

Town of Londonderry Regulatory Audit:

Local Zoning, Sub-division, and Site Plan Regulation Alignment with 2025 changes to NH RSA 674: Local Land Use Planning and Regulatory Powers.

Planning, Zoning, and Land Use Alignment Review

This document presents a consolidated review of the Town of Londonderry's Zoning Ordinance, Subdivision Regulations, and Site Plan Regulations in light of planning-, zoning-, and housing-related laws enacted by the State of New Hampshire in 2025. This audit evaluates alignment of local regulations with 13 state laws enacted in 2025:

- HB 2
- HB 168
- HB 296
- HB 413
- HB 457
- HB 577
- HB 631
- SB 281
- SB 283
- SB 284

The review is framed to support the Planning Board's work by identifying opportunities to improve clarity, predictability, and consistency while reducing unintended barriers to housing. The intent of this review is to identify alignment opportunities and practical refinements. It is not intended as a critique of policy choice, but as a resource for assisting the town in implementing new state laws and supporting a diversified housing strategy.

The analysis places an emphasize on:

- Mandatory compliance with new RSA provisions
- Housing-enabling impacts (missing middle, multifamily, and procedural barriers)
- Risk exposure for appeals under RSA 677
- Clear, implementable fixes suitable for Planning Board action

The following regulatory documents (as amended) were reviewed as part of the audit:

- Zoning Ordinance (August 18, 2025)
- Subdivision Regulations (June 11, 2025)
- Site Plan Regulations (June 11, 2025)

Master Table of Legislative Bills Signed Into Law in 2025

A. Administrative / Planning Authority

(governance or planning-board functions; no zoning-text amendments required)

RSA SECTION	BILL	TYPE OF CHANGE	SUBJECT
RSA 674:1, VII	HB 2	Added	Planning Board designation of municipally/county-owned land for residential use
RSA 674:43, VI-VIII	HB 2	Amended	Expedited review & pattern zoning authority
RSA 674:21, V	HB 168	Amended	Impact fees expanded to include public works facilities

B. Substantive Zoning Controls — High Priority

(Direct constraints on zoning ordinance content)

RSA SECTION	BILL	TYPE OF CHANGE	SUBJECT
RSA 674:16, VIII	HB 457	Added	Residential occupancy limits (2 persons per bedroom; no relationship limits)
RSA 674:71	HB 577	Amended	ADU-related definitions
RSA 674:72	HB 577	Reenacted	Core ADU requirements
RSA 674:73	HB 577	Amended	Detached ADUs required to be permitted

C. Use Permissions & Development Rights

(Changes to what must be allowed by zoning)

RSA SECTION	BILL	TYPE OF CHANGE	SUBJECT
RSA 674:79	HB 631	Added	Definitions for multi-family residential development on commercially zoned land
RSA 674:80	HB 631	Added	Requirement to permit multi-family or mixed-use residential development on commercially zoned land

D. Development on Streets (Land Use Authority)

(Limits on denial of building permits)

RSA SECTION	BILL	TYPE OF CHANGE	SUBJECT
RSA 674:41, I(C)	SB 281	Repealed & reenacted	Building permits on Class VI roads
RSA 674:41, I(D)(1)	HB 296	Amended	Building permits on private roads and Class VI roads

E. Dimensional & Intensity Controls

(Bulk, scale, and parking standards)

RSA SECTION	BILL	TYPE OF CHANGE	SUBJECT
RSA 674:16, VII	SB 284	Amended	Residential parking requirements capped at 1 space per dwelling unit
RSA 674:77	SB 283	Added	Definitions — floor area ratio, below-grade area, new construction
RSA 674:78	SB 283	Added	Amendment to zoning regulations — exclusion of below-grade area from FAR

F. Vesting, Appeals, and Procedural Safeguards

(Applies to approvals, appeals, and regulatory stability)

RSA SECTION	BILL	TYPE OF CHANGE	SUBJECT
RSA 674:39	HB 413	Amended	Extended vesting/exemption periods

Topic Area A: Zoning Ordinance Audit of Planning & Zoning Authority

RSA 674:1, VII (As amended by HB 2):

Adds a **new, specific planning board responsibility**. In summary, it authorizes the **planning board** to identify municipally or county-owned land and determine whether such land is **appropriate for residential development**. The law requires the planning board to transmit such determination to the governing body, and the Office of Planning and Development (OPD). This law is explicitly **Advisory and administrative** and focused on **inventory and identification**, not regulation. The law does **not** require zoning changes, override existing zoning districts, or mandate residential development. The statute operates **outside the zoning power** and within the **planning board's advisory and planning role**.

