

3.4 BACK LOT DEVELOPMENT

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3.4.1.1 Purpose

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

The Planning Board finds:

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

3.4.1.2 Definitions

BACK LOT DEVELOPMENT - The development of up to four (4) single family house lots with reduced development requirements including a narrow connecting strip to a Class V or better street, in exchange for permanently protecting through the use of agricultural preservation restrictions or conservation easements, an area of two acres and 150' of frontage on a Class V or better street, contiguous to each new back lot developed.

AGRICULTURAL PRESERVATION RESTRICTION OR CONSERVATION

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

PRIVATE ACCESS AGREEMENT OR COMMON DRIVEWAY - A narrow connecting

strip extending from the public street (Class V or better) to the boundary of last lot of the back lot development. The common driveway shall be constructed in accordance with the requirements of Section 4.10.D.3.

FRONT LOT - The land abutting a public street (Class V or better) which is placed under a conservation easement or agricultural preservation restriction. The area of the front lot shall be a minimum of two acres with 150' of frontage and contiguous to the back lot.

3.4.1.3 General Requirements

3.4.1.3.1 The use of back lot development shall be subject to approval by the Planning Board under its Conditional Use Permit and shall be subject to approval by the Planning Board under the Londonderry Subdivision Regulations. It is strongly recommended that the applicant schedule a discussion with the Planning Board as early in the process as possible.

3.4.1.3.2 In order to grant a Conditional Use Permit, the Planning Board must have found that three of the following conditions apply to the site:

3.4.1.3.2.1 The property proposed for Back Lot Development typifies Londonderry's Rural and Agricultural character

3.4.1.3.2.2 Existing fields, pastures, orchards and other land in agricultural use will be preserved and maintained.

3.4.1.3.2.3 The development will leave unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads, sites deemed worthy of preservation as listed in the Open Space and preservation Plan, 1996, and from Londonderry's Scenic Roads.

3.4.1.3.2.4 The project preserves historic and prehistoric sites and their environs in so far as needed to protect the character of the site.

3.4.1.3.2.5 The elements of the Back Lot Development (buildings, circulation, front lot, landscaping, etc.) are arranged so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views.

3.4.1.3.2.6 The restricted land is reasonably contiguous, coherent and if the tract of land abuts adjacent permanently protected open space, it is connected with it.

The Planning Board shall consult the list of properties and qualities of properties worthy of preservation generated by our citizens during the Board's 10/24/95 Orchard Preservation and Land Protection Plan citizen participation process. Subsequent amendments to this plan shall be considered as well. Plans presented by the applicant to illustrate the findings above may also be consulted.

3.4.1.3.3 The applicant shall place a permanent agricultural preservation restriction or conservation easement over a minimum of two (2) acres of roadside land (to be known as the FRONT LOT) with at least 150' of frontage on a Class V or better street and contiguous to each back lot created.

3.4.1.3.4 Setbacks shall be a minimum of fifteen (15) feet from each property line

3.4.1.3.5 Minimum back lot area shall not be less than one half (1/2) an acre. In addition, the back lot, together with the contiguous to acre restricted area assigned to it, shall satisfy the total soil carrying capacity as computed using Minimum Lot Size by Soil Type requirements specified in Section 4.03.

3.4.1.3.6 Residential uses in a back lot development shall be limited to single-family dwellings. No accessory apartments shall be allowed.

- 3.4.1.3.7 Fifty feet (50') of frontage is required on the common driveway for each back lot created. The area within the common driveway access easement running through the restricted front lot shall not be counted for frontage purposes.
- 3.4.1.3.8 All Zoning Regulations of the Town of Londonderry shall apply except as specified here.

3.4.1.4 Specific Design Requirements

- 3.4.1.4.1 A Subdivision Plan of the entire site proposed for back lot development shall be provided.
- 3.4.1.4.2 The Water Supply and Waste Treatment System for a back lot development shall be designed in accordance with the standards and requirements of the New Hampshire Water Supply and Pollution Control Division and the Town of Londonderry.
- 3.4.1.4.3 Common driveway construction standards
 - 3.4.1.4.3.1 Common driveway must meet AASHTO criteria for street intersection sight distance.
 - 3.4.1.4.3.2 Maximum length of the common driveway shall not exceed twelve hundred (1200) feet
 - 3.4.1.4.3.3 The width of the common driveway access easement shall be thirty five (35) feet. Additional width may be required to accommodate slope and drainage easements.
 - 3.4.1.4.3.4 Paved travel lane width shall be eighteen feet (18'), with two foot (2') shoulders on each side.
 - 3.4.1.4.3.5 If only one (1) back lot is to be served by the driveway, the travel way may be gravel and twelve feet (12') wide.
 - 3.4.1.4.3.6 Common driveway to be constructed to Town of Londonderry Subdivision Street requirements.
 - 3.4.1.4.3.7 Maximum gradient eight percent (8%)
- 3.4.1.4.4 Two (2) outdoor parking spaces are to be shown on each lot as no parking is allowed on the common driveway.
- 3.4.1.4.5 Turnaround or "T" approved by the Fire Department shall be provided at the end of the common driveway.

3.4.1.5 Agricultural Preservation Restrictions and Conservation Easements

Agricultural Preservation Restrictions and Conservation Easements as appropriate are to be placed on the front lots and registered at the Rockingham Country Registry of Deeds. Such easements and restrictions are to be in a form acceptable to the Planning Board of the Town of Londonderry. The back lots and the protected front lots shall be shown on the same subdivision plan/plat.

3.4.1.6 Home Owners Association

Home Owners Association shall be required in a form acceptable to the Planning Board.

- 3.4.1.6.1 Within the deed of each lot will be the right to use of the common driveway or access easement, a shared snow plowing and maintenance agreement and a stipulation that the driveway cannot be offered to the Town for acceptance as a public way.

3.4.1.7 The common driveway

The common driveway shall be built and the access easement recorded prior to issuance of certificate of occupancy for any dwelling located on a back lot.

