The background image is a faded photograph of a white church with a steeple and a tall, ornate monument in front of it. The church has a gabled roof and arched windows. The monument is a tall, tiered column topped with a statue. The scene is set in a grassy area with trees in the background. The text is overlaid on the lower half of the image.

# **Town of Londonderry, NH Zoning Ordinance**

**As Amended Through  
June 6, 2022**

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# **ZONING ORDINANCE**

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## **1 GENERAL PROVISIONS**

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### **1.1 Purpose**

---

These zoning regulations and maps are being enacted for the purpose of preserving and promoting the health, safety and welfare of the community. It is the intention of the Planning Board and the Zoning Board to guide the future growth and development of the Town in accordance with a Master Plan which represents the most beneficial and convenient relationships among the residential, non-residential and public areas within the Town considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and modes of living, and future requirements; and considering such conditions, trends and requirements, both within the Town and in relationship to areas outside thereof.

It is further the intent of these regulations:

- A. To provide adequate light, air and privacy; to secure safety from fire and other danger, and to prevent over- crowding of the land and undue congestion of population;
- B. To protect the character, the social and economic stability of all parts of the Town, to guide the orderly growth and development of the Town, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the master plan for the Town of Londonderry, and by these comprehensive zoning regulations;
- C. To promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses, having particular regard for the potential amount and intensity of such land and structure uses in relationship to the traffic capacity of the road system, so as to avoid congestion in the streets and roadways, and to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and structures throughout the Town;
- D. To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the Town;
- E. To provide an adequate housing choice in a suitable living environment within the economic reach of all citizens;
- F. To provide open space designed to protect the scenic beauty and natural features of the Town as well as to provide recreation space;
- G. To preserve agricultural land; and
- H. To preserve the character of Londonderry.

### **1.2 Short Title**

---

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Londonderry, New Hampshire, hereinafter referred to as “this Ordinance.”



### **1.3 Authority**

---

This Ordinance is adopted pursuant to the authority granted by Chapter 674 et seq., New Hampshire Revised Statutes Annotated, as amended.

### **1.4 Applicability**

---

- A. General Applicability: No building, structure or improvement shall be erected or used and no land shall be used or subdivided in the Town of Londonderry except in conformance with this Ordinance.
- B. Relationship to other laws, ordinances and regulations: Whenever the provisions of this Ordinance conflict with any other ordinance, statute, or rule, the more restrictive or the higher standard shall apply. In the event of any conflict between any provision of this Ordinance with other provisions of this Ordinance, the more restrictive or higher standards shall apply.
- C. Relationship to Private and Public Covenants and Restrictions: This Ordinance shall not affect restrictions placed on property by covenant, easement, deed or agreement, provided that where the Ordinance imposes a greater restriction or higher standard, the provisions of the Ordinance shall govern.

### **1.5 Rules of Construction**

---

The following rules of construction apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary Table or illustrative table, the text shall control.
- C. The words “shall”, “will”, or “may not” are always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions “and,” “or,” or “either... or,” the conjunction shall be interpreted as follows:
  - 1. “And” or “plus” indicates that all the connected items, conditions, provisions or events shall apply.
  - 2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. “Either ... or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.



- I. The word “includes” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind of character.
- J. All terms defined under various sections of the Town Subdivision and Site Plan Regulation, where occurring in these regulations, shall have the meanings specified in those Regulations, except where specifically defined in these regulations; however, in case of a conflict, the more restrictive shall apply.
- K. The word “State” means the State of New Hampshire.
- L. Any Residential, Agricultural, Civic, Industrial or Commercial activity existing at the time of the enactment of this Ordinance shall be considered as conforming to the provisions of this Ordinance. Exceptions would be any situations in violation of the Zoning Ordinance since its adoption in March 1963.

## **1.6 Interpretation of Certain Terms**

---

Certain terms and words used in this Ordinance shall be interpreted in accordance with the definitions contained within Section 2 hereof or otherwise expressly stated herein. All other words use in the Ordinance shall be subject to their customary and ordinary meaning and definitions.

## **1.7 Severability**

---

The sections, paragraphs, sentences, clauses, and phrases of the Ordinance are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid final judgment or decree, such unconstitutionality or invalidity or unenforceability shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance, and the Ordinance shall thereafter, to the greatest extent allowed by law, be interpreted to give full effect to the intention set forth in the section, paragraph, sentence, clause or phrase so declared unconstitutional or otherwise invalid or unenforceable.

## **1.8 Effective Date**

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This Ordinance (code) was originally adopted at the Town Meeting, March 9, 1965.

## 2 DEFINITIONS

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**Abandonment:** The voluntary evacuation of a use for a continuous period of at least 12 months, either by completely vacating the lot or by transferring to another use permitted only in a more restricted zoning district.

**Accessory Use or Accessory Structure:** A use or structure which is incidental to, subordinate to, and customarily found in connection with a principal use or structure and which is situated on the same lot as the principal use or structure, except that where specifically provided in the applicable regulations, accessory off-street parking or loading facilities or private recreational facilities need not be located on the same lot.

**Aeronautical Facilities:** Shall mean all land and buildings customarily used in support of the operation of an airport as follows: a) runways, taxiways, aprons, and ramps; b) terminal buildings; c) parking garages; d) parking lots; e) fuel farms; f) cargo facilities; g) car rental facilities; h) aircraft hangers; i) air traffic control facilities. Additional uses or property may be included within the definition of aeronautical facilities upon the express mutual consent of the parties (as defined in the new inter-municipal agreement 2003).

**Agriculture:** shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operations including, but not necessarily restricted to, the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, or any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products from such farm.

**Airport** shall mean the Manchester Airport.

**Airside** In reference to the Airport District, shall mean the portion of the airport in which access is restricted to those persons having a security clearance by means of the fence.

**Animal Hospital:** A building used by a licensed veterinarian solely for the practice of veterinary medicine, not as a kennel.

**Approved Street:** Any street dedicated and accepted by the Town of Londonderry; or any street approved at any time by the Town Council. The word "street" shall include the words "road," "highway," "boulevard," "avenue," and similar terms as defined in the Town Subdivision and Site Plan Regulations.

**Area Median Income (AMI)** – is the median income of the greater region, either the HUD Metropolitan or Non-Metropolitan Fair Market Rent Area to which Londonderry belongs, as is established and updated annually by the United States Department of Housing and Urban Development.

**Assets** – As defined as "Net Family Assets" by 24 CFR Part 5, Subpart F, and as amended from time to time.

**Assisted Living Facilities:** shall be defined as facilities licensed under RSA 151 for elderly (over 55 years of age) or disabled individuals, which provide onsite services that support independent living for residents, including, at a minimum, communal dining facilities, and may include onsite personal care services, housekeeping and linen service and the supervision of self-administered medications.

**Back Lot Development** - The development of up to four (4) single-family house lots with reduced development requirements in exchange for permanently prohibiting development of roadside areas identified by the community as contributing to Londonderry's character, such as land that is being actively farmed.

**Bed and Breakfast Homestay:** A private owner-occupied residence with one to four guest rooms. A bed and breakfast homestay having more than four and less than seven guest bedrooms may be approved if the home or historic barn is located within the Town of Londonderry Cultural Resources Survey or listed on the National Register of Historic Places. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than thirty (30) days in any one year period.

**Berm:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**Buffer:** A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other.

**Buffer, Conservation Overlay:** the term "conservation overlay buffer" means the upland areas adjacent to wetlands and surface waters in the Conservation Overlay District other than the wetlands themselves

**Buildable Area:** The portion of a lot remaining after required easements and setbacks from lot lines, proposed public road right-of-way land designated as a public street or highway, and/or from the 100-year flood plain, have been provided.

**Building:** A structure with exterior walls which combine to form an occupiable structure, including but not limited to apartments, barns, dwelling, garages, hotels, offices, restaurants and stores. Signs are not to be considered a building, or part of a building, and are regulated by this Ordinance.

**Building Coverage:** This area of a lot covered by the aggregate of the maximum horizontal cross Section of all buildings on a lot, including covered porches and accessory structures, all measurements shall be made between exterior faces of walls, foundations, piers, or other means of support.

**Building Group:** A group of two or more main structures and any structures accessory thereto, occupying a single lot.

**Building, Height of:** The vertical distance from the average grade adjoining the walls of the structure to the average of the highest points of a roof surface of a flat roof; and to the deck line of a mansard roof; and the mean height level between eaves and ridge for a gable, hip or gambrel roof.

**Building, Main:** The structure in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

**Building Profile:** A drawing showing the maximum horizontal and vertical limits of the structure

**Cemetery:** A place used for the permanent interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for incendiary interments, or a combination thereof.

**Certified Soil Scientist:** A person qualified in soil classification and Mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Commercial Use:** Any use involving in part or in whole the sale of merchandise, materials or services, but not including home occupations as defined in this section.

**Commercial Vehicle:** Every motor vehicle and every trailer or semi-trailer designed and used for carrying freight or merchandise in the furtherance of any commercial enterprise; a motor vehicle that is designed to carry more than 10 passengers and is used to carry people, including vehicles registered as school buses or any other motor vehicle that is designed and used to carry people for compensation, except for taxicabs.

**Common Land:** Land jointly owned by a group of residents.

**Community Center:** A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which alcoholic beverages are not normally dispensed or consumed.

**Convalescent Home:** This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care.

**Conventional Subdivision:** Subdivision conforming to Section 4.2 of Londonderry Zoning Regulations excluding Planned Residential Development.

**Criteria:** Text material accompanying a Plan for Subdivision or Site Plan approval by the Planning Board.

**Customary Home Occupation:** An occupation for gain or support conducted primarily on the premises by members of a family residing on said premises.

**Depth of Lot:** The mean horizontal distance between the front lot line and rear lot line of a lot.

**Detached Building:** A building surrounded by yards or other open area on the same lot and not to be used as a dwelling unit.

**Development:** The construction of a new structure on a lot; the relocation of an existing structure on another lot; the use of a tract of land, including frontage along an existing street or highway, into two or more lots. Also includes mining, dredging, filling, grading, paving, excavation, and drilling operations.

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

**District:** A zoning district as specified in this Ordinance.

**District, Overlay:** means a zoning district superimposed on one or more established zoning districts to impose supplemental restrictions on uses in these districts.

**Domestic Pets:** This term includes dogs, cats and other small animals commonly kept for non-commercial purposes for the exclusive enjoyment of the residents.

**Drive-Thru Establishment:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons while in the motor vehicle. Does not include establishments involved in the business of preparing and/or purveying food on a regular basis. For all such businesses please see Restaurant, fast food.

**Drive-Thru Windows:** A customer service facility designed for the convenience of the motoring public accessory to an office or retail establishment which is intended to enable the customer to transact business with a person located within a structure or a machine without exiting the motor vehicle.

**Driveway:** Area designated for vehicular access to a lot from an approved highway or street.

**Duplex:** See "Dwelling, Two-Family"

**Dwelling, Multi-Family:** A residential building designed for or occupied by three or more families.

**Dwelling, Single-Family:** A detached or free-standing residence other than a mobile home, designed for and occupied by one family only.

**Dwelling, Two-Family:** A residential building designed for or occupied by two families living independently of each other in individual attached dwelling units. Also known as a duplex.

**Dwelling Unit:** Any room, or rooms connected together forming a habitable unit for one family with its own bathing and toilet facilities and its own living, eating and sleeping areas wholly within such rooms, or rooms connected together.

**Easement:** As shown on a subdivision plan, an area on a lot reserved for the passage of water, utility, slope, temporary cul-de-sac, or other identified purposes. The owner cannot block the easement and must allow the Town access for maintenance purposes.

**Equipment, Heavy:** A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

**Evergreen:** A plant with foliage that persists and remains green year-round.

**Excavation:** Excavation means a land area which is used, or has been used, for the commercial taking of earth, including all slopes. Excavation is only allowed in accordance with the EXCAVATION REGULATIONS adopted by the Town of Londonderry Planning Board on January 26, 1994, on file with the Town of Londonderry Planning Department.

**Family:**

- A. A single person occupying a dwelling and maintaining a household, or
- B. Two or more persons related by blood, marriage or adoption, occupying a dwelling, living together, and maintaining a common household, or
- C. Not more than eight unrelated persons occupying a dwelling, living together, and maintaining a common household.

**Fence:** A barrier used as a boundary, means of protection, privacy screening or confinement, enclosing a field or yard. Designs of Chain-link, Wire, Post & Rail, Paddock, Stockade, Lattice, Stone, or Brick, are typical fence types, exclusive of hedges, shrubs, trees, or other natural growth. Fences of more than 6 feet in height erected on residential properties are considered structures and shall be subject to the setback provisions of the AR-I zoning district.

In reference to the Airport District, "Fence" shall mean the safety and security fence which prevents general access to the airside of the airport, including gates, doors and other secure accessways located within buildings (e.g. the terminal).

**Financial Institution:** an establishment where the principal businesses is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit unions

**Floor Area:** The sum of the areas of the several floors of the structure(s) as measured by the exterior faces of the walls, less any area within the structure(s) devoted to parking, vehicular driveways, atria or enclosed malls and similar areas.

**Frontage:** The continuous linear extent of a lot measured along any highway or right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

**Gasoline Station:** See "Motor Vehicle Station, Limited" and "Motor Vehicle Station, Full Service."

**Grade:** The level from which the height of a structure is measured, as defined herein.

**Green Area:** Land area covered by vegetation.

**Home Occupation:** an occupation, profession, activity or use that is clearly a customary, secondary, and incidental use of a residential dwelling unit

**Hospital:** Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or nursing home, as previously defined.

**Hotel:** Any building containing six or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests and with access to units primarily from interior lobbies, courts, or halls

**Junk Yard:** A parcel of land used for a commercial dismantling, storage, and sale of salvage material, including scrap metal, vehicles, paper and rags. The bailing, shredding or compacting of or sale of salvage materials are permitted.

**Income** – As defined as "Annual Income" by 24 CFR Part 5, Subpart F, and as amended from time to time.

**Kennel:** The use of a lot or structure for the containment of four (4) or more dogs, that are more than six (6) months old.

**Landside** In reference to the Airport District, shall mean the portion of the airport which is not the airside.

**Livestock:** This term shall include horses, cattle, sheep, swine, goats and other animals usually kept or raised on a farm. Exempted from this definition are domestic pets and poultry as defined in this Ordinance.



**Live-Work Unit** – A single unit consisting of both a work space for occupations like commerce, professional services, artisan, or similar, along with a residential component that is occupied by the entrepreneur. The live/work unit shall be the primary dwelling of the occupant and is intended for non-residential zones as applicable.

**Lot:** The whole area of a single parcel of land with ascertainable boundaries in single or joint ownership, undivided by a street and established by deed(s) of record.

**Lot Line:** A line representing a boundary of a lot.

**Lot of Record:** A lot which is part of a subdivision of record in the office of the Rockingham County Registrar of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the Rockingham County Registry of Deeds.

**Lot Size (Lot Area):** This land wholly within the boundary of a lot exclusive of any Group 6 soils, easements, or within a street right-of-way.

**Manufactured Housing:** For the purpose of this Ordinance, the definition means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this Section shall not include presite built housing as defined in this Ordinance.

**Manufacturing, Heavy:** The manufacturing of products from raw or unprocessed materials. Normal operations might include the use of heat, noise, or odor generating/producing processes.

**Manufacturing, Light:** An establishment or activity primarily engaged in manufacturing, production or assembly which does not involve, on the premises, the use of heat, noise, or odor generating/producing processes which are detectable off-site. Includes the assembly, testing, repair and packing of components, devices and equipment systems

**Market Rate Housing** – Any unit within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

**Membership Club:** Buildings and facilities owned or operated by a corporation, associates, person, or persons for a social, educational, or recreational purpose to which membership is required for participation, but not primarily operated for profit or to render a service which is primarily done as a business. Does not include gun related clubs and sexually oriented businesses operating as membership clubs.

**Mixed Use Residential:** a building which contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use.

**Mobile Home:** (See “Manufactured Housing”)

**Mobile Home Park:** Any tract of land on which two or more mobile homes are parked and occupied for living purposes.

**Motel:** A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit



**Motor Home:** A portable, temporary dwelling to be used for travel, recreation and vacation, and constructed as an integral part of a self propelled vehicle.

**Motor Vehicle:** A vehicle that is designed to be self-propelled and is not operated on rails. Motor vehicle does not include a motorcycle or a bicycle that is equipped with an assisting motor.

**Motor Vehicle Maintenance, Major Repair and Painting:** A facility that provides major vehicle repairs, maintenance, painting, including full body repairs, engine rebuilding and reconditioning, and collision services and incidental sales of parts.

**Motor Vehicle Rental:** rental of automobiles, light trucks and vans, including incidental parking and servicing of vehicles for rent. Typical uses include auto rental agencies.

**Motor Vehicle Station, Full Service:** A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides and minor automobile accessories. In addition, such a facility must provide minor vehicle servicing, minor repairs and maintenance, and may provide engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair, or overall painting of automobiles.

**Motor Vehicle Station, Limited Service:** A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides and minor automobile accessories. In addition, such a facility may provide minor vehicle servicing, minor repairs and maintenance, including engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair, or overall painting of automobiles.

**Municipal Wastewater System:** A wastewater collection, treatment and disposal system that is operated by a municipality (privately owned wastewater systems connected to a municipal wastewater system shall be considered as part of the municipal system.)

**Non-Conforming Use:** Any use of land and/or buildings in violation of the provisions of this Ordinance.

**Normal Living Area:** A room or enclosed space designed for human occupancy in which individuals live, sleep, cook, and dine; equipped with means of egress, light, heat and ventilation facilities. Excluding such places as garages, unfinished areas, decks, barns, sheds or other accessory buildings.

**Nursing Home:** Rest or care homes, convalescent homes and homes for the aged devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and Board and who need medical, nursing, convalescent or chronic care. Such institutions include those for the treatment and care of mental patients, alcoholics and drug addicts

**Open Space:** A separate lot which is either:

- A. Reserved or dedicated for common use; open and unobstructed from its lowest level to the sky, except that roofed area for open space uses may be included to a total of not more than ten percent of the open space area, and parking may be included if its primary purpose is to accommodate open space uses; and held for the common use of the public or of persons residing in the particular locality within the neighborhood for park, school, recreation or environmental purposes; or

- B. An historic structure and the lot upon which the historic structure is situated provided the historic structure is held for the common use of the public or of persons residing in the locality within the neighborhood and parking may be included if its primary purpose is to accommodate open space uses.

**Outdoor Storage:** the storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

**Owner-occupied Housing** – Any dwelling unit intended to be conveyed in fee simple, condominium or equity-sharing arrangement such as a community housing land trust and limited equity cooperatives.

**Parking Space, Off-Street:** For the purposes of these regulations, an off-street parking space shall consist of a space adequate for parking a motor vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

**Permanent Manufacturing Plant:** A rock crushing plant that operates for more than 60 days. It is usually set on a concrete foundation. Permanent Manufacturing Plants are to operate in compliance with the excavation regulations adopted by the Town of Londonderry Planning Board on January 26, 1994, on file with the Town of Londonderry Planning Department.

**Poultry:** Winged and feathered animals including, but not limited to, chickens, hens, roosters, ducks, geese, quail and turkeys.

**Presite Built Housing:** Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities. For the purposes of this subsection, presite built housing shall not include manufactured housing as defined in this Ordinance.

**Principal Use:** The primary purpose for which a lot or structure is used.

**Professional Office:** offices for doctors, dentists, lawyers, engineers, planners, architects, attorneys, insurance, real estate, or investment agencies, or any similar type of profession.

**Public Facilities:** any facility including but not limited to buildings, property, recreation areas, and roads, which are leased or otherwise operated or funded by a governmental body

**Public Utilities:** all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

**Recreation, Commercial:** recreation facilities operated as a business and open to the general public for a fee including but not limited to indoor theaters, bowling alleys, golf courses, racquet clubs, and health facilities.

**Recreation Facilities, Public:** publicly owned or operated recreation facilities

**Religious Facilities:** a building or buildings used for public worship by a congregation. Religious facilities include churches, synagogues, temples, mosques, and other places of religious worship.

**Rental Housing** – Any dwelling unit intended for leasehold occupancy.

**Repair Services:** Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive repair use types. Typical uses include jewelry, clock, radio and television repair, small appliance repair, bicycle repair and services of a similar nature.

**Research Laboratory:** A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation and test marketing.

**Residence or Residential:** A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, Boarding or rooming houses, or apartments. Residences do not include:

- A. Such transient accommodations as transient hotels, motels, tourist cabins, trailer courts; or
- B. Dormitories, fraternity or sorority houses;
- C. In a mixed use structure, that part of the structure used for any non-residential uses, except accessory to residential uses;
- D. Recreational vehicles.

**Residence, Single-Family:** A building containing only one dwelling unit.

**Restaurant:** a structure in which the principal use is the preparation and sale of food and beverages to the public on demand from a menu during stated business hours, to be consumed on the premises primarily inside the building. Includes cafes, taverns, and similar establishments but does not include a drive-thru establishment.

**Restaurant, Fast Food:** an establishment whose primary business is serving food to the public for consumption on or off the premises by order from and service to vehicular passengers outside the structure.

**Retail Sales Establishment:** a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Typical uses include but are not limited to clothing, appliance, hardware and department stores, automotive accessory, drug and variety stores, grocery stores and supermarkets

**Right-of-Way, R.O.W:** A strip of land that is generally used for the location of a street, walkway, utility line or other access way, that is separate and distinct from the lots and parcels adjoining such R.O.W. and not included within the dimensions or areas of such other lots or parcels.

**School, Private:** a private educational institution other than a public school which offers instruction in the several branches of learning and study required to be taught in the public schools or where instruction is given in the vocational, professional, or recreational fields

**Screen:** A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

**Service Establishment:** any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

**Setback:** Open area, located on the same lot with a structure or group of structures, between the structure or outer structure of a group and the nearest lot or street line, unoccupied and unobstructed from the ground upward, except as provided in these regulations.

- A. Setback, Front: Extends across the full width of the lot, between the front street line (or proposed front street line) and the nearest line of the structure or enclosed portion thereof. The depth of the setback is the shortest horizontal distance between the front existing or proposed street line and the nearest point of structure or enclosed portion thereof.
- B. Setback, Rear: Extends across the full width of the lot, between the rear lot line and the nearest line of the structure, porch or projection thereof. The depth of the setback is the shortest horizontal distance between the rear lot line and the nearest point of structure, porch or projection.
- C. Setback, Side: Extends between the side lot line or side street line (proposed side street line, if such line falls within the lot) and the nearest line of the structure, porch or projection thereof, extending from the front setback to the rear setback, or, in the absence of either of such setbacks, to the front street line and/or rear lot line. The width of a side setback is the shortest distance between the side lot line and the nearest point of structure, porch or projection.

**Sexual Conduct:** means human masturbation, sexual intercourse actual or simulated, normal or perverted, whether alone or between members of the same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

**Sexual Conduct Substantial Portion of the Total Presentation Time:** Occurring on more than seven (7) days within any fifty-six (56) consecutive day period.

**Sexual Encounter Center:** A business or commercial enterprise that a substantial part of the time, offers for any form of consideration: (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (B) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; and where the activities in (A) or (B) is characterized by an emphasis on "sexual conduct."

### **Sexually Oriented Businesses:**

**Adult Bookstore or Adult Video Store** - A business that devotes more than 15% of the total display, shelf, rack, table, stand, or floor area, utilized for the display and sale of the following:

- A. Books, magazines, periodicals, or other printed matter, or photographs, films, video games, motion pictures, video cassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which depict or describe "sexual conduct"; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct".
- C. An adult bookstore or adult video store does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock and trade and does not devote more than 15% of the total display, shelf, rack, table, stand, or floor area of the establishment to the sale of books and periodicals.

**Adult Cabaret** - A nightclub, bar, restaurant, or similar commercial establishment or a private membership club, fraternal membership or social club which during a substantial portion of the total presentation time features:

- A. Live performances which are characterized by “sexual conduct”
- B. Feature films, motion pictures, video cassettes, slides or other photographic reproductions, which depict or describe “sexual conduct”.

**Adult Drive-In Theater** - An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which depict or describe “sexual conduct”.

**Adult Motion Picture Arcade** - Any place in which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to four or fewer persons per machine at any one time, and in which a substantial portion of the total presentation time of the images so displayed is distinguished or characterized by the depicting or describing of “sexual conduct”.

**Adult Motion Picture Theater** - An establishment with a capacity of five or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which depict or describe “sexual conduct”.

**Adult Theater:** A theater, concert hall, auditorium or similar establishment either indoor or outdoor in nature, which, for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which depict or describes “sexual conduct”.

**Sign:** Any permanent or temporary structure, billboard, device, letter, word, banner, pennant, insignia, trade flag or representation used as, or which is in the nature of, an advertisement, announcement, or direction which is on a public way, or on a private property within public view of a public way, a private way open to public use, property to which the public has access, a public park or reservation. Non-illuminated and illuminated non-animated signs located within the interior of a building in a commercial or industrial zone shall not be considered a sign.

#### **Sign, Area of:**

**Freestanding Sign:** The area of a non-wall sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign any “cutouts” or extensions, but shall not include any supporting structure or bracing.

**Wall Sign:** Where individual mounted letters are used without a sign background, the area of the sign shall be the area in square feet of the smallest rectangular, circular, or oval figure which describes the area enclosed by the actual copy of a sign



**Sign, Changeable Copy:** A sign or portion thereof designed to accommodate message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

**Sign, Electronic Message Board:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

**Sign, Freestanding:** A sign that is permanently erected in a fixed location and supported by one or more columns, upright poles or braces, extended from the ground or from an object on the ground, where no part of the sign is attached to any part of the building, structure, or other sign. Examples include but are not limited to, monument signs and pole signs.

**Site Plan:** To the extent required by the Planning Board, a plan indicating the location of existing and proposed structures, paved areas, walkways, vegetative cover, existing and proposed grades, initial landscaping, and screening within a site proposed for development which is to be submitted to the Planning Board for approval prior to the release of building permits on the site.

**Slope:** The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey Soil Classification.

**Special Exception:** A use of a building or lot which may be permitted under this Ordinance only upon application to the Board of Adjustment and subject to the conditions and approval of that Board, and only in cases where the words. "Special Exception" in this Ordinance pertain.

**Story:** That part of a structure between the surface of a floor and the ceiling immediately above.

**Storage, Self-Serve:** a building or group of buildings divided into separate compartments, which may be leased or rented on an individual basis.

**Storage Structure, Portable:** any container, storage unit, shed-like container, other than an accessory building or shed complying with all building codes and land use requirements, that can be used for storage of personal property of any kind and which is located for such purposes outside an enclosed building.

**Street:** Public ways established by or maintained under public authority, private ways open for public use, and private ways plotted or laid out for the ultimate acceptance as a public street whether or not constructed.

**Structure:** Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground. Antenna, awnings, driveways, exterior lighting fixtures, fire hydrants, gardens, mailboxes, parking surfaces, retaining walls less than three feet in height, survey monuments, temporary storage areas, walks, and similar minor structures shall not be considered structures for bulk regulation purposes. In addition, unenclosed ground level decks, and unenclosed elevated decks which project no more than ten (10) feet from the principal structure, shall not be considered structures for lot coverage purposes when constructed onto a single-family attached dwelling.

**Temporary Manufacturing Plant:** A temporary rock crushing plant used to produce crushed gravel or crushed stone product to be permitted in operation for not more than 60 days. Temporary Manufacturing Plants are to operate in compliance with the excavation regulations adopted by the Town of Londonderry Planning Board on January 26, 1994 on file with the Town of Londonderry Planning Department.

**Terminal, Airport:** Shall mean a building or buildings designed to service persons using the Airport, and may accommodate such uses as ticket purchases and exchanges, passenger and baggage check in, waiting areas, the sale of goods, the sale of food and alcoholic beverages, banks, ATM machines, barber and beauty shops, shoe shine, car rentals, travel services and other uses customarily found in Airports located within the United States.

**Terminal, Trucking:** the loading or unloading of trucks where the storage of cargo is incidental to the primary function of motor freight shipment.

**Travel Trailer:** A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation having a body width not exceeding 8' 6" and a body length not exceeding 40 feet. Any travel trailer exceeding 40 feet in length shall be considered a mobile home.

**Truck, Heavy:** Trucks, including truck tractors, and similar vehicles exceeding a gross vehicle weight rating of 18,500 pounds.

**Use:** Is defined as:

- A. Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied, or
- B. Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure, or on a tract of land.
- C. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**Variance:** Such departure from the terms of this Ordinance as the Board of Adjustment, upon appeal in specific cases, is empowered to authorize only under terms of Section 8.1 and applicable statutes of the State of New Hampshire.

**Vehicle Sales Establishment:** any business establishment that sells or leases new or used automobiles, trucks, motorcycles, boats, snowmobiles, trailers, camping or other similar motorized transportation vehicles which may or may not provide on-site facilities for the repair and service of vehicles sold or leased by the establishment.

**Warehouse:** a use engaged in storage, (wholesale, and distribution) of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive.

**Wetland:** from RSA 482-A:2, "wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Wholesale Establishment:** an establishment primarily engaged in selling and/or distributing merchandise to retailers, users, firms, or other wholesalers, as well as activities involving the movement and storage of products and equipment.



**Wireless Communications Facility:** Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals or any other spectrum-based transmissions/receptions.

**Workforce Housing Development (Small)** – Workforce housing permitted in the Agricultural-Residential (AR-1) District to accommodate structures with up to 4 units on an individual lot, and designed to be compatible with the context of the neighborhood.

**Workforce Owner-Occupied Housing** – where the total cost of mortgage principal and interest, mortgage insurance premiums, property taxes, association fees, and homeowner's insurance does not exceed 30 percent of the maximum allowed income of the purchaser (100% of the Area Median Income adjusted for a family of 4, as defined by the US Department of Housing and Urban Development as required by [RSA 674:58](#)). The calculation of housing costs shall be based on current taxes, a 30-year fixed rate mortgage, a 5 percent down payment, and prevailing mortgage rates within the region.

**Workforce Rental Housing** – where the rent plus utilities for the dwelling unit does not exceed 30 percent of the allowed individual household income (60% of the Area Median Income adjusted for a family of 3, as defined by the US Department of Housing and Urban Development as required by [RSA 674:58](#)).

**Yard:** An open space on the same lot with a main building unoccupied and unobstructed by any structure or portion of structure provided that fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction or visibility.

## **3 ZONING MAP AND ZONING DISTRICTS**

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### **3.1 Zoning Map and District Boundaries**

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- A. The location and boundaries of the Londonderry zoning districts are shown on the “Zoning Map of the Town of Londonderry, New Hampshire” dated June 9, 1994 or as most recently updated and signed and certified by the Town Clerk, which is part of this Ordinance. Where any uncertainty exists with respect to the boundary of any District as shown on the Zoning Map, the following rules shall apply:
1. Where a boundary is indicated as a highway, street, railroad, watercourse or Town boundary, it shall be construed to be the centerline thereof or such Town boundary.
  2. Where a boundary is indicated as approximately parallel to a highway, street, railroad, watercourse, or Town boundary, it shall be construed to be parallel to the centerline thereof or such Town Boundary.
  3. Where a boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
  4. If no natural boundary is given, the location of any boundary shall be determined by use of coordinates identified by permanent bounds.
- B. If a zoning district boundary line runs through any lot and the lot is of sufficient size and configuration to permit conforming lots in each district, the lot may be subdivided along the zoning district boundary line resulting in conforming lots. The subdivision shall be subject to Planning Board approval in accordance with the Subdivision Regulations.
- C. If a zoning district boundary line runs through any lot and the lot is not of sufficient size and configuration to permit conforming lots in each district, the lot cannot be subdivided and the entire lot is deemed to be in the more restricted district. For purposes of this section, the order of most restrictive to least restrictive is as follows: AR-I, R-III, C-IV, POD, C-III, C-I, C-II, IND-I and IND-II, AD.
- D. Overlay Districts, where applicable, are superimposed upon the Base Districts, and the provisions of the Overlay Districts shall be in addition to the provisions of the Base District. Whenever the provision of the Base District or Overlay District are in conflict, the more restrictive provisions shall apply.

### 3.2 Zoning Districts

For the purpose of this Ordinance, the Town of Londonderry is divided into eleven (11) base zoning districts and 7 overlay districts per Table 3-1.

Table 3-1 Zoning Districts	
<b>Base Districts</b>	
Agricultural-Residential	AR-I
Multi-family Residential	R-III
Commercial-I	C-I
Commercial-II	C-II
Commercial-III	C-III
Commercial – IV	C-IV
Mixed Use Commercial	MUC
Industrial-I	IND-I
Industrial-II	IND-II
Gateway Business	GB
Planned Unit Development	PUD
<b>Overlay Districts</b>	
Conservation Overlay	CO
Performance Overlay District (Route 102 & Route 28)	POD
Flood Plain Development	FP
Airport Overlay District	AD
Airport Approach Height Overlay	AH
Airport Approach Noise Overlay	AN
Historic District	H

## 4 USE AND DIMENSIONAL REGULATIONS

### 4.1 District Uses

Subject to other applicable sections and all other local, state and federal laws, rules and regulations, no building, structure or land may be used or occupied except for the purposes permitted in the base district in which the use is located as set forth in the Table of Uses.

#### 4.1.1 Designation of Permitted Uses

Permitted uses in the base districts are designated in the Table 4-1, Table of Uses by the following:

- Uses Permitted by Right - A use denoted by the letter "P" is permitted by right in the district
- Uses Permitted by Special Exception - A use denoted by the letter "S" is a use that may be authorized by Special Exception in that district. The Zoning Board of Adjustment may grant a Special Exception in accordance with the procedures and conditions set forth in [Section 8.1.5](#), Special Exceptions.
- Uses Permitted by Conditional Use Permit - A use denoted by the letter "C" is a use that may be authorized by a Conditional Use Permit in that district. The Planning Board may grant a Conditional Use Permit in accordance with the procedures and conditions set forth in [Section 6](#), Conditional Use Permits.

#### 4.1.2 Use Table

<b>Table 4-1</b> <b>Londonderry Zoning Ordinance Use Table</b> <b>P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception</b>														
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 <sup>1</sup>	POD - 28 <sup>1</sup>
<b>RESIDENTIAL AND AGRICULTURAL</b>														
Agriculture	P	P									P <sup>5</sup>			
Assisted Living Facilities	C	P	P	P	P		P				P <sup>5</sup>		P	P
Back Lot Development	C										P <sup>5</sup>			See specific district regs.
Dwelling, multi-family		P	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>				P <sup>5</sup>		C <sup>9</sup>	C <sup>9</sup>
Dwelling, multi-family workforce	C <sup>3,6,7</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>				P <sup>5</sup>		C <sup>3</sup>	C <sup>3</sup>
Small workforce housing development	C <sup>3</sup>													
Dwelling, single family	P	P			S						P <sup>5</sup>			
Dwelling, single family, workforce	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>					P <sup>5</sup>			
Dwelling, two-family	P	P			S						P <sup>5</sup>			
Dwelling, two-family, workforce	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>					P <sup>5</sup>			



<b>Table 4-1</b> <b>Londonderry Zoning Ordinance Use Table</b> <b>P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception</b>														
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 <sup>1</sup>	POD - 28 <sup>1</sup>
Live-Work Units			C	C	C	C	C	C	C	C	P <sup>5</sup>			
Manufactured housing	P	P												
Manufactured housing, workforce	C <sup>3</sup>	C <sup>3</sup>												
Mixed use residential						P, C <sup>3</sup>	P, C <sup>3</sup>				P <sup>5</sup>		C <sup>3</sup>	C <sup>3</sup>
Mobile homes	P													
Nursing Home and accessory uses		P	P	P	P		P				P <sup>5</sup>		P	P
Preexisting manufactured housing parks	P													
Presite Built Housing	P													
<b>CIVIC USES</b>														
Community center			P	P		C					P <sup>4</sup>			
Cemetery	P													
Public Facilities	P		P	P		C		P	P	P	P <sup>4</sup>	P		
Public Utilities	P	P	P	P				S	S	S	P <sup>5</sup>	S		
Recreational Facilities, Public	P			P							P <sup>4</sup>		P	P
Religious Facilities	P		P	P	P	P					P <sup>5</sup>		P	P
Cultural Uses and Performing Arts							C			P	P <sup>4</sup>			
<b>BUSINESS USES</b>														
Aeronautical Facilities												P		
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	P <sup>4</sup>			
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	P <sup>4</sup>			
Bed and Breakfast Homestay	P										P <sup>5</sup>			
Business center development			P	P			P			P	P <sup>4</sup>		P	P
Conference/Convention Center							C			P	P <sup>4</sup>			
Day Care Center, Adult						C	C				P <sup>4</sup>			
Drive-thru window as an accessory use			P	P			C							
Drive-in establishments			P	P										
Drive-in theatres				P										



<b>Table 4-1</b> <b>Londonderry Zoning Ordinance Use Table</b> <b>P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception</b>														
	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 <sup>1</sup>	POD - 28 <sup>1</sup>
GB District Services										(See GB District Services Use Table, Section 4.1.2 )				
Financial institution			P	P			P			P	P <sup>4</sup>			
Funeral homes			P	P	P									
Education and Training Facilities							C			P	P <sup>4</sup>			
Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use.	See Section 5.8													
Group Child Care Center					P	C		S	S		P <sup>4</sup>		C	C
Home Occupation	See Section 5.12										S			
Hotels				P			C			P	P <sup>4</sup>			
Manufacturing, Heavy									P	P		P		
Manufacturing, Light up to 250,000 sq. ft.				P				P	P	P	P <sup>4</sup>	P		
Manufacturing, Light 250,001 sq ft or larger				P				P	P	C	P <sup>4</sup>	P		
Membership club			P	P							P <sup>4</sup>			
Motels				P										
Motor Vehicle Maintenance, Major Repair and Painting									P			P		
Motor vehicle rental												P		
Motor Vehicle Station, Limited Service				P		C <sup>2</sup>					P <sup>4</sup>	P		
Recreation, commercial			P	P			P				P <sup>4</sup>		P	P
Retail sales establishment up to 75,000 sq. ft			P	P		P	P				P <sup>4</sup>		P	P
Retail sales establishment 75,001 sq. ft. or larger			P	P			C				P <sup>4</sup>			
Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use										C				
Professional office			P	P	P	P	P	P	P	P	P <sup>4</sup>	P	P	P
Rental Car Terminal up to 50,000 sq. ft										P	P <sup>4</sup>			
Rental Car Terminal 50,001 sq. ft. or larger										C	P <sup>4</sup>			
Repair services			P	P		P		P	P		P <sup>4</sup>	P	P	P
Research or Development Laboratories				P			P	P	P	P	P <sup>4</sup>	P		
Restaurant			P	P		C	P				P <sup>4</sup>	P	P	P



**Table 4-1**  
**Londonderry Zoning Ordinance Use Table**

**P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception**

	AR-1	R-III	C-I	C-II	C-III	C-IV	MUC	IND-I	IND-II	GB	PUD	AD	POD - 102 1	POD - 28 <sup>1</sup>
Restaurant, fast food			P	P			C				P <sup>4</sup>			
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C				
School, Private					P						P <sup>4</sup>		P	P
Service establishment			P	P			P	P	P		P <sup>4</sup>	P	P	P
Sexually oriented businesses			P	P										
Storage, self serve				P				P	P				C	C
Terminal, Airplane												P		
Terminal, Trucking up to 100,000 sq. ft.									P	P	P <sup>4</sup>	P		
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P <sup>4</sup>	P		
Vehicle Sales Establishment				P										
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	P <sup>4</sup>	P	C	C
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	P <sup>4</sup>	P	C	C
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	P <sup>4</sup>	P		
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	P <sup>4</sup>	P		

- 1 - Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use
- 2 - See Section 4.3.1(B)(4) for additional dimensional requirements related to fuel dispensers
- 3 - See Section 5.7 for specific requirements (workforce housing)
- 4 - As part of an approved PUD Master Plan, See Section 5.2
- 5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 5.2
- 6 -Applies only to proposed multi-family workforce housing developments in the AR-1 district which meet the following conditions:
- a. Prior to May 13, 2014, one or more variances were granted to the proposed development from provisions of this ordinance that were in effect at that time;
  - b. As of May 13, 2014, no additional variances were necessary for the proposed development to constitute a proposal sufficiently complete as to qualify for consideration by the Planning Board for approval
  - c. A Conditional Use Permit for the proposed development is approved by the Planning Board not later than 4/19/2017 (said date being eighteen months after the adoption of these amendments).
- 7- In the AR-1 district, Multi-family workforce housing may be permitted subject to a Conditional Use Permit on lots adjacent to commercial and industrial districts, provided that the proposed development meets the Conditional Use criteria for workforce housing.
- 8 – deleted
- 9 – See Section 6.3.5 for building size criteria



#### 4.1.3 GB District Services Table

Table 4-2 GB District Services Use Table	
Accessory Uses up to 5,000 sq. ft. - Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	P
Accessory Uses from 5,001 – 20,000 sq. ft.-Including but not limited to, retailing, cafeteria, personal services, restaurant or auditorium accessory with and incidental to a principal use	C
Automotive Repair up to 5,000 sq. ft.	P
Automotive Repair from 5,001 to 10,000 sq. ft.	C
Computer Services up to 5,000 sq. ft.	P
Computer Services from 5,001 to 10,000 sq. ft.	C
Service/Commercial Businesses up to 5,000 sq. ft. (Including restaurants and gas stations)	P
Service/Commercial Businesses from 5,001 to 20,000 sq. ft. (Including restaurants and gas stations)	C
Daycare up to 5,000 sq. ft.	P
Daycare from 5,001 to 10,000 sq. ft.	C
Health Clubs up to 5,000 sq. ft.	P
Health Clubs from 5,001 to 20,000 sq. ft.	C
Personal Service Businesses up to 5,000 sq. ft.	P
Personal Service Businesses from 5,001 to 20,000 sq. ft.	C

#### 4.1.4 Accessory Uses

With the exception of residential district, all uses permitted for each district shall be permitted as accessory uses within that district provided the combination of uses shall meet all other provisions of this Zoning Ordinance.

#### 4.1.5 Classification of Uses Not Specified

- A. In the event that a proposed use is not specified in the Table Uses upon written application by the land owner, the Zoning Administrator shall determine the administrative classification of the proposed use and whether the use is a use permitted by right; a use that requires a Special Exception, Conditional Use Permit, or other approval; or a use that is not permitted under this Ordinance.
- B. The Zoning Administrator shall consider the similarity of the characteristics, function, or the intensity of the proposed use to other uses included in the Table of Uses. The Zoning Administrator may also consider the similarity of a proposed non-residential use to the hierarchy of non-residential uses as developed by the U.S Department of Labor, North American Industrial Classification System (NAICS).
- C. The Zoning Administrator's determination of an administrative classification may be appealed to the Zoning Board of Adjustment as set forth in Section 8 of this Ordinance.

#### 4.1.6 Supplemental Standards

Certain uses set forth in the Table of Uses are subject to additional conditions and standards contained in Section 5, Supplementary Regulations and Standards. The standards shall apply to all such uses in all districts in which the use is located, regardless of whether the use is permitted by right, Special Exception or Conditional Use Permit.

#### 4.1.7 Overlay District Uses

Uses permitted by the Table of Uses are subject to the additional restrictions of any applicable overlay districts. Wherever there is a conflict between the provisions of an overlay district and a base district, the provision that imposes the greater restriction or the higher standard shall control.

## 4.2 Residential District Requirements

### 4.2.1 Agricultural Residential District (AR-I)

#### 4.2.1.1 Objectives and Characteristics

The Agricultural-Residential District is designed to permit uses that are compatible with and protective of certain areas that have been and are being developed for agricultural and forestry uses, water quality preservation, residential use, and public use.

#### 4.2.1.2 Uses

See **Use Table Section 4.1.2**

- A. No lot in the agricultural-residential (AR-I) district may be used for the outside storage of more than one unregistered motor vehicle (in accordance with [RSA 236:92](#)) or the outside storage of more than one boat other than a rowboat, canoe or other boat less than twenty (20) feet in length. At no time shall a motorhome, travel trailer (camper) or similar recreational vehicle be stored on a property in a manner such that a public nuisance be created as to sight, sound, smell or any other action which would interfere with nearby property owners' rights. A motorhome, travel trailer (camper) or similar recreational vehicle shall not be used as an accessory living space on any residential property in the AR-I district.
- B. In instances where a dwelling located in the agricultural-residential (AR-I) district has been damaged by fire or other catastrophe, and is being rebuilt or repaired, it shall be permissible to occupy one manufactured housing unit on a lot for a period not exceeding 12 months, or until a certificate of occupancy for the replacement structure is issued, per [RSA 674:32 II](#).

#### 4.2.1.3 Residential Lot Size Requirements

##### A. Minimum Lot Size

1. Single or two-family lots served by municipal water and sewer will not be subject to the high intensity soils survey requirements described below. Minimum lot sizes and frontage requirements for lots with municipal water and sewer shall be according to Table 4-3 in this section

TABLE 4-3 Minimum Lot Size			
<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Frontage Requirements</i>	<i>Minimum Lot Size</i>
Single Family	1 – 2	100 LF	35,000 SF
Single Family	3 or more	150 LF	40,000 SF
Duplex	2 – 4 (total of both dwelling units)	150 LF	52,500 SF
Duplex	5 or more	200 LF	60,000 SF

2. The minimum lot size for a single or two family residence not served by a municipal wastewater system shall be 43,560 SF
3. All land to be included as part of the lot shall be contiguous
4. In the absence of a municipal wastewater system, to protect ground water quality for the purpose of public health and safety, minimum lot sizes shall, in addition to the Zoning Ordinance requirements listed in **4.2.1.3(A)(2)**, also meet such additional lot size requirements as specified by “minimum lot size by soil type” in Table 4-4 which are based on high intensity soil Maps and specified in this Section of the Town ordinance. This requirement is subject to the following:
  - a. Each lot shall have a soil carrying capacity of one or greater, which is calculated by dividing the given area of any soil type to be used by the required are for the soil type found in Table 4-4 of this section.
  - b. Where more than one soil type is found on the lot, a soil carrying capacity of those soils occurring on the lot shall be used to determine the minimum lot size.
  - c. Areas designated as poorly drained (type b hydric) soils may be utilized to fulfill the minimum lot size required by the Town ordinance and subdivision regulations provided that a minimum of 30,000 SF of a contiguous non-wetland area with proper configuration to adequately accommodate all housing and required utilities such as sewage disposal and water supply to include setbacks, is provided.
  - d. Areas designated as type a hydric soils (very poorly drained soils, fresh or saltwater marsh or surface water areas) may not be utilized to fulfill minimum lot size requirements.
  - e. No subsurface wastewater disposal system shall be constructed with seventy five (75) feet of any type a hydric soil or fifty (5) feet from any type b hydric soil.
  - f. Slopes greater than twenty five percent (25%) may be used in the computed lot size according to the following: areas designated with slopes of greater than twenty five percent (25%) may be utilized to fulfill the minimum lot size required by the Town ordinance and subdivision regulations provided that a contiguous area of a minimum of 20,000 SF with less than fifteen percent (15%) slopes and proper configuration to adequately accommodate all housing and required utilities such as sewage disposal and water supply to include setbacks, is provided.
  - g. For duplex use, where the total number of bedrooms in the building shall not exceed five (5), the lot size shall be increased by forty percent (40%) of the minimum lot size as determined by the appropriate table. For each bedroom exceeding five (5) the lot size shall be increased by fifteen percent (15%).
  - h. For single family homes with greater than four (4) bedrooms, the required lot size will be increased fifteen percent (15%) for each additional bedroom exceeding four (4).
  - i. Soils information shall be provided by high intensity soil Maps and prepared by a field examination performed by a certified soil scientist and so stamped.
  - j. The area of drainage easement located on the lot shall not be included as part of the minimum lot size calculation.
  - k. Each residential lot shall have at least 22,000 SF of contiguous land above the 100-year flood elevation as determined by the flood insurance rate Maps and flood boundary and floodway Maps of the Town of Londonderry as prepared by the U.S. department of housing and urban development, federal insurance administration.