Finding Summary:

RSA 674:1, VII establishes an advisory role for planning boards to identify municipally or county-owned land that may be suitable for residential development. The statute does not require zoning ordinance amendments. The Londonderry Zoning Ordinance appropriately regulates land use by district and does not conflict with the planning board's advisory responsibilities under state law.

RSA 674:43, VI-VIII (As amended by HB 2):

Adds three related but distinct planning authorities:

VI. Expedited Review – Which allows municipalities to adopt procedures for **expedited review** of qualifying residential development. This rule applies primarily to **planning board review of site plans and subdivisions** and is **permissive, not mandatory**.

VII. Pattern Zoning - Authorizes municipalities to adopt **pattern zoning** standards to facilitate residential development consistent with existing neighborhood patterns. This is intended as an **optional zoning tool**.

VIII. Scope - Clarifies that use of these tools is a **local option** and subject to adopted local standards. Critically, the statute does **not require** municipalities to adopt expedited review or pattern zoning, does **not invalidate** existing zoning approaches and does **not impose minimum standards** that must appear in a zoning ordinance.

Finding Summary:

RSA 674:43, VI-VIII authorizes, but does not require, municipalities to adopt expedited review procedures and pattern zoning standards for residential development. The Londonderry Zoning Ordinance does not currently implement these optional tools and does not conflict with the statute. No zoning amendments are required for compliance.

RSA 674:21 V (As amended by HB 168):

Governs **municipal impact fee authority**. As amended by **HB 168**, the statute expands the list of eligible capital facilities for which impact fees may be assessed to include **Public works facilities** (in addition to roads, schools, water, sewer, etc.). The law retains all existing statutory limitations; impact fees must be based on **capital improvement programs** and fees must be **proportional** and used for **growth-related impacts only**.

The statute affects **how fees may be imposed**, not zoning or land-use standards.

Finding Summary:

RSA 674:21, V expands municipal authority to assess impact fees for public works facilities. The statute does not require zoning ordinance amendments. The Londonderry Zoning Ordinance does not regulate impact fees and does not conflict with the expanded statutory authority.

Topic Area B: Substantive Zoning Controls of High Priority

RSA 674:16, VIII (As amended by HB 457):

Places **substantive limits on municipal zoning authority** regarding residential occupancy. As enacted by **HB 457**, the statute provides that a zoning ordinance **shall not** limit occupancy of a dwelling unit to **fewer than 2 persons per bedroom**, nor restrict occupancy based on familial relationship, marital status, or other relationship-based classifications. The statute applies to all dwelling units in all zoning districts. The statute is **self-executing** and **preemptive**, meaning conflicting local provisions are unenforceable as of the effective date. This statute directly **constrains zoning content**.

Where This Must Be Reflected Locally:

If a zoning ordinance includes any of the following, it must be reviewed for consistency:

- Definitions of “family” tied to relationship status.
- Maximum occupancy standards
- Per-unit or per-bedroom occupancy caps
- Conditional use criteria referencing “family” composition.

Any standard that results in **fewer than 2 occupants per bedroom** or uses **relationship-based criteria** is inconsistent with RSA 674:16, VIII.

Review of the Londonderry Zoning Ordinance

The Londonderry Zoning Ordinance includes traditional dwelling definitions (single-family, two-family, multi-family) and use-based regulation rather than explicit occupancy counts.

As such, the ordinance **does not include an explicit per-bedroom occupancy cap, nor does it include a “family” definition that limits unrelated occupants**.

Residential use regulations are based on unit count, building type and lot / dimensional standards. No sections were identified that cap occupancy below 2 persons per bedroom, or restrict occupancy based on relationship status.

