



Town of Londonderry, New Hampshire

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Planning – Zoning – Economic Development – Conservation

MEMORANDUM

TO: Planning Board
FROM: Kellie Caron, Assistant Town Manager & Director of Economic Development
DATE: December 13, 2023
RE: Zoning Ordinance Amendments to Remove Route 28 and Route 102 POD

As the Board will recall, a workshop meeting was held on November 8, 2023 on the proposed zoning amendments to remove the Route 28 and Route 102 Performance Overlay Districts (POD). The Board consensus at the meeting was to proceed with a public hearing, which is the purpose of tonight's meeting.

Below is a summary explanation of the proposed amendments.

The Route 102 and Route 28 Performance Overlay Districts were first adopted in 2002. The intent at the time, was to assist with keeping the two corridors in line with the 1997 Master Plan. The Master Plan had objectives such as regulating development to ensure it can be supported by planned infrastructure (widening of I-93) and to anticipate continued increase in new development, primarily 'big-box' stores, along the corridors.

Most recently, in 2019 previous planning staff proposed the removal of the two overlay districts, but included the addition of a new commercial performance district and consolidation of commercial zones. This amendment did not proceed with adoption.

As the Board is aware, the Town has experience significant growth since 2002 and since the 1997 Master Plan was adopted. We have since adopted and currently operate under the 2013 Master Plan, which identifies the areas in both the Route 28 and Route 102 corridors as "Retrofit Growth Sectors which are assigned to areas that are **already developed** in suburban development pattern and have potential to be modified or completed as activity centers." These corridors are now experiencing development and redevelopment interest, which has presented an opportunity to evaluate the need for the overlays.

At the direction of the Planning Board and Town Council, staff proceeded with an analysis of the overlay districts and has brought forward a proposal to remove the Route 28 and 102 PODs.

A detailed analysis of the Route 28 and Route 102 Performance Overlay Districts and the full text of the proposed amendments is attached to this memorandum.

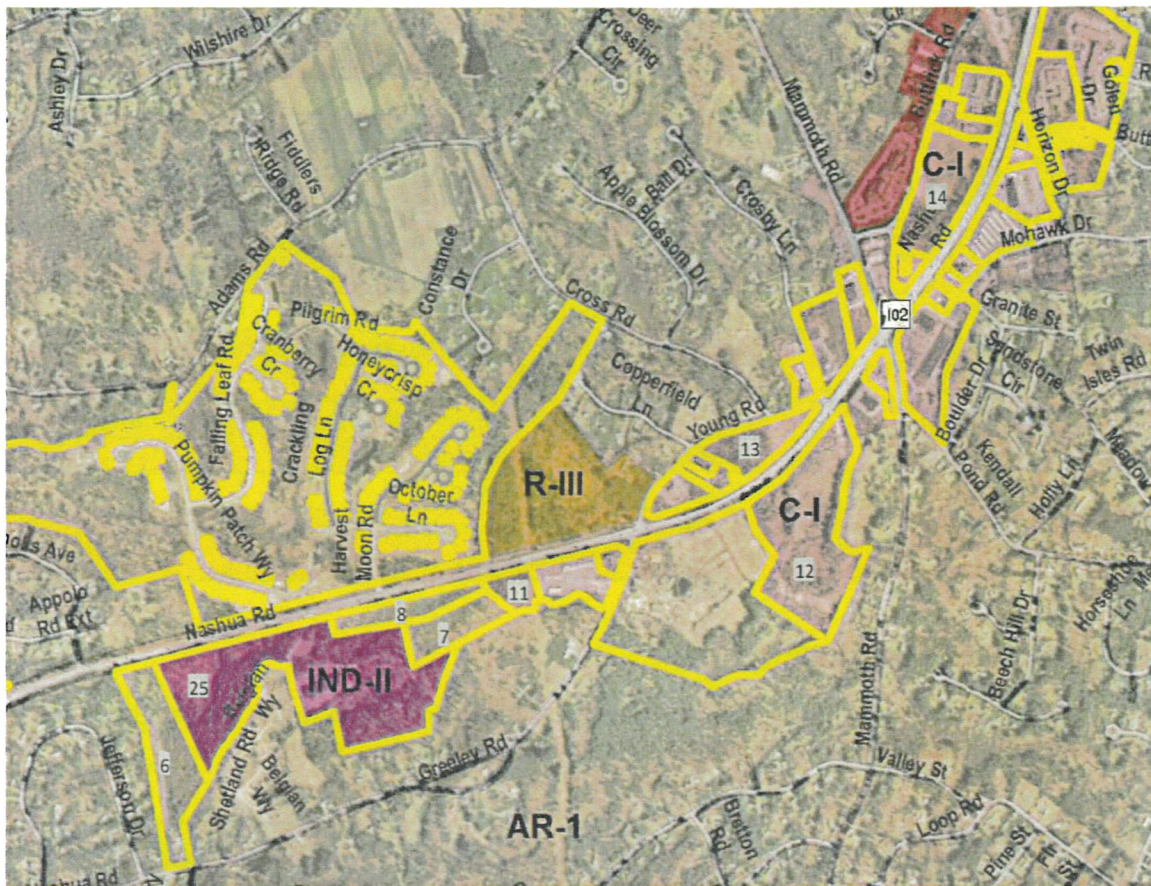
Impacts if ODs are removed:

Table 1 below provides all the uses allowed within the 102 overlay district and if the correlating use is allowed: permitted (P), by conditional use permit (CUP), or by special exception (S)). If there is no allowance (gray highlight) and the OD was removed, the use would no longer be allowed.