**TABLE 4-4**  
**Lot Sizing by Soil Type**

*Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)*

<b>Soil Type</b>	<b>Slope B</b>	<b>Slope C</b>	<b>Slope D</b>	<b>Slope E</b>
111-H	31,750	35,250	40,000	46,000
112-H	31,750	35,250	40,000	46,000
114-H	77,000	89,000	106,000	132,000
117-H	54,500	60,500	67,500	77,000
118-H	65,750	74,750	86,750	104,500
121-H	31,750	35,250	40,000	46,000
122-H	31,750	35,250	40,000	46,000
124-H	77,000	89,000	106,000	132,000
127-H	54,500	60,500	67,500	77,000
128-H	65,750	74,750	86,750	104,500
161-H	31,750	35,250	40,000	46,000
164-H	77,000	89,000	106,000	132,000
167-H	54,500	65,000	67,500	77,000
168-H	65,750	74,750	86,750	104,500
211-H	31,750	35,250	40,000	46,000
212-H	31,750	35,250	40,000	46,000
214-H	77,000	89,000	106,000	132,000
217-H	54,500	60,500	67,500	77,000
218-H	65,750	74,750	86,750	104,500
221-H	40,000	46,000	54,500	67,500
222-H	40,000	46,000	54,500	67,500
223-H	54,500	60,500	67,500	77,000
224-H	77,000	89,000	106,000	132,000
227-H	54,500	60,500	67,500	77,000
228-H	65,750	74,750	86,750	104,500
231-H	40,000	46,000	54,500	67,500
234-H	77,000	89,000	106,000	132,000
237-H	54,500	60,500	67,500	77,000
238-H	65,750	74,750	86,750	104,500
243-H	54,500	60,500	67,500	77,000
247-H	54,500	60,500	67,500	77,000
248-H	65,750	74,750	86,750	104,500
253-H	54,500	60,500	67,500	77,000
257-H	54,500	60,500	67,500	77,000
258-H	65,750	74,750	86,750	104,500
261-H	40,000	46,000	54,500	67,500
263-H	54,500	60,500	67,500	77,000
264-H	77,000	89,000	106,000	132,000
267-H	54,500	60,500	67,500	77,000
268-H	65,750	74,750	86,750	104,500
275-H	40,000	46,000	54,500	67,500



**TABLE 4-4**

**Lot Sizing by Soil Type**

*Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)*

<b>Soil Type</b>	<b>Slope B</b>	<b>Slope C</b>	<b>Slope D</b>	<b>Slope E</b>
311-H	54,500	60,500	67,500	77,000
312-H	54,500	60,500	67,500	77,000
313-H	54,500	60,500	67,500	77,000
314-H	77,000	89,000	106,000	132,000
317-H	54,500	60,500	67,500	77,000
318-H	65,750	74,750	86,750	104,500
321-H	54,500	60,500	67,500	77,000
322-H	54,500	60,500	67,500	77,000
323-H	54,500	60,500	67,500	77,000
324-H	77,000	89,000	106,000	132,000
325-H	54,500	60,500	67,500	77,000
327-H	54,500	60,500	67,500	77,000
328-H	65,750	74,750	86,750	104,500
331-H	54,500	60,500	67,500	77,000
332-H	54,500	60,500	67,500	77,000
333-H	54,500	60,500	67,500	77,000
334-H	77,000	89,000	106,000	132,000
337-H	54,500	60,500	67,500	77,000
338-H	65,750	74,750	86,750	104,500
343-H	54,500	60,500	67,500	77,000
344-H	77,000	89,000	106,000	132,000
347-H	54,500	60,500	67,500	77,000
348-H	65,750	74,750	86,750	104,500
353-H	106,000	132,000	N/A	N/A
354-H	106,000	132,000	N/A	N/A
357-H	106,000	132,000	N/A	N/A
358-H	106,000	132,000	N/A	N/A
361-H	54,500	60,500	67,500	77,000
363-H	54,500	60,500	67,500	77,000
364-H	77,000	89,000	106,000	132,000
367-H	54,500	60,500	67,500	77,000
368-H	65,750	74,750	86,750	104,500
374-H	77,000	89,000	106,000	132,000
375-H	54,500	60,500	67,500	77,000
411-H	77,000	89,000	106,000	132,000
412-H	77,000	89,000	106,000	132,000
413-H	77,000	89,000	106,000	132,000
414-H	77,000	89,000	106,000	132,000
417-H	77,000	89,000	106,000	132,000
418-H	77,000	89,000	106,000	132,000
421-H	77,000	89,000	106,000	132,000



**TABLE 4-4**  
**Lot Sizing by Soil Type**

*Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)*

<b>Soil Type</b>	<b>Slope B</b>	<b>Slope C</b>	<b>Slope D</b>	<b>Slope E</b>
422-H	77,000	89,000	106,000	132,000
423-H	77,000	89,000	106,000	132,000
424-H	77,000	89,000	106,000	132,000
427-H	77,000	89,000	106,000	132,000
428-H	77,000	89,000	106,000	132,000
431-H	77,000	89,000	106,000	132,000
432-H	77,000	89,000	106,000	132,000
433-H	77,000	89,000	106,000	132,000
434-H	77,000	89,000	106,000	132,000
437-H	77,000	89,000	106,000	132,000
438-H	77,000	89,000	106,000	132,000
443-H	77,000	89,000	106,000	132,000
444-H	77,000	89,000	106,000	132,000
447-H	77,000	89,000	106,000	132,000
448-H	77,000	89,000	106,000	132,000
453-H	106,000	132,000	N/A	N/A
454-H	106,000	132,000	N/A	N/A
457-H	106,000	132,000	N/A	N/A
458-H	106,000	132,000	N/A	N/A
461-H	77,000	89,000	106,000	132,000
463-H	77,000	89,000	106,000	132,000
464-H	77,000	89,000	106,000	132,000
467-H	77,000	89,000	106,000	132,000
468-H	77,000	89,000	106,000	132,000
475-H	77,000	89,000	106,000	132,000
511-H	106,000	132,000	N/A	N/A
512-H	106,000	132,000	N/A	N/A
513-H	106,000	132,000	N/A	N/A
514-H	106,000	132,000	N/A	N/A
517-H	106,000	132,000	N/A	N/A
518-H	106,000	132,000	N/A	N/A
521-H	106,000	132,000	N/A	N/A
522-H	106,000	132,000	N/A	N/A
523-H	106,000	132,000	N/A	N/A
524-H	106,000	132,000	N/A	N/A
527-H	106,000	132,000	N/A	N/A
528-H	106,000	132,000	N/A	N/A
531-H	106,000	132,000	N/A	N/A
532-H	106,000	132,000	N/A	N/A
533-H	106,000	132,000	N/A	N/A
534-H	106,000	132,000	N/A	N/A

<b>TABLE 4-4</b> <b>Lot Sizing by Soil Type</b> <i>Note: the following may not be a complete list of soil types. Contact the Rockingham county conservation district for assistance. (lot sizes in square feet)</i>				
<b>Soil Type</b>	<b>Slope B</b>	<b>Slope C</b>	<b>Slope D</b>	<b>Slope E</b>
537-H	106,000	132,000	N/A	N/A
538-H	106,000	132,000	N/A	N/A
543-H	106,000	132,000	N/A	N/A
544-H	106,000	132,000	N/A	N/A
547-H	106,000	132,000	N/A	N/A
548-H	106,000	132,000	N/A	N/A
553-H	N/A	N/A	N/A	N/A
554-H	N/A	N/A	N/A	N/A
557-H	N/A	N/A	N/A	N/A
558-H	N/A	N/A	N/A	N/A
561-H	106,000	132,000	N/A	N/A
563-H	106,000	132,000	N/A	N/A
564-H	106,000	132,000	N/A	N/A
567-H	106,000	132,000	N/A	N/A
568-H	106,000	132,000	N/A	N/A
575-H	106,000	132,000	N/A	N/A

The soil types listed below have one or more limiting characteristics that make the soil type “NA” or require onsite investigation, no matter what other characteristics of the soil may be present:

<b>Soil Type</b>	<b>Minimum Lot Size</b>
6***H	NA, very poorly drained soil
*66*H	NA, fill does not meet the standards for fill material (see key to soil types)
76**H	Onsite evaluation needed (Usually filled, excavated or regarded sites)
The soil type symbols are explained in “ <i>High Intensity Soil Maps for New Hampshire, Standards and Origins. SSSNNE Special Publications No. 1</i> ”, as most recently amended. “ <b>N/A</b> ” - means not allowed (Doesn’t count at all toward lot size). “**” - means any slope or any number	

**B. Minimum Frontage On A Class V Or Better Road**

1. Single Family Dwelling - 150 Feet
2. Two Family Dwelling - 200 Feet

**C. Minimum Setback Distances For Structures From Property Line (All Uses)**

1. Front - 40 Feet
2. Side - 15 Feet
3. Back - 15 Feet
4. If a property abuts more than one existing and/or proposed right of way, the building setback will be forty (40) feet from each right of way.



- D. **Maximum height of structure (all uses with the exception of agricultural purposes)** is thirty-five (35) feet.

#### **4.2.1.4 Livestock**

- A. Agricultural livestock, poultry, and horses is only permitted on lots containing two acres or more, except as noted in Section 4.2.1.4.B below. All buildings, runs, pens, and kennels (excluding pastures) will be located a minimum of 25 feet from any property line. These lot size and setback requirements also pertain to dog kennels. Exempted from this provision are domestic pets as defined in this ordinance.
- B. On lots smaller than two acres in size in the AR-I district, the keeping of poultry is permitted with the following restrictions:
1. All poultry shall be properly enclosed at all times. Enclosures must be roofed (wire or mesh roofing is acceptable) and shall be adequate to prevent the poultry from escaping from and trespassing on public or private property.
  2. A minimum of 3 square feet of sheltered coop and 10 square feet of enclosed outdoor run shall be provided per bird, with the exception of turkeys which require a minimum of 6 square feet of sheltered coop and 10 square feet of enclosed outdoor run per bird.
  3. Enclosures in conjunction with the raising and keeping of poultry shall be located a minimum of 25' from any property line.
  4. There shall be no roosters, geese or guinea fowl permitted.
  5. Number of poultry permitted:
    - a. Lots between 1-2 acres in size are permitted to have:
      - i. No more than 12 poultry other than turkeys; and
      - ii. No more than 6 turkeys.
    - b. Lots between 0.5 and 1 acre in size are permitted to have:
      - i. No more than 6 poultry other than turkeys; and
      - ii. No turkeys.
    - c. No poultry shall be kept on a lot smaller than 0.5 acre in size.
- C. At no time shall a public nuisance be created as to sight, sound, smell, vermin, or any other action which would interfere with nearby property owner's rights.
- D. Commercial piggeries or mink farms established for the raising, care, and keeping of pigs or minks as business in any district shall not be permitted. The raising of pigs for one's own home consumption shall be permitted, providing that in so doing, a public nuisance is not created and the operation does not offend by reason of the emission of smoke, noise, odors, or fumes.

#### **4.2.1.5 Parking Requirements**

A minimum of two parking spaces per dwelling unit shall be provided in the AR-I district.

## 4.2.2 Multi-Family Residential (R-III)

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### 4.2.2.1 Objectives and Characteristics

The Multi-Family (R-III) district is designed to permit an increased residential density in areas where municipal services make it appropriate and to promote flexibility in the design of residential projects with various housing types, reduced lot sizes and modified dimensional requirements, while maintaining a fixed maximum density. Flexible design can provide for the appropriate use of the land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land and expand opportunities for the development of affordable housing.

### 4.2.2.2 Uses

- A. See **Use Table Section 4.1.2**
- B. Single family and two family dwellings are allowed per the Use Table, Table 4-1.
- C. No lot in the Residential-III (R-III) district may be used for the outside storage of more than one unregistered motor vehicle (in accordance with [RSA 236:92](#)) or the outside storage of more than one boat other than a rowboat, canoe or other boat less than twenty (20) feet in length.

### 4.2.2.3 Regulations and Design Criteria

#### A. Development Plan

- 1. The applicant shall prepare and submit to the Planning Board for approval of a development plan of the tract proposed for development ("development lot"), which locates the proposed types of residential development, utilities, access roads and streets. ("development plan")
  - a. The development plan shall include general, conceptual site and architectural plans sufficiently detailed to show the intended land uses, structures, improvements, and other features necessary to demonstrate compliance with this Section and other applicable provisions of the Zoning Ordinance.
  - b. The applicant may elect to develop the development lot in phases.
  - c. Final approval of development of any portion of the development lot shall require site plan approval according to the Site Plan Regulations of the Planning Board.
  - d. Once development of any portion of the development lot begins, no portion of the development lot may thereafter be developed or used except in conformity with the approved development plan, or an amended development plan approved by the Board.
- 2. The development lot may, but need not, be divided into two or more smaller legal separate lots of record ("internal legal lots"), which shall require subdivision approval by the Planning Board.
- 3. The density, design and dimensional requirements of **Section 4.2.2.3(B)** shall be applied to the development lot and not the internal legal lots.
- 4. The internal legal lots, if any, shall be subject to the density, design and dimensional requirements of **Section 4.2.2.3(C)**.
- 5. The applicant shall be permitted to allocate permitted density among the internal legal lots in any manner so long as the sum total of development for all internal legal lots does not exceed the permitted density for the development lot.

**B. Density, Design and Dimensional Standard for Development Lot**

1. *Permitted density* - the maximum permitted number of dwelling units ("permitted density") allowed in the development lot shall be as follows:
  - a. For dwellings serviced by municipal sewer, the maximum number of dwelling units permitted on the development lot shall be determined by the following formula: number of dwelling units =  $0.80 \text{ (development lot area - unusable land area) / 7000}$  square feet. "unusable land" is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
  - b. 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 4-4 of **Section 4.2.1**, with the following modification: one or two bedroom units - lot size x 0.65. Three bedroom units = lot size x 0.85.
  - c. The maximum number of dwelling units per dwelling shall be sixteen (16).
    - i. 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 6.3.5**.
  - d. The average number of bedrooms per dwelling unit in a multifamily dwelling shall not exceed two (2).
2. *Screening, Landscaping and Glare* - the development plan and the internal legal lots shall be designed to screen parking lots from streets by building location, grading or screening and to minimize glare on adjoining properties. Glare from any use of land, including site illumination, shall not exceed 0.2 foot candles, measured at ground level, at or beyond the perimeter of the development lot. Lighting fixtures shall be designed for downward casting of light. Major topographic changes or removal of existing trees shall be avoided wherever possible, and water, wetlands and other scenic views shall be preserved wherever possible.
3. *Open space* - no less than the area calculated below shall be retained as unoccupied space free of all buildings, parking and pavement, including street access, drives and walks paved with impervious materials, (but such unoccupied open space may include so-called nature walk areas and the like and other recreational uses approved by the Planning Board.) Open space shall be owned by undivided interests appurtenant to lot ownership. Such open space shall either be maintained in its natural state (except for the walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.
  - a. Total open space shall not be less than forty percent (40%) of the total development lot area
  - b. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
  - c. Usable open space shall not be less than twenty five percent (25%) of the total development lot area. "usable open space" shall not include "unusable land" as defined in **4.2.2.3(B)(1)(a)**.
4. *Road design* - internal roads shall conform to Town standards for roads in new subdivisions as required by the most recent version of the Town's Subdivision Regulations.



5. *Building separation* - single family or two family dwellings shall be at least twenty feet (20') from other dwellings. Multi family dwellings and other buildings shall be at least thirty feet (30') from other dwellings. Up to three (3) buildings may be interconnected by a covered walkway or breeze way for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the Planning Board (after consultation with the fire department) impair access to the buildings by emergency vehicles and equipment.
6. *Dimensional requirements*
  - a. Minimum structure setbacks from the perimeter of the development lot shall be as follows: front - 40 feet; side - 35 feet; rear - 30 feet. If the development lot abuts more than one existing and/or proposed external right-of-way, the building setback will be forty (40') feet from each right-of-way.
  - b. Maximum building height shall not exceed (50') fifty feet (excluding non-occupied features such as towers, cupolas, etc.)
  - c. Maximum building footprint coverage as a percentage of the development lot shall not exceed fifty five percent (55%).
  - d. The development lot shall have a minimum frontage of a state highway or Town maintained road of class v designation or better of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the development lot.
7. *Parking*
  - a. Parking areas shall be designated in accordance with requirements for parking areas set forth in Section 3.09 of the Site Plan Regulations.
  - b. No parking shall be located between the front lot line and the front plane of the building(s) closest to the existing Town street and no parking shall be located off-site. The line of the front of the building plane for each structure shall extend to the side property lines to establish the parking lot setback.
  - c. Parking spaces may be located offsite in accordance with Section 3.09 of the Site Plan Regulations.
8. *Perimeter buffer* - a perimeter buffer to separate and screen incompatible land uses shall surround the development lot except where streets enter the development lot. The buffer shall include a combination of physical space and vertical elements such as plants, berms, fences or walls, as approved by the Board. The width of the buffer area shall vary according to the abutting zoning district as follows:
  - a. Agricultural-residential: one hundred feet (100') where directly abutting; fifty feet (50') where highway separates R-III and AR-I district.
  - b. Commercial or industrial: fifty feet (50') where directly abutting, no buffer where highway separates R-III and a "C" or "I" district.
  - c. Multi-family residential: no buffer.

**C. Additional dimensional standards for internal lots:**

1. Single and two-family dwelling lots:
  - a. Minimum lot area 5,000 SF/Unit
  - b. Minimum lot width 50 f Ft/Unit
  - c. Minimum setbacks



- i. front - 25 feet
  - ii. side - see note below
  - iii. rear - 20 feet
  - iv. Note: side setbacks may be reduced to any dimension as long as distance between buildings on contiguous lots is greater than twenty feet (20').
- 2. *Multi family dwelling lots*
  - a. Minimum lot area 7,000 SF/unit
  - b. Minimum lot width 50 ft/unit
  - c. Minimum setbacks
    - i. front - 40 feet
    - ii. side - 15 feet
    - iii. rear - 30 feet
- 3. *Other allowed uses* - yard dimensions for all other uses shall be as per the development lot external lot standards referenced in **subsection 4.2.2.3(B)(6)** (dimensional requirements) above.

## 4.3 Commercial District Requirements

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### 4.3.1 Commercial Districts

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#### A. Objectives and Characteristics

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

#### B. Sub-district Uses

##### 1. *Commercial I (C-I)*

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

- a. **Permitted uses:** see use Table **Section 4.1.2** of this Zoning Ordinance.
- b. **Prohibited uses:** facilities for the maintenance or repair of machinery, large appliances, and equipment having internal combustion engines are prohibited in this district.

##### 2. *Commercial II (C-II)*

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

- a. **Permitted uses:** see use Table **Section 4.1.2** of this Zoning Ordinance

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

- a. **Permitted uses:** see use Table **Section 4.1.2** of this Zoning Ordinance.

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

- a. **Permitted uses:** see use Table **Section 4.1.2** of this Zoning Ordinance.

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

- a. **Permitted uses:** see use Table **Section 4.1.2** of this Zoning Ordinance.

### 4.3.2 General Standards for all Commercial Sub-districts

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



- B. **Outside storage** - any outside storage in the commercial district is subject to Planning Board approval. If allowed, all storage areas will be visually screened from the access street, arterials and adjacent property. No storage shall be allowed between a frontage street and the building line.
- C. **Building height** - except for structures not intended for human occupancy (chimneys, water towers, etc.) Height of buildings shall not exceed 50 feet (Does not apply to C-IV District, see **Section 4.3.5(A)**).
- D. Building coverage of the site will not exceed twenty-five (25) percent of the lot area.
- E. **Building design**
  - 1. To enhance the aesthetic quality of development in Londonderry's commercial districts, the Planning Board, during site plan review, will require a rendering of the proposed building(s). Factors that the Planning Board will consider before approving the conceptual design will include, but will not be limited to:
    - a. Roof design
    - b. Exterior finish
    - c. Signs and lighting
    - d. Sidewalks
    - e. Building shape
- F. **Vehicle access** - see regulations listed in Section 3.08 of the Site Plan Regulations.
- G. **Parking standards** - see regulations listed in Section 3.09 and Table B of the Site Plan Regulations to determine the quantity of spaces required for specific uses.
- H. **Loading space standards**
  - 1. Where off-street loading is required, loading bays shall be provided and maintained in accordance with Section 3.09 of the Site Plan Regulations.
- I. **Signs** - all signs, their quantity and location shall comply with the Town of Londonderry sign ordinance current at the time a site plan is approved (**Section 7**)
- J. **Performance standards** - see Town wide Section on performance standards for industrial and commercial development (**Section 5.16**)

#### **4.3.3 General Standards for C-I, C-II, C-III, and C-IV sub-districts:**

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

- A. **Minimum setback distances for structures from property line:**
  - 1. front 60 feet
  - 2. side 30 feet
  - 3. back 30 feet
    - a. If a property abuts more than one existing and/or proposed right-of-way, the building setback will be sixty (60) feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.
- B. **Landscaping**





1. Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a “green” area shall enclose the entire lot perimeter as follows: minimum width of “green” areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet.
2. When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required:
  - a. The buffer zone shall be a minimum of fifty (50) feet wide.
  - b. The buffer zone shall be planted and permanently maintained to diminish the deleterious effect of the commercial activity in accordance with specifications outlined the Site Plan Regulations.

#### **4.3.4 Additional Standards for C-IV Sub-district**

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- A. Building height: no structure in the C-IV sub-district shall be greater than 30 feet in height.
- B. Building footprint: no use in the C-IV sub-district shall have a building footprint greater than 3,500 square feet with the exception of except community centers, and religious facilities
- C. No drive-thru windows are permitted in the C-IV sub-district
- D. Outside storage: no outside storage or display of any kind is permitted within the C-IV sub-district.
- E. Where uses are permitted by Conditional Use Permit in the C-IV district, the General Criteria of Section 6.2 and the Specific Criteria of Section 6.3.6 shall apply.

#### **4.3.5 General Standards for MUC sub-district:**

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Within the MUC sub-district, the following regulations and controls are required for the development and continued use of the area.

- A. **Minimum setback distances for structures from property line:**
  1. Front setbacks shall be based on the following performance standards:
    - a. Building footprint of 0 – 75,000 square feet: 60 feet
    - b. Building footprint of 75,001+ square feet: 90 feet
      - i. For purposes of this sub-district the front setback shall be measured from the property line at the arterial road. Where a lot has additional “front setbacks” from other local roadways, the front setback from a local roadway shall be 60 feet
    - c. Side setbacks shall be one-half ( $\frac{1}{2}$ ) the front setback, but no less than 30 feet
    - d. Rear setbacks shall be one-third ( $\frac{1}{3}$ ) the front setback, but not less than 30 feet.
- B. **Building Height:** As an incentive for use of steep roofs or other architectural elements (clock towers, cupolas, etc.) the Planning Board may, with recommendation from the Heritage Commission, allow for a height bonus not to exceed sixty (60) feet from grade.
- C. **Landscaping**
  1. Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be thirty three (33) percent of the total lot area. Excepting curb/driveways, a “green” area shall enclose the entire lot perimeter as follows: minimum



width of “green” areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than thirty (30) feet.

2. When a proposed building, parking lot or driveway is less than two hundred (200) feet from a residential zoning district, a buffer zone in accordance with the following is required:
  - a. The buffer zone shall be based on the following performance standards:
    - i. Properties with less than 75,000 square feet of commercial structures: 50 feet
    - ii. Properties with greater than 75,001 square feet of commercial structures: 75 feet
  - b. The buffer zone shall be planted and permanently maintained to minimize the visual impact of the commercial activity from residential districts in accordance with specifications outlined the Site Plan Regulations.

#### **D. Conditional Use Permits for the MUC Sub-district**

1. Uses Permitted by Conditional Use Permit: Some developments (see Use Table, **Section 4.1.2**) in the MUC sub-district will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, and the most recently adopted Town Master Plan.
2. Dimensional Relief by Conditional Use Permit: The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, or frontage) for projects that are determined to be consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan.
3. Conditional Use Permits within the MUC sub-district shall comply with the General Criteria of Section 6.2 and the Specific Criteria of Section 6.3.6.

## **4.4 Industrial Districts**

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### **4.4.1 Industrial District**

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#### **4.4.1.1 Objectives and Characteristics**

The two industrial subdistricts (IND-I and IND-II) are designed to provide areas for industrial development to include, but not limited to, manufacturing, transportation services, warehouse facilities, and wholesale businesses. The industrial district will consist of land areas zoned for industrial use as recorded in the office of the Town clerk.

#### **4.4.1.2 Subdistrict Uses**

- A. **Industrial I (IND-I):** this district is primarily intended to provide for industrial uses suitable for location in areas of close proximity to non-industrial development.
  1. *Permitted uses:* see use Table **Section 4.1.2** of this Zoning Ordinance.

- B. **Industrial II (IND-II):** this district is primarily a district which allows a more intensive industrial use than IND-I
1. *Permitted uses:* see use Table **Section 4.1.2** of this Zoning Ordinance.

#### **4.4.1.3 General Standards**

Within the industrial district and all subdistricts, the following regulations and controls are required for the development and continued use of the area.

- A. **Setbacks** - no building shall be located on a lot nearer to the front, side or rear lot line than the minimum setback set forth below.
1. Minimum setback distances for structures from property line:
    - a. front 30 feet
    - b. side 20 feet
    - c. back 20 feet
    - d. If a property abuts more than one existing and/or proposed right-of-way, the building setback will be 30 feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.
- B. **Minimum lot size** - minimum lot size in all industrial districts are subject to Planning Board approval based on sewage disposal requirements, soil types, topography, vehicular access, intended use and compatibility with adjacent areas but shall be not less than one acre (43,560 sq. Ft.) With at least one hundred fifty (150) feet of frontage on a class v or better road.
- C. **Building height** - except for structures not intended for human occupancy (chimney, water tower, etc.) Height of buildings shall not exceed 50 feet.
- D. **Storage areas**
1. All outdoor storage shall be visually screened from access streets, arterials and adjacent property. Outdoor storage shall be meant to include parking of all company-owned and operated motor vehicles, with the exception of passenger vehicles. No storage shall be permitted between a frontage street and the building line.
  2. Bulk storage of gasoline, chemicals, petroleum products, and flammable materials shall not be permitted except as accessory to a principal use, accessory to a service station, laboratory, production operation, airport service or the servicing of company-owned or leased vehicles.
  3. The Planning Board may allow certain signs, electrical power, communication systems or related facilities within the required setback areas which do not abut public rights-of-way.
  4. A public right-of-way as used in this Section applies to vehicular travelways and includes private rights-of-way intended for public access to two or more enterprises, buildings or lots, unless otherwise specifically approved by the Planning Board.
- E. **Vehicle access** - see regulations listed in Section 3.08 of the Site Plan Regulations
- F. **Parking standards** - see regulations listed in Section 3.09 of the Site Plan Regulations and Table B to determine the quantity of spaces required for specific uses.
- G. **Loading space standards**



1. Loading bays shall be provided and maintained in accordance with Section 3.09 of the Site Plan Regulations.

**H. Landscaping**

1. Excepting curb cuts/driveways, a “green” area shall enclose the entire lot perimeter as follows: minimum width of “green” areas shall be fifteen (15) feet except that where the area abuts a public right-of-way, such area shall be not less than twenty (20) feet.
2. When a proposed building, parking lot or driveway is less than one hundred (100) feet from a residential zoning district, a buffer zone in accordance with the following is required:
  - a. The buffer zone shall be a minimum of fifty (50) feet wide.
  - b. The buffer zone shall be planted and permanently maintained to diminish the deleterious effect of the industrial activity. (see site plan regulation for physical characteristics of buffer zone.)

- I. **Signs** - all signs, their quantity and location, shall comply with the Town of Londonderry sign ordinance current at the time a site plan is approved (**Section 7**).

- J. **Lighting**: please see **Section 5.13** of the Town of Londonderry Site Plan Regulations for requirements and standards for lighting within the industrial district.

- K. **Performance standards** - see **Section 5.16**

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#### **4.4.2 Airport District**

##### **4.4.2.1 Objectives and characteristics**

A portion of the Manchester Airport (“Airport”) is located in the Town of Londonderry. Development of the airport benefits the Town and region and a harmonious relationship among the Town, the airport and the city of Manchester is beneficial to the Town and the airport. Much of the development at the airport is designed in accordance with federal aviation standards. The purpose of the airport district is to provide standards for certain uses and structures associated with the airport for which generally applicable commercial and industrial standards are not suitable.

##### **4.4.2.2 Permitted uses:**

See use Table **Section 4.1.2** of this Zoning Ordinance

##### **4.4.2.3 General standards**

Within the airport district, the following dimensional, density and design standards shall apply:

- A. **Setbacks** - no building shall be located on a lot nearer to the front, side or rear lot line than the minimum setbacks set forth below:
1. *Minimum setback distances for structures from property line*
    - a. front zero (0) feet\*
    - b. side zero (0) feet
    - c. rear zero (0) feet
    - d. \* thirty (30) feet shall be required if the lot abuts a public street
- B. **Minimum lot size** - no requirements

- C. **Building height** - except for terminals, airport parking garages, and aircraft control towers, the height of structures (including buildings) shall not exceed sixty-five (65) feet.
- D. **Storage areas** - all outdoor storage shall be visually screened from access streets, arterials and adjacent property. Outdoor storage shall include parking of all company-owned and operated motor vehicles, with the exception of passenger vehicles.
- E. **Parking standards:** - parking standards for the airport district are described within **Section 3.09 of the Site Plan Regulations** with the exception of longer term airport parking lots.
- F. **Parking standards for longer term parking lots (airport district)**
  - 1. The design standards for parking within the airport district vary with the intended use of the parking facility. The high turnover rate for vehicles in airport lots intended for hourly parking requires adequate room for the maneuvering of multiple vehicles. In longer term (more than one hour permissible) airport parking lots, the volume of simultaneous traffic is significantly less, and the dimensional requirements are lower. All parking spaces shall comply with the design standards of Table A and Figure 1 in Section 3.09 of the Site Plan Regulations except for longer term airport parking areas which shall follow Table D in Section 3.09 of the Site Plan Regulations, and its associate parking layout, unless otherwise approved by the Planning Board.
- G. **Handicapped parking spaces** - parking spaces designed to accommodate the needs of the handicapped shall be provided in accordance with federal and state law. See the Town of Londonderry Site Plan Regulations Section 3.09 for parking space standards.
- H. **Sewage and waste disposal** - all industrial operations will be subject to the Londonderry industrial pretreatment program which will ensure that all liquid wastes meet federal, state and local regulations prior to disposal into a municipal system.
- I. **Sidewalks** - sidewalks shall be provided onsite as necessary to protect pedestrians and promote the safe and efficient movement of pedestrian and vehicular movement in accordance with the design standards in Section 3.08 of the Site Plan Regulations.
- J. **Electrical power** - if the proposed development has a useful life of at least one (1) year, then the electrical power and communications system lines shall be installed underground within the site.
- K. Performance standards per **Section 5.16** shall apply in the airport district except for aeronautical facilities

#### 4.4.2.4 Planning Board Site Plan Review

In the Airport District, the Londonderry Planning Board shall review projects following the procedures outlined in [RSA 674:54](#) as stipulated by the most recently adopted Intermunicipal Agreement between the Town of Londonderry and the City of Manchester.

## 4.5 Gateway Business District

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### 4.5.1 Objectives and Characteristics

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

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

### 4.5.2 General Standards

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

- A. **Permitted Uses:** See use tables **section 4.1.2** and **4.1.3** of this zoning ordinance.
  - 1. **Setbacks** - No building shall be located on a lot nearer to the front, side or rear lot line than the minimum setback set forth below.
    - a. **Minimum Setback Distances for Structures from Property Line:**
      - i. Front - 30 feet
      - ii. Side - 20 feet
      - iii. Back - 20 feet
    - b. Setbacks may be reduced by the Planning Board as set forth in **Section 4.5.3(B)**.
    - c. If a property abuts more than one existing and/or proposed right-of-way, the building setback will be 30 feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.
- B. **Minimum Lot Size** - Minimum lot size in the GB District is subject to Planning Board approval based on such requirements as parking, lighting, building size, sewage disposal requirements, soil types, topography, vehicular and non-vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre (43,560 sq. ft.) with at least one hundred fifty (150) feet of frontage on a Class V or better road.
- C. **Building Height** - Except for structures not intended for human occupancy (chimney, water tower, etc.) height of buildings shall not exceed 50 feet, or as specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay (**Section 4.6.4** of this Ordinance).
- D. **Minimum Green Space** - The parcel must contain a minimum of 25% of the total land in the parcel dedicated as green space (landscaping or undeveloped areas).



**E. Transportation Demand Management/Sustainable Site & Building Design**

1. Development within the GB District shall be required to meet one of the 2 following requirements, unless waived by the Planning Board as outlined in **Section 4.5.2(E)(2)**:
  - a. **Transportation Demand Management.** The proposed development shall incorporate Transportation Demand Management (TDM) techniques in the proposed operation of the facility (Such as car/vanpooling or rideshare programs, establishment of a Transportation Management Authority, establishment of bus or transit service or contribution towards the establishment of a bus or transit service, flex-time work schedules, etc. For more examples of TDM strategies see <http://www.vtpi.org/tdm/>). The applicant shall provide documentation to the Town outlining the types of TDM methods proposed, and documentation to ensure the continued use of the TDM methods meeting the approval of the Planning Board; or
  - b. **Sustainable Site & Building Design.** The proposed development of the property shall be determined to meet the “Certified” level of LEED (Leadership in Energy and Environmental Design) Certification or higher (Silver, Gold, or Platinum). The project need not actually receive LEED certification, but must be able to demonstrate that the project would meet the “certified” level of certification criteria.
2. *Waiver of TDM/Sustainable Site & Building Design Requirement*
  - a. The Planning Board, may, with sufficient justification presented, waive the requirements of **Section 4.5.2(E)(1)** where it is shown that the Transportation Demand Management or Sustainable Site & Building Design standards impose an unreasonable burden on development of property within the GB District.

**F. Storage Areas**

1. No outdoor storage is allowed in the GB District unless specifically approved as part of a site plan approved by the Planning Board.
2. All outdoor storage shall be visually screened from access streets, arterials and adjacent property. Outdoor storage shall be meant to include parking of all company owned and operated motor vehicles, with the exception of passenger vehicles. No storage shall be permitted between a frontage street and the building line.
3. Bulk storage of gasoline, chemicals, petroleum products, and flammable materials shall not be permitted except as accessory to a principal use, accessory to a service station, laboratory, production operation, airport service or the servicing of company owned or leased vehicles.

**G. Parking, Loading, & Vehicle Access Standards** - See Section 3.09 of the Site Plan Regulations

**H. Landscaping Standards** - All landscape designs shall comply with the Town of Londonderry Site Plan Regulations.

**I. Sign Standards** - All signs, their quantity and location, shall comply with the permitted Industrial District signs as outlined in **Section 7** of this Ordinance, except as provided below:

1. *Off Premise Directory Signs* - An off-premise directory sign which identifies the name and location of business located in the GB District may be allowed by Conditional Use Permit from the Planning Board provided the following conditions are met:
  - a. Such off premise directory signs in the GB district shall only be permitted at intersections of roadways where at least one of the streets is an arterial or connector roadway, as defined in the appendix of this ordinance.





- b. No more than one (1) off-premise sign shall exist on an individual parcel.
  - c. No business shall be advertised on more than two (2) off premise signs within the GB District.
  - d. Off-premise signs located in the GB District shall have a maximum surface area of twenty-five (25) square feet and a maximum height of ten (10) feet from grade.
  - e. Appropriate setbacks from property lines shall be determined by the Planning Board, and shall in no way obstruct proper sight distance from any intersecting roads or driveways.
  - f. The off premise sign must be reviewed and approved by the Planning Board for aesthetic design, landscaping, and method of illumination.
  - g. The sign must otherwise conform to other applicable regulations of this ordinance.
  - h. Any other conditions or restrictions as the Planning Board may deem to be in the public interest.
- J. **Lighting Standards** - All lighting shall comply with the Town of Londonderry Site Plan Regulations.

#### 4.5.3 Conditional Use Permits

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- A. **Uses Permitted by Conditional Use Permit:** Some developments (see Use Table, **Section 4.1.2**) in the GB District will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing development proposal that is consistent with this ordinance, local regulations, and the Master Plan.
- B. **Dimensional Relief by Conditional Use Permit:** The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to: setback, density, green space, or frontage) for projects that are truly supportive of the goals of the GB District as noted above, and where such adjustments would allow the developer to more fully meet these goals and objectives.
- C. Conditional Use Permits in the Gateway Business District must meet the general criteria of Section 6.2 and the specific criteria of Section 6.3.9

#### 4.5.4 District Defined

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The GB District shall be comprised of the following parcels:

- A. **On Map 14:** Lots 35 (I-II portion only), 36 (I-II portion only), 38, 39, 45, 45-1, 45-2, 45-4, 46, 47, 49, and 49-1
- B. **On Map 28:** Lots 15, 16, 17, 17-2, 17-4, 17-5, 17-6, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 20-5, and 34

## 4.6 Overlay Districts

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### 4.6.1 Conservation Overlay District (CO)

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#### 4.6.1.1 Objectives and Characteristics

Wetlands, ponds, and streams are significant natural resources of the Town because of their size or functional values, such as flood storage, wildlife habitat, and the enhancement of water quality and/or quantity. The preservation of these water resources promotes the general public health, safety, welfare and convenience in our community. In particular the regulations of the Conservation Overlay District (CO) are intended to:

- A. Maintain and enhance the quality and quantity of surface waters and groundwater by preserving the ability of wetlands to filter pollution, trap sediment, retain and absorb chemicals and nutrients, and produce oxygen;
- B. Minimize expense to the Town and the public in providing and maintaining essential services and utilities, such as wastewater collection and treatment, drainage facilities, and public water supply, which may arise because of the inappropriate use of land within the CO District;
- C. Minimize impacts to existing land uses and lots (see **Section 4.6.1.7**);
- D. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies and adjoining land which provide flood protection; protect persons and property against the hazards of flood inundation by assuring the continuation of the natural flow patterns of streams and other watercourses; and provide for nutrient attenuation and augmentation of stream flow during dry periods;
- E. Encourage those uses that can be appropriately and safely located within the CO District.
- F. Protect native wildlife habitat and natural vegetation upon which a variety of upland and aquatic species are dependent for purposes of breeding or sustenance.

#### 4.6.1.2 District Defined

- A. The Conservation Overlay District comprises:
  - 1. The wetlands listed in the Table in **Section 4.6.1.9** and the land within 100 feet of the edge of wet of said wetlands as generally shown on national wetlands inventory Maps, supplemented by Londonderry wetlands study committee field verification which is on file in the offices of the Planning Board and Town clerk. For the purpose of this ordinance, the wetlands listed here were evaluated by procedures described in method for the comparative evaluation of non-tidal wetlands in New Hampshire, published by the New Hampshire department of environmental services (1991)
  - 2. Horsetrail Brook and adjoining land within 150 feet of the centerline of the brook as shown on the Map entitled “recommended preservation areas and corridors,” prepared by State of New Hampshire Department of Transportation (portions of Tax Map 14, lots 34, 35, 37, 38, 39 and 44).
  - 3. The perennial streams and adjoining land within 100 feet of the centerline of these streams identified in the water resource management and protection plan, prepared by southern New Hampshire planning commission, dated February 1991 and on file in the office of the Planning Board, as listed in **Section 4.6.1.10**.

4. All other wetlands and land within 50 feet of the edge of wet of said wetlands except that there shall be exemption of all wetlands less than one-half acre in size, as established by a NH certified wetlands scientist.
  5. The precise location of a wetland boundary in any particular case must be determined by on-site inspection by a NH certified wetland scientist.
- B. The edge of wet of these wetlands shall be determined by the delineation process set forth in the Corps of Engineers Wetlands Delineation Manual, 1987 and Field Indicators of Hydric Soils in New England, Version 2; on file with this ordinance with the Town clerk.
- C. Any question as to whether a wetland area constitutes a continuation or extension of another wetland area shall be determined by the methods described in method for the Comparative Evaluation of Non-Tidal Wetlands in New Hampshire, 1991; on file with this ordinance with the Town clerk.
- D. If a landowner chooses to question the boundaries of a given wetland, the landowner shall submit documentation prepared by a certified wetlands scientist in accordance with **Section 4.6.1.2(C)**. The Planning Board shall consider the documentation at a public hearing, and may require review of said documentation by an independent NH certified wetland scientist, the expense for which is to be paid by the applicant.
- E. Buffers are applied irrespective of lot lines and municipal boundaries except that when a wetland is bounded by Town class v or better roadway, or a state or federal highway, existing at the time of passage of **Section 4.6.1**, buffers are not applied to properties directly across the right of way.

#### **4.6.1.3 Uses Permitted**

- A. The CO District is an overlay district. Where the provisions of this Section conflict with those of the underlying zoning district, the more restrictive standards shall apply.
- B. The following uses are permitted in this district:
1. Wildlife habitat development and management.
  2. Conservation areas and nature trails, provided that the Planning Board, in consultation with the conservation commission, reviews and approves plans for such areas and trails prior to their development.
  3. Recreation including open-air recreational uses consistent with the purpose and intent of **4.6.1.1**, such as cross-country skiing, ice skating, hiking, and photography.
  4. Education including natural and environmental sciences walks, wildlife and botanical studies and similar activities.
  5. Seasonally permitted hunting and fishing, as regulated by New Hampshire fish and game department.
  6. Forestry, including both logging operations and tree farming subject to **RSA § 227-j:9**. Logging and any associated road building and/or skid trail construction shall be conducted in accordance with the then-current best management practices for erosion control on timber harvesting operations in New Hampshire published by the UNH Cooperative Extension and NH Department of Resources and Economic Development and the NH Division of Forests and Lands; on file with this ordinance with the Town clerk;
  7. Production, cultivation, growing, and harvesting of any fruit, vegetable, floricultural or horticultural crops, except turf grasses, conducted in accordance with best management



wetlands practices for agriculture (July 1993, amended September 1998; (on file with this ordinance with the Town clerk) but not within 25 feet of the edge of wet of the adjacent wetland. Fertilization shall be limited to lime and woodash.

8. Removal of hazardous trees
9. Removal of “invasive” vegetation (see notes on native trees and shrubs and their use in landscaping, by the Londonderry conservation commission, on file with this ordinance with the Town clerk).
10. Minor accessory structures of 200 square feet or less (in which there is no storage of petroleum products, hazardous chemicals or materials). Such accessory structures cannot be constructed with any of the following materials: asphalt shingles, pressure treated or chemically treated/preserved wood.
11. CO District mitigation (as outlined in **4.6.1.5(B)**)
12. Any uses not listed in this Section are prohibited in the CO District.

#### **4.6.1.4 Conditional Use Permits**

##### **A. Uses permitted by conditional use permit**

1. The following uses may be permitted by conditional use permit: roads and other access ways; drainage ways; pipelines, power lines and other transmission lines; docks, boat launches, and piers; domestic water wells (and associated ancillary pipes and equipment); replacement septic tanks and leach fields where evidence is submitted that no alternative location is available on the property; provided that all of the following conditions are found to exist:
  - a. The proposed construction is essential to the productive use of land not within the CO District.
  - b. Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
  - c. There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this Section shall limit the applicant from exploring alternatives with abutting property owners.
  - d. Economic advantage is not the sole reason for the proposed location of the construction.

##### **B. Buffer reductions by conditional use permit**

1. On lots in the CO District lawfully existing at the time of adoption of **Section 4.6.1**, buffer reductions may be permitted by conditional use permit, subject to all applicable provisions of the Zoning Ordinance in the CO District and the following:
2. The following buffer reductions may be permitted by conditional use permit: expansion of existing structures permitted in **Section 4.1.2** to within no less than 50 feet of any wetland; construction of a new structure permitted in **Section 4.1.2** to within 50 feet of any wetland; provided all of the following conditions are met:
  - a. The structure for which the exception is sought cannot feasibly, after consideration of all reasonable alternatives, be constructed on a portion or portions of the lot which lies outside the CO District or the application of the CO District eliminates greater than 50% of the buildable area located on the parcel.



- b. The proposed structure and use must be consistent with the intent of the CO District, and provisions must be made to ensure the structure's drainage will not adversely impact any wetlands and be consistent with the purpose and intent of this section.
  - c. There shall be no construction of parking areas within the area for which the conditional use permit is sought.
  - d. The maximum building coverage in the outer-50 feet of the buffer area shall be no greater than 50%
  - e. Best management practices must be demonstrated to the satisfaction of the Planning Board.
3. Buffer reduction may also be obtained explicitly by issuance of a NH DES Dredge and Fill permit, per **Section 4.6.1.5(A)**.

**C. Administration of Conditional Use Permits**

1. The Planning Board shall refer the application to the Conservation Commission for review and comment prior to the public hearing on the application. In acting on the application, the Board shall consider any report received from the Commission. The Board shall then vote either to approve the application as presented, approve it with conditions, or deny it.
2. Prior to the granting of any conditional use permit under **4.6.1.4(A)** and **4.6.1.4(B)**, the applicant may be required to submit a performance security in a form acceptable to the Planning Board, depending on the scale of the proposed use and potential threat to the wetlands. The security shall be submitted in a form and amount with surety and conditions satisfactory to the Planning Board to ensure that the construction will be carried out in accordance with the approved design. The security shall be submitted and approved prior to the issuance of any permit authorizing construction.
3. The Planning Board may require the applicant to submit a wetlands impact assessment when necessary to evaluate an application made under this part. The cost of this assessment shall be borne by the applicant.
4. As outlined in **NH RSA § 676:4**, part i(g), the applicant may also be assessed reasonable fees to cover the cost of other special investigative studies and for the review of documents required by particular applications, reviews by the Town's legal counsel, and any third party wetlands consultant as may be required by the Planning Board.

**4.6.1.5 Dredge & Fill Permits and CO District mitigation**

**A. Dredge and Fill permits**

1. Prior to filing an application for a New Hampshire Department of Environmental Services (NH DES) dredge and fill permit, the applicant is strongly encouraged to meet with the conservation commission to ensure that the proposed dredge and fill is consistent with the intent of the ordinance
2. An approved NH DES dredge and fill permit, once acted upon, will change the CO District boundary, which will be applied from the new edge of wetland.

- B. CO District mitigation shall be provided, if required by the Planning Board, at their discretion, with consideration of recommendations by the Conservation Commission.**

**C.**

however, that the land area outside of the CO District shall be sufficient to support all intended development in accordance with the then existing terms of the ordinance.

#### **4.6.1.6 Pre-Existing Residential Structures, Uses, and Lots**

- A. Notwithstanding other provisions of this section, the construction of additions and extensions to one and two family dwellings and accessory residential uses shall be permitted within the CO District provided that:
  - 1. The dwelling or residential use lawfully existed prior to the adoption of this Section by the Town Council;
  - 2. The proposed construction conforms to all other applicable ordinances and regulations of the Town of Londonderry;
  - 3. The dwelling or use continues in its present use.
- B. Buildable residential lots, existing at the time of passage of **Section 4.6.1** by the Town council, shall be exempt from **Section 4.6.1**.

#### **4.6.1.7 Pre-Existing Subdivisions and Site Plans**

Subdivisions and Site Plans approved by the Planning Board and existing at the time of passage of the **Section 4.6.1** shall be exempt from **Section 4.6.1**, as governed by the provisions of [NH RSA § 674:39](#). This ordinance becomes applicable in the following situations:

- A. Non-residential site plans for additions, expansions, or changes in use.
- B. Site plans for new commercial, industrial, or multi-family development.
- C. New subdivisions. (Condominium Conversions where there are no improvements proposed to a site are exempt from **Section 4.6.1**)

#### **4.6.1.8 Board of Adjustment**

Any variance or appeal to the Zoning Board of Adjustment, shall be in accordance with [NH RSA § 676:5](#) and **Section 8.1** of this Ordinance. Prior to holding a public hearing on an appeal or variance, the Zoning Board shall forward a copy of the plan and application form to the Conservation Commission for review and comment. The Conservation Commission shall, after reviewing the plan and application, forward any appropriate recommendations to the Zoning Board of Adjustment for their consideration.

#### 4.6.1.9 Named Wetlands Table

Table 4-5 Named Wetlands		
Watershed Ref. #	Wetlands	Located on Tax Map(s):
5	Adams Road	6
1	Auburn Swamp	18
10	Bass Pond	4, 7
7	Bear Meadow	6, 9
10	Beaver Brook North	4, 7
10	Beaver Brook South	1
1	Big Cohas Swamp	18
6	Boyd Road	2
1	Brickett Meadow	17
5	Colonial	5
8	Duck Pond	10
3	Hickory Hill North	8
4	Hickory Hill South	8
8	Indian Brook (incl. Cemetery)	7, 9, 10
2	Little Cohas Marsh	11, 12, 14, 15
7	Long Swamp	1, 3
5	Lower Nesenkeag	5
5	Lythia Springs	2
7	Mack's Swamp	6
2	Mammoth 1	12
8	Mammoth 2	9
4	Musquash North	8, 11
4	Musquash South	8, 11
6	Nashua Swamp aka Pine Swamp	3
9	Peat Bog	13, 16
9	Scobie Pond	13, 16
5	Shadow Ridge	5
9	Stonehenge	13
9	Wheeler Pond	10
5	Wiley Hill	5

#### 4.6.1.10 Named Perennial Streams Table

Table 4-6 Named Perennial Streams	
Watershed Stream Identification # (Name)	Run Thru Tax Map(s)
1 ( Big Cohas Brook)	18
1-2	18
2-1 (Little Cohas Brook)	12,14,15, 28
2-2	15,17
2-3	15
3-1 (Watts Brook)	11
3-2	11
4-1 (Colby Brook)	8
5-1 (Nesenkeag Brook)	2,3,5,6
5-2	5



Table 4-6 Named Perennial Streams	
Watershed Stream Identification # (Name)	Run Thru Tax Map(s)
5-3	5
5-4	5
6-1 (Chase Brook)	2, 3
6-2	3
7-1 (Black Brook)	3, 4, 6, 9
7-2	3, 6
7-3	6
7-4	6
7-5	1, 3
8-1 (Indian Brook)	7, 9, 10
8-2 (not numbered in study)	10
9-1 (Shields Brook)	13
9-2	13
9-3	13, 16
9-4	10
9-5	10
10-1 (Beaver Brook)	1, 4, 7
10-2	4, 7
4 (Horsetrail Brook) (subject to 4.6.1.2(A)(2))	14

## 4.6.2 Historic District

### 4.6.2.1 Authority

- A. After the adoption of this Ordinance, the Town Council shall be and are hereby authorized to appoint the Historic District/Heritage Commission contemplated by such Zoning Ordinance, such Board to conform in membership and duties to the provisions of Chapter 674:3, 674:5, and 674:46-a, NH Revised Statutes Annotated. Thereafter, the Town Council shall be responsible for filling vacancies and maintaining full membership on the Historic District/Heritage Commission within sixty days and members and alternate members may be removed for cause in a manner as provided by RSA 673:13.
- B. All meetings shall be held and conducted pursuant to the provisions of the Londonderry Town Charter, Section 8.13 "Procedures", the Londonderry Administrative Code, Chapter III "Boards, Committees and Commissions", and New Hampshire RSA 91:A.

### 4.6.2.2 Purpose and Intent

- A. To safeguard the heritage of the Town of Londonderry as it is represented in structures of historical and architectural value
- B. To preserve a district or districts in the Town of Londonderry which reflect elements of its cultural, social, economic, and political history
- C. To foster civic beauty
- D. To promote the use of Historic District(s) for the education, pleasure and welfare of the citizens of Londonderry
- E. To guide the character of development so as to be consistent with the desired character of a particular portion of Town

- F. To strengthen the local economy
- G. To conserve property taxes

#### 4.6.2.3 Qualifications

- A. The Historic District established herewith and from time to time amended in the manner prescribed by New Hampshire law has one or more or any combination of the following characteristics and qualifications, without limitations as to cultural or chronological period:
  - 1. Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Londonderry, New Hampshire and the nation; including sites and buildings at which visitors may gain insight or see examples of particular items of larger patterns in the North American heritage.
  - 2. Structures or sites importantly associated with historic personages
  - 3. Structures or sites importantly associated with historic examples of a great idea or ideals
  - 4. Structures or structural remains and site embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or of landscaping or a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.
  - 5. Structures contributing to the visual continuity of the district.

#### 4.6.2.4 District Areas

- A. A Historic District or Districts shall be superimposed upon other established districts.
- B. Historic Districts shall be shown on the Zoning Map as from time to time adopted and amended by the Town Council of the Town of Londonderry. They may coincide with, cross or include all or part of one or more of the underlying districts. Boundaries are defined on Map 6 and Map 9 of the Tax Assessor's Map of the Town of Londonderry as follows:

Table 4-7 Historic District Areas		
Map	Lot#	Street Location
6	18-1	Pillsbury Road
6	98	Pillsbury and Mammoth
6	97-1	Pillsbury and Mammoth
9	53	Grange Hall #44
12	68	2 Litchfield Road

#### 4.6.2.5 Uses

Uses permitted in the underlying zoning districts are permitted in the Historic District(s).

#### 4.6.2.6 Permit Application - Certificate of Approval

- A. The activities set forth in subparagraph "C" below shall not be authorized until and unless a Certificate of Approval is issued by the Historic District Commission



- B. It is unlawful for any person to construct, alter, move or demolish any building or structure which lies within an Historic District, without first obtaining a Certificate of Approval from the Historic District Commission in the manner prescribed below.
- C. For the purposes of this article, the following activities shall be subject to a Certificate of Approval by the Historic District Commission:
  - 1. Erection, alteration, relocation or demolition of a building or structure in the Historic District;
  - 2. Erection, alteration, or removal of any exterior visible feature of a building or structure within the Historic District
  - 3. Alteration, construction or removal of stone walls, fencing, lighting, significant trees or signage within the Historic District

#### **4.6.2.7 Procedure**

The following procedure shall be followed in processing applications of work covered under **Section 4.6.2.6**:

- A. Applications must be submitted to the Historic District Commission for Certificate of Approval for any work to be performed
- B. There shall be no application fee required
- C. Applications shall be submitted through the Londonderry Building Department
- D. Applications shall include a narrative description of the project, detailing materials and intentions regarding the work. The Historic District Commission may request site plans, sketches, building plans and samples when applicable.
- E. Applicant shall explain how the project complies with the Town of Londonderry's Historic District criteria listed below (**Section 4.6.2.8**)

#### **4.6.2.8 Criteria**

The purpose of these criteria is to guide rehabilitation and construction within the Londonderry Historic District so as to preserve the distinctive character and integrity of the district. The criteria are intended to ensure that properties in the district are not altered inappropriately.