Housing-Oriented Observations (Non-Directive)

From a housing perspective, the absence of occupancy restrictions supports flexibility in housing use and aligns with fair housing principles. Continued compliance depends on avoiding future adoption of relationship-based occupancy language and ensuring conditional use criteria do not indirectly impose such limits.

Finding Summary:

RSA 674:16, VIII prohibits zoning ordinances from limiting residential occupancy to fewer than two persons per bedroom or from imposing relationship-based occupancy restrictions. The Londonderry Zoning Ordinance does not contain such provisions and is consistent with the statute.

RSA 674:71 (As Amended by HB 577):

Defines an Accessory Dwelling Units, including definitions for attached and detached. The definition for an ADU also includes language that coincides with building code definitions for a “dwelling unit”.

Where is shows up in a zoning ordinance:

For RSA 674:71 specifically, the compliance question is focused on ADU definition. Does the zoning ordinance ADU concept match the state’s **baseline definition** (independent living facilities on the same amount as a single-family dwelling)? Does the ordinance language avoid inadvertently defining ADUs **more narrowly than the statute’s definition** (e.g., “within or attached only”)?

What Londonderry’s zoning ordinance currently does:

Section 5.18 and states the purpose is to “increase housing alternatives.” 5.18, (D) Requires the accessory dwelling to have **self-sufficient living quarters** including sleeping, bathing, and eating accommodations. 5,18, (H) Requires ADUs to be within or added to the principal structure, attached to an accessory structure (e.g., garage), **or** a free-standing accessory structure.

Narrower framing than the RSA definition:

The zoning ordinance does not have an explicit definition for an Accessory Dwelling Unit. Conditions of permitting an ADU found in Section 5,18 are not fully aligned with the state definition of an ADU.

Compliance Determination:

Zoning language is mostly aligned but key language revisions are needed to be in full alignment with the state-law and to reduce confusion on what constitutes an ADU.

Recommended adjustment to zoning regulations:

Add a definition for Accessory Dwelling Unit (ADU) to the zoning ordinance which is matched to the state-law terminology of RSA 674:71 (e.g., define Accessory Dwelling Unit, Attached unit, Detached unit).

Findings Summary:

RSA 674:71 updates the definition of accessory dwelling units to include units located on a lot with a single-family dwelling, including attached and detached forms. Londonderry's Accessory Dwelling standards describe a self-sufficient living unit and expressly allow configurations within, attached to, or detached from the principal dwelling, which is mostly aligned with the state definition. For clarity and ease of administration, the ordinance should be amended to match the state-law definition of an ADU, including the state-law terms for an "attached unit" and a "detached unit."

RSA 674:72 (As Repealed and Replaced by HB 577):

This is the **core ADU statute** and is one of the most consequential changes for local zoning ordinances. As reenacted by **HB 577**, this RSA requires municipalities to **allow** at least one accessory dwelling unit **by right** in all zoning districts that permit single-family dwellings. Key statutory limits on local regulation include **permitting ADUs without conditional use approval, special exception, or variance**. The state's ADU law says municipalities **must allow ADUs to be attached or detached** at the owners discretion. Further, municipalities **may not** require additional lot area beyond what is required for a single-family dwelling, require owner-occupancy, or impose excessive dimensional, design, or location standards that would effectively preclude ADUs. ADUs must be reviewed administratively (e.g., building permit / site plan if applicable). This statute is **mandatory and preemptive**.

Where this must be reflected locally:

A zoning ordinance must ensure that ADUs are **Permitted uses** (not conditional uses) and allowed in **every district that allows single-family dwellings**. The ordinance **cannot impose prohibited conditions**, such as lot size increases, or discretionary approvals.

Any conflicting local provision is **unenforceable** as of the statute's effective date.

Review of Section 5.18 Conditions for Alignment with State Law:

A. By-Right Permitting

States ADUs are permitted. Note, ADUs are not listed in Table 4-1, which makes it unclear if they are permitted **by-right, by special exception, or by conditional use** (planning board approval). For the general public, it may be difficult to determine that ADU's are **allowed by-right**, consistent with the intent of RSA 674:72.

