

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 15, 2015, at 7:00 p.m., at the Derry Municipal Center (3rd Floor Meeting room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Michael Fairbanks, Secretary; Mark Osborne, Town Council Liaison; Jim MacEachern, Jan Choiniere (7:07 p.m.), Members; Marc Flattes, Frank Bartkiewicz, Alternates

Absent: Administrative Representative, Darrell Park, Lori Davison

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant; Mark L'Heureux, Engineering Coordinator; Bob Mackey, Code Enforcement Officer

Mr. Granese called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. Granese noted the emergency exits, the location of meeting materials and introduced the Board members and staff.

*Mr. Flattes was seated for Mrs. Choiniere
Mr. Bartkiewicz was seated for Mr. Park*

Escrow

None.

Minutes

The Board reviewed the minutes of the April 01, 2015 meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the April 01, 2015 meeting as written. The motion passed with O'Connor abstained.

Correspondence

None.

Other BusinessSchedule Public Hearing on proposed changes to the Town of Derry Zoning Ordinance

Motion by MacEachern to schedule a public hearing for May 20, 2015 to discuss the following amendments to the Town of Derry Zoning Ordinance: Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions for Commercial Performing and Fine Arts Schools and Studios and Movie and Recording Studio; amend the definition for Private Educational Facility/Private School and delete the definition for Commercial Recreational Building; Article IV, Districts, Section 165-29, Enumeration of Districts, to add a new district, General Commercial IV District; Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to amend the date of the map and to rezone three parcels in the Office Medical District to General Commercial IV and to remove seventy seven (77) parcels from the General Commercial zone and place them in the General Commercial IV zone; Article IV, District Provisions, Section 165-32, General Commercial District, Section 165-33, Central Business District, Section 165-45, Medium High Density Residential District, Section 165-49, Traditional Business Overlay District to add Commercial Performing and Fine Arts Schools and Studios to the list of permitted uses; and to add a new section, Section 165-32.3, General Commercial IV and to establish the list of permitted uses for that zone. Bartkiewicz seconded the motion.

Osborne, O'Connor, Flattes, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor.

Mr. Granese asked if there would be any other additional notice of this hearing. Mrs. Robidoux explained as the changes affects less than 100 properties, the affected property owners would receive individual notice.

Annual Review of Planning Board Policy and Procedures – Second Reading

There were no proposed changes to the existing document.

Motion by MacEachern, seconded by Bartkiewicz to accept the Town of Derry Planning Board Policy and Procedures as effective May 07, 2014.

Osborne, O'Connor, Flattes, MacEachern, Bartkiewicz, Fairbanks and Granese vote in favor and the motion passed.

Town of Derry Transfer Station – Informational Meeting

Mike Fowler, Director of Public Works, presented. The Board has copies of his narrative, a site plan sheet, floor plan and elevation views of the new facility. He is before the Board this evening to provide an update on plans for the new transfer station. The current facility is antiquated and needs upgrades. In 2012, the Town Council approved a 3 million dollar bond and a feasibility study was conducted. They are moving forward to the design and build stage. Mr. Fowler and Joanie Hamel, Recycling Coordinator, visited many facilities looking for the best methods to fit Derry and that would provide a return on investment with regard to recycling.

Jan Choiniere entered the meeting.

Mr. Fowler identified the proposed location of the new facility; it will be to the right of the existing facility in the area where there is a stockpile of fill. They looked at several options for the new location as they would need to continue operations at the current facility while the new one is constructed. The new facility will be located about 300 feet to the west of the current cardboard building. The new facility will be 20,000 square feet in total; 15,000 square feet will be dedicated to recycling, 3500 square feet to a tipping floor/transfer station and there will be an area for a small office/locker room. Mr. Fowler provided a description of the new experience.

Residents will come into the trash and recycling in one stop; this allows enhanced recycling at the new facility. There will be separation of customers and equipment and there will be the opportunity to separate material which will provide flexibility for the future. This will provide additional revenue for the town if the commodity markets change. From a parking and site plan perspective, they will utilize perpendicular parking. There will be 38 head on spaces. The existing facility will be utilized for other uses. The existing co-mingling area will be used for brush recycling. The construction and demolition debris will move to the old trash building.

