

- 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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