B. Number of ADUs Allowed

Allows one ADU per lot, this language is consistent with state ADU law.

C. Lot size and dimensional standards

The condition language exempts ADUs from the calculation of minimum lot size. This is consistent with RSA 674:72 language prohibiting requiring **additional lot area beyond what is required for a single-family dwelling**. Clarity can be offered here by stating:

“ADU’s, regardless of the number of bedrooms, do not count towards minimum lot size requirements of Table 4-3.”

D. Owner Occupancy

Requires that either the principal dwelling or the accessory dwelling be **owner-occupied**. RSA 674:72 **allows such owner-occupancy requirements**. This condition language is consistent with state ADU law.

E. Living Quarters

Requires adequate sleeping, bathing, and eating accommodations. The state ADU law has a variation on this language which aligns with the definition of a dwelling unit in the state building code. It is recommended to use the state language for consistency across zoning and building code. This would limit the need for interpretation of the intent of zoning language when the state-law take precedence anyway.

F. Unit Size

The condition requires ADUs not exceed 40% of the living area of the principal dwelling and have no more than 2 bedrooms. The state’s language puts a maximum size of between 750 - 950sf on ADU’s unless the town allows them to be larger. As the town’s language is written, it does not acknowledge the State’s floor of 750sf as a restriction on maximum floor area. I recommend changing the language as follows:

*“F. The maximum size for an Accessory Dwelling shall not exceed **750sf or 40% of the living area for principal dwellings greater than 1,875sf, which ever is greater. ADUs and shall include no more than 2 bedrooms.**”*

G. Aesthetic Standards

Requires the ADU to be consistent with the appearance, design, colors, and materials of the principal home. RSA 674:72, VII limits the ability of a municipality to apply aesthetic standards. Aesthetic standards can only be applied to ADUs if they are also applied to the principal dwelling unit. The typical scenario for this would be the architectural standards of a historic district. The AR-1 District appears to have no aesthetic standards.

H. Attached and Detached ADU terms

Describes conditions for an ADU as part of the principal structure and as a free standing structure. These conditions are not aligned with the state’s definition for ADUs found in RSA 674:71. As long as the ADU meets dimensional standards for the principal dwelling as defined in the zoning, then the town would not be able to further restrict the construction of the ADU on the grounds of location on the property (i.e., requiring detached ADUs to be in the rear of the lot).

I. ADU Location (Setbacks)

The condition requires compliance with all setbacks. RSA 674:72, I states that ADUs can only be subject to the requirements that would be applied to the single-family dwelling without an ADU, meaning the setback requirement applied to the ADU are the same as those applied to the principle dwelling. AR-1 has no design related regulations for the location of a primary home, other than setbacks. In addition, RSA 674:72, XI carves out an exemption for the conversion of existing structures into an ADU regardless of that structure's conformity to dimensional standards. The zoning ordinance should include language making this clear to homeowners.

J. Water and Waste Provisions

Requires provisions comply with NH DES regulations. This condition language is consistent with the state ADU law, although it can be clarified by matching state language as follows:

*“The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in **accordance with RSA 485-A:38, separate systems are not required for the principal and accessory dwelling units.**”*

K. Parking

Requires one parking space per ADU and limits the location and access to ADU parking. This condition language is not fully aligned with the state ADU law. The state law says:

“If a municipality has established regulations requiring parking for the principal dwelling unit, it may require up to one additional parking space for each accessory dwelling unit. Required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the property owner’s discretion.”

To align this condition, the language should explicitly allow off-site parking and not restrict parking beyond the requirements for the single-family home. The most consistent way to do this would be a reference to parking requirements of the underlying zoning. For instance, AR-I Parking Requirements (Section 4.2.1.5) states:

“A minimum of two parking spaces per dwelling unit shall be provided....”

Aside from the required number of parking spaces (which is not aligned with RSA 674:16, VII) there are no other zoning requirements dictating the location and access to parking. As such, ADU parking location and access cannot be held to a narrower standard.

L. Ownership Conversion

Condition restricts the conversion of an ADU into any form of separate ownership. Condition language is consistent with the state ADU law.