He outlined key features in the new building which will be pre-engineered steel with concrete push walls. He reviewed the elevation views of the proposed building. The west elevation is closest to the Londonderry town line and is what the customer will see. Everything will be enclosed inside the building and there will be a baler inside as well. Currently, they take the material physically from one location to another to bale it and inevitably lose some material on the way. The new plan will be more environmentally friendly. The south elevation shows the area for the office and commercial trash area, separating the customers from the operating traffic. The east elevation shows various garage doors and the north elevation shows the tiering of the building.

With regard to architectural elements, Mr. Fowler briefly described the pre-engineered, steel building. The color will be red to match the DPW campus. The roof pitches front to back at a 1:12 pitch. Sheet flow will be 100' to the east to a detention pond. Mr. Fowler also reviewed the internal floor plan. He believes this is a comprehensive plan. There are two State of New Hampshire permits pending for the project: an Alteration of Terrain and a Type III Modification which is related to solid waste. Once the Town receives the state approvals they will begin construction. The intent is to have the building completed by November of 2015 and be open to the public on January 1, 2016.

Mr. Fowler advised the public that copies of the plan are available on the Town website, on the Transfer Station page; that page will also provide periodic project updates. Mr. Fowler said this is long overdue for the community and will be a great facility once it is up and running.

Mr. O'Connor asked if there will be any capture of leachate; additionally, for people backing up in the north area, is it presumed they will walk from the transfer area. Mr. Fowler referred to the site plan sheet. To the south there is an area for people to throw their trash in the transfer. The northwest corner has a location that also has a receptacle for trash to meet peak demands on a

Saturday. The maximum distance someone would walk would be about 100 feet. With regard to leachate, there will be floor drains and other appropriate best management practices put in place per the DES regulations. The storm water detention pond is also compliant with Best Management Practices.

Mr. Granese seated Mrs. Choiniere and Mr. Flattes stepped down.

Mrs. Choiniere asked why the town stepped back from single stream; other communities are doing that. Mr. Fowler agreed many communities use the single stream method but the residents in Derry do a really good job of separating. When the commodities market took a dive in 2008, many other communities shared with Mrs. Hamel that they wished they had the source separating such as in Derry. It is anticipated the new facility will enable the town to collect \$150,000.00 in additional revenue which will be placed in the General Fund. The new facility will benefit the public with ease of use, it makes sense environmentally, and it will add revenue.

Mrs. Choiniere asked how much will the residents be expected to separate, especially glass. Mr. Fowler said the plastics are separated, glass is harder. He does not believe the town will require residents to break it up by the different types of glass unless there is a commodity stream for it in the future. Things change in the recycling field.

Mr. Fairbanks asked if the revenue stream is intended to pay off the bond. Mr. Fowler said it is. He has kept an eye on the markets. There is a very stable market for aluminum and plastic. The project is anticipated to generate \$150,000 per year in revenue. Mr. Fairbanks asked if there will be an education program or transition for the public. Mr. Fowler stated they will keep the old station open through the Christmas season; it is very busy during that time. There will be outreach through the GoGreen Committee and the Energy & Environmental Advisory Committee and DPW will conduct hands on training. It is expected there will be some transition hiccups, but this is not completely new to the residents.

Mr. O'Connor asked with regard to the revenue stream. He noticed that aluminum is isolated. Is aluminum included in the \$150,000 projection? Mr. Fowler explained they gain revenue when the aluminum is baled. Until the new facility opens, they don't have a baler that can do that. The projection is they can earn \$1200.00 per ton of aluminum and it is projected to yield 75 tons of aluminum from this stream once they are up and running. Mr. O'Connor noted there is a trend to move to composting and more towns are doing that. Has that been considered in Derry? Mr. Fowler inquired if Mr. O'Connor was discussing food waste and other organics. The town has looked at the information related to that supplied by other facilities. In the new facility, they have discussed the option of flexible bunkers so that they can alter operations accordingly; they need to be careful however because that type of material needs to be moved quickly.

Mr. Granese asked if the town would be supplying residents with recycle bins. Mr. Fowler said they have not because of the cost. They may need to look at that in the future. Mr. Granese asked if the town will mandate certain color bags for certain types of material. Mr. Fowler advised that the residents come in and usually already have their materials fairly separated.

The Board did not need to take action on this agenda item. It was for informational purposes only.

