:00 PM. A. Rugg appointed D. Coons to
14 vote for Laura El-Azem. It was determined that the Board had a quorum of 8
15 voting members.

16
17 **Administrative Board Work**
18

19 Plans to Sign – Market Basket Relocation Site Plan. T. Thompson reported that
20 the precedent conditions have been addressed and recommends signature of the
21 plans. **D. Coons made a motion to authorize the Chair and Secretary to**
22 **sign the site plan. Seconded by R. Brideau.** No discussion. **Vote on the**
23 **motion: 8-0-0.** Plans will be signed at the conclusion of the meeting.

24
25 Plans to Sign – Puglisi Subdivision. T. Thompson reported that the precedent
26 conditions have been addressed and recommends signature of the plans. **D.**
27 **Coons made a motion to authorize the Chair and Secretary to sign the**
28 **plans. Seconded by R. Brideau.** No discussion. **Vote on the motion:**
29 **8-0-0.** Plans will be signed at the conclusion of the meeting.

30
31 Approval & Signing of Minutes – July 14. **D. Coons made a motion to accept**
32 **the meeting minutes of July 14, 2010. Seconded by R. Brideau. Vote on**
33 **the Motion: 8-0-0.**

34
35 Discussions with Town Staff
36

37 Elliot Phases 1-3 Landscaping/Site Modifications -. T. Thompson said staff met
38 with Dick Anagnost and Ken Rhodes from CLD regarding the Elliott Medical facility,
39 phases 1-3 located on Buttrick Road. They have a couple of minor changes which
40 dealt primarily with landscaping and parking re-configuration proposals. He
41 proceeded to point out the changes to the Board. He asked the Board for
42 feedback if want they want this to come back for a site plan for these minor
43 changes. He asked if they were comfortable with staff handling these matters
44 administratively and have them addressed on the "As-Builts" on the project. A.
45 Garron said they will make sure the abutters are happy with the changes. M.
46 Soares expressed concern with the abutters at the rear of the property being
47 informed. A. Garron stated nothing is being done at the rear of the property. D.
48 Coons questioned a pad at the rear of the building that was going to be expanded.
49 T. Thompson explained it was for a mobile MRI unit that sporadically visited the

1 facility. M. Soares commented that they have done a wonderful job, it is an
2 attractive facility. Consensus was that staff will handle the minor changes.

3
4 T. Thompson spoke about the update the state had made law that alternates by
5 statute are permitted to participate fully except for voting unless they are
6 appointed. That change has to be written into the "Rules of Procedure". Next
7 month at both meetings scheduled in September two consecutive readings of the
8 changes to our Rules of Procedure to address this action will be done so they can
9 be adopted at the first meeting in October.

10
11 Next Wednesday, 8/18/10 at 6:00 PM will be the CIP meeting (*Since rescheduled*
12 *to August 26*). The committee will be having presentations of projects,
13 prioritization, scoring, and placing those projects in the six year CIP plan. That
14 plan will be brought to the Planning Board the second meeting of September for a
15 workshop discussion then progress to the public meeting in October.

16
17 A. Rugg asked A. Garron about the progression of I-93. He responded there is
18 still support for it the funding is available for Exits 1 through 3. He has been
19 working with the DOT advisory committee since 1999. Salt use issues have to be
20 worked out and the project is warranted and funding should be provided for it. The
21 Airport Access Road is continuing on target; hope to have it open in 2012. We are
22 hoping to have our funding for Pettengill Rd at the same time He said they will
23 be submitting for the TIGER II grant to fund our projects. He announced that he
24 has another grant application through the Economic Development Administration
25 for the sewer and pump station for the project.

26
27 M. Soares asked about large trucks parking overnight at Home Depot. T.
28 Thompson responded if it is something specifically prohibited on the site plan, the
29 code enforcement officer could take a look. If it is not specifically prohibited we
30 would not have any jurisdiction. A. Rugg suggested checking the site plan. M.
31 Soares said she is concerned it might be a truck stop, she sees a lot of 18
32 wheelers there. She said she will check it out.

33
34 A. Rugg requested that the members review the Smart Growth Manual distributed
35 by T. Thompson tonight. He said a public charrette will be held in early
36 September for the Woodmont land. He reminded the Board that the annual
37 SNHPC meeting and dinner will be on 9/10/10, he encouraged all members to
38 attend. T. Thompson instructed the members to let Cathy Dirska know and she will
39 make the reservations. A. Rugg also reminded the public that Old Home Day will
40 be held on 8/18 – 8/22/10. R. Brideau reminded everyone again the CIP meets
41 next Wednesday.

