

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 02, 2022, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room with the Board members physically present.

Members present: John O'Connor, Chairman; Jim MacEachern, Vice Chair; David Nelson, Secretary; Randy Chase, Town Administrative Representative; James Hultgren, Mark Connors, David Clapp, Members; Joe Tremper, Alternate

Absent: Andy Myers, David Granese, Brian Chirichiello

\*Denotes virtual attendance.

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

Mr. O'Connor opened the meeting at 7:00 p.m. The meeting began with a salute to the flag. He 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.

## **Escrow**

### **#22-05**

**Project Name: Peabody Road Commercial Buildings**

**Developer: Lauralei, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 36067-012, 4 Peabody Road Annex**

The request is to approve Release #2 in the amount of \$105,312.96 on Letter of Credit #1506, drawn on Primary Bank for the above noted project and to provide a replacement Letter of Credit in the amount of \$47,563.20. Upon receipt of the replacement Letter of Credit, the Board will release the Letter of Credit held in the amount of \$152,876.16.

Motion by MacEachern, seconded by Nelson to approve as presented. The motion passed with all in favor.

### **#22-06**

**Project Name: Villages at Oakwood**

**Developer: Lifestyle Homes of Derry NH**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 08039, 42 Tsienneto Road**

The request is to approve a renewal of Letter of Credit #43340, drawn on Enterprise Bank in the amount of \$201,171.60 for the above noted project. The expiration date is January 22, 2023.

Motion by MacEachern, seconded by Nelson to approve as presented. The motion passed with all in favor.

## **Minutes**

The Board reviewed the minutes of the January 05, 2022, meeting. Mr. Connors believed there should be a new paragraph on page 17, last paragraph, second sentence to denote a new person was speaking.

Motion by MacEachern, seconded by Nelson to approve the minutes of the January 05, 2022, meeting as written.

Tremper, Chase, MacEachern, Connors, Hultgren, Clapp, Nelson and O'Connor voted in favor, and the motion passed.

The Board reviewed the minutes of the January 19, 2022, meeting. Mr. Connors noted the date of the minutes should be corrected to January 19, 2022.

Motion by MacEachern, seconded by Nelson to approve the minutes of the January 19, 2022, meeting as amended.

Tremper, Chase, MacEachern, Clapp, Nelson and O'Connor voted in favor; Connors and Hultgren abstained; the motion passed.

## **Correspondence**

Mr. Nelson advised the Board has received an annual report from the Southern New Hampshire Planning Commission outlining studies and tasks they completed on behalf of the Town of Derry in 2021. The Board has also received a copy of email correspondence from Mr. Connors and the reply from the Chairman, Mr. O'Connor, in terms of some of the items under discussion this evening. A memo from Planning staff suggesting an expedited method to address the determination of Developments of Regional Impact has been provided to the Board. Mr. O'Connor said this can be discussed under Other Business.

## **Other Business**

### Developments of Regional Impact

Mrs. Robidoux advised staff researched methods of streamlining the process for the Board to determine if a project had regional impact. The Town of Merrimack has a good process and it was adapted for Derry. Staff would prepare a report for the Board, reviewing the criteria that the

Board would use to determine regional impact, and make a recommendation as to whether the project met the criteria or not. The Board would then make the final determination based on the information and recommendation. Staff would be able to provide enough information for the Board to make the appropriate determination and then the Board can vote it up or down.

Mr. Nelson thought this was a great idea and suggested amending the Policy and Procedures to memorialize the process. Mrs. Robidoux believed the Procedures could be amended at any time.

Motion by Nelson to have staff prepare a draft amendment to the Board's Policy and Procedures to insert a section relative to how the Board determines the Regional Impact of an application, seconded by MacEachern. The motion passed.

