

**TOWN OF LONDONDERRY**  
**GROWTH MANAGEMENT INFORMATIONAL SESSION**

**OCTOBER 5, 2017**

**7:00 P.M. TOWN HALL**

**TOWN MANAGER KEVIN SMITH AND TOWN PLANNER COLLEEN MAILLOUX, AICP**

**MODERATORS**

Town Manager Smith opened the meeting and reminded the public that a second meeting/worksession is scheduled for October 21, 2017 at 10:00 a.m., which will entail a group discussion. He expressed his hope that these sessions will be informative and educational, and provide the residents of Londonderry an opportunity to ask questions, express concerns, interact, and collaborate with each other and Town staff on Londonderry's growth. He offered appreciation to the Town Council who were instrumental in the planning of these worksessions.

Town Council Chairman Tom Dolan concurred with Town Manager Smith's remarks and offered an overview of the two sessions and his view on growth management ordinances and the legal ramifications surrounding them as well as other measures the Town can use to control growth (i.e. open space, wetland buffers, conservation easements, etc.).

Town Manager Smith made introductions of Town Staff and introduced Town Planner Mailloux. Town Planner Mailloux acknowledged that Londonderry's growth is a topic of great interest and concern, and explained that her hope is to review the tools that the Town has to control, manage and guide growth, and receive input, comments, ideas, concerns, and suggestions from the residents.

She began her presentation by reviewing a slide show (see attached) first focusing on the recent growth in Londonderry, which showed a six year average growth of 1.13% as well as a 2.74% growth (2015-2016), and a 2.27% growth (2016-2017). She explained that the population in Londonderry in 2014 was 24,247 with and an anticipated increase in 2020 to 27,000 along with an estimate of 1.5-1.7% annual growth for the foreseeable future. She added that the NH Office of Strategic Initiative (formerly NH Office of Energy & Planning) predicts a 2.5% growth for Londonderry with a 5% growth for Bedford and a 4.5% growth for Manchester. She reviewed the growth activity levels noting the significant growth in the 1980/1990s timeframe with another growth spike in 2004/2005 at which time the growth management ordinance (GMO) was enacted. She also commented on the 2014-2016 growth where the numbers increased for individual dwelling units (contributing to the increase were Grand Estates, Hickory Woods, NeighborWorks, Mill Pond, and Lorden Commons). She noted that some of the projects accounted for were approved as early as 1999 but due to possible

economic factors did not get underway until 2014/2015. She also commented on the Wallace Farms project.

She reviewed the contributing projects slide noting the shaded projects are approved projects with approximately 1,025 units being approved since 1999 (18 yr. time period). She explained that the Woodmont Commons project is exempt from future GMO efforts. She discussed some recently approved projects and projects that are currently under review such as Cross Farm, Elwood Farm, Lorden Commons and Sanborn Crossing. She reviewed the numbers of housing units (2010 – 8,677 housing units; 2015 – 8,870 housing units; and 2017 – estimated 9,393 housing units). She noted the impact of regional trends, steady population growth concerns projected across southern New Hampshire, the recent increase in single family and multifamily constructions in other towns, and the concerns over housing affordability and availability across the state. She described similar growth occurring in Bedford and Manchester and the Town's attractiveness with availability of water and sewer and sufficient infrastructure. She commented on NH Finance Authority and the state's legislative efforts to address the housing issues. She commented on the housing needs and the ability to balance and manage growth while providing for diverse housing opportunities.

She reviewed the tools that the Town has for guiding development such as the Master Plan, Capital Improvement Plan, land acquisition/easement purchases, public infrastructure, town staff technical assistance and advocacy pointing to land acquisition as the best method of preventing development. She commented on the 2010 Open Space Taskforce and the final report adopted in 2011. She recognized the efforts of the Conservation Commission and the State of New Hampshire to preserve land while noting that these efforts require significant amount of money and additional financial support by the voters. She reviewed the conservation land in Town noting that Londonderry consists of approximately 27,000 acres of which 4,155 are in conservation (totaling 15%). She commented that with the efforts of the 2010 Open Space Taskforce, the Town acquired approximately 100 additional acres with NH Fish & Game acquiring additional land. She added that there have been other priorities that took precedence over land acquisition since that time which required funding and it is up to the voters to prioritize their needs and project funding.