- A. **Changes to Existing Structures:**
  - 1. If proposed construction will not have any visible impact on the exterior of the buildings or structures within the district, it shall be deemed of no interest to the Commission
  - 2. Painting and other routine repair to existing structures within the District not involving any other exterior changes shall be deemed of no interest to the Commission
  - 3. When determining the appropriateness of all other alternatives, restorations, or remodeling of existing structures within the district and new construction, the following criteria shall be used:
    - a. When an exterior change is proposed, significant existing materials and elements shall be retained
    - b. Where glass, plastic, wood, masonry elements are an integral part of a building's historical architectural character, consideration shall be given to preservation of these elements so as to retain their original appearance.



- c. Any new design elements introduced shall respect the character and history of the building. The design of such elements shall not seek to create an appearance earlier than appropriate for the building or structure.
- d. The choice of color is not regulated, but it is recommended that colors be compatible with those used on other historical buildings in the neighborhood or characteristic of the time period in which the building was constructed.
- e. Existing historical doors and windows shall be retained and rehabilitated wherever possible. When replacement is essential, new doors and windows shall be in character with the building.
- f. Features which give a roof historical character shall be preserved or restored to the extent that such features are visible from the ground
- g. Essential outdoor mechanical equipment shall be installed in locations which create the least disturbance to the historical appearance of the building and which involve minimum alternation and impact to its structure.

**B. Construction of New Buildings**

1. New construction shall be complimentary to the configuration of existing buildings.
2. New buildings shall utilize exterior materials in keeping with the exteriors of buildings in the district. The choice of color is not regulated, but it is recommended that colors used be compatible with those used on other historical buildings in the neighborhood.
3. New buildings shall respect and reflect the traditional scale, proportions and rhythms of other existing historical structures, taking into consideration the height, width, setback, roof shapes or pitches and facade patterns of existing structures within the district.

**C. Demolition**

1. Where public safety needs require the removal of a building within the district and as determined by the Building Inspector, the Historic District Commission shall allow removal.
2. A request for demolition will be based on structural instability or deterioration as prepared by a registered architect or professional engineer.
3. No demolition permit may be issued by the Building Department until the Commission has either filed with the Building Department a signed letter of approval or has failed to file a Notice of Disapproval within the specified time period of forty five (45) days.

**D. Relocations**

1. Buildings within the Historic District shall be retained on their present sites whenever possible.
2. Relocation shall be considered only as an alternative to demolition

**E. Signage**

1. All new signs and all changes to existing signs within the Historic District shall require review and approval by the Historic District Commission.
2. New signs shall be constructed of wood, metal or stone, exhibiting historical sign design and color, and have no internal illumination.
3. Size shall be determined given the context of the site and building(s).

4. If there is a conflict between the requirements of the Historic District Ordinance and the Town of Londonderry Sign Ordinance, the Historic District Ordinance, of this Section, shall supersede the Sign Ordinance.

**F. Streetscape**

1. Off street parking shall be placed to the rear of buildings where possible, fenced and screened with appropriate plantings.
2. Any alterations requiring changes to topography of any property in the district shall require approval of the Commission
3. Mature trees identified as significant (6 feet in circumference as described by the County Extension Service) may not be removed within the Historic District except in cases where:
  - a. The tree is dying, dead, decayed, diseased, or a safety hazard to the public
  - b. Such removal will improve other tree growth
  - c. Approved for new construction or site work
4. At least one replacement tree, a minimum of six to eight feet in height and of native species, shall be planted when a significant tree has been removed.
5. Historical and traditional markings for property boundaries and grounds, such as stone walls, fences and tree borders shall be preserved. Replications or extensions may be introduced where appropriate

**G. Lighting**

1. Street lights shall be designed to harmonize with their surroundings. Daylight colored mercury vapor lamps are recommended.
2. Traffic signal poles and mounts shall be as unobtrusive as possible.

**4.6.2.9 Public Hearings**

- A. The Historic District Commission shall conduct a public hearing on the application within thirty (30) days of the filing
- B. Such public hearing shall be advertised pursuant to [RSA 676:7](#).

**4.6.2.10 Issuance of Certificate of Approval or Notice of Disapproval**

- A. At the conclusion of its review, the Commission shall issue in writing a Certificate of Approval or Notice of Disapproval within forty five (45) days of the filing of the application
- B. Failure to render a decision within the specified time period shall be deemed to constitute approval by the Commission
- C. A Certificate of Approval will be issued if, in the opinion of a majority of the Commission members present and voting, that the applicant's proposal meets the criteria of **Section 4.6.2.8**.
- D. The Certificate of Approval, together with any changes, conditions or stipulations deemed necessary by the Commission for the applicant to comply with the provisions of this Ordinance, shall be signed by the Chairperson of the Commission.
- E. A Notice of Disapproval will be issued if, in the opinion of a majority of the Commission members present and voting, that the applicant's proposal does not meet the criteria of **Section 4.6.2.8**.

- F. The Notice of Disapproval, together with the reasons for such disapproval, shall be signed by the Chairperson and shall contain written reasons for disapproval.
- G. If a Notice of Disapproval is received, the applicant may and will be encouraged to make modifications to the proposed plan and resubmit for review by the Commission
- H. All decisions of the Commission shall be made available for public inspection within seventy two (72) hours and placed on file with the Town Clerk.

#### **4.6.2.11 Appeals**

Any person or persons jointly or severely aggrieved by a decision of the Commission shall have the right to appeal that decision to the Zoning Board of Adjustment under [RSA 677:17](#) in accordance with the provisions of [RSA 676:5](#) and [RSA 677:1-14](#).

#### **4.6.2.12 Enforcement/Penalties**

Violation of this Ordinance shall be subject to the remedies provided in [RSA 676:15](#) and [676:17](#).

### **4.6.3 Floodplain Overlay District**

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#### **4.6.3.1 Purpose**

Certain areas of the Town of Londonderry are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Londonderry has chosen to be a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Ordinance.

#### **4.6.3.2 Establishment**

This Ordinance, adopted pursuant to the authority of [RSA 674:16](#), shall be known as the Town of Londonderry Floodplain Development Ordinance. The regulations in this Ordinance shall overlay and supplement the regulations in the Town of Londonderry Zoning Ordinance, and shall be considered part of the Zoning Ordinance for the purposes of administration and appeals under state law. If any provision of this Ordinance differs or appears to conflict with any provision of Zoning Ordinance or other Ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be more controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, New Hampshire" dated May 17, 2005 or as amended, together with the associated Flood Insurance Map panels numbered: 33015C0309, 33015C0315, 33015C0316, 33015C0317, 33015C0318, 33015C0319, 33015C0328, 33015C0336, 33015C0337, 33015C0338, 33015C0339, 33015C0506, 33015C0507, 33015C0508, 33015C0509, 33015C0526, 33015C0527, 33015C0528, 33015C0529 and 33015C0536 dated May 17, 2005 or as amended, which are declared to be a part of this Ordinance and are hereby incorporated by reference.

#### **4.6.3.3 Definition of Terms:**



The following definitions shall apply only to this Flood Plain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Londonderry.

**“Area of Shallow Flooding”** means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of Special Flood Hazard”** is the land in the flood plain within the Town of Londonderry subject to a one percent or greater possibility of flooding in any given year. The area is designated as zone A on the FHBM and is designated FIRM as zones: A, AO, AH, A1-30, AE and A99.

**“Base Flood”** means the flood having a one-percent possibility of being equaled or exceeded in any given year.

**“Basement”** means any area of a building having its floor subgrade on all sides.

**“Breakaway wall”** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

**“Development”** means any man made change to the improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

**“FEMA”** means the Federal Emergency Management Agency.

**“Flood” or “Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**“Flood Boundary and Floodway Map”** (Floodway Map) is an official Map of the Town of Londonderry, on which FEMA has delineated the “Regulatory Floodway”. This Map shall not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

**“Flood Elevation Study”** means an examination, elevation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood related erosion hazard.

**“Flood Insurance Rate Map”** (FIRM) means an official Map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk of premium zones applicable to the Town of Londonderry.

**“Flood Insurance Study”** - see “Flood elevation study”

**“Flood Plain”** or “Flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of Flooding”).

**“Flood proofing”** means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.



**“Floodway”** - see “Regulatory Floodway”.

**“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building/repair facilities, but does not include long term storage or related manufacturing facilities.

**“Highest adjacent grade”** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Historic Structure”** means any structure that is:

- A. Listed individually in the National Registrar of Historic Places (a listing maintained by Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**“Lowest Floor”** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**“Manufactured Home”** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days.

**“Mean sea level”** means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**“100-year flood”** - see “base flood”

**“Recreational vehicle”** means a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projection (iii) designed to be self-propelled or permanently towable by a light duty truck, and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

**“Regulatory Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

**“Special Flood Hazard Area”** means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, or AH. (See - “Area of Special Flood Hazard”)

**“Start of Construction”** includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**“Structure”** means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial Improvement”** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure shall equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other real part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure”

**“Water Surface Elevation”** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains

#### **4.6.3.4 Permits**

All proposed development in any special flood hazard areas shall require a permit. Development in these areas and below the base flood level may result in increased premium rates for flood insurance, and such development may increase risks to life and property.

#### **4.6.3.5 Construction Requirements**

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- A. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- B. Be constructed with materials resistant to flood damage,
- C. Be constructed by methods and practices that minimize flood damages,
- D. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **4.6.3.6 Water and Sewer Systems**

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Where new or replacement water and sewer systems (including on site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

#### **4.6.3.7 Certification**

For all new or substantially improved structures located in Zones A, A1-30, AE, AO or AH, the applicant shall furnish the following information to the Building Inspector:

- A. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement
- B. If the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.
- C. Any certification of floodproofing.

The Building Inspector shall maintain a record of all structures for public inspection, and shall furnish such information upon request.

#### **4.6.3.8 Other Required Permits**

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.1334.

#### **4.6.3.9 Watercourses**

- A. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the [RSA 482-A:3](#) Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board.
- B. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

- C. Along watercourses with a designated Regulatory Floodway, no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in an increase in flood levels within the community during the base flood discharge.
- D. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- E. In Zone A, the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that development meet the floodway requirements of this section.

#### **4.6.3.10 Special Flood Hazard Areas**

- A. In special flood hazard areas the Building Inspector shall determine the base flood elevation in the following order of precedence according to the data available:
  - 1. In zones A1-30, AH and AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM or FHBM.
  - 2. In unnumbered A zones, the Building Inspector shall obtain, review, and reasonably utilize any 100 year floor elevation data available from federal, state, or other source including data submitted to the community (i.e.: subdivision, site approvals).
  - 3. In zone AO the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least 2 feet.
- B. The Building Inspector's base flood elevation determination will be used as criteria for requiring in zones A, A1-30, AE, AH, AO, that:
  - 1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation;
  - 2. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood level; or together with attendant utility and sanitary facilities, shall:
    - a. Be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
  - 3. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist

- floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
4. Recreational vehicles placed on site within zones A1-30, AH, and AE shall either
    - a. be on the site for fewer than one hundred and eighty (180) consecutive days,
    - b. be fully licensed and ready for highway use, or
    - c. meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in paragraph C (6) of Section 60.3.
  5. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
    - a. the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
    - b. the area is not basement;
    - c. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
  6. Proposed structures to be located on slopes in special flood hazard areas, zones AH and AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

#### **4.6.3.11 Variances and Appeals**

- A. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in [RSA 676:5](#).
- B. If the applicant, upon appeal, requests a variance as authorized by [RSA 674:33, I\(b\)](#), in determining whether or not any variance will be contrary to the spirit of this Ordinance, the Board of Adjustment shall consider the following:
  1. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense
  2. That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
  3. That the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. The community shall maintain a record of all variance actions, including their justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

## 4.6.4 Airport Approach Height Overlay

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### 4.6.4.1 Purpose

The purpose of this regulation is to:

- A. Establish zones adjacent to the Manchester-Boston Regional Airport which require development restrictions so as to ensure safe and efficient airport operations.
- B. Establish the maximum height of structures and objects of natural growth in the restrictive zones to ensure proper airport approach zones.

### 4.6.4.2 Definitions

As used in this section, unless the context otherwise requires:

**“Airport”** means any area of land or water, whether constructed or not, which has been approved by the director as a site for the landing and taking off of aircraft or utilized or to be utilized by the public as a point of arrival or departure by air.

**“Approach Zone”** means the approach area to a runway and landing strip having dimensions as hereinafter described and the centerline of which coincides with the centerline of the runway and landing strip extended. The dimensions of the landing strips at Manchester-Boston Regional Airport are: N/S 7000' by 150'; NE/SW 5850' by 150'; NW/SE 5430 by 150'; each of the landing strips is 500' wide and the same length of the runway.

**“Airport Hazard”** means any structure, tree, smoke, steam, dust or other substance which obstructs the aerial approaches of a publicly owned airport or impairs the reasonable visibility in the vicinity thereof, electrical impulses and disturbances which interfere with radio aids or communications and lights which might result in glare in the vision of the pilots of aircraft or be confused with airport lights.

**“Non-conforming Use”** means any structure, tree, or use of land which does not conform to a regulation prescribed in these regulations or an amendment thereto, as of the effective date of such regulations.

**“Person”** means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

**“Structure”** means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.

**“Tree”** means any object of natural growth.

**The Airport Reference Point** is at the control tower and its elevation is 233' above sea level.

### 4.6.4.3 General Requirements

#### A. Zones

In order to carry out the purposes of these regulations all of the land in the Town of Londonderry that lies within the boundaries of the approach zones as defined in paragraph **4.6.4.2(B)** hereof and all of the land within a distance of 100,000 feet from the Airport Reference Point is hereby declared subject to the restrictions of these regulations, in accordance





with the Grenier Air Force Base Airport Approach Plan adopted by the New Hampshire Aeronautics Commission on February 25, 1957, which Airport Approach Plan is incorporated herein by reference.

**B. Height Limits**

No structure or tree shall be erected, altered or allowed to grow within the areas referred to in Section B hereof, to wit:

1. In the approach areas to the N/S runway which are 1500' wide at 1000' from the end of the pavement and 4000' wide at 10,000', an inclined plane of 50:1 slope, 200' above the runway end from 10,000' to 25,000'; 500' above the runway end from 25,000' to 50,000'; in the approach areas to the NW/SE and NE/SW runways, which are 500' wide at a point 200' from the ends of the runways and 2400' wide at 10,000' out from this point an inclined plane of 40:1 slope.
2. On the sides of the landing strips and approach areas, an inclined plane of 7:1 slope.
3. 383' above sea level (150' above the airport) within 10,000' of the Airport Reference Point.
4. 433' above sea level (200' above the airport) from 10,000' from the Airport Reference Point.
5. 733' above sea level 1500' above the airport; from 25,000' to 50,000' from the Airport Reference Point.
6. An inclined plane of 100:1 slope from the periphery of the horizontal surface of 500' above the airport for a distance of 100,000' measured horizontally from the Airport Reference Point

**C. Height Permitted**

No provision of paragraph **4.6.4.3(B)** shall limit the height of a structure or tree to less than 30' above the ground upon which it is located.

- D. Use Restrictions:** Notwithstanding any other provisions of these regulations, no use may be made of the land described in paragraph **4.6.4.3(A)** hereof in such manner as to create electrical interference with radio aid or communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of the flyer using the airport, impair visibility in the vicinity of the airport by the creation and discharge of smoke, steam, dust, or other obstructions to visibility or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

- E. Non-conforming Uses:** The regulations prescribed in **4.6.4.3(B)** and **4.6.4.3(D)** of these regulations shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure and the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted and completed within two years thereof.

- F. Variances:** Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with these regulations may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of these regulations.

**G. Permits**



1. *Future Uses* - No material change shall be made in the use of land in violation of paragraphs **4.6.4.3(B)** and **4.6.4.3(D)** hereof and no structure or tree shall be erected, altered, planted, or otherwise established in violation of paragraphs **4.6.4.3(B)** and **4.6.4.3(D)** hereof in any of the areas of land described in paragraph **4.6.4.3(A)** hereof, unless a permit therefore shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted.
  2. *Existing Uses* - Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, within any of the areas of land described in paragraph **4.6.4.3(A)** hereof, a permit must be secured authorizing such replacement, change or repair if it is in violation of paragraphs **4.6.4.3(B)** and **4.6.4.3(D)** hereof. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to be made or become higher or become a greater hazard to air navigation, than it was on the effective date of these regulations or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of existing use, structure, or tree shall be granted.
- H. **Hazard Marking and Lighting:** Any permit or variance granted under paragraphs **4.6.4.3(F)** and **4.6.4.3(G)** may, if such action is deemed advisable to effectuate the purposes of these regulations and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the present owner or lessor at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

#### **4.6.5 Airport Approach Noise Overlay**

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##### **4.6.5.1 Objectives:**

The increasing aircraft activity that is occurring at the Manchester Boston Regional Airport has reached the point in which it has become necessary to create noise overlay zoning for the entire area of Town within the 65 Ldn contour in accordance with the 1991 Part 150 Noise Compatibility Plan conducted by the Manchester Airport Authority.

##### **4.6.5.2 Definition of Terms:**

The following definitions shall apply only to this Noise Overlay Zoning Ordinance, and shall not be affected by the provisions of any other Ordinance of the Town of Londonderry.

**“Day-Night Sound Level” (Ldn):** A cumulative aircraft noise index which estimates the exposure to aircraft noise and relates the estimated exposure to an unexpected community response. The Day-Night Sound Level noise metric assesses a 10 db penalty to all noise events occurring between 10:00 p.m. and 7:00 a.m.

**“Ldn Contour”:** A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

**“Navigable Airspace”:** The airspace above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101(24) 49 United States Codes 1301, including the airspace needed to ensure safety in the takeoff and landing of aircraft.

#### **4.6.5.3 Noise Compatibility Zones Established:**

Noise compatibility zones for the area around Manchester-Boston Regional Airport are hereby established based on the Ldn contours for aircraft noise developed for conditions forecast to exist in 1991 with noise abated operating conditions

- A. The N-1 zone generally corresponds to the area between the 65 Ldn and 70 Ldn contours.
- B. The N-2 zone generally corresponds to the area between the 70 Ldn and 75 Ldn contours.
- C. The N-3 zone generally corresponds to the area within the 75 Ldn contour.

#### **4.6.5.4 Noise Overlay Zone Boundaries:**

The boundaries of the Noise Overlay Zones are shown in the Manchester-Boston Regional Airport Noise Compatibility Plan. Because of the averaging inherent in making Ldn calculations and the assumptions necessary in the forecasting procedure, the Ldn contour lines are not capable of being precisely defined in the field. Therefore, the boundaries between the noise overlay zones, while bearing a very close relationship to the Ldn contour lines, have been adjusted to facilitate understanding and agreement as to the location of the boundaries.

#### **4.6.5.5 Uses Prohibited:**

Land uses prohibited in the noise overlay zones shall be as specified in the Table of Land Use Compatibility Standards.

#### **4.6.5.6 Soundproofing Required:**

Soundproofing shall be required for certain land uses in each of the noise overlay zones as shown in the Table 4-8, Table of Land Use Compatibility Standards. Where soundproofing is required, no building permits shall be issued until the builder has demonstrated that the building design is capable of achieving the Noise Level Reduction required in the Table of Land Use Compatibility Standards. This requirement can be met in one of two ways as described in the following subsections.

- A. **Design Standards:** If the building design incorporates the design standards described in **Section 4.6.5.7**, the design shall be considered to have met the required soundproofing standards.
- B. **Performance Standards:** The builder may choose to use design features other than those described in **Section 4.6.5.7** as long as the final design is capable of achieving the Noise Level Reduction required in Table 4-8. Such noise attenuation capability shall be certified on the building plans by a registered architect, structural engineer, or acoustician.

#### **4.6.5.7 Soundproofing Design Standards**

- A. **Noise Level reduction of 25 Decibels (dB)**
  - 1. If wood frame construction is used, all exterior stud walls shall have interior and exterior surfaces of an approved material at least as massive as half-inch thick gypsum wallboard,



and the intervening space shall contain fibrous thermal insulation at least three inches thick.

2. The design for a habitable room shall be such that any exterior door or window can be kept closed when the room is in use. Means of ventilation shall be available to afford a minimum of two complete air changes per hour.
3. Any air duct or connection to out-of-doors shall contain an interior sound absorbing lining acoustically equivalent at least to fiberglass duct liner one inch thick and length greater than five times the diameter of the duct.
4. The ceiling below an attic space shall include gypsum Board or plaster at least one-half inch thick; fibrous thermal insulation at least three inches thick shall be laid between the ceiling joists.
5. A forced air circulation system shall be provided that will give a minimum of two complete air changes per hour, of which at least one-fifth is fresh air.
6. A ceiling or exhaust duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from outside to inside. The bend shall be lined with the equivalent of fiberglass duct liner one inch thick.
7. There shall be no direct openings, such as mail slots, from the interior to the exterior of the building. All chimneys shall be provided with well-fitting dampers.
8. Exterior hinged doors shall be solid-core construction. Jalous windows shall not be permitted. The total area of glass windows and of any exterior door to a sleeping space shall not exceed 20 percent of the floor area of a room.
9. Workmanship on doors and openable windows shall be such that the doors and windows are as close fitting as possible or weather stripping seals shall be incorporated on all edges to eliminate gaps. Air gaps and rattling shall be prevented.
10. Masonry walls, if used, shall be at least equivalent in weight to six-inch light-weight concrete blocks, at least one surface of which is painted or plastered.
11. The roof deck shall weigh at least seven pounds per square foot, containing a solid core at least one and one-half inches thick.

**B. Noise Level Reduction 30 Decibels (db)**

1. Window glass shall be set in an elastomer gasket. Double glazing shall be installed, with an air space of at least three inches between the two panes of glass. Windows of dome skylights shall be permitted as long as they have a sound transmission class (STC) of at least 30.
2. The top-floor ceiling construction shall consist of plaster or gypsum Board at least 5/8-inch thick supported on resilient clips or channels. A non-hardening caulking compound shall be provided around the entire perimeter of the suspended ceiling.
3. The floor of the lowest room or area containing the uses of which those insulation requirements apply shall be a concrete slab, or shall be similarly sealed otherwise against exterior noise.
4. Masonry walls, if used, shall be at least equivalent in weight to eight-inch light-weight concrete blocks, at least one surface of which shall be painted or plastered.
5. The roof deck shall weigh at least twelve pounds per square foot. Wood roof sheathing shall be continuous and at least 3/4-inch thick.



#### 4.6.5.8 Land Use Compatibility Standards

Table 4-8 Table of Land Use Compatibility Standards				
Noise Overlay Zones/Levels in Ldn				
SLUCM		N-1	N-2	N-3
No	Land Use Name	65-70	70-75	75+
10	Residential			
11	Household Units			
11.11	Single Units – detached	25 <sup>1</sup>	30 <sup>1</sup>	N
11.12	Single Units - semi-detached	25 <sup>1</sup>	30 <sup>1</sup>	N
11.13	Single Units - attached row	25 <sup>1</sup>	30 <sup>1</sup>	N
11.21	Two Units - side-by-side	25 <sup>1</sup>	30 <sup>1</sup>	N
11.22	Two Units - over-under	25 <sup>1</sup>	30 <sup>1</sup>	N
11.31	Apartments - walk up	25 <sup>1</sup>	30 <sup>1</sup>	N
11.32	Apartments – elevator	25 <sup>1</sup>	30 <sup>1</sup>	N
12	Group Quarters	25 <sup>1</sup>	30 <sup>1</sup>	N
13	Residential Hotels	25 <sup>1</sup>	30 <sup>1</sup>	N
14	Mobile Home Parks	N	N	N
15	Transient Lodgings, Hotels, Motels	Y <sup>2</sup>	Y <sup>3</sup>	N
16	Other Residential	25 <sup>1</sup>	30 <sup>1</sup>	N
20	Manufacturing			
21	Food and kindred products	Y	Y <sup>2</sup>	Y <sup>3</sup>
22	Textile mill products	Y	Y <sup>2</sup>	Y <sup>3</sup>
23	Apparel and other finished products made from leather and similar materials	Y	Y <sup>2</sup>	Y <sup>3</sup>
24	Lumber and wood products (except furniture)	Y	Y <sup>2</sup>	Y <sup>3</sup>
25	Furniture and fixtures	Y	Y <sup>2</sup>	Y <sup>3</sup>
26	Paper and allied products	Y	Y <sup>2</sup>	Y <sup>3</sup>
27	Printing, publishing, and allied industries	Y	Y <sup>2</sup>	Y <sup>3</sup>
28	Chemicals and allied prod	Y	Y <sup>2</sup>	Y <sup>3</sup>
29	Petroleum refining and related industries	Y	Y <sup>2</sup>	Y <sup>3</sup>
30	Manufacturing			
31	Rubber and misc. plastic products	Y	Y <sup>2</sup>	Y <sup>3</sup>
32	Stone, Clay and Glass products-manufacturing	Y	Y <sup>2</sup>	Y <sup>3</sup>
33	Primary metal industries	Y	Y <sup>2</sup>	Y <sup>3</sup>
34	Fabricated and Metal products-manufacturing	Y	Y <sup>2</sup>	Y <sup>3</sup>
35	Professional, Scientific, and controlling instruments; photographic and optical goods; watches and clocks - manufacturing	Y	25	30
39	Miscellaneous manufacturing	Y	Y <sup>2</sup>	Y <sup>3</sup>
40	Transportation, communication, utilities			
41	Rail transportation	Y	Y <sup>2</sup>	Y <sup>3</sup>
42	Motor vehicle transportation	Y	Y <sup>2</sup>	Y <sup>3</sup>
43	Aircraft transportation	Y	Y <sup>2</sup>	Y <sup>3</sup>
44	Marine craft transportation	Y	Y <sup>2</sup>	Y <sup>3</sup>
45	Highway and street right-of-way	Y	Y <sup>2</sup>	Y <sup>3</sup>



**Table 4-8**  
**Table of Land Use Compatibility Standards**

Noise Overlay Zones/Levels in Ldn				
SLUCM		N-1	N-2	N-3
46	Automobile parking	Y	Y <sup>2</sup>	Y <sup>3</sup>
47	Communication	Y	Y <sup>2</sup>	Y <sup>3</sup>
48	Utilities	Y	Y <sup>2</sup>	Y <sup>3</sup>
49	Other transportation, communication and utilities	Y	Y <sup>2</sup>	Y <sup>3</sup>
50	<b>Trade</b>			
51	Wholesale trade	Y	Y <sup>2</sup>	Y <sup>3</sup>
52	Retail trade - building materials, hardware and farm equipment	Y	Y <sup>2</sup>	Y <sup>3</sup>
53	Retail trade - general merchandise	Y	25	30
54	Retail trade – food	Y	25	30
55	Retail trade – auto	Y	25	30
56	Retail trade - apparel and accessories	Y	25	30
57	Retail trade - furniture, home furnishings	Y	25	30
58	Retail trade - eating and drinking establishments	Y	25	30
59	Other retail trade	Y	25	30
60	<b>Services</b>			
61	Finance, insurance & real estate services	Y	25	N
62	Personal services	Y	25	N
62.4	Cemeteries	Y	Y <sup>2</sup>	N
63	Business services	Y	25	30
64	Repair services	Y	Y <sup>2</sup>	Y <sup>3</sup>
65	Professional services	Y	25	30
65.1	Hospitals, nursing homes	N	N	N
65.2	Other medical facilities	N	N	N
66	Contract construction services	Y	25	30
67	Governmental services	Y	25	30
68	Educational services	N	N	N
69	Miscellaneous services	Y	25	30
70	<b>Cultural, entertainment and recreational</b>			
71	Cultural activities(incl churches)	25	N	N
71.2	Nature exhibits	Y	Y	N
72	Public assembly	Y	N	N
72.1	Auditoriums, concert halls	25	30	N
72.11	Outdoor music shells, amphitheaters	N	N	N
72.2	Outdoor sports arenas, spectator sports	Y <sup>4</sup>	Y <sup>4</sup>	N
73	Amusements	Y	Y	Y
74	Recreational activities (including golf courses, riding stables, water recreation)	Y	25	30
75	Resorts and group camps	Y	Y	Y
76	Parks	Y	Y	Y
79	Other cultural entertainment and recreation	Y	Y	N

**NOTES**

1. All residences in the N-1 Zone are marginally noise compatible and shall be soundproofed to achieve a 25 dB reduction from outdoor noise levels (NLR). All residences in the N-2 Zone are marginally noise compatible and shall be soundproofed to achieve a 30 dB NLR. Soundproofing will not eliminate outdoor noise problems. However, building location and site planning,

**Table 4-8**  
**Table of Land Use Compatibility Standards**

Noise Overlay Zones/Levels in Ldn				
SLUCM		N-1	N-2	N-3
<p>design and use of BERMS and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site shall be used wherever practical in preference to measures which only protect interior spaces.</p> <p>2. Measures to achieve NLR of 25 shall be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.</p> <p>3. Measures to achieve NLR of 30 shall be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.</p> <p>4. Land use is compatible provided special sound amplification system is installed.</p> <p><b>KEY TO TABLE</b></p> <p><b>SLUC</b> Standard Land Use Coding Manual, U.S. Urban Renewal Administration and Bureau of Public Roads, 1965.</p> <p><b>Y(Yes)</b> Land Use and related structures compatible without restrictions.</p> <p><b>*N(NO)</b> Land Use and related structures are not compatible and shall be prohibited.</p> <p><b>NLR</b> Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.</p> <p><b>25 or 30</b> Land Use and related structures are generally compatible; measures to achieve NLR of 25 or 30 dB must be incorporated into design and construction of structure.</p> <p><b>*Note:</b> Use of this feature in the noise overlay Zoning Ordinance is optional. Communities may prefer only to require soundproofing restrictions.</p>				

#### 4.6.6 Performance Overlay District - Route 102 Corridor

##### 4.6.6.1 Authority

The Section is enacted in pursuant to [RSA 674:21](#), innovative land use controls, which provides the statutory authority for the Town of Londonderry to provide intensity and use incentives, impact zoning, performance standards, and the ability for the Planning Board to grant conditional use permits. The Planning Board shall be solely responsible for the interpretation and administration of this ordinance, including the granting of all conditional use permits relative thereto. Any decision made by the Planning Board under this performance overlay district ordinance may be appealed directly to superior court in the same manner provided by [RSA 677:15](#).

##### 4.6.6.2 Purpose and Intent - Route 102 Corridor

- A. Because the Town of Londonderry has experienced an increase in development along the Town's main traffic corridors and anticipates such growth will likely continue, (including the widening of interstate 93 and the development of the Nashua-Hudson circumferential highway), because said development will generate growth related impacts (increased traffic congestion, infrastructure requirements, demand for public services, reduced aesthetics, etc.) Utilizing the corridors, because traditional zoning techniques may not produce the type of development envisioned by the community through the 1997 master plan, and in order to implement the following objectives of the Town's 1997 master plan:
1. Guide the form of business development to occur in keeping with community objectives for compatible, appropriate development;
  2. Tune regulatory systems to encourage businesses or other high trip-generating uses to more efficiently use the circulation system;
  3. Regulating development to ensure that it can be supported by planned infrastructure, taking into consideration that required infrastructure must be appropriate to the context and must be supportive of environmental and community character concerns; and



4. Include consideration of impact upon natural and cultural resources in review of development proposals

The Town hereby adopts this overlay district to guide the development of land through the use of performance standards, incentives for quality development, and impact assessments to ensure the desired development pattern along the major traffic corridors of Londonderry.

- B. The purpose of the Route 102 Performance Overlay District is:

1. To minimize adverse traffic impacts on the corridors and surrounding local roadways;
2. To preserve the rural character of the district by providing for development that preserves appropriate open space and builds upon the landscaping design, and visual character standards of the Town's Site Plan Regulations;
3. To minimize negative impacts to the environment such as water quality, air quality, prevention of noise pollution, light pollution, and to other important natural and cultural resources.
4. To promote and attract high quality, diverse, and sustainable economic development to the district by utilizing performance standards and flexibility in the district.
5. To protect the remaining aquifers within the Town of Londonderry.
6. To provide an appropriate mix of uses for the areas abutting the natural complex formed by areas such as the Musquash Conservation Area, Kendall Pond area, Scobie Pond area, the Litchfield State Forest, etc.

#### **4.6.6.3 District Defined - Route 102 Corridor**

- A. The Route 102 Performance Overlay District shall be described as including the lots identified on the "Performance Overlay Zone" Map and specifically as follows:

1. **On Tax Map 2:** lots 7, 8, 11, 12, 13, 16, 17, 19, 20, 21, 22, 22b, 23, 25, 26, 27, 28, 28a, 28-10, 28-11, 29b-5, 32, 34, 34-1, 34a, 35.
2. **On Tax Map 3:** lots 130, 131, 131-1, 131-2, 132, 132a, 132b, 135, 136, 137, 148, 149, 150-1c, 153, 161
3. **On Tax Map 6:** lots 30, 31, 32, 33a, 34, 35-1, 35-2, 35-10, 35-17, 35-19, 36, 41, 42-1, 49, 52, 53, 54, 56, 56-1, 57, 59-1, 64, 65-1, 65a, 84.
4. **On tax Map 7:** lots 132-1, 132-2, 132-3, 132-4, 132-5, 132-6, 132-7, 132-8, 132-9, 132-10, 132-11, 132-12, 132-13, 132-14, 132-15, 132-16, 132-17, 132-18, 132-19, 132-20

- B. The term "overlay district" means a zoning district superimposed on one or more established zoning districts to impose supplemental requirements, restrictions, and performance standards on uses in the district.

#### **4.6.6.4 Conflicts with Underlying Zoning Standards**

Because of the unique nature of the performance based incentives and regulations in this overlay district, the standards and requirements of this Section shall, unless otherwise stated in this section, apply to all lots in the overlay district, regardless of the underlying zoning district, except:

- A. Those zoned C-III at the time of passage of the POD by Town Council; and
- B. Those lots with an underlying zone of AR-I and that have received a conditional use permit for uses permitted in the AR-1 Zone



1. Such lots shall be subject to the standards of the AR-I District, (**Section 4.2.1**)
2. A buffer of fifty (50) feet shall be provided for any lot in a residential subdivision that abuts land zoned for non-residential uses.

#### **4.6.6.5 Uses Permitted**

- A. The Performance Overlay District allows for uses that are consistent with the purposes and intent of the overlay district. Because not all uses permitted in the underlying zones are consistent with the Performance Overlay, the uses permitted in the overlay district are limited to those listed in **subsection 4.6.6.5(C)** below. The uses permitted in the underlying zoning districts are not permitted, unless listed in **subsection 4.6.6.5(C)** below or considered a use permitted by conditional use permit, see **Section 4.6.6.6**.
- B. All uses permitted in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a proposal, the applicant must demonstrate, through the impact assessment requirements of **Section 4.6.6.8**, that the proposal will meet all of the appropriate performance standards of **Section 4.6.6.7**, the Site Plan Regulations, the subdivision regulations, as applicable, and shall be consistent with the purpose and intent of the overlay district in **Section 4.6.6.2**.
- C. The following uses are permitted within the performance overlay district:
  1. Business center development: a tract of land, buildings or structures planned as a whole and intended to include those uses allowed in this overlay district whether built at one time as a unit or in two or more construction stages;
  2. Professional offices including, but not limited to, dentists, doctors, lawyers, architects, real estate, and such uses normally considered as general offices;
  3. Restaurants, cafes, and similar establishments, with no drive-thru windows;
  4. Retail stores or shops including clothing, appliance, hardware and department stores, automotive accessory, drug and variety stores, grocery stores and supermarkets;
  5. Computer services
  6. Religious institutions/places of worship and related facilities;
  7. Educational institutions;
  8. Recreation areas (commercial and non-commercial);
  9. Assisted living facilities.

#### **4.6.6.6 Conditional Use Permits**

All uses permitted by conditional use permit in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a conditional use permit, the applicant must demonstrate that it meets the general criteria for a Conditional Use Permit of Section 6.2, and the Specific Criteria of Section 6.3.10, Route 102 Performance Overlay District.

#### **4.6.6.7 Performance Standards**

- A. **Dimensional performance standards**
  1. Table of dimensional performance standards: in order to accomplish the goals of this ordinance, as well as fulfill the goals of the master plan, development within the



performance overlay district is subject to the dimensional standards listed in Table 4-9, below.

<b>Table 4-9</b> <b>Performance Overlay District Dimensional Standards</b>							
Property Located on:	Min. Lot Size	Min. Lot Frontage	Max. Structure Height	Min. Front Setback (7)	Min. Side Setback	Min. Rear Setback	Max. Impervious Cover
Arterial Road (as defined by appendix A), with public water and sewer	3 Acres	300 feet (1)(2)	45 feet	4.5 times the building height (4)(5)	equal to the building height or 20 feet (whichever is greater)	equal to the building height or 20 feet (whichever is greater)	55% (6)
Arterial Road without public water and without sewer	3 Acres (3)	300 feet (1)(2)	45 feet	4.5 times the building height (4)(5)	equal to the building height or 20 feet (whichever is greater)	equal to the building height or 20 feet (whichever is greater)	55% (6)
Non-Arterial Roads OR Arterial Road when "Shared access" is used, and with public water and sewer	1 Acre	100 feet (1)(2)	45 feet	4 times the building height (4)(5)	equal to the building height or 20 feet (whichever is greater)	equal to the building height or 20 feet (whichever is greater)	66% (6)
<b>Non-Arterial Roads OR Arterial Road when "Shared access" is used, and without public water and without sewer</b>	<b>1.5 Acres (3)</b>	<b>150 feet (1)(2)</b>	<b>45 feet</b>	<b>4 times the building height (4)(5)</b>	<b>equal to the building height or 20 feet (whichever is greater)</b>	<b>equal to the building height or 20 feet (whichever is greater)</b>	<b>66% (6)</b>
<b>Table 1 Footnotes:</b> (1) Lots with Frontage along both an arterial road and a local road shall be accessed from the local road whenever possible. The Planning Board shall have the authority to allow access on an arterial road in such situations where access from the local road is deemed inappropriate or not feasible, and the NHDOT has issued appropriate permits. (2) Minimum frontage requirement must be satisfied from the road providing access to the lot. (3) Subject to NHDES lot sizing criteria if DES minimum lot size is greater than 3 acres/1.5 acres. (4) May be reduced to 2 times the building height if all parking is located to the side or rear of the principal structure. (5) At no time shall the minimum front setback be less than 50 feet along an arterial road and 30 feet along a local Road. (6) May be increased by an amount equal to the area of easement dedicated for future widening of the arterial road (See <b>section 4.6.6.7(C)</b> on Incentive Bonuses) (7) On lots with frontage on both an arterial and local road (double frontage), the front setback shall be measured from the property line adjacent to the arterial road. (8) No structure shall exceed three (3) stories of usable floor space (9) As an incentive for use of steep roofs or other architectural elements (clock towers, cupolas, etc.) the Planning Board may, with recommendation from the heritage Commission, allow for a height bonus not to exceed sixty (60) feet from grade. This additional height beyond the maximum of forty five (45) feet is not used in the setback calculations.							

## B. Commercial Building Size Standards

1. *Intent:* because the intent of the performance overlay district is to preserve rural character by providing for development that preserves appropriate open space and builds upon the landscaping design, and visual character standards of the Town's Site Plan Regulations, large scale commercial development is not consistent with the goal of the district. In order to accomplish the goals of the district, the following performance standards are applied to commercial buildings.
2. Multiple buildings are permitted on a single lot within the pod.
3. The size of any individual commercial building shall not exceed a building footprint of 12,500 square feet, but may be granted an incentive bonus to a building footprint not to exceed 25,000 square feet if the all of the following criteria are met:



- a. The proposed parking for the commercial use will be limited to the rear and side of the structure.
- b. The parking area for the building is interconnected with an adjoining lot, or provisions are made to allow for connection of parking lots in the future.
- c. The access for the building is shared with 1 or more other lots for access management purposes.

**C. Dimensional Incentive Bonus Standards**

1. These incentive bonus standards are designed to reward projects that choose to voluntarily develop their properties in a way that is most compatible with the stated goals and objectives of this district and the master plan.
2. Reduction in minimum lot area and frontage: as an incentive to encourage the concept of access management for traffic corridors through access on local roads and shared access drives, the minimum lot area and frontage requirements shall be decreased as noted in Table 3-8 where shared access or local road access is provided for a lot.
3. Widening easement deeds: those lots that voluntarily agree to provide easement deeds over the portion of their land within 25 feet of the state right-of-way, thereby reserving this easement area for future widening of the corridor or similar improvements within the corridor, may be compensated for this action by being allowed an impervious surface bonus, to develop their property to an extent greater than otherwise permitted in the performance overlay district. The amount of extra impervious coverage shall be equal to the actual computed area of the easement area provided for future improvements.
4. Reduction in minimum front setback: as an incentive to encourage the protection of aesthetics in the performance overlay district, the minimum lot area and frontage requirements shall be decreased as noted in footnote 4 of Table 3-8 of this Section where parking is limited to the rear and/or side of the building.

**D. Landscape Performance Standards**

1. The landscape performance standards of the performance overlay district are intended to supplement the requirements of the Site Plan Regulations, outlining areas where landscaping are required in the district to promote the aesthetically pleasing type of development desired by the community.
2. Specifics about landscaping materials, caliper sizes, and specifics of the design details shall be as defined by Section 3.10 of the Site Plan Regulations. In the event that requirements of this district and the Site Plan Regulations conflict, the more restrictive of the two documents shall govern.
3. None of the landscape requirements contained in this ordinance or the Site Plan Regulations shall be construed so as to require plantings where safe sight distance at driveways or along public streets would be inhibited. The Planning Board may adjust landscape requirements of this district when deemed necessary for reasons of public safety.
4. *Required Landscaping Areas*
  - a. **Open space:** all areas disturbed by construction shall be covered with a minimum thickness of 4 inches of suitable topsoil and be subsequently planted with grass seed, sod, or other vegetative cover.
  - b. **Street tree area**



- i. The street tree area shall be a 15 foot wide strip running parallel with the lot frontage along any public right of way and shall be continuous along the entire length of said right of way, except for those areas reserved for approved curb cuts. (on lots where there is a widening easement provided, the street tree area shall begin at the rear of the easement)
  - ii. The street tree area shall be planted with a minimum of 1 native shade tree (see Site Plan Regulations for recommended native trees) for every 50 feet of right of way frontage. The size of trees to be planted in this area shall be a minimum of 2 ½ inch caliper at time of planting. Branching height of street trees shall not be less than 7 feet above grade when planted. Street trees must not be closer than 25 feet apart at time of planting.
  - iii. Incentive bonus: every healthy native tree with a caliper of 3 inches or greater, which is preserved in the street tree area may be substituted for 1 required new street tree planting.
- c. **Front Buffer Area**
  - i. The front buffer area shall be a strip of variable width (minimum 20 feet wide) between the street tree area and the closest point of a building or impervious surface facing a public right of way. (on lots where there is a widening easement provided, the street tree area may encroach and overlap the front buffer area)
  - ii. The front buffer area shall be planted with a minimum of 1 deciduous or evergreen tree for every 30 feet of horizontal building facing a public right of way. Trees planted in this area shall have a height equal to ½ the maximum proposed height of a building (but not less than 12 feet from grade or greater than 30 feet from grade) at time of planting.
  - iii. *Incentive bonus:* every healthy native tree with a caliper of 3 inches or greater, which is preserved in the front buffer area may be substituted for 1 required new front buffer tree planting. Every healthy native tree with a caliper of 4 inches or greater, which is preserved in the front buffer area may be substituted for 2 required new front buffer tree plantings.
- d. **Side and Rear Buffer Areas**
  - i. Required side and rear buffer areas shall begin at the inner limits of the front buffer area and run parallel to the side and rear property lines. The minimum width of these side and rear buffers shall equal to ½ the proposed maximum building height, but not less than 10 feet wide. In the event the property abuts a parcel zoned AR-I, the buffer shall be no less than 75 feet wide.
  - ii. The side and rear buffers shall be constructed to provide a dense 4 season visual screen in accordance with Section 3.10 of the Site Plan Regulations.
  - iii. Perimeter parking lot landscaping and interior parking lot landscaping shall be in accordance with Section 3.10 of the Site Plan Regulations.
  - iv. Signage landscaping
  - v. The signage landscaping area shall be a minimum 4 foot wide area surrounding each monument or pedestal sign base.
  - vi. All sign bases shall be planted with shrubs and groundcover with a minimum height of 18 inches at time of planting.



- vii. *Incentive bonus*: healthy vegetation which is preserved in the location of signage landscape area may be substituted for the required plantings.
- e. Other screening: screening of storage areas, dumpster enclosures, loading docks, receiving areas, above ground utility fixtures, and any other items deemed necessary by the Planning Board, shall be in accordance with Section 3.10 of the Site Plan Regulations.

#### E. Off-Street Parking

1. *Intent*: in order to provide safe and adequate parking facilities, yet maintain a high quality aesthetic quality of development within the performance overlay district, performance standards for parking have been developed.
2. The goals related to these performance standards are:
  - a. To ensure that appropriate parking areas are provided for future development within the overlay district;
  - b. To promote the use of interconnected parking between adjacent businesses as a means of access management along the corridor;
  - c. To encourage the provision of interior landscaping within parking lots as a means of mitigating summer heat, snow storage areas, and improve the aesthetics of parking areas.
3. *General Performance Standards for Off-Street Parking*.
  - a. The minimum number of parking spaces, dimensional requirements for parking stalls and aisle widths shall be determined by the requirements of the underlying zoning district (**Section 3.09 of the Site Plan Regulations**) except for parking lot setbacks (also called green area setbacks as defined in **Sections 4.4.1.3(H)** and **4.3.3(B)**) which are governed by the performance standards for landscaping, as outlined in **Section 4.6.6.7(D)**.
  - b. Sales of automobiles or other items which may be for sale is not permitted within any required parking spaces or their interconnecting drives and/or aisles.
  - c. Coordinated or joint parking design shall be provided wherever feasible in accordance with Section 3.09 of the Site Plan Regulations. Abutting parcels shall be so designed as to provide for mutually coordinated or joint parking access and circulation systems, and shall include stub-outs and other design features as necessary to make it visually obvious that the abutting properties may be tied in to create a unified system.
    - i. *Development prior to abutting use*. In the event that the site is developed prior to an abutting property, it shall be designed to ensure that its parking, access and circulation may be easily tied in to create a coordinated parking design at a later date.
    - ii. *Existing abutting uses*. In the event that the site abuts an existing developed property, it shall be so designed as to tie into the abutting parking, access and circulation to create a coordinated system unless the Planning Board finds that this would be impractical.
4. In parking lots where shared access and/or interconnected parking lots occur, the side and rear landscape area requirements of **4.6.6.7(D)** can be omitted.

#### F. Signage



1. *General*

- a. The general standards of **Section 7** shall apply to signs within the performance overlay district.

2. *Sign illumination*

- a. Direct and indirect lighting of signs is permitted, provided it meets the criteria from Section 3.13 of the Site Plan Regulations.
- b. Internally illuminated signs shall be opaque and only the sign copy shall appear to be illuminated.
- c. Externally illuminated signs, and signs that are consistent with Section 3.12.g of the Site Plan Regulations are strongly encouraged.

3. The copy (lettering) area, as it relates to the overall sign, shall be in proportion. Copy (lettering) shall not appear to occupy more than 75% of the total sign area.

4. *Building mounted signs*

- a. Wall signs shall cover no more than 20% of the total square footage of the facades to which they are affixed.
- b. Wall signs may be as large as 1 sq. Ft. per 3 linear ft. Of building frontage or a maximum of 30 square feet, whichever is less.
- c. Wall signs shall not project above the roofline or eaveline of any building. In multi-story buildings, wall signs shall not project above the first floor line, or 12 feet from grade, whichever is less.
- d. One wall sign is permitted per tenant in a multi-tenant structure; however, the total sign square footage on any wall or facade shall not exceed 60 square feet.
- e. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and are encouraged to use the same signing format.
- f. Signs shall not obscure important architectural details or features such as windows, transoms, panels, sills, mouldings, and cornices.

5. *Freestanding Signs*

- a. There shall be no more than 1 freestanding sign (double sided) permitted for any lot within the performance overlay district.
- b. Freestanding signs within the performance overlay district shall not exceed 10 feet in height from grade to the top of the sign.
- c. The maximum sign area for freestanding signs shall be determined by the following:
  - i. For 1 or 2 tenant structures: 30 square feet.
  - ii. For 3 or more tenant structures: 50 square feet.
- d. Freestanding signs shall be set back a minimum of 10 feet from the front property line. On properties where a widening easement has been provided, the sign shall be set back 10 feet from the inner edge of the easement,
- e. Freestanding signs within the performance overlay district shall be one of the following types:
  - i. *Monument sign*: a sign that is a separate structure supported from grade to the bottom of the sign with a base that is larger than the sign.





- ii. *Directory sign*: a sign that is a separate structure supported from the sides, used to identify the name of the development as a whole and listing the major tenants.
- f. Freestanding signs shall be landscaped in accordance with the standards provided in **Section 4.6.6.7(B)**.
- g. Freestanding signs shall be placed perpendicular to approaching vehicular traffic.

**G. Lighting**

- 1. Lighting levels for properties in the performance overlay district shall be subject to the requirements of Section 3.13 of the Site Plan Regulations.
- 2. The height of any freestanding outdoor lighting fixture shall not exceed 20 feet above grade.

**H. Environmental performance standards**

- 1. *General*
  - a. Environmental performance standards specific to the performance overlay district have been developed to protect the long-term environmental quality and vitality of gateways to the Town of Londonderry and of sensitive natural resources in the vicinity of the corridors.
  - b. In addition to the performance standards of this section, development within the performance overlay district shall be subject to all applicable local, state, and federal ordinances, regulations and laws. The standards listed in this Section shall not be construed to imply relief from requirements of state or federal law.
- 2. General performance standards: all property within the performance overlay district shall be subject to the standards outlined in **Section 5.16** for vibration, noise, air pollution, odors, glare & heat, harmful interference, and sewage/waste disposal performance standards.
- 3. Wetland/groundwater protection performance standards
  - a. All provisions of the conservation overlay zone shall apply to wetlands and perennial streams within the performance overlay district.
  - b. Sufficient open space shall be provided for the recharge of groundwater. Where infiltration is required in drainage design, all runoff shall be pre-treated using treatment swales and detention basins meeting the NHDES best management practices and the Londonderry Site Plan Regulations. Infiltration facilities shall be designed to perform under all season conditions. Applicants are encouraged to meet with the department of public works and engineering prior to developing a drainage design to determine if infiltration is appropriate for a proposed site plan.
- 4. *Performance Standards for Development of Steep Slopes*
  - a. For purposes of this section, steep slope areas shall be defined as naturally existing, contiguous areas of land of greater than ½ acre or more that have an average cross slope gradient greater than 33% or 3h:1v.
  - b. In order to guard against hazards associated with development of steep slopes, construction within these areas shall be limited to those activities necessary for construction in the use/development of land outside of a steep slope area and shall be subject to the following standards:
    - i. No portion of a steep slope area shall be used for the construction of leach fields or trenches which are part of subsurface sewage disposal systems.