M. Workforce Housing

States all ADUs will be counted as workforce housing units to meet the municipal obligations of RSA 674:59. Condition language is consistent with the state ADU law.

Findings Summary:

Section 5:18 would benefit from a comprehensive review which would address multiple inconsistencies with the State's ADU law. From a housing-facilitation perspective RSA 674:72 is intended to normalize ADUs as small-scale housing option, reduce administrative delay, and allow homeowners to respond to changing household needs.

Existing ordinance provisions appear to reflect statutory authority prior to the adoption of HB 577. Updating the ordinance would improve clarity for applicants and staff and align local ADU permitting practices with current state law.

RSA 674:73 (As Amended by HB 577):

This state law requires detached ADUs be allowed by-right in all locations where single-family dwellings are allowed by zoning. Alignment of section 5:18 with RSA 674:72 as recommended in this document would make the section consistent with State's ADU law.

Topic Area C: Use Permissions & Development Rights

RSA 674:79-80 (As Amended by HB 631):

Establishes a **new, mandatory use permission** in municipal zoning. In summary, the statute provides that a zoning ordinance **shall permit multifamily residential development** on land that is zoned primarily for **commercial use**. RSA 674:79 contains definitions for "Commercially zoned land," "Mixed-use," and "Adaptive reuse." RSA 674:80 requires municipalities to **permit residential as a principal use** subject to **objective, site-specific standards**. Municipalities **may regulate** building height, density, dimensional standards, and site design. Municipalities **may not** prohibit residential use on qualifying commercial land, require a zoning amendment or rezoning to allow such use, or require discretionary approval that effectively denies residential use. This statute is **mandatory and preemptive** with respect to use permission.

Where This Must Be Reflected Locally

To comply with RSA 674:80, a zoning ordinance must ensure that commercially zoned districts allow multifamily residential or mixed-use residential as a **permitted principal use** and that residential use is **not limited to accessory status, special exception, conditional use, or overlay districts only**.

Review of Londonderry Zoning Ordinance

Londonderry includes multiple districts that are **commercially oriented** (Commercial I-IV and Mixed Use Commercial). Within these districts, residential uses are generally limited, secondary, or accessory in nature, **or** at mercy of subjective discretionary approval pathways. **Multi-family residential development** is largely not permitted **by-right as a principal use** within commercial districts. The zoning does define Mixed-use Residential as:

“a building which contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use.”

The ordinance does **not permit Multifamily Residential in a commercial zoning district and only allows Mixed-Use Residential as permitted in the form of affordable housing units in the Mixed Use Commercial and Commercial IV districts** (which only make up 0.03%, or 72 acres of all land in the municipality). This effectively makes development not possible. Additionally, requirements for mixed-use residential units to be affordable housing units further limits permitting. Affordable units without subsidies are largely not feasible in the market. Most scenarios, where affordable housing is developed using typical subsidies, such as Low Income Housing Tax Credits, disqualify costs not associated with the residential units, meaning the retail component on the ground floor is not feasible to build.

Compliance Determination

The Londonderry Zoning Ordinance does not currently align with RSA 674:79–80 because residential use on commercially zoned land is not permitted by right as a principal use in nearly all scenarios and is often constrained to accessory or discretionary approval status. The ordinance does not clearly implement the statute’s **mandatory use permission**. As a result, the local ordinance framework reflects **pre-2025 zoning assumptions** that have now been superseded by state law.

Housing Barrier Framing

RSA 674:79–80 reflects a statewide policy decision to encourage housing in commercial corridors and areas with existing infrastructure. The law supports adaptive reuse of underutilized commercial properties and mixed-use redevelopment. The allowance of residential in commercial districts is intended to reduce growth pressure on established residential neighborhoods. Londonderry’s current zoning structure appears to emphasize functional separation of uses and a discretionary approach to residential use in commercial areas. Updating the ordinance to reflect RSA 674:80 would improve predictability for applicants and staff, enable reinvestment in commercial areas, and align local regulations with current state law while retaining control over form and impacts.