Public Hearing

**Theodore and Pamela Nusbaum
PID 35007, 105 Franklin Street
Acceptance/Review, Site Plan Determination
Electrical Contractor**

Mr. Sioras provided the following staff report. The purpose of the plan is for a change of use from a residential use to an electrical contractor business located in the General Commercial zoning district. Prior to the residential use this property was a business, Derry Paving. Staff recommended the applicant go before the Planning Board for a Site Plan Determination. Under the LDCRs, an applicant is allowed to go before the Board without a formal site plan and the Board can attach conditions to the approval of the site plan determination. Given that this parcel was used many years ago as a business there are existing features on the site that reflect that use. A picture of the lot as it exists today is provided in the packets. Some conditions should be put on the plan to meet today's site plan regulations. Town department signatures were not required and there are no waiver requests. Staff would recommend approval of the site plan determination application.

Pam and Ted Nusbaum presented. Mr. Nusbaum advised they purchased 105 Franklin Street with the intent of running the business from this location and having the ability to move into it. The business is family owned and there are two office personnel, both family members. In addition to Mr. Nusbaum, there are four vans that come and go, and the business would have very low impact to the neighborhood. There are no deliveries made to the location. They do have a dumpster and the dumpster truck would be the largest vehicle on site. The supply house is located up the street from this location. Employees arrive between 7:30 and 8:30 a.m. and they are done by 5:00 p.m. They do not generate noise and should blend into the neighborhood well as this is not an industrial business.

Motion by MacEachern to open the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the floor was open to the public.

There was no public comment.

Motion by MacEachern to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and review of the application returned to the Board.

Mr. Granese asked if the vans will be on site. Mr. Nusbaum said they will and they also have a small 30 foot bucket truck. They will try to keep that at a remote location until such time as he can build a garage to house it on site. Mr. O'Connor asked if the Nusbaum's plan on moving in

as residents does this application need to note this is mixed use. Mr. MacEachern noted this is already a residence. Mrs. Nusbaum advised this is a four bedroom home. Family is living there temporarily and is employed by the Nusbaum's, so there would be no additional impact. Eventually, they would like to transition from their existing home to this one. The goal has always been to live and work from the same location. This lot is perfect because it has plenty of parking on site. There is a very large parking lot on this parcel. The driveway is four cars wide and there is a paved area adjacent to the fence which runs along the property line near the condominiums. The transition from the driveway to the other section has a big lip and the dumpster truck cannot go there, so they will place the dumpster in the location marked Option 1 on the plan provided this evening. They can slide the shed over and still meet building setbacks. There are trees behind the shed so the dumpster will not be visible to the residents in the condominiums. The only place the dumpster will be visible is from the driveway. Mr. Sioras noted the dumpster will need to be screened or landscaped, based upon the decision of the Board and that can be a condition of approval. Mr. MacEachern felt this was a good use of the property. The business owner has been in town a long time and provides good service. This is an existing use and won't impact the condominiums next door and likely will have less of an impact than the previous business. The plan also proposes adding a row of evergreens along the fence and this will add to the existing buffer. He agrees they should move the shed and they will also need to ensure that the proper distance is met for the dumpster from the property line.

Mr. Fairbanks confirmed this property is in the General Commercial zone. Mr. Sioras confirmed that and advised an electrical contractor is an allowed use and falls under commercial service establishment. Mr. Fairbanks asked if any zoning waivers are required. Mr. Sioras said this plan is being presented under the site plan determination regulations in the LDCRs so zoning waivers are not required.

Mr. L'Heureux advised a surveyed plan should be provided to scale showing the distances for the shed and dumpster, and also provide a better description of the rows of trees and types of trees that will be provided along the fence line. The regulations need to be followed for the dumpster and it will need to be placed at least 25 feet from the property line. It would be a much cleaner approval if a surveyed plan was provided; and if a waiver for the dumpster location is required, it would provide better protection for the landowner later. The buffer for the condominiums should be shown on the plan. Mr. Sioras noted the condominiums are pre existing as a use in the General Commercial zone. There are no zone changes at the lot line and the applicant is adding extra buffering. There is no record of when those condos went in.

Mr. Flattes asked if there would be storage of fluorescent lights or hazardous material on the property. Mr. Nusbaum said they do work with fluorescent lighting but most of the work is done at the customer site where they change out the lights. Most are recycled so they are packaged up and then recycled. Any storage can take place in the garage. Children do come on the property and he would not want anything outside that could pose a potential hazard. Mr. O'Connor asked if they deal with PCB ballasts. Mr. Nusbaum said the industry has changed and most are electronic these days, so he does not deal with those.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the Site Plan Determination application before the Board for Theodore and Pamela Nusbaum, PID 35007, 105 Franklin Street.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to LDCR Article IX, Section 170-51, Site Plan Determination, with the following conditions: subject to owner's signature, subject to on site inspection by Code Enforcement to confirm installation of the landscaped buffer and appropriate location of the dumpster; subject to receipt of federal or state permits relating to the project; the above conditions be met within 6 months; snow and ice removal to be performed by a "green sno pro" certified contractor following Best Management Practices for the application of de-icing materials. The applicant should provide a scaled drawing noting the number of trees and the dimensions from the lot line for the dumpster. Discussion followed.