42
43 **Public Hearings/Workshops/Conceptual Discussions -**

44
45 **A. Workshop Discussion - Multifamily buildings - Number of Units**
46 **per building reduction in Inclusionary Housing, R-III, and Elderly**
47 **Housing as requested by Town Council.**

48 Council request was to change it from 24 units to 16 units. T. Thompson
49 presented the proposed ordinance amendments (see attachment #1). Lynn

1 Wiles questioned the criteria about property values for adjoining properties. T.
2 Thompson responded no, they are already existing in the existing Conditional
3 Use Permit (CUP) criteria that we already have. You have to meet 5 different
4 criteria just to do multi-family and the additional 2 being proposed will make 7
5 different criteria if you want to do 20 units instead of 16. L. Wiles clarified that
6 in other areas we have criteria already established for granting CUD permits. T.
7 Thompson responded yes, each of the sections with the exception R-III already
8 had preambles dealing with how CUP's are administered through the Planning
9 Board. He said we are just adding the new language. Dana Coons clarified that
10 this allows the Planning Board to grant CUP's up to 20 units, it does not put a
11 limit on the size of the building or the apartment size. T. Thompson confirmed
12 that that was correct. Mary Soares said the land itself will put the limit on
13 that. L. Wiles commented that we are not restricting the building size by
14 adopting the Ordinance the way it is written. We are restricting the amount of
15 units in a building and that has to be perfectly clear. He also said that he does
16 not know what the intent of Town Council was giving it back to us but his
17 interpretation was that they wanted us to limit the size of the building. He said
18 that he still thinks we are going about it the wrong way. A. Rugg stated that
19 they should have been more clear on what they wanted. A. Rugg said the
20 public hearing on this issue will be 9/8/10. Open for discussion. Pauline Caron,
21 369 Mammoth Rd. asked if all the information will be posted on the website. T.
22 Thompson said it was not required to be posted because tonight is a workshop.
23 She was told that copies of the Ordinance were available tonight to the public
24 and copies were handed to her. Martin Srugis, 17 Wimbleton Drive thanked T.
25 Thompson and said it was a good compromise and meets the needs of the
26 town.

27
28 **B. Londonderry Land Development, LLC – Map 15, Lot 51 –**
29 **Conceptual Discussion of Potential Retail Development**
30

31 Michael DiGuseppe from Londonderry Land Development made a presentation
32 on the proposed retail development on Vista Ridge Drive. He stated that the
33 conceptual design being proposed tonight does not fall under the CUP
34 requirements of the new Mixed Use Commercial District. He stated that they
35 have under control the parcel that abuts to the right of this development and
36 the parcel across the street and are not proposing anything at this point for
37 those two parcels. Coastal Partners is the parent company of Londonderry
38 Land Development, they have been in business for over 25 years building
39 strictly retail centers including large box formats in MA. They understand the
40 review process and have worked with Stantec in the past. He identified the
41 area they are proposing consisting of 10 acres located off of Vista Ridge along
42 Rockingham Rd. He stated that there is a lot of wetland behind the property,
43 they are not encroaching them and they do satisfy the set backs. There are
44 two curb cuts on both sides of the property. They are proposing a total of
45 66,000 square feet total on the property to include 60,000 square feet of retail
46 and possibly include a full service restaurant that is 6000 square feet. He
47 stated that they satisfy the parking regulations the front and side yard set
48 backs and the landscape buffers. The building height is less than 50 feet.
49 They have to design a storm water system, not done yet. A lot of signalization