Mr. Connors asked if this could be determined during TRC discussions. Mrs. Robidoux explained by statute, the Board has to make the determination. This is a very important part of the plan review process and the Board has to make the determination on every application before it. If the Board does not, then if an application is appealed, the Board will automatically lose the case. Mr. Nelson stated this is a statute that the Board must follow. Mr. Connors felt this was similar to the votes the Board took on matters discussed during TRC.

Mr. Chase noted the Town of Derry shares utilities (water) with other communities and did not want the Board to be in a position to have to discuss criterion 7 (relative to facilities shared with another community) each time there was an application to review. Mr. O'Connor felt staff might be able to address that in its recommendation. Mr. Chase felt taken literally, where it says, "from another community", any project on town water would potentially have regional impact as the Board would have to technically answer yes to that question. Staff felt the wording could be amended to address that concern as the wording is not driven by statute. Mr. Nelson noted the town depends on Manchester Water Works for the public water supply and has sewer agreements with other communities; private wells are dependent on aquifers which may cross municipal boundaries at will. Mr. Connors commented criterion 2 speaks to the aquifer and provides a fixed number. Sending schools have an impact on Derry and he believed surrounding towns should be notifying Derry more often of projects in their communities. Mr. Sioras commented the town is only rarely notified of projects of regional significance such as Tuscan Village and Woodmont Commons.

Staff will bring a draft amendment to the Policy and Procedures to the Board at its next meeting along with any revisions to the proposed template for the staff recommendation.

#### Planning Director Updates

Mr. Sioras advised the Board will have a presentation at the next meeting of the Capital Improvement Project. There are several projects in the pipeline.

#### Chairman Updates

Mr. O'Connor advised Southern New Hampshire Planning Commission is one of the co-sponsors for Winter Bike to Work Day which will be February 11<sup>th</sup>. There is information about

the day on the home page of the Town of Derry website. The Grind will offer snacks and beverages.

Several Board members have terms expiring at the end of March: Mr. Granese, Mr. Clapp, and Mr. Hultgren. If they wish to continue with the Board, they will need to apply online to be considered.

On March 2<sup>nd</sup>, the Board will hold a workshop to discuss the residential zoning density requirements at the request of Mr. Chase.

NH Business and Economic Affairs under the Office of Planning and Development, is offering a webinar on February 17 regarding housing supply and trends in New Hampshire. Currently, the State is in arrears about 14,000 housing units. He suggests the members sign up for the webinar. If they can't attend during the time scheduled, a link to the recording will be provided. At this time the State has a bill, SB 400, moving through the legislature. If passed, this law will have a significant impact on the Planning Board.

## **Workshop**

### **Workshop #2 – To discuss an amendment to Article VI, District Provisions, Section 165-32.4, West Running Brook District, Subsection 1, Design Standards for all Areas, Streetscape, B. Buffer Zones (postponed from January 19, 2022)**

Mr. Sioras stated the workshop is a two step process. The Board has a handout with the suggested wording that has been previously discussed. The Board asked staff to meet with Mr. Chase who volunteered. They did that and looked at some of the parcels to see what could work as a buffer and what would not work. They have provided samples of a small, medium, and large lot, applying the different buffer requirements. Mr. Chase will discuss it further, but it does not appear there can be a one size fits all solution. The Board can then decide which of the draft wording works best in real word situations.

Mr. Chase said he had a good discussion with staff while looking at the attached maps. For several of the lots in the district, a one hundred foot buffer would eliminate any development at all on the lot; on one lot, it left a small sliver in the middle to develop. Realistically, setting a buffer at 100 feet is not feasible. In looking at how buffers are handled in the rest of the town, the LDCR has standards in place. Lots also have side and rear setbacks. In other projects around town, such as those on the corner of Fordway and Kendall Pond, or Magnolia, the buffers are decent. This zone proposed connectivity to other areas of town, but on the other hand, imposes a 100 foot buffer. What does the Board really want? There are seven options for wording before the Board this evening. In his opinion, rather than stating a specific number of feet for the buffer, the Board should utilize the LDCR. This district requires a conceptual review, and the Board can look at the need for a buffer at that point. If one lot is proposing heavy commercial use abutting a residence, then the Boad can say it would like to see specific buffering for that use. If there is a natural buffer in place, leave it; why interfere with what is there? There are wetlands on some of the lots and other lots have elevation issues. If residential use is abutting