- ii. Not more than 25% of a steep slope area shall be cleared of healthy existing vegetation and shall be re-vegetated upon completion of the construction allowed in paragraph b, above.
- iii. Portions of steep slope areas affected by construction activity shall be given special attention with regard to erosion control.
- iv. No portion of a steep slope area shall be subject to the discharge of any stormwater management system.

#### **4.6.6.8 Impact Assessment Requirements**

- A. The purpose of impact assessments within the performance overlay district is to provide the Planning Board with sufficient information to conduct a detailed review of uses that have the potential for significant impact within the overlay, and the Town as a whole. The impact review process is intended to promote and protect the natural resources and aesthetic qualities of the Town and to prevent or mitigate any adverse impact to the Town services, traffic patterns, abutting properties, the economy of the Town, the character of the Town, or the public health, safety, and welfare of Town residents.
- B. **Applicability and procedure**
  1. This Section is applicable to all residential and non-residential site development within the performance overlay district. All development proposals within the overlay district shall submit impact assessment reports in accordance with this section, and all other applicable local, state, and federal regulations. Single family residential or duplex construction (on a single lot not involving subdivision) is exempt from the requirements of an impact assessment report.
  2. Three (3) copies of the impact assessment report shall be submitted along with all other forms, plans and information required for applications under the site plan and subdivision regulations.
  3. The impact statement shall be prepared by an interdisciplinary team of professionals qualified to evaluate all facets of the proposed project which may include but is not limited to engineers, architects, landscape architects, economic analysts, environmental scientists, and planners.
  4. All impact statements shall be reviewed by the Town, and any third party review costs shall be included in the review escrow as outlined in the site plan and subdivision regulations.
  5. The Planning Board shall have the authority to waive or modify all or part of the requirements of the impact assessment report (with the exception of **Section 4.6.6.8.C.2.e** environmental impact) for site development after reviewing the nature, scope, and size of a proposed development.
- C. **Impact Assessment Report**
  1. The impact statement shall include the following elements:
    - a. A detailed description of the proposed project and its design features, including existing conditions on the site and in the vicinity of the project.
    - b. Identification and assessment of the impacts of proposed project, including positive, negative, and indirect impacts. Proposed measures to prevent or mitigate adverse impacts and/or maximize positive impact including design modifications and provision of infrastructure improvements sufficient to support the project. Any

adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.

- c. An evaluation of how the project will meet the standards required in this ordinance.
2. The impact statement shall assess the following areas of potential impact:
  - a. Traffic impact: traffic impacts shall be addressed according to the procedure outlined in Section 3.14 of the Site Plan Regulations.
  - b. Solid waste disposal: describe the quantity and composition of projected solid wastes to be generated by the project including average weekly volume in cubic yards of refuse generated; recycling potential; method of on-site storage and collection. Evaluate the impact to the Town's recycling facility and waste disposal capability (for single family or multi-family residential projects).
  - c. Emergency services: describe the anticipated fire and police protection needs including time and demand on municipal personnel; provision for alarms or warning devices; on-site fire fighting and security capabilities; need for increased municipal personnel or equipment. Estimate the cost and discuss the responsibility for providing emergency protection to the project. Consultation with the police and fire department is required.
  - d. Schools (only applicable for single-family or multi-family residential projects that are granted a conditional use permit to be located in the POD): describe the projected impact to the public school system including kindergarten, primary, and secondary levels. Identify the schools and school districts to be affected; projected number of students by housing type (i.e. single- family, apartments, Townhouses) and number of bedrooms (i.e. one-bedroom two-bedroom etc.); the ability of the specific school(s) to absorb the additional enrollment including impact on classroom size, school bus routing changes, and the annual cost per student to the school system based on publicly available information such as the capital improvement plan. Projected number of students shall be based on relevant data included in the Town's impact fee methodology.
  - e. **Environmental impact**
    - i. Identify and evaluate the potential impacts of the project on wildlife and wildlife habitat, or endangered plant or animal species or species of concern (see NH RSA 212-A:6), public or private water supply wells, water supply lands and aquifers, groundwater recharge areas and public water supply reservoirs.
    - ii. Describe the types, quantities, shelf life, use and storage methods for hazardous materials and wastes to be used or generated by the project. Include copies of material safety data sheets (MSDS) for all identified materials. Specify measures that will be taken to prevent a release into the environment.
    - iii. Identify and describe any vibration, noise, odor, glare and heat, or harmful interference that the proposed use will generate, proposed measures to mitigate these effects, and how these measures will ensure compliance with the requirements of **Section 5.16**.
  - f. **Cultural impacts**
    - i. Describe the surrounding neighborhood and any scenic, unique geological, historical, or archeological features and recreational areas on the site or in the vicinity of the site which could be affected by the project.

- ii. Identify the impacts to historic properties, districts, or areas on the property or in the vicinity of the project.
- g. **Fiscal impact** - evaluate the projected costs and benefits to Londonderry resulting from the project including:
  - i. Value of improvements to public infrastructure to be provided by the project
  - ii. Projected tax revenues to be generated by the project.
  - iii. Projected impact of the project on surrounding land values and any potential loss or increase in tax revenues to the Town
  - iv. Estimate of the number and types of jobs to be created by the project.

**D. Review Standards for Impact Assessments**

- 1. The Planning Board shall consider the standards included in **Section 4.6.6.7** as well as the other standards set forth in this ordinance and in the site plan and subdivision regulations when reviewing development impacts assessments

**4.6.6.9 Pre-Existing (Non-Conforming) Uses, Lots, and Structures**

- A. Notwithstanding other provisions of **Section 4.6.6**, the construction of additions and expansions to pre-existing structures and uses shall be permitted within the pod, governed by the standards of the underlying zoning district, provided that:
  - 1. The use or structure lawfully existed prior to the adoption of the POD by the Town Council;
  - 2. The proposed construction conforms to all other applicable ordinances and regulations of the Town of Londonderry; and
  - 3. The structure or use continues in its present use, and does not constitute a change of use.
- B. Notwithstanding other provisions of **Section 4.6.6**, lots of less than 3 acres in size within the POD shall be governed by the standards of the underlying zoning district, provided that:
  - 1. The lot lawfully existed prior to the adoption of the POD by the Town Council; and
  - 2. Any proposed construction conforms to all other applicable ordinances and regulations of the Town of Londonderry.

**4.6.7 Performance Overlay District - Route 28 Corridor**

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**4.6.7.1 Authority**

The Section is enacted in pursuant to [RSA 674:21](#), innovative land use controls, which provides the statutory authority for the Town of Londonderry to provide intensity and use incentives, impact zoning, performance standards, and the ability for the Planning Board to grant conditional use permits. The Planning Board shall be solely responsible for the interpretation and administration of this ordinance, including the granting of all conditional use permits relative thereto. Any decision made by the Planning Board under this performance overlay district ordinance may be appealed directly to superior court in the same manner provided by [RSA 677:15](#).

**4.6.7.2 Purpose and Intent - Route 28 Corridor**

- A. Because the Town of Londonderry has experienced an increase in development along the Town's main traffic corridors and anticipates such growth will likely continue, (including the

widening of Interstate 93, and industrial development south of the Manchester Airport), because said development will generate growth related impacts (increased traffic congestion, infrastructure requirements, demand for public services, reduced aesthetics, etc.) Utilizing the corridors, because traditional zoning techniques may not produce the type of development envisioned by the community through recent surveys and public outreach:

1. Guide the form of business development to occur in keeping with community objectives for compatible, appropriate development;
2. Tune regulatory systems to encourage businesses to more efficiently use the circulation system;
3. Regulating development to ensure that it can be supported by planned infrastructure, taking into consideration that required infrastructure must be appropriate to the context and must be supportive of environmental and community character concerns; and
4. Include consideration of impact upon natural and cultural resources in review of development proposals

The Town hereby adopts this overlay district to guide the development of land through the use of performance standards, incentives for quality development, and impact assessments to ensure the desired development pattern along the major traffic corridors of Londonderry.

B. The purpose of the Route 28 Performance Overlay District is:

1. To minimize adverse traffic impacts on the corridors and surrounding local roadways;
2. To promote and attract high quality, diverse, and sustainable economic development within the district by utilizing performance standards and flexibility and providing for development that preserves appropriate open space and builds upon the landscaping design, and visual character standards of the Town's Site Plan Regulations;
3. To minimize negative impacts to the environment such as water quality, air quality, prevention of noise pollution, light pollution, and to other important natural and cultural resources.
4. To protect the remaining aquifers within the Town of Londonderry.
5. To provide an appropriate mix of uses for the areas abutting the natural complex formed by areas such as the Musquash Conservation Area, Kendall Pond area, Scobie Pond area, the Litchfield State Forest, etc.

#### **4.6.7.3 District Defined – Route 28 Corridor**

A. The performance overlay district shall be described as including the lots identified on the "Performance Overlay Zone" Map and specifically as follows:

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

B. The term "overlay district" means a zoning district superimposed on one or more established zoning districts to impose supplemental requirements, restrictions, and performance standards on uses in the district.

#### **4.6.7.4 Conflicts with underlying zoning standards**

See [Section 4.6.6.4](#).

#### 4.6.7.5 Uses Permitted

See [Section 4.6.6.5](#).

#### 4.6.7.6 Conditional Use Permits

All uses permitted by conditional use permit in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a conditional use permit, the applicant must demonstrate that it meets the general criteria for a Conditional Use Permit of [Section 6.2](#), and the Specific Criteria of [Section 6.3.11](#), Route 28 Performance Overlay District.

#### 4.6.7.7 Performance standards

##### A. Dimensional performance standards

1. Table of dimensional performance standards: in order to accomplish the goals of this ordinance, development within the Table 4-10, below.

<b>Table 4-10</b> <b>Route 28 Performance Overlay District Dimensional Standards</b>						
<b>Property located on:</b>	<b>Min. Lot Size</b>	<b>Min. Lot Frontage</b>	<b>Max. Structure Height</b>	<b>Max. Building Footprint (3)</b>	<b>Building Setbacks (4)</b>	<b>Max. Impervious Cover</b>
Arterial Road (as defined by appendix A), with public water and sewer	3 Acres	300 feet (1)(2)	45 feet	75,000 Sq. Ft.	See <a href="#">Section 4.1.3(C)(3)</a>	55% (5)
<b>Non-Arterial Roads OR Arterial Road when "Shared access" is used, and with public water and sewer</b>	<b>1 Acre</b>	<b>100 feet (1)(2)</b>	<b>45 feet</b>	<b>75,000 Sq. Ft.</b>	<b>See <a href="#">Section 4.1.3(C)(3)</a></b>	<b>66% (5)</b>
Table 2 Footnotes: (1) Lots with Frontage along both an arterial road and a local road shall be accessed from the local road whenever possible. The Planning Board shall have the authority to allow access on an arterial road in such situations where access from the local road is deemed inappropriate or not feasible, and the NHDOT has issued appropriate permits. (2) Minimum frontage requirement must be satisfied from the road providing access to the lot. (3) At no point shall the total usable floor area exceed 75,000 square feet. (4) At no time shall the minimum front setback be less than 60 feet along an arterial road and 30 feet along a local Road. (5) May be increased by an amount equal to the area of easement dedicated for future widening of the arterial road (See <a href="#">section 4.6.5.2</a> on Incentive Bonuses) (6) On lots with frontage on both an arterial and local road (double frontage), the front setback shall be measured from the property line adjacent to the arterial road. (7) As an incentive for use of steep roofs or other architectural elements (clock towers, cupolas, etc.) the Planning Board may, with recommendation from the Heritage Commission, allow for a height bonus not to exceed sixty (60) feet from grade.						

##### B. Dimensional incentive bonus standards

1. These incentive bonus standards are designed to reward projects that choose to voluntarily develop their properties in a way that is most compatible with the stated goals and objectives of this district and the master plan
2. Widening easement deeds: those lots that voluntarily agree to provide easement deeds over the portion of their land within 25 feet of the state right-of-way, thereby reserving this easement area for future widening of the corridor or similar improvements within the corridor, may be compensated for this action by being allowed an impervious surface

bonus, to develop their property to an extent greater than otherwise permitted in the performance overlay district. The amount of extra impervious coverage shall be equal to the actual computed area of the easement area provided for future improvements.

**C. Building setbacks for POD lots located on NH Route 28**

1. Front setbacks for lots located along NH Route 28 shall be based on the following performance standards:
  - a. Building footprint of 0 - 10,000 square feet: 60 feet
  - b. Building footprint of 10,001 - 25,000 square feet: 100 feet
  - c. Building footprint of 25,001 - 40,000 square feet: 125 feet
  - d. Building footprint of 40,001 - 60,000 square feet: 150 feet
  - e. Building footprint of 60,001 - 75,000 square feet: 200 feet
2. Side setbacks for lots located along Rt. 28 shall be one-half ( $\frac{1}{2}$ ) the front setback.
3. Rear setbacks for lots located along Rt. 28 shall be one-third ( $\frac{1}{3}$ ) the front setback, but not less than 30 feet.

**D. Landscape Performance Standards** - landscape performance standards shall be the same as **Section 4.6.6.7(D)**, with the following exceptions:

1. *Front Buffer Area*
  - a. The front buffer area shall be a strip of variable width (minimum 40 feet wide) between the street tree area and the closest point of a building or impervious surface facing a public right of way. (on lots where there is a widening easement provided, the street tree area may encroach and overlap the front buffer area)
  - b. The front buffer area shall be planted with a minimum of 2 trees for every 30 feet of horizontal building facing a public right of way. Trees planted in this area shall have a height equal to  $\frac{1}{2}$  the maximum proposed height of a building (but not less than 12 feet from grade or greater than 30 feet from grade) at time of planting.
  - c. **Incentive bonus:** every healthy native tree with a caliper of 4 inches or greater, which is preserved in the front buffer area may be substituted for 1 required new front buffer tree planting. Every healthy native tree with a caliper of 6 inches or greater, which is preserved in the front buffer area may be substituted for 2 required new front buffer tree plantings.
2. *Side and Rear Buffer Areas*
  - a. Required side and rear buffer areas shall begin at the inner limits of the front buffer area and run parallel to the side and rear property lines. The minimum width of these side and rear buffers shall equal to  $\frac{1}{2}$  the proposed maximum building height, but not less than 20 feet wide. In the event the property abuts a parcel zoned AR-I, the buffer shall be no less than 75 feet wide.
  - b. The side and rear buffers shall be constructed to provide a dense 4 season visual screen in accordance with Section 3.09.e of the Site Plan Regulations.

**E. Off-street parking** - see **Section 4.6.6.7(C)**

**F. Signage** - signage performance standards shall be the same as **Section 4.6.6.7(F)** with the following exceptions:

1. Building mounted signs



- a. Wall signs may be as large as 1 sq. Ft. Per 3 linear ft. Of building frontage or a maximum of 50 square feet, whichever is less.
- b. One wall sign is permitted per tenant in a multi-tenant structure, however the total sign square footage on any wall or facade shall not exceed 100 square feet.

G. **Lighting** - see **Section 4.6.6.7(E)**

H. **Environmental performance standards** - see **Section 4.6.6.7(H)**

#### **4.6.7.8 Impact Assessment Requirements**

See **Section 4.6.6.8.**

#### **4.6.7.9 Pre-existing (non-conforming) uses, lots, and structures**

See **Section 4.6.6.9.**

### **4.6.8 Groundwater Protection District**

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#### **4.6.8.1 Authority**

This Section is enacted pursuant to RSA 674:21 as an Innovative Land Use Control. The Planning Board shall be solely responsible for the interpretation and administration of this ordinance, including the granting of conditional use permits relative thereto. Any decision made by the Planning Board under this ordinance may be appealed in the manner provided by RSA 677:15.

#### **4.6.8.2 Purpose**

The purpose of this ordinance is, in the interest of public health, safety and general welfare, to preserve, maintain and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

#### **4.6.8.3 Definitions**

The following definitions shall apply only to this Groundwater Protection Ordinance and shall not be affected by the provisions of any other ordinance of the Town of Londonderry.

- A. Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
- B. Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.
- C. Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.
- D. Gasoline station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.
- E. Impervious: not readily permitting the infiltration of water.



- F. Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
- G. Junkyard: an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.
- H. Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- I. Public water system: a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- J. Regulated substance: petroleum, petroleum products, regulated contaminants for which an ambient groundwater quality standard has been established under RSA 485-C:6, and substances listed under 40 CFR 302, 7-1-05 edition, excluding substances used in the treatment of drinking water or waste water at department approved facilities.
- K. Sanitary protective radius: The area around a public water supply well which must be maintained in its natural state as required by EnvDw 301 or 302 (for community water systems); Env-Dw 405.14 and 406.12 (for other public water systems).
- L. Seasonal high water table: The depth from the mineral soil surface to the upper most soil horizon that contains 2 percent or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Civil or Environmental Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for at least a period of seven consecutive days.
- M. Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.
- N. Snow dump: For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.
- O. Stratified-drift aquifer: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
- P. Surface water: streams, lakes, ponds and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.
- Q. Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

#### **4.6.8.4 Groundwater Protection District**

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries,

- (1) all of the Wellhead Protection Areas for public water supply wells as defined under Section 4.6.8.3.I of this ordinance

The district is shown on the map entitled, Town of Londonderry Groundwater Protection District.

#### **4.6.8.5 Applicability**

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Section 4.6.8.10 (Exemptions) of this Ordinance.

#### **4.6.8.6 Permitted Uses**

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses. All uses must comply with the Performance Standards unless specifically exempt under Section 4.6.8.10.

#### **4.6.8.7 Prohibited Uses**

The following uses are prohibited in the Groundwater Protection District.:

- A. The development or operation of a solid waste landfill;
- B. The outdoor storage of road salt or other deicing chemicals in bulk;
- C. The development or operation of a junkyard;
- D. The development or operation of a snow dump;
- E. The development or operation of a wastewater or septage lagoon;
- F. The development or operation of a petroleum bulk plant or terminal;
- G. The development or operation of gasoline stations.

#### **4.6.8.8 Conditional Uses**

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:

- A. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons or 660 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 4.6.8.12, is approved by the Londonderry Fire Department.
- B. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater.
- C. Any activities that involve blasting of bedrock.

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use (as listed in Section 4.6.8.7 of this Ordinance) and will be in compliance with the Performance Standards in Section 4.6.8.11 as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

#### **4.6.8.9 Existing Non-Conforming Uses**

Existing non-conforming uses may continue without expanding or changing to another non-conforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules.

#### **4.6.8.10 Exemptions**

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

- A. Any parcel located within the Airport District is exempt from this Groundwater Protection Ordinance;
- B. Any private residence is exempt from all Performance Standards;
- C. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Section 4.6.8.11, Performance Standards, sections E through H;
- D. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard E;
- E. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards E through H;
- F. Storage and use of office supplies is exempt from Performance Standards E through H;
- G. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards E through H if incorporated within the site development project within six months of their deposit on the site;
- H. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
- I. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Performance Standards E through H;
- J. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 4.6.8.14 of this ordinance.

#### **4.6.8.11 Performance Standards**

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section 4.6.8.10:

- A. For any new or expanded uses that will render impervious more than 15 percent or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with the Town of Londonderry Site Plan Regulations, Section 3.07 Storm Drain Systems.
- B. Conditional uses, as defined under Section 4.6.8.8 shall develop stormwater management and pollution prevention plans and include information consistent with Developing Your

Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, Feb 2009) The plan shall demonstrate that the use will:

1. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post Construction) Stormwater Management ( NHDES, 2008 or later edition)
  2. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
  3. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
  4. Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.
- C. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food (2017), and any subsequent revisions;
- D. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
- E. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
- F. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
- G. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
- H. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
- I. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.
- J. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells
- K. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter

#### **4.6.8.12 Spill Prevention, Control and Countermeasure (SPCC Plan)**

Conditional uses, as described under Section 4.6.8.8, part (A), using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the [Fire Chief, Health officer or Emergency Management officer] who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

- A. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
- B. Contact list and phone numbers for the current facility response coordinator(s), cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
- C. A list of all regulated substances in use and locations of use and storage;
- D. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.
- E. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
- F. List of positions within the facility that require training to respond to spills of regulated substances.
- G. Prevention protocols that are to be followed after an event to limit future large releases of any regulated substance.

#### **4.6.8.13 Relationship Between State and Local Requirements**

Where both the State and the municipality have existing requirements the more stringent shall govern.

#### **4.6.8.14 Maintenance and Inspection**

- A. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Rockingham County. The description so prepared shall comply with the requirements of RSA 478:4-a. Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.
- B. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Code Enforcement Officer at reasonable times with prior notice to the landowner.
- C. All properties in the Groundwater Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Section 4.6.8.10, shall be subject to inspections under this Section.

- D. The Town of Londonderry may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Town of Londonderry as provided for in RSA 41-9:a.

#### **4.6.8.15 Enforcement Procedures and Penalties**

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.

#### **4.6.8.16 Saving Clause**

If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.



## **5 SUPPLEMENTARY REGULATIONS AND STANDARDS**

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### **5.1 Residential Development Phasing**

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#### **5.1.1 Authority**

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Pursuant to the provisions of NH 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.

#### **5.1.2 Purpose**

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The purpose of this Section is as follows:

- A. 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;
- B. To provide for the current and future housing need of existing residents and their families;
- C. 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
- D. To provide a mechanism to allow for phased development of residential projects to manage the impact on municipal services.

#### **5.1.3 Phasing of Development**

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

- A. For development proposed under the provisions of Section 5.3, Conservation Subdivisions: twenty-five (25) dwelling units per year from the date of final approval;
- B. For development located within 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.
- C. 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) permits per year from the date of final approval.
- D. 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: the total number of dwelling units shall not exceed seventy-two (72) per year from the date of final approval.
- E. For single family development approved under the requirements of "Inclusionary Housing": twenty-five (25) dwelling units per year from the date of final approval.

- F. For other residential development proposed to be serviced with public water and public sewer, 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.
- G. For all other residential development: fifteen (15) dwelling units per year from the date of final approval.

## **5.2 Planned Unit Development**

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### **5.2.1 Authority**

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

### **5.2.2 Purpose**

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- A. A Planned Unit Development (PUD) allows a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property. A PUD master plan is akin to a special zoning district designation for a particular tract of land in terms of uses, dimensions, and other development standards. (Note: every reference to a master plan in this PUD ordinance refers to the PUD Master Plan rather than the Town of Londonderry Master Plan, except where the latter is specifically referred to as such.)
- B. The purpose of this ordinance is to promote flexibility in large scale development by considering project proposals based upon a comprehensive, integrated and detailed plan rather than the specific constraints applicable to piecemeal lot-by-lot development under conventional zoning. A PUD should improve the quality of new development by encouraging aesthetically attractive features and promoting quality site and architectural design. The Planning Board will use the 2004 Londonderry Master Plan and/or successor plans, 2009 Londonderry Small Area Master Plan and/or successor plans, 2003 Londonderry Design Charrette and/or successor plans (if applicable) and any other long range planning document as guidance in the land use development aspect of the PUD master planning process.

### **5.2.3 Process**

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The process for administering a Planned Unit Development is as follows:

- A. Due to the complexity inherent in PUD's, prior to developing a detailed PUD proposal or submitting an application, applicants are strongly encouraged to:
  - 1. Meet with the Community Development Department to discuss their ideas; and
  - 2. Hold a conceptual discussion with the Planning Board.
- B. The applicant submits a formal PUD application (also known as the proposed PUD master plan) as specified elsewhere in this section.
- C. The Planning Board holds a public hearing on the PUD application and determines whether or not it is complete, in accordance with this ordinance. The board must take final action on the application within 65 days of a finding of completeness.
- D. The Planning Board approves, denies, or approves with conditions the PUD application. An applicant may appeal any such decision of the Planning Board in the same manner specified for appeals for site plan determinations and subdivision determinations ([RSA 677:15](#)).

- E. The Community Development Department maintains a record of all approved PUD master plans. The PUD is demarcated on the Zoning Map of the Town (over the underlying zoning district) and labeled based on the order in which the master plan was approved (as PUD-1, PUD-2, etc.).
- F. Subsequent to the PUD approval, the applicant submits a separate site plan application and/or subdivision application for development of the tract in accordance with the master plan. In the event of a conflict between the terms of the approved master plan and the terms of the site plan regulations or subdivision regulations, the terms of the approved master plan shall control.
- G. Any development on the subject property must be consistent with the approved master plan as determined by the Planning Board. While it is the master plan, rather than the underlying zoning district, that regulates development of the subject tract, there shall remain an underlying zoning designation for the tract at all times.
- H. In the event active and substantial development or building has not begun on the site by the owner or the owner's successor-in-interest in accordance with the approved master plan within four years after the date of approval, or in accordance with other specific terms of the approval, then the master plan shall be deemed to have expired and the underlying zoning shall then control development of the land. Landowners may apply to the Planning Board for extensions of this time period for good cause shown.
- I. Landowners may apply to amend all or a portion of an approved PUD following the same process applicable to the establishment of a PUD. A landowner may extinguish a PUD by notifying the Planning Board in writing that he/she does not intend to utilize the PUD.

#### **5.2.4 PUD Master Plan**

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- A. In devising the PUD master plan, subject to specific limitations, guidelines, and objectives stated elsewhere in this ordinance, there is flexibility in the selection of land uses, density, setbacks, buffers, building heights, lot sizes, lot dimensions, parking requirements, and most site design and development standards contained in the Zoning Ordinance, Site Plan Regulations, Subdivision Regulations.
- B. The master plan is composed of all of the elements submitted by the applicant which describe the project including:
  - 1. A land use plan (drawing),
  - 2. Land use list,
  - 3. PUD application,
  - 4. Narrative,
  - 5. Architectural guidelines (if applicable),
  - 6. Any other development guidelines
  - 7. Any additions, deletions, modifications, and/or clarifications stipulated by the Planning Board in its approval.
- C. The land plan delineates one or more land use areas. An accompanying land use list gives a designation for each land use area specifying approximate acreage, types of uses, density and any other development standards peculiar to that area.

#### **5.2.5 Basic Requirements**

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The following requirements apply:

- A. **Location.** PUD's are permitted in any zoning district on one or more lots, or portions of lots, of land provided they meet all other criteria outlined in this Section.
- B. **Tract size.** The minimum area required for a PUD shall be one hundred (100) contiguous acres of land. Where portions of the tract are separated by a road, road right-of-way, utility, waterway, or another like element, the land shall be deemed contiguous unless the intervening feature is of such a nature that the Planning Board determines that the land could not function effectively as a PUD.
  - 1. A PUD may include land which has been previously developed under the requirements of the underlying zoning only when, as part of the PUD Master Plan, the previously developed portion of land is substantially redeveloped in a manner which is consistent with the spirit of the PUD ordinance and which proposes improvements to such items as the aesthetics, architectural design, connectivity with the undeveloped part of the PUD and which creates a unified concept and design for the entire parcel.
- C. **Ownership.** The PUD shall either be under unified ownership or be a collection of lots under separate ownership with a development agreement stipulating all owners are subject to the requirements of any PUD Master Plan approval by the Planning Board at the time of application. However, the tract may be subsequently subdivided consistent with the terms and conditions of the approved master plan. Multiple parties may own, manage, and/or develop various components of the PUD provided that the overall PUD remains integrated.
- D. **Water and Sewer.** Only those tracts which contain buildings that will be serviced by water (Manchester Water Works, Derry Municipal Water, or Pennichuck Water) and municipal sewer systems (and determined to be reasonably consistent with the Town's Sewer Facilities Master Plan as determined by the Planning Board) are permitted to be included in a PUD.

#### 5.2.6 Permitted Uses

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- A. The uses listed in the PUD column of the Table of Uses (Section 4.1) may be proposed for inclusion in a PUD. However, no use is permitted in a PUD unless specifically approved by the Planning Board as part of the PUD Master Plan.
  - 1. Due to the unique characteristics of the Gateway Business District, Residential uses otherwise permitted in a PUD shall not be permitted in a PUD Master Plan for any lot with Gateway Business District as the underlying zoning district.
- B. Any uses that are permitted in the underlying zoning district, either by right, special exception or conditional use permit (at such time as this procedure may be established) shall be considered permitted uses in a PUD.

### 5.2.7 Standards of Development

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The following standards shall apply to all PUD's:

- A. Off street parking and loading shall comply with Section 3.09 of the Site Plan Regulations for each proposed use. However, the Planning Board may grant waivers for parking if the Board finds that waivers will be compatible with the design and purposes of the PUD.
- B. Except for structures not intended for human occupancy (chimney, water tower, etc.) height of buildings shall not exceed 50 feet, or as specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined in the Airport Approach Height Overlay (Section 3.7.4).
- C. In PUD's where residential uses are proposed, the overall residential density of a PUD may not exceed six (6) residential dwelling units (including single family homes) per gross acre of the PUD tract. In determining appropriate density, in addition to other criteria here, the Planning Board shall pay special attention to the amount of buildable land contained on the tract as determined or reasonably estimated in the submission materials. Permitted non-residential uses may be located in a flexible spatial environment, assuring compatibility with residential uses and with the overall development design.
- D. The PUD shall be in compliance with:
  - 1. All standards contained within the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations unless waived or modified as part of the master plan; and
  - 2. All applicable local, state, and federal law relating to public health and safety, building construction, and drainage (these standards may not be waived or modified).
- E. All roads and structures shall be set back a minimum of fifty (50) feet from all exterior PUD tract boundaries which abut residential uses except where transportation or use linkages are desired. Landscaping and other screening devices shall be designed to provide a reasonable buffer between the PUD and adjoining property except where compatible uses adjoin one another.
- F. Any proposed covenants, restrictions, and easements must be approved by the Planning Board. A provision must be built into the documents providing for municipal enforcement of the covenants, restrictions, and easements at the Town's option and at the developer's expense under appropriate circumstances.
- G. In a PUD where ownership is subject to restrictions, covenants and other agreements, those documents shall be recorded in the Rockingham County Registry of Deeds.

### 5.2.8 Criteria for Review of PUD Proposals

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

- A. **General Considerations.** The Planning Board shall consider the following:
  - 1. Provisions of Town of Londonderry Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, and other applicable town, state, and federal law, where appropriate.



2. Consistency with the Town of Londonderry Master Plan, and any related plans or studies (such as the Londonderry Business Park Design Charrette, Northwest Small Area Master Plan, etc.)
  3. Conformance with the intent and objectives of this Section.
  4. Infrastructure capacity and the effect of the PUD upon public services and public safety.
  5. Prospective fiscal impact upon the Town of Londonderry.
- B. **Specific objectives.** Every PUD shall incorporate a number of the following elements. Their usage defines a planned unit development and justifies departures from standards otherwise applicable under conventional zoning (introduction of new uses, more intensive land uses, higher density, novel design approaches, etc.).
1. Inclusion of a harmonious mix of uses.
  2. Provisions for quality architectural design.
  3. Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
  4. Preservation of open space.
  5. Preservation of natural vegetation and other important natural features.
  6. Preservation of important cultural resources such as stone walls and other archaeological sites.
  7. Development of active or passive recreational areas.
  8. Quality landscaping.
  9. Use of sidewalks, bikeways, and other multi-use paths.
  10. Use of traffic mitigation, traffic calming, or Transportation Demand Management measures.
  11. Significant screening of, or rear placement of, parking areas.
  12. Sustainable design and construction practices promoting energy conservation.
  13. Other public benefits such as provision of a community center or day care center.
  14. Public access to community facilities in PUD.

#### **5.2.9 Submission Requirements**

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- A. **Materials.** The applicant for a PUD shall provide the following materials (in format and number as reasonably determined by the Community Development Department):
1. Completed PUD application
  2. Narrative, including a statement of purpose for the PUD and how it meets the goals of this Section
  3. Proposed land plan
  4. Proposed land use list
  5. Completed abutters list
  6. PUD application fee
- B. **Information.** The applicant for a PUD shall provide the following information. Given the amount of information needed it is recommended that the plan be developed and refined through several conceptual/preliminary iterations with the staff and Planning Board. Many of



these items may be presented as approximations or preliminary estimates subject to change, where appropriate.

1. Present underlying zoning classification and zoning classification of all adjoining lots.
2. Topographic information on the tract including soil types, wetlands, surface water, land contours, natural and cultural resources, ridges and knolls, rock outcrops, steep slopes, etc. This information may be presented in an overview format, in less detail than would be required of a site plan or subdivision application provided that a clear sense of the tract is conveyed sufficient to evaluate the PUD proposal (for example, wetlands need not be professionally delineated if potentially wet low lying areas are roughly indicated).
3. Total acreage of the tract; rough delineation of each land use area with approximate acreage,
4. Proposed uses for each land use area, preferably given with some specificity.
5. Proposed total number of dwelling units and overall residential density for the tract (if applicable).
6. Proposed general estimates of location, size, use(s) for each structure.
7. Proposed general estimates of location, width, and materials of all streets, drives, sidewalks, and paths.
8. Proposed general estimates of location and number of spaces for each parking area.
9. Summary of proposed traffic impact, including preliminary estimates of trip generation, trip distribution, and potential areas of off-site transportation improvements.
10. Proposed open space areas.
11. Natural and cultural resources proposed to be preserved.
12. Proposed buffers, if appropriate, to adjoining property.
13. Sketch/plan of proposed landscaping.
14. Brief explanation or sketch of proposed water and sewer/septic systems.
15. Brief explanation or sketch of proposed stormwater management plan.
16. Brief explanation or sketch of other proposed utilities.
17. Brief explanation or sketch of proposed firefighting strategy.
18. Proposed architectural standards or guidelines or brief explanation/sketch of architectural treatment.
19. A "Signage Plan" shall be submitted. This document shall establish guidelines regulating and coordinating all signage within the PUD including general representations of tenant signage, development signage, directional signage, and vehicular and pedestrian traffic circulation signage. Specific criteria for design, size, proposed sign types (wall, free standing, etc.), materials, heights, colors, set-backs, projections and contextual issues shall be established. Any other sign design information as required by the Town shall also be provided.
20. Proposed time schedule for completion of the project, phasing schedule (if applicable depending on scale and type of PUD), plans for bonding if applicable, and well thought out plan to ensure that the amenities will be completed as proposed and in a timely manner.
21. Proposed covenants, restrictions and easements and how they will be monitored and enforced, if applicable.



22. Proposed ownership arrangement of each section of the PUD whether to be subdivided, held in fee simple, owned under a condominium arrangement, etc.
23. Proposed articles of incorporation and bylaws of any corporation and/or association to be formed.
24. *Miscellaneous Studies and Documents* - The Planning Board shall have the authority to require the submittal of any additional information, studies, documents, etc., relative to the design, operation, or maintenance of the proposed project.
25. Any other information that the Planning Board or the Town Attorney may deem reasonably necessary.

#### **5.2.10 Interpretation/application of PUD master plan**

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

- A. Many items in the PUD Master Plan will be presented and construed to be in preliminary sketch form subject to preparation of detailed, engineering analysis and some modification at the site plan/subdivision application stage consistent with the master plan. These items include exact lot locations and layouts, exact locations of roads and paths, size and configuration of parking lots, utility information, water and sewer/septic, drainage, landscaping, and architectural renderings. (For example, the land plan may show numerous trees to be planted. The applicant would be able to significantly modify the locations and types of planting at the site plan stage provided the intent of the landscaping element as presented in the land plan is met.)
- B. All development standards must ultimately be determinable for each land use area. Where specific development standards are neither stated nor implied in the PUD master plan, the most appropriate standards otherwise applicable (from the Zoning Ordinance, Site Plan Regulations, and/or Subdivision Regulations) shall apply as determined by the Planning Board. (For example, an area designated for a particular use in the PUD master plan does not specify front setbacks. The front setbacks contained in the appropriate underlying zoning district would then apply.)

#### **5.2.11 Fees**

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The application fees for a PUD are as follows:

- A. \$20.00 per gross acre of the tract not to exceed \$5,000
- B. Legal notice and abutter notification fees shall be as determined in the latest version of the Town's Subdivision and Site Plan Regulations.

### **5.3 Conservation Subdivisions**

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#### **5.3.1 Purposes**

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A Conservation Subdivision represents a form of residential development where, instead of subdividing an entire tract of land into lots of conventional size and arrangement, a similar number of lots can be arranged on the land in a more innovative fashion which better fits the topography and natural attributes of the site. The remaining land in the tract that has not been built upon shall be set aside for open space or integrated among the housing units and reserved for usable common open space. This open space designation shall be held in a form of ownership that will prevent it from being further subdivided or developed.

The purpose for establishing this section is to promote a development pattern that creates areas of useable and accessible open space, provides land for open space, prevents disruption of natural topography and drainage systems, maintains the rural and open character of the undeveloped area of the Town; protects historically significant buildings, resources, and/or landscapes; protects valuable wildlife areas; allows for attractive site design; encourages a more environmentally practical utility and street network; and assists the Town in the goals of protecting open space and providing housing alternatives as outlined in the Master Plan.

### 5.3.2 Objectives

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- A. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of land.
- B. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat
- C. To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- D. To reduce soil erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- E. To encourage interconnected greenways and corridors throughout the community.
- F. To encourage contiguous green space with adjacent jurisdictions.
- G. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- H. To encourage street design that reduces traffic speeds and reliance on main arteries.
- I. To encourage construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- J. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- K. To protect prime agricultural land and preserve farming as an economic activity.
- L. To preserve important historic and archaeological sites.

### 5.3.3 General Regulations

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- A. **Applications of Regulations.** This Conservation Subdivision option is available as a use by right in the AR-I Zoning District. The Applicants shall comply with all other provisions of the zoning ordinance and all other applicable regulations, except those that are incompatible with the provisions contained herein.



1. Lots of greater than 20 acres in the AR-I Zone that are located closer than 100 feet to a parcel already protected by the Town of Londonderry by easement or ownership for Open Space purposes, and which require the construction of a new roadway to access newly subdivided lots, shall be required to utilize the Conservation Subdivision requirements of this section for any subdivision of the land for housing development.
- B. **Housing Density Determination.** The maximum number of lots in the Conservation Subdivision shall be determined by either of the following methods, at the discretion of the applicant:
  1. *Calculation Method:* the maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning.
  2. Where public sewer is not available, the maximum density for a Conservation Subdivision using the calculation method will be established by using Table 3-3 of Section 3.3 of this ordinance, and computing a total soil carrying capacity of all allowed soils found in the parcel proposed for subdivision. The soil carrying capacity of any soil is to be calculated by dividing the given area of any soil type by the required area for that soil type found in Table 3-3. The resulting number shall be multiplied by 85 percent to obtain the maximum number of dwelling lots permitted in the Conservation Subdivision.
  3. Where public sewer is available, the maximum density will be established by using Table 4-3 of Section 4.2 of this ordinance, divided by the total area of the entire parcel to be subdivided.
  4. In using the Calculation Method for determining the maximum number of lots, the following shall not be included in the total area of the parcel:
    - a. Slopes over 25% of at least 5000 square feet contiguous area;
    - b. The 100-year floodplain;
    - c. Drainage Easements; and
    - d. Wetlands that meet the definition of this ordinance.
  5. *Yield Plan Method:* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site feature and all applicable regulations
- C. **Lot Area and Shape.**
  1. The minimum lot size (prior to subdivision) for a Conservation Subdivision is 20 acres in common beneficial ownership. The minimum frontage for the development shall be a contiguous 100 feet and of sufficient length to provide safe access for a right-of-way of at least 50 feet.
  2. *Minimum Lot Size*
    - a. For lots connected to public or community water and sewer: The minimum lot size in a Conservation Subdivision shall be one half ( $\frac{1}{2}$ ) acre in size.
    - b. For lots connected to public or community sewer, but utilizing an onsite well for water service: The minimum lot size in a Conservation Subdivision shall be one half ( $\frac{1}{2}$ ) acre in size.
    - c. For lots connected to public or community water, but utilizing an onsite septic system: The minimum lot size in a Conservation Subdivision shall be one half ( $\frac{1}{2}$ ) of the total



calculated minimum lot size using Table 3-3 of Section 3.3 of this ordinance or  $\frac{1}{2}$  acre, whichever is greater.

- d. For lots serviced by an onsite well and an onsite septic system: The minimum lot size in a Conservation Subdivision shall be the total calculated minimum lot size using Table 4-4 of Section 4.2 of this ordinance or 1 acre, whichever is greater.
3. *Frontage:* Every building lot in the Conservation Subdivision shall have a minimum frontage of fifty (50) feet along a street providing access exclusively to the Conservation Subdivision and situated entirely within the Conservation Subdivision.

**D. Setbacks.**

1. Setbacks from exterior property lines of the entire development parcel (the lot as it existed prior to subdivision) shall be 25 feet.
2. *Minimum Setback for Structures from Property Lines:*
  - a. Front 30 feet
  - b. Side 15 feet
  - c. Back 15 feet

### **5.3.4 Density Bonus Criteria**

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All density bonuses are subject to approval of a Conditional Use Permit from the Planning Board and each bonus is computed on the base density as defined in **Section 5.3.3(C)** above. (For example, if a Conservation Subdivision was approved for 100 units and had two density bonuses of 10% each, the total authorized units would be 120, not  $100 \times 1.1 \times 1.1 = 121$ .)

- A. Where the proposed Conservation Subdivision plan shows 50% or more of the total parcel as open space protected as such in perpetuity, the development may be awarded a density bonus of 10%.
- B. **Public Access Bonus-** Where the public is granted access to the open space or a small (5 spaces or less) off-street gravel parking area for people to access open space is provided, the development may be awarded a density bonus of 5%. The intent of the bonus is permit pedestrian use, the Planning Board, may reasonably restrict the use of motorized vehicles.
- C. **Agricultural Lands and Use Bonus-** Where the development protects agriculturally valuable lands and provides for their use as such in perpetuity, the development may be awarded a density bonus of up to 10%. The Planning Board shall, on a case-by-case basis, determine the bonus percentage by considering the size of the project, the quality of the soils, and the number of acres of farmland preserved. The open space portion preserved for agricultural use must be at least three and one-half (3.5) contiguous acres and must be reasonably accessible. To receive the maximum bonus, it must either have been historically farmed, or contain prime, statewide or locally significant agricultural soils, as shown on NRCS soil maps
- D. **Additional Protection Bonus** - Where the development is able to protect unique characteristics, including the following, it may be awarded a total density bonus under this Section of up to 10%, in the sole discretion of the Planning Board. The development must provide for the protection of these resources in perpetuity and trail corridor protection must allow for reasonable public access:



1. Viewsheds, which are lands or corridors of land that contribute to the visual landscape of the town, including items such as open fields containing stonewalls, mature forests, visible water bodies and their buffers.
  2. Historically significant buildings and landscapes identified by the Heritage/Historic District Commission.
  3. Valuable wildlife habitat and exemplary natural communities confirmed by the Conservation Commission.
  4. Linking open space parcels or trail corridors through the site with existing trails or open space networks located off the subject parcel.
  5. Including land identified as part of the Londonderry Open Space Plan.
- E. **Bonus Multiplier for projects using Development Yield Method.** The yield for residential Conservation Subdivision development shall be determined by total bedrooms and shall not exceed the following:
1. 4 bedroom units= (yield plan + bonuses) /1.00
  2. 3 bedroom units= (yield plan + bonuses) / 0.85
  3. 1 & 2 bedroom units= (yield plan + bonuses) /0.65
- F. **Density Bonus Cap:** No Conservation Subdivision shall be granted bonuses totaling greater than 20% when combined.

### 5.3.5 Open Space

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- A. For purposes of this section of the Zoning Ordinance, open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of a legal instrument approved by the Planning Board for the subdivision.
- B. **Standards to Determine Open Space**
1. The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
  2. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this section:
    - a. The regulatory 100-year floodplain;
    - b. Conservation Overlay (CO) District areas;
    - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;
    - d. Habitat areas of endangered or threatened species; and
    - e. Archaeological sites, cemeteries, and burial grounds.
    - f. Land included within the Londonderry Open Space Plan, to the extent the subject tract has sufficient acreage outside the town-designated goal for open space to meet the minimum requirements for a Conservation Subdivision.
    - g. Lands containing prime agricultural soils as shown on NRCS soils maps that are at least three and one-half (3.5) acres in size.
  3. The following are considered Secondary Conservation Areas and shall be included within the Open Space to the maximum extent feasible.
    - a. Important historic sites;





- b. Existing healthy, native forests of at least one acre contiguous area;
  - c. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
  - d. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
  - e. Lands containing statewide significant agricultural soils as shown on NRCS soils maps that are at least three and one-half (3.5) acres in size.; and,
  - f. Existing trails that connect the tract to neighboring areas.
4. Above-ground utility rights-of-way and small areas of impervious surface (for use in trails) may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
  5. At least 75 percent of the Open Space shall form a contiguous area of land. The Open Space shall adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
  6. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
  7. A minimum of 25% of the total required open space land must be useable uplands and reasonably available for recreational purposes, provided however, that no more than 50% of the total required open space shall be utilized for such purpose in order to preserve a reasonable proportion of natural area on the site.
    - a. The minimum required Open Space shall not contain more than 50% of the sum of the following kinds of unbuildable land:
      - i. CO District Areas and Wetlands as defined in **Section 2**;
      - ii. Slopes exceeding a grade of 25% of at least 5,000 square feet contiguous area;
      - iii. Drainage facilities/Drainage Easements;
      - iv. Land used for septic systems;
      - v. Floodways, as shown on official FEMA maps.
  8. *Permitted Uses of Open Space.* Uses of Open Space may include the following:
    - a. Conservation of natural, archeological or historical resources;
    - b. Meadows, woodlands, wetlands, wildlife corridors, or similar conservation-oriented areas;
    - c. Walking or bicycle trails, provided they are constructed of porous paving materials;
    - d. Passive recreation areas that only minimally disturb the natural vegetation, e.g. walking trails;
    - e. Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation in excess of this limit must be located outside of the protected Open Space;
      - i. Uses customarily accessory to permitted outdoor-recreational uses such as small clubhouses (less than 1,500 square feet), maintenance facilities, or gazebos shall be permitted by Conditional Use Permit.



- f. Community gardens, agriculture, horticulture or silviculture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
  - g. Stormwater best management practices (may not encompass more than 5% of the protected open space);
  - h. Easements for drainage, access, and underground utility line; or
  - i. Other conservation-oriented uses compatible with the purposes of this ordinance.
9. *Prohibited uses of Open Space.*
- a. Golf courses;
  - b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
  - c. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and
  - d. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
10. *Open Space Layout.* Open space land shall be platted as undivided parcels to facilitate easement monitoring, enforcement, maintenance, and to promote appropriate management by a single entity exercising single or common ownership according to this Section, and the approved plans.
- a. As part of the application an open space plan shall be submitted showing a clear delineation of parcels of open space land that is not to be developed. The open space plan shall be recorded at the Registry of Deeds and shall indicate that development is restricted in perpetuity.
  - b. Open space shall be directly accessible to the largest possible number of lots within the development and to town officials or designees for monitoring purposes.
  - c. Safe and convenient pedestrian access to open space shall be provided from all lots not adjoining the open space.
11. *Ownership and Management of Open Space.*
- a. **Ownership of Open Space.** Conservation Areas provided by open space subdivisions shall be permanently protected as open space and shall be conveyed in one of the following ways subject to the approval of the Planning Board:
    - i. To the Town of Londonderry and accepted by the Town Council for park, open space or other specified conservation uses;
    - ii. To the State of New Hampshire for permanent open space uses; To a private non-profit organization whose principal purposes is the conservation of open space with the financial and organizational means for perpetual stewardship, such as the Audubon Society of New Hampshire, the Society for the Protection of New Hampshire Forests, or other land trust that has adopted the Land Trust Alliance Standards and Practices;
    - iii. To a corporation or trust, such as a homeowner's association owned or to be owned by the owners of lots or dwelling units within the subdivision, or to owners of shares within a cooperative development, by incorporation of appropriate



- restrictions in the instrument of conveyance, enforceable by the town of Londonderry;
- iv. A private landowner such as a farmer or forest manager that will manage it for the uses consistent with the purposes of this Article by incorporation of appropriate restrictions in the instrument of conveyance, enforceable by the town of Londonderry;
  - b. The applicant must identify the owner of the Open Space who shall be responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space, for continued compliance with the use limitations of the Conservation Subdivision regulations, and for any facilities located thereon shall be borne by the owner.
  - c. **Management Plan.** Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
    - i. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
    - ii. Estimates the costs of staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
    - iii. Provides that any changes to the Plan be approved by the Planning Board; and,
    - iv. Provides for enforcement of the Plan.
  - d. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the Town of Londonderry may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
12. *Legal Instrument for Permanent Protection.*
- a. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
    - i. A permanent conservation easement in favor of either:
      - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements that has adopted the Land Trust Alliance Standards and Practices. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or



- b. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
  - ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  - iii. An equivalent legal tool that provides permanent protection, if approved by the Town of Londonderry.
- b. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

### **5.3.6 Road Design Criteria**

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Roads in Conservation Subdivisions shall be designed to the appropriate road design criteria found in the Subdivision Regulations, as most recently amended.

## **5.4 Back Lot Development**

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### **5.4.1 Purpose**

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The purpose of Back Lot Development is to allow a landowner to develop areas of his/her property without any road frontage in exchange for permanently prohibiting development of roadside areas identified by the community as contributing to Londonderry's character, such as land that is being actively farmed. The purpose is also to protect open space, to maintain a viable contribution to the community's economic base through agricultural employment and gross regional product, and to product roadside land which will preserve the rural historic character of the community. The Planning Board is authorized to utilize a Conditional Use Permit in accordance with the provisions of [RSA 674:21](#), innovative zoning.

The Planning Board finds:

- A. Back lot development is consistent with the Natural Resource Objective 4 of the 1988 Master Plan "To purchase or otherwise protect selected open space areas for community needs."
- B. Back lot development is consistent with the Historic Preservation Objective 2 of the 1988 Master Plan "to encourage the use of easements and covenants to insure that the essential qualities of specific buildings or sites remains intact.
- C. Back lot development is consistent with the Agricultural Goal and Objective of the 1988 Master Plan "To encourage the continued use of land in Town for farming" and "to encourage the preservation of Londonderry's agricultural atmosphere".
- D. Agriculture is an important component of Londonderry's community character.
- E. The retention of stone walls and open space viewed from our roads enhances the community's rural and agrarian character.
- F. The Londonderry Master Plan 1988, et seq., and the Orchard and Open Space Protection Plan, 1996, shall be used as a guide in determining which properties reflect this character.

### **5.4.2 General Requirements**

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- A. The back lot development shall be subject to approval of a Conditional Use Permit by the Planning Board in accordance with Section 6 of this Ordinance generally, and Section 6.3.5 specifically, and shall be subject to approval by the Planning Board under the Londonderry Subdivision Regulations. It is strongly recommended that the applicant schedule a discussion with the Planning Board as early in the process as possible.
- B. The applicant shall place a permanent agricultural preservation restriction or conservation easement over a minimum of two (2) acres of roadside land (to be known as the FRONT LOT) with at least 150' of frontage on a Class V or better street and contiguous to each back lot created.
- C. Setbacks shall be a minimum of fifteen (15) feet from each property line
- D. Minimum back lot area shall not be less than one half (1/2) an acre. In addition, the back lot, together with the contiguous to acre restricted area assigned to it, shall satisfy the total soil carrying capacity as computed using Minimum Lot Size by Soil Type requirements specified in Section 3.3.
- E. Fifty feet (50') of frontage is required on the common driveway for each back lot created. The area within the common driveway access easement running through the restricted front lot shall not be counted for frontage purposes.
- F. All Zoning Regulations of the Town of Londonderry shall apply except as specified here.
- G. A Home Owners Association may be required in a form acceptable to the Planning Board
  - 1. Within the deed of each lot will be the right to use of the common driveway or access easement, a shared snow plowing and maintenance agreement and a stipulation that the driveway cannot be offered to the Town for acceptance as a public way
  - 2. The common driveway shall be built and the access easement recorded prior to issuance of certificate of occupancy for any dwelling located on a back lot.