Table 1: Rt. 102 Overlay District, Summary of allowed uses and associated acreage in underlying districts					
Allowed Uses within Rt. 102 Overlay district	AR-I	C -I	C-II	C-III	I-II
Assisted Living Facility	CUP	P	P	P	
Multi-family (CUP)		CUP	CUP	CUP	
Multi-family workforce (CUP)	CUP	CUP	CUP	CUP	
Mixed Use Residential (CUP)					
Nursing Home		P	P	P	
Public Recreation Facility	P		P		
Religious Facility	P	P	P	P	
Business Development Center		P	P		S
Group Child Care (CUP)				P	S
Recreation, Commercial		P	P		
Retail sales establishment up to 75,000 sf.		P	P		
Professional office		P	P	P	P
Repair services		P	P		P
Restaurant		P	P		
School, Private				P	
Service establishment		P	P		P
Self storage (CUP)			P		P
Warehouse-storage (CUP) up to 250,000			P		P
Warehouse-storage (CUP) up to 250,000			P		P
Total Acreage	268.0	170.3	78.8	25.8	37.1
Total Acreage of Undeveloped land	14.9 (6 lots)	8.3 (2 lots)	1.1 (1 lot)	7.0 (1 lot)	
Total Acreage of Underutilized land, note, has some potential for redevelopment but not without issues such as wetlands	38.8 (3 lots)	82.0 (3 lots)	74.4 (7 lots)	6.0 (1 lot)	37.1 (1 lot)

Extent of Undeveloped Properties,

Utilizing the Town's GIS mapping tool and the most recent aerial photography, each lot was examined to see if it was developed, the extent of the development, if wetlands could be identified, if plans for development were underway, and if the land was in conservation. Lots that had no development were highlighted in yellow and considered having the most potential. Ten lots in total were found to be undeveloped totaling 31.3 acres. The results are summarized in Table 1 including 6 lots zoned AR-1, 2 lots zoned C-1, and one lot a piece for zones C-2 and C-3. Also, a total of 15 lots for a total of 238.3 acres across the five underlying zones were determined to be underutilized in some way. It should be noted that it is likely some of these lots may be restricted in some way such as having limitations due to wetlands, access issues, deed restrictions, or other challenges. Specific lots, their location, and



Map 2b: Summary of Undeveloped or Potentially Redeveloped Properties (east end of 102)

Parcel #	GIS ID (Map/Lot)	Zone	GIS ACRES	Comments
1	002 028 10-1	AR-I	9.373	Partially developed, road for lot 10 (developed with duplex)
2	002 021 0	AR-I	0.361	Undeveloped, tiny lot
3	002 020 0	AR-I	0.267	Undeveloped, tiny lot
4	003 149 0	AR-I	0.657	Undeveloped, small lot
5	002 011 0	AR-I	2.719	Partially developed, SFR
6	003 153 0	AR-I	11.844	existing SFH, larger lot, mostly undeveloped, possible wetland issues
7	003 132A 0	AR-I	5.829	Undeveloped
8	003 132 0	AR-I	4.799	Undeveloped, note, abuts lot 003-131-2 also undeveloped, (C-1)
9	002 028 10-2	AR-I	2.910	Undeveloped
10	002 022 0	C-I	48.311	undeveloped, wetlands, possibly going into conservation
11	003 131 2	C-I	2.583	Undeveloped

**Table 3: Rt. 28 Overlay District,
Summary of allowed uses and associated acreage in underlying districts**

Allowed Uses within Rt. 28 Overlay district	AR-I	MF (R-III)	C -I	C-II
Assisted Living Facility	CUP	P	P	P
Multi-family (CUP)		P	CUP	CUP
Multi-family workforce (CUP)	CUP	CUP	CUP	CUP
Mixed Use Residential (CUP)				
Nursing Home		P	P	P
Public Recreation Facility	P			P
Religious Facility	P		P	P
Business Development Center			P	P
Group Child Care (CUP)				
Recreation, Commercial			P	P
Retail sales establishment up to 75,000 sf.			P	P
Professional office			P	P
Repair services			P	P
Restaurant			P	P
School, Private				
Service establishment			P	P
Self storage (CUP)				P
Warehouse-storage (CUP) up to 250,000				P
Warehouse-storage (CUP) up to 250,000				P
Total Acreage	3.32 (2 lots)	10.00 (1 lot)	48.31 (8 lots)	52.57(30 lots)
Total Acreage of Undeveloped land				3.5
Total Acreage of Underutilized land, note, has some potential for redevelopment but not without issues such as wetlands			16.6	16.5