She reviewed the system of checks and balances available to the Town to assist in managing growth. She commented on the zoning ordinances and zoning districts noting 73% of Londonderry is zoned AR-1 (Agricultural –residential) which requires in general terms a minimum of one acre lots with 150 feet of frontage for single-family/duplexes. She noted the other uses available in that district such as age restricted (55+) development and age restricted affordable elderly. She noted the limited circumstances where workforce housing (WFH) is allowed. She commented on the use and importance of land use regulations, the impact on abutters, and mitigation measures (storm water management, traffic studies, fiscal impact analysis, etc.) noting that basic property rights are to be preserved. She discussed flood zones and wetland buffers, which restrict development in certain areas and help in identifying land

that is undevelopable or require a conditional use permit. She explained the parameters of off-site improvements as a mitigation measure and noted that the Town cannot require a developer to make the situation better only to not make it worse.

She reviewed the WFH map and the requirements and obligation placed upon the Town by state statute. She also explained that the Town cannot make it impossible for developers to develop property and if it does then legal action will follow. She explained that the current WFH ordinance was rewritten and is now strongly defensible. She noted that there are few remaining parcels that are undeveloped which can be used for WFH.

She explained innovative land controls and the phased development section of the zoning ordinance as a way of limiting the number of building permits to be issued (residential development 15 lots or larger - 15 permits per year; multi-family WFH – 72 units per year; multi-family - 48 permits per year). She commented on the ability for the Wallace Farm development to obtain 96 permits per year due to the granting of a variance. She added that the purpose of the phase is to allow the Town to absorb the growth responsibly and to make sure that adequate services are available.

She discussed the cluster/conservation subdivision/zoning provisions, which permits flexibility in design in order to promote environmentally sensitive and efficient uses of land while providing alternate density calculations and protection of open space adding that this type of subdivision is a win-win for the Town and the developer.

She then reviewed the growth management statute RSA 674:22 and its importance in assisting with regulating the timing of development and accommodating anticipated growth noting its implementation cannot be based on current needs. She further explained that the GMO must have a termination date and cannot restrict normal growth no more than what is necessary to allow the Town to “catch up.” She reviewed the history of Londonderry’s GMO which sunsetted on January 1, 2015. She explained that Planning Staff provided the Planning Board with an annual review to identify whether there was a need for the continuation of the GMO and it was determined that there was no need for extending the GMO resulting in its termination in 2015. Prior to its termination, Town Staff provided a capacity analysis in 2014 to analyze the budgetary needs of the Town, which demonstrated that the Town was doing a good job in keeping up with the need for services and infrastructure in the Town. Going forward to determine whether a GMO is warranted, she explained that a full analysis would be warranted to determine the needs and position of the Town (would take 6-9 months) along with a plan specifying how the Town plans to meet any identified need based on evidence that considers the Town’s projected growth and the need for additional municipal services to accommodate such growth. This will require financial support of the voters.

She differentiated between the GMO and the interim growth management ordinance RSA 674:23, which provides for a temporary moratoria and limitations on building permits and the approval of subdivision and site plans for a period of not more than one year. She quoted

from the statute the requirement of proving unusual circumstances that affect the ability of the municipality to provide adequate services noting that there is no legal guidance as to what constitutes “unusual circumstances.” She described the process of instituting a temporary moratorium with Planning Board recommendation followed by Town Council approval along with a course of action to correct or alleviate such circumstances.

She spoke of the limits of the Town’s regulatory power as it relates to the statutory requirements of workforce housing (2013 the state legislature required the Town to make provisions for economically feasible housing) and accessory dwelling units (revised state statute aimed at addressing the housing crisis). She expressed concern over inverse condemnation/takings and how Towns can get too restrictive in its regulations, which may ultimately result in a taking. She cautioned on enacting Town’s ordinances, which can limit the economic viability of a parcel of land resulting in a taking. She noted the need for a rational relationship/nexus in creating regulations.

She then presented some questions to the public for further consideration, input and discussion:

1. What is the right approach for the Town?
2. What are some of the zoning and site/subdivisions regulations concerns?
3. Are the Town’s density allowances appropriate?
4. What policy approaches will suit the Town?
5. What are some other options?