#### **5.4.3 Specific Design Requirements**

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- A. A Subdivision Plan of the entire site proposed for back lot development shall be provided.
- B. The Water Supply and Waste Treatment System for a back lot development shall be designed in accordance with the standards and requirements of the New Hampshire Water Supply and Pollution Control Division and the Town of Londonderry.
- C. **Common driveway construction standards**
  - 1. Common driveway must meet AASHTO criteria for street intersection sight distance.
  - 2. Maximum length of the common driveway shall not exceed twelve hundred (1200) feet
  - 3. The width of the common driveway access easement shall be thirty five (35) feet. Additional width may be required to accommodate slope and drainage easements.
  - 4. Paved travel lane width shall be eighteen feet (18'), with two foot (2') shoulders on each side.
  - 5. If only one (1) back lot is to be served by the driveway, the travel way may be gravel and twelve feet (12') wide.
  - 6. Common driveway to be constructed to Town of Londonderry Subdivision Street requirements.
  - 7. Maximum gradient eight percent (8%)

- D. Two (2) outdoor parking spaces are to be shown on each lot as no parking is allowed on the common driveway.
- E. Turnaround or "T" approved by the Fire Department shall be provided at the end of the common driveway.

#### **5.4.4 Agricultural Preservation Restrictions and Conservation Easements**

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For each lot created, the landowner shall place a permanent restriction on a minimum of two (2) acres of roadside agricultural land or open space with at least 150' of frontage per lot. The easement or restriction shall be granted to the Town and/or a non-profit conservation or agricultural organization. The landowner may retain ownership and use of the land, although its use would be limited to agriculture and open space. The Planning Board has the right to add easement language that maintains the rural character of the protected land. For example, best management practices could be proposed for orchard land or regular haying for meadowland. Such easements and restrictions are to be in a form acceptable to the Planning Board of the Town of Londonderry and shall be registered at the Rockingham County Registry of Deeds. The back lots and the protected front lots shall be shown on the same subdivision plan/plat.

### **5.5 Manufactured Housing**

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#### **5.5.1 Purpose**

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The purpose of this Section is to establish guidelines for the use of mobile homes/house trailers.

#### **5.5.2 General Regulations**

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- A. Every house trailer and mobile home hereinafter occupied as a dwelling shall be placed in an established trailer court/park, or on a separate lot in an AR district.
- B. The provisions of this Section shall not apply to the continued use of any house trailer or mobile home now occupied as a dwelling in its present location.
- C. If a house trailer or mobile home now occupied as a dwelling is moved from its present location, the future use of the trailer or mobile home must comply with the above paragraph 5.5.2.A.
- D. This Section does not prohibit a person from substituting a new trailer or mobile home for the one now existing in its present location if the square footage of the living area is at least equivalent to the replaced unit.
- E. Mobile homes entering or leaving courts or parks shall be registered by the owner at the Town Assessor's Office.
- F. The maximum number of trailers or mobile homes allowed in any trailer park shall be four (4) per acre unless such trailer will be attached to a Town sewer system in which case a maximum of eight (8) per acre shall be allowed.
- G. The placement or replacement of a mobile home, as may be allowed under the terms of this Ordinance, shall also comply with the provisions of the Floodplain Development Ordinance as it applies to mobile homes within special flood hazard areas.



- H. Mobile homes shall have a minimum of 600 square feet and mobile homes shall be certified that they comply with the mobile home construction and safety standards as adopted by the Department of Housing and Urban Development in 1976. All other manufactured housing shall comply with the Building Code of the Town of Londonderry.

## **5.6 Assisted Living Facilities & Nursing Homes**

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Assisted Living Facilities and Nursing Homes, where allowed according to Section 4.1, Use Table, shall be permitted according to the requirements provided in this Section.

### **5.6.1 Regulations and Design Criteria**

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- A. The tract shall have a minimum of fifty (50) foot frontage on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage on a Class V road or better may be required for traffic circulation or safety.
- B. The site shall be served by municipal water and sewer.
- C. The maximum building height shall be in accordance with the underlying zoning district, and no structure shall be greater than 3 stories.
- D. The maximum building length for any assisted living facility or nursing home in the AR-1 District shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.
- E. Open Space
  - 1. Total open space shall not be less than forty percent (40%) of the total development lot area.
  - 2. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
  - 3. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
- F. Required Facilities – The applicant shall be required to demonstrate the provision of support facilities and services as appropriate for the scale and location of the facility.
  - 1. Assisted Living facilities shall provide on-site services that support independent living for residents, including, at a minimum, communal dining facilities, and may include on-site personal care services, housekeeping and linen service and the supervision of self-administered medications.
  - 2. Nursing Home facilities shall provide on-site services that support the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent or chronic care.

## **5.7 Inclusionary (Workforce) Housing**

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### **5.7.1 Purpose**

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The purpose of this Section is to encourage and provide for the development of workforce housing within Londonderry. It is intended to ensure the continued availability of a diverse supply of home ownership and rental opportunities for persons meeting the definitions established in the State of NH's "Workforce Housing Statutes," [RSA 674:58-61](#). Additionally, in implementing this Section, Londonderry has considered the region's affordable housing need as defined in the Southern NH Planning Commission Housing Needs Assessment.

### **5.7.2 Authority**

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The Section is enacted as an Inclusionary Zoning provision, pursuant to [RSA 674:2](#), Innovative Land Use Controls, which provides the statutory authority for the Town of Londonderry to provide intensity and use incentives, impact zoning, performance standards, and the ability for the Planning Board to grant Conditional Use Permits. The Planning Board shall be solely responsible for the interpretation and administration of this section, including the granting of all Conditional Use Permits relative thereto. Any decision made by the Planning Board under this section may be appealed directly to Superior Court in the same manner provided by [RSA 677:15](#).

### **5.7.3 Applicability**

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- A. Development in accordance with the provisions of this Section is permitted by Conditional Use Permit as defined in this Zoning Ordinance and as listed in the Permitted Use Table, Section [4.1.2](#).
- B. Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided for in [RSA 677:15](#). A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment ([RSA 676:5 III](#)).

### **5.7.4 Conditional Use Permit Criteria for Inclusionary / Workforce Housing**

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Where Inclusionary/Workforce Housing is permitted by Conditional Use Permit, the general criteria of Section [6.2](#) and specific criteria of Section [6.3.1](#) shall apply. An application for a Conditional Use Permit shall be filed in accordance with Section [6.4](#).

### **5.7.5 Small Workforce Housing Developments**

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- A. Single-family, two-family, three-family, four-family or any combination of dwelling units (up to 4) not to exceed two buildings per lot are permitted in the AR-1 Agricultural and Residential zoning district, according to the following:
  1. Provisions of Section [4.2.1.3](#) to the contrary notwithstanding, minimum area of a lot containing 1 to 4 units shall comprise:
    - a. A minimum of 35,000 SF for a single-family dwelling on lots served by public water and sewer, or
    - b. A minimum of 52,500 SF for a two-family dwelling on lots served by public water and sewer, or



- c. A minimum of 78,750 SF for a three-family dwelling in a single building or in two buildings on lots served by public water and sewer, or
  - d. A minimum of 105,000 SF for a four-family dwelling in a single building or in two buildings on lots served by public water and sewer, or
  - e. The minimum area necessary to comply with NH Code of Administrative Rules Chapter [ENV-Wq 1000](#) (ENV-Wq 1005.03 Minimum Lot Sizes) Latest Revision, if the property is not serviced by either public water or sewer or both, but in any case not less than 40,000 SF per unit
- 2. The proposed development must be of a scale and architectural character that is compatible with the surrounding residential neighborhood in the sole judgment of the Planning Board.
  - 3. Lot frontage for a single-family dwelling shall be a minimum of 75'; lot frontage for a two-family dwelling shall be a minimum of 100'; lot frontage for a 3 or 4 family dwelling shall be a minimum of 150'; back-lots shall have a minimum frontage of 50' with development permitted behind the point the lot meets the minimum required width at the setback line for the proposed number of dwelling units.
- B. A minimum of 50 % of the units shall be workforce housing as defined in Section 2 and subject to all the provisions of this Ordinance pertaining to Inclusionary Housing.
  - C. All height and setback dimensional requirements of the AR-1 zoning district shall apply.
  - D. No parking shall be located between the front lot line and the front plane of the building(s) closest to an existing Town street.
  - E. Conversions of an existing structure to workforce housing with 2 – 4 units shall be directed to the rear of the building as practical. Renovations and alterations to portions of an existing structure that are visible from a Town street shall be compatible with the appearance of the existing structure in the judgment of the Planning Board. Reconstruction of, or renovations or additions to, structures and new buildings associated with an existing structure in the Historic District shall comply with Section [4.6.2](#).
  - F. Each dwelling unit shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
  - G. A new detached structure containing Small Workforce Housing units shall be located to the rear of an existing structure. Detached structures shall be separated from each other and from any existing structure by a minimum of 20 feet for 1 and 2 family buildings, and 30 feet if either structure contains 3 units.
  - H. A Conditional Use Permit is required for Small Workforce Housing Developments, and shall be through application to the Planning Board. Approval of a Conditional Use Permit is contingent upon successful demonstration to the Planning Board that the proposed development is compatible with the surrounding neighborhood and is fully compliant with the provisions of Sections [5.7.4.A](#), [2.3.3.9](#), and [5.7.8](#).

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### 5.7.6 Live-Work Units

The business component of live/work units are intended for use by entrepreneurs and professionals in occupations including but not limited to: accountants; architects; artists and artisans; attorneys, computer software and multimedia-related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; insurance, real estate and travel agents; one-on-one instructors; photographers; and for light manufacturing/assembly and similar occupations;

- A. Live/work units are permitted by Conditional Use Permit in the Commercial and Industrial Zones, subject to the criteria of Section 6.2 and 6.3.3.
- B. In addition to the permitted uses above, the zoning administrator may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law.

#### **5.7.7 Administration, Compliance and Monitoring: Assurance of Continued Affordability**

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Each workforce housing lot or dwelling unit in a subdivision, conservation subdivision, multi-family residential development, mixed use residential development, or Planned Unit Development shall remain affordable, as defined in [RSA 674:58-61](#), for a period of not less than 40 years. This section shall be administered by the Planning Board.

- A. For-Sale Workforce Housing:
  - 1. No Certificate of Occupancy shall be issued for a Workforce Housing unit without written confirmation of the income eligibility of the buyer and the selling price of the Workforce Housing unit. An executed purchase and sale agreement shall be used to document selling price. Income eligibility of the buyer shall be certified by a qualified third-party entity with expertise in determining the eligibility of the prospective owners to purchase Workforce Housing, and provided to the Town in the form of an affidavit of compliance prior to closing on the unit.
  - 2. There shall be a limitation on the resale price of an affordable lot or unit consistent with the annual NHHFA Workforce Housing Purchase Limits (current year), and in every transfer of the lot's or unit's ownership. A restriction of resale to an income-eligible buyer is required by means of legally enforceable deed restrictions, restrictive covenants, contractual arrangements established to meet these continued affordability requirements, or other suitable methods specified in a legally enforceable document, applicable to the development and to each affordable lot or dwelling unit, found by the Planning Board to be appropriate and effective for ensuring such affordability, and filed in the Rockingham County Registry of Deeds. For each sale or re-sale of a Workforce unit, the deed shall reflect submission of an affidavit of compliance to the Town certifying income eligibility and qualifying selling price.
  - 3. The documents specifying such legally enforceable methods shall provide that the Town of Londonderry has legal rights on its own volition, or through its duly designated agent, to monitor and ensure the continuing validity of such covenant or document and to renew or cause renewal of such covenant or document for the purpose of extending for as many times as necessary the continuing affordability of lots or dwelling units as originally approved by the Planning Board.
- B. Rental Workforce Housing:
  - 1. The property owner, successor, or assign, shall be responsible for the continued affordability of Rental Workforce Dwelling Units consistent with [RSA 674:58-61](#) and aforementioned covenants and documents, as certified by a qualified third-party entity with expertise in determining the eligibility of the prospective renters. Annual reports shall

be submitted to the Planning and Economic Development Department by December 31st of each year. These reports shall contain all pertinent information relative to determination of gross rents and respective income qualification of tenants in accordance with the RSA's.

2. Annual rent increases for Workforce Housing units shall not exceed any increase in Area Median Income as reported by the US Department of Housing and Urban Development and by the New Hampshire Housing Finance Authority.
- C. Enforcement and penalties for non-compliance shall be in accordance with Sections 8.3 and 8.4 of the zoning ordinance.

#### **5.7.8 Statutory Procedures for Applications and Appeals**

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- A. Any person who applies for a workforce housing development under this ordinance shall file a written statement of such intent as part of the application. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. In any appeal where the applicant has failed to file the statement required by this paragraph, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development, or otherwise permits the proposed workforce housing development to proceed despite its nonconformance with the municipality's ordinances or regulations.
- B. If the Planning Board approves an application to develop workforce housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c)(1). It shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.
- C. Upon receiving notice of conditions and restrictions as stated in Section 5.7.8(B), the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the Planning Board, which shall not be less than 30 days.
  1. Upon receipt of such evidence from the applicant, the Planning Board shall allow the applicant to review the evidence at the board's next meeting for which 10 days' notice can be given, and shall give written notice of the meeting to the applicant at least 10 days in advance. At such meeting, the board may also receive and consider evidence from other sources.
  2. The board may affirm, alter, or rescind any or all of the conditions or restrictions of approval after such meeting.
  3. Subject to Section 5.7.8(C)(4), the Planning Board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the Board, in which case it may issue its final decision any time after the expiration of the period.
  4. If an applicant notifies the Planning Board in writing at any time that the applicant accepts the conditions and restrictions of approval, the Board may issue its final decision without further action.



## 5.8 Excavation of Earth Materials

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### 5.8.1 Objectives and Characteristics

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The purpose of this section is to establish regulations for the removal of sand, gravel, rock, loam, construction aggregate and other materials from a site for commercial purposes. These standards will minimize any adverse effects on the land caused by the excavation activities.

### 5.8.2 General Requirements

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- A. Excavation is an allowed use in all zones, except the Conservation Overlay District.
- B. Permanent Manufacturing Plants for the purpose of rock crushing are allowed in the C-I, C-II, I-I, and I-II zones.
- C. Temporary Manufacturing Plants for the purpose of rock crushing are allowed in all zones except the Conservation Overlay District.

### 5.8.3 Definitions pertaining to excavation

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The following words or phrases are selected to clarify their common usage in the interpretation of this section.

**Earth:** “soil” (see below) and bedrock.

**Excavation:** means a land area which is used or has been used for the commercial taking of earth including all slopes.

**Loam:** defined in paragraph 2.1 of Section 641 of the *Standard Specifications for Road and Bridge Constructions* of the State of New Hampshire, Department of Public Works and Highway, 1974, or as most recently published.

**Pit Agreement:** the documentation identified in Section 106 of the *Standard Specifications for Road and Bridge Constructions* of the State of New Hampshire, Department of Public Works and Highway, 1974, or as most recently published.

**Permanent Manufacturing Plant:** a rock crushing plant that operates for more than sixty (60) days. It is usually set on a concrete foundation.

**Soil:** “overburden” as described in *Basic Soils Engineering*, by B.K. Hough, Second Edition, 1969, a copy of which is on file with the Department of Public Works.

**Temporary Manufacturing Plant:** a temporary rock crushing plant used to produce crushed gravel or crushed stone product to be permitted in operation for not more than sixty (60) days.

### 5.8.4 Permit Required & Exemptions

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- A. No owner shall excavate or allow any excavation of earth on his premises without first obtaining a permit.
- B. Exemptions to this permit requirement are:
  - 1. Excavation for eventual residential occupancy or use that is exclusively incidental to the lawful construction or alteration of a building or structure or the lawful construction of a



- parking lot or way, including a driveway, on a portion of the premises where removal occurs.
2. Excavation for the eventual nonresidential occupancy or use that is in conformance with a site plan approved and pursuant to the Londonderry Site Plan Regulations
  3. Excavation for subdivision roadway construction that is in accordance with an approved subdivision plan on record in the Rockingham County Registry of Deeds.
  4. Excavation that is incidental to agricultural or silvicultural activities, normal landscaping, or minor topographical adjustment.
  5. Excavation from an area contiguous to or from contiguous land in common ownership with stationary manufacturing and processing plants which were operating on January 1, 1979, provided that such excavation was then permitted, or exempted from permit, by the Board of Selectmen pursuant to the Londonderry Zoning Ordinance.
  6. Excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V Highway, as defined in [RSA 230](#), by the Town of Londonderry or the State of New Hampshire, to a contracted agent of either governmental unit, which has jurisdiction for said highway, provided that any pit agreement entered in conjunction with said excavation shall be filed with and accepted by the Planning Board prior to the start of excavation; such excavation, however, shall not be exempt from the provisions of the express operational standards of [RSA 155-E:4-a](#) and the express reclamation standards of [RSA 155-E:5](#) and [155-E:5a](#).
  7. Excavation less than 500 cubic yards of earth provided that:
    - a. Following excavation, restoration of the area shall be in accordance with **Section 5.8.8**.
    - b. All excavating, handling, processing, and storing facilities are removed from the site.
    - c. The site is cleared of all stumps, logs, and boulders.
    - d. The site is regraded to the approximate level of the adjoining land.
    - e. The site is in accordance with **Section 5.8.8(A)(7)**
    - f. The duration of the excavation process, including land restoration, is less than ninety (90) days.

### **5.8.5 Application for Permit**

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Any owner will apply to the Planning Board prior to excavation of his land and send a copy of the application to the Conservation Commission. The application form shall be supplied by the Planning Board.

### **5.8.6 Excavation for which Permits will not be granted**

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The Planning Board shall not grant a permit:

- A. Where an excavation is proposed below road level within fifty (50) feet of any highway, unless such excavation is for purpose of said highway.
- B. When excavation is within the required boundary of a disapproving abutter or within ten (10) feet of the boundary of an approving abutter, unless approval is requested by said abutter.
- C. When the issuance of the permit would be unduly hazardous or injurious to the public welfare.
- D. Where existing visual barriers in the areas specified in [RSA 155-E:3\(III\)](#) would be removed, except to provide access to the excavation.

- E. Where the excavation would substantially damage a known aquifer, so designated by the United States Geological Survey and the Town of Londonderry Water Resource Management and Protection Plan dated Feb. 1991, or as most recently amended
- F. When the excavation requires land use permits from state or federal agencies; but the Planning Board may approve the application when all necessary land use permits have been obtained.
- G. Where the project cannot comply with the restoration provisions of **Section 5.8.8**.

#### **5.8.7 Minimum and Express Operational Standards**

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The following are the general conditions with which all excavation work must comply, following issuance of a permit:

- A. No excavation shall be permitted below road level within fifty (50) feet of the right of way of any public highway as defined in [RSA 229:1](#) unless the excavation is for the purpose of said highway.
- B. If the project site abuts a zoned Residential, Commercial III, or Commercial IV: No excavation shall be permitted within seventy-five (75) feet of the boundary of a disapproving abutter, within one thousand (1000) feet of any building which either existed or for which a building permit has been issued at the time the excavation is commenced.
- C. If the site abuts a lot zoned Commercial I, II or Industrial: No excavation shall be permitted within fifty (50) feet of the boundary of any disapproving abutter, within one thousand (1000) feet of any dwelling unit which either existed or for which a building permit has been issued at the time the excavation is commenced, within one hundred (100) feet of any other building which either existed or for which a building permit has been issued at the time the excavation is commenced.
- D. No excavation will be permitted within seventy-five (75) feet of any great pond, navigable river, or other standing body of water ten (10) acres or more in area or within twenty-five (25) feet of any other stream, river, or brook which normally flows throughout the year, or any naturally occurring standing body of water less than ten (10) acres, Named Wetland from Section 2.6.3.9, prime wetland as designated by [RSA 482-A15](#), or any other wetland greater than five (5) acres in area as defined by the Wetlands Board.
- E. Vegetation shall be maintained or provided within the peripheral areas as required by paragraphs **5.8.7(A)** through **5.8.7(D)**.
- F. Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods. Excavation practices which result in continued siltation of surface water supplies are prohibited.
- G. No fuels, lubricants, or other toxic or polluting materials shall be stored on site unless in compliance with state laws or rules pertaining to such materials.
- H. Where temporary slopes will exceed a grade of 1:1, a fence or other suitable barricade shall be erected to warn of danger or limit access to the site.
- I. All original topsoil shall be stockpiled on the site and spread on the final slopes. No original topsoil, including loam, may be removed from the site unless written permission therefore is given by the Planning Board.
- J. Interim, i.e., daily, and final slopes shall not be left steeper than three to one (3:1), unless written permission is obtained from the Planning Board, who may require specific soils data to be obtained at the expense of the owner.

- K. If the slope intervals are higher than twenty (20) feet they shall be terraced at intervals of twenty (20) feet, terraces to be at least five (5) feet wide.
- L. Hours of excavation shall be limited, such that no work shall take place prior to 7:00 a.m., after 7:00 p.m.; prior to 9:00 a.m., after 5:00 p.m. on Saturdays; or on Sundays or holidays.
- M. Blasting shall be in accordance with the Town of Londonderry Regulations.
- N. All structures and processing equipment shall be setback a minimum of one thousand (1000) feet from a building which either existed or for which a building permit has been issued at the time the excavation is commenced, two hundred fifty (250) feet from all property lines.
- O. Maximum height of structures and processing equipment shall be fifty (50) feet from the ground surface where the equipment is located.
- P. The operation shall comply with all applicable federal, state, and local air pollution control laws and regulations. Dust shall be controlled so that there are no visible emissions present at the property boundary.
- Q. Devices to muffle equipment noise, landscape earth berms, screen planting, decorative screen walls or other barriers or devices shall be installed as necessary to achieve compliance with the Town of Londonderry noise control standards. At the property line, noise shall not exceed a maximum level of seventy-five (75) decibels.
- R. Operation and other activities, other than blasting, shall cause no inherent or recurring generated vibrations perceptible without instruments at any point along the property line.

#### **5.8.8 Minimum and Express Reclamation Standards**

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Within twelve (12) months after the expiration date in the permit or the completion of the excavation, whichever comes first, the owner of the excavated land shall restore the area affected by the excavation to meet each of the following standards:

- A. Except for exposed rock ledge, said area shall be covered with vegetation suitable to prevent erosion and with soils suitable to sustain such vegetation, thus:
  - 1. No area shall be left in such a condition that erosion of the area after completion of the work may result in water pollution by silt or other deleterious substances.
  - 2. The area will be left in such shape and condition that material will not wash, block, or obstruct drainage ways.
  - 3. Unless the area is intended to serve as an approved pond for recreation purposes, the area shall be left as free draining as practicable.
  - 4. The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow.
  - 5. Unless otherwise allowed in writing by the Planning Board, all disturbed areas shall be spread with original topsoil or strippings, if any, to a minimum four (4) inch depth.
  - 6. Unless waived in writing or otherwise stipulated by the Planning Board, areas from which trees have been removed shall be planted with two-year old plants or plants furnished under a standard nursery order. Seedlings without center buds and seedlings with pruned roots will not be accepted. Seedlings will be set out under horticultural practice at eight-foot spacing in both directions, all as approved by the Planning Board.



7. Areas from which low brush or grass has been removed shall be covered with material capable of supporting vegetation and seeded in accordance with Vegetating New Hampshire Sand and Gravel Pits, revised April 1991, or as most recently amended.
  8. Unless written permission has been obtained by the Planning Board to preserve fire or other access roads (paved or unpaved) to excavated areas, such roads shall be obliterated.
- B. Earth and vegetative debris resulting from excavation shall be buried or removed.
- C. The elimination of any standing bodies of water created in excavation project as may constitute a hazard to health and safety, unless the Planning Board specifies different restoration.

#### **5.8.9 Amendment of Permit**

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If the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal or the restoration plan, the owner shall submit an application for amendment of his excavation permit, which application shall be subject to approval in the same manner as provided for an original excavation permit.

#### **5.8.10 Hearing on Applications**

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Prior to the Planning Board approving an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held in accordance with [RSA 155-E:7](#).

#### **5.8.11 Issuance of Permits; Prerequisites**

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If the Planning Board approves the application after a public hearing and determines it is not prohibited by [Section 5.8.6](#) above, the Board shall grant an excavation permit only after:

- A. Town Receipt of an excavation permit fee as shown in [5.8.15](#).
- B. Unless waived by the Planning Board, receipt by Finance department of a bond or other surety in an amount computed by the Department of Public Works and approved by the Planning Board as being reasonably sufficient to guarantee permit compliance.
- C. Unless waived by the Planning Board, receipt by the Planning Board of a letter by counsel for the Planning Board certifying all documents as to form, said counsel fees to be paid by the owner.

#### **5.8.12 Posting, Transferability, Expiring Dating and Conditions on Permits**

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- A. A copy of the permit shall prominently be posted at the excavation site or the principal access thereto.
- B. A permit shall not be assignable or transferrable without the prior written consent of the Planning Board.
- C. A permit shall specify the date upon which it expires.
- D. The Planning Board may include in a permit reasonable conditions as are consistent with the purpose of [RSA 155-E](#), including the provision of visual barriers to the excavation.

#### **5.8.13 Rehearings**

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- A. If the Planning Board disapproved or approves an application for an excavation permit or an application for an amended permit, any interested person affected by such decision may appeal to the Planning Board for a rehearing on such decision or any matter determined thereby. The

motion for a rehearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable, and said appeal shall be filed within ten (10) days of the date of decision appealed from. The Planning Board shall grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days.

- B. Any persons affected by the Planning Board's decision on a motion for rehearing to the Planning Board may appeal in conformity with the procedures specified in [RSA 677:4-14](#).

#### **5.8.14 Violation and Penalties; Enforcement**

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- A. The Planning Board or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this chapter or made a material misstatement in the application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with **Section 5.8.13**.
- B. The Planning Board or a person affected thereby may seek an order from the Superior Court that the violator cease and desist from violation of any provision of his permit or this chapter and take such action as may be necessary to be in compliance with his permit and this chapter. If the Superior Court issues such an order, the Planning Board or person affected, as the case may be, shall have judgment for all costs and attorney fees in seeking such an order.
- C. To ascertain if there is compliance with this chapter, a permit issued hereunder or an order issued hereunder, the Planning Board or its duly authorized agent may enter upon land on which there is reason to believe an excavation is being conducted or has been conducted since January 1, 1979.
- D. Whoever violates any provision of this chapter, a permit issued hereunder or valid order issued hereunder shall be guilty of a misdemeanor, if a natural person, or guilty of a felony, if any other person.

#### **5.8.15 Fees**

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The owner is responsible for fees in accordance with the requirements of the Londonderry Site Plan Regulations, as most recently amended.

#### **5.8.16 Specifications for Plans and Documents**

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- A. Specifications for plans and documents shall be in accordance with the Town of Londonderry Site Plan Regulations unless otherwise stated in this section.
- B. **Site Plan:** the site plan shall consist of a development plan, mitigation plan, and reclamation plan. The site plan shall be processed in accordance with the Town of Londonderry Site Plan Regulations.
  - 1. *Development Plan:* The Development Plan shall show how the mining and excavation uses proposed on the site conform to Town Regulations. The Development Plan includes a site plan that shows the location of physical site features and extraction and processing features:
    - a. Lot boundary (metes and bounds)
    - b. Area to be mined and excavated
    - c. Existing topography at contour intervals of five or fewer feet, based on USGS





- d. Wooded and heavily vegetated areas
  - e. The location and size of all underground and overhead utilities. The location of all manholes, transformer poles and other appurtenant facilities or structures shall be shown
  - f. Location and extent of any stone walls, ledge outcroppings, wells, existing buildings, septic systems, etc.
  - g. Existing and proposed fencing, buffers or visual barriers, including height and materials
  - h. The location of existing buildings, structures, septic systems and wells within one hundred fifty (150) feet of the property boundary
  - i. Any existing or proposed accessory facilities/activities
  - j. The location of all driveways and road intersections within two hundred (200) feet of the property boundary
  - k. Existing and proposed access roads, including width and surface materials
  - l. Parking and loading areas
  - m. Log of borings or test pits that extend to either the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including locations and soil data
  - n. The duration of operation, hours of operation, and the quantity of materials to be removed
  - o. Proposed routes of truck traffic from the site within the Town of Londonderry.
2. *Mitigation Plan:* The Mitigation Plan relates to the development plan and includes a site plan, narrative and cross-section that explain, illustrate and show mining procedures, practices, policies and methods that meet operational standards. The Mitigation Plan shall be at the same scale as the development plan, and covering the same area. The Mitigation Plan shall include:
- a. Elevations for the floor of the pit when mining is completed (prior to restoration)
  - b. The cross-section of the anticipated depth of extraction and ground slope when mining is completed (prior to restoration)
  - c. All stockpile areas on site
  - d. *Drainage study.* The drainage study shall be in accordance with the Town of Londonderry Site Plan Regulations
  - e. *Erosion and sedimentation plan.* This plan shall illustrate how erosion, sedimentation and nonpoint source pollution and contamination of the water table, nearby water bodies, streams, rivers, etc. will be avoided
  - f. A narrative explaining the actions the operator will take to reduce noise, dust, litter, and vibration. Also, where the operator will provide safety fencing and detail of the type of fencing
3. *Reclamation Plan:* The Reclamation Plan shows how the site is to be restored or redeveloped after all mining is concluded. The Reclamation Plan shall show either the final reuse and site configuration after the mining and excavation is ended or the interim holding use of the site and ground surface treatment until a later end-state reuse of the site is

identified. The Reclamation Plan shall be at the same scale as the development plan, and covering the same area. The Reclamation Plan shall include:

- a. All boundaries of the area proposed for reclamation
- b. Final topography of the area proposed for reclamation
- c. Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities
- d. The location of buried earth or vegetative debris
- e. Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types and rates
- f. Subsequent use of the site, if known or anticipated.

#### **5.8.17 Design Standards and Requirements for Improvements**

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Design standards and requirements for improvements shall be in accordance with the Town of Londonderry Site Plan Regulations unless otherwise noted in **Section 5.8**.

#### **5.8.18 Assurances for Completion and Maintenance of Offsite Improvements**

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- A. A financial security shall be submitted to the Town of Londonderry for the repairing of damage to public highways and infrastructure (bridges, culverts, etc.) caused by truck traffic to and from the site. The financial security shall be in accordance with the Town of Londonderry Site Plan Regulations.
- B. A financial security shall be submitted for any offsite improvement associated with the approved plan. The financial security shall be in accordance with the Town of Londonderry Site Plan Regulations.

#### **5.8.19 Reclamation Bond**

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The owner shall submit a financial security to the Town of Londonderry to insure the reclamation of the site. The financial security shall be in accordance with the Town of Londonderry Site Plan Regulations.

#### **5.8.20 Annual Renewal**

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The owner shall complete and submit the *Excavation Renewal Form* (available in the Planning Department) on or before September 1 of each year. The Planning Board's duly authorized agent shall inspect the site, review the reclamation bond and submit a report to the Planning Board regarding the project's conformance with the approved site plan. The permit will be acted upon by the Planning Board on or before December 31 of each year.

#### **5.8.21 Inspection**

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The Planning Board or its duly authorized agent shall have access to the excavation site at all times in order to inspect the site to insure compliance with the approved site plan.

### **5.9 Sexually Oriented Businesses**

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### **5.9.1 Purpose and Intent**

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It is the intent of this Section to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses within the Town of Londonderry; and to protect the citizens of the Town of Londonderry from the secondary effects of such Sexually Oriented Businesses and, it is the intent to promote the health, safety, and general welfare of the citizens of the Town of Londonderry; and it is the intent of this Section that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of Sexually Oriented Businesses; and the provisions of this article have neither the purpose nor the intent of imposing limitation or restrictions on the contact of any communicative materials, including Sexually Oriented Materials, and it is not the intent nor the effect of this article to restrict or deny access by adults to Sexually Oriented Materials protected by the First Amendment, or to deny access by the distributors and exhibitors of Sexually Oriented Entertainment to their intended market; and neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

### **5.9.2 Location Restrictions of Sexually Oriented Businesses**

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Location Restrictions of Sexually Oriented Businesses as defined in **Section 2**, shall be subject to all regulations, requirements, and restrictions for the zone in which the Sexually Oriented Businesses are permitted and shall be subject to the following distance requirements:

- A. No Sexually Oriented Business shall be permitted within 1,000 feet of another Sexually Oriented Business which is either existing at the effective date of his article or one for which a building permit has been applied for, and no Sexually Oriented Business shall be permitted within a building, premises, structure or any other facility that contains another Sexually Oriented Business.
  - 1. No Sexually Oriented business shall be permitted within 500 feet of any:
    - a. Residentially zoned land (AR-I and R-III)
    - b. Commercial III (office) zoned land;
    - c. Church, place of worship, parish house, convent, public or parochial or private school; kindergarten, state approved day care center, public sports or recreation park;
    - d. Town boundary line
- B. **Measure of Distance**

The distancing requirements above shall be measured in a straight line, without regard to intervening structures, from the property line of any site above (unless otherwise specified) to the closest exterior wall of the structure where Sexually Oriented Business is conducted.

### **5.9.3 Performance Standards**

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- A. **Lighting**

Lighting shall be high pressure sodium vapor and located adjacent to the designated parking spaces at a ratio of one light per twenty (20) spaces. Spotlights or similar illuminating devices shall be shielded and/or directed to avoid visibility of the light source and any associated beam from public right of way or adjacent property.
- B. **Screening**

“Sexual Conduct” including instruments, devices or paraphernalia which are designed for use in connection with sexual conduct or their images, shall not be visible in any fashion whatsoever from the outside of the building where the business is located.

**C. Signage**

Signage shall comply with Section 7, Signage, of this Ordinance. Signs shall not include nudity or include images or references to sexual conduct, whether actual or simulated, or instruments, devices, or paraphernalia which are designed for use in connection with sexual conduct.

**D. This use is subject to Site Plan Review**

**E. Noise**

No prurient sounds associated with sexual conduct shall be audible outside the building or portion of the building in which business is conducted.

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### **5.9.4 Severability**

The invalidity of any Section or provision of this article shall not invalidate any other Section or provision thereof.

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## **5.10 Wireless Telecommunications Facilities**

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### **5.10.1 Purpose and Intent**

The purpose of this Section is to provide for the appropriate location and development of wireless telecommunication facilities (hereinafter “facility(ies)”) consistent with NH RSA 12-K, as amended, and the land use regulations of the Town of Londonderry, and allow comprehensive services to all residents, businesses, and visitors in a manner which preserves the scenic, historical, environmental, safety, health and cultural values of the Town, balances economic growth and enhances the ability of providers to offer such services efficiently, safely and effectively, require cooperation and co-location to the highest extent possible between providers, and provide for the removal or upgrade of facilities when technologically outdated or abandoned .

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### **5.10.2 General Provisions**

**A. Location**

1. Construction of new wireless communications facilities is prohibited in the Conservation Overlay, Agricultural-Residential and Multi-Family Residential zoning districts.
2. Wireless Communications facilities are permitted as a use by right in the Commercial I, Commercial II, Commercial III, Industrial-I and Industrial-II zoning districts only if the criteria of Section 5.10.3 of this Ordinance are met.
3. If the criteria of Section 5.10.3 are not met, then a Special Exception must be obtained in the Commercial I, Commercial II, Commercial III, Industrial-I and Industrial-II zoning districts.

**B. It is required by this ordinance that cellular phone antennae be placed on an existing wireless facility tower if it is physically and legally possible.**

**C. Signs are prohibited on Wireless Communications Facilities**

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### **5.10.3 Performance Criteria**

**A. Wireless Facility Performance Criteria**



SECTION	AR-I, R-III, CO	C-I, C-II, C-III, IND-I, IND-II
<b>5.10.3.A.1 Cellular Antenna to be affixed to a new (proposed) ground tower</b>	Not allowed	Maximum Tower Height: 190 feet Setbacks: The GREATER distance by application of the following: 1. Tower Height +10 feet from street rights-of-way or site boundaries 2. Two (2) times the tower height from abutting residential property lines 3. The tower shall be fenced to a minimum height of eight (8) feet with two (2) strands of barbed wire 4. Site Plan Review required
<b>5.10.3.A.2 Cellular antenna to be affixed to an existing building without a roof tower</b>	Not allowed	1. Antenna may be placed on the facade or roof of conforming building or structures without regard to height or setback of the building. 2. Antenna support structures will be considered to be roof towers if the height of the structure exceeds ten (10) feet above permitted height of building.
<b>5.10.3.A.3 Cellular antenna to be affixed to a new (proposed) roof tower.</b>	Not allowed	Roof Towers may be placed on the roof of a conforming building using either of the following to determine tower height and setback: 1. Tower height above the roof may be as high as the setback distance to the nearest roof edge. 2. The heights allowable for a ground tower may be used for a roof tower if the required setbacks for a ground tower are met.
<b>5.10.3.A.4 Cellular antenna to be added to an existing approved or permitted tower.</b>	Not allowed	Allowed if following conditions are met: 1. The tower height is not increased. 2. No ancillary features are added to the tower other than antenna, required safety hardware, and ancillary equipment buildings. 3. All conditions of the previous tower approval have been satisfied.
<b>5.10.3.A.5 Existing nonconforming tower</b>	N/A	Subject to zoning requirements concerning Nonconforming Structures
<b>5.10.3.A.6 Ancillary equipment building(s)</b>	Not allowed	1. Subject to all requirements of appropriate zone (i.e.: bulk, setback, etc.)

- B. New ground towers shall be subject to site plan review. The assessment and review of each application for a wireless facility's compliance with the Performance Criteria shall be the responsibility of the Building Inspector, Planning Director and Town Engineer. For antennas mounted on existing structures, the above-mentioned Town review team shall ascertain that the proposal meets all applicable Town requirements as follows:
1. Site and building plans shall be submitted and approved as specified herein.
  2. A report prepared by a qualified professional engineer registered in the State of New Hampshire indicating the existing structures' suitability to accept the antenna, and the proposed method of affixing the antenna to the structure shall be limited along with the complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- C. Any proposed wireless communication facility shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Wireless communication facilities shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- D. Temporary facilities must meet the following requirements:
1. Use of a temporary facility in excess of one day is allowed only if the owner has received a temporary use permit from the Londonderry Building Department
  2. Temporary wireless facilities are permitted for use not to exceed a total of thirty (30) days during construction of permanent facilities or a total of ten (10) days during a special event.
  3. The maximum permitted height of a temporary wireless facility is fifty (50) feet from grade.

4. Temporary facilities are subject to all applicable portions of this Ordinance.

#### **5.10.4 Non-Commercial Wireless Facility (Amateur Radio) Standards**

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Towers that solely support amateur radio equipment ("Ham Radio Towers") and conform to all applicable performance criteria as set forth in Section 5.10.3, shall be permitted in the rear yard of residentially-zoned parcels. Ham Radio Towers shall be limited to the minimum height that is technically necessary to engage successfully in amateur radio communications.

#### **5.10.5 Removal of Unused Towers or Portions of Towers**

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Unused towers or portions of towers shall be dismantled and removed as follows:

- A. Any approval of a new ground tower and associated facilities shall be subject to a condition that the tower and facilities shall be removed within six (6) months of the cessation of operations unless a time extension is approved in writing by the Planning Board. All abandoned or unused towers and associated facilities at the site, unless a time extension is approved in writing by the Planning Board.
- B. At the time of application, the applicant, if not the landowner, shall submit a copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations.
- C. In the event that a tower is not removed within six (6) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Town and the costs of removal assessed against the property.
- D. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. Any replacement of portions of a tower previously removed shall be subject to the approval and permit requirements of this Section.
- E. As a condition of approval, the applicant shall provide security in a form and amount acceptable to the Planning Board to ensure removal of the unused tower. The security shall be maintained until the tower is removed.
- F. The owner of a wireless facility, with written authorization from the property owner, shall file annually a declaration with the Planning Department as to the continuing operation of every facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and considered abandoned, thus subject to the provisions of Sections 5.10.5(A) through 5.10.5(E) above.

#### **5.10.6 Special Exception for Wireless Communication Facilities**

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A Special Exception for a Wireless Communication Facility shall be granted only in Commercial (C) and Commercial-I (C-I) zoning districts upon a determination by the Zoning Board of Adjustment that the wireless communications equipment planned for the proposed site cannot be accommodated:

- A. On an existing or approved antenna support structure or on any alternative tower structure for which an application is pending within a radius of:
  - 1. One mile for structures of one hundred twenty (120) feet or greater in height;
  - 2. One half mile for structures under one hundred twenty (120) in height, or
  - 3. One quarter mile for structures under eighty (80) feet in height for one of the following reasons:



- a. The planned equipment would exceed the structural capacity of the existing, approved or pending antenna support structure, as documented by a qualified professional engineer registered in the State of New Hampshire, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost (defined here in as three quarters (3/4) of the cost of the tower;
  - b. Planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified professional engineer registered in the State of New Hampshire and the interference cannot be prevented at a reasonable cost.
  - c. Existing or approved antenna support structure within the required radius cannot accommodate the planned equipment at the necessary height as documented by a qualified professional engineer registered in the State of New Hampshire.
- B. The burden of proof is upon the applicant to demonstrate that all reasonable alternatives to the erection of a new structure have been fully explored.

## 5.11 Small Wind Energy Systems

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### 5.11.1 Purpose

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This small wind energy systems section is enacted in accordance with [RSA 674:62-66](#), and the purposes outlined in [RSA 672:1-III-a](#). The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

### 5.11.2 Definitions Specific to this Section:

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**Meteorological tower (met tower).** Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

**Modification.** Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

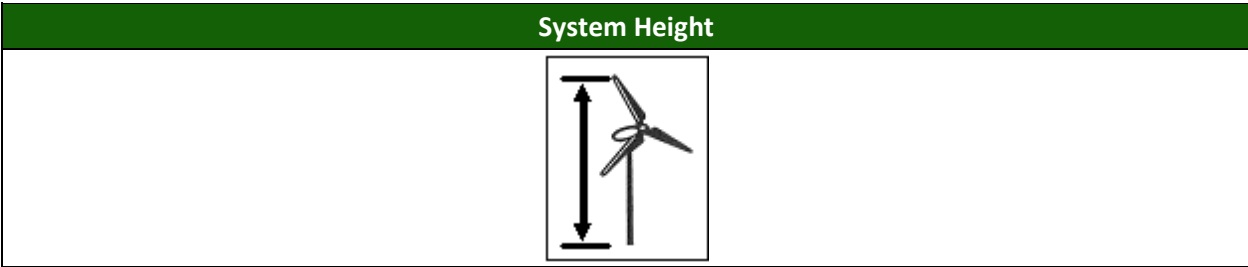
**Net metering.** The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

**Power grid.** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**Shadow flicker.** The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

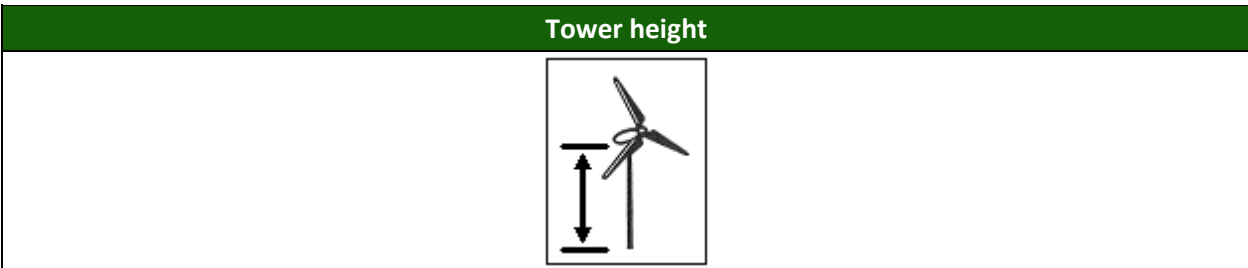
**Small wind energy system.** A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

**System height.** The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point (see below).



**Tower.** The monopole, guyed monopole or lattice structure that supports a wind generator.

**Tower height.** The height above grade of the fixed portion of the tower, excluding the wind generator (see below).



**Wind generator.** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

### 5.11.3 Procedure for Review

- A. **Building Permit:** Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the building inspector. A building permit shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.
- B. **Application:** Applications submitted to the Senior Building Official shall contain a site plan with the following information:
  1. Property lines and physical dimensions of the applicant’s property.
  2. Location, dimensions, and types of existing major structures on the property.

3. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
  4. Tower foundation blueprints or drawings.
  5. Tower blueprints or drawings.
  6. Setback requirements as outlined in this ordinance.
  7. The right-of-way of any public road that is contiguous with the property.
  8. Any overhead utility lines.
  9. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
  10. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
  11. Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
  12. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
  13. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
  14. List of abutters to the applicant's property.
- C. **Abutter and Regional Notification:** In accordance with [RSA 674:66](#), the Senior Building Official shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the building inspector prior to the issuance of the building permit. The Senior Building Official shall review the application for regional impacts per [RSA 36:55](#). If the proposal is determined to have potential regional impacts, the Senior Building Official shall follow the procedures set forth in [RSA 36:57, IV](#).

#### 5.11.4 Standards

- A. The Senior Building Official shall evaluate the application for compliance with the following standards:
1. *Setbacks:* The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Table 5-1 Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0 times system height	1.5 times system height	1.1 times system height	1.5 time system height

- a. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
- b. Guy wires used to support the tower are exempt from the small wind energy system setback requirements.



2. *Tower:* The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.
3. *Sound Level:* The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.
4. *Shadow Flicker:* Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
5. *Signs:* All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.
6. *Code Compliance:* The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
7. *Aviation:* The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to [RSA 422-b](#) and [RSA 424](#).
8. *Visual Impacts:* It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
  - a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
  - b. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.
  - c. A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
9. *Approved Wind Generators:* The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.
10. *Utility Connection:* If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to [RSA 362-A:9](#).

11. *Access:* The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
12. *Clearing:* Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

#### **5.11.5 Abandonment**

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- A. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- B. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:
  1. Removal of the wind generator and tower and related above-grade structures.
  2. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
- C. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
- D. If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

#### **5.11.6 Violation**

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It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

#### **5.11.7 Penalties**

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Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by [NH Revised Statutes Annotated Chapter 676:17](#).

## **5.12 Home Occupations**

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### **5.12.1 Purpose & Authority**

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The purpose of this section is to provide for home-based businesses while protecting the character of the residential neighborhoods in which they operate.

### **5.12.2 Requirements for All Home Occupations**

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- A. The activities associated with home occupations shall not detract from the rural character of the residential neighborhood, nor shall they create traffic, environmental or aesthetic impacts substantially different than the impacts created by other permitted uses in the neighborhood.
- B. The home occupation shall be incidental and secondary to the use of the property as a residential dwelling.
- C. Home occupations shall be permitted only in single-family or two-family dwelling units, and are not permitted in multi-family dwelling units.
- D. The home occupation shall occupy no more than twenty-five percent (25%) of the existing normal living area of the primary residence or, if the home occupation is conducted in an accessory building, no more than fifty percent (50%) of the existing normal living area of the primary residence. Up to a maximum of one thousand (1,000) square feet may be dedicated to the home occupation.
- E. Only members of the occupant's immediate family residing on the property may be employed.
- F. No exterior renovations or construction shall be permitted as part of a home occupation.
- G. Exterior storage of any products, equipment, machinery, or materials associated with the home occupation is prohibited.
- H. Traffic generated by the home occupation shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood.
- I. The off-street parking shall be adequate for anticipated customers, although no parking areas in excess of those necessary for normal residential purposes will be allowed.
- J. All home occupations shall be conducted in accordance with all Town regulations, state laws and licensing requirements.
- K. The following uses shall not be permitted as home occupations:
  - 1. Any use that generates, stores or uses regulated hazardous substances, receives or ships hazardous materials regulated under Chapter 49-Code of Federal Regulations, or that generates or disposes of hazardous waste as regulated under Chapter 40 – Code of Federal Regulations;
  - 2. Motor vehicle and machinery service, maintenance, repair and painting;
  - 3. Motor vehicle and machinery sales;
  - 4. Medical, dental, or veterinary practice;



5. Kennels; and
6. Landscaping businesses.

### **5.12.3 Home Occupations Permitted by Right**

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- A. Home occupations, which are not evident to the general public, are permitted by right in all zoning districts, when the following criteria are met:
  1. The home occupation has no impact on the surrounding neighborhood;
  2. The home occupation is not visible to the surrounding properties or the street;
  3. The home occupation is conducted entirely within the residence or accessory building(s), and there is no exterior signage;
  4. Only the residents' personal vehicle(s) are on the property;
  5. The home occupation has no employees other than the resident(s) of the dwelling;
  6. There is no increased traffic, and no deliveries are received by large freight vehicles.
- B. Home occupations permitted by right are subject to the requirements of Section [5.12.2](#).

### **5.12.4 Home Occupations Permitted by Special Exception**

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- A. Any home occupation, which does not meet the criteria of Section [5.12.3](#), must apply for and receive a special exception from the Zoning Board of Adjustment.
- B. The following documents shall be submitted with an application for Special Exception for home occupations:
  1. Property sketch and floor plan showing the driveway and parking areas and demonstrating that the home occupation does not exceed 25% of the normal living area of the home, or if the home occupation is conducted in an accessory building, no more than fifty percent (50%) of the existing normal living area of the primary residence. The property sketch shall also indicate the location of on-site parking, access, accessibility for residents and customers, and dumpster/trash location; and
  2. Description of the nature of the home occupation including, but not limited to, the anticipated number of customers/clients per day, hours of operation, deliveries and traffic generation.
- C. In addition to the general requirements of Section [5.12.2](#), the following criteria apply to home occupations permitted by special exception:
  1. Only one non-illuminated sign not to exceed three (3) square feet per side displayed is permitted.
  2. Upon request, the Board of Adjustment may permit employment of one additional employee on the site.
- D. The Zoning Board of Adjustment may impose such conditions and restrictions it deems desirable or necessary to protect the residential character of the neighborhood.

### **5.12.5 Child Care Facilities as Home Occupations**

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Child care facilities as home occupations are permitted by special exception from the Zoning Board of Adjustment.

- A. A child care facility shall comply with sections [5.12.2](#) and [5.12.4](#).

- B. The Zoning Board of Adjustment shall consider, in addition to compliance with Section 5.12.2 and 5.12.4, whether the facility will adversely affect the subject property and neighboring properties by reason of any unusual sight, light, noise, smell, traffic, adequacy of parking for drop-off and pick-up of children, and site improvements such as fencing.
- C. A child care facility shall comply with all applicable licensing requirements of the State of New Hampshire and the Department of Health and Human Services Child Care Licensing Unit, the NH Child Care Program Licensing Rules, and the requirements of New Hampshire RSA 170.
- D. The Zoning Board of Adjustment may impose additional conditions and restrictions it deems desirable or necessary to protect the residential character of the neighborhood protect the residential character of the neighborhood.
- E. For every year that the home occupation remains in effect, a copy of the annual license issued by the State of New Hampshire for the child care facility shall be provided to Town.