residential use, there is no need for a buffer, and there should be connectivity. If there is residential use abutting commercial use, then there should be a buffer of some type. The Board can set a maximum buffer for commercial uses abutting residential uses, such as up to 50 feet, so that the buffer isolates and protects the residential use. In the examples provided, if 78 and 82 Rockingham Road were combined and developed, with the need for the front setback, there is a very limited area for development. The lots, beginning at the corner of Bedard Avenue and heading east around the corner to the existing Cal's Custom – those lots are shallow. A 100 foot buffer would eliminate about 1/3 of the lot area and limit what could be done on the lots. In the example for the larger parcel, 120 Rockingham Road, known as the Smith property, the buffer does not have that much of an effect; but that is a 40 acre parcel. The land behind the Smith lot is conservation and it also abuts the Robert Frost Farm. The former Grandview Flea Market site (Taylor property), 2 Island Pond Road, is about 20 acres in size. The buffer does not infringe on that lot badly either, but those are the only two lots in the entire zone that would not have major impacts if a buffer were imposed. The lots on Humphrey Road and the Siragusa lots would be impacted by a buffer. For the Siragusa's, if there was a 100 foot buffer, the pavilion last approved by the Board would have been eliminated. The LDCR language has worked well for buffers in the rest of the zones. During conceptual discussions, the Board can look at the buffers on a case by case basis based on how the project is laid out on the lot, and impose a buffer as needed. He did not feel residential uses needed to be buffered from each other. As the Town is looking for connectivity, he did not believe connectivity should be interrupted with a hard line buffer.

Mr. O'Connor recalled that is how they tried to design the zone. He recalled Mr. Nelson had mentioned previously that given the topography on some of the lots, there might be cases where there would be a natural buffer.

Mr. Nelson noted there are districts in town where a buffer is established by the regulations; typically, where zoning districts abut each other. His opinion is in a village concept, the uses should be mixed all together. He feels there is conflict with the statements. The Board wants a village experience, a high level of mixed use, and connectivity, but the Board seems to want to erect barriers. He does not feel fixed buffers belong in this kind of creative village experience district. Buffers are to mitigate impacts and they can be imposed as necessary to mitigate effects from light, traffic or noise. He felt the abutters should tell the Board of potential impacts, and then the Board can mitigate the impacts. Fixed buffers in this district would be a bad idea.

Mr. Connors asked when the meeting with staff was called as he did not recall being notified of the meeting. This is an issue he has raised often. Mr. O'Connor said it was discussed at the last meeting; the goal was to discuss the tiered buffering discussed on Jan 05. Mr. Connors said he would have liked to have been involved; was there a date set and notice given? Mr. O'Connor said Mr. Chase was directed to meet with Planning staff and bring suggestions back to the Board. No other Board member offered. Mr. Connors recalled that it was said some of the smaller lots would not be developed unless they were combined with other lots in order to be developed as mixed use. Now those smaller lots are being used as examples. The concept he pushed for with regard to the buffer was to have the buffer between existing residential zones and the brand new zone where the existing neighborhoods may be affected by some of the larger lots. The buffers shown in the examples do not affect many lots. These examples have obviously been done to

sell a problem. A hundred feet may be significant, he agrees with that. There are spots where the projects the Board has seen may be against existing, long term residential use. The original idea for the zone was for small residential and for the people in those units to frequent the retail in the zone. The Board is seeing concepts for large box apartments; this is not a real village. He wants to protect three or four areas. He is surprised that an example for the affect of the buffer was not provided for 109 Rockingham Road. There would not have been a 100 foot buffer in certain areas of the lots in the district. Several of the lots in the district have bowls. The idea was that building in the bowl would not affect a neighborhood but building on ledge would. It was supposed to be a vegetated buffer between mixed use and existing residential use. It would be on certain parts of the lot, not wrapped around the entire lot as depicted in the examples. That is selling a concept that is not there. He would like something in there so that developers know not to go right up against the lot line. With regard to connectivity, there can be paths between vegetated buffers and the woods. He does not want to see parking lots and buildings against the lots of long-time residents and neighborhoods that are not going away. Mr. O'Connor said he agreed there might not be a need for a buffer around the entire lot line.

