



**Town of Londonderry, New Hampshire**  
**268B Mammoth Road • Londonderry, NH 03053**  
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## **Town Council Meeting – Agenda Item Coversheet**

**Meeting Date:** 4/6/2026

**Submitted By:** Kellie Caron, DTM

**Department:** Planning & Economic Development

**Contact Information:** kcaron@londonderrynh.gov

**Estimated Discussion Time:** 20-30 minutes

**Agenda Item Number:** TC OFFICE USE

**Agenda Item Title:** First Reading: Zoning Ordinance Amendment – Planned Unit Development Ordinance LZO Section 5.2

**Background and Purpose:** On July 7, 2025, the Town Council directed the Town Manager to prepare amendments to Section 5.2 of the Londonderry Zoning Ordinance (Planned Unit Development).

In response to this directive, staff completed a comprehensive review of the PUD ordinance using American Planning Association (APA) guidance, New Hampshire statutory authority (RSA 674:21), and comparable ordinances from peer communities.

The proposed amendments modernize the Town's PUD framework and incorporate contemporary best practices in land use regulation. Key updates include:

- Clarification of the purpose and objectives to support housing diversity, mixed-use development, infrastructure efficiency, environmental protection, and economic vitality
- Updated definitions consistent with current planning standards
- A structured review process including pre-application consultation, conceptual review, and enhanced public participation
- Comprehensive PUD Master Plan submission requirements with measurable development standards
- Clear eligibility criteria and permitted uses, including support for appropriate mixed-use development
- Establishment of a density bonus framework tied to public benefits such as affordable housing, open space preservation, and infrastructure improvements
- Expanded Planning Board review criteria, including fiscal impacts, infrastructure capacity, and preservation of natural and cultural resources
- Clarification of ordinance interpretation and application, including designation of the PUD Master Plan as the controlling document and establishment of fee authority

The Planning Board has reviewed the amendments through three work sessions and a public hearing in accordance with LZO Section 8.6 and applicable NHRSA. The Planning Board voted on March 23, 2026 following a public hearing, to recommend the ordinance to the Town Council for their review and adoption.

**Action:** Hold a first reading and provide feedback to staff regarding the proposed amendment. Schedule a public hearing.

**Proposed Motion:** No formal action is required at this time. Action will be required at the Public Hearing.

**Attachments:** 10/8/25 Summary Memo; Draft PUD Ordinance; Current PUD Ordinance Section LZO 5.2; 03/23/26 Planning Board Minutes; Order 2026-XX

# Town of Londonderry, New Hampshire

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Planning – Zoning – Economic Development – Conservation

## **MEMORANDUM**

**TO:** Planning Board

**FROM:** Kellie Caron, Deputy Town Manager & Director of Economic Development

**DATE:** October 8, 2025

**RE:** Summary of Amendments – LZO Section 5.2 Planned Unit Development (PUD)

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### **Background**

On **July 7, 2025**, the Town Council adopted the following motion:

#### **Motion 2: Direct Town Manager to Draft Amendments**

*I move that the Town Council direct the Town Manager to prepare draft amendments to the Planned Unit Development ordinance and proceed in accordance with the process outlined in Section 8.6 of the Londonderry Zoning Ordinance. The proposed amendments should address the following: Clarify the purpose and objectives of the ordinance to support housing diversity, infrastructure efficiency, and environmental protection; Amend the review process to include enhanced public participation through multiple public meetings and hearings; Establish clear, measurable development standards for open space, affordable housing, mixed-use development, and environmental protections; and Strengthen the criteria and justification required for any modifications or waivers to ordinance standards.*

Pursuant to this directive, staff conducted a comprehensive review of Section 5.2 (Planned Unit Development) using **APA (American Planning Association) guidance, New Hampshire statutory authority (RSA 674:21), and ordinances from peer New Hampshire municipalities.** The attached amended draft reflects both the Council's directive and contemporary best practices in land use regulation.

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## **Summary of Changes**

The amended ordinance includes the following substantive updates:

### **1. Purpose & Objectives (Sec. 5.2.2)**

- Clarifies PUD objectives consistent with the Council's July 2025 motion.
- Expands focus on **housing diversity, mixed-use opportunities, infrastructure efficiency, environmental protection, and economic vitality.**

### **2. Definitions (Sec. 5.2.3)**

- Revised to align with APA and NH community standards.
- Clarifies key terms including **Planned Unit Development, Density Bonus, and Open Space.**

### **3. Administration & Review Process (Sec. 5.2.4)**

- Incorporates **pre-application consultations, conceptual Planning Board discussions, and community input sessions.**
- Requires structured public hearings and written findings.
- Implements Council directive for **enhanced public participation.**

### **4. PUD Master Plan & Submission Requirements (Secs. 5.2.5 & 5.2.9)**

- Requires comprehensive **Master Plan submission** supported by a **checklist adopted by the Planning Board.**
- Establishes measurable standards for **land use, density, open space, housing, and environmental protections.**

### **5. Eligibility & Permitted Uses (Secs. 5.2.6 & 5.2.7)**

- Establishes tract size thresholds
- Clarifies permitted/prohibited uses and expressly support **mixed-use development** where appropriate.

### **6. Standards of Development (Sec. 5.2.8)**

- Introduces a **Density Bonus Framework** (up to 25% above baseline) linked to community benefits: affordable housing, open space preservation, sustainable design, public amenities, and mixed-use integration.
- Adds measurable criteria for building height, parking, setbacks, and buffers.
- Requires covenants and easements to be recorded with municipal enforcement provisions.

## 7. **Planning Board Review Criteria (Sec. 5.2.8)**

- Expands evaluation to include fiscal impacts, infrastructure adequacy, preservation of natural and cultural resources, and public benefits.
- Strengthens standards for **harmonious mix of uses** and **sustainable design**.

## 8. **Interpretation, Application, and Fees (Secs. 5.2.10–5.2.12)**

- Clarifies the **PUD Master Plan as the controlling document**.
- Establishes fee-setting authority under the **Town Council Land Use Fee Schedule**.

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### **References Used**

- **Town Council Motion 2, July 2025** – directing amendments to Section 5.2.
- **APA Planning Advisory Service Reports:**
  - PAS Report 545, *The Principles of Planned Unit Development* (APA, 2006).
  - PAS Report 556, *Innovative Tools for Zoning and Subdivision* (APA, 2007).
  - PAS QuickNotes No. 12, *Planned Unit Developments*.
- **New Hampshire Statutes:**
  - RSA 674:21, *Innovative Land Use Controls*.
  - RSA 676:4, *Planning Board Procedures on Subdivision and Site Plans*.
  - RSA 677:15, *Appeals of Planning Board Decisions*.
- **Municipal Ordinances Reviewed:** Amherst, Bedford, Durham, Exeter, NH.