1 has been done already on Rt 28; their engineer will talk to DOT to see if
 2 additional lighting is needed. They will meet with the design architects and
 3 with the landscape architect. They are not proposing a pylon sign at this time,
 4 but might at a future date. He stated that his civil engineer and legal counsel
 5 are in attendance tonight if the Board has any questions. Open for discussion.
 6 A. Garron questioned if the lot on the corner of Vista and Rockingham is under
 7 their control. M. DiGuiseppe responded no it is the lot directly above. A.
 8 Garron questioned if they would allow the ability to maybe have a connection
 9 to that site for the main portion. M. DiGuiseppe said the parcel that belongs to
 10 them will not be developed at this point in time. A. Garron confirmed that the
 11 property across the street is under their control. M. DiGuiseppe replied there is
 12 approximately 24 acres. A. Garron requested whatever goes in there that the
 13 driveways are located so they can create a "T" intersection rather than creating
 14 an offset entrance. M. DiGuiseppe said he agreed and said it would probably
 15 have a shared driveway with Vista Ridge. T. Thompson said this would be
 16 considered a large retail establishment and there are some supplemental
 17 design guidelines that would need to be addressed as part of the design of the
 18 architecture of the facility. Lighting and traffic are major concerns. He
 19 mentioned the requirements for the signs ordinance and the landscape buffer
 20 ordinances. Londonderry does not allow for underground detentions. They
 21 would have to be above ground, the storm water design looks small compared
 22 to the size of the development. He said those details can be worked out when
 23 they do the actual design. D. Coons asked what the plans were for upgrading
 24 Vista Ridge and the intersection of Rockingham Rd. to handle the increased
 25 traffic. M. DiGuiseppe replied that will be dictated by DOT who has jurisdiction
 26 of that intersection. T. Thompson added when the traffic study is submitted
 27 that will be reviewed by staff. D. Coons said we will see substantial increase
 28 in traffic with a minimum of 500 trips a day. Chris Davies asked why not
 29 develop the parcel located on Rt. 28; M. DiGuiseppe responded it abuts a
 30 wetland, not useful. C. Davis asked about the other property that abuts Vista
 31 Ridge and Rockingham being incorporated in the plan. M. DiGuiseppe
 32 responded they did consider it but the owner does not want to consider it at
 33 this point. Discussion ensued about parking at the retail facility. C. Davis also
 34 said his concern is traffic. George Herrmann also brought up the traffic
 35 concerns. He said it would be nice to figure out providing a walking trail from
 36 Vista Ridge down to the retail property. A. Garron said there already is a
 37 sidewalk that goes down there. Mary Soares said one building is 60,000 sq. ft.
 38 is that equal to the existing Market Basket size. T. Thompson responded the
 39 existing Market Basket facility is about 57,000 sq. ft. M. Soares asked about
 40 splitting the proposed building up into 2-3 buildings and split the parking up
 41 with landscaping. M. DiGuiseppe responded it is retail business and they want
 42 it to be connected into one building. If the site was larger they could have
 43 different buildings. L. Wiles asked what affect does the grade have. M.
 44 DiGuiseppe responded the site is not that bad the parking lot will be level. He
 45 asked if the restaurant could be located at the other end of the parking lot. M.
 46 DiGuiseppe replied that some of their concept plans showed that but some
 47 retailers prefer designated parking spaces; it is the best place for it to be. L.
 48 Wiles said he had concerns about how close the restaurant was to Vista Ridge
 49 and the different traffic patterns a restaurant will have. M. DiGuiseppe said

1 they were looking for a sporting goods store, a pet supply store, apparel
2 stores, etc. A. Rugg said he likes the village concept. He said he would like
3 something that blends in with the area and the Heritage Commission will have
4 some input to the design. He suggested putting some curves into the building,
5 doesn't want the big box look. He also suggested working with the abutters
6 M. DiGuiseppe said they will have a community meeting with the abutters. He
7 said they will put together a civil plan package and submit it to the Planning
8 Department. M. DiGuiseppe asked if they are required to have a workshop
9 with the Planning Dept. T. Thompson responded there is no design review
10 meeting with the Planning Board unless you request it. You will work with the
11 design review committee and review consultants until you are comfortable with
12 making a formal application to the Board. M. DiGuiseppe said there are two
13 phases; the civil design and architectural review. T. Thompson said they can
14 be done simultaneously. The Heritage Commission will make their
15 recommendation. M. DiGuiseppe said they will do civil first then fine tune it for
16 the site plan. Discussion ensued on how and what was due next.