Summary of Findings

RSA 674:79–80 requires municipalities to permit multi-family or mixed-use residential development as a principal use on commercially zoned land, subject to reasonable, objective standards. The Londonderry Zoning Ordinance currently limits residential use in commercial districts and does not clearly permit such development outside of subjective review. Zoning would benefit from revision to ensure consistency with current state law.

Topic Area D: Development on Streets (Land Use Authority)

RSA 674:41, I(c) (As Repealed and Reenacted by SB 281):

Limits municipal discretion to deny building permits solely because lots front on a Class VI road. Allows denial **only if** the governing body makes specific findings related to emergency vehicle access, public safety, and the adequacy of the road to serve the proposed use. Requires that standards be **objective and articulated**, not ad hoc and decisions be grounded in adopted policy or regulation, not generalized concern. Preserves municipal authority to require improvements or mitigation, protect public safety, and avoid assumption of maintenance responsibility. This statute is **substantive land-use law** and directly constrains zoning and permitting authority.

Where This Must Be Reflected Locally

Compliance with RSA 674:41, I(c) typically appears in zoning ordinance provisions addressing access, street frontage, and buildability of lots. Ordinance language that conditions development on frontage on “approved,” “accepted,” or “maintained” roads or treats Class VI roads as an automatic bar to development. Any provision that results in **categorical denial** of permits on Class VI roads is inconsistent with the statute.

Review of the Londonderry Zoning Ordinance

The ordinance contains provisions that condition development on frontage on an **approved or accepted street** and treat lack of municipal maintenance as a limiting factor. The ordinance framework does not clearly distinguish between **subdivision approval standards**, and **permit eligibility for existing lots** on Class VI roads. There is **no clear policy-based pathway** in the zoning ordinance allowing administrative approval of building permits on Class VI roads subject to safety findings. As written, the ordinance appears to reflect older **practice**, where frontage on an unaccepted road could function as a de facto prohibition.

Compliance Determination

The statute does **not require** municipalities to approve all development on Class VI roads. However, it **does require** that denial be based on articulated, objective safety findings and not be automatic or categorical. The Londonderry Zoning Ordinance does not clearly incorporate this standard and could be read to allow broader discretion than RSA 674:41, I(c) now permits. This creates **legal ambiguity**, even if the actual practice is more flexible.

Summary of Findings

RSA 674:41, I(c), as amended in 2025, limits the circumstances under which building permits may be denied solely due to frontage on a Class VI road and requires that such decisions be based on articulated public safety findings. The Londonderry Zoning Ordinance contains frontage and access provisions that predate these changes and do not clearly reflect the updated statutory standard. Clarifying this relationship in the ordinance or related policies would improve consistency with state law and provide clearer guidance to applicants and staff.

RSA 674:41, I(d)(1) (As Amended by HB 296):

Addresses municipal authority to issue building permits for lots served by **private roads and Class VI roads**. A municipality **may not deny a building permit solely because a lot is served by a private road or Class VI road**. Denial must be tied to **specific, supportable concerns**, typically related to public safety, emergency access road adequacy for the proposed use. Municipalities retain authority to require waivers or acknowledgements regarding road maintenance, avoid assuming maintenance responsibility, and apply objective safety standards. The statute reinforces that decisions must be **fact-based and objective**, not categorical. This provision works in tandem with RSA 674:41, I(c) and continues the legislative trend away from blanket prohibitions.

Where This Must Be Reflected Locally

This statute primarily affects zoning provisions requiring frontage on an “accepted,” “approved,” or “public” street, buildability standards for lots on private ways and administrative practices in issuing building permits. An ordinance becomes vulnerable if it requires frontage exclusively on accepted public streets for a lot to be buildable or treats private road frontage as an automatic disqualification.

Review of the Londonderry Zoning Ordinance (High-Level)

At a structural level, the Londonderry Zoning Ordinance emphasizes frontage, access, and road standards. It also reflects traditional New Hampshire zoning practice where accepted streets are the norm for new development. The zoning does not clearly articulate a modern statutory standard for private or Class VI roads. Because many ordinances predate the 2025 changes, this is **not unusual**. A zoning ordinance does not need to restate RSA 674:41 verbatim but it **should not contain language that effectively contradicts it**.

