

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 15, 2023, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room.

Members present: John O'Connor, Chairman, Jim MacEachern, Vice Chairman; David Nelson, Secretary; Randy Chase, Town Administrative Representative; Dave Granese, Andy Myers*, Members; Richard Malaby, Alternate

Absent: Brian Chirichiello, Joe Tremper, John Morrison, Mark Connors, Chris Feinauer

*Denotes virtual attendance.

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning and Economic Development Assistant

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag. Mr. O'Connor provided the appropriate links for members of the public to join the meeting virtually via a MAC, PC, or by phone. He then introduced the staff and Board members.

Mr. Malaby was seated for Mr. Tremper.

Escrow

#23-03

Project Name: Shade Tree Farm

Developer: Shade Tree Farm

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 07084, 66 Drew Road

The request is to establish cash escrow in the amount of \$22,718.88 for the above noted project. This escrow is non-interest bearing.

Motion by MacEachern, seconded by Granese to approve as presented.

Myers, Chase, Granese, MacEachern, Malaby, Nelson, and O'Connor voted in favor and the motion passed.

Minutes

The Board reviewed the minutes of the February 01, 2023, meeting.

Motion by MacEachern, seconded by Granese to approve the minutes of the February 01, 2023, meeting as written.

Myers, Chase, Granese, MacEachern, Malaby, Nelson, and O'Connor voted in favor and the motion passed.

The Board reviewed the notes from February 11, 2023, site walk of the Traditional Business Overlay District.

Motion by MacEachern, seconded by Granese to approve the notes from the February 11, 2023, site walk as written.

Chase, Granese, MacEachern, Malaby, Nelson, and O'Connor voted in favor, Myers abstained and the motion passed.

Correspondence

Mr. Nelson advised the Board is in receipt of a draft document proposing amendments to the Town of Derry Zoning Ordinance to add Article XXI, Workforce Housing, Section 165-163 through Section 165-170. This amendment would allow the town to be in compliance with recent changes to RSA 674:17, IV. This will be scheduled as an upcoming workshop for the Board to review in more depth. This proposed amendment is in response to a recent bill passed by the State Legislature.

Other Business

Presentation of the Capital Improvements Plan, FY 2024 through FY2029

Mr. Sioras explained each year, the Town Administrator and CFO are required to present the Capital Improvements Plan (CIP) to the Planning Board for review and comment. Following that meeting, the CIP is presented to the Town Council as part of the budget process.

Town Administrator David Caron and Chief Financial Officer, Mark Fleischer presented. Mr. Caron stated this presentation kicks off the annual budget process. Per the Derry Town Charter, the CIP is presented to the Town Council at least 30 days prior to the budget which will be presented on April 01. The Town Council will receive the CIP next Tuesday. The Town Administrator is required to consult with the Planning Board on the six year program. This is a budgetary tool and has no legal effect, but it does guide the budget process with regard to capital improvements for the next six years. Mr. Fleischer prepares the CIP after receiving requests for the next six years from the Department heads. The requests are reviewed in relation to existing services and available revenues. He then assigns the requests a revenue amount which is forwarded to Mr. Caron for review and discussion with the Department heads. The CIP is then presented to the Planning Board. The CIP is reviewed and adopted with or without modification by the Town Council before June 01 of each year.

There are several funding mechanisms for the CIP. Water and Wastewater projects are largely funded by customers, but the Town takes advantage of the State revolving loan fund and ARPA funding. Cable projects are funded through franchise fees paid by cable customers and an annual grant from Comcast. Most of the General Fund capital projects continue to be funded through various capital reserve funds or trusts, which are largely replenished through a transfer from the Unallocated Fund Balance (UFB) which is the surplus at the end of the year.

For the General Fund projects, the Town Council adopted a policy to fund the Capital Reserve Fund with up to \$1.5 million annually from the surplus of the Unallocated Fund Balance. The CIP anticipates a \$300,000 appropriation to reduce the reliance upon the UFB. The Town went through a period several years ago where budget constraints and Council policy prevented the scheduled replacement of equipment and facilities to maintain town services. Since FY18, the Town has been implementing a plan to recover from that period by aggressively updating its capital assets. As the Town has somewhat 'caught up', it is anticipated acquisitions will level out moving forward.

The plan looks very similar to last year with the exception of proposed improvements for the Fire Department. Because of the anticipated increase in the interest rate on bonds and the tax cap, the Town Council voted to replace the Central Fire Station. This is a ~~23~~-19.5 million dollar project. The new station will be sited on Rockingham Road. It is hoped the construction bid will go out this summer, with the project being completed in the fall of 2024.