17
18 **Other Business**

19 None

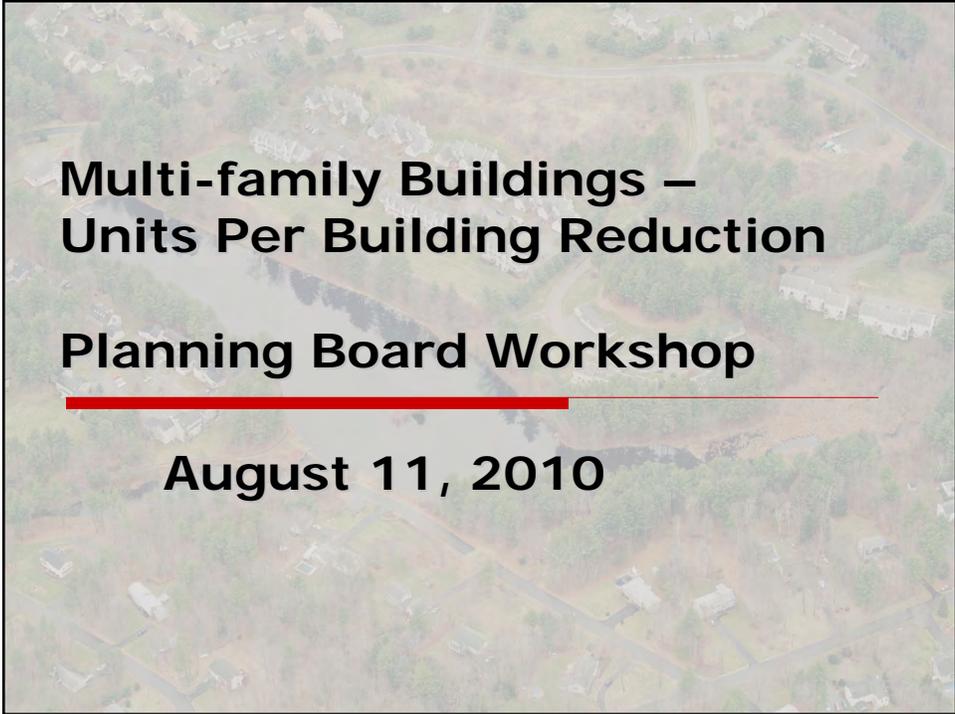
20
21 **Adjournment:**

22
23 **M. Soares made a motion to adjourn the meeting. G. Herrmann seconded**
24 **the motion.** No discussion. **Vote on the motion: 8-0-0.** Meeting adjourned at
25 8:02 PM.

26
27 These minutes prepared by Margo Lapietro, standing in for Planning Division
28 Secretary Cathy Dirsá.

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30
31
32 Respectfully Submitted,

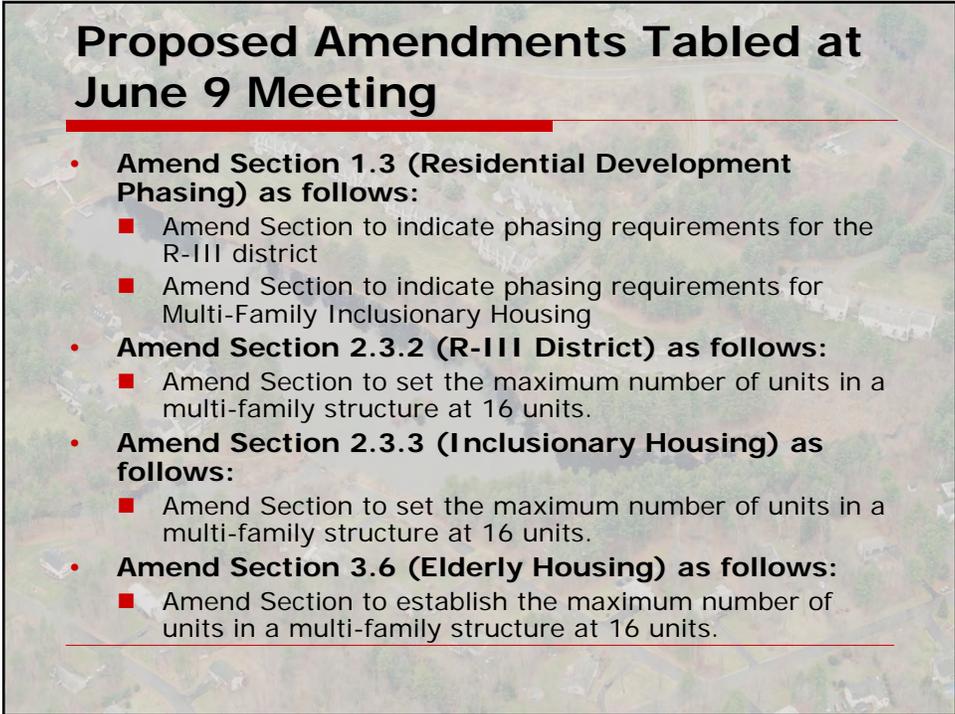
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36 Charles Tilgner, Secretary
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Multi-family Buildings – Units Per Building Reduction