Compliance Determination

Clarification Recommended. There is no clear categorical prohibition of development on Class VI roads in the zoning language but there are multiple instances of language requiring frontage on a “*Class V or better road*” which implies a prohibition of development on class VI roads. The main exposure is legal. A modest clarification to the zoning would reduce appeal vulnerability, improve predictability for applicants, and align practices with current law.

Findings Summary

RSA 674:41, I(d)(1), as amended in 2025, limits denial of building permits solely due to frontage on private or Class VI roads and emphasizes case-specific safety findings. The Londonderry Zoning Ordinance reflects traditional frontage standards that predate these changes. Modest clarification is recommended to improve alignment with current state law and provide clearer guidance for applicants and staff.

Topic Area E: Dimensional & Intensity Controls

RSA 674:16, VII (As Amended by SB 284):

Places a **statewide cap** on minimum parking requirements for residential uses. A municipality **shall not require more than 1 off-street parking space per dwelling unit** as a minimum. This applies to single-family, two-family, multifamily and mixed-use developments where residential units are included. This statute is **mandatory and preemptive** where local minimums exceed the cap.

Where This Must Be Reflected Locally

This requirement can appear in zoning ordinance parking tables or ratios, site plan regulations that establish **minimum** parking counts and overlay or district-specific parking standards. Any provision requiring **>1 space per dwelling unit as a minimum** is inconsistent with the statute.

Review of the Londonderry Zoning Ordinance (Zoning Text)

The ordinance **establishes numeric residential parking ratio of 2 spaces per unit for allowed residential uses the AR-1 district**. For other districts with residential uses, the zoning repeatedly references that parking design, and standards are governed by the **Site Plan Regulations (Section 3.09)** including parking areas and layouts.

Within the site plan regulations (June 11th, 2025) **Table B** assigns off-street parking space requirements for other residential uses. Multi-family, Elderly, and Mixed-Use Residential, and Live-Work Unit all require more than one parking space per unit. Additionally, Table B contains a note pointing back to Section 2.3.1.6 & 7 for Single-Family and Two-Family Dwelling parking requirements. The August 18th, 2025, version of the zoning ordinance contains no such sections. Likely, the Table B footnote should refer to zoning section 4.2.1.5. The one use type where parking space requirements are spelled out are Accessory Dwelling Units, which does not apply the same parking dimensional standards as are applied to single-family homes, as such is not in alignment with state-laws.

Compliance Determination

A zoning text; cross-reference review recommended. Parking space minimums are not directly addressed in zoning ordinance. Site Plan regulations address parking for some residential uses and conditions while others are missing. Table B of Site Plan Regulations has requirements exceeding the cap as identified in the ordinance text.

Findings Summary

This state law limits minimum residential parking requirements to one space per dwelling unit. The AR-1 District parking requirements and Site Plan Regulations Table B parking language is not in alignment with the state law.

RSA 674:77-78 (As Added by SB 283):

Establishes statewide standards for how **Floor Area Ratio (FAR)** must be defined and applied in zoning ordinances. RSA674:77 creates statutory definitions for Floor Area Ratio (FAR), gross floor area, below-grade area, and new construction (for FAR purposes). RSA 674:78 states that if a municipality uses FAR as a zoning control, it must **exclude below-grade floor area** (e.g., basements below finished grade) from FAR calculations. These statutes standardize FAR calculations. They do not require municipalities to adopt FAR nor does it affect other dimensional controls. This law applies **only where FAR is used**.

Where This Matters Locally

These statutes are relevant only if a zoning ordinance uses FAR as a dimensional control, or limits building size using FAR formulas. They do **not** apply where intensity is controlled through density per acre, lot coverage, height limits, or setbacks.

Review of the Londonderry Zoning Ordinance

Based on review of the ordinance Londonderry regulates building scale using lot size, setbacks, height limits, and lot coverage. The ordinance does **not rely on FAR as a regulatory metric**. No FAR formulas or FAR-based limits were identified.