The State says the Town can bond up to 3% of the equalized valuation, which would be \$147.4 million. The current General Fund Debt is \$23.6 million. For the General Fund bonds, the total amount owed will be ~~\$24~~-23.6 million. Projects included are the Eastgate Infrastructure (bond expires 2024), the Transfer Station/Rockingham Road Bridge (expires 2033), the Police Station expansion (expires 2026), Exit 4A, Hood Dam and recreation improvements (expires 2039), and the Central Fire Station (expires 2047). For the new fire station, the Town knew the interest rates would be increasing, so moved forward. The net interest rate is 3.66%.

The TIF was extended a few years ago to connect the two main commercial districts. With regard to TIF bonds, which included the Walmart intersection improvements, those have been successfully reissued at a lower interest rate of 1.61%. Ten years remain on that bond. Water System bonds are held for Woodlands & Route 28, and the Route 28 water expansion. Those total \$1.5 million. Water will be extended to Barkland Acres, along with the Rand-Shephard Hill and Morningside Drive project. That is a \$1.6 million project. Of that, the Town received a \$1.2 million ARPA grant; DES will forgive approximately 30% of the principal on the balance due. For the 6.1 million dollar project, the Town will pay back about 55%. Wastewater bonds total \$1.3 million and include the Route 28 expansions and the WWTP effluent upgrade.

Major projects scheduled for Fiscal 2024 include the upgrade of the Police Patrol Division Commander SUV with an EV vehicle, and the replacement of 60 tasers. The Fire Department will seek a Homeland Security grant to purchase an off road Gator to assist in reaching patients in areas difficult to access such as the golf courses, and recreation areas in town. The Gator can be used by other Departments for other assignments and emergencies. The Fire Department is also replacing its 2003 dispatch console furniture which will be moved to the new Central Fire

Station once construction is completed. The new Central Fire Station will be about 30,000 square feet in size. The Town Council recognized the bond market will be changing and last year commissioned a facilities review of the Fire and Police Departments. The architect for the Central Fire Station has been provided a finite project budget. The size of the building will be dependent upon need and the budget. It is hoped the facility will be operational within 18 months.

DPW will be replacing a loader along with medium and small pickups and one tons. The culvert replacement projects will continue. In Fiscal 2024, the replacement of the Sunset Avenue culverts has been planned along with the design for the Franklin Street culvert. The town received Bridge Aid funding from the State totaling \$500,000 which will be used for these projects. The balance will be moved to the Cemetery Road culvert project. The Town is also planning to finalize the upgrade of the traffic signals, which was a four year project.

The Hood Park renovation project is ongoing. The bid for the construction portion will be out within the next month or two. Improvements include an ADA compliant playground, more pickleball courts, a small splashpad, and the addition of a water fountain in the pond to keep the water moving. The passive recreation area improvements, which encompasses 2/3 of the property, are being led by Mark Brassard who is working with Pinkerton Academy to design the trail layout and interpretive stations. Lighting at various fields is also proposed.

Improvements to Alexander-Carr Park are also included in the projects for Fiscal 2024. Those will include about \$150,000 in exterior repairs with some interior renovations. Vets and O'Hara Fields will receive some lighting upgrades and there will be a reconfiguration of the parking area by repurposing the area of the old outfield. It is possible there will be the addition of batting cages and the potential for some pickleball courts.

DerryCAM has planned infrastructure maintenance, editing systems, remote production, media lab and FM Radio improvements for this fiscal year. Those projects are included in the CIP.

Other major projects for the next fiscal year include the following for the Water/Wastewater Division: Water main upgrades, the Willow-Bend Community Well, wastewater standby generators, and the purchase of a sewer cleaner truck. The sewer extension along Route 28 south includes a \$3.2 million dollar EPA grant to assist with the funding. The extension will be from Berry Road to the top of Ryan's Hill in the area of MetroMart. Approximately 60% of this will be paid for by a grant, and the bond will be repaid by the wheeling fees the town receives for water. The town is allowed to use half of the wheeling fees fund for economic development.

The total tax impact of the FY 2024 through 2029 CIP remains fairly level, averaging about \$1.15. In FY2024, there is a slight increase which is paid by operating budget expenses. Most increases are a result of the Road Maintenance program. Most all of the capital improvement projects are paid through bonds or lease payments. The town normally leases vehicles.