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### **Conclusion & Next Steps**

The revised Planned Unit Development (PUD) ordinance implements the Town Council's July 2025 directive, incorporates APA best practices, and strengthens Londonderry's regulatory framework for innovative, mixed-use, and sustainable development.

The Planning Board's task is to review the draft, provide feedback, and participate in work sessions to refine the language prior to public hearing and Town Council consideration.

## **Tentative Timeline**

### **Planning Board (PB)**

- October 8, 2025 – Introduction & Work Session: Presentation of initial amendments; Board discussion and feedback.
- November 12, 2025 – Work Session: Incorporation of revisions based on October session; further refinement.
- December 2025 (Date TBD) – Public Hearing: Formal public hearing on the proposed amendments, consistent with the Londonderry Zoning Ordinance.

### **Town Council (TC)**

- January 5, 2026 – First Reading: Council consideration of Planning Board recommendations following work sessions and hearing.
- January 19, 2026 – Public Hearing & Adoption: Final Council review and vote on ordinance amendments.

## Section 5.2 – Planned Unit Development (PUD)

### 5.2.1 Authority

This Section is enacted pursuant to RSA 674:21, Innovative Land Use Controls, which provides statutory authority for the Town of Londonderry to adopt and administer a Planned Unit Development (PUD) ordinance.

### 5.2.2 Purpose & Objectives

A. A Planned Unit Development (PUD) allows a landowner to propose a development project with flexibility from the standard land use regulations that would otherwise apply to the property. A PUD Master Plan functions similarly to a special zoning designation for a specific tract of land, establishing permitted uses, dimensional requirements, and development standards. (Note: In this ordinance, all references to a “Master Plan” mean the PUD Master Plan, unless specifically stated as the Town of Londonderry Master Plan.)

B. The purpose of this ordinance is to encourage innovative, high-quality development that provides a balanced mix of housing types, preserves open space and environmental resources, and promotes efficient land use and infrastructure investment. The PUD process is intended to:

1. Foster creative design that enhances community character and livability.
2. Support housing opportunities that meet the needs of a diverse population.
3. Ensure coordinated development that integrates with the Town’s long-range planning goals.
4. Provide flexibility from conventional zoning standards where such flexibility results in a higher-quality, more sustainable outcome.

PUDs are intended to offer flexibility from conventional zoning standards only when such flexibility yields higher-quality, sustainable land use, and measurable community benefit, and where the development demonstrates clear consistency with Londonderry’s Comprehensive Master Plan.

C. The objectives of this Planned Unit Development ordinance are as follows:

1. **Housing Diversity.** To encourage a variety of housing types, including single-family, multi-family, affordable, and workforce housing, in accordance with state law and the Town’s Comprehensive Master Plan.
2. **Mixed-Use Development.** To provide opportunities for the integration of residential, commercial, civic, and recreational uses in cohesive, walkable neighborhoods.
3. **Sustainable Land Use.** To promote compact development patterns that make efficient use of land and infrastructure, minimize sprawl, and preserve open space, agricultural land, natural resources, and environmentally sensitive areas.

4. **Quality and Transparency.** To establish clear, predictable, and measurable development standards, and to ensure transparency and accountability in the review process through meaningful public participation.
5. **Economic Vitality.** To support the Town’s long-term fiscal stability by encouraging development patterns that broaden the tax base, foster local business opportunities, and contribute to sustainable economic growth.

### 5.2.3 Definitions

**Planned Unit Development (PUD):** A form of development, generally under unified ownership or control, that permits flexibility in the application of conventional zoning and subdivision standards in order to encourage innovative design, a mix of land uses, efficient infrastructure, and the preservation of open space, consistent with the purposes and objectives of this ordinance.

**Density Bonus:** An allowance for additional dwelling units or floor area above the maximum otherwise permitted by the underlying zoning district, granted by the Planning Board upon a finding that the development provides specified community benefits, such as affordable housing, enhanced open space, environmental protection, or community amenities.

**Open Space:** Land within a PUD that is permanently set aside and legally protected for conservation, recreation, agriculture, or similar purposes. Open space shall not be occupied by residential, commercial, or industrial structures, but may include accessory facilities for recreation, stormwater management, or utilities that are compatible with the open space purpose.

**Public Amenities / Public Infrastructure Improvements:** Facilities, improvements, or investments provided as part of a Planned Unit Development that are accessible to and benefit the general public, and that exceed what would otherwise be required under conventional zoning or site plan regulations. Public amenities and infrastructure improvements may be on-site or off-site, provided there is a clear and direct relationship to the impacts of the development.

**Community Benefit:** A measurable, tangible improvement or contribution provided as part of a Planned Unit Development that serves the public interest, addresses impacts created by the development, and provides value beyond what would otherwise be required under conventional zoning, site plan, or subdivision regulations.

### 5.2.4 Administration and Review Process

The process for reviewing and administering a Planned Unit Development (PUD) shall be as follows:

#### A. Pre-Application Consultation.

1. Due to the complexity of PUDs, applicants are strongly encouraged to meet with the Planning & Economic Development Department staff prior to preparing a formal

application to discuss the concept, applicable regulations, and submission requirements.

2. Applicants are further required to hold a conceptual consultation with the Planning Board in accordance with RSA 676:4, II(a), to receive non-binding feedback on the general concept, density, mix of uses, and consistency with Town objectives.
3. The Planning Board may also request that the applicant hold an informational community input session to solicit early feedback from residents and abutters prior to submitting a formal application.

#### **B. Formal Application.**

1. A PUD application (referred to as the PUD Master Plan) and checklist shall be submitted in accordance with the requirements of this ordinance and the Planning Board's regulations.
2. The PUD Master Plan shall include proposed land uses, density, circulation, open space, utilities, phasing (including the sequencing of residential and non-residential development), and any requested modifications or waivers from zoning, site plan, or subdivision standards.

#### **C. Public Hearing and Completeness Review.**

1. The Planning Board shall hold at least one public hearing on the PUD Master Plan, properly noticed in accordance with RSA 676:4.
2. At the public hearing, the Board shall determine whether the application is complete. Upon a finding of completeness, the statutory review period under RSA 676:4 shall begin.

#### **D. Planning Board Review and Action.**

1. The Planning Board may conduct **work sessions or additional hearings** as necessary to evaluate the proposal, including referral to third-party peer review for technical matters (traffic, fiscal, utilities, environmental impacts, etc.).
2. The Planning Board shall approve, approve with conditions, or deny the PUD Master Plan within statutory deadlines.
3. In rendering its decision, the Planning Board shall make specific written findings regarding:
  - a. Consistency with the purpose and objectives of this ordinance;
  - b. Compliance with the Town's Master Plan;
  - c. Adequacy of open space, infrastructure, and environmental protections; and
  - d. Justification for any modifications or waivers granted including documentation of any substantial community benefit relied upon to approve flexibility or density bonuses.

#### **E. Appeals.**

Any appeal of a Planning Board decision on a PUD application shall proceed in accordance with RSA 677:15.