Mr. MacEachern explained the last time the Board met, he asked staff to meet with Mr. Chase as Mr. Chase had discussed a potential tier structure for the buffer at the end of the January 05 meeting. The tiering concept has morphed because it can be difficult to do it on a lot by lot basis. He considered Mr. Nelsons' comments and believes that based on the natural configuration of some of the lots that there is a need for something for the whole district. He does not want to see a parking lot against a lot line either, adjacent to an existing residence. If it were a residential use against a residential use and then commercial in the middle of the lot, that would be fine. In other districts there is a 15 foot side yard setback, so he is 30 feet from his neighbor. In a village concept, a townhome next to an existing residence is okay; this is what it is all over Derry and in the downtown. The Board has the ability to make a decision based on particular factors. If a parking lot is proposed against a property line abutting a residence, it might be, in that case, a 50 foot buffer is required with some arborvitae in between.

MacEachern suggested the following wording, "The buffer shall be determined by the Planning Board on a per project basis, utilizing the LDCR. No buffer shall exceed 50 feet, unless there is a natural buffer in existence." After discussion, the wording was amended to add "during the conceptual process", and "no constructed buffer" in place of a natural buffer.

Mr. Sioras took a moment to express his disappointment with Mr. Connors' comments with regard to staff. He and Mrs. Robidoux are staff to the Planning Board. Staff was charged by the Chairman and the Board to come up with examples of the buffer and suggested wording. The wording is what the Board discussed during the last workshop. Staff did not arbitrarily pick three lots. They did not use the lots that have already been under discussion; the Board has seen those, and they are currently in the design phase and can't be discussed because the Board will see them later this year. The lots in the example were chosen because there is no development proposed for them yet and the Board wanted to see the impact a buffer might have on development. Staff chose 120 Rockingham Road, 2 Island Pond, and 78 and 82 Rockingham Road. 78 Rockingham Road is on the market right now. A buffer of 50 and 100 feet were applied to the lots. The 100 foot buffer is in the regulations today. He is very familiar with the lots in this district and during his tenure with the town, which is more than 30 years, he has been

on a lot of them, and he has walked the three that were provided in the examples. 120 Rockingham Road has conservation land behind it and the Robert Frost Farm to one side. 2 Island Pond Road is the second largest lot in the district and has a residential zone behind it. 78 Rockingham Road is on the market; it is small and vacant. The rest of the lots in the district are smaller lots or have natural buffers on them, such as a 150 foot prime wetland buffer. Staff was asked to create the maps and did so. This was not something staff did on its own. Mr. Sioras apologized for his forceful comments.