#### **5.12.6 Adult Day Care Facilities as Home Occupations**

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Adult day care facilities as home occupation are permitted by special exception from the Zoning Board of Adjustment.

- A. An adult day care facility shall comply with sections 5.12.2 and 5.12.4.
- B. The Zoning Board of Adjustment shall consider, in addition to compliance with Section 5.12.2 and 5.12.4, whether the facility will adversely affect the subject property and neighboring properties by reason of any unusual sight, light, noise, smell, traffic, adequacy of parking for drop-off and pick-up of clients, and associated site improvements.
- C. An adult day care facility shall comply with all applicable licensing requirements of the State of New Hampshire and the Department of Health and Human Services, Office of Operations Support - Health Care Facilities – Bureau of Licensing & Certification, the NH Code of Administrative Rules for Residential Care and Health Care Facilities Rules, and the requirements of New Hampshire RSA 151 et seq.
- D. The Zoning Board of Adjustment may impose additional conditions and restrictions it deems desirable or necessary to protect the residential character of the neighborhood protect the residential character of the neighborhood.
- E. For every year that the home occupation remains in effect, a copy of the annual license issued by the State of New Hampshire for the adult day care facility shall be provided to Town.

#### **5.13 Farm Retail Sale of Consumable Non-Farm Products**

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The Town of Londonderry has recognized the value of maintaining its farmland as viable farm enterprises. In support of the economic viability of such operations the Board of Adjustment may grant a special exception to allow the retail sale of non-farm grown products such as ice cream, baked goods, Christmas Trees, honey, etc. The total retail value of said special exception sales shall not exceed in value the total sales of the primary crops.

The Board of Adjustment shall impose such conditions and restrictions as it deems desirable or necessary to protect the residential character of the neighborhood. The applicant shall comply with the conditions set forth in the granting of special exception and the failure to comply will result in the revocation of the special exception.

In granting such special exception, the Zoning Board will consider the adequacy of: parking, sewerage disposal capacity, required permits, days, and hours of operation.

## 5.14 Fences

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- A. Fences shall be subject to the following requirements to ensure safe sight distance and to limit barriers that materially impede vision along the public right-of-way
  - 1. No fence shall be erected which constitutes a Spite Fence according to [RSA 476](#).
  - 2. All private fences are prohibited within the public right-of-way.
  - 3. No fence shall obstruct the proper sight distance as established by the Londonderry Department of Public Works.
  - 4. No fence shall be erected which incorporates barbed wire, razor wire, or other sharp edges in its construction, with the exception of security fences for commercial and industrial properties as approved by the Planning Board, or agricultural fences for the confinement of livestock.
- B. Fences located in the front yard of residential properties may not exceed four (4) feet in height except for agricultural fences for the confinement of livestock. The front yard, for the purpose of this section, shall be that portion of the property encompassing the area from the front property line to the 40 foot setback line. For corner lots fronting on two public rights-of-way the front yard shall apply to both property lines abutting both rights-of-way.
  - 1. The height of fences located at the front setback line of residential properties shall be limited to the height restrictions established for the AR-I district.
  - 2. Fences located along the side and rear property lines in the AR-I district shall not exceed six (6) feet in height.
- C. Fences installed on properties in the Commercial and Industrial zones shall be subject to Planning Board approval.

## **5.15 Portable Storage Structures**

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### **5.15.1 Portable Storage Structures in the AR-I District**

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- A. Portable storage structures may be permitted by Special Exception of the Zoning Board of Adjustment in the AR-I District providing that the general requirements of Section 8.1.5.1 and the following criteria are met:
  - 1. There must be no more than one portable storage structure per property.
  - 2. The portable storage structure must be no larger than ten feet wide, twenty feet long, and 10 feet high.
  - 3. The portable storage structure shall be located to the side or rear of the principal structure on the property.
  - 4. The portable storage structure shall be set back a minimum of 15 feet from any side or rear lot lines, and 40 feet from any front property line
  - 5. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
  - 6. The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks.
  - 7. The Zoning Board of Adjustment may impose additional conditions such as appropriate screening, landscaping, fencing or other requirements that it deems necessary to protect the character of the neighborhood.
  - 8. The Applicant shall state what length of time a portable storage structure will remain on the property. The Zoning Board of Adjustment may approve or limit the length of time a portable storage structure may remain on the property.
- B. Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from Section [5.15.1\(A\)](#).
- C. All portable storage structures shall be maintained in good condition and free from evidence of deterioration.

### **5.15.2 Portable Storage Structures in Commercial Districts**

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The use of portable storage structures is allowed in the Commercial Districts under the following conditions:

- A. There must be no more than one portable storage structure per property unless otherwise approved as part of a site plan
- B. The portable storage structure must be no larger than ten feet wide, forty feet long and 10 feet high.
- C. A portable storage structure shall not remain at any property in excess of six (6) consecutive months, unless otherwise approved as part of a site plan.
- D. The portable storage structure shall be set back a minimum of 30 feet from any side or rear lot lines, and 60 feet from any front property line.



- E. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
- F. The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.
- G. Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from **Sections 5.15.2(A) through 5.15.2(F)**

### **5.15.3 Portable Storage Structures in Industrial Districts**

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The use of portable storage structures is allowed in the Industrial Districts under the following conditions:

- A. There must be no more than one portable storage structure per property unless otherwise approved as part of a Site Plan.
- B. The portable storage structure must be no larger than ten feet wide, forty feet long, and 10 feet high.
- C. A portable storage structure shall not remain at any property in excess of six (6) consecutive months unless otherwise approved as part of a site plan.
- D. The portable storage structure shall be set back a minimum of 20 feet from any side or rear lot lines, and 30 feet from any front property line.
- E. The portable storage structure shall be set back a minimum of five feet from the nearest wall of a building.
- F. The portable storage structure shall be required to be placed on a paved, concrete, other appropriate impervious surface, or be placed on blocks, and shall not obstruct any required parking spaces on the site.
- G. Portable storage structures associated with construction at a property where a building permit has been issued are permitted for the duration of construction activities on the property and shall be removed from the property within fourteen days of the issuance of a certificate of occupancy. Portable storage structures associated with construction are exempt from **Sections 5.15.3(A) through 5.15.3(F)**.

## 5.16 Performance Standards for Commercial and Industrial Districts

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It is the intent of these regulations to prevent land or buildings, including those permitted by right or special exception, from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; conditions conducive to the breeding of rodents or insects; or other substances or conditions in a manner or amount as to adversely affect the surrounding area.

### 5.16.1 Vibration

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No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

### 5.16.2 Noise

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All noise, except that generated by normal automobile, truck or railroad service shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. At property lines, noise may not exceed a maximum level of 75 decibels.

### 5.16.3 Air Pollution

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#### A. Visible Emissions

There shall not be discharged into the atmosphere from any source any air pollutant in excess of the darkness limitation listed below. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

#### B. Smoke and Air Contaminants

1. Smoke shall be regulated by the Ringlemann Chart method and limited to a maximum No. 2 Ringlemann for periods totaling four (4) minutes in any thirty (30) minute period and No. 3 Ringlemann for periods totaling (3) three in any fifteen (15) minutes when starting a new fire.
2. At property lines, dust, dirt and fly ash shall not exceed 0.3 grains per cubic foot of flue gas at a stack temperature of 500F and shall not exceed fifty (50) percent excess air and in no manner be unclean, destructive, unhealthful, hazardous nor shall visibility be impaired by the emission of a haze which unduly impedes vision within apparent opaqueness equivalent to No. 2 of the Ringlemann Chart.
3. There shall be no emission of an air contaminant from a manufacturing process or its equipment if the emitted contaminant as measured in the flue contains sulfur dioxide of more than 2000 parts per million.
4. The construction, reconstruction, installation or substantial alteration of incinerators is prohibited unless detailed plans and specifications have been submitted to, and approved by the State of New Hampshire Air Pollution Control Agency.
5. *Material Handling* - No person shall cause or permit any materials to be handled, transported, or stored in a manner which allows or may allow particulate matter to become airborne.



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#### **5.16.4 Odors**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

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#### **5.16.5 Glare and Heat**

No direct or sky-reflected glare from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted.

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#### **5.16.6 Harmful Interference**

As defined in the Federal Communications Commission's rules as amended, harmful interference is prohibited and, if caused shall be immediately eliminated.

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#### **5.16.7 Sewage and Waste Disposal**

- A. All industrial operations will be subject to the Londonderry Industrial Pretreatment Program which will ensure that all liquid wastes meet federal, state, and local regulations prior to disposal into a municipal sewer system.
- B. No waste material or refuse shall be dumped upon or permitted to remain upon any part of any property outside of the building constructed thereon.
- C. All hazardous or toxic solid wastes generated by any industrial process will be disposed of in accordance with guidelines established in the Londonderry Industrial Pretreatment Program.

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#### **5.16.8 Sidewalks and Pedestrian Facilities**

Sidewalks shall be provided on-site, as necessary and as determined by the Planning Board to protect pedestrians and promote the safe and efficient movement of pedestrian and vehicular circulation. Sidewalks shall be constructed in accordance with the standards set forth in Section 3.08 of the Site Plan Regulations.

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#### **5.16.9 Lighting**

Please see **Section 3.13** of the Town of Londonderry Site Plan Regulations for requirements and standards for lighting.

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#### **5.16.10 Electrical Power and Communication System Lines**

All electrical power and communication system lines shall be installed underground within the site.

## **5.17 Vehicle Access and Parking**

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### **5.17.1 Purpose and Intent**

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In order to minimize traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents, as well as to promote other elements of sound community planning; off-street parking, loading spaces, circulation, and access shall be required of all structures and land uses. Parking spaces, aisles, and circulation shall be provided for all permitted and conditional uses of structures, lots, and land in amounts not less than those specified in Section 3.09 of the Site Plan Regulations. It is further the intent of this ordinance to:

- A. Ensure there are adequate parking and loading facilities to serve the majority of traffic generated by the use or uses permitted to occupy the property. The number of required parking spaces shall be found in Section 3.09 of the Site Plan Regulations, and in most cases shall correspond to broad use categories rather than specific uses. Assumptions about the number of parking spaces required need to be consistent with Londonderry's long-term vision for growth as articulated in the current Master Plan.
- B. Promote strategies that go beyond minimum parking requirements and encourage shared parking, cross access agreements over interconnected sites, and mixed-use development wherever practical in accordance with the Master Plan.
- C. Ensure that any parking facility is so designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street;
- D. Reduce congestion in the streets and contribute to traffic safety.
- E. Encourage environmentally friendly access and parking areas.

### **5.17.2 Vehicle Access**

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- A. Vehicle access to all lots shall be from public right-of-way by one or more curb cuts/driveways.
- B. The location and design of curb cuts/driveways shall minimize traffic hazards and not unduly impede traffic flow in public right-of-way as provided in Section 3.08 of the Site Plan Regulations.

### **5.17.3 Location of Off-Street Parking and Loading Facilities:**

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#### **A. Parking Facilities**

- 1. Every lot shall have an off-street parking area. Parking on public rights-of-way or parking where it will obstruct property or public rights-of-way access is not permitted.
- 2. Loading spaces shall in all cases be on the same lot as the use they are intended to serve.
- 3. All off-street parking shall have direct access at all times by on-site travelways to a public right-of-way.
- 4. All parking areas within ten (10) feet of any structure shall have a curb or substantial bumper not less than four (4) feet from the structure.

#### **B. Loading Facilities**

- 1. No on-street loading or unloading shall be permitted, unless approved as part of a PUD.



2. Off-street loading spaces shall be provided on the same lot as the principal use they are intended to serve. In no case shall an off-street loading space be counted to satisfy the off-street parking requirements.
3. Loading bays shall meet the dimensional requirements of Section 3.09, Loading Space Dimensions.
4. Loading bay area abutting a residential zoning district shall not be located within fifty (50) feet of the residential (AR-I or R-III) zoning boundary line. Loading bays shall not be located on sides of buildings facing a public right-of-way except as specifically approved by the Planning Board. Where such request is granted, the Board shall require an opaque wall, fence, natural terrain, vegetation or other solution to provide screening as effectively as possible.
5. The area approved for loading or unloading shall not obstruct access to a property or right-of-way. All loading spaces shall have direct access to a public right-of-way.

#### **5.17.4 Off-Street Parking Requirements**

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- A. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- B. Snow removed from parking spaces and traffic lanes shall not be deposited in a manner or in locations that will result in its being a traffic hazard.
- C. Parking areas shall not be used for outdoor storage, display of items for sale, or other activities. Temporary displays require site plan approval.

#### **5.17.5 Parking for Disabled Persons**

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- A. **Handicapped Parking Spaces** - Parking spaces designed to accommodate the needs of the handicapped shall be required per state and federal law, and in accordance with the Town of Londonderry Site Plan Regulations, as most recently amended, and Section 1106 of the Building Code.

#### **5.17.6 Pedestrian and Bicycle Circulation**

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**Pedestrian Safety** - Insofar as practical, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation, including appropriate sidewalks, shall be provided on the site and its approaches. The pedestrian circulation plan shall be designed to minimize conflicts with vehicular traffic.

#### **5.17.7 Bicycle Parking**

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Off-street bicycle parking may be required by the Planning Board whenever any new use is established or any existing use is enlarged for which more than ten (10) automobile parking spaces are required. If required by the Planning Board, the quantity of required bicycle stalls will be determined as shown in Section 3.09 of the Site Plan Regulations.

## 5.18 Accessory Dwellings

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To increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory dwelling is permitted on any property containing an owner-occupied single-family dwelling, provided the following conditions are met:

- A. Accessory Dwellings shall be permitted only on properties containing an owner-occupied single-family dwelling.
- B. There shall be not more than one accessory dwelling per lot.
- C. An accessory dwelling shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size (of Section 4.2.1.3) or development density of the property.
- D. The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling, as of the date of the permit approval.
- E. The accessory dwelling shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
- F. The maximum size for an Accessory Dwelling shall not exceed 40% of the living area of the principal dwelling, and shall include no more than 2 bedrooms.
- G. The accessory dwelling shall be subsidiary in size and function to the principal dwelling and be consistent with the principal dwelling in appearance, design, colors, and materials.
- H. The accessory dwelling may be located within or added to the principal structure, or attached to an accessory structure such as a free-standing garage, or may itself be a free-standing accessory structure.
  - 1. If contained within or added to the principal structure, exterior entry to the accessory dwelling shall not face the street as a second door.
  - 2. If a free-standing structure or attached to a free-standing structure, the accessory dwelling shall be located only in the side or rear yard of the property.
- I. All required setbacks shall be complied with.
- J. If the accessory dwelling is not on public water and sewer, then well and septic provisions shall comply with New Hampshire Department of Environmental Services regulations.
- K. There shall be one parking space in the rear or side yard for the accessory dwelling and no additional curb cut.
- L. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family dwelling.
- M. Every Accessory Dwelling shall be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under [RSA 674:59](#).

### **5.19 Bed and Breakfast Homestay**

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- A. Bed and breakfast homestay uses shall be subject to the following regulations.
1. With the exception of homes or historic barns located within the Town of Londonderry cultural resources survey or listed on the national register of historic places, there shall be no more than four guest rooms
  2. Up to six guest rooms may be allowed for homes or historic barns located within the Town of Londonderry cultural resources survey or listed on the national register of historic places.
  3. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building.
  4. The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
  5. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes
  6. No exterior alterations, other than those required by law to ensure safety of the structure shall be made to any building for the purpose of providing a bed and breakfast homestay
  7. The homestay operation shall not use more than 50% of the floor area of the principal residence. Common areas such as kitchens are not included in this calculation.
  8. Adequate sewage disposal service shall be provided.
  9. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than thirty (30) days in any one year period

### **5.20 Location of Religious Facilities**

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- A. Religious facilities in residential districts must be on lots of two acres minimum and must have traffic access onto arterial or collector streets.
- B. All buildings and the parking lot associated with a religious facility will be set back a minimum of 20 feet from all adjacent residential lots, in accordance with Section 5.02 of the Site Plan Regulations. The landscaping of this setback buffer zone will be approved by the Planning Board
- C. Prior to construction or occupation, a sewage disposal plan will be approved and signed by the New Hampshire water supply and pollution control commission.
- D. Parking for religious facilities shall be determined by the requirements of **Section 3.09 of the Site Plan Regulations**.

### **5.21 General Regulations**

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Any and all uses allowed herein shall also be subject to all other applicable ordinances and regulations of the Town of Londonderry and to the statutes of regulations of the State of New Hampshire.

- A. All commercial and industrial uses, all clustered residential developments and all multi-unit dwellings consisting of more than two dwelling units, regardless of the district in which they are built, shall be subject to Site Plan review by the Londonderry Planning Board prior to the issuance of a building permit. In the event that a special exception is also required, the Board of Adjustment may request input from the Planning Board concerning items typically evaluated



during site plan review.

- B. Commercial piggeries or mink farms established for the raising, care, and keeping of pigs and minks, as a business, shall not be permitted in any district.
- C. Public and private dumps for the disposal of solid waste or any other wastes shall not be permitted in any district.
- D. No owner or occupant of land in any district shall permit a collapsed or burned building to remain in such a condition, but within six (6) months shall repair or rebuild such structure or remove the remains and clear the site to ground level. The Londonderry Building Inspector may grant an extension not to exceed six (6) months when conditions warrant.



## **6 CONDITIONAL USE PERMITS**

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### **6.1 Authority**

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As provided for in RSA 674:21, Innovative Land Use Control, this Section of the Zoning Ordinance shall provide for the granting of conditional use permits, by the Planning Board, as follows:

- A. The Planning Board shall then vote either to approve a conditional use permit as presented, approve it with conditions, or deny it.
- B. Prior to the granting of any conditional use permit, the applicant may be required to submit a performance security in a form acceptable to the Planning Board, depending on the scale of the proposed use. The security shall be submitted in a form and amount with surety and conditions satisfactory to the Planning Board to ensure that the construction will be carried out in accordance with the approved design. The security shall be submitted and approved prior to the issuance of any permit authorizing construction.
- C. The applicant may also be assessed reasonable fees to cover the cost of other special investigative studies and for the review of documents required by particular applications, reviews by the Town's legal counsel, and any third party consultant as may be required by the Planning Board per Section 2.01 d of the Site Plan Regulations.

### **6.2 General Criteria**

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The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit:

- A. Granting of the application would meet some public need or convenience.
- B. Granting of the application is in the public interest.
- C. The property in question is reasonably suited for the use requested.
- D. The use requested would not have a substantial adverse effect on the rights of the owners of surrounding properties.
- E. The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community
- F. There must be appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure public safety and to avoid traffic congestion.

Additional Conditional Use Permit procedures and requirements may be found within the specific criteria of Section 6.3.

### **6.3 Specific Criteria**

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#### **6.3.1 Inclusionary (Workforce) Housing**

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(Also refer to Section 5.7 Inclusionary (Workforce) Housing)

In addition to the general criteria of Section 6.2, the following criteria shall be used by the Planning Board in the evaluation of Conditional Use Permits for Inclusionary Housing, including Workforce Housing projects:

A. General:

1. The proposed development is fully compliant with all pertinent requirements of this Ordinance.
2. The proposed use is consistent with the Objectives and Characteristics of the zoning district and of the Inclusionary Housing Section [5.7.4](#).
3. The application demonstrates that the project for which the Conditional Use Permit is sought does not impact the 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.
4. The applicant has demonstrated that an alternative design for which dimensional relief 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.
5. Workforce housing units must be constructed at the same rate as market-rate units in the development.
6. All workforce housing units must be completed and made available for sale or rental before the final 10% of the market-rate units are approved for occupancy within the same development.
7. At least 51% of dwelling units on a development lot in any inclusionary housing development must contain at least 2 bedrooms.
8. 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.
9. The Planning Board may consider a project that would be the conversion of a large single family residential structure into multiple units that is identified as a "historic property" and listed in the Historic Properties Preservation Task Force Report, on file with the Heritage Commission. Such conversions shall be required to place a historic preservation easement on the historic structure. Any conversion of a historic structure shall also meet all of the other conditional use permit criteria from this section.

B. Multi-Family Workforce Housing:

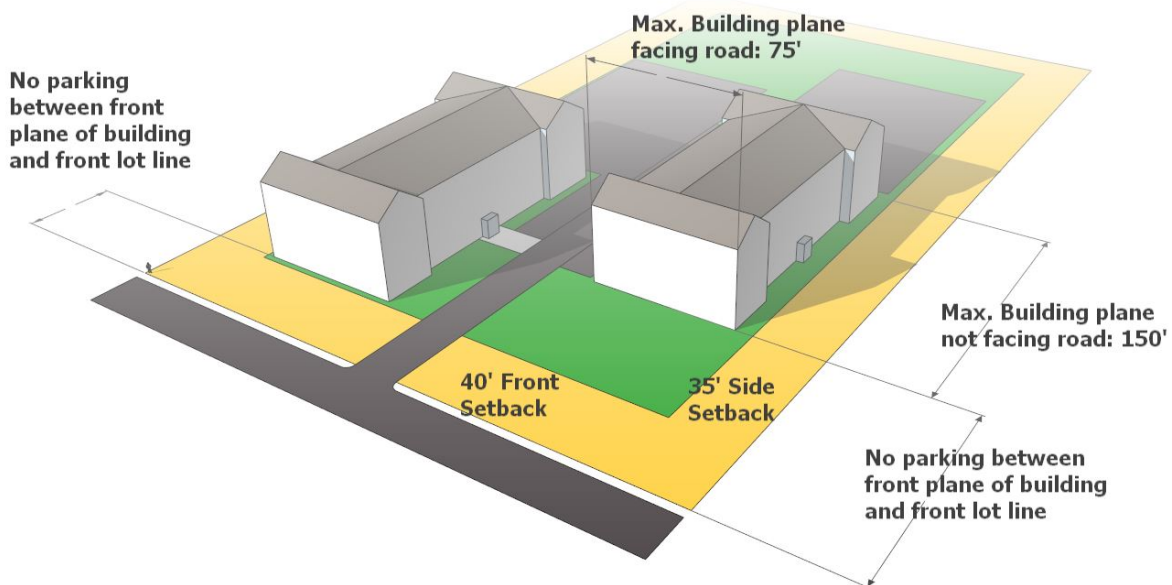
1. The project shall be served by municipal sewer and water service from Manchester Water Works, Derry Municipal Water, or Pennichuck Water and be consistent with the Town's Sewer Facilities Master Plan.
2. The project is designed to meet the requirements of [RSA 674:59](#), and provides a minimum of 50% of the units meeting the definition of "workforce housing" under [RSA 674:58](#).
3. All workforce units must be designed in such a way as to be indistinguishable (architecturally) from any "market rate" units included in the development. Architectural design of any multi-family buildings must be reviewed by the Heritage Commission for their recommendations to the Planning Board.
4. Permitted density - the maximum permitted number of dwelling units ("permitted density") allowed in the development lot shall not exceed 10 units per acre.
5. The number of dwelling units in each building shall be determined by current fire, safety and building codes.



6. Open space - no less than the area calculated below shall be retained as unoccupied space free of all buildings, parking and pavement, including street access, drives and walks paved with impervious materials, (but such unoccupied open space may include so-called nature walk areas and the like and other recreational uses approved by the Planning Board.) Open space shall be owned by undivided interests appurtenant to lot ownership. Such open space shall either be maintained in its natural state (except for the walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.
  - a. Total open space shall not be less than forty percent (40%) of the total development lot area.
  - b. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
  - c. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
7. Road design - internal roads shall conform to Town standards for roads in new subdivisions as required by the most recent version of the Town's Subdivision Regulations, but may be waived by the Planning Board.
8. Building separation – single-family or two-family dwellings shall be at least twenty feet (20') from other dwellings. Multi-family dwellings and other buildings shall be at least thirty feet (30') from other dwellings. Buildings may be interconnected by a covered walkway or breeze-way for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the Planning Board (after consultation with the fire department) impair access to the buildings by emergency vehicles and equipment.
9. Dimensional requirements:
  - a. Minimum structure setbacks from the perimeter of the development lot shall be as follows: front - 40 feet; side - 35 feet; rear - 30 feet. If the development lot abuts more than one existing and/or proposed external right-of-way, the building setback will be forty (40') feet from each right-of-way.
  - b. The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshall, but no residential structure shall be greater than 3 stories.
  - c. The development lot shall have a minimum frontage on a state highway or Town maintained road of Class V designation or better of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the development lot.
  - d. The maximum building length for any multi-family workforce buildings shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.
10. Perimeter buffer - a perimeter buffer to separate and screen incompatible land uses shall surround the development lot except where streets enter the development lot. The buffer shall include a combination of physical space and vertical elements such as plants, berms, fences or walls, as approved by the Board. The width of the buffer area shall vary according to the abutting zoning district as follows:



- a. Agricultural-Residential, Commercial, or Industrial: fifty feet (50') where directly abutting, no buffer where highway separates the development lot and a "C" or "I" district.
  - b. R-III: no buffer.
11. Dimensional Relief by Conditional Use Permit for Multi-Family Workforce Housing
- a. The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement for multi-family workforce housing (for example: setback, density, green space, frontage, roads and driveways, or parking).
  - b. 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.
12. Parking
- a. Parking areas shall be designated in accordance with requirements for parking areas set forth in Section 3.09 of the Site Plan Regulations (parking).
  - b. No parking shall be located between the front lot line and the front plane of the building(s) closest to the existing Town street. The line of the front building plane for each structure shall extend to the side property lines to establish the parking lot setback.



### **6.3.2 Assisted Living & Nursing Homes**

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(Also refer to Section 5.6 Assisted Living & Nursing Homes)

In addition to the general criteria of Section 6.2, the following criteria must be satisfied for the Planning Board to grant a Conditional Use Permit for Assisted Living Facilities. The applicant shall demonstrate that:

- A. All criteria outlined in Section 5.6 as applicable to the application have been met;
- B. The proposed use is consistent with the Objectives and Characteristics of the District,
- C. The application demonstrated that the proposed project for which the Conditional Use Permit is sought does not impact the health, safety, and general welfare of the Town.
- D. 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;
- E. The proposed use is consistent with the context of the neighborhood and the objectives and characteristics of the District in accordance with the Town's Master Plan.

### **6.3.3 Live Work Units**

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Applications for a Conditional Use Permit for a live work unit must demonstrate compliance with the general criteria of Section 6.2 and this section.

- A. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
- B. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space;
- C. The commercial component as designated on the floor plan approved through the Conditional Use Permit shall remain commercial and cannot be converted to residential use;
- D. The residential component as designated on the floor plan approved through the Conditional Use Permit shall remain residential and cannot be converted to commercial use;
- E. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
- F. Signage intended to promote on-site commercial uses shall be restricted to a single four-square foot sign permanently affixed to the door or wall of the business component;

### **6.3.4 Back Lot Development**

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In addition to the general criteria of Section 6.2, prior to issuance of a Conditional Use Permit for Back Lot Development, the Planning Board must have found that three of the following conditions apply to the site:

- A. The property proposed for Back Lot Development typifies Londonderry's Rural and Agricultural character
- B. Existing fields, pastures, orchards and other land in agricultural use with be preserved and maintained.

- C. The development will leave unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads, sites deemed worthy of preservation as listed in the Open Space and preservation Plan, 1996, and from Londonderry's Scenic Roads.
- D. The project preserves historic and prehistoric sites and their environs in so far as needed to protect the character of the site.
- E. The elements of the Back Lot Development (buildings, circulation, front lot, landscaping, etc.) Are arranged so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views.
- F. The restricted land is reasonably contiguous, coherent and if the tract of land abuts adjacent permanently protected open space, it is connected with it.

The Planning Board shall consult the list of properties and qualities of properties worthy of preservation generated by our citizens during the Board's 10/24/95 Orchard Preservation and Land Protection Plan citizen participation process. Subsequent amendments to this plan shall be considered as well. Plans presented by the applicant to illustrate the findings above may also be consulted.

#### **6.3.5 Multi-Family Housing (R-III)**

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- A. 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.
- B. In addition to the General Criteria of Section 6.2, the following specific 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.
  - 1. The proposed use is consistent with the Objectives and Characteristics of the R-III district, **Section 4.2.2.1**;
  - 2. Granting of the application is in the public interest;
  - 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.
  - 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.
  - 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 4.2.2.3(B)(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).



### **6.3.6 Commercial IV (C-IV)**

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Standards for conditional use permits in the C-IV sub-district. In addition to the standards listed in **Section 6.2** the following criteria must be met for the Planning Board to grant a conditional use permit in the C-IV sub-district:

- A. The applicant shall show that the proposed use is needed to serve primarily the convenience commercial needs of the surrounding neighborhood, considering proximity and accessibility of similar uses.
- B. The scale of the proposed structure is consistent with and complimentary to the surrounding land uses in the neighborhood

### **6.3.7 Mixed Use Commercial (MUC)**

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Applications for a Conditional Use Permit within the Mixed Use Commercial district must demonstrate compliance with the general criteria of [Section 6.2](#) and this section.

- A. The following criteria must be satisfied in order for the Planning Board to grant a Conditional Use Permit in the MUC sub-district. The applicant shall demonstrate that:
  - 1. The proposed use is consistent with the general vision statements and recommendations from the Londonderry Northwest Small Area Master Plan or the most recently adopted Town Master Plan;
  - 2. Granting of the application is in the public interest;
  - 3. The property in question is reasonably suited for the use requested.
  - 4. The design of the site represents to the extent practicable a minimization of impacts to natural resources, and maximizes the provision of green space and accommodation of non-vehicular and pedestrian traffic.
- B. A Conditional Use Permit shall be issued only if the development complies with all of the requirements of [Section 4.3.5\(D\)\(5\)\(i\)](#).
- C. Multi-family housing as a proposed development or part of a proposed mixed-use development is subject to the provisions of [Section 4.2.2](#) and [6.3.5](#).
- D. Workforce Multi-Family Housing as a proposed development or part of a proposed mixed-use development is subject to the provisions of [Section 5.7.4](#) and [Section 6.3.1](#).
- E. In addition to the criteria listed above, projects which seek a dimensional conditional use permit shall meet the following additional criteria:
  - 1. 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. The applicant has demonstrated that the alternative design for which the Conditional Use Permit is sought is not feasible without relief from the strict terms of this ordinance, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with their zoning district; and

### **6.3.9 Gateway Business District**

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Applications for a Conditional Use Permit within the Gateway Business district must demonstrate compliance with the general criteria of Section 6.2 and this section.

- A. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the Gateway Business District. The applicant shall demonstrate that:
  - 1. 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. 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
  - 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.
  - 4. Granting of the application is in the public interest;
  - 5. The proposed use is consistent with the Objectives and Characteristics of the Gateway Business District, **Section 4.5.1**;

### **6.3.10 Route 102 Performance Overlay District**

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All uses permitted by conditional use permit in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a conditional use permit, the applicant must demonstrate, through the impact assessment requirements of **Section 4.6.7.8**, that the proposal will meet all of the appropriate performance standards of **Section 4.6.7.7**, the Site Plan Regulations, the subdivision regulations, as applicable, and shall be consistent with the purpose and intent of the route 28 performance overlay district in **Section 4.6.7.2**.

- A. Prior to Planning Board action on any site plan or subdivision for a use requiring 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/subdivision approval.
- B. Uses permitted by conditional use permit
  - 1. Any use permitted in the underlying zoning district, which is not a permitted use in the performance overlay district;
  - 2. Warehouses and storage of non-explosive materials;
  - 3. Daycare facilities;
- C. Administration of conditional use permits - as provided for in [RSA 674:21](#), innovative land use control, this Section of the Zoning Ordinance shall provide for the granting of conditional use permits, by the Planning Board, as follows:
- D. The Planning Board shall then vote either to approve a conditional use permit as presented, approve it with conditions, or deny it.
  - 1. Prior to construction commencing on any use that is granted a conditional use permit, the applicant shall be required to submit a financial surety in accordance with Section 5.01 of

the Subdivision Regulations or Section 6.01 of the Site Plan Regulations, whichever is applicable.

2. The applicant may also be assessed reasonable fees to cover the cost of other special investigative studies and for the review of documents required by particular applications, reviews by the Town's legal counsel, and any third party consultant as may be required by the Planning Board per Section 2.01d of the Site Plan Regulations.
- E. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the performance overlay district. The applicant shall demonstrate that:
1. All performance criteria outlined in **Section 4.6.6.7**, as applicable to the application have been met;
  2. The proposed use is consistent with the purpose and intent of the performance overlay district, **Section 4.6.6.2**;
  3. Granting of the application would meet some public need or convenience;
  4. Granting of the application is in the public interest;
  5. 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.

#### **6.3.11 Route 28 Performance Overlay District**

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- A. All uses permitted by conditional use permit in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a conditional use permit, the applicant must demonstrate, through the impact assessment requirements of **Section 4.6.7.8**, that the proposal will meet all of the appropriate performance standards of **Section 4.6.7.7**, the Site Plan Regulations, the subdivision regulations, as applicable, and shall be consistent with the purpose and intent of the route 28 performance overlay district in **Section 4.6.7.2**.
- B. Prior to Planning Board action on any site plan or subdivision for a use requiring 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/subdivision approval.
- C. **Uses permitted by conditional use permit**
1. Any use permitted in the underlying zoning district, which is not a permitted use in the performance overlay district;
  2. Warehouses and storage of non-explosive materials;
  3. Daycare facilities
- D. **Administration of conditional use permits** - as provided for in [RSA 674:21](#), innovative land use control, this Section of the Zoning Ordinance shall provide for the granting of conditional use permits, by the Planning Board, as follows:
1. The Planning Board shall then vote either to approve a conditional use permit as presented, approve it with conditions, or deny it.
  2. Prior to construction commencing on any use that is granted a conditional use permit, the applicant shall be required to submit a financial surety in accordance with Section 5.01 of

the subdivision regulations or Section 6.01 of the Site Plan Regulations, whichever is applicable.

3. The applicant may also be assessed reasonable fees to cover the cost of other special investigative studies and for the review of documents required by particular applications, reviews by the Town's legal counsel, and any third party consultant as may be required by the Planning Board per Section 2.01d of the Site Plan Regulations.
- E. The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the performance overlay district. The applicant shall demonstrate that:
1. All performance criteria outlined in **Section 4.6.7.7**, as applicable to the application have been met;
  2. The proposed use is consistent with the purpose and intent of the performance overlay district, **Section 4.6.7.2**.
  3. Granting of the application would meet some public need or convenience;
  4. Granting of the application is in the public interest;
  5. 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.

## 6.4 Conditional Use Permit Procedure

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- A. Prior to issuance of a Building Permit, the applicant shall acquire a Conditional Use Permit as well as any other necessary Planning Board approvals. A Conditional Use Permit shall be issued only if the development complies with all of the requirements of Section 5.7.4. The Planning Board may also condition its approval on additional reasonable conditions necessary to accomplish the objectives of this section or of the most recently adopted Master Plan, Zoning Ordinance, or any other federal, state, Town resolution, regulation, or law.
- B. Where Site Plan or Subdivision approval is required, applications for Conditional Use Permits (CUP) shall be submitted as part of the Site Plan application in accordance with the following procedures:
  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 meeting shall be to provide guidance on the design of the proposed plan.
  2. The applicant will then develop the proposed plan to a point at which the plan is eligible for Design Review.
  3. The application will then begin Pre-Application Design Review, which will include the Conditional Use Permit Review outlined in this section, and in accordance with the other applicable procedures adopted by the Planning Board.
  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.
- C. 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.

## 7 Signage

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### 7.1 Purpose & Intent

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The purpose of this Section is to establish uniform regulations for the installation and use of signs in the Town of Londonderry and to protect and improve the livability and quality of life in Londonderry through sign regulations that:

- A. Protect the health, safety, and welfare of the public;
- B. Maintain and enhance the appearance and aesthetic environment of Londonderry;
- C. Maintain and promote the rural, agricultural, and historical character of Londonderry;
- D. Control visual clutter and encourage high professional standards in sign design and display;
- E. Promote signs that are harmonious in color, material and lighting with the buildings and surroundings to which they relate;
- F. Retain the Town's ability to attract and encourage economic development and growth;
- G. Promote the economic growth of Londonderry by creating a community image that is conducive to attracting new business and industrial development.

### 7.2 Authority

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Pursuant to the authority granted by [Chapter 674 et seq., New Hampshire Revised Statutes Annotated](#), as amended, the Town of Londonderry adopts the following sign regulations.

### 7.3 Severability

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If any section, clause, provision or phrase of this section is held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of the Ordinance.

### 7.4 Permit Process

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- A. All signs, with the exception of those listed uses listed in **Section 7.6(A)** shall require a permit issued by the Building Inspector. A permit shall be required to erect, construct, install, alter, or replace a sign. The applicant shall submit to the Building Inspector an application form, a set of plans to scale showing site location, sign size, method of illumination, if any, types of material to be used in construction and such other as may be required by the Building Inspector. The location, size, design and illumination of signs associated with new commercial or industrial construction shall be approved in conjunction with Site Plan Review by the Planning Board. Permits for such signs shall not be issued by the Building Inspector without a signed site plan.
- B. In reviewing applications for sign permits, the following standards shall apply:
  - 1. The sign will not cause visual confusion, glare or offensive lighting in the neighborhood;
  - 2. The sign will not significantly alter the character of the zoning district;
  - 3. The sign will not interfere with traffic safety in the area;
  - 4. The sign will comply with the other provisions of this ordinance.





- C. After reviewing the application and Planning Board comments, if the site plan approval is required, the Building Inspector shall grant or deny the application with or without conditions. The decision of the Building Inspector may be appealed to the Zoning Board of Adjustment.

## **7.5 Measurement and Calculation of Area**

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### **A. Area of Freestanding Signs**

1. "Freestanding sign" is defined as a sign that is permanently erected in a fixed location and supported by one or more columns, upright poles or braces extended from the ground of from an object on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. Examples include, but are not limited to, monument signs and pole signs.
2. Sign face area is calculated as the total area within the smallest rectangle, circle, or triangle, which will completely enclose the sign face. The sign structure shall not be included as a portion of the sign face, provided that no message, symbol, or anything that can be construed as part of the sign face is displayed on or designed as part of the sign structure.
3. The area of one side of a double-faced sign shall be regarded as the total area of the sign provided that such sign faces are either parallel or at an angle of thirty (30) degrees or less to each other. If the sides are of unequal area, the larger shall determine the area.

### **B. Area of Wall Signs**

1. The sign face area of signs attached or affixed to buildings or other structures shall include all lettering, designs, or symbols, together with the background, whether open or enclosed, upon which they are displayed. When signs are incorporated into canopies or awnings, the entire panel containing the sign copy is counted as the sign face area.
2. Where a sign consists of individual letters or symbols attached, painted or applied to a building, wall or window, without any distinguishing border, panel or background, the area shall be considered to be the smallest rectangle, triangle, or circle encompassing all the letters and symbols.
3. In no case can the additional surrounding background area exceed the area of the copy. For the purpose of this section, the permitted background area is the total area between the lintel bar and the parapet on a one (1) story building or between the lintel bar and the floor level of the floor above on a multi-story building

### **C. Sign Height**

1. No sign other than those specified in **section 7.6(D)(6)** (Airport District) shall exceed ten (10) feet in height.
2. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the following: (1) The existing grades of the lot before construction, or (2) The newly established grade of the lot after construction inclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
3. Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.



## 7.6 General Requirements

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### A. **Signs Not Requiring a Permit**

The following signs shall be exempt from paragraph 7.4(A) requiring the issuance of a sign permit, but shall be in conformance with all other applicable provisions of this Ordinance and all other Town regulations.

1. *Construction* – Construction signs for public safety and / or information
2. *Flags* - Flags of any nation, state, political subdivision.
3. *Historical Reference*
  - a. Any sign not exceeding six (6) square feet indicating only the date of erection or name of a building.
  - b. Historic plaques or markers no greater than two (2) square feet in area.
4. *Holiday Decoration* - Signs of a decorative nature and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for a period of not more than thirty (30) days prior to and fifteen (15) days after the date of the holiday.
5. *Indicator and Directional*
  - a. House numbers and name plates.
  - b. **Nameplates** - For each single family home or duplex house, one (1) nameplate not exceeding a combined area of two (2) square feet for each dwelling unit.
6. *Newspaper Boxes* – Newspaper boxes for home delivery provided that all copy and logos (the sign face area) do not exceed one-half (.5) square foot per box.
7. *Political Signs*
  - a. Political signs shall conform to all New Hampshire State Statutes, including R.S.A. 664:14 through 664:18 and as may be amended, and enforcement shall be through the office of the New Hampshire Attorney General.
8. *Public notices.*
9. *Real Estate* - One (1) temporary non-illuminated on premise For Sale, Rent or Lease sign not exceeding six (6) square feet in Residential Districts nor greater than twelve (12) square feet in all other districts.
10. *Temporary Special Event Signs* - Temporary window signs and displays, poster, banners, string lights, cluster flags pertaining to drives or events of civic, philanthropic, educational or religious organizations provided that signs are posted no more than thirty (30) days before the event and remain in place no more than forty-five (45) days total.
11. *Warning* – Customary warning signs such as "No Trespassing," "No Dumping" and "Danger" no greater than two (2) square feet in area.
12. *"A"-Frame Sidewalk Signs* – "A"-frame (sandwich board style) sidewalk signs may be used for individual tenants in multi-tenant commercial developments. Such signs shall be limited to a maximum frame dimensional size of 24" X 36", and placed on the storefront sidewalk of the establishment no further than 6 feet from the face of the building. Signs shall be displayed during normal business hours only. No permit shall be required for these signs.

**B. Signs Prohibited in All Districts**

The following types of signs are expressly prohibited in all districts except as otherwise provided by this Ordinance.

1. Portable or wheeled signs except as permitted in paragraphs **7.6(C)(5)** and **7.6(3)(6)**.
2. Any vehicle or trailer which has attached to it a sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.
3. Banners, pennants, search lights, twirling signs, all frame signs or other sidewalk signs, unless allowed for under paragraphs **7.6(3)(5)** and **7.6(3)(6)** of this Ordinance.
4. Any sign that is an imitation of, or resembles an official traffic sign or signal pursuant to **RSA 265:14**
5. Off-premise signs are prohibited in the Town of Londonderry except as permitted in paragraph **7.6(3)(6)**.

**C. Signs Permitted in All Districts**

The following signs are permitted in all districts.

1. *Construction Site* - One (1) sign not exceeding thirty-two (32) square feet on a construction site identifying the architect, owner and/or contractor. The sign is to be maintained on the premises during actual construction and removed within seven (7) days after issuance of a certificate of occupancy.
2. *Freestanding (Ground) Signs* - One (1) ground sign is permitted for each parcel having frontage on a public right-of-way.
3. Any sign not exceeding four (4) square feet in area, limited solely to directing traffic within a parking area or indicating parking restrictions in the use of such parking area.
4. Any sign not exceeding six (6) square feet in area solely indicating entrance and exit driveways.
5. Any sign not exceeding six (6) square feet indicating only the date of erection of a building.
6. *Off-Premise* - An off-premise sign which identifies the name and location of business located in the Town of Londonderry may be allowed by special exception from the Zoning Board of Adjustment provided the following conditions are met.
  - a. No more than one (1) off-premise sign shall exist on an individual parcel.
  - b. No business shall be advertised on more than two (2) off premise signs except as provided in section **7.6(D)(2)(c)(ii)**.
  - c. Off-premise signs located in an Industrial or Commercial district shall have a maximum surface area of twenty-five (25) square feet.
  - d. Off-premise signs located in districts other than Industrial or Commercial shall have a maximum surface area of eight (8) square feet.
  - e. *Directional Signs* - where a business is located a significant distance from commonly traveled ways, and a need is demonstrated, the Board may allow one (1) or more additional directional signs. Such signs shall be limited to the name of the business and specific directions. The maximum size of a directional sign shall be two (2) square feet.
  - f. The sign must otherwise conform to other applicable regulations of this ordinance.

- g. Other conditions or restrictions as the Board of Adjustment may deem to be in the public interest.
- 7. *Open House* - "Sandwich" Board signs and Open House signs will be allowed in Residential districts in conjunction with an Open House or Model Home demonstration conducted by a Realtor for two (2) days before the opening of such a demonstration and up to two (2) days after for total of six (6) days. The location and date of display of these signs shall be recorded with the Building Inspector. Where the Open House or Model Home is maintained for an on-going project, these time limits do not apply.
- 8. *Temporary, Residential, Commercial and Industrial Signs* - Banners, posters, pennants, "A" frame, sandwich board, and portable signs shall not be used on a permanent basis. The location and date of display of these signs shall be recorded with the Building Inspector. Only one (1) temporary sign will be permitted at the opening of a new business or reopening of an existing business under new management or special sales in a Residential, Commercial, or Industrial district on no more than two occasions per calendar year for a total period not to exceed thirty (30) consecutive days for each occasion as approved by permit from the Building Inspector.
- 9. *Other Signs*
  - a. Up to two (2) incidental signs may be attached to a freestanding sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, and official notices of services required by law or trade affiliations. Area of each sign may not exceed four (4) square feet; the total area of all such signs may not exceed eight (8) square feet.
  - b. Price information signs on gasoline pumps are permitted, indicating the name and type of gasoline and the price thereof. Such Signs shall not exceed 1 square foot in size per sign.
  - c. Any identification wall signs with non-illuminated letters up to but not exceeding three (3) inches in height nor two (2) square feet in area are not restricted.
  - d. Flags other than those of any nation, state, political subdivision.
  - e. **"A"-Frame Sidewalk Signs** – "A"-frame (sandwich board style) sidewalk signs may be used for individual tenants in multi-tenant commercial developments.
    - i. A-Frame signs shall be limited to a maximum frame dimensional size of 24" X 36".
    - ii. A-Frame signs Shall be placed on the storefront sidewalk of the establishment no further than 6 feet from the face of the building.
    - iii. A-Frame signs shall be displayed during normal business hours only.
    - iv. The placement of any A-Frame sign shall not reduce the accessible walkway width to less than 36 inches at any location along the storefront sidewalk.
    - v. The applicant shall execute a "Hold Harmless Certification Letter" in favor of the Town of Londonderry to protect, defend and indemnify the Town against liability.

#### **D. Signs Permitted and Prohibited by District**

- 1. Within any Residential zone, signs are permitted as follows:
  - a. One (1) sign per vehicle entrance of each subdivision, mobile home park or condominium complex having an area not exceeding a total of sixteen (16) square feet per sign.



- b. For non-residential uses, one (1) identification sign for each developed parcel not exceeding a total of six (6) square feet in area for all signs. For purposes of this section, a developed parcel is a tract of land which has been developed for a non-residential use. Subdivision of a parcel is not considered “development” for purposes of signage for non-residential uses.
  - c. Identification signs and other similar structures for governmental agencies which may be regulated by the Town are subject to approval thereof by the Building Inspector.
  - d. All signs shall be placed flat against a building or designed as part of any architectural feature thereof except that signs may be detached if they do not exceed a height of six (6) feet.
  - e. No freestanding sign, or any part thereof, shall be located nearer than fifteen (15) feet to a property line.
2. For agricultural use on lots of three (3) acres or greater within any AR-1 zone.
- a. One (1) freestanding sign indicating the name, nature and address of the occupancy for each agricultural lot, not to exceed thirty-two (32) square feet of the total sign face area allowed, 100% may be used for changeable signage.
  - b. One (1) wall or facia sign indicating only the name and nature of the occupancy.
    - i. Said wall sign shall not exceed a total area of forty (40) square feet.
    - ii. When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.
  - c. **Seasonal Agricultural Signage**
    - i. Seasonal on-premise signs not to exceed eight (8) square feet in area, that advertise the availability of seasonal produce or product during the season within which said produce is available for sale or harvest.
    - ii. Seasonal agricultural signage must be constructed of durable materials.
  - d. Each customary home occupation recognized as such by this Ordinance shall be permitted to display one (1) sign not to exceed three (3) square feet in size.
3. Within the Commercial I, II, III, & MUC sub-districts, signs are permitted as follows:
- a. One (1) freestanding sign for each developed parcel up to a maximum of sixty-five (65) square feet. Of total sign face area allowed, 75% may be used for changeable signage. For purposes of this section, a developed parcel is a tract of land which has been developed for a non-residential use. Subdivision of a parcel is not considered “development” for purposes of signage in the Commercial or Industrial Districts.
    - i. No freestanding sign, or any part thereof, shall be located nearer than fifteen (15) feet to a property line.
  - b. One (1) wall of facia sign indicating only the name and nature of the occupancy, for each occupancy within the developed parcel.
    - i. Said wall sign shall not exceed a total area of fifty (50) square feet. For multi-tenant commercial buildings where multiple wall signs are permitted, the maximum size of said wall signs shall not exceed forty (40) square feet per tenant.
    - ii. When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.



- c. In multi-tenant commercial developments of eight (8) acres or more, the maximum permitted area of freestanding signs may be increased, according to the following:
    - i. Maximum area increased by ten (10) square feet for each acre over eight (8) up to a maximum of one hundred (100) square feet; OR,
    - ii. If the lot has frontage on 2 or more roadways, a second freestanding sign, can be permitted, so long as the total square footage of both freestanding signs combined does not exceed 10 square feet for each acre over 8, up to a maximum of 100 square feet (for example – a 11 acre site with frontage on 2 roadways may have 2 freestanding signs with a combined square footage of 95 square feet).
  - d. Directory signs, in addition to the principal sign, may be used for property with two (2) or more business establishments having a common public entrance. Directory signs may not exceed an area based on one (1) square foot for each establishment on the property up to thirty-two (32) square feet. Directory signs shall be located in an area adjacent to the building they serve.
  - e. **Sexually Oriented Businesses** - Signage shall comply with the requirements for signs in the zoning district in which the business is located. Signs shall not include nudity or include images or references to sexual conduct, whether actual or simulated, or instruments, devices, or paraphernalia which are designed for use in connection with sexual conduct
4. Within the Commercial IV zone, signs are permitted as follows:
- a. One (1) freestanding sign up to a maximum of thirty (30) square feet. Of total sign face area allowed, 50% may be used for changeable signage
    - i. No freestanding sign, or any part thereof, shall be located nearer than fifteen (15) feet to a property line.
  - b. One (1) wall facia sign for each occupancy within the developed parcel.
    - i. Said wall sign shall not exceed a total area of twenty five (25) square feet.
    - ii. When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.
5. *Industrial I and Industrial II Zones*  
Within the IND-I and IND-II zones, signs are permitted as follows:
- a. One (1) freestanding sign for each developed parcel not to exceed one hundred (100) square feet. Of total sign face area allowed, 25% may be used for changeable signage.
  - b. One (1) wall or facia sign for each occupant within the developed parcel. Said sign shall not exceed a total of one hundred (100) square feet.
  - c. When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.
  - d. No freestanding sign, or any part thereof, shall be located nearer than ten (10) feet to a property line.
  - e. Directory signs in addition to the principal sign may be used for property with two (2) or more business establishments having a common public entrance. Directory signs may not exceed an area based on one (1) square foot for each establishment on the property up to thirty-two (32) square feet. Directory signs shall be located in an area adjacent to the building they serve.