#### **F. Recordation.**

1. The Planning & Economic Development Department shall maintain a permanent record of all approved PUD Master Plans.
2. Each approved PUD shall be identified on the Official Zoning Map as an overlay, labeled sequentially as PUD-1, PUD-2, etc.

**G. Subsequent Approvals.**

1. Following approval of a PUD Master Plan, the applicant shall submit **site plan and/or subdivision applications** for specific phases or components of the project.
2. In the event of a conflict between the approved Master Plan and the Subdivision or Site Plan Regulations, the terms of the approved Master Plan shall control.

**H. Compliance and Expiration.**

1. All development shall be consistent with the approved Master Plan as determined by the Planning Board.
2. The PUD Master Plan shall include a phasing plan that clearly identifies the sequence of residential and non-residential development. Unless otherwise approved by the Planning Board based on specific findings, a substantial portion of the approved commercial component shall reach “active and substantial development” prior to the start of the residential development.
3. For purposes of this Section, “active and substantial development” shall have the meaning established in the Londonderry Site Plan Regulations (currently defined to include, at a minimum:
  - i. Construction and/or installation of basic infrastructure to support the development, including foundation walls and footings for proposed buildings; roadways, accessways, and parking lots to at least a gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures;
  - ii. Construction and completion of drainage improvements to service the development, including detention/retention basins, treatment swales, pipes, underdrains, catch basins, and related improvements;
  - iii. Installation and maintenance of all erosion control measures specified on the approved plans; and
  - iv. Review and approval of items i-iii by the Department of Public Works and Engineering or its designee), consistent with RSA 674:39.
4. If active and substantial development has not begun within **two (2) years** of approval, or within another timeframe specified in the approval, the PUD approval shall expire and the underlying zoning shall control.
5. Extensions may be granted by the Planning Board for good cause shown.

**I. Amendments and Extinguishment.**

1. Amendments to an approved PUD shall follow the same review and hearing process as the original approval.
2. A landowner may extinguish a PUD by notifying the Planning Board in writing of the intent not to develop under the approved PUD.

### 5.2.5 PUD Master Plan

- A. In preparing a Planned Unit Development (PUD) Master Plan, applicants may request flexibility from certain dimensional and design standards otherwise required by the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, pursuant to the Town's authority under RSA 674:21 (Innovative Land Use Controls). Such flexibility may include, but is not limited to, permitted land uses, density, setbacks, buffers, building height, lot size and dimensions, parking, and other site design elements. Flexibility shall only be granted where the proposed plan demonstrates compliance with the purposes and objectives of this ordinance and results in equal or greater community benefit than would be achieved under conventional development standards.
- B. The PUD Master Plan shall consist of all documents, plans, and materials submitted by the applicant that collectively describe the proposed development. At minimum, submissions shall include those items outlined in the *PUD Master Plan Submission Checklist* adopted by the Planning Board, which includes but is not limited to:
1. A land use plan, including maps and drawings.
  2. A land use summary table identifying acreage, proposed uses, densities, and development standards.
  3. A completed PUD application form.
  4. A written narrative describing the overall development concept, consistency with the Town's Master Plan, and justification for requested flexibility and any proposed density bonuses, including demonstration of substantial community benefit where applicable.
  5. Architectural, landscape, and site design guidelines, where applicable.
  6. A proposed phasing plan, including the timing of infrastructure and public amenities.
  7. Any additional development guidelines, conditions, or requirements imposed or accepted by the Planning Board as part of its approval.
- C. The land use plan shall clearly delineate one or more land use areas within the PUD. For each area, the accompanying land use summary shall specify approximate acreage, proposed uses, density, and any special development standards applicable to that area.

#### **D. PUD Master Plan Submission Checklist.**

The Planning Board shall adopt and maintain a *PUD Master Plan Submission Checklist* that sets forth the detailed submittal requirements for PUD applications. The checklist shall include, at a minimum, the items specified in subsection B above and may be updated periodically by the Planning Board to reflect changes in best practices, state law, or local needs. Use of the checklist shall be mandatory for all applicants, and no application shall be deemed complete until the requirements of the checklist are satisfied to the satisfaction of the Planning Board.

### 5.2.6 Basic Eligibility Requirements

The following criteria shall apply to all Planned Unit Developments (PUDs):

**A. Location.**

PUDs may be proposed in any zoning district, subject to the purposes and objectives of this ordinance, provided they comply with the review standards set forth herein.

**B. Tract Size.**

The minimum tract size for a Planned Unit Development (PUD) shall be one hundred (100) contiguous acres. Parcels separated by a road, right-of-way, utility corridor, waterway, or similar feature shall be considered contiguous unless the Planning Board determines the separation prevents the tract from functioning as a unified PUD.

Previously developed land may be included within a PUD only where the PUD Master Plan proposes substantial redevelopment that improves aesthetics, architectural design, connectivity, and overall site integration, resulting in a cohesive and unified development consistent with the purposes of this ordinance.

**C. Ownership.**

A PUD shall be under unified ownership at the time of application or, where multiple ownership exists, subject to a binding development agreement requiring all owners to comply with the approved PUD Master Plan. Following approval, parcels may be subdivided or transferred, provided the overall PUD remains consistent with the approved master plan.

**D. Utilities.**

All PUDs shall be served by public water and public sewer systems. Service shall be determined to be reasonably consistent with the Town's Sewer Facilities Master Plan, as determined by the Planning Board.

### 5.2.7 Permitted Uses

#### A. General Rule.

Uses permitted within a PUD shall be those specifically approved by the Planning Board as part of the PUD Master Plan. No use shall be permitted unless expressly authorized through the master plan approval process.

#### B. Eligible Uses.

1. Any use listed as permitted, special exception, or conditional use in the underlying zoning district may be proposed within a PUD.
2. In addition, mixed uses — including residential, commercial, civic, and recreational uses — may be combined within a PUD where consistent with the purposes of this ordinance and the Town's Master Plan.

#### C. Prohibited Uses.

1. Uses prohibited in the underlying zoning district remain prohibited in a PUD, unless specifically authorized as part of the PUD ordinance.
2. Residential uses shall not be permitted within a PUD located in the Gateway Business District.

#### D. Planning Board Discretion.

The Planning Board may approve, conditionally approve, or deny proposed uses based on consistency with the objectives of this ordinance, the Town's Master Plan, and the design standards set forth in Section 5.2.

### 5.2.8 Standards of Development

The following standards shall apply to all Planned Unit Developments (PUDs):

#### A. Parking and Loading.

1. Off-street parking and loading shall generally comply with Section 3.09 of the Site Plan Regulations for each proposed use.
2. The Planning Board may approve shared parking, reduced ratios, or other flexible arrangements where supported by a parking analysis, provided such waivers remain consistent with the design, purposes, and objectives of the PUD.