Compliance Determination

Because Londonderry does not regulate development using FAR the statutory requirements do not apply to the ordinance. No amendment is required. If FAR were adopted in the future, the statutory definitions and exclusions would apply automatically.

Housing Barrier Framing

These statutes are primarily intended to prevent basements from counting against FAR limits which avoids unintended constraints on housing size. Since Londonderry does not use FAR the statutes do not constrain local zoning practice. The Town retains flexibility in managing building scale through existing dimensional standards.

Findings Summary

The Londonderry Zoning Ordinance does not use FAR as a regulatory tool and instead relies on other dimensional controls. As a result, the ordinance is consistent with the statute.

Topic Area F: Vesting, Appeals, and Procedural Safeguards

RSA 674:39 (As Amended by HB 413):

Governs the **vesting (exemption) period** for approved subdivision plats and site plans. The statutory exemption period is extended to **seven (7) years**. During this period, an approved plat or site plan is protected from subsequently adopted zoning or regulatory changes that would otherwise affect the project. The statute sets conditions for when the vesting period starts, how it may be maintained or extended, and when protections lapse. This is a **state-law protection that applies automatically** once a qualifying approval is granted.

Where This Must Be Reflected Locally

Affects **Subdivision Regulations, Site Plan Review Regulations** and Administrative practices related to approval tracking. It does **not require zoning ordinance text**. Vesting is statutory and self-executing, as such local ordinances cannot reduce the statutory period.

Review of the Londonderry Zoning Ordinance

At a zoning-ordinance level the zoning ordinance generally regulates use, dimensional standards, and zoning districts. It does **not establish vesting timelines** for approved plans. No provisions were identified that override state vesting rules or establish conflicting vesting periods. This is consistent with standard practice in NH municipalities.

Compliance Determination

This is implemented through subdivision/site plan regulations, not zoning text. The Londonderry Zoning Ordinance does not conflict with the statute. No zoning amendment is required.

Housing Barrier Determination

The extended vesting period provides predictability for developers, reduces regulatory risk for phased projects, and supports financing of housing developments. Because this protection is statutory local zoning does not need to replicate it. The benefit applies automatically.

Section II — Subdivision Regulations Findings

The Subdivision Regulations influence how zoning permissions translate into buildable housing. The review examined application procedures, infrastructure standards, and administrative tools that affect cost, timing, and feasibility.

Application Procedures and Review

Optional pre-application and design review steps provide useful early guidance. Additional clarity around study requirements, escrow expectations, and scheduling could further enhance predictability for housing-related subdivisions.

Design Standards for Improvements

Street, drainage, and utility standards protect public safety and long-term maintenance. Explicit recognition of proportional and context-sensitive design approaches would help balance these objectives with housing affordability and feasibility.

Plan Specifications and Assurances

Submittal, bonding, and inspection requirements support orderly development. Refinements that allow phased submissions and milestone-based assurances could reduce unnecessary cost and delay for housing projects.

Administration and Waivers

Clear waiver criteria can provide flexibility where equal or better performance can be achieved. This tool can support housing feasibility while preserving regulatory intent.

Section III — Site Plan Regulations Findings

The Site Plan Regulations shape the review of multifamily and mixed-use housing. The analysis focused on proportionality, coordination with zoning standards, and opportunities to streamline review for lower-impact projects.

Applicability and Review Pathways

Administrative and minor site plan review options offer opportunities to reduce review time for appropriately scaled housing projects. Clear eligibility thresholds would improve their effectiveness.

Design Standards

Parking, circulation, landscaping, lighting, and traffic standards influence housing cost and layout. Ensuring consistency with zoning requirements and scaling studies to actual impacts would support efficient and predictable review.

Submission, Assurances, and Administration

Submission requirements and completion assurances are important management tools. Phased and milestone-based approaches can support housing project delivery without reducing safeguards.

Conclusion and Next Steps

Overall, the review indicates that Londonderry's regulations are fundamentally sound. Targeted updates focused on clarity, consistency, and proportionality would help align local regulations with recent state law and support a diversified housing strategy.

These refinements can assist the Planning Board in continuing to protect public health and safety while improving predictability and reducing unintended barriers to housing.