Mr. Connors stated his comments were more as to why staff chose to ignore that there is already a 100 foot buffer that is supposed to be in place for the lots the Board has seen conceptually, and staff did not mention there should be a buffer when the concepts were before the Board. On those projects, the Board saw development up to the property line. He questioned the fact that when the concept for 109 Rockingham Road was before the Board, he mentioned there should have been a 100 foot buffer in place and everyone seemed surprised. Then it was discovered that wording had been missed when the zone was created and now the Board is amending the existing wording. He feels buffers only need to be against residential areas; buffers don't need to be between existing lots in the zone. He walked the Board members through his suggested buffer areas as depicted on the map he had provided to the Chair. 2 Island Pond Road should be buffered to the rear and a buffer should be in place for the trailer park. The Butterfield lot does not need a buffer to the school, only to the rear. The Fairways may need a buffer along their property line, but he did not think multifamily use needed to be buffered. 109 Rockingham Road needs a buffer to the residential area to the back. He is concerned about that area; he lives in that area. He would like to see good development on that lot. The lots along Rockingham Road heading towards Route 28 should have buffers to protect the residents behind them in the residential zone. The three lots along the road will not be sold or redeveloped; he has already spoken with those neighbors and assured them their residential use is grandfathered. Mr. Connors did not want to make it easy for a developer to drop an apartment building on the smaller lots if they were purchased and combined. This was all commercial land and he did not feel the original intent had been to turn the area into high density residential, which is what they are seeing in the concepts. He felt there is less impact than is depicted in the examples provided by staff. He feels the map he provided shows the true impacts. Existing neighborhoods deserve a buffer from the larger apartment buildings and three story townhouses. The Board should be deciding based on reality and what they told the residents the Board would do in this zone. Mr. O'Connor noted each project is different and will be looked at individually. The project designs can evolve after the conceptual discussion with the Board.

Mr. Nelson wanted to confirm Mr. Connors' point. This is a new, innovative, mixed use development area. Prior to that, many of the lots were in a commercial zone. He noted Mr. Connors felt the people in the residential zone deserved protection from this new district. Mr. Nelson asked if the Board thought that meant more protection than there would have been if the lots had remained commercial and then been developed with a large multistory commercial project. He believed he was hearing this was to be a village district with mixed uses close to each other, but the grandfathered residential uses should be excluded from the village experience to the point where the residents find it impactful. Mr. Connors said the district was sold to the Board as having less residential and more commercial with each lot its own village. That is not what the Board has been seeing.

Mr. Nelson stated the visions of a Board when a zone is drafted is often not what gets proposed; that is the risk with urban planning. That is a separate issue from the buffer for incumbent residential properties.

Mr. O'Connor reminded the Board that this is a mixed use district rather than a village district, which has different statutory requirements, however, some of the concepts that have been before the Board look like a village.

Mr. Connors questioned the fact that when the concept for 109 Rockingham Road and other projects were before the Board, the developers did not look at the fact that there should have been a 100 foot buffer in place. Doesn't the developer have a responsibility to follow the regulations in place at the time? Will the projects that have been before the Board be held to the 100 foot buffer? Mr. O'Connor advised this zone is approved by conditional use and a developer can ask for a waiver. The conceptual discussions are non-binding on both sides. Mr. Connors felt there are only a few lots that will impact existing neighborhoods and the Board should protect those neighborhoods into the future. He questioned if the Board did itself a disfavor as there are not enough restrictions in the zone.

Mr. Clapp commented this zone allows for waivers and what the Board decides today can be waived in the future.

Mr. MacEachern said he has been listening to what has been said and has slightly revised his previous suggestion for the wording. He feels the amendment addresses the comments made this evening.

Motion by MacEachern to move forward with the following wording: "Buffer Zone. The buffer zone will be determined by the Planning Board on a per project basis during the conceptual phase. The Planning Board may utilize the LDCR with no constructed buffer to exceed fifty feet."

Mr. MacEachern believed that covered the existence of a natural buffer and the fifty foot distance discussed at the previous workshop. It also allows the Planning Board to be flexible, based on the make up of the project and where the uses are located. Mr. O'Connor asked if the Board needs to define "constructed buffer". Mrs. Robidoux suggested citing the appropriate section in the LDCR, Section 170-64. Mr. Connors did not believe this zone had to comply to the LDCR. Mrs. Robidoux stated every project that comes before the Board in this zone needs to meet the regulations in the LDCR. Mr. MacEachern suggested amending the wording to "...utilize the LDCR, Section 170-64 with no man-made buffer to exceed 50 feet."