#### B. Building Height.

1. Except for non-occupiable structures (e.g., chimneys, water towers, steeples), no building shall exceed 50 feet in height unless otherwise authorized by the Planning Board through the Master Plan process.

2. All structures shall also comply with Federal Aviation Administration (FAA) requirements and the limitations of the Airport Approach Height Overlay (Section 3.7.4).

**C. Residential Density.**

1. The maximum residential density for a PUD shall be six (6) dwelling units per gross acre, except where density bonuses are approved in accordance with Section 5.2.7.C.3 (Density Bonuses). The Planning Board may grant such bonuses where the applicant demonstrates provision of significant community benefits, as defined in the density bonus table. In no case shall the total density exceed 25% above the baseline density. In reviewing proposed densities, the Planning Board shall evaluate:
  - a. The amount of buildable land (exclusive of wetlands, steep slopes, and other constrained areas).
  - b. The adequacy of public water and sewer to serve the proposed development.
  - c. Compatibility of the proposed residential density with adjoining land uses and the Town's Comprehensive Master Plan.
2. Non-residential uses may be located in a flexible pattern provided they are compatible with residential components and contribute to the overall design and objectives of the PUD.
3. Density Bonus Framework for PUDs
  - a. Baseline Density: Maximum of 6 dwelling units per gross acre (unless otherwise specified in the underlying zoning).
  - b. Eligible Density Bonuses:

The Planning Board may grant additional density, up to a maximum of 25% above baseline, where the applicant demonstrates substantial community benefit in one or more of the following categories:

<b>Community Benefit</b>	<b>Bonus Allowed</b>	<b>Criteria / Standards</b>
<b>Affordable</b>	+10–15%	At least 15% of total units deed-restricted for households earning ≤80% AMI; minimum 30-year affordability period.
<b>Open Space &amp; Environmental Protection</b>	+5–10%	Preservation of ≥50% of tract as permanent open space, with enhanced protection of wetlands, floodplains, or wildlife corridors beyond ordinance minimum.
<b>Sustainability / Green Building</b>	+5%	Certification under LEED, Passive House, or equivalent green building program; significant stormwater management improvements.
<b>Mixed-Use Integration</b>	+5–10%	Inclusion of commercial, civic, or institutional uses that create a walkable, integrated environment consistent with the Master Plan.

**Cap on Density Increases:**

No PUD shall exceed 25% above baseline density (i.e., maximum of 7.5 dwelling units per acre where baseline is 6 du/acre), unless specifically authorized by the Planning Board after public hearing.

**D. Compliance with Other Regulations.**

1. Unless waived or modified as part of the PUD Master Plan approval, all PUDs shall comply with applicable provisions of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations.
2. All PUDs must comply with applicable local, state, and federal requirements relating to public health and safety, building codes, stormwater, and environmental protection. These requirements shall not be waived.

**E. Setbacks and Buffers.**

1. All roads and principal structures shall be set back a minimum of fifty (50) feet from the external boundaries of a PUD tract where it abuts existing residential uses, unless a reduced setback is approved by the Planning Board to facilitate access or integration of compatible uses.
2. Landscaping, open space, and screening shall be used to provide a reasonable buffer between the PUD and adjoining properties, except where adjoining uses are compatible or integration is desirable.

**F. Covenants, Restrictions, and Easements.**

1. Any proposed covenants, restrictions, or easements shall be reviewed and approved by the Planning Board prior to recording.
2. All such documents shall provide for enforcement by the Town, at its option and at the developer’s expense, under appropriate circumstances.

3. Covenants, restrictions, and easements shall be recorded with the Rockingham County Registry of Deeds.

G. G. Phasing and Substantial Completion.

1. The PUD Master Plan shall identify phases, including the timing and triggers for residential, commercial, civic, and infrastructure components.
2. The Planning Board may require, as a condition of approval, that certain public infrastructure and/or a defined portion of the commercial component reach active and substantial development or substantial completion (as defined in the Site Plan Regulations and applied under RSA 674:39) before commencement of specified non-residential phases, to ensure that infrastructure and community benefit keep pace with development.

### 5.2.9 Planning Board Review Criteria

The following criteria shall guide the Planning Board in determining appropriate land uses, densities, and development standards for any PUD. Final determination of whether a proposal meets the purposes and objectives of this ordinance rests with the Planning Board in its reasonable discretion.

#### A. General Considerations.

In reviewing a PUD application, the Planning Board shall consider:

1. Compliance with the provisions of the Londonderry Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, and all applicable state and federal laws, unless such provisions are expressly waived or modified through PUD approval.
2. Consistency with the Londonderry Master Plan and related plans or studies formally adopted by the Town.
3. Conformance with the purposes and objectives of this Section.
4. Adequacy of public infrastructure and services to accommodate the proposed development, including water, sewer, roads, drainage, emergency services, and schools.
5. Fiscal and economic impacts of the PUD on the Town, including both municipal revenues and costs of services.
6. The extent to which the proposal provides substantial community benefit, including but not limited to public infrastructure, amenities, and housing that would not reasonably be expected under conventional development.

#### B. Specific Objectives.

Every PUD shall incorporate a combination of the following elements, which distinguish it from conventional zoning and justify departures from otherwise applicable standards:

1. Harmonious Mix of Uses. A PUD shall provide a compatible and integrated mix of residential, commercial, civic, and/or recreational uses, designed in a manner that:
  - a. Creates walkable, connected neighborhoods or districts;

- b. Provides daily services, amenities, or employment opportunities in proximity to housing;
  - c. Ensures transitions in building scale, intensity, and design to minimize conflicts between differing land uses;
  - d. Balances private development with public spaces and community benefits; and
  - e. Supports the goals of the Londonderry Master Plan for mixed-use centers and sustainable growth.
2. High-quality architectural and site design, with placement of structures that respects natural topography, soils, vegetation, slopes, and drainage patterns.
  3. Preservation of meaningful open space and natural resources, including wetlands, wildlife corridors, agricultural land, and scenic viewsheds.
  4. Protection of cultural and historic resources, including stone walls, farmsteads, and archaeological features.
  5. Provision of active and passive recreational opportunities integrated into the development.
  6. Attractive and functional landscaping, pedestrian amenities, and integration of sidewalks, bikeways, and multi-use paths.
  7. Transportation improvements, including traffic mitigation, traffic calming, or transportation demand management measures to reduce reliance on single-occupancy vehicles.
  8. Design strategies that minimize the visual impact of parking, such as rear-lot placement, structured parking, or significant landscaping and screening.
  9. Incorporation of sustainable development practices, including energy efficiency, renewable energy systems, low-impact stormwater management, and green building design.
  10. Provision of additional community benefits, such as civic space, childcare facilities, community centers, or other amenities accessible to the public.
  11. Demonstrated substantial community benefit in the provision of public infrastructure and amenities, including but not limited to civic space, trails, transit facilities, or off-site infrastructure improvements that provide a clear, quantifiable benefit to the community beyond that required solely to serve the development.