Mr. O'Connor inquired if the annual CPI deviations are included in the estimates. Mr. Caron explained they use a combination of estimates of increases. It is challenging when it comes to bidding vehicles. This is why some of the DPW vehicles are a different color. The Town found

they had to take what was available in the lot. The Charter operates as of December 31st for the previous year, quoting the Northeast CPI. For FY2023, it was 5.9; for FY2024, it is 6.1.

Mr. O'Connor asked if any portion of the Cable franchise fees go the school systems for their media upgrades. Mr. Caron said they have earmarked a cable grant for the schools, which is \$51,000 of the revenues. They are working on a ten year projection program and plan on a 2.5% reduction in revenue, anticipating people will cancel their cable subscriptions. They will look at this again. The town also receives \$25,000 a year from Comcast which pays some of the operating expenses for DerryCam, and includes a subsidy to the school for their public access.

Mr. O'Connor asked for more information about the electronic vehicles. Are any of them hybrid models? Mr. Caron stated the Police ~~Command-Patrol~~ vehicle ~~may-will~~ be all ~~electric~~gasoline fueled. They have looked at hybrids but ended up ordering gas vehicles because Ford could not guarantee delivery of the allotment since they cannot obtain the lithium from Ukraine. The detective fleet which has 6 vehicles will potentially be electric.

Mr. O'Connor asked where the used rifles go when the Police Department replaces the old ones. Mr. Caron said he would defer to the Police Chief on that. Mr. Fleischer noted they sometimes get traded in. Mr. O'Connor then inquired about the water tanker noted for the Fire Department in Fiscal 2024. Mr. Caron explained that has already been ordered. Central has a tanker and an engine. This vehicle will replace both of those. Mr. O'Connor asked about the status of the Abbott Court project. Mr. Caron advised this is still in litigation so the town is unable to finalize a schedule for that project. When the Ash Street TIF was extended into the Gateway TIF District, the goal was for intermodal transportation. They would like to use TIF funds to help pay for the Town's share of the rail trail north of the Exit 4A corridor to the Londonderry town line. They will add that once there is a final construction schedule for Contract B, which runs from the Londonderry town line to the post office.

Mr. Nelson asked what drove the net tax impact; he noted a peak in the estimates. Mr. Caron said the debt service is uneven in 2023-2024 because of the Fire Station and culvert projects. This is a function of reducing debt service. The lease payments impact that. The plan is refined every year and the tax impact number becomes more stable.

Mr. Granese spoke with regard to the police cruisers. He noted at his employer, they have experienced a fuel savings of 30% by utilizing hybrid vehicles. He feels moving in that direction is a good idea.

Mr. Myers asked if Derry has requested any of the funds that were available through Washington as part of the infrastructure bill. He is aware Berlin and Keene received some infrastructure funding. Mr. Caron stated there are two large buckets of funding. ARPA is distributed via a formula. There are five entitlement communities in New Hampshire: Manchester, Rochester, Dover, Portsmouth, and Nashua. \$3.6 million was allocated to Derry from the ARPA funds. Of that allocation, the five year operating budget is projected to get half to replace revenue. The funds need to be expended by December 31, 2025. The Town wanted to make sure there was not a revenue shortfall. \$750,000 is currently unallocated. \$1 million will be allocated to the Central Fire Station. He expects Town Council will allocate the remaining balance this year.

Mr. Myers asked if the ARPA funds were part of the trillion dollar bill. Mr. Caron advised that money goes to the States to provide grant opportunities. Derry has received a \$500,000 grant from the Department of Energy to lower the costs of the solar field project. Senator Shaheen will be looking at new projects for the next fiscal year and those requests are due to her office within three weeks.

Mr. MacEachern asked for further information on the repurposing of the outfield at the ballfield. That area has been used by an adult softball league. Where will that group go? Mr. Caron stated the outfield had been utilized by a church group and he understands they have been in discussion with the Rec Department. The group is a regional group and not Derry specific. The Town worked with Derry Baseball, who made a strong pitch for the improvements.

Mr. O'Connor asked about the Exit 4A bonds. Has the remaining allocated been spent? He is aware the project may be delayed by 10 months because of litigation. Mr. Caron stated out of the 5 million dollar obligation, the town has not yet expended \$300,000.

There were no further questions or comments. Mr. O'Connor thanked Mr. Caron and Mr. Fleischer.