Planning Board Workshop

August 11, 2010



Proposed Amendments Tabled at June 9 Meeting

- **Amend Section 1.3 (Residential Development Phasing) as follows:**
 - Amend Section to indicate phasing requirements for the R-III district
 - Amend Section to indicate phasing requirements for Multi-Family Inclusionary Housing
 - **Amend Section 2.3.2 (R-III District) as follows:**
 - Amend Section to set the maximum number of units in a multi-family structure at 16 units.
 - **Amend Section 2.3.3 (Inclusionary Housing) as follows:**
 - Amend Section to set the maximum number of units in a multi-family structure at 16 units.
 - **Amend Section 3.6 (Elderly Housing) as follows:**
 - Amend Section to establish the maximum number of units in a multi-family structure at 16 units.
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Background/Legal Counsel Advice

- Town Council requested Planning Board reduce number of multi-family units per building at time Workforce Housing Ordinances were adopted (February).
 - Planning Board spent the last several months examining the implications of the change.
 - Legal Counsel advice at start of process was that requirement must be consistent across the board (that is for any ordinance that allows for multi-family buildings).
 - Because multi-family allowed in **R-III District, Inclusionary Housing** (in AR-I and R-III) and **Elderly Housing** Section (permitted in AR-I, R-III, C-I, C-II, C-III, C-IV and PUD) unit reduction applies to all of these sections of the Zoning Ordinance.
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Options Chosen at July 14 Workshop

- Revise number of unit cap in R-III, Inclusionary Multi-Family, and Elderly Housing
 - Set initial maximum of **16** units per building.
 - Develop Conditional Use Permit criteria for increasing from **16** to a maximum of **20** units per building.
 - Revise Residential Development phasing to take into account above changes.
-

Proposed Revised R-III Language

- **Initial Language (from 6/9 Public Hearing):**
 - The maximum number of dwelling units per dwelling shall be **sixteen (16)**.
- **Proposed Revised Language (add new subsection):**
 - The maximum number of dwelling units per dwelling shall be sixteen (16).
 - **The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 2.3.2.4.**

Proposed Revised R-III Language (Cont'd)

- **F** 2.3.2.4 Conditional Use Permits
 - 2.3.2.4.4 The following criteria must be met in order to increase the maximum number of units in a multi-family building in the R-III District from 16 to not more than 20.
 - 2.3.2.4.4.1 The proposed use is consistent with the Objectives and Characteristics of the district, Section 2.3.2.1;
 - 2.3.2.4.4.2 Granting of the application is in the public interest;
 - 2.3.2.4.4.3 The property in question is reasonably suited for the larger buildings 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.
 - 2.3.2.4.4.4 The application demonstrates that the 20-unit buildings for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.
 - 2.3.2.4.4.5 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 2.3.2.3.2.1 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).
 - accordance with the other applicable procedures adopted by the Planning Board.

Proposed Revised Inclusionary Housing Amendment

- **Proposed Language (from 6/9 Public Hearing):**
 - The maximum number of dwelling units per dwelling shall be **sixteen (16)**.
- **Proposed Revised Language (add new subsection):**
 - The maximum number of dwelling units per dwelling shall be sixteen (16).
 - **The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 2.3.3.7.4.**

Proposed Revised Inclusionary Housing Amendment (Cont'd)

- **Pr**
 - 2.3.3.7.4.6 Additional Criteria to increase the maximum number of units allowed in a multi-family building. In addition to all the criteria listed in Section 2.3.3.7.5, the following additional criteria must be met in order to increase the maximum number of units in a multi-family inclusionary building from 16 to not more than 20.
 - 2.3.3.7.4.6.1 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 50% of the permitted density allowed by Section 2.3.3.7.3.1.1 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).
 - 2.3.3.7.4.6.2 The applicant must demonstrate to the Planning Board that the limitation of the number of units per building at 16 per building makes the overall project unfeasible such that the development costs exceed the ability of the applicant recover development costs through rent/sales and any applicable tax credits or subsidies. The applicant must demonstrate this to the Planning Board through an independent Project Cost Estimate which includes the cost of the land, development and construction costs, financing, profit, and sales costs, and any other cost factors.