#### 5.2.10 Submission Requirements

**A. General.**

An application for a Planned Unit Development shall include a complete PUD Master Plan Submission Package, prepared in accordance with the requirements of this Section and the PUD Master Plan Checklist maintained by the Planning and Economic Development Department. The format, number, and method of submission shall be determined by the Department.

**B. Required Materials.**

The submission package shall include, at a minimum:

1. Completed PUD application form and application fee.
2. Abutters list prepared in accordance with RSA 676:4(I)(d) and Town of Londonderry ordinances.
3. Narrative statement describing:
  - a. The purpose of the PUD;
  - b. How the proposal advances the objectives of Section 5.2;
  - c. Anticipated community benefits and community impacts.
4. Proposed PUD Master Land Use Plan, including maps, plans, and supporting schedules.
5. Development phasing schedule, bonding/security provisions, and anticipated build-out timeline.
6. Proposed covenants, restrictions, easements, and ownership/management arrangements for common areas.

**C. Required Information.**

The PUD Master Plan shall include sufficient information to enable the Planning Board to evaluate compliance with this Section and other applicable regulations. Items may be preliminary in nature but must be of sufficient detail to convey the overall concept. Required information includes:

1. **Existing Conditions**
  - a. Underlying zoning classification and zoning of adjoining lots.
  - b. Total tract acreage.
  - c. General topography, soils, wetlands, surface waters, slopes, ridgelines, cultural and historic features, and other natural resources (overview format acceptable).
2. **Proposed Development Program**
  - a. Land use plan and land use list, delineating areas by type, acreage, density, and intended use(s).
  - b. Estimated number of dwelling units and overall density, with reference to density bonus provisions (if applicable).
  - c. Location, type, and scale of proposed non-residential uses.
  - d. Location and acreage of proposed open space and resource protection areas.
3. **Site Design and Infrastructure**
  - a. General layout of streets, sidewalks, bikeways, and multi-use paths.
  - b. Location and size of parking areas and loading facilities.
  - c. Conceptual water supply, sewer/septic, stormwater management, and utility systems.
  - d. Proposed fire protection and emergency access strategies.
  - e. Landscaping and buffering plan.

**4. Design Guidelines**

- a. Architectural standards or guidelines addressing building form, scale, and materials.
- b. Signage plan, including standards for size, placement, and design consistency.
- c. Lighting plan, if applicable.

**5. Impact Analysis**

- a. Preliminary traffic impact assessment (trip generation, distribution, and potential off-site improvements).
- b. Fiscal impact statement, including projected municipal service costs and revenues.
- c. Environmental impact summary, addressing resource areas to be preserved or mitigated.

**6. Governance and Implementation**

- a. Ownership/management structure for common areas (e.g., condominium, homeowners' association, master association).
- b. Articles of incorporation and bylaws for any association or entity responsible for ongoing management.
- c. Phasing schedule and bonding/security provisions to ensure timely completion of infrastructure and amenities.

**D. Additional Information.**

The Planning Board may require the submission of additional information, studies, or legal documentation reasonably necessary to evaluate the design, operation, or maintenance of the proposed PUD.

**5.2.11 Interpretation and Application**

- A. The approved PUD Master Plan shall serve as the controlling land use document for the subject tract. The Planning Board shall review subsequent site plan and subdivision applications for conformity with the approved Master Plan. In the event of a conflict, the provisions of the approved Master Plan shall govern.
- B. Elements of the Master Plan may be presented in conceptual or generalized form and refined through subsequent site plan or subdivision applications. Such elements may include lot layout, road alignment, parking configuration, utilities, landscaping, and architectural details. Modifications shall be permitted at the site plan or subdivision stage provided they remain consistent with the intent and objectives of the approved Master Plan.
- C. Where the Master Plan does not specify a particular development standard (e.g., dimensional requirement, setback, or performance standard), the applicable

provisions of the Zoning Ordinance, Site Plan Regulations, or Subdivision Regulations shall apply, as determined by the Planning Board.

#### 5.2.12 Fees

- A. Application fees for PUDs shall be established by the Town Council as part of the Town's official Land Use Fee Schedule.
- B. In addition to application fees, applicants shall be responsible for costs of abutter notification, legal notices, and any third-party technical review, consistent with the Town's Subdivision and Site Plan Regulations.

DRAFT

- 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**

---

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**

---

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

---

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**

---

- 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**

---

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**

---

#### **5.3.1 Purposes**

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1  
2  
3 **LONDONDERRY, NH PLANNING BOARD**  
4 **MINUTES OF THE MEETING OF MARCH 23, 2026**  
5 **AT THE MOOSE HILL COUNCIL CHAMBERS**

6 Meeting Link: <http://173.166.17.35/internetchannel/show/14198?channel=4>

7  
8 **Members Present:** Art Rugg, Secretary; Tony DeFrancesco, Member; Ann  
9 Chiampa, Member; Shawn Faber, Town Council Ex-Officio; Jonathan Cruz, Ex-  
10 Officio (left at 7:03 p.m.); Ryan Ouellette, Alternate

11  
12 **Members Absent:** Jake Butler, Chair; Jeff Penta, Vice Chair; John Farrell, Member;  
13 Giovanni Verani, Ex-Officio; Jason Knights, Alternate; Steven Bickford, Alternate

14  
15 **Also Present:** Kellie Caron, Deputy Town Manager & Director of Economic  
16 Development; Kristan Farr, Town Planner; John Trottier, Director of Engineering  
17 and Environmental Services

18  
19  
20 **I. CALL TO ORDER**

21 A. Rugg called the meeting to order at 6:00 p.m. and led the Pledge of  
22 Allegiance. He appointed Ryan Ouellette to vote for John Farrell.

23  
24 **II. PUBLIC HEARING**

25 *Pursuant to RSA 675:2, RSA 675:6, and RSA 675:7, and the Town of*  
26 *Londonderry Zoning Ordinance Section 8.6, the Londonderry Planning Board*  
27 *will hold a public hearing to consider proposed amendments to the Town of*  
28 *Londonderry Zoning Ordinance, Section 5.2 – Planned Unit Development*  
29 *(PUD), adopted under the authority of RSA 674:21 (Innovative Land Use*  
30 *Controls). The proposed amendments include a comprehensive update to*  
31 *Section 5.2, establishing revised standards, definitions, and review*  
32 *procedures for Planned Unit Developments.*

33  
34 K. Caron explained the Town Council directed the Planning Board to amend  
35 this ordinance. She reviewed the work done up until this point to achieve this  
36 goal. As a result of this meeting, the Board will make a recommendation  
37 whether or not to move this issue to the Town Council for action. Any  
38 substantive changes suggested at this meeting would need to go through the  
39 public hearing process again.

40  
41 A. Rugg asked for Board comment.