First Extension Request – Keystone Derry, PID 05039, 74 Rockingham Road

Mr. Sioras stated the applicant is working toward fulfilment of the conditions of approval. Staff recommends approval.

Motion by Granese, seconded by Nelson to approve a six month extension of the conditional approval granted on August 17, 2022, to Keystone Derry, PID 05039, 74 Rockingham Road. The new expiration date will be August 17, 2023.

Myers, Chase, Granese, Malaby, Nelson, and O'Connor voted in favor and the motion passed.

Voluntary Merger – PID 07008, 213 Island Pond Road and PID 07008-002, 211.5 Island Pond Road

Mr. Sioras stated the properties are located on Island Pond Road in the vicinity of Drake Lane. There are no buildings involved and staff recommends approval.

Motion by Granese, seconded by MacEachern to approve, pursuant to RSA 674:39-a, the voluntary merger of PID 07008, 213 Island Pond Road and PID 07008-002, 211.5 Island Pond Road. Parcel 07008-002 will be deleted and Parcel 07008 will be retained.

Myers, Chase, Granese, MacEachern, Malaby, Nelson and O'Connor voted in favor and the motion passed.

Chairman and Planning Director Updates

Planning Director

Mr. Sioras stated no plans have been received for the March 01 meeting. He reminded the Board members that those with terms expiring at the end of March should complete the application to be reappointed if they have not yet done so. Mr. Nelson suggested utilizing the March 01 meeting for a workshop on the Workforce Housing draft.

Planning Board Chairman

Mr. O'Connor reminded the Board members to reach out to Mrs. Robidoux to let her know if they would like to work on any of the amendment topics. He and Mr. Nelson will work on the Workforce Housing draft with staff. One topic which should be discussed is how Derry will address short term rental properties; there are several in Derry. He reminded the Board of the Spring Planning and Zoning Conference in April. The Board members need to make sure they are meeting their annual training requirement.

The workshops will be taken out of order this evening to accommodate the members of the public who are present.

Workshop

Workshop #4 – to continue discussion regarding proposed changes to the Town of Derry Zoning Ordinance, Article VI, District Provisions, Section 165-49, Traditional Business Overlay District, specifically the dimensional requirements in the district.

Mr. Sioras advised notices were sent to the property owners in the district so that they would be aware the Board was discussing changes to the requirements related to their properties. The Board members held a site walk of the district last Saturday and will discuss their findings this evening. Staff has received some phone calls from property owners and it was explained most of the discussions have been about the dimensional requirements in the zone; the Board has not discussed amending the uses. A map of the district is available for the Board members this evening noting the uses on the lots. It shows the area on Crystal at the Baptist Church, goes along Pearl Street and the side streets to Maple Street. Across Broadway, the area extends along Central Court and South Avenue to Wall Street. The Traditional Business Overlay district overlays a portion of the Central Business District. The Board has stated it would like to look at the dimensional requirements, in particular the setbacks. For the lots that front on Broadway, there is a zero foot front setback. The Board wants to retain that. When that dimensional requirement is applied to the streets in the district that do not front on Broadway, the dimensional requirements become problematic. This is why the Board was asked to look at changing them. The dimensional requirements don't work in the real world, based on the concepts staff has seen.

Mr. Nelson stated he felt it was good that the Board physically took a look at the properties in the Traditional Business Overlay District (TBOD). The TBOD started when the town had a Main

Street program and a Downtown Committee. The Planning Board held charettes and the result is that the town wanted a streetscape to preserve the traditional 1900s storefronts. The downtown was to be walkable, and consumer friendly, while looking like a classic New England mill town. The intent was to not have a lot of strip mall areas such as where Cumberland Farms is located today. The TBOD regulations were the result. Subsequently, the district was expanded into the Central Business District to get more vibrant businesses and commercial uses on the back streets. There were unintended consequences, so now the Board is in the process of determining how to fix it. He is not sure they want to change the rules as they apply to the lots fronting on Broadway. The side streets have a lot of residential use. If property owners expand or rebuild on those lots, enforcing the zero foot front setback is not reasonable. One of the options is to utilize a conditional use permit process so that there is an opportunity grant a waiver for the setback.

Mr. MacEachern concurred and recalled discussing not changing the setback along Broadway. The question is what happens when one looks at the properties going back to Pearl Street. Where should the line be drawn for the district? On Saturday, the Board tried to determine what might make sense. Perhaps the TBOD on the north side should be at Broadway with some adjustment on the south side of the district. Mr. Nelson said the options are to leave the zone as it is and utilize a conditional use permit, or revert back to the old TBOD boundary and create new districts that reflect what the Board would expect to happen on the side streets and define that by regulations. It might be easier to draft a conditional use permit process.