Proposed Revised Elderly Housing Amendment

- **Proposed Language (from 6/9 Public Hearing):**
 - Dwelling Units – The maximum number of dwelling units in a single building shall be sixteen (16) units.
 - **Proposed Revised Language (add new subsection):**
 - Dwelling Units – The maximum number of dwelling units in a single building shall be sixteen (16) units.
 - The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 3.6.5.2.
-

Proposed Revised Elderly Housing Amendment (cont'd)

- **Proposed CUP Language:**
 - 3.6.5.2 Conditional Use Permits to increase the maximum number of units per building
 - 3.6.5.2.1 The following criteria must be satisfied in order to the Planning Board to grant a Conditional Use Permit to increase the maximum number of units per building from 16 to not more than 20. The applicant shall demonstrate that:
 - 3.6.5.2.1.1 Granting of the application would meet some public need or convenience;
 - 3.6.5.2.1.2 Granting of the application is in the public interest;
 - 3.6.5.2.1.3 The owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (either 55+ or 62+, depending on whether the project is standard elderly housing or affordable elderly housing respectively);
 - 3.6.5.2.1.4 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 3.6.4.14 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).
-

Residential Development Phasing Amendments (R-III)

- **Keep Proposed Language from 6/9 Public Hearing:**
 - For development located in the R-III district: **Three (3)** multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;
 - **Add new subsection:**
 - **In the event that the Planning Board grants a conditional use permit to allow more than 16 units per building in the R-III District: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.**
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Residential Development Phasing Amendments (Inclusionary Multi-Family)

- **Keep Proposed Language from 6/9 Public Hearing:**
 - For multi-family development meeting the definition of “workforce housing” as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: **Three (3)** multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;
 - **Add new subsection:**
 - **In the event that the Planning Board grants a conditional use permit to allow more than 16 units per building in a multi-family development meeting the definition of “workforce housing” as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.**
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1.3 RESIDENTIAL DEVELOPMENT PHASING

1.3.1 Authority

Pursuant to the provisions of the New Hampshire RSA 674:21, the Town of Londonderry adopts the following phasing standards for residential development, to be administered by the Planning Board in conjunction with the Londonderry Subdivision Regulations.

1.3.2 Purposes

The purposes of this Section of the Zoning Ordinance are as follows:

- 1.3.2.1 To guide efforts by the Town to monitor, evaluate, plan for and guide residential growth in Londonderry that is consistent with the Town's capacity for planned, orderly, and sensible expansion of its services to accommodate such development without establishing absolute limits on the overall growth rate of the community;
- 1.3.2.2 To provide for the current and future housing need of existing residents and their families;
- 1.3.2.3 To phase in or control the implementation and development of tracts of land and future subdivisions thereon, at a rate which will be compatible with the orderly and gradual expansion of community services, including but not limited to education, fire protection, road maintenance, waste disposal, police protection and recreation; and
- 1.3.2.4 To provide a mechanism to allow for phased development of residential projects to manage the impact on municipal services.

1.3.3 Phasing of Developments

A phasing plan shall be submitted for Planning Board approval for all residential developments of more than fifteen (15) lots or dwelling units (unless exempted under §1.3.4), and at the applicant's option may be submitted for smaller developments. Such plans shall comply with the following phasing requirements:

- 1.3.3.1 For development proposed under the provisions of Section 3.3 Conservation Subdivisions: twenty five (25) dwelling units per year from the date of final approval;
- 1.3.3.2 For development located in the R-III district: ~~Three (3)~~ multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;

~~1.3.3.2.1 In the event that the Planning Board grants a conditional use permit to allow more than 16 units per building in the R-III District: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.~~

- 1.3.3.3 For multi-family development meeting the definition of "workforce housing" as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: ~~Three (3)~~ multi-family buildings, the total number of dwelling units not to exceed forty eight (48) per year from the date of final approval;

~~1.3.3.3.1 In the event that the Planning Board grants a conditional use permit to allow more than 16 units per building in a multi-family development meeting the definition of "workforce housing" as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: such developments shall be permitted two (2) multi-family buildings, the total number of dwelling units not to exceed forty (40) units per year from the date of final approval.~~

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- 1.3.3.4 For single family development approved under the requirements of “Inclusionary Housing (Section 2.3.3): twenty five (25) dwelling units per year from the date of final approval;
 - 1.3.3.5 For conversions of previously approved and unbuilt Elderly Housing developments to “workforce housing” as defined by RSA 674:58, and approved by the Planning Board per the procedures outlined in RSA 674:60: The Phasing shall be one of the following:
 - 1.3.3.5.1 If the project was approved in Phases as part of the Elderly Housing site plan, the phasing shall be consistent with the approved phasing plan approved by the Planning Board for the Elderly Housing site plan. Each phase in such situation shall mean the number of dwelling units permitted in each year subsequent to final approval of the conversion by the Planning Board.
 - 1.3.3.5.2 If the Project was not subject to phasing as part of the approval for Elderly Housing, the appropriate requirements of either Section 1.3.3.3 of 1.3.3.4 shall apply.
 - 1.3.3.6 For other residential development proposed to be serviced with public water and public sewerage, and proposing no dwelling structures within 200 feet of a street other than one created by that development: twenty (20) dwelling units per year from the date of final approval;
 - 1.3.3.7 For all other residential developments: fifteen (15) dwelling units per year from the date of final approval.
- 1.3.4 **Exemptions from Phasing**
- The Planning Board shall grant exemption to the phasing requirements of Section 1.3.3 under the following condition: The proposed project is for Elderly Housing as defined in Section 4.7. The owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older).