Table 4: Summary of Undeveloped or Potentially Redeveloped Properties Along 28 OD					
1	015 023 1	C-I	Rte 28 POD	0.878297306	developed, somewhat underutilized
2	015 023 0	C-I	Rte 28 POD	4.326234753	developed, somewhat underutilized
3	015 150 0	C-I	Rte 28 POD	10.11388989	developed, redevelopment potential possibly limited due to wetland/possible flooding
4	015 023 3	C-I	Rte 28 POD	1.407680976	developed, somewhat underutilized
5	015 126 0	C-II	Rte 28 POD	5.999758524	developed, SFH, underdeveloped
6	015 023 2	C-II	Rte 28 POD	0.942860266	vacant, limited due to lot size
7	015 021 0	C-II	Rte 28 POD	2.288522242	developed, limited redevelopment potential, limited space and wetlands
8	015 067 0	C-II	Rte 28 POD	0.99069444	developed, some potential for redevelopment but steep slopes
9	015 066 1	C-II	Rte 28 POD	1.022691721	vacant but under use by S+S recyclers
10	015 062 0	C-II	Rte 28 POD	3.552926552	undeveloped, some steep slopes
11	015 061 2	C-II	Rte 28 POD	5.327668245	developed, possible room for expansion, some steep slopes and creek system create limitations



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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	
Base Districts	
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
Overlay Districts	
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



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 ¹
Live-Work Units			C	C	C	C	C	C	C	C	P ⁵			
Manufactured housing	P	P												
Manufactured housing, workforce	C ³	C ³												
Mixed use residential						P, C ³	P, C ³				P ⁵		C ³	C ³
Mobile homes	P													
Nursing Home and accessory uses		P	P	P	P		P				P ⁵		P	P
Preexisting manufactured housing parks	P													
Presite Built Housing	P													
CIVIC USES														
Community center			P	P		C					P ⁴			
Cemetery	P													
Public Facilities	P		P	P		C		P	P	P	P ⁴	P		
Public Utilities	P	P	P	P				S	S	S	P ⁵	S		
Recreational Facilities, Public	P			P							P ⁴		P	P
Religious Facilities	P		P	P	P	P					P ⁵		P	P
Cultural Uses and Performing Arts							C			P	P ⁴			
BUSINESS USES														
Aeronautical Facilities												P		
Assembly, testing, repair and packing operations up to 250,000 sq. ft.								P	P	P	P ⁴			
Assembly, testing, repair and packing operations 250,001 sq. ft. or larger								P	P	C	P ⁴			
Bed and Breakfast Homestay	P										P ⁵			
Business center development			P	P			P			P	P ⁴		P	P
Conference/Convention Center							C			P	P ⁴			
Day Care Center, Adult						C	C				P ⁴			
Drive-thru window as an accessory use			P	P			C							
Drive-in establishments			P	P										
Drive-in theatres				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 ¹
Restaurant, fast food			P	P			C				P ⁴			
Sales of Heavy Equipment or Heavy Trucks as an accessory use								C	C	C				
School, Private					P						P ⁴		P	P
Service establishment			P	P			P	P	P		P ⁴	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 ⁴	P		
Terminal, Trucking 100,001 sq. ft. or larger									P	C	P ⁴	P		
Vehicle Sales Establishment				P										
Warehouses and Storage up to 250,000 sq. ft.				P				P	P	P	P ⁴	P	C	C
Warehouses and Storage 250,001 sq. ft. or larger				P				P	P	C	P ⁴	P	C	C
Wholesale Businesses up to 250,000 sq. ft.				P				P	P	P	P ⁴	P		
Wholesale Businesses 250,001 sq. ft. or larger				P				P	P	C	P ⁴	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. ~~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~~



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

Table 4-9 Performance Overlay District Dimensional Standards							
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)
Non-Arterial Roads OR Arterial Road when "Shared access" is used, and without public water and without sewer	1.5 Acres (3)	150 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)

Table 1 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) 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 section 4.6.6.7(C) 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:



- 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.~~



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. ~~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~~



- 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~~

~~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~~

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.~~

Table 4-10 Route 28 Performance Overlay District Dimensional Standards						
Property located on:	Min. Lot Size	Min. Lot Frontage	Max. Structure Height	Max. Building Footprint (2)	Building Setbacks (4)	Max. Impervious Cover
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 Section 4.1.3(C)(3)	55% (5)
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	75,000 Sq. Ft.	See Section 4.1.3(C)(3)	66% (5)
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 section 4.6.5.2 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~~



- 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

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.



- ~~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

- ~~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~~



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)~~

9.7. 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.

10.8. Historic District – See **Section 4.6.2.8(E)**.