The Board discussed additional conditions to be placed on the approval and to be included in the motion. Mr. O'Connor added the dumpster should be placed in the area noted Option 1 on the plan this evening and the applicant had a choice to provide screening utilizing landscaping or screening. There should be no outside storage of electrical components that are to be recycled or any new items. The plan should be prepared by a surveyor; it can be a plot plan.

Mr. MacEachern and Mr. Bartkiewicz accepted the amended motion.

It was noted a sign for the business would need to be approved by Code Enforcement.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Charles Stanion, Jr. and Cheryl Senter

PID 29054, 5 Everett Street

Dolores Gile/Joseph Rioux, Jr./Raymond Rioux/Nelson Thibault/Marie Pollack/Roland Rioux

PID 29046, 46 High Street

Acceptance/Review, Lot Line Adjustment

Mr. Sioras provided the following staff report. The purpose of the plan is for a lot line adjustment between the above noted parcels. There are no town department signatures required for this application. There are three waiver requests noted in the letter provided by Bedford Design Consultants. He would recommend approval of the waivers as the lot does not require HISS mapping, there are no wetlands and topography is not required for a lot line adjustment. There is a shed that is currently over the property line and that line will be moved. He would

recommend approval of the plan. Mr. MacEachern confirmed the intent of the plan is to make Parcel 29054 more compliant and it does not change anything else.

Craig Francisco, Bedford Design Consultants, presented for the applicants. He advised this is a simple lot line change. Parcel 29046 will grant 1131 square feet to Parcel 29054; they are squaring up lot 29054.

Motion by MacEachern, seconded by Bartkiewicz to open the public hearing. The motion passed with all in favor and the floor was open to the public.

Albert Dimmock, High Street, felt this application was a no brainer. He has lived on High Street for over 30 years and the proposed makes no changes in the appearance of the lots.

There was no further comment.

Motion by MacEachern, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the plan came back to the Board.

Mr. L'Heureux had no comments on this application.

Motion by MacEachern to accept jurisdiction of the lot line adjustment application before the Board for Charles Stanion, Jr. & Cheryl Senter, 5 Everett Street, Parcel ID 29054 and Delores Gile, Joseph Rioux, Jr., Raymond Rioux, Nelson Thibault, Marie Pollack and Roland Rioux, 46 High Street, Parcel 29046, seconded by Bartkiewicz.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Motion by MacEachern to grant a waiver from the following sections of the LDCR: Sections 170-24.A.11 through 13 (topographical contours, HISS mapping and wetland mapping) as after review of the waiver request the Board finds that specific circumstances relating to the plan, or conditions of the land in such plan, indicate the waiver will properly carry out the spirit and intent of the regulations. Bartkiewicz seconded the motion.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, III, Expedited Review, with the following conditions: subject to owner's signature, subject to onsite inspection by the Town's Engineer, establish escrow for the setting of bounds or certify the bounds are set; obtain written approval from the IT Director that the GIS disc is received, is operable, and complies with LDCR Section 170-24/170-61; note approved waivers on the plan, that the above conditions all shall be met within 6 months; a \$25.00 check, payable to the Rockingham County Registry of Deeds should be submitted with the mylar in accordance with

the LCHIP requirement, and submission of the appropriate recording fees, payable to the Town of Derry.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Public hearing relating to requirements for Special Exceptions to amend Article VI, District Provisions, Section 165-45.D.2.j, Medium High Density Residential; Section 165-45.1.C.2.j, Medium High Density Residential II; and Section 165-46.B.2.j, Medium Density Residential. The purpose of the amendment is to remove a conflict with RSA 356-B:5.