2.3.2.3.2 Density, Design and Dimensional Standard for Development Lot

2.3.2.3.2.1 Permitted density - the maximum permitted number of dwelling units ("permitted density") allowed in the development lot shall be as follows:

2.3.2.3.2.1.1 For dwellings serviced by municipal sewer, the maximum number of dwelling units permitted on the development lot shall be determined by the following formula: $\text{number of dwelling units} = 0.80 (\text{development lot area} - \text{unusable land area}) / 7000 \text{ square feet}$. "unusable land" is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.

2.3.2.3.2.1.2 For dwellings serviced by onsite septic systems, there shall be at least 14,000 square feet per dwelling unit. In addition, to protect ground water quality and to promote public health and safety, permitted density shall also be subject to such additional density requirements as are required by "minimum lot size by soil type" in Table 2 of Section 2.3.1, with the following modification: one or two bedroom units - lot size x 0.65. Three bedroom units = lot size x 0.85.

2.3.2.3.2.1.3 The maximum number of dwelling units per dwelling shall be ~~sixteen (16)~~.

2.3.2.3.2.1.3.1 The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 2.3.2.4.

2.3.2.3.2.1.4 The average number of bedrooms per dwelling unit in a multifamily dwelling shall not exceed two (2).

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2.3.2.4 Conditional Use Permits

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2.3.2.4.1 The Planning Board may through the granting of a Conditional Use Permit allow the maximum number of dwelling units in a single building to be increased from sixteen (16) to no more than twenty (20) in the R-III District.

2.3.2.4.2 The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.

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2.3.2.4.3 Application Procedure - Applications for conditional use permits (CUP) for increased units per building for multi-family housing in the R-III District shall be made in accordance with the following procedures:

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

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

2.3.2.4.3.3 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.

2.3.2.4.4 The following criteria must be met in order to increase the maximum number of units in a multi-family building in the R-III District from 16 to not more than 20.

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2.3.2.4.4.1 The proposed use is consistent with the Objectives and Characteristics of the district, Section 2.3.2.1;

2.3.2.4.4.2 Granting of the application is in the public interest;

2.3.2.4.4.3 The property in question is reasonably suited for the larger buildings 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.

2.3.2.4.4.4 The application demonstrates that the 20-unit buildings 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.

2.3.2.4.4.5 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 2.3.2.3.2.1 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).

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2.3.3 - Inclusionary Housing

2.3.3.7 - Standards and Requirements for Multi-Family Workforce Housing

2.3.3.7.3 Density, Design and Dimensional Standards for Development Lot

2.3.3.7.3.1 Permitted density - the maximum permitted number of dwelling units ("permitted density") allowed in the development lot shall be as follows:

2.3.3.7.3.1.1 The maximum number of dwelling units permitted on the development lot shall 10 units per acre.

2.3.3.7.3.1.2 The maximum number of dwelling units per multi-family building in an inclusionary development shall be ~~sixteen~~ (16).

2.3.3.7.3.1.2.1 The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 2.3.3.7.4.

2.3.3.7.3.1.3 At least 51% of dwelling units on a development lot in an inclusionary development must contain at least 2 bedrooms.

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2.3.3 - Inclusionary Housing