6. *Airport District*

- a. The purpose of the Airport signing system is to move the traveling public through a myriad of roadways and corridors using a concise and comprehensible system of directional, informational, and regulatory messages. Notwithstanding any other provision of **Section 4.6.5.3** within the Airport District, the following signs shall be permitted, subject to a sign permit:
  - i. Traffic Control signs, which shall conform in size, shape, color and copy to the recommendations of the U.S. Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices for Streets and Highways, current edition.
  - ii. Directional and informational signs for the terminal Airport parking lots and airside Aeronautical Activities, which shall be reflectorized white copy on a charcoal gray background.
  - iii. Any such signs to be placed freestanding near a roadway or an overhead sign structures shall be designed in accordance with the AASHTO standard specification for structural supports for highway traffic signs, luminaries, and traffic signals.
  - iv. Prior to installation of a sign under this subsection, the Airport shall submit an application for a sign permit to the Building Inspector, who shall review applications for compliance with this subsection.
  - v. For signs described in this subsection, the Airport shall maintain an up-to-date Airport Signing Plan showing the location and text of each directional, informational, and regulatory sign in the Airport District, and an up-to-date copy of the Airport Signing Plan shall be submitted annually to the Building Inspector.
- b. All signs other than those described above within the Airport District shall conform to the requirements of **Section 7.6(D)(3)** or **7.6(D)(5)**., depending upon whether the use to which the sign is appurtenant is commercial or industrial and shall require a permit in accordance with **section 7.4**.

7. *Route 102 Performance Overlay District* – See **Section 4.6.6.7(F)**

8. *Route 28 Performance Overlay District* – See **Section 4.6.7.7(F)**

9. *Signs for Religious Facilities*

- a. There shall be no more than one (1) freestanding sign (double sided) permitted for any religious facility
  - i. The maximum freestanding sign area shall be: 30 (thirty) square feet
  - ii. Freestanding signs shall be set back a minimum of ten (10) feet from the front property line.
- b. There shall be no more than one (1) building mounted sign permitted for any Religious Facility
  - i. Wall signs may be as large as one (1) square foot per three (3) linear feet of building frontage or a maximum of thirty (30) square feet, whichever is less.

10. *Historic District* – See **Section 4.6.2.8(E)**.

## **7.7 Design, Construction, and Maintenance**

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### **A. Location**

1. Signs or their supports shall not be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign, or any devices maintained by or under public authority; or with vehicular or pedestrian ingress or egress to or from any public or private ROW, roadway, driveway, or sidewalk.
2. Where applicable, signs shall be erected only at locations shown on site plans approved by the Planning Board.
3. Signs shall not be placed on or affixed to public property within roadway rights-of-way and shall be only permitted on private property only with owner's consent.
4. Wall signs shall not project above the roofline or eaveline of any building.

### **B. Construction and Maintenance**

1. The material and construction of any sign shall be in accordance with the Building Code.
2. All signs, whether erected prior to or after the effective date of this Ordinance shall be maintained in a safe condition and, together with their structural elements, shall be kept in good repair to the satisfaction of the Building Inspector.
3. Dark backgrounds with light colored lettering are encouraged. Fluorescent or glowing colors are prohibited.
4. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, cornices, and the like.
5. Signs on adjacent storefronts within the same building shall be coordinated in design, height, and proportion.
6. Permanent signs shall be made of durable materials, not paper or other short-lived materials.
7. Signs are encouraged to be constructed of natural or natural looking materials.
8. Signs are encouraged to be constructed in such a way that waste materials are minimized.
9. No sign shall have more than two (2) faces.

### **C. Sign Landscaping**

1. All free-standing signs and the premises surrounding same shall be landscaped in an aesthetically pleasing or appropriate manner with hardy plant materials, groundcover, lawn or hard surfaces that will remain attractive throughout the year and be maintained by the owner thereof clear of rubbish and weeds.
2. Landscaping and plantings shall not obstruct the view of any portion of the sign face.

### **D. Sign Movement**

No sign shall be permitted which is animated by means of flashing, shimmering or traveling lights or any other means, nor shall any sign contain any parts which move.

### **E. Illumination of Signs**

1. Direct and indirect lighting of signs is permitted, provided it meets the criteria from Section 3.13 of the Site Plan Regulations.
2. Externally illuminated signs and signs that are consistent with Section 3.12.g of the Site Plan Regulations are strongly encouraged.



3. Animated, moving, flashing, and noise making signs are prohibited. Changeable electronic message board signs are prohibited in all zoning districts.
4. No sign or related outdoor lighting fixture shall be so placed as to focus light directly into any oncoming traffic or any street or into any window of any residence that abuts or is in the immediate vicinity of the fixture.
5. In the C-IV and Residential districts, a sign, if lighted, shall be illuminated with lights by indirect method only with no light placed within the sign.
6. Except in the C-I, CII, CIII, and Industrial districts, if specifically approved by the Planning Board, no sign shall be illuminated between the hours of eleven (11) p.m. and seven (7) a.m.

## **7.8 Pre-Existing Signs**

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### **A. Legally Pre-Existing Signs**

Any sign located within the Town of Londonderry on the date of adoption of this Ordinance, which does not conform with the provisions of the Ordinance is eligible for characterization as a “legally preexisting” sign and is permitted, provided it also meets the following requirements:

1. The sign was covered by sign permit or variance on the date of adoption of this Ordinance if one was required under applicable law; or
2. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with the applicable zoning law on the date of adoption of this Ordinance, and was in compliance with all other applicable Town ordinances or requirements.

### **B. Loss of Legal Non-Conforming Status**

A legally preexisting sign shall immediately lose its legal preexisting status designation if:

1. The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance);
2. The sign is relocated; or
3. The sign is replaced, other than replacing the sign in its exact original conditional and statements; or
4. The sign shall have been abandoned (See **Section 8.2**).
5. The sign advertises or calls attention to any products, businesses or activity which are no longer carried on or sold, whether generally or at the particular premises; or
6. The sign shall not have been repaired or properly maintained within 60 days after written notice to that effect has been given by the Building Inspector; or
7. On the happening of any one of 1, 2, 3, 4, 5, or 6, the sign shall be immediately brought into compliance with this Ordinance with a new permit secured therefore, or shall be removed.

## **8 GENERAL ADMINISTRATION**

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### **8.1 Zoning Board of Adjustment**

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#### **8.1.1 Authority**

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After the adoption of this Ordinance, the Town Council shall be and are hereby authorized to appoint the Board of Adjustment contemplated by such Zoning Ordinance, such Board to conform in membership and duties to the provisions of [Chapter 674](#) NH Revised Statutes Annotated 1985. Thereafter the Town Council shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment.

#### **8.1.2 Purpose and Responsibilities**

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In accordance with [RSA 674:33](#), the Board of Adjustment will have the following powers.

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement hereof or of any ordinance adopted pursuant thereto.
- B. To hear and decide special exceptions to the terms of the Ordinance upon which such Board is required to pass under such Ordinance.
- C. Permit variances from any provisions of this Ordinance where it can be shown that unnecessary hardship would otherwise result and where such variances would not be contrary to the public interest.
- D. To decide to hear appeals on decisions made in carrying out responsibilities of this section.

#### **8.1.3 Public Hearing**

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All requests for Board of Adjustment decisions will be heard in front of a public hearing. Public notices will be posted and all abutters will be notified of the hearing by certified mail.

#### **8.1.4 Application Procedures**

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All requests for Board of Adjustment consideration will be accompanied by an application and fee made directly to the Secretary of the Board of Adjustment in the form required by the Board. The Board of Adjustment will annually recommend a fee, based on the previous year's operating expenses.

#### **8.1.5 Special Exceptions**

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##### **8.1.5.1 General Criteria Applicable to All Special Exceptions**

As outlined in the Table of Uses and throughout this ordinance, specific uses may be allowed in certain zoning districts through the process of obtaining a special exception from the Zoning Board of Adjustment. The Zoning Board of Adjustment may grant such special exceptions in appropriate cases and subject to appropriate conditions so as to be in harmony with the general purpose and intent of the Zoning Ordinance where the applicant(s) can demonstrate to the satisfaction of the Zoning Board of Adjustment the following:



- A. Such use will not be detrimental to the health or safety of residents;
- B. Such use will not create undue traffic congestion or a traffic safety hazard in the vicinity of the proposed development;
- C. Such use will not be incompatible with surrounding neighborhood;
- D. Such use will not be a detriment to property values in the vicinity of the proposed development with consideration given to the location or scale of buildings, structures, parking areas, or other access ways;
- E. No nuisance will be created by such use by way of emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or the unsightly outdoor storage of equipment, vehicles, or other materials;
- F. Such use will not create a hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials;
- G. Such use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site which would result in the loss of significant habitat or flood control protection;
- H. Adequate and appropriate facilities will be provided for the intended use; and
- I. All necessary state and federal permits will be obtained.

The Board of Adjustment may attach such conditions as it deems necessary to the granting of the special exception if the Board determines that such conditions are necessary to maintain the essential character of the neighborhood and/or to protect the health, safety and welfare of the Town and its residents. Such conditions may include but are not limited to the site plan review and approval from the Planning Board which includes review and comment from the Conservation Commission and Heritage Commission.

A special exception must be acted upon within two years or such special exception will be deemed to have expired and/or be lost by abandonment.

#### **8.1.5.2 Special Exception Uses For Commercial And Industrial Uses**

In deciding whether or not to grant a special exception, the Board of Adjustment will follow these guidelines.

- A. Such use shall be one which is specifically authorized by ordinance as a special exception use in the district within which such particular site is located.
- B. For every special exception use, the Board shall make a specific finding, after a public hearing in the manner provided by law, that such use will not cause or create a nuisance or hazard to adjacent properties.
- C. For every special exception use, the Board shall determine that there is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street.

- D. For every special exception use, the Board may require protective screening. Existing natural growth may be considered as part of the screen. A planting plan specifying type, size and location of existing and proposed plant material shall be required.
- E. For every special exception use, the Board shall determine that there are fully adequate parking areas and off-street truck loading spaces in conformity with this Ordinance and all other pertinent ordinances, for the anticipated number of occupants, employees and patrons, and that the layout of the parking spaces, truck loading berths and interior driveways is convenient and conducive to safe operation.
- F. For every special exception use where the installation of outdoor flood or spot lighting is intended, the Board shall determine that such lighting will not shine directly upon an abutting property, nor upon the street. No unshielded lights shall be permitted.
- G. For every special exception use, the Board shall determine that adequate provisions will be made for collection and disposal of storm water run-off from the site.
- H. The Board of Adjustment, if it deems the situation necessary, may require input from the Planning Board concerning the location and site layout for a special exception request.
- I. The Board of Adjustment shall also have original jurisdiction and power to grant a special exception use on a particular site, without a finding of unnecessary hardship, but subject to the guiding principles, standards, conditions, and safeguards contained in this Section to the extent applicable and in the manner provided by law.
- J. The Board's decision to grant a permit for a special exception use shall be made only after public and other notification, and hearing pursuant to the Rules of Procedure of the Board. Said permit shall apply specifically to the application and plans submitted and presented at said public hearing by the Board of Adjustment as a special new exception use.
- K. A special exception use, for which a permit is granted by the Board of Adjustment pursuant to the provisions of this section, shall be construed to be a conforming use.
- L. Special Exceptions for Wireless Communications Facilities shall be subject to both the requirements of **Section 8.1.5** and **5.10.6**.

#### **8.1.5.3 Special Exceptions For Residential Garage Setbacks**

A special exception may be granted to reduce side and/or rear yard setback requirements for garages (only applicable for residential use, and not for the conduct of any business activities) in the AR-I District subject to all of the following conditions:

- A. The lot must not have been created by a subdivision that occurred after January 1, 2004;
- B. A finding by the Zoning Board of Adjustment that there is some existing pattern in the area for garage setbacks smaller than those required;
- C. Locating the garage in conformance with the side and/or rear yard requirements would significantly impact existing vegetation, views from the residence, use of the yard, or site circulation; or is impractical due to lot dimensions or other constraints;
- D. If a new driveway serves the garage, it must have an approved Driveway Permit issued by the Department of Public Works & Engineering, prior to the public hearing;
- E. The proposed garage must be set back at least 10 feet from any existing building located on an adjacent lot;



- F. The proposed garage must be designed to blend with the architectural character of the neighborhood (siding, roof pitch, etc.). Elevation drawings must be submitted to and approved by the ZBA;
- G. The garage does not exceed 24 feet in either length or width; and
- H. The garage walls do not exceed 10 feet in height (the roof may exceed this 10 foot limit).

#### **8.1.5.3 Special Exceptions for Historic Structures**

A special exception may be granted to reduce setback requirements for “historic structures,” as identified in the Town’s “Historic Properties Preservation Task Force - Task Force Summary & Recommendations Report” (on file with the Planning Department and Heritage Commission, hereinafter referred to as “the report”), as most recently updated, subject to all of the following conditions:

- A. The structure must meet the definition of “Historic Structure” as defined by the report and be listed in appendix 1 of the report;
- B. A finding by the Zoning Board of Adjustment that:
  - 1. The proposed construction will not make the structure ineligible for listing in the report by resulting in the structure retaining less than 75% of its original external features; OR,
  - 2. The Heritage/Historic District Commission has determined that the structure remains eligible despite modifications to the structure (as provided for in the definition in the report);
- C. The proposed construction must be designed to blend with the architectural character of the historic nature of the existing structure. Elevation drawings must be submitted to and approved by the ZBA;
- D. Locating an addition in conformance with the setback requirements would significantly impact existing vegetation, views from the residence, use of the yard, or site circulation; or is impractical due to lot dimensions or other constraints;
- E. The proposed construction/addition must be set back at least 10 feet from any existing building located on the lot or on an adjacent lot; and
- F. The proposal must have been reviewed by the Heritage/Historic District Commission and written recommendations of the Commission forwarded to the ZBA.

#### **8.1.5.4 Restrictions**

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- A. The granting of any variance or special exception will be subject to all restrictions stipulated by the Board of Adjustment at the time of the public hearing.
- B. When applicable, building permits must be obtained from the Building Department within two (2) years following the granting of a variance (or special exception use) or the variance or exception will become null and void.

#### **8.2 Existing Non-Conforming Use**

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- A. Any non-conforming uses of land or buildings may continue in their present use, except that any non-conforming use or building may not be:
  - 1. Changed to another non-conforming use;



2. Re-established after discontinuance for one (1) year except when such use or building conforms to the provisions of this ordinance;
  3. Expanded;
  4. Rebuilt after damage exceeding 75% of its replacement value.
- B. No commercial junk yard may continue as a non-conforming use for more than one (1) year unless it complies with state laws governing same. No new commercial junk yards shall be established.

### 8.3 Penalty

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Every person, persons, firm or corporation violating any of the provisions of this Ordinance Code or any other provision adopted by the Town of Londonderry will be subject to the fines and penalties provision of N.H. RSA 676:17.

### 8.4 Enforcement

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- A. The Town Council shall authorize the Building Inspector to enforce the provisions of this Ordinance and issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.
- B. After passage of this Ordinance, it shall be unlawful to erect any structure or building, or relocate any building without first obtaining a permit.
- C. Upon any well-founded information that this Ordinance is being violated, the Town Council shall take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in District Court, Superior Court or any other legal action.

### 8.5 Saving Clause

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If any portion of this Ordinance is found to be unlawful it shall not void any of the other provisions. The regulations of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare provided, however, that where this Ordinance is found to be in conflict with any other lawfully adopted ordinances, codes, covenants or regulations, the provision which imposes the higher standard or is the more restrictive shall prevail.

### 8.6 Amendments

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- A. As stipulated in [RSA 675:2](#), this Ordinance may be amended by a majority vote of the Town Council when such amendment has received a public hearing, which hearing has been advertised and given a legal notice in accordance with **Section 8.6(E)**, below. In the case of overlay zones a reasonable effort to notify effected property owners may be made by the Town. Such notice does not require the use of certified mail.
- B. **Submission to the Planning Board**  
Other than changes to the Zoning Ordinance proposed by the Planning Board, all requests for amendments to the Zoning Ordinance shall be referred to the Planning Board for its consideration and the Board shall submit its recommendations concerning such requests to the Town Council within ninety (90) days after the referral has been made by the Council.
- C. **Planning Board Hearing**  
The Planning Board shall hold a public hearing on the proposed amendment, with notice being



given in accordance with **Section 8.6(E)** below, before making recommendations to the Town Council.

D. **Planning Board Initiative**

The Planning Board may, upon its own initiative, from time to time, consider amendments to the Zoning Ordinance and submit recommendations thereon to the Town Council.

E. **Notice**

In accordance with [RSA 675:7](#), notice shall be given for the time and place of the public hearing at least 10 days before the hearing. The notice required under this Section shall not include the day the notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a newspaper of general circulation in the municipality and shall be posted in at least 2 public places.

F. **Text of Ordinance**

The full text of the proposed amendment to the Zoning Ordinance need not be included in the notice if an adequate statement describing the proposal and designating a place where the proposal is on file for public inspection is stated in the notice.

## 9 BUILDING CODE AMENDMENTS

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Article No. 14, adopted at the Town Meeting March 9, 1965;

Article Nos. 19 and 20 March 11, 1969; Special Town Meeting June 14, 1971;

Article No. 23, Town Meeting March 7, 1972-BOCA;

Article Nos. 107, 108, and 109 Town Meeting March 2, 1976;

Article No. 46 Town Meeting 1975;

Article No. 107-76-1975 BOCA

Article No. 108-76-Plumbing Code/1975

Article No. 109-76-NEC 75

Article No. 110 Town Meeting March 13, 1979).

Article No. 103 Town Meeting May 14, 1985 - Replaced BOCA Code 1975 The 1984 Edition

Article No. 110 Town Meeting March 10, 1992 - Repealed current Building Codes and adopted 1990 BOCA (11th Edition)

Ordinance 99-07 11/01/99 Amend to BOCA Building Code - Fourteenth Edition

Ordinance 03-05 Not yet adopted

Ordinance 2004-4 3/8/04 Update to reflect State Building Code, Add demolition delay provisions.

Ordinance 2007-11 11/5/07 Update to reflect 2006 updates to State Building Code

Ordinance 2010-04 07/15/10 Update to reflect 2009 updates to State Building Code

Ordinance 2019-08. Update to reflect 2015 updates to State Building Code

### 9.1 Building Code Amendments - Part I

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The International Building Code 2015 Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions:

- A. **Section 101.1** Insert name of jurisdiction in section as follows: These regulations shall be known as the Building Code of “the Town of Londonderry, New Hampshire”, hereinafter referred to as “this code”.
- B. **Section 101.4.3 Plumbing:** Delete last sentence of this Section and insert in place thereof the following: “The provisions of the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance Chapter XX shall apply to private sewage disposal systems.”
- C. **Section 103.1 Creation of Enforcement Agency:** Amend Section to read as follows: The department of building safety is hereby created “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter II, Section III”, and the official in charge shall be known as the *Building Official* “or Building Inspector where the context so admits or requires.”
- D. **Section 103.2 Appointment:** Amend Section to read as follows: The building official shall be appointed “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter I,

Section IV-A, and in accordance with the provisions of [RSA 674:51, III](#). The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures.”

- E. **Section 103.3 Deputies:** Delete Section 103.3 and insert in place thereof the following: “Section 103.3 Organization: The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, and other employees as shall be necessary for the administration of this code.”
- F. **Section 107.2.6** Add the following section: ““Section 107.2.6 Soil and Technical Data: All technical and soil data required by the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan.”
- G. **Section 107.2.7 Driveway Plan:** Add the following section: “Section 107.2.7 Driveway Plan: The driveway plan shall indicate the location and profile of the driveway(s) in accordance with the Public Works design specifications for the Town of Londonderry. The driveway plan shall be reviewed and approved by the Public Works Department prior to the issuance of a building permit.”
- H. **Section 109.2 Schedule of Permit Fees:** Amend Section to read as follows: On buildings, structures, electrical, gas, mechanical, and plumbing systems or alteration requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as “determined by the Londonderry Town Council.”
- I. **Section 110.3.1.1 Certified Foundation Footing Plan:** Add the following section: “Section 110.3.1.1 Certified Foundation Footing Plan: Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of NH indicating that the improvements shown on said plan are in compliance with the building setback requirements of the Town of Londonderry, and a notation of the elevation of the top of the foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures.”
- J. **Section 110.5 Inspection Requests:** Add the follow sentence to the Section paragraph: “Inspection requests made to the Londonderry building department shall require a minimum one day notice.”
- K. **Section 111.2.1 Approval Signature:** Add the following section: “Section 111.2.1 Approval Signature: All commercial, industrial, residential and other structures and occupancies requiring a certificate of occupancy as mandated by Section 110 of this code will require the following signatures: an authorized Building Department representative; an authorized Fire Department representative; an authorized Engineering Department representative. EXCEPTION: Structures requiring no action by the Fire or Engineering Departments will require only an authorized Building Department representative signature.”
- L. **Section 113.1 General:** Delete Section 113.1 in its entirety, (i.e.: 113.2 and 113.3) and insert in place thereof the following: “Board of Appeals: In accordance with the provisions of [RSA 673:3, IV](#)., the Londonderry Zoning Board of Adjustment shall act as the building code Board of appeals, with the power as provided by [RSA 674:34](#).”
- M. **Section 114.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: “by the provisions of [RSA 676:15](#) and [676:17](#).”



- N. **Section 115.3 Unlawful Continuance:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: “by the provisions of [RSA 676:15](#) and [RSA 676:17](#).”
- O. **Section 1608.2 Ground Snow Loads:** Delete section in its entirety and insert in place thereof the following: “It has been determined by a site-specific case study conducted by the Structural Engineers of NH that the ground snow load for the Town of Londonderry is 65 pounds per square foot.”
- P. **Section 1809.5 Frost Protection:** Amend section item 1. as follows:  
2. Extending below the frost line “for the Town of Londonderry of 48” below finished grade.”
- Q. **Section 1809.5 Frost Protection:** Amend section exception item 2. as follows:  
2. Area of 400 square feet or less for] any accessory structure;
- R. **Section 2901.1 Scope:** Amend last sentence of paragraph to read as follows: “Private sewage disposal systems shall conform to the current State of NH Env.-WS1000 Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX.”
- S. **International Plumbing Code 2015 – Section 106.6.2 Fee Schedule:** The fees for plumbing work shall be “in accordance with the schedule as determined by the Londonderry Town Council.”
- T. **International Plumbing Code 2015 – Section 106.6.3 Fee refunds:** *Delete sub-section Item 2 and Item 3 entirely.*
- U. **International Plumbing Code 2015 - Section 602.3.3 Water Quality:** Insert at the end of the section paragraph, the following sentence: “A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, “standard analysis” as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants.”
- V. **International Mechanical Code 2015 - Section 101.1 Title:** These regulations shall be known as the Mechanical Code of the “Town of Londonderry”, hereinafter referred to as “this code”
- W. **International Mechanical Code 2015 - Section 106.5.2 Fee schedule:** The fees for mechanical work shall be “in accordance with the schedule as determined by the Londonderry Town Council.”
- X. **International Mechanical Code 2015 – Section 106.5.3 Fee refunds:** Delete sub-section Item 2 and Item 3 entirely.
- Y. **Appendices:** The following Appendix Chapters are hereby adopted as a part of the Londonderry Building Code:  
“Appendix C Group U - Agricultural Buildings”  
“Appendix E Supplementary Accessibility Requirements”

## 9.2 Building Code Amendments – Part II

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The International Residential Code, 2015 Edition as recommended and maintained by the voting membership of the International Code Council, Inc., with the following deletions and insertions.

- A. **Section R101.1 Title:** Insert in “[ NAME OF JURISDICTION ]” the following: “*the Town of Londonderry*”



- B. **Section R103.1 Creation of Enforcement Agency:** Amend Section to read as follows: The department of building safety is hereby created “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter II, Section III”, and the official in charge shall be known as the Building Official “or Building Inspector where the context so admits or requires.”
- C. **Section R103.2 Appointment:** Amend Section to read as follows: The building official shall be appointed “in accordance with the Town of Londonderry Municipal Code, Title V, Chapter I, Section IV-A, and in accordance with the provisions of [RSA 674:51, III](#). The building official shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures.”
- D. **Section R103.3 Deputies:** Delete Section R103.3 and insert in place thereof the following: “Section R103.3 Organization: The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, and other employees as shall be necessary for the administration of this code.”
- E. **Section R105.2 Work Exempt from Permit:** Amend Section as follows: Omit listed item number “1.” in its entirety. Amend listed item number 3. By replacing “4 feet” with “3 feet”.
- F. **Section R106.2.1** Add the following section: “Section R106.2.1 Soil and Technical Data: All technical and soil data required by the current State of NH Subdivision and Individual Sewage Disposal System Design Rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan.”
- G. **Section R106.2.1.2** Add the following section: “Section R106.2.1.2 Driveway Plan: The driveway plan shall indicate the location and profile of the driveway(s) in accordance with the Public Works design specifications for the Town of Londonderry. The driveway plan shall reviewed and approved by the Public Works Department prior to the issuance of a building permit.”
- H. **Section R108.2 schedule of permit fees:** Amend Section to read as follows: On buildings, structures, electrical, gas, mechanical, and plumbing systems or alteration requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as “determined by the Londonderry Town Council. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures. Town owned structures and properties shall be exempt.”
- I. **Section R109.1.1.2 Certified Foundation Footing Plan:** add the following section: “Section R109.1.1.2 Certified Foundation Footing Plan: Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of NH indicating that the improvements shown on said plan are in compliance with the building setback requirements of the Town of Londonderry, and a notation of the elevation of the top of the foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in the case of accessory structures and additions to existing structures.”
- J. **Section R109.3 Inspection Requests:** Add the following sentence to the Section paragraph: “Inspection requests made to the Londonderry building department shall be a minimum of one day notice.”
- K. **Section R110.3.1 Approval Signature:** Add the following section: “Section R110.3.1 Approval Signature: All commercial, industrial, residential and other structures and occupancies requiring a certificate of occupancy as mandated by Section 110 of this code will require the following signatures: an authorized Building Department representative; an authorized Fire Department representative; an authorized Engineering Department representative;



EXCEPTION: Structures requiring no action by the Fire or Engineering departments will require only an authorized Building Department representative signature.”

- L. **Section R112 Board of Appeals:** Delete Section R112 in its entirety and insert in place thereof the following: “Section R112 Board of Appeals: In accordance with the provisions of [RSA 673:3, IV.](#), the Londonderry Zoning Board of Adjustment shall act as the building code Board of appeals, with power as provided by [RSA 674:34.](#)”
- M. **Section R113.4 Violation Penalties:** Amend Section to read as follows: Omit at the end of the paragraph “by law”, and insert the following: by the provisions of [RSA 676:15](#) and [RSA 676:17.](#)”
- N. **Section R114.2 Unlawful Continuance:** amend Section to read as follows: omit at the end of the paragraph “by law”, and insert the following: by the provisions of [RSA 676:15](#) and [RSA 676:17.](#)”
- O. **Table R301.2(1) Climatic and Geographic Design Criteria:** Insert design criteria in the Table as follows: Ground Snow Load - “It has been determined by a site-specific study conducted by the Structural Engineers of NH that the ground snow load for Londonderry is 65 pounds per square foot.” ;Wind Speed - “120 mph Exposure B” Seismic Design Category - “D”; Weathering - “Severe”; Frost Depth - “48”; Termite - “Moderate”; Winter Design Temp - “-3F”; Ice Barrier Underlayment - “Yes”; Flood Hazard - “2005”; Air Freezing Index - “1500”; Mean Annual Temperature - “45”
- P. **Section R403.1.4.1 Frost Protection:** Amend section exception item 1. as follows: 400. Delete section exception item 2. entirely.
- Q. **International Plumbing Code 2015** - Section 602.3.3 Water Quality: insert at the end of the Section paragraph, the following sentence “A water test report shall be submitted to the Building Inspector for review prior to the issuance of a certificate of occupancy. Such test shall include, “standard analysis” as recommended by the NH Department of Environmental Services, as well as volatile organic compounds (VOC) contaminants.”

## 9.3 Building Code Amendments – Part III, Demolition Delay

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### 9.3.1 Definitions

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As used in this section, the following words or phrases shall be defined as follows:

#### **Building**

Defined as in the International Building Code 2000 Edition as recommended and maintained by the voting membership of the International Code Council, Inc.

#### **Demolition Review Committee**

A committee comprised of 3 members and 2 alternates appointed by the Town Council comprised of at least 2 Heritage Commission members and 1 at-large member of the public.

#### **Demolition**

The act of pulling down, destroying, removing, or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

### 9.3.2 Criteria

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Any building or part of a building in the Town of Londonderry will fall under this ordinance where:

- A. The proposed demolition is greater than 500 square feet of gross floor area; and
- B. The building was constructed more than 75 years before the date of application for demolition permit; and
- C. The building is visible from the adjacent public right of way or public lands.

### **9.3.3 Procedure**

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When an application for a demolition permit, or a building permit involving a demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the Building Inspector for a determination under this ordinance, the Building Inspector will determine if the building, or Section of the building, meets the above criteria. If it does meet the above criteria, the Building Inspector shall:

- A. Notify the applicant in writing within 5 business days of the filing that the demolition must be reviewed before proceeding and that the delay will not exceed 45 days.
- B. Within 5 business days forward the application to each member of the Demolition Review Committee.
- C. If the Demolition Review Committee determines the building to be potentially significant (see **Section 9.3.4(A)**); within 5 business days of that decision the Building Inspector shall notify the applicant that a sign identifying the building as proposed for demolition and the date, time, and place of the public hearing on the proposed demolition is ready for posting in a visible location on the building. Posting of the sign within 5 business days of receiving notification from the Building Inspector shall be the responsibility of the applicant. If the sign is not posted within 5 business days, the 45 day time frame provided for above shall stop running and not resume until the sign is posted.

### **9.3.4 Demolition Review Committee Responsibilities**

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It is the responsibility of the Demolition Review Committee to:

- A. Make a decision within 5 business days of receipt of the demolition application as to whether the building might be of historical or architectural significance.
- B. Notify the Building Inspector in writing within 2 business days of decision if the building is found not to be significant and demolition can proceed.
- C. Notify the Building Inspector in writing within 2 business days of decision if the building is found to be potentially historically or architecturally significant.
- D. Establish a date and location for a public hearing to occur within 12 days of determination of potential significance. A notice of public hearing shall be submitted to the local newspaper within 2 days of decision.
- E. Hold the public hearing to hear all public testimony regarding demolition of the building. The applicant (or applicant's agent) proposing the demolition shall be invited to attend the public hearing to hear the concerns or alternatives that are proposed by members of the public.
- F. Notify the applicant and the Building Inspector within 2 business days following the public hearing that the demolition can proceed if the building is found not to be significant.
- G. Hold a meeting between the Demolition Review Committee and the applicant (or applicant's agent) within 10 business days of the public hearing to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.

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### **9.3.5 Demolition**

- A. If no alternatives to demolition have been identified and agreed to by the applicant, after the meeting provided in **Section 9.3.4(G)**, the applicant is free to proceed with demolition. Prior to demolition, and if the applicant is in agreement, the Demolition Review committee shall photographically document the building. The committee may also encourage the applicant to salvage significant architectural features.
- B. Nothing in this ordinance shall be construed to prevent immediate demolition where public safety is at stake and the building has been determined by the Building Inspector to be a public hazard and demolition is the only viable recourse.

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### **9.4 Board of Adjustment**

The Board of Adjustment shall have authority to allow slight variations from the specific terms of this Ordinance where it can be shown that unnecessary hardship would otherwise result.

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### **9.5 Amendments**

This ordinance may be amended by a majority vote of the Town Council, following the procedures set forth in the Town Charter.

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### **9.6 Enforcement**

Upon any well-founded information that this ordinance is being violated the Building Official shall take steps to enforce the provisions of this Ordinance by seeking appropriate legal action. Whoever violates any of the provisions of the above regulations shall be punished upon conviction by a fine in accordance with [RSA 676:15](#) and [676:17](#).

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### **9.7 Effective Date**

This ordinance (code) was originally adopted at the Town Meeting March 9, 1965.

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### **9.8 Conflicting Provisions**

Whenever the regulations made under the authority hereof differ from those described by any statute, ordinance or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

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### **9.9 Validity**

If any section, clause, provision, portion, or phrase of this ordinance shall be held to be invalid or unconstitutional by any court of competent authority such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

## APPENDIX A ROADWAY CLASSIFICATIONS

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### A. DEFINITIONS:

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**Arterial** - A road intended to carry local and regional traffic to, from and between limited access highways as well as to, from and between the major centers of employment, service, and retailing in commercial and industrial districts. These roads are designed to carry large volumes of traffic to and from collector streets. The emphasis is on mobility, not access to adjoining land uses. Arterial roads are characterized by high volumes of traffic and two to four travel lanes.

**Collector** - A road intended to carry local vehicular traffic within commercial and industrial districts as well as to, from, and through residential areas to reach arterial streets and the commercial and industrial districts. Collectors provide access to adjoining land uses, as well as conduct traffic from local streets to arterial streets and interstate highways. Collector roads are characterized by high volumes of traffic at peak hours and two (2) travel lanes, often with additional turning lanes at intersections.

### B. ROAD CLASSIFICATIONS

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#### **Arterials:**

Interstate Rte. 93

Mammoth Road (NH Rte.128 - Portion)

Nashua Road (NH Rte. 102)

Rockingham Road (NH Rte. 28)

#### **Collectors:**

Adams Road

Auburn Road

Elwood Road

Gilcreast Road

Grenier Field Road

Griffin Road

Hardy Road

Harvey Road

High Range Road

Litchfield Road

Old Derry Road

Perkins Road

Pillsbury Road

Shasta Drive

Stonehenge Road

South Road

West Road

Wiley Hill Rd.





## APPENDIX “B” ZONING CHANGES/AMENDMENTS

Date	Article #	Amendment
03/12/63	22	Adopt Zoning Ordinance - vote of 374 to 353
03/10/64	19	Rezone to Industrial, land on Mammoth Rd.
	20	Amend Art. 5: to rezone federal land at Grenier Field
	21	Rezone to Ind., land of Harvey & Pettengill Rds.
03/14/67	13	Adopt Sign Ordinance
	14	Adopt Ordinance relative to Commercial Piggeries and Mink Farms
03/11/69	23	Amend Ch. I, Sec. XVII relative to Mobile Homes
	24	Rezone Palmer & Matarozzo properties on East side of Ft. 102 to Commercial
03/09/71	22	Amend Ch. I, Sec. II, Par. A: to create Beaver Brook Conservation District
	23	Amend Ch. I, Sec. III, Par. G-1; to restrict multi-family housing to specified roads
	24	Amend Ch. I, Sec. III, Par. G-2; to permit owner-occupied duplexes
	25	Amend Ch. I, Sec. XV; when ordinance conflicts with other regulations, the higher standard prevails
03/07/72	22	Create a Wetland Conservation Dist.
	23	Adopt BOCA Code
	24	Amend Sign Ordinance
	26	Rezone to Industrial parcels 14-17 & 15-2
03/06/73	21	Establish density requirements
	22	Establish 1500 ft depth limitation on multi-family developments
	23	Increase amt. of recreation land required in multifamily developments
	24	Rezone to Industrial land on east side of Grenier Field Rd .So. to Webster Ln.
	25	Empowering the Planning Board to review non-residential site plans
	26	Eliminate Sec. XIII-B4 & 5 that allows ZBA to permit ind. & com .uses in res. zones
	27	Delete existing sign ordinance & replace
	28	Rezone to Commercial, lot 40, Map 7
	29	Rezone to Commercial, lot 72, Map 6
	30	Rezone to Industrial-Commercial lots 24 & 25, Map 28 and lot 11, Map 14
	32	Minimum lot (1A) and frontage (150') for cluster subdivisions
03/05/74	27	Amend min. lot and frontage requirements for cluster subdivisions
	28	Frontage requirements for multi-family developments
	29	Multi-family developments must be prepared by and approved land use planner
	30	Requiring buffer zones for multi-family developments
	31	driveways be approved by the Building Inspector
	32	Requiring a permit for commercial gravel extraction
	33	Limiting number of units in multi-family development to 8
	34	Extending the Industrial Zone on tax Map 14



Date	Article #	Amendment
03/05/74	35	Rezoning to Industrial, lots 1, 64-1, 60, 80 & 81 on Map 16
	36	Rezone to Commercial, lots 4, 5, 6, 7, 8, 65, 66, 67, 68, 69, 70, 71 & 73 on Map 16, and lots 52, 55, 56, & 57 on Map 15, and lot 41 on Map 6
	37	Limiting accessory signs
	38	Limiting size of directional signs
	40	Rezone as Industrial, lots 14 & 15 on Map 26, and rezone as Commercial lot 8 on Map 26
	42	Rezone to Commercial north of Ft. 102 between Londonderry Rd. and Dickey St.
	43	Rezone to Industrial 361 acres on Map 14
	44	to Commercial lot 26 on Map 15
	46	Rezone to Commercial and Industrial lot 9 on Map 14
03/04/75	38	Amend Ch. 1, Sec. XIX, Art. 2B; sign size
	39	Permitting temporary signs
	40	Amend Ch I, Sec III, adding A1 residential district
	42	Amend Ch. I, Sec. XIII, adding C.; application fee of \$10
	43	Amend Ch. I, Sec. III, Art. B. 3a.1; minimum lot size
	44	Ch. I, Sec XVII, defining frontage
	45	Ch. I, Sec. XVII, defining frontage
	46	Ch. II, Sec. III, Art. B, add 4; prohibiting building on substandard roads
	47	Rezone Commercial, land north of Ft. 102 between Gilcrest Rd. and I-93
	48	Rezone Commercial, land 500' deep east of Londonderry Rd. from present Comm. Dist. to north of Ash St.
	49	Rezone Commercial, lots 72 & 72-1 on Map 7
	50	Rezone Commercial, lots 51, 51-1, 136, 129, 128, and 123, Map 10
	52	Amend Ch. I, Sec. III; lot size and frontage for multi-family development
	53	Amend Ch. I, Sec. III; excluding all multi-family development except owner-occupied duplexes
	55	Rezone Commercial and Industrial, lot 23, Map 16
	56	Rezone to Commercial and Industrial 150 acres on Auburn and Old Derry Roads
	57	Rezone land one parcel east of Rt. 28 on 128 opposite junction North of Stokes Rd. bordering Rt. 28
	58	Rezone to Commercial, lot 39, Map 7
03/02/76	100	Lot sizes
	101	Commercial setbacks
	102	Maximum Commercial lot coverage (2/3)
03/02/76	103	Defining frontage
	105	Rezoning to Commercial, a portion of lot 65A, Map 6
	106	Rezoning to Commercial, lot 49, Map 6
	107	Update to 1975 Edition of BOCA code
	108	Adopting BOCA Plumbing Code
	109	Adopting National Electrical Code/1975



Date	Article #	Amendment
	110	Establishing buffering between Commercial and Residential/Agricultural zones
	111	Adding Scobie Pond to Conservation Dist.
	112	Allowing ZBA to permit offices or banks in the Industrial District by special exception
	120	Rezone to Commercial lots 86, 86-1, & 87 on Map 10
	121	Rezone to Commercial-Industrial, lot 187 on Map 15
03/08/77	100	Deleting Sign Ordinance & replacing
	101	Minimum lot size
	102	Establishing buffering between Industrial and Res/Ag Districts
	103	Limiting residential building permits to 190 for the next year
	108	Rezone to Commercial, lot 32, Map 6
03/14/78	100	Amend Ch. I, Sec. III, B3: minimum lot size
	101	Revise Ch. I, Sec. III, B4; when the Town no longer restricts multi-family housing, lot size shall be based on soil capability
	102	Revise Ch. I, Sec. III, B9; to further restrict use of residences for home occupations
	104	Allowing livestock, etc. on lots of 2 acres or more
	105	Limiting mobile homes to 4 per acre - 8 per acre with Town sewer
	106	Allowing support-type businesses in the Industrial District by special exception
	107	Requiring Planning Board and Selectmen's approval for garages, service stations and used car lots in Commercial Zone
	108	Limiting sign size in the Industrial Zone
	109	Restricting annual building permits to 5.4% of school enrollment
	112	Rezone to Commercial, lot 40, Map 6
	113	Rezone to Commercial, lot 43, Map A6
	114	Rezone to Commercial, lot 53, Map 6 to a depth of 500 feet from Rt. 102
	116	Rezone to Commercial, lot 128, Map 7
	117	Rezone to Commercial, lot 131, Map 7
	118	Rezone to Commercial, portions of lots 66, 67 & 104 on Map 13
	119	Rezone to Commercial, lot 60, Map 13
	120	Rezone to Commercial, lot 9, Map 17
	121	Rezone to Commercial/Industrial, lots 25, 26 & 27 on Map 17 and lot 235, Map 15
03/13/79	100	Minimum lot area above 100 year flood level (22,000 SF)
	101	Soil types, depths, and areas on non-sewered lots
	102	Duplex lots to be sized by soils - min. 60,000 SF and 200' of frontage
	103	Eliminating class 5 & 6 soils from lot size calculations for non-sewered multi-family lots
	104	Churches in res. zones must have 2 acres and buffers
	105	Res. zoned land in 100 year flood zone of Beaver Brook to be Conservation District
	106	ZBA fee
	107	Special Exceptions or variances will expire after 12 months if a building permit has not been obtained



Date	Article #	Amendment
	108	Selectmen shall authorize the Building Inspector to enforce the Zoning Ordinance
	109	Revising the gravel ordinance
	110	Setting fees for Building Permits
	112	Creating Commercial Subdistricts: Limited Com., Office Com. & Highway Com.
	114	Creating Industrial Subdistricts: Limited Industry & General Industry
	117	Rezoning to Commercial, lot 44, Map 6
	119	Rezoning to Commercial, lots 28 & 50 Map 10
	126	Rezoning to Commercial, lots 150-1 & 150-2, Map 3
03/11/80	100-105	Amendments needed for Flood Insurance
	106	All new dwelling to connect to public water. If not available, private source is required to meet Board of Health regulations
	112	To include Elderly Housing as a special exception use in Office-Com. zone
	113	Including in Limited Com. zone, professional offices & medical& dental
	114	Rezone to Limited Com., lot 126, Map 15
	116	Rezone to Limited Com., lot 119-1, Map 7
	118	Rezone to Office/Com., lot 215, Map 15
	121	Establishing 40' building setback from all right of ways
	122	Enabling Planning Board to allow larger signs on industrial buildings
	123	Requiring repair or dangerous or defective signs
	124	Prohibiting abandoned signs
	125	Allowing the Building Inspector to remove dangerous signs
	126	Defining "Structure"
	127	Rezone to Limited Com., lot 7, Map 2
	128	Rezone to Limited Com., lot 22, Map 2
	129	Rezone to Limited Com., lot 131-1, Map 7
	130	Rezone to Limited Com., lot 130, Map 7
	132	Rezone to Limited Com., lot 129, Map 7
	133	Rezone to Limited Com., lot 22, Map 15
	134	Rezone to Limited Com., lot 157, Map 15
	135	Rezone to Office/Com., lot 122, Map 10
	136	Rezone to Highway Com., lot 54, Map 13
	137	Rezone to Highway Com., lot 13, Map 17
	138	Rezone to Limited Ind., lot 131, Map 3
	139	Rezone to Limited Ind., lot 148, Map 10
	140	Rezone to General Ind., lot 132B, Map 3
	142	Rezone to General Ind., lot 8, Map 16



Date	Article #	Amendment
12/08/81	101	Creating & defining R-II zone, & adding a new definition for Manufactured Housing
03/09/82	101	Removing existing Residential Civic Agricultural and Industrial Districts with Residential with AR-I and R-II subdistricts and Industrial with IND-I and IND-II subdistricts
	102	Expanding Section XVII Definitions
	103	Adding to Sec. XIX, Signs, and Sec. XX, General dealing with sign area requirements, removal of burned building, unregistered vehicles and boats, and temporary house trailers.
	104	Rezone to C-I, lot 23, Map 2 and Rezone to C-II, lots 22B, 25, 26, 27A, 27, 37-1, 37, 27A-1, 35-1, 35, 34, & 33 Map 2
	105	Rezone to IND-I and IND-II lot 36, Map 2
	106	Rezone to R-II, lot 80, Map 15
	107	Rezone to C-III, lot 126, Map 7
	109	Rezone to C-I lot 130, Map 3
	110	Rezone to Industrial, lot 65, Map 16
03/08/83	101	New sign regulations including subsections on type, size, number, construction, illumination, location, permits, and definitions
	102	Eliminating description of Planning Board report required to be submitted to ZBA under Special Exception review section
	103	Rezone to entirely Ag/Res. lot 10, Map 11
05/08/84	109	Rezone to AR-I, lots 13A, P/O (part of) 9, PO 12 on Map 11, lots 35, P/O 39, P/O 39-1, P/O 44-3
	112	Amend Ch. II, Sec. IV, Par. H: requiring submittal of a certified plot plan to the Building Inspector upon completion of foundations and before framing
	114	Increase the fine for zoning violations from \$10/day to \$100/day
	115	Rezone lot 75-7, Map 6 to entirely C-III
05/08/84	116	Rezone lot 153, Map 15 to C-I
	117	Rezone lot 12, Map 11 and lot 11-12, Map 14 to Residential/Agricultural
05/14/85	102	Add to Ch. I, Sec. III, Part B-8A-D: criterion for classification of Day Care Center, etc. as Home Occupations
	103	Replace BOCA code, 1975, with 1984 edition
	104	Amend Sec. VII, Par. C.3.a to include subparagraph: "5. Funeral Homes:
	108	Rezone to C-III lots 135 & 136, Map 3
	111	Rezone to C-II lots 7, 10, 11, & 12, Map 28
	113	Rezone to C-II, part of lot 36, Map 7
	118	Rezone to C-II, lot 32, Map 2
03/11/86	101	Amend Planned Residential Development Regulations (substantially)
	102	Amend Sec. III, B: General Regulations, Sec. IIIC: Subdistricts, Sec. III, Part C: further controls on multi-family dev.
	103	Rezone to Multi Dwelling Residential lot 153, Map 15
	105	Rezone to C-II, lot 34-A, Map 2
	114	Rezone to C-II, lot 73-4, Map 7
03/10/87	101	Amend AR-I and R-II regulations to incorporate HIS Mapping for lot sizing and to add presite housing and cemeteries as allowed uses (extensive criteria)
	102	Amend R-III zone regarding lot sizing, frontage and number of bedrooms per unit
	103	Add the following paragraphs: Sec. I, par. 101, "Short Title"



Date	Article #	Amendment
		Sec. I, par. 102 "Authority" Sec. I, par. 103 "Purpose" Sec. I, par. 104 "Rules of Construction" Sec. II, par. 201 "Definitions: Sec. III, par. 302 "District, Boundaries and Zoning Maps" Sec. VII, par. 703, K.&a. Industrial Pretreatment Req. Sec. VIII, par. 802, A.1.K Nursing Home as permitted use in C-I Sec. VIII, par. 802 C.1.f. Nursing Home as permitted use in C-III Sec. VIII, par. 803 E Com. building renderings to be approved by the PB Sec. X par. 1002 F Change the escrow procedures regarding gravel pits Sec. XI par. 1105 H Eliminate the requirement for the PB to review site plans prior to granting of a special exception by the ZBA
03/10/87	104	Make reorganizing changes as follows: A. Standardize formatting B. Organize material to improve the effectiveness of the regulation C. Combine Sec. IX and Sec. X D. Establish Sec. XIII to regulate Home Occupations E. Move Airport Zoning Regulation and the Public Dump Ord. from the Building Code to the Zoning Ordinance
	105	Delete existing Building Permit Control Ordinance
	116	Rezone to R-III, lots 17, 17-1, & 17-A on Map 17
	117	Rezone to C-I, lot 53, Map 6
	118	Rezone to R-III, lot 16 Map 28 & lot 49 Map 14
	119	Rezone to C-I, lot 38, Map 6
	121	Align the southerly boundaries of lots 7-119-7-112 & 7-112-1 and to rezone to R-III, lots 7-112, 7-118, & 7-124
03/08/88	101	Adopt "Growth Management and Innovative Land Use Control "section
	102	Lot sizing and frontage for residential lots with water and sewer
	103	Rezone to C-I, lot 47 and P/O 7, Map 10
	104	Rezone to AR-I lots 132-53, 132-54, 132-55, 132-56, 132-57, 132-58, 132-59, 132-23, 132-24, 132-25, 132-26, 132-27, 132-21, 132-22, 132-29, 132-66, & 132-30 on Map 7
	105	Rezone to R-III, lot 87, Map 15
	107	Rezone to R-III, lot 64, Map 15
	108	Rezone to R-III, lots 131, & P/O 17, Map 15
	109	Rezone to R-III, lot 51, Map 15
	111	Rezone to R-II and C-II, lot 27A, Map 2
	112	Rezone to IND-I, lots 98 & 99, Map 15
	115	Rezone to R-III, lots 83, 84, & 85, Map 15
	117	Rezone to IND-I, lots 46, 47, 48, 49 & 50, Map 10
03/14/89	101	Typographical corrections to Sec. IV subsec. 403 & Sec. VIII, subsec. 803
	102	Delete Sec. III, Subs. 302 A.5 "If no subdivision is sought or obtained, the entire lot shall be deemed to be in the more restrictive zone."
	103	Remove Sec. VIII, Subs. 802 C.1 "b. Single-family detached and two-family dwellings"
	104	Delete Sec. XI, Subs. 1102C "Permit a non-conforming temporary use for an initial period of not more than 2 years. Permits may be renewed by the ZBA for successive periods of not more than 1 year each.
	105	Delete Ch. 2, Sec. 3 B.2: Eliminate the requirement for a fee based on the estimated value per building





Date	Article #	Amendment
	106	Remove the following paragraphs to avoid conflict with the BOCA codes: Ch. 2, IV A through E, also I & J
	107	Amend Ch. 2, IV F & G to require plumbing & wiring to conform to BOCA plumbing code and National Electrical Code
	108	Amend Sec. III Subs. 303 H to allow two unregistered vehicles per lot, the same as State law
	109	Amend Sec. III, Subs. 303 I: To increase the time allowed for having a mobile home on a property damaged by fire, etc. from 90 to 120 days with an additional 60 days allowable as determined by the Building Inspector.
	111	Add a new paragraph: Sec. VIII, Subs. 802 C,2 "2. Special exception Single family detached and two-family owner-occupied dwellings."
	112	Amend Sec. VIII Subs. 803 B to make lot size and dimensions in commercial districts subject to State as well as BP approval
	113	Amend Sec. C Subs. 1001, & 1002 C to add "construction aggregate" to the definition of materials which will be regulated by the Town, and to include hours of operation and hours of blasting as necessary items for application submittal
	114	Amend Sec. XVII by changing the title from "Trailers" to "Manufactured Housing" to comply with State law
	115	Amend Sec. VII Subs. 1702 E to read "Manufactured housing entering or leaving courts shall be registered by the owner at the Town Assessor's Office."
	116	Amend Sec. XIX and Sec. II D; regarding enforcement, and penalties
	117	Amend Sec. XIV Subs. 1401: Home Occupations
	118	Add new paragraphs to Sec. VI Subs. 603 and Sec. VII Subs. 703 and Sec. 803 regarding Curb and Gutter, and Sidewalks
	119	Add a paragraph to Sec. VII Subs., 703 F.9.A. enabling PB to allow space "reserved for future parking" in lieu or parking spaces
	120	Amend Sec. VII Subs. 703 F.13. Table 1 and Sec. VIII Subs. 803 G Table 1 to reduce the parking space requirements for commercial and industrial office space from 5.5 spaces/1000 SF or gross floor area to 4.5/1000 SF
	121	Add Sec. VII Subs. 703 F. 16 a-d: Handicapped Parking Spaces
	122	Add Sec. VII Subs. 703 F.17 a-d: Minimum Stacking Space Requirements
	123	Add Sec. IX Subs. 902 D. regarding wetlands
	124	Amend Sec. XVIII Subs. 1803 E.4 to read, "No freestanding sign or any part thereof, shall be located nearer than ten (10) feet to a property line."
03/14/89	125	Amend Ch. 2 Sec. III Par. B Subs. 1: "All fees for a building application and building permit shall be determined by the Board of Selectmen."
	127	Amend Ch. 2 Sec. IV Par. H First sentence; Foundations
	129	Rezone to IND-I, lot 9, Map 14
	130	Rezone to C-I, lot 37, Map 6
	133	Rezone to C-III, lot 124-1, Map 7
	138	Rezone to C-I, lot 167, Map 15
	139	Rezone to C-III, lot 137, Map 3
	140	Rezone to IND-I, lot 57, Map 10
	141	Rezone to C-II, lot 71, Map 10
	142	Rezone to C-II, lot 51, Maps 7 & 10
	143	Rezone to C-I, lot 64, Map 6
	144	Rezone to R-III, lot 85, Map 9
	145	Rezone to R-III, lot 57-10, Map 9



Date	Article #	Amendment
	151	Rezone to C-II, p/o 51, p/o 64, 60, 60-2, 60-1, 59, 51-4, Map 15
	152	Rezone to IND-I, lot 103, Map 15
	154	Rezone to R-III, lot 38, Map 7
	156	Rezone to IND-I, lot 5, Map 17
	157	Rezone to C-II, lot 5-2, Map 17
03/13/90	101	Add "The area of any PRD not used for individual lots, construction of buildings, roads and other areas for vehicular traffic shall be permanently maintained as common land for the purposes of agriculture, recreation and/or conservation."
	102	Add a new permitted use in C-I zone, "f. Child Day Care Facilities"
	103	Change Sec. XIII Non-Conforming Use from "3. Extended" to "3. Expanded:
	104	Change requirements of the Elevation of Footings
	105	Add a new Section titled "Elderly Housing Development Ordinance" to allow elderly housing in any res. or com. zone & at increased densities
	106	Flood Hazard Areas: if non-local as well as Town regulations apply, the more stringent standard applies. Also incorporates the 1980 Flood Insurance Rate Maps in the ordinance
	107	Rezone to C-II, lot 28, Map 2
	108	Rezone to AR-I, lot 21, Map 14
	109	Rezone to I-I, lot 9-1, Map 16
	110	Rezone to I-I, lot 9-2, Map 16
	111	Rezone to I-I, lot 10, Map 16
	112	Rezone to I-I, lot 11, Map 16
	113	Rezone to I-I, lot 11A, Map 16
03/13/90	115	Rezone to I-I, lot 12, Map 17
	116	Rezone to C-II, lots 28, 27, 23-2, 22-1, 22, 124, 125, 126, 25, 24,21, 21-1, 146, 149, 127 & 128, Map 15
	120	Rezone to C-I, lots 124-2, 123, 124-4, 124-5, 124-6, 124-46, 124-45,124-44, 124-43, 124-42, 124-41, 124-40, 124-39, 127-2, 125, 124-1, Map 7
03/12/91	101	Add a paragraph to Sec. V Article 408 to allow one bedroom apartments in a residential district as a secondary use to a home with certain restrictions
	102	Add to the definition Section of Article I, Sec. 201; "Farm," "Agriculture," "Building Coverage," and "Lot Size"
	103	Delete from the definition Section of Article I, Sec. 201 "Lot coverage," "Ground Area of a Structure," "Country Inn," "Home Care," Greenhouse Farm," "Greenhouse Retail," Greenhouse Wholesale," and "Farming
	104	Amend Sec. XX Article 2003.F.7 to read "... on one occasion per calendar year for a total period not to exceed thirty consecutive days unless otherwise permitted by the Building Inspector."
	105	Add to Ch. 1, Sec. XX Article 2003.C.2: a.1.&2, b.1.&2., and c. regarding signs
	106	Deleting Sec. IV: PRD sections 407.D.7. C&D and adding a new Section C. regarding setback distances
	107	Deleting Sec. VI: Multi-Family Residential Sections 603.C.1-4 and adding a new Sec.603.C.1. regarding setback distances
	108	Deleting Industrial Sec. 703.A.1-4 and adding a new Sec.703.A.1 regarding setback distances
	109	Replacing Commercial Sec. VIII sec. 803.A with new setback distance requirements
	110	Enabling the ZBA to grant special exceptions for the retail sale of non-farm grown products with restrictions
	112	Amend Flood Plain Ordinance RSA reference, Sec. 1408-from RSASA-A; 1-b to RSAS-A:3.