The meeting was then opened for public input and discussion. Martin Srugis, 17 Wimbledon Drive, and another Londonderry resident reviewed the history of the Town’s GMO and the state of the Town when it lapsed. Town Planner Mailloux explained that at the time the GMO lapsed there was no justification to carry it forward. Town Council Chair Dolan noted that when the GMO was enacted, the schools were over crowded, the police department was decrepit, and there were issues with the fire station (Town’s facilities were over stretched). He explained that the enactment of the GMO at that time allowed growth to pause to rectify these issues, which the Town did (new Town Hall, new fire stations, schools are currently under capacity).

Michael Speltz, 18 Sugarplum Lane, expressed his opinion that the GMO should not have lapsed. Town Manager Smith reiterated that legally the GMO requires a termination date. Town Planner Mailloux commented on the 2014 capacity analysis, which demonstrated that there was no justification to continue the GMO. Town Council Chair Dolan echoed those sentiments.

As an example, Town Planner Mailloux spoke of the Wallace Farm project and its economic impact analysis as well as the qualifier for determination of the anticipated number of children. She noted these types of studies would be useful in comparing what was forecasted to the actual numbers. She added that Town Council has asked for continuous monitoring of the fiscal

impact analysis and what is actually occurring as well as the possibility of establishing a Londonderry multiplier.

Town Council Chairman Dolan reviewed some steps in growth control such as open space preservation, zoning, wetland ordinances and growth projections and the lack of fluctuation in Londonderry's taxes.

Town Manager Smith explained that developers could only do what is allowed by the regulations while noting the ZBA variance process. He used the Page Road example to show that a developer wanted a particular property rezoned, and that request was denied.

Deb Paul, 118 Hardy Road, quoted from the expired GMO ordinance sections 1.4 et seq., and asked why the Planning Board was not performing evaluations. Town Planner Mailloux explained that she is reading from the lapsed GMO ordinance, which is no longer in effect. Deb Paul contended that those evaluations were never done, Londonderry should not be compared to other towns, and Londonderry already met its fair share and percentage of WFH and should no longer allow these projects. She added that other town such as Derry, Manchester and Windham no longer allow WFH projects. Town Manager Smith questioned the legality of Town's not providing for WFH, as it is required by state statute, and asked her to get that information for him. She expressed concerns over traffic issues and stressed the importance of the Master Plan Implementation Committee. Town Planner Mailloux explained that the committee is still in existence but was put on hold until staffing levels returned to normal.

A Londonderry resident asked for further clarification on the use of a GMO. Town Planner Mailloux explained that the Town cannot restrict growth if it complies with zoning and with the Town's regulations but needs to find methods of regulating it adding that the failure of a town to not adequately address or fund its needs is not a basis or justification for enacting a GMO. She added that a study similar to the 2014 capacity study would be a first step in determining the Town's need for a GMO. She noted that the study requires funding. Town Council Chair Dolan noted that a good approach is to focus on tax positive developments such as those in the industrial area of Town. Town Planner Mailloux added that there are certain things that can be done at a staff level but the study, which will demonstrate a need is paramount and this study would cost \$30-\$40,000.

Chris Davies, 29 Perkins Road, asked for a cost benefit analysis of purchasing certain parcels of land in Town, which he believed, would be beneficial. Town Council Chair Dolan also commented that the Town has been generous with open space. Mike Speltz spoke of the \$10-\$12 million in bond authority. M. Speltz also commented on studies that the Town already has and the benefit of comparing that data and its accuracy. He emphasized the importance of the Master Plan and the possibility of instituting impact fees. Town Planner Mailloux and Town Manager Smith cautioned on the use of impact fees and the requirements associated with those fees. Town Manager Smith suggested creating a map, which will show the lands that have development potential.

Town Council member Jim Butler commented on the granting of waivers and available Conservation Commission monies for land purchase (such as the parcel near Vista Ridge).

Ray Breslin, Three Gary Drive, commented on the Master Plan, Woodmont Commons, impact fees, and the plan for Route 102. Town Planner Mailloux responded that the SNHPC has a corridor plan to Route 102.

Ann Chiampa, 28 Wedgewood Drive, and Chris Davies both commented on the WFH map and the need to consider the possible locations of future WFH sites. A. Chiampa also offered as a suggestion that a possible use of the \$1Mi of extra funds could be for studies spoke of at the session for GMO and impact fees.

Town Council Chair Dolan thanked everyone for coming and the session ended at 9:00 p.m.

Minutes/Summary prepared by Laura Gandia, Associate Planner.