The Board reviewed the draft document. Mr. O'Connor noted the Board has the authority to utilize conditional use permits under the Innovative Land Use option found at RSA 674:16, I and II.

Mr. Chase felt a conditional use permit was the best option based on what was discussed Saturday. If the building at 16 Franklin Street had been one building down closer to Broadway, it stood a better chance of being redeveloped as a mixed use building because of its proximity to Broadway. He would not want to impede development if landowners want to have mixed use on the property.

Mr. Nelson felt for the next amendment of the document, the Board might not want to duplicate wording in various Sections in case it creates loopholes. The Purpose gives specific mechanisms and criteria to be met and that might not be the place for that information. Perhaps staff and Board members can work on the wording and move the procedure.

Mr. MacEachern suggested amending the Purpose, Subsection 3 as follows to more accurately reflect the Board's intention:

The lots in this district are unique, particularly those that do not front on East or West Broadway. In order to properly protect the life safety and welfare of residents and visitors in this district, deviations from the dimensional requirements shall be by Conditional Use Permit. The Planning Board shall not approve a conditional use permit unless the applicant clearly demonstrates, and the Board finds the following:

- a. There is proper sight distance and access to and from the lots,
- b. Requiring compliance with the particular provision for the granting of the Conditional Use Permit would create an unnecessary hardship, and
- c. The application would still be consistent with the spirit and intent of the ordinance.

Requests must be written and the Planning Board must vote on each request at a duly noticed public meeting.

Mr. Nelson did not feel it was a great decision to not allow single family residential on the side streets. Mrs. Robidoux reminded the Board that with a Conditional Use Permit, the Planning Board has the authority to waive the provisions of the Zoning Ordinance with the exception of permitted uses. That is the one thing that has to be approved by the Zoning Board of Adjustment. This came up during the creation of the West Running Brook District. The Board discussed how the Board can review both the uses and the dimensions. This might involve changing the district bounds.

The Board discussed the 12 month time frame to rebuild in the same footprint if a structure was destroyed by fire, etc. Beyond that time frame, currently, a landowner would need a variance if they had not obtained the building permit. There are very few empty lots in the district that are not town owned. The Board debated utilizing the conditional use permit versus realigning the zone boundary and putting some of the lots back into the Central Business District or MHDR. Board members felt it would be best to change the boundary where it would not change the character of the neighborhood. It would be more work to change the boundary, but it was a better, longer lasting solution that would avoid unintended consequences. The Board was not opposed to utilizing a conditional use permit process, but acknowledged that process is subjective with regard to whomever was sitting on the Board at the time. One Board member suggested changing the boundary back to the original TBOD, and adding a Conditional Use Permit process to the CBD. Mr. Myers stated he did not like the conditional use process because the definition of “hardship” keeps getting reinterpreted by court decisions. He would want to reasonably accommodate the landowners. Mrs. Robidoux suggested contracting the district on the north side to Broadway and leaving the south side as is, as had been mentioned by other Board members.

The Board discussed carving out some lots along Pearl Street and possibly the 6 residential lots along Pillsbury and Maple. The Board wanted to make sure the lines of the district are clean. It was noted the governmental use buildings will not change no matter what the zone is named.

Mr. Nelson suggested re-drawing the boundary based on what was seen during the site walk and the various existing uses in the zone.

Mr. Granese asked if the residents would be allowed to add their points of view to the discussion.

David Barka, 64 East Derry Road, owns several multifamily dwellings in the district. He asked what gave greater flexibility – the TBOD or the CBD? The CBD allows the most uses as it adds

single family residential to the list of permitted uses; the setbacks are less limiting. Mr. Barka said it is hard to see how the future will unfold, which is why the Board is wrestling with this. Fifteen years ago, he did not think the downtown would look as it does now. He would opt for more flexibility in the zone. Mr. MacEachern thought there would be more flexibility if Mr. Barka's lots on Maple were put back into the CBD. Both single family and multifamily are permitted uses in the CBD. Mr. Barka did not think it was a bad idea to be able to build up to the sidewalk but if there is not one available, it made it difficult. If the existing buildings disappeared, could he build up to the sidewalk? He could not do that in the CBD without a variance. The TBOD would force a landowner to build to the sidewalk or road and that might not be the best use for the property. Mr. Barka said he would be in favor of whatever provides the best flexibility for uses and dimensions.