42  
43 T. DeFrancesco suggested edits to 5.2.4.H.2 to clarify that the commercial  
44 part of a development should be substantially completed before the  
45 residential phases begin.

47  
48 A. Chiampa asked clarifying questions regarding setbacks to adjoining  
49 properties and the responsibility of any additional costs of infrastructure. She  
50 also asked about the ability of PUDs to amend existing plans, in light of  
51 changes to the ordinance.  
52

53 R. Ouellette asked clarifying questions regarding a PUD crossing into another  
54 town. K. Caron explained any development must meet Londonderry's  
55 requirements.  
56

57 A. Rugg asked for public comment.  
58

59 **Name:** Deb Paul

60 **Address:** 118 Hardy Road

61 D. Paul referred to suggested changes she emailed to the Board and Staff,  
62 and asked that they be attached to the minutes.  
63

64 **Name:** Ray Breslin

65 **Address:** 3 Gary Drive

66 R. Breslin asked about the benefit of PUDs to Londonderry. He asked if the  
67 Board can take into account citizen input at public hearings. He asked what  
68 changed from the original ordinance and T. DeFrancesco read the summary of  
69 changes.  
70

71 **Name:** Glenn Douglas

72 **Address:** 6 Overlook Avenue

73 G. Douglas asked if the Board read the current draft before this public  
74 hearing. He asked if this meeting was being recorded. He spoke to the  
75 difficulty he had finding the summary of changes. K. Caron explained the  
76 Board did see this draft before this meeting; the meeting is being recorded  
77 but is not being broadcast live; and pointed out the location of the summary  
78 of changes online.  
79

80 J. Cruz left the meeting.  
81

82 **Name:** Dave Robbins

83 **Address:** 532 Mammoth Road

84 D. Robbins recommended defining "active and substantial development" in  
85 5.2.4.H.4. K. Caron noted this is defined in the Town's site plan regulations,  
86 and suggested adding the citation to the ordinance. D. Robbins asked about  
87 "community benefit" and suggested ensuring developers understand the  
88 definition. He suggested a phased approach in permitting would ensure a  
89 balance between construction of commercial and residential components. K.  
90 Caron explained this is addressed in the PUD Master Plan regulatory  
91 documents; subsequent site plans would not be approved if the developer was  
92 out of compliance.  
93

94           **Name:** Marge Badois  
95           **Address:** 189 Litchfield Road  
96           M. Badois asked if the Conservation Overlay District is considered a buffer. K.  
97           Caron said it is; the overlay district is discussed during presentation of a  
98           proposed PUD. M. Badois noted the purpose of the overlay district is to  
99           protect the water. She spoke to the impact of increased density and  
100          suggested it be made more difficult not to respect the buffer. K. Caron noted  
101          language has been added addressing justification for modifications/waivers  
102          from zoning.  
103

104          **Name:** Martha Smith  
105          **Address:** 38 Chester Drive  
106          M. Smith asked if a PUD ordinance is required by the state. K. Caron referred  
107          to the innovative land use statute, which allows planning boards to adopt  
108          more flexible provisions by way of zoning ordinance. M. Smith asked about  
109          the benefit of a PUD to Londonderry. The Board explained it allows more  
110          flexibility for planning and for the creation of a village district, and provides  
111          the Board more control. M. Smith asked about the developer's need to  
112          understand the Town's regulations when proposing a PUD. The Board  
113          reviewed the process involved in considering and approving developments.  
114

115          **Name:** Kristine Perez  
116          **Address:** 5 Wesley Drive  
117          K. Perez expressed concern over vague terms and requested criteria be put  
118          around them. She asked clarifying questions about issues including the  
119          relation of public amenities and public infrastructure; the timeframe of the  
120          beginning of active and substantial development; the Board requiring a  
121          community input session prior to an application being submitted; the zoning  
122          districts where PUD can be proposed; who monitors compliance; and  
123          protection of conservation buffers.  
124

125          **Name:** Leo Lee  
126          **Address:** 70 High Range Road  
127          L. Lee suggested developers should pay for associated infrastructure  
128          improvements.  
129

130          **Name:** Gregory Carson  
131          **Address:** 19 Tokanel Road  
132          G. Carson address concern about issues including the definition of community  
133          benefit, the density bonus structure, the two-year expiration period, the  
134          phasing language, and the discretion of the Planning Board.  
135

136          The Board questioned if changing the two-year timeframe in 5.2.4.H.4 would  
137          be considered a substantive change. K. Caron said this change could be  
138          made, as the section states "or within another timeframe."  
139

140       **Name:** Ray Breslin  
141       **Address:** 3 Gary Drive  
142       R. Breslin asked if the PUD Master Plan is a legal and binding contract between  
143       the Town and the developer and was told it was, once it is approved by the  
144       Planning Board. It can be amended, if both parties agree and it goes through  
145       the appropriate process. He expressed concern about the impact of  
146       stormwater runoff and culvert replacement in PUDs.  
147

148       **Name:** Deb Paul  
149       **Address:** 118 Hardy Road  
150       D. Paul asked how the responsibility for issues such as road plowing would be  
151       decided between multiple owners, once a PUD is established. The Board  
152       explained there would be an agreement between the original owner and  
153       future property owners. D. Paul suggested all PUDs should be subject to a  
154       development agreement. The Board agreed this would be a Town Council  
155       decision.  
156

157       **Name:** Gregory Carson  
158       **Address:** 19 Tokanel Road  
159       In response to D. Paul's comment, G. Carson explained that a PUD overlay  
160       continues with the land, regardless of the number of subdivisions.  
161

162       A. Rugg closed public comment.

163  
164       The Board discussed whether to hold a workshop and another public hearing in  
165       light of the public input around the ordinance, or whether to send it to the  
166       Town Council to obtain their input and perspective.  
167

168       **T. DeFrancesco made a motion to move this to the Town Council with**  
169       **the change that the Board agreed to and the documentation from**  
170       **public comment. R. Ouellette seconded the motion. The motion carried**  
171       **4-1-0. Chair votes in the affirmative.**  
172

### 173   **III. ADJOURNMENT**

174  
175       **T. DeFrancesco moved to adjourn the meeting. S. Faber seconded the**  
176       **motion. The motion carried 5-0-0. Chair votes in the affirmative.**  
177

178       The meeting was adjourned at 8:50 p.m.

179  
180       These minutes were prepared by Beth Hanggeli.

181       Respectfully submitted,  
182  
183

184       \_\_\_\_\_

185  
186       **Name:** Arthur Rugg  
187       **Title:** Secretary

188  
189  
190

These minutes were accepted and approved on \_\_\_\_\_ by a motion made by  
\_\_\_\_\_ and seconded by \_\_\_\_\_.