Mr. Sioras advised the ZBA requested the Planning Board amend the section under the Special Exception provisions relating to covenants. Mr. Mackey stated the Planning Board held a workshop on this change. Citizens can apply for a special exception for home occupations such as day cares, contractors, etc., and in order to be granted approval they need to meet ten criteria. The last criterion has to do with not being contrary to covenants or conditions in the deed. This may occur in some subdivisions which have covenants. This has come up in the past. The ZBA received a legal opinion several years ago that the ZBA should not be involved in what is essentially a private contract. The other issue is that occasionally covenants are very old and may not still be in effect. The proposed change was presented to the Planning Board in 2009, accepted and forwarded to the Town Council. The Town Council at that time held several hearings and then tabled the matter indefinitely. The issue came up again recently and the process was started again. The proposed change removes that specific criterion from the three applicable sections of the Zoning Ordinance. If approved by the Board this evening, and by Town Council, the zoning application would be amended.

Motion by MacEachern, seconded by Bartkiewicz to open the public hearing. The motion passed with all in favor and the floor was open to the public

There was no public comment.

Motion by MacEachern, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the amendment came back to the Board.

Motion by MacEachern to accept the proposed change to the Town of Derry Zoning Ordinance to Article VI, District Provisions, Section 165-45.D.2.j, Medium High Density Residential; Section 165-45.1.C.2.j, Medium High Density Residential II, and Section 165-46.B.2.j, Medium Density Residential and forward said changes to Town Council for their consideration. Bartkiewicz seconded the motion. Discussion followed.

Mr. Osborne provided clarification. The first Town Council that tabled these proposed changes did that years ago. As soon as this was brought forward to the existing Town Council it was put on the agenda right away. He is pleased this Board is dealing with the request expeditiously.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Public hearing relating to requirements in the Central Business District and Traditional Business Overlay District, to amend Article II, Section 165-5, Definitions, to add definitions for Contractor, Travel Agent, Light Manufacturing, and Electrical Vehicle Supply Equipment, and to amend definitions for the following terms: Commercial Service Establishment, Bus Depot, Professional Office and Filling Station; to Amend Article III, Section 165-13, Off-Street Parking For Non-Residential Uses; Article VI, Section 165-33, Central Business District and Section 165-49, Traditional Business Overlay District, and to amend the permitted uses allowed in the districts, density requirements, building height, parking and buffer zones. The purpose of the amendments is to revise the requirements in the CBD and TBOD to encourage future development and redevelopment opportunities within the downtown business district, promoting economic growth.

Mr. Sioras advised the subcommittee worked on the proposed changes. Members of the subcommittee included himself, Mr. Mackey, Mrs. Robidoux, Ms. Davison, Mr. Flattes, Mr. Chase, and Mr. Fairbanks. The Board held workshops over the course of several months. A copy of the proposed changes was sent for legal review per the procedures of the Board. The Board has in its packet a memo from Mrs. Robidoux outlining the changes proposed by the attorney and one by Mr. Mackey. If the Board accepts those proposed changes this evening, the Board would need to schedule a second public hearing.

Motion by MacEachern, seconded by Bartkiewicz to open the public hearing. The motion passed with all in favor and the floor was open to the public.

Mr. Mackey advised he had a concern with regard to the parking calculations. Originally, the regulations stated the parking calculation for multifamily developments should be 1.25 spaces per bedroom. It was found, especially with condominiums that is too little and does not leave room for visitor parking. The Board then changed the regulation recently to 2.5 spaces per unit. In that scenario, the Board could potentially end up with fewer spaces than that required by the original regulation. He suggests changing that to 1.5 or 1.75 spaces per bedroom which will gain the additional parking the Board had intended. Mr. MacEachern agreed the number of spaces should be based on the number of bedrooms, and would be comfortable with whatever number Mr. Mackey felt was fair. Mr. Mackey said a calculation of 1.5 spaces per bedroom would gain more spaces, but he did not want to go overboard with the calculation. Mr. Fairbanks asked if this parking had to be on site. Mr. Sioras said in the Central Business District (CBD), parking can be a combination of on or off site parking. This proposed change would apply globally because the regulation is found in the LDCR. In the Zoning Ordinance, the parking requirement for on or off site parking will vary based on the zone. Mr. MacEachern made the recommendation that Section 170-63.A.4.a be changed to "1.5 bedrooms or a minimum of 2 spaces per dwelling unit."

Mr. Fairbanks asked with regard to compact cars. Mr. Sioras said he felt it should be up to the Board if the Board wanted a regulation for compact cars. Those types of spaces are usually seen in parking garages. The Board should make the call on that. Mr. Fairbanks thought the question from the attorney was with regard to the Board requiring spaces for compact cars. Mr. Mackey felt she asked if the Board wanted to have an area that was designated for compact cars. Mr. Fairbanks said since the Board is not requiring them, they likely don't need an area.