Mr. Nelson said the conditional use permit is the most flexible and allows the Planning Board the option to decide. The CBD has minimal setbacks and the TBOD has the maximum setbacks; conditional use permits allow flexibility for everything but the uses. The ZBA has the authority to grant variances for uses. Mr. MacEachern stated for Mr. Barka's purposes, he would have more flexibility if his lots were in the CBD. The minimum front yard setback is 10' in the CBD.

Jerry Kapetanakis, 10 and 12 Franklin Street, had a concern for the character of the area. He also inquired what would happen with snow removal if there are no front setbacks. He understood this all was being discussed so that 16 Franklin Street could be redeveloped with townhomes. He believed the townhouse project could not proceed until the dimensional requirements were changed in the zone. Mrs. Robidoux commented the staff has considered things like snow removal. During the site walk, the Board looked at sight distance because at the zero foot setback, 16 Franklin would be right on the pavement at the corner. 16 Franklin Street is not the only driver behind the proposed zoning amendments; it could have been any of the lots in the district that needed to be reconstructed or rebuilt. This issue would have come up when any of the lots in the district pulled a building permit.

Mr. Sioras thought these were good issues and questions. When the Planning Board looks at site plans, those questions could be addressed. The Planning Board looks at issues that the ZBA does not. Mr. Kapetanakis asked if any site plan would include the sidewalk that used to be in front of 16 Franklin Street. The Board said it might; that is one of the items that could be reviewed.

Mr. Nelson recalled discussing the issue of snow removal during the site walk. In some areas of the district, especially along Broadway, there are wider sidewalks. The town trucks away large deposits of snow during the winter months; most urban communities do. In low snow years, there is generally a hedgerow of snow along the sidewalk. As the Board envisions what the TBOD will look like, it needs to consider whether DPW has the capacity to truck away snow. The Board should consider and discuss this further.

Mr. Chase wondered if the Board could consider the conditional use process but eliminate the hardship provision. Maybe the Board should change the boundary, and make the minimum setback 20 feet. Any changes the Board contemplates should have the least number of unintended consequences.

Mr. MacEachern asked Mrs. Robidoux to collect the suggestions the Board has made, amend the district boundary and text, and bring it back to the Board for further discussion. Mr. Nelson suggested building the best of both models and then picking one of them. Mr. MacEachern believed each choice would have consequences and the Board would need to pick the best option, based on what the Board knows at the time and then adjust as necessary.

Workshop #3 – to discuss the wording of Article XIX, Independent Adult Community Overlay District in relation to HB 1661, Section 72.

The Board reviewed the proposed changes incorporated from the last workshop.

Section 165-146, Definitions – no changes to proposed.

Section 165-150, General Development Standards, Subsection 3. The Board discussed the provision that prohibits duplexes in these types of developments. Mr. Malaby would prefer duplexes not be allowed. Mr. Nelson recalled when the provision was originally put into place, the Board was aware that it would be difficult to have a two member condominium association as there would be no tie breaker if something had to go to vote. Mr. Chase and Mr. Granese would prefer to exclude duplexes. Mr. Myers understood why duplexes are prohibited but noted they can be built to look very nice and would like to see them included. A duplex can be an affordable alternative. Mr. MacEachern would prefer to keep the language as written. Mr. O'Connor wondered if the Board should delay its decision as there is potential state legislation that would allow four units by right in any zone where single family is allowed that has access to water and sewer. Mr. Sioras noted staff does not support that bill.

Subsection 4 will be re-written to include “more than one *multiunit* building on a lot...”, otherwise as Mr. Chase pointed out, it would conflict with Section 165-08 which prohibits more than one dwelling on a lot, unless it is multifamily.

With regard to Subsection 6, the Board opted to retain the language that limits the structures to two bedrooms. Landowners have the option to have additional rooms that can be used as offices. So long as the room does not have a closet, it is not considered a bedroom.

Subsection 10 will be re-written to remove “and current NFPA requirements”.

Section 165-153, Other Provisions was discussed. The Board will not amend the wording in this section.

Mr. Nelson believed if the Board added an Article to the Zoning Ordinance that is specific to Workforce Housing, all of the provisions in the Independent Adult Overlay would not apply to Workforce.

The draft will be amended and brought back to the Board in final form to move forward to the public hearing process.

Board Member Comments

None.

Motion by MacEachern, seconded by Granese to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:07 p.m.
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Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____