# **Targeted Review of Proposed PUD Ordinance Amendments Town of Londonderry, NH**

**By Resident Gregory Carson**

This memorandum addresses five substantive areas in the proposed Planned Unit Development (PUD) ordinance that warrant closer examination before adoption. The goal is not to oppose the ordinance's direction, which is generally sound, but to ensure it is administrable, internally consistent, and defensible if challenged.

## **1. Community Benefit: Sufficiency of Definition and Risk of Arbitrary Application**

### Standard

Under New Hampshire land use law, discretionary decisions must be guided by sufficiently clear standards to avoid arbitrary or capricious application. While planning boards are afforded broad discretion, that discretion must be anchored in objective or at least reasonably ascertainable criteria.

### Application

The proposed ordinance conditions density bonuses and regulatory flexibility on the provision of "community benefit." The ordinance usefully provides examples, such as affordable housing, open space, infrastructure improvements, and public amenities. However, the term remains broadly framed and non-exhaustive, and the ordinance does not establish:

- A prioritization or weighting among benefits
- Minimum thresholds (except in limited cases such as affordability)
- A consistent method for evaluating equivalency between different types of benefits

As a result, two similarly situated applications could produce materially different outcomes depending on how the Planning Board values particular benefits in a given case.

### Implications

This creates three practical risks:

First, inconsistent application across projects, which undermines predictability for applicants and the public.

Second, increased exposure to appeal based on claims of unequal or arbitrary treatment.

Third, difficulty for the Board in defending approvals or denials where the benefit determination is largely qualitative.

#### Recommendation

The ordinance would benefit from adding a structured framework, such as:

- A non-exclusive but ranked list of community benefits
- Minimum thresholds or benchmarks for certain categories
- A requirement that findings explicitly compare proposed benefits to baseline zoning outcomes

Even modest calibration, such as requiring the Board to identify the “primary” and

## **2. Density Bonus Framework: Calibration and Practical Effect**

### Standard

Density incentives must be rationally related to legitimate public purposes and structured in a way that is both achievable and proportional. If thresholds are too high, the incentive will not be used. If too low, the Town risks granting density without commensurate benefit.

### Application

The proposed ordinance allows up to a 25 percent density increase above the six-unit-per-acre baseline, with eligibility tied to categories such as affordable housing, open space, sustainability, and mixed-use integration.

The affordable housing provision is the most clearly defined, requiring a minimum percentage of units at or below 80 percent of area median income with long-term restrictions. Other categories are less quantified.

Two calibration issues arise:

- It is unclear whether the economic value of the density bonus is sufficient to offset the cost of compliance, particularly for affordable housing components.
- The ordinance does not clearly state whether bonuses may be combined, capped per category, or subject to diminishing returns.

### Implications

If the thresholds are too stringent relative to market conditions, applicants may simply default to the base density, rendering the incentive framework largely ineffective.

Conversely, if loosely administered, the Town risks granting additional density without receiving proportionate public benefit.

#### Recommendation

The Board should consider:

- Clarifying whether density bonuses are cumulative and, if so, how they are capped
- Providing at least general guidance on proportionality between benefit and bonus
- Evaluating, through staff or consultant input, whether the affordable housing requirement is economically feasible under current market conditions

A modest refinement here will determine whether the incentive system functions as intended or becomes largely theoretical.

### **3. Two-Year Expiration Period: Practicality for Large-Scale Development**

#### Standard

Vesting and expiration provisions must strike a balance between preventing speculative approvals and recognizing the realities of development timelines, particularly for large, phased projects.

#### Application

The proposed ordinance reduces the default expiration period from four years to two years unless otherwise specified in the approval.

For PUDs of 100 acres or more, typical pre-construction timelines often include:

- Engineering and final design
- State and federal permitting
- Financing and market positioning
- Infrastructure planning

These steps alone can approach or exceed two years, particularly in fluctuating economic conditions.

#### Implications

A rigid two-year expiration period may:

- Discourage otherwise viable large-scale proposals

- Force premature or inefficient project sequencing
- Result in repeated requests for extensions, shifting the burden back to the Board

#### Recommendation

The ordinance would be improved by:

- Establishing a longer default period for large-scale or phased PUDs (for example, three to five years)
- Alternatively, tying expiration to phasing milestones rather than a single fixed date
- Clarifying extension criteria to ensure predictable administration

The goal should be to prevent land banking without penalizing legitimate development timelines.

#### **4. Phasing Provisions: Clarity and Enforceability**

##### Standard

Conditions of approval must be clear, internally consistent, and capable of objective enforcement. Ambiguous sequencing requirements are difficult to administer and may be vulnerable to challenge.

##### Application

The proposed ordinance introduces phasing requirements intended to ensure balanced development, particularly between residential and non-residential components. However, the language governing sequencing is unclear and, in at least one instance, internally inconsistent.

Specifically, the provision appears to require that a substantial portion of a commercial component be underway before certain other development phases proceed, but the phrasing creates uncertainty as to what is being restricted and when.

##### Implications

Ambiguity in phasing provisions creates several risks:

- Difficulty in determining compliance at the permitting stage
- Inconsistent interpretation across projects
- Increased likelihood of dispute between applicants and the Town

## Recommendation

This section should be revised for clarity by:

- Clearly defining triggering events (for example, issuance of building permits, completion of infrastructure, or issuance of certificates of occupancy)
- Explicitly stating which phases are dependent on others
- Ensuring internal consistency in terminology

As written, this is the single area most in need of technical correction before adoption.

## **5. Scope of Planning Board Discretion: Quasi-Legislative Concerns**

### Standard

While planning boards exercise both administrative and quasi-judicial functions, zoning ordinances themselves are legislative in nature. Ordinances should not delegate policy-making authority without clear standards.

### Application

The proposed ordinance requires the Planning Board to make detailed findings on:

- Consistency with ordinance purposes and objectives
- Adequacy of infrastructure and environmental protections
- Justification for density bonuses and waivers

This is generally appropriate and strengthens the record. However, when combined with broadly defined terms such as “community benefit,” the ordinance may effectively shift policy determinations from the legislative body (Town Council) to the Planning Board.

### Implications

This raises two concerns:

First, it may blur the line between legislative policy-setting and administrative application.

Second, it increases the likelihood that different Boards, or the same Board over time, apply materially different standards.

### Recommendation

To preserve the proper balance, the ordinance should:

- Provide clearer baseline standards for key determinations, particularly community benefit and density bonuses
- Require findings to reference specific ordinance criteria, not just general objectives
- Avoid reliance on purely subjective or open-ended standards

This does not require reducing Board discretion, but rather anchoring it more firmly in the ordinance itself.

### **Conclusion**

The proposed PUD ordinance is a substantial and generally positive modernization. It improves structure, transparency, and alignment with planning goals. However, several areas would benefit from targeted refinement to ensure the ordinance is predictable, enforceable, and legally defensible.

The most immediate areas for revision are the phasing provisions and the calibration of the density bonus framework. The definition and application of “community benefit” and the two-year expiration period also merit adjustment to avoid unintended consequences.