Motion by MacEachern to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and review of the changes came back to the Board.

Mr. MacEachern asked if the Board wanted to have "1.5 spaces per bedroom or 2 spaces per bedroom or a minimum of two spaces per dwelling unit". Mrs. Robidoux had a concern with the wording "or a minimum of two spaces per dwelling unit"; she felt it should be clear that a developer did not get to pick 1.5 spaces per bedroom or 2 spaces per dwelling unit when making the calculation. The Board decided to move forward with the wording "1.5 spaces per bedroom with a minimum of 2 spaces per dwelling unit". This would allow 2 spaces for a one bedroom apartment and extra spaces for units with more than one bedroom.

With regard to the attorney's question on the definition of "office", the Board felt an office held desks and chairs and noted the difference in the definitions between "professional office" and "office" as defined in the Ordinance. A *professional organization* was a function and an *office* was a space. Professional office was more for engineers and lawyers where an office could be in an industrial building or attached to a use. Medical office has a different definition. The Board discussed the differences between office, professional office and medical office. The Board decided to change the term from "general office" to "office" to be more in line with the term that was defined.

Regarding compact cars, the Board did not feel that dimensions needed to be included. They should be dealt with on a case by case basis. Mr. Fairbanks felt if a developer wanted to include those types of spaces, there would be a dimension in place, but the intent was not to force a developer to have spaces set aside for compact cars. The Board elected to remove the references to compact cars and if a developer wanted to provide spaces for them the developer could ask for a waiver from the regular parking dimensions.

Mr. Granese spoke to the question regarding radio and television broadcasting studios that were limited to upper floors only (165-33.B.19). The Board felt that meant it could be on any floor other than the first floor and did not remove that wording. Under review of change of uses, the Board decided to add the wording "based on the determination of the Planning Director or designee" to Section 165-33.D. This would allow the Planning Director or designated staff to make the determination. Additionally, the Board changed "Health Care Facilities" to "Health Service Facilities" in Section 170-63.B.4.u.

Motion by MacEachern, seconded by Bartkiewicz to incorporate the changes discussed this evening to the Town of Derry Zoning Ordinance, Article II, Section 165-5, Definitions; Article III, Section 165-13, Off Street Parking for Non Residential Uses; Article VI, Section 165-33,

Central Business District and Section 165-49, Traditional Business Overlay District and schedule a second public hearing for May 6, 2015. This will include all changes as outlined in the memorandum and discussed tonight.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Public hearing relating to parking requirements to amend Article XI, Section 170-63, Parking Requirements; Section 170-64, Landscape and Buffering Requirements. The purpose of the amendments is to ensure the parking requirements in the Land Development Control Regulations are in line with the proposed amendments to the Central Business District and Traditional Business Overlay Districts.

Mr. Sioras advised the Board held the discussion regarding the changes to the parking calculation earlier in the evening but because the changes are in the LDCR and not the Zoning Ordinance, the Board should open the floor to discussion.

Motion by MacEachern to open the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and the floor was open to the public.

Mr. Mackey advised he had no comments other than those that had already been discussed.

There was no further public comment.

Motion by MacEachern to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and discussion of the changes returned to the Board.

The Board had no comment with regard to the proposed changes to the landscape and buffering regulations.

Motion by MacEachern, seconded by Bartkiewicz to incorporate the changes discussed this evening to the Land Development Control Regulations, Article XI, Section 170-63, Parking Regulations and Section 170-64, Landscape and Buffering Requirements, and to schedule a second public hearing for May 6, 2015.

Osborne, Choiniere, O'Connor, MacEachern, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to adjourn. Discussion followed.

Mr. Fairbanks asked if the Board needed to have a discussion regarding circumference and radius relating to building height. It had been noted the Board used the term 'circumference' and should have used 'radius'. Since the change has already been approved by Town Council, the Board will need to go to workshop to review that change and then move it to a public hearing. A workshop can be held on May 6, 2015 and then the Board can move this forward. Mr. Sioras noted that once a change has been posted, then any applicant coming forward at that time will need to comply with what has been posted. The Board noted this change needs to be made since as the ordinance is currently written for that requirement, it does not work.

The motion passed with all in favor and the meeting stood adjourned at 8:29 p.m.
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Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____