Date	Article #	Amendment
	113	Changing district references in Sec.302.B
	114	Revising the Growth Management Ordinance to read, "This Ordinance shall expire at the Annual Town Meeting in 1994 unless readopted at that meeting. The Planning Board shall make recommendations as to the necessity and desirability of readopting this Ordinance prior to said Annual Town Meeting.
	115	Rezone to C-III, lot 148, Map 3
	116	Rezone to C-I, lots 215-1, & 215-2, Map 15
	117	Rezone to C-II, lot 65-2, Map 15
	119	Rezone to IND-I, lot 80-2, Map 15
03/10/92	101	Add to Sec. 702, par. A, Subs.2 - Day Care - to allow day care as a special exception in the IND-I subdistrict
	102	Amend Sec. 1002: To allow excavation incidental to construction or grading on the same lot which is not subject to a special exception; and to establish criteria which the ZBA will use to determine whether a special exception is appropriate for a proposed excavation; and to allow the ZBA to require surety for the cost of site restoration, highway and bridge repair and other items.
	103	To include a new Section titled "Noise Overlay Zoning Provision"
	104	Authorizing the PB to establish a special site review committee for the review of minor site plans in accordance with RSA 674:43, Sec. III.
	105	Change Sec. 302: To renumber Sec. 302 Par. B to Sec. 302,Par. A, Subs. 6; and remove the conservation district from the order of most restrictive to least restrictive. and Add a new subsection as follows: If a zoning district boundary line runs through a lot and one of the zoning districts within the lot is the conservation district, Sec. IX applies. and Eliminate Sec. 903, Par G Subs. 5 and eliminate all references. And add Sec. 904, "District Boundaries and Zoning Maps." This Section outlines the procedures regarding the subdivision of lots which have a portion zoned CO.
	106	Rezone to I-II, lots 103 & 128, Map 13 and rezone to I-I part of lot 110, Map 16
	107	Rezone to I-II, part of lot 38, Map 16
	108	Rezone to I-I, part of lot 9, Map 16
	109	Rezone to I-I, lot 1, Map 18
	110	Repeal current building codes and adopt 1990 BOCA (11th edition) with various deletions and additions as submitted by the Planning Board
03/12/93	101	Section XIV-Amended "Flood Plain Development" as shown
	102	Section XX -Changed Article 2003, C.1.c., C.2, C.2.a as shown
	103	Section XX -Amended Article 2002, A. "Definitions"
	103	Section II- Deleted Under Section II "Definitions: Signs"
	104	Section XX-Amended Section 2003 D.1, D.1.b, as shown
	105	Section XIII -Amended Section 1303 B. "Elderly Housing" as shown
	106	Rezone to C-II, Lot 73-1, Map 7
03/10/94	101	Extend Growth Management and Innovative Land Use Controls until 1999 and amend findings of Section 1203
	102	Amend 803-M lighting standards
	103	Format change to capitalize all defined terms
	104	Amend 1303 Elderly Housing by adding definitions of open space and uplands
	105	Add new definitions of Drive-In Establishment and Drive-In Windows& change Section 802.B.1.d by deleting drive-in restaurant and replacing it with Drive-In Establishment and allow Drive-In Windows as accessory use in C-I for retail, banks, and restaurants.
	106	Delete Section XVIII (Public and Private Dumps) and add 303E stating dumps not allowed.



Date	Article #	Amendment
	107	Amend Section XIV to deal with Recreational Vehicles
	108	Delete Section X Mining & Excavation, add definitions of Excavation, Permanent and Temporary Manufacturing Plants, Earth, Loam, and Soil; allow Excavation, Permanent and Temporary Manufacturing Plants in the C-I, C-II, I-I and I-II zones and allow Excavation and Temporary Manufacturing Plants in the AR-I, R-II, R-III and C-II Zones. Add new sections 303.I.1 Minimum and Express Operational Standards for Excavation and 303.I.2 Minimum and Express Reclamation Standards for Excavation.
	109	Add new Section 402.12 "Manufactured Housing." Delete Section V(R-II) in its entirety, amend zoning Map to change R-II to AR-I, and delete any references to R-II in the ordinance and add manufactured housing to 407.C.3.
	110	Add a new Section X Impact Fees.
	111	Rezone Map 16, lots 72 and 74 from AR-I to C-II
	112	Add new sections 703-M Utilities and 803-N Utilities requiring underground utilities
	113	Add new definitions of Berm, Buffer, Deciduous, Evergreen, Ornamental Tree, Screen, Shade Tree, Shrub, Specimen Tree, Woodlands Existing, Tree.
	114	Add a new definition of Frontage
03/14/95	101	Rezone to C-II Lots 75 & 76, Map 16
	103	Rezone to C-I Lot 131-2, Map 3
	104	Delete Section 603.E.6. (Design of Curb Cuts and associated driveways at intersection in IND. District).
	105	Delete existing R.O.W. in Section 201 and replace with new definition
	106	Delete Section 603.G.4 (Loading Bays in IND. District) and replace with new Section 603.G.4.
	107	Delete existing Section 1903.F.6. (Political Signs) and replace with new Section 1903.F.6.
	108	Amend Sections 603.H.2. and 703.I.2. (Buffer Zones in IND. and COMMERCIAL Districts).
03/14/95	109	Amend Section 603.F. (Parking Standards in IND. District) and add new Sections 603.F.18 (Parking Lot Landscaping); 603.F.19. (Paving Materials); 603.F.20. (Walls and Fences); 603.F.21. (Street Furniture).
	110	Amend Section 402.A. by adding new use Section 402.A.14 "Bed and Breakfast Homestay". Amend Sections 201 and 409 with new definitions.
	111	Amend Section 201 by adding new definitions of Sexual Conduct", "Sexually Oriented Businesses" and "Substantial Portion of the Presentation Time". Amend Sections 702.A.1. and Section 702.A.1.i.
	112	Amend Section 1201 "Elderly Housing".
	113	Amend Sections 407.D.2.a. and 407.D.3. "PRD".
03/12/96	101	Rezoned to AR-I Lot 11, Map 16
	102	Amend Section XXIII Notice for Properties -Overlay Districts
	103	New Section 402.C - Special Use Permit for Back Lot Development, Section 410 establishing criteria for Back Lot Development
	104	Amend Sections 603.A.1, 603.H.1, 603.K.2, 1903.E.1 and 1903.E.4, addressing setbacks, landscaping, noise performance standards, and signs for airport related uses, and Section 201 - Definitions.
	105	Amend Section 403.A, revised soils based min. lots sizes in AR-I District, and Section 503.H, revising min. lots sizes in the R-III District.
	106	Amend Section 408.E adding a reference to soils based min. lot sizes for accessory apartments
12/09/96	97-02	Amend Definitions: "Wireless Communications Facility", and Section III - 303, K and adding Section III - 304, A-E.
06/02/97	97-04	Amend Definitions "Elderly", "Housing for the Elderly", and Section 1204 G, K, and N.2.a.1
06/16/97	97-06	Amend Section VII-Commercial District, Section K-Performance Standards
09/08/97	97-07	Amend the Zoning Maps to change the zoning of property Tax Map 7,
		Lots 73 & 73-5 from C-I to C-II

Date	Article #	Amendment
10/20/97	97-08	Amend the Zoning Maps to change the zoning of property Tax Map 16, Lots 79,82, 85, 86, 90 from AR-I to C-II.
12/22/97	97-09	Amend the Zoning Maps to change the zoning of property Tax Map 15, Lot 65 from AR-I to C-II.
12/22/97	97-10	Amend the Zoning Maps to change the zoning of property Tax Map 17, Lots 40, 43, 39 and a portion of Map 17, Lot 45, and Tax Map 18, Lots 1 and 3 all from AR-I to IND-I; and Tax Map 15, Lot 81 and the first 400' North of Sanborn Road on Tax Map 17 Lot 45 from AR-I to R-III.
02/23/98	98-01	Amend the Zoning Ordinance Section XI - Growth Management and Innovative Land Use Control by completely replacing the section.
10/19/98	98-02	Amend the Zoning Ordinance by adding Section X - Historic District and renumbering the following sections accordingly.
Postponed	98-03	An Amendment to the Zoning Ordinance Relating to Energy Generating Facilities
10/19/98	98-4	An Amendment to the Zoning Ordinance Relating to a Procedure for Amendments to the Ordinance (Pending - Not adopted)
12/21/98	98-5	An Amendment to the Zoning Ordinance Relating to Changes to the Zoning Map (Map 10 Lot 54)
Postponed	98-6	An Amendment to the Zoning Ordinance Relating to Changes to the Zoning Map (Nutfield Country Store)
03/29/99	99-02	Amend Zone Ordinance - Section II - Definitions (Add Airport District)
03/29/99	99-03	Amend Zone Ordinance - Section II - Districts (Add Airport District)
03/29/99	99-04	Amend Zone Ordinance - Add Section IX (Airport - renumber subsequent sections)
03/29/99	99-05	Amend Zone Ordinance - Section XXI (renumbered) - Signs (Airport signs)
03/29/99	99-06	Amend Zone Ordinance - Impact Fees (Elderly Waiver)
08/02/99	99-07	Amend Zone Ordinance - Wireless Facilities (revise Section 304 language)
08/02/99	99-08	Amend Zone Ordinance - Growth Mgmt. Ordinance (revised Section 1305)
08/30/99	99-09	Amend Zone Ordinance - Rezone Map 6, Lot 45
08/30/99	99-10	Amend Zone Ordinance-Rezone Map 15, Lot 80-1
08/30/99	99-11	Amend Zone Ordinance -Rezone M 15, L 93-A, and M 15, L 91-B
09/13/99	99-12	Amend Zoning Ordinance Section XII - Subsection 1214 - Review
09/13/99	99-13	Amend Zoning Ordinance Section XII - Subsection 1206-Comp. of Fees
09/13/99	99-14	Amend Zoning Ordinance Section XII - Subsection 1211-Credits
09/13/99	99-15	Amend Zoning Ordinance Section XII - Subsection 1208-Appeals
10/18/99	99-16	Amend the Zoning Maps to change the zoning of property Tax Map 6, Lot 65 from C-I to C-III
11/01/99	99-17	Amend Zoning Ordinance - BOCA Building Code
12/13/99	99-18	Amend Zoning Ordinance – National Fire Prevention Code
01/24/00	00-01	Amend Zoning Ordinance-(Map 10, Lot 55)
01/24/00	00-02	Amend Zoning Ordinance - Section XI -Subsection 1103
06/19/00	00-04	Amend Zoning Ordinance - R-III Districts
08/14/00	00-05	Amend Zoning Map (Map 2, Lots 34-3 and 34-4 to Industrial II)
Adopted	00-06	Amend Zoning Ordinance -Section XXV – Amendments
11/20/00	00-07	Amend Zoning Map (Map 2, Lots 34-3 and 34-4 to)
12/04/00	00-08	Amend Zoning Map (Map 2, Lot 34-5)
01/26/01	01-01	Amend Zoning Ordinance- Section XIII-GMO (Section.1301-1305)
04/23/01	01-02	Zoning Ordinance- Section VIII-Conservation Overlay District (replacing old Conservation District)
06/18/01	01-03	Amend Zoning Map (Map 16, Lot 11A from I-I to AR-I)
06/18/01	01-04	Amend Zoning Map (Map 15, Lot 54 from AR-I to C-II & Lot 129 from AR-I to C-I)
09/10/01	01-05	Zoning Ordinance-Section XII - Impact Fees (Change age to 55)
02/04/02	02-01	Amend Zoning Ordinance - Section VII-Commercial District to Add C-IV
02/04/02	02-02	Amend Zoning Ordinance - Section VII - Add Subsection 705

Date	Article #	Amendment
02/04/02	02-03	Amend Zoning Map 7 (Lots132-28, 9-17-1) to C-IV
02/04/02	02-04	Amend Zoning Ordinance - Section XXI-Signs, Subs.2103 and 2104
07/15/02	02-09	Amend Zoning Ordinance - Add New Section XIV-Residential Phasing (Renumber all subsequent sections)
07/15/02	02-10	Amend Zoning Ordinance - Add New Section XVI-Growth Mgt. and Innovative Land Use Control
08/12/02	02-11	Amend Zoning Ordinance - New Section VIII- Performance Overlay District
08/26/02	02-12	Amend Zoning Ordinance - Section III- Districts, To add Commercial IV, and Performance Overlay Districts to section
12/02/02	02-14	Amend Zoning Ordinance – Title III, Land Use Codes, Chptr. I- Zoning Ordinance, Section XII – Historic District
11/18/02	02-15	Amend Zoning Ordinance Section IV - Agricultural/Residential; Section VII - Commercial District and Section XXIII - Signs
12/16/02	02-16	Amend Zoning Ordinance - Title III - Land Use Codes, Chptr. I- Zoning Ordinance, Section XIII - Impact Fees
02/10/03	03-02	Amend Zoning Ordinance, Section IX - Conservation District, Subsection 907.c
02/10/03	03-03	Amend Zoning Ordinance, Section VIII - Performance Overlay District (various amendments)
04/14/03	03-04	Amend Zoning Ordinance, Fire Prevention Code
02/09/04	04-01	Amend Zoning Ordinance, Section VIII, Clarify Existing POD, add Tax Map 6, Lot 54
02/09/04	04-02	Amend Zoning Ordinance, Add New Section VIII-A, NH Rte. 28 Corridor to POD
03/08/04	04-04	Amend Zoning Ordinance, Chapter II - Bldg. Code Amendments
03/08/04	04-05	Amend Zoning Ordinance, Re-Zoning Map18, Lot 2, to I-1
07/22/04	04-06	Amend Zoning Ordinance, Add definitions to Section II, add Conditional Uses to Industrial District.
07/22/04	04-07	Amend Zoning Ordinance, Re-Zoning a portion of Map 6, Lot 51 (Not effective until lot line adjustment with Lot 52 is approved by Planning Board)
09/27/04	04-12	Amend Zoning Ordinance, Re-Zoning Map 7 Lot 75 from AR-I to C-I
11/08/04	04-13	Amend Section 303.G relating to storage of unregistered motor vehicles.
11/08/04	04-14	Amend Section XI, adding new Section 1106 relating to special exceptions for residential garage setbacks
11/08/04	04-15	Amend Section XIX, clarifying readability and clarification of uses not to be considered Home Occupations.
11/08/04	04-16	Amend Section XXIII, Section 2303A relating to the issuance of sign permits.
03/28/05	05-03	Amend Section XVII, Flood Zone, relating to new FEMA Flood Insurance Maps.
03/28/05	05-04	Amend Section II, Definitions, adding definitions relating to electronic signage.
03/28/05	05-05	Amend Section XXIII, Signs, relative to the regulation of electronic signage.
06/06/05	05-07	Rezoning of 2 parcels - removal of the Rt. 28 Performance Overlay District from Map 15, Lot 128 and rezoning from C-2 to AR-I; and removal of the Rt. 102 Performance Overlay District from a portion of Map 2, Lot 27.
08/18/05	05-08	Comprehensive Reorganization/Reformat of the Zoning Ordinance, minor clarifications, definitions added & removed, amendment procedure.
09/12/05	05-10	Amend Zoning Ordinance, Re-Zoning Map 7, Lots 132-1 through 132-20; Remove said lots from the Rte. 102 Performance Overlay District and rezone from C-I to AR-I
03/06/06	06-01	Amend Section 2.3.1.7, removing the sections dealing with variances and “spirit of the ordinance.” Also added language clarifying that accessory apartments are not permitted as part of back lot subdivisions. Amend Section 3.6.4.11 clarifying intent of section. Amend Section 3.12.1 regarding general home occupations, added new sections 3.12.2 and 3.12.3 dealing with child care and adult day care as home occupations. Amend Section 3.11.2.6.8.1 added new language regarding off-premise open house signs and signs for a “developed parcel” (Section 3.11.2.4.1.1.), fixed the discrepancy on signs for home occupations (Section 3.11.3.7.4.), added new language regarding wall signage for office buildings (Section 3.11.2.4.1.2.1.). Amend Section 4.1.5.12, Special Exceptions, adding clarifying language regarding SE’s for commercial wireless communication facilities. Removed Section 4.4.3, not requiring permits for remodeling, which is inconsistent with actual Town requirements. Amend Section 4.7 - Moved day care definitions to home occupation section. Removed the “To Develop” portion of the definition of “development.” Updated incorrect Section Reference in the definition of “variance.”
5/1/06	06-03	Rezoning of Map 15, Lot 68 from AR-I to C-III and Historic District effective upon the following conditions being met: A. The Town shall receive a historic preservation easement and historic preservation façade easement from the property owner requiring that the exterior of the historic structures be maintained in their current state, not to altered, demolished or added to;





Date	Article #	Amendment
		<p>B. That the specific use of the property be restricted to residential and office space;</p> <p>C. That no additional structures be placed upon the property unless required by the site plan regulations (i.e. drainage structures, etc....) or to accommodate utilities, all not in detriment to the historic character of the building;</p> <p>D. That no retail operations are allowed at that location;</p> <p>E. A site plan be submitted to the Londonderry Planning Board for review and approval in accordance with the Londonderry Site Plan Regulations and Zoning Ordinance</p>
05/15/06	06-04	Remove the elevator requirement for elderly housing developments as previously required in Section 3.6.4.6
05/15/06	06-05	Rezoning of the southerly portion of current Map 15, Lot from AR-1 to I-1, to become effective when the Planning Board approves the subdivision plan creating a new lot consisting of the southerly portion of current Map 15, Lot 97.
02/19/07	07-01	Add Conditional Use Permit Language to permit Affordable Elderly Housing; Add standards and requirements for Affordable Elderly Housing; Amend Support Facility & Services Uses, making provision of elderly support services and/or uses a requirement for all projects; and to Introduce a "cap" on the total number of Elderly Housing units to be permitted within the community.
06/14/07	07-03	Amend Section 1.2, Impact Fees, Methodology Update
09/17/07	07-05	Rezoning of the southerly portion of current Map 15, Lots 93, 93-1, & 93-2 from AR-1 to I-I, to become effective when the Planning Board approves the re-subdivision plan and voluntary merger of the re-subdivided lots with Map 15, Lot 98.
10/01/07	07-07	Rezoning of Map 6, Lot 31 from C-I to C-III and removal of said parcel from the Rte. 102 Performance Overlay District.
10/01/07	07-08	Amend Sections 3.10, Vehicle Access & Parking and 3.11, Signs as recommended by the Planning Board.
11/05/07	07-11	Amend Sections 5.1 and 5.2 to reflect 2006 updates to State Building Code
01/21/08	08-01	Amend Section 3.1.2 (Excavation Standards) and Section 3.11.6.3 (Signs)
03/17/08	08-03	Rezoning of Map 7, Lot 132-28 from C-IV to AR-I.
04/21/08	08-04	Rezoning of Map 7, Lots 132-1 through 132-20 by removing the Rt. 102 Performance Overlay District, effective upon approval of site plan for commercial development consistent with conceptual plans presented to the Planning Board.
05/05/08	08-05	Rezoning of the easterly portion of current Map 15, Lot 96 from AR-1 to I-1, to become effective when the Planning Board approves the subdivision plan creating a new lot consisting of the easterly portion of current Map 15, Lot 96.
05/05/08	08-06	Amend Sections 2.3.1.2.2 which revises the time period one is allowed to occupy a temporary manufactured housing unit on a lot while replacing a primary structure due to fire damage (consistent with RSA 674:32 II) and Section 2.3.1.3.1, Table 2 (Minimum Lot Size), to be consistent with the updated soil-based lot sizing standards of the Society of Soil Scientists of Northern New England.
06/12/08	08-09	Amend Sections 2.3.1.9; 2.4.2.12; 2.5.1.3.12 and 4.7 to establish standards for the use of Portable Storage Structures.
10/06/08	08-11	Add new Section 4.1.7 for Special Exceptions for Historic Structures, renumber remainder of section accordingly.
10/06/08	08-12	Re-write Section 3.3, Planned Residential Development, replacing in its entirety with new Section 3.3 Conservation Subdivisions. Amend Section 4.7 to remove all definitions that related to deleted Planned Residential Development section.
04/07/09	09-01	Create new section 3.14, Fences. Amend Section 4.7 (Definitions) with new definition of "fence".
08/17/09	09-03	Create new section 3.14, Small Wind Energy Systems.
12/21/09	09-05	Create new section 2.7, Gateway Business District, rezone the following parcels to Gateway Business District: On Map 14: Lots 35 (I-II portion only), 36 (I-II portion only), 38, 39, 45, 45-1, 45-2, 45-4, 46, 47, 49, and 49-1. On Map 28: Lots 15, 16, 17, 17-2, 17-4, 17-5, 17-6, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 20-5, and 34.
01/04/10	09-06	Create new section 2.8, Planned Unit Development.
01/04/10	09-07	Amend Section 2.11, Districts, Section 2.2 Permitted Use Table, Section 2.5.2.5, Planning Board Site Plan Review in Airport District.
02/01/10	09-04A	Amend Section 1.2 Impact Fees; Section 1.3 Residential Development Phasing; Section 1.4 Growth Management; Section 2.2 Use Table; Section 2.3.2 R-III District; Create New Section 2.3.3 Inclusionary Housing; Create New Section 2.3.4 Retention of Housing Affordability; all in response to new state workforce housing statutes.
06/21/10	10-01	Amend Section 2.1.1 Districts; Section 2.2 Use Table; Section 2.4 Commercial District; Section 2.6.2.3.1 Rt. 28 Performance Overlay District; Section 4.7 Definitions; Amend Zoning Map to rezone from Rt. 28 POD to MUC Map 15, Lots 51, 54, 55, 56, 58, 59, 60, 61-1, 62, and 64; all to reorganize Commercial District and establish new Mixed Use Commercial sub-district.

Date	Article #	Amendment
07/15/10	10-02	Rezone Map 15, Lot 187 from C-I to AR-I
07/15/10	10-03	Rezone Map 16, Lot 38 from split AR-I/I-II to AR-I, effective upon the following: A. Planning Board approval of a lot line adjustment with the Waste Management Parcel to the west, and that the zoning of the land transferred to Waste Management remain zoned I-II B. Planning Board approval for a conservation subdivision of the parcel reasonable consistent with that which was presented conceptually to the Planning Board on May 12, 2010
07/15/10	10-04	Amend Sections 5.1 and 5.2 to reflect 2009 updates to State Building Code
10/04/10	10-05	Amend Sections 1.3, 2.3.2, 2.3.3, and 3.6 relative to the number of units allowed in multi-unit residential structures.
01/03/11	10-06	Amend Sections 3.11.6.3.8, and 3.11.6.4.3 relative to temporary signs and the signage requirements for the MUC sub-district.
03/07/11	11-01	Rezone Map 15, Lots 24 & 122 from split C-II/POD to I-I, effective upon the following: A. Planning Board approval of a voluntary merger or lot consolidation of the two parcels; B. Planning Board approval for a site plan for the expansion of the facility that is reasonably consistent with that which was presented conceptually to the Planning Board on December 8, 2010.
04/04/11	11-02	Amend Section 1.2.6.1, updating references to impact fee methodologies (Rt. 28 Western Segment Traffic).
07/07/11	11-06	Rezone Map 15, Lot 97 from AR-I to I-I
09/12/11	11-09	Rezone Tax Map 15, Lots 183, 184, & 185 from C-I to C-II & Rezone Tax Map 13, Lot 96B from AR-I to C-II.
12/05/11	11-12	Amend Section 5.3.2 to reflect an update to the Demolition Delay Ordinance
09/10/12	12-01	Rezone Map 7, Lot 122 from C-I to R-III
03/04/13	13-01	Rezone Map 6, Lots 37 & 38 from C-I to C-IV
07/15/13	13-05	Amend Section 3.11; add a new sub-section 3.11.6.3.9.5 regarding "A"-Frame Sidewalk Signs
11/04/13	13-06	Amend Section 2.1 in its entirety with revised language consistent with NH RSA 674:21 and recent court orders.

### Zoning Ordinance Amendments

(Article No. 22, adopted March 12, 1963, as amended by Article Nos. 19, 20, 21 March 10, 1964; and Special Town Meeting September 13, 1966;

Article Nos. 20, 21, 23 and 24 March 11, 1969;

Article No. 22 March 9, 1971; Special Town Meeting June 14, 1971;

Article No. 23 March 7, 1972;

Article Nos. 21, 22, 23, 25, 26, 27 and 32 March 6, 1973;

Article Nos. 27, 28, 29, 30, 31, 32, 33, 37, 38 March 5, 1974;

Article Nos. 38, 39, 40, 42, 43, 44, 45, 52, 53 March 4, 1975;

Article Nos. 103, 111, 112 March 2, 1976;

Article Nos. 100, 103 March 8, 1977;

Article Nos. 100, 101, 102, 104, 105, 106, 107, 108, 112, 113, 114, 116, 117, 118, 119, 120, 121 (3/14/78)

Article Nos. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 March 13, 1979;

Article Nos. 100, 101, 102, 103, 104, 105, 106, 112, 113, 114, 116, 118, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 138, 139, 140, 142 March 11, 1980;

Article Nos. 101, 102, 103, 104, 105, 106 March 10, 1981;

Article Nos. 101 and 102 March 11, 1986;

Article Nos. 101, 102, 103, 104, 105, 116, 117, 118, 119 and 121 March 10, 1987;

Article Nos. 101 and 102 March 8, 1988,

Article Nos. 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127 March 14, 1989;

Article Nos. 101, 102, 103, 104, 105 and 106 March 16, 1990;

Article Nos. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 116 and 117 (3/12/91);

Article Nos. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110 and 111 March 10, 1992;

Article Nos. 101, 102, 103, 104, 105 and 106 March 9, 1993;

Article Nos. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114 March 8, 1994.

Article Nos. 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113 March 14, 1995.

Article Nos. 101, 102, 103, 104, 105, and 106 March 12, 1996.

Article #	Date	Amendment
Ordinance 97-2	Dec. 9, 1996 -	Wireless Telecommunications Towers
Ordinance 97-4	June 2, 1997 -	Amend Section II - Definitions, Amend Section XII - Elderly Housing
Ordinance 97-6	June 16, 1997 -	Amend Section VII-Commercial District, Section K-Performance Standards
Ordinance 97-7	Sept. 08, 1997	Amend Tax Map 7, Lots 73 and 73-5 from C-I to C-II
Ordinance 97-8	Oct. 20, 1997	Amend the Zoning Maps to change the zoning of property Tax Map 16, Lots 79,82, 85, 86, 90 from AR-I to C-II.
Ordinance 97-9	Dec 22, 1997-	Amend the Zoning Maps to change the zoning of property Tax Map 15, Lot 65 from AR-I to C-II.
Ordinance 97-10	Dec.22,1997-	Amend the Zoning Maps to change the zoning of property Tax Map 17, Lots 40, 43, 39 and a portion of Map 17, Lot 45, and Tax Map 18, Lots 1 and 3 all from AR-I to IND-I; and Tax Map 15, Lot 81 and the first 400' North of Sanborn Road on Tax Map 17 Lot 45 from AR-I to R-III.
Ordinance 98-01	Feb. 23, 1998	Amend the Zoning Ordinance Section XI - Growth Management and Innovative Land Use Control by completely replacing the section.
Ordinance 98-02	Oct.19, 1998	Amend the Zoning Ordinance by adding Section X - Historic District and renumbering the following sections accordingly.
98-03	Postponed	An Amendment to the Zoning Ordinance Relating to Energy Generating Facilities
98-04	10/19/98	An Amendment to the Zoning Ordinance Relating to a Procedure for Amendments to the Ordinance (Pending - Not adopted)
98-05	12/21/98	An Amendment to the Zoning Ordinance Relating to Changes to the Zoning Map (Map 10 Lot 54)
98-06	Postponed	An Amendment to the Zoning Ordinance Relating to Changes to the Zoning Map (Nutfield Country Store)
99-02	03/29/99	Amend Zone Ordinance - Section II - Definitions (Add Airport District)
99-03	03/29/99	Amend Zone Ordinance - Section II - Districts (Add Airport District)
99-04	03/29/99	Amend Zone Ordinance - Add Section IX (Airport - renumber subsequent sections)
99-05	03/29/99	Amend Zone Ordinance - Section XXI (renumbered) - Signs (Airport signs)
99-06	03/29/99	Amend Zone Ordinance - Impact Fees (Elderly Waiver)



Article #	Date	Amendment
99-07	08/02/99	Amend Zone Ordinance - Wireless Facilities (revise Section 304 language)
99-08	08/02/99	Amend Zone Ordinance - Growth Mgmt. Ordinance (revised Section 1305)
99-09	08/30/99	Amend Zone Ordinance - Rezone Map 6, Lot 45 (from Agricultural Residential I (AR-I) to Commercial I (C-I).)
99-10	8/30/99	Amend Zone Ordinance-Rezone Map 15, Lot 80-1 (from Agricultural/Residential I (AR-I) to Industrial I (IND-I).)
99-11	8/30/99	Amend Zone Ordinance -Rezone Tax Map 15, Lot 93-A, and Tax Map 15, Parcel 91-B (from Agricultural/Residential I (AR-I) to Industrial-I (IND-I).)
99-12	09/13/99	Amend Zoning Ordinance Section XII - Subsection 1214 - Review
99-13	09/13/99	Amend Zoning Ordinance Section XII - Subsection 1206-Comp. of Fees
99-14	09/13/99	Amend Zoning Ordinance Section XII - Subsection 1211-Credits-Revise "D", Add "E"
99-15	09/13/99	Amend Zoning Ordinance Section XII - Subsection 1208- Appeals - Chg. "ZBA" to "Planning Board"
99-16	10/18/99	Amend Zoning Ordinance-Londonderry Tax Map 6 Lot 65 (Robie House Property C-I to C-III)
99-17	11/01/99	Amend Zoning Ordinance-BOCA Building Code
99-18	12/13/99	Amend Zoning Ordinance-National Fire Prevention Code
00-01	01/24/00	Amend Zoning Ordinance - (Map 10, Lot 55)
00-02	01/24/00	Amend Zoning Ordinance - Section XI -Subsection 1103
00-04	06/19/00	Amend Zoning Ordinance - Section V - R-III Districts
00-05	08/14/00	Amend Zoning Map (Map 2, Lots 34-3 and 34-4 to Industrial II)
00-06		Amend Zoning Ordinance - Revise Section XXV – Amendments
00-07	11/20/00	Amend Zoning Map (Map 2, Lots 34-3 and 34-4)
00-08	12/04/00	Amend Zoning Map (Map 2, Lot 34-5)
01-01	02/26/01	Amend Zoning Ordinance - Revise Section XIII-GMO (Sect.1301-1305)
01-02	04/23/01	Amend Zoning Ordinance- Revise Section VIII-Conservation Overlay District
01-03	06/18/01	Amend Zoning Map (Map 16, Lot 11A from I-I to AR-I)
01-04	06/18/01	Amend Zoning Map (Map 15, Lot 54 from AR-I to C-II & Lot 129 from AR-I to C-I)
01-05	09/10/01	Amend Zoning Ordinance-Revise Section XII-Impact Fees (change age)
02-01	02/04/02	Amend Zoning Ordinance - Section VII-Commercial District to Add C-IV
02-02	02/04/02	Amend Zoning Ordinance - Section VII - Add Subsection 705
02-03	02/04/02	Amend Zoning Map (&-132-28, 9-17-1) to C-IV
02-04	02/04/02	Amend Zoning Ordinance - Section XXI-Signs, Subs.2103 and 2104
02-09	07/15/02	Amend Zoning Ordinance - Add New Section XIV-Residential Phasing (Renumber all subsequent sections)
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02-11	08/12/02	Amend Zoning Ordinance - New Section VIII- Performance Overlay District
02-12	08/26/02	Amend Zoning Ordinance - Section III- Districts, To add Commercial IV, and Performance Overlay Districts to section
02-14	12/02/02	Amend Zoning Ordinance – Title III, Land Use Codes, Chptr. I- Zoning Ordinance, Section XII – Historic District
02-15	11/18/02	Amend Zoning Ordinance Section IV - Agricultural/Residential; Section VII - Commercial District and Section XXIII - Signs
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03-02	02/10/03	Amend Zoning Ordinance, Section IX - Conservation District, Subsection 907.c
03-03	02/10/03	Amend Zoning Ordinance, Section VIII - Performance Overlay District (various amendments)
03-04	04/14/03	Amend Zoning Ordinance, Fire Prevention Code
04-01	02/09/04	Amend Performance Overlay District (Add Map 6, Lot 54, Clarify applicability to NH Route 102)
04-02	02/09/04	Amend Performance Overlay District (Add Section VIII-A - NH Route 28 Corridor)
04-04	03/08/04	Amend Zoning Ordinance, Chapter II - Bldg. Code Amendments
04-05	03/08/04	Amend Zoning Ordinance, Re-Zoning Map18, Lot 2, to I-1

Article #	Date	Amendment
04-06	07/22/04	Amend Zoning Ordinance, Add definitions to Section II, add Conditional Uses to Industrial District.
04-07	07/22/04	Amend Zoning Ordinance, Re-Zoning a portion of Map 6, Lot 51 from AR-I to C-I/POD (Not effective until lot line adjustment with Lot 52 is approved by Planning Board)
04-12	09/27/04	Amend Zoning Ordinance, Re-Zoning Map 7 Lot 75 from AR-I to C-I
04-13	11/08/04	Amend Section 303.G relating to storage of unregistered motor vehicles.
04-14	11/08/04	Amend Section XI, adding new Section 1106 relating to special exceptions for residential garage setbacks
04-15	11/08/04	Amend Section XIX, clarifying readability and clarification of uses not to be considered Home Occupations.
04-16	11/08/04	Amend Section XXIII, Section 2303A relating to the issuance of sign permits.
05-03	03/28/05	Amend Section XVII, Flood Zone, relating to new FEMA Flood Insurance Maps.
05-04	03/28/05	Amend Section II, Definitions, adding definitions relating to electronic signage.
05-05	03/28/05	Amend Section XXIII, Signs, relative to the regulation of electronic signage.
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05-08	08/18/05	Comprehensive Reorganization/Reformat of the Zoning Ordinance, minor clarifications, definitions added & removed, amendment procedure.
05-10	09/12/05	Amend Zoning Ordinance, Re-Zoning Map 7, Lots 132-1 through 132-20; Remove said lots from the Rte. 102 Performance Overlay District and rezone from C-I to AR-I
06-01	03/06/06	Amend Section 2.3.1.7, removing the sections dealing with variances and "spirit of the ordinance." Also added language clarifying that accessory apartments are not permitted as part of back lot subdivisions. Amend Section 3.6.4.11 clarifying intent of section. Amend Section 3.12.1 regarding general home occupations, added new sections 3.12.2 and 3.12.3 dealing with child care and adult day care as home occupations. Amend Section 3.11.2.6.8.1 added new language regarding off-premise open house signs and signs for a "developed parcel" (Section 3.11.2.4.1.1.), fixed the discrepancy on signs for home occupations (Section 3.11.3.7.4.), added new language regarding wall signage for office buildings (Section 3.11.2.4.1.2.1.). Amend Section 4.1.5.12, Special Exceptions, adding clarifying language regarding SE's for commercial wireless communication facilities. Removed Section 4.4.3, not requiring permits for remodeling, which is inconsistent with actual Town requirements. Amend Section 4.7 - Moved day care definitions to home occupation section. Removed the "To Develop" portion of the definition of "development." Updated incorrect Section Reference in the definition of "variance."
06-03	05/01/06	Rezoning of Map 15, Lot 68 from AR-I to C-III and Historic District effective upon the following conditions being met: <ul style="list-style-type: none"> <li>A. The Town shall receive a historic preservation easement and historic preservation façade easement from the property owner requiring that the exterior of the historic structures be maintained in their current state, not to altered, demolished or added to;</li> <li>B. That the specific use of the property be restricted to residential and office space;</li> <li>C. That no additional structures be placed upon the property unless required by the site plan regulations (i.e. drainage structures, etc....) or to accommodate utilities, all not in detriment to the historic character of the building;</li> <li>D. That no retail operations are allowed at that location;</li> <li>E. A site plan be submitted to the Londonderry Planning Board for review and approval in accordance with the Londonderry Site Plan Regulations and Zoning Ordinance</li> </ul>
06-04	05/15/06	Remove the elevator requirement for elderly housing developments as previously required in Section 3.6.4.6
06-05	05/15/06	Rezoning of the southerly portion of current Map 15, Lot from AR-1 to I-1, to become effective when the Planning Board approves the subdivision plan creating a new lot consisting of the southerly portion of current Map 15, Lot 97.
07-01	02/19/07	Add Conditional Use Permit Language to permit Affordable Elderly Housing; Add standards and requirements for Affordable Elderly Housing; Amend Support Facility & Services Uses, making provision of elderly support services and/or uses a requirement for all projects; and to introduce a "cap" on the total number of Elderly Housing units to be permitted within the community.
07-03	06/14/07	Amend Section 1.2, Impact Fees, Methodology Update
07-05	09/17/07	Rezoning of the southerly portion of current Map 15, Lots 93, 93-1, & 93-2 from AR-1 to I-I, to become effective when the Planning Board approves the re-subdivision plan and voluntary merger of the re-subdivided lots with Map 15, Lot 98.

Article #	Date	Amendment
07-07	10/01/07	Rezoning of Map 6, Lot 31 from C-I to C-III and removal of said parcel from the Rte. 102 Performance Overlay District.
07-08	10/01/07	Amend Sections 3.10, Vehicle Access & Parking and 3.11, Signs as recommended by the Planning Board.
07-11	11/05/07	Amend Sections 5.1 and 5.2 to reflect 2006 updates to State Building Code
08-01	01/21/08	Amend Section 3.1.2 (Excavation Standards) and Section 3.11.6.3 (Signs)
08-03	03/17/08	Rezoning of Map 7, Lot 132-28 from C-IV to AR-I.
08-04	04/21/08	Rezoning of Map 7, Lots 132-1 through 132-20 by removing the Rt. 102 Performance Overlay District, effective upon approval of site plan for commercial development consistent with conceptual plans presented to the Planning Board
08-05	05/05/08	Rezoning of the easterly portion of current Map 15, Lot 96 from AR-1 to I-1, to become effective when the Planning Board approves the subdivision plan creating a new lot consisting of the easterly portion of current Map 15, Lot 96.
08-06	05/05/08	Amend Sections 2.3.1.2.2 which revises the time period one is allowed to occupy a temporary manufactured housing unit on a lot while replacing a primary structure due to fire damage (consistent with RSA 674:32 II) and Section 2.3.1.3.1, Table 2 (Minimum Lot Size), to be consistent with the updated soil-based lot sizing standards of the Society of Soil Scientists of Northern New England.
08-09	06/12/08	Amend Sections 2.3.1.9; 2.4.2.12; 2.5.1.3.12 and 4.7 to establish standards for the use of Portable Storage Structures.
08-11	10/06/08	Add new Section 4.1.7 for Special Exceptions for Historic Structures, renumber remainder of section accordingly.
08-12	10/06/08	Re-write Section 3.3, Planned Residential Development, replacing in its entirety with new Section 3.3 Conservation Subdivisions. Amend Section 4.7 to remove all definitions that related to deleted Planned Residential Development section.
09-01	04/07/09	Create new section 3.14, Fences. Amend Section 4.7 (Definitions) with new definition of "fence".
09-03	08/17/09	Create new section 3.15, Small Wind Energy Systems
09-05	12/21/09	Create new section 2.7, Gateway Business District, rezone the following parcels to Gateway Business District: On Map 14: Lots 35 (I-II portion only), 36 (I-II portion only), 38, 39, 45, 45-1, 45-2, 45-4, 46, 47, 49, and 49-1. On Map 28: Lots 15, 16, 17, 17-2, 17-4, 17-5, 17-6, 18, 18-3, 18-4, 18-5, 18-6, 18-7, 20-5, and 34.
09-06	01/04/10	Create new Section 2.8, Planned Unit Development.
09-07	01/04/10	Amend Section 2.11, Districts, Section 2.2 Permitted Use Table, Section 2.5.2.5, Planning Board Site Plan Review in Airport District.
09-04A	02/01/10	Amend Section 1.2 Impact Fees; Section 1.3 Residential Development Phasing; Section 1.4 Growth Management; Section 2.2 Use Table; Section 2.3.2 R-III District; Create New Section 2.3.3 Inclusionary Housing; Create New Section 2.3.4 Retention of Housing Affordability; all in response to new state workforce housing statutes.
10-01	06/21/10	Amend Section 2.1.1 Districts; Section 2.2 Use Table; Section 2.4 Commercial District; Section 2.6.2.3.1 Rt. 28 Performance Overlay District; Section 4.7 Definitions; Amend Zoning Map to rezone from Rt. 28 POD to MUC Map 15, Lots 51, 54, 55, 56, 58, 59, 60, 61-1, 62, and 64; all to reorganize Commercial District and establish new Mixed Use Commercial sub-district.
10-02	0715/10	Rezone Map 15, Lot 187 from C-I to AR-I
10-03	0715/10	Rezone Map 16, Lot 38 from split AR-I/I-II to AR-I, effective upon the following: <ul style="list-style-type: none"> <li>A. Planning Board approval of a lot line adjustment with the Waste Management Parcel to the west, and that the zoning of the land transferred to Waste Management remain zoned I-II</li> <li>B. Planning Board approval for a conservation subdivision of the parcel reasonable consistent with that which was presented conceptually to the Planning Board on May 12, 2010</li> </ul>
10-04	07/15/10	Amend Sections 5.1 and 5.2 to reflect 2009 updates to State Building Code
10-05	10/04/10	Amend Sections 1.3, 2.3.2, 2.3.3, and 3.6 relative to the number of units allowed in multi-unit residential structures.



Article #	Date	Amendment
10-06	01/03/11	Amend Sections 3.11.6.3.8, and 3.11.6.4.3 relative to temporary signs and the signage requirements for the MUC sub-district.
11-01	03/07/11	Rezone Map 15, Lots 24 & 122 from split C-II/POD to I-I, effective upon the following: A. Planning Board approval of a voluntary merger or lot consolidation of the two parcels; B. Planning Board approval for a site plan for the expansion of the facility that is reasonably consistent with that which was presented conceptually to the Planning Board on December 8, 2010.
11-02	04/04/11	Amend Section 1.2.6.1, updating references to impact fee methodologies (Rt. 28 Western Segment Traffic).
11-06	07/07/11	Rezone Tax Map 15, Lot 97 from AR-I to I-I
11-09	09/12/11	Rezone Tax Map 15, Lots 183, 184, & 185 from C-I to C-II and Tax Map 13, Lot 96B from AR-I to C-II.
11-12	12/05/11	Amend Section 5.3.2 to reflect an update to the Demolition Delay Ordinance
12-01	09/10/12	Rezone Map 7, Lot 122 from C-I to R-III
13-01	03/04/13	Rezone Map 6, Lots 37 & 38 from C-I to C-IV
13-05	07/15/13	Amend Section 3.11; add a new sub-section 3.11.6.3.9.5 regarding "A"-Frame Sidewalk Signs
13-06	11/04/13	Amend Section 2.1 in its entirety with revised language consistent with NH RSA 674:21 and recent court orders.
14-01	4/7/14	Rezone a portion of Map 15, Lot 239 from C-II to I-II.
15-01	1/19/2015	Rezone Map 15 lot 129 from C-I to C-II
15-08	10/19/15	Rezone Map 17, lot 17-A from R-III to IND-I.
15-06	10/19/15	Amended the following sections as part of the housing opportunities update: Table of Contents 1.3.3 Phasing of Developments 2.2 Use Table 2.3.1 Agricultural-Residential District 2.3.3 Inclusionary Housing 2.3.4 Retention of Housing Affordability 2.4.5 General Standards for MUC Sub-district 3.4.1 Backlot Development 3.6 Elderly Housing 3.6.5 Conditional Use Permits 3.7 Assisted Living Facilities and Nursing Homes 3.10.10 Minimum Parking and Loading Required
16-05	8/15/16	Amended the following sections as part of the Parking & Loading update: 2.3.1 Residential Districts 2.4 Commercial Districts 2.5 Industrial Districts 2.6 Overlay Districts 2.7 Gateway Business District 2.8 Planned Unit Development 3.6 Elderly Housing 3.10 Vehicle Access and Parking
17-05	9/11/17	Amend Section 3.2.1.2.A regarding travel trailers
18-04	12/3/18	Organizational Amendment including revisions to: - General reorganization of the full ordinance - Delete Section 1.2 Impact Fees - Delete Section 1.4 Growth Management - Section 1.5 Special Development and Review Procedures - Section 2.6.5 Floodplain Development - Section 2.6.6 Airport Approach Height Overlay - Section 2.6.7 Airport Approach Noise Overlay - Section 3.12 Home Occupations - Section 4.7 Definitions



Article #	Date	Amendment
19-01	1/21/19	Adding general criteria for a special exception to Section 8.5
19-02	3/18/19	Organizational updates relating to: <ul style="list-style-type: none"><li>- Section numbering for wireless communications facilities</li><li>- Section 5.21 inserting language inadvertently deleted in the 12/3/18 overhaul</li><li>- Replace word "should" with "shall" throughout ordinance for clarity</li></ul>
19-03	6/19/19	Rezone Map 2, Lot 27 from C-II and Route 102 POD to AR-I.
19-04	9/9/19	Rezone Map 28, Lots 4-1. 5, 6, 9, 10, 10C-1, 10C-3, 10C-4, 10L-3, 10L-4, 10L-5, 11, 12, 14, and 14-9 to Gateway Business District, effective upon approval and recording of a lot line adjustment plan separating the westerly portion of Map 25, Lot 14 from the easterly, airside operations parcel.
19-06	11/25/19	Rezone Map 14, Lot 45A from Industrial II to Gateway Business District.
19-08	12/9/19	Amendments to Section 9 of the Zoning Ordinance to reflect the adoption of the 2015 editions of the international building codes
20-01	6/15/20	Rezone Map 17, Lot 13 to C-II
20-02	6/15/20	Amend Section 5.15 relative to portable storage structures.
20-06	11/30/20	Amend Section 2 – Definitions, Section 4.1 – Permitted Uses, Section 4.6.6 – Performance Overlay District – Route 102 Corridor, Section 5.1.4 – Exemptions from Phasing, Section 5.6 – Elderly Housing, Assisted Living & Nursing Homes, Section 6.3.2 – Conditional Use Permit for Affordable Elderly Housing, Assisted Living & Nursing Homes to remove Elderly Housing as a permitted use.
2022-01	3/28/2022	Organizational amendment to update section references, scrivener's errors and typographical errors
2022-02	3/28/2022	Amend Section 5.15.1 relative to portable storage structures
2022-04	05/23/2022	Add Groundwater Protection Overlay District section 4.6.8
2022-03	06/06/2022	Amend Section 4.2.1.4 Relative to the Keeping of Livestock in the Ar-1 District