With these refinements, the ordinance will be better positioned to achieve its stated objectives while providing clear guidance to applicants, the Planning Board, and the public.

### **1. Close the Contiguity Loophole**

**Draft language:** “Parcels separated by a road, right-of-way, utility corridor, waterway...shall be considered contiguous...” (5.2.6(B))

**Fix:** “Parcels separated by major roads, utility corridors, or rights-of-way shall not qualify as contiguous unless the applicant proves they operate as one unified development with no adverse impacts to traffic, safety, or town services.”

**Why:** Prevents “patchwork PUDs” assembled solely to meet the 100-acre minimum.

### **2. Require Independent Fiscal, Traffic & Infrastructure Analysis**

The draft requires the Board to consider: “Adequacy of public infrastructure...” and “Fiscal and economic impacts...” (5.2.9(A)(4–5))

**Fix:** Require independent third-party studies, selected by the Town and paid by the applicant, for:

- Fiscal impact
- Traffic impact
- Water/sewer capacity
- Storm-water & groundwater impacts

**Why:** Protects taxpayers from hidden long-term costs and prevents developers from self-certifying benefits.

### **3. Define “Community Benefit” So It Cannot Be Abused**

**Draft definition:** “A measurable, tangible improvement...beyond what would otherwise be required...” (5.2.3)

**Fix:** “Community benefit shall not include any improvement the developer is required to build to mitigate the project’s own impacts, including but not limited to internal roads, sidewalks, drainage, utilities, traffic mitigation, or other infrastructure necessary for the development to function. These are obligations, not bonuses.”

**Why:** Prevents developers from claiming required improvements as “benefits” to justify density bonuses.

### **4. Establish a Minimum 40% Open Space Requirement**

The draft defines open space but sets **no minimum** and allows storm-water basins to count.

**Fix:** Add a new section requiring:

- 
- **40% minimum open space**
- 
- **At least 50% contiguous**
- 
- **No more than 50% wetlands/steep slopes**
-

- **Protected by a recorded conservation easement**

**Why:** Ensures open space is real, usable, and ecologically meaningful — not leftover scraps.

## **5. Strengthen Water & Groundwater Protections**

**Draft only states:** “All PUDs must comply with applicable... stormwater and environmental protection.” (5.2.8(D))

**Fix:** Require:

- Hydrogeologic study
- Groundwater impact assessment
- Stormwater infiltration analysis
- Independent third-party review

**Why:** Protects wells, aquifers, and drinking water — especially critical as density increases.

## **6. Make Traffic Mitigation Mandatory, Not Optional**

**Draft says:** “Transportation improvements...may” be required. (5.2.9(B)(7))

**Fix:**

- Change “may” to “**shall require**”
- Require improvements to be **built and operational** before more than **25% of residential COs** are issued

**Why:** Prevents hundreds of units from being occupied before roads are upgraded.

## **7. Tighten Density Bonus Rules**

**Draft allows:** Up to 25% more density (5.2.8(C)(3))

**Fix:**

- Require independent fiscal analysis showing **net-positive impact**
- Require **quantifiable** community benefits
- Cap density at **7.5 units/acre**
- Prohibit bonuses in environmentally sensitive areas

**Why:** Prevents runaway density increases and ensures taxpayers aren't subsidizing development.

## **8. Strengthen Phasing Requirements**

**Draft says:** “A substantial portion” of commercial must be built first. (5.2.4(H))

**Fix:** “**No more than 25% of residential units may receive certificates of occupancy until at least 40% of the approved commercial square footage has reached active and substantial development, as defined by RSA 674:39 and the Town’s Site Plan Regulations.**” “**Failure to meet phasing requirements shall result in automatic suspension of further residential permits until compliance is achieved.**”

**Why:** Ensures the commercial tax base is delivered — not promised and abandoned.

### **9. Make Enforcement of Covenants Mandatory**

**Draft says:** Enforcement is “at the Town’s option.” (5.2.8(F))

**Fix:** “All covenants, restrictions, and easements shall be enforceable by the Town at the developer’s expense.”

**Why:** Ensures long-term compliance and protects residents.

### **10. Protect the Conservation Overlay District (COD)**

**Fix:** “No PUD may waive or reduce Conservation Overlay District buffers or protections.”

**Why:** COD buffers protect wetlands and drinking water — they cannot be negotiated away.

### **11. Add a Project Timeline / Restart Requirement**

**Fix:** “If a PUD has not commenced active and substantial development within two (2) years of approval, the approval shall expire and the applicant must reapply under the zoning ordinance then in effect. Extensions may only be granted for unforeseen circumstances beyond the applicant’s control and shall not exceed one year.”

**Why:** Prevents developers from freezing zoning for decades and forces timely project start.

### **THE FIVE MOST IMPORTANT FIXES (If Time Is Short Tonight)**

1. **40% minimum contiguous open space**
2. **Mandatory traffic mitigation & phasing tied to road improvements**
3. **Mandatory hydrogeologic & groundwater studies**
4. **Independent fiscal analysis for density bonuses**
5. **Close the contiguity loophole**

These five alone dramatically reduce overdevelopment risk and protect water, roads, and taxpayers.

Thank you, Mr. Chair.

The PUD ordinance is one of the most powerful tools in our zoning code. It can shape hundreds of acres at a time, and once approved, it locks in development rights for decades.

That means we have one chance — right now — to get this right.

The draft before us is a major improvement, but it still leaves the Town exposed in several critical areas.

The fixes I've proposed tonight are not anti-development. They are pro-taxpayer, pro-infrastructure, and pro-water-protection. They ensure that any PUD we approve is fiscally responsible, environmentally sound, and aligned with the Master Plan.

To be clear, **the five most important fixes we need tonight are:**

- 1. A minimum of 40% contiguous open space**
- 2. Mandatory traffic mitigation and phasing tied to road improvements**
- 3. Mandatory hydrogeologic and groundwater studies**
- 4. Independent fiscal analysis for any density bonuses**
- 5. Closing the contiguity loophole so scattered parcels cannot be stitched together**

These five alone dramatically reduce overdevelopment risk and protect our water, our roads, and our taxpayers.

-When the ordinance says parcels “separated by a road or utility corridor shall be considered contiguous,” that’s a loophole we must close.

-When density bonuses can be granted without independent fiscal analysis, that’s a risk we cannot take.

-When open space has no minimum requirement, when traffic mitigation is optional, when groundwater studies are not required

— those are weaknesses that will cost this town far more in the long run than any developer contribution.

**My goal is simple: if a PUD is approved in Londonderry, it must protect our water, protect our roads, protect our neighborhoods, and protect our taxpayers.**

These amendments do exactly that.

I urge the Board to incorporate these changes so that this ordinance becomes what it is intended to be — a tool for smart, balanced, sustainable growth that truly benefits the people who live here.