2.3.3.7 - Standards and Requirements for Multi-Family Workforce Housing

2.3.3.7.4 Dimensional Relief by Conditional Use Permit for Multi-Family Workforce Housing

- 2.3.3.7.4.1 The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement for multi-family workforce housing (including but not limited to: setback, density, green space, frontage, or parking) for projects that are truly supportive of the purpose and objectives of the Inclusionary Housing section as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.
- 2.3.3.7.4.2 The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.
- 2.3.3.7.4.3 Application Procedure - Applications for conditional use permits (CUP) for dimensional relief for multi-family workforce housing shall be made in accordance with the following procedures:
 - 2.3.3.7.4.3.1 It is recommended that all projects requiring a CUP conduct a preliminary meeting with staff prior to review by the Design Review Committee and the Town's Review Consultant. The purpose of the preliminary meetings shall be to provide guidance on the design of the proposed plan.
 - 2.3.3.7.4.3.2 The applicant will then develop the proposed plan to a point at which the plan is eligible for design review.
 - 2.3.3.7.4.3.3 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.
 - 2.3.3.7.4.3.4 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.
- 2.3.3.7.4.4 Approval of Applications Requiring a Conditional Use Permit - Prior to issuance of a building permit, the applicant shall acquire a conditional use permit as well as any other necessary Planning Board approval. A conditional use permit shall be issued only if the development complies with all of the requirements of Section 2.3.3.7.5.5. The Planning Board may also condition its approval on additional, reasonable conditions necessary to accomplish the objectives of this section or of the 2004 Master Plan, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law.
- 2.3.3.7.4.5 The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit for dimensional relief in a multi-family workforce housing development. The applicant shall demonstrate that:

- 2.3.3.7.4.5.1 The proposed use is consistent with the Purpose of the Inclusionary Housing Section, Section 2.3.3.1;
- 2.3.3.7.4.5.2 Granting of the application is in the public interest;
- 2.3.3.7.4.5.3 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.
- 2.3.3.7.4.5.4 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
- 2.3.3.7.4.5.5 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 with all requirements of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, as applicable to the proposed project.

2.3.3.7.4.6 Additional Criteria to increase the maximum number of units allowed in a multi-family building. In addition to all the criteria listed in Section 2.3.3.7.5, the following additional criteria must be met in order to increase the maximum number of units in a multi-family inclusionary building from 16 to not more than 20.

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2.3.3.7.4.6.1 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 50% of the permitted density allowed by Section 2.3.3.7.3.1.1 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).

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2.3.3.7.4.6.2 The applicant must demonstrate to the Planning Board that the limitation of the number of units per building at 16 per building makes the overall project unfeasible such that the development costs exceed the ability of the applicant recover development costs through rent/sales and any applicable tax credits or subsidies. The applicant must demonstrate this to the Planning Board through an independent Project Cost Estimate which includes the cost of the land, development and construction costs; financing, profit, and sales costs, and any other cost factors.

3.6 - Elderly Housing

3.6.4 - Regulations and Design Criteria

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

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3.6.4.7.1 Elderly – The standard unit will be two (2) bedrooms.

3.6.4.7.2 Elderly Affordable – The majority of standard units shall be one bedroom units. There may also be two bedroom units.

~~3.6.4.7.3 The maximum number of dwelling units in a single building may be increased from sixteen (16) to no more than twenty (20) if the applicant is granted a conditional use permit from the Planning Board, in accordance with Section 3.6.5.2.~~

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3.6.5 Conditional Use Permits

3.6.5.1 Conditional Use Permits for Affordable Elderly Housing

3.6.5.1.1 Prior to Planning Board action on any site plan for Affordable Elderly Housing, which requires a Conditional Use Permit, the Board must have already granted the Conditional Use Permit. The Conditional Use Permit may be sought either separately or concurrently with Site Plan approval.

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3.6.5.1.2 The following criteria must be satisfied in order to the Planning Board to grant a Conditional Use Permit for Elderly Affordable Housing. The applicant shall demonstrate that:

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3.6.5.1.2.1 All criteria outlined in Section 3.6, as applicable to the application have been met;

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3.6.5.1.2.2 The proposed Affordable Elderly Housing use is consistent with the Objectives and Characteristics of the District, Section 3.6.1;

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

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3.6.5.1.2.4 Granting of the application is in the public interest;

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3.6.5.1.2.5 The application demonstrated that the proposed Affordable Elderly Housing for which the Conditional Use Permit is sought does not impact the general health, safety, and general welfare of the Town, and provides for a housing need for an elderly population whose income level is not greater than 60% of the median income for Rockingham County.

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3.6.5.1.2.6 Documentation has been provided to insure the long term affordability of the project.

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3.6.5.1.2.7 The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable the preservation of natural resources, open space, and does not create a hazard to surface or underground water resources.

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

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

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

3.6.5.2.1.2 Granting of the application is in the public interest;

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

3.6.5.2.1.4 There exist on the property limitations (steep slopes, wetlands, CO District areas, flood hazard areas, or other natural constraints on the subject parcel) that reduce the buildable area of the parcel such that the parcel is limited to less than 60% of the permitted density allowed by Section 3.6.4.14 utilizing 16 units per building. Such calculation must be demonstrated to the Planning Board by a NH licensed professional engineer (and other related professionals as applicable, such as certified wetland scientists or soil scientists).

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