Mr. Connors asked why would the buffer not exceed 50 feet? What are the setbacks in this zone? Mrs. Robidoux stated there are setbacks applicable to this zone, but she did not have the Zoning Ordinance in front of her to reference them. Mr. MacEachern stated elsewhere in town the distance between homes in some cases is 30 feet; in the previous workshop they discussed a 50 foot buffer. Mr. Connors recalled previous concepts had structures within 15 feet of the property line; he would like to know where the structures can be placed in this zone. Mr.



MacEachern said the Board can determine at the concept phase what the distance should be between structures.

Mr. Nelson noted procedurally, there had not been a second to Mr. MacEachern's motion and the Board should not be discussing the motion.

Motion is seconded by Nelson. Discussion followed.
--

Mr. Nelson said he recollected all dimensional requirements are found in the Zoning Ordinance. Construction standards and minor buffering standards are in the LDCR. Mr. MacEachern said this district has a 100 foot buffer requirement and his proposed language amends that. Mr. Nelson supported that.

Mr. Chase advised the following setbacks apply to the West Running Brook District: minimum lot area is none; front setback is 50 feet, side and rear setbacks are as agreed to by the Planning Board but are not to be less than 10 feet. The setback to a building on an abutting property is a minimum of 30 feet.

Mr. MacEachern said he would leave it up to the pleasure of the Board if they would like to specifically reference the requirements in LDCR Section 170-64 (Buffers) and a buffer not to exceed 50 feet.

Mr. Sioras apologized for some of his previous comments; staff is doing the best it can for the Board and is being critiqued for their efforts. The wording in this zone is written to be flexible on purpose because each project will be very different. He provided an example of how the wording of a regulation can negatively affect the people the regulation is supposed to protect. Requirements in the Zoning Ordinance cannot be waived by the Board. At one time the Ordinance stated if an Industrial zone or industrial use abutted a residential use, there had to be a buffer of a certain number of trees, a certain number of rows and a certain type of vegetation. When American Excavating located on Madden Road, the area to the right where the business is now located was all woods. Because of the wording in the Zoning Ordinance, American Excavation had to cut down the trees that had provided a thick, natural buffer and create a buffer of three rows of trees that was not as dense. The Board learned from that experience and now allows the use of an existing natural buffer, that can be enhanced. In the West Running Brook zone, a standard buffer cannot be applied to all of the lots. Prime wetlands can provide a natural buffer as well. As projects come in, neighbors can request a specific buffer as needed. The Board should be allowed flexibility in the wording to be able to do that.

Mr. Connors said this zone has a 10 foot setback. Buffering was placed in the regulations so that an existing residential use did not have to look out their window directly at a large building. He had suggested a 100 foot buffer to provide protection from that. The buffer was never intended to go around the perimeter of the entire property as depicted in the examples. At what point can the abutters provide comment? By the time the project gets back to the Board from the conceptual discussion, it is already designed, and a lot of money has been invested. The only real teeth in the regulation is the 10 foot setback and by the time the abutter speaks at a public hearing, the only thing they can ask for is a few trees or a fence.

Mr. Clapp asked if there had been a lot of feedback from residents during the public hearing when this zone was created; what were their main concerns? Mr. MacEachern did not recall a lot of residents speaking at the hearing. Mr. Connors there were four. He stated Mrs. Howe had stated she was in favor of the village concept but concerned her home would be removed. She was assured she was grandfathered. A gentleman on Winter Hill was not in favor, and Tracey Zysk had concerns about increased traffic. The abutters were all assured this would be a small village like district. He believes that people will come out to speak when the plans come forward before the Board, but that is late in the process.

Mr. MacEachern said there has been positive feedback on several of the concepts the Board has seen, and this change is about the zone as a whole. The Board should not be focusing on one piece of property. Mr. MacEachern reminded the Board this zone came about to implement goals in the Master Plans and was researched and proposed by Economic Development and Planning staff. He will amend the wording to not state 170-64 and leave it at Chapter 170.

Motion by MacEachern to amend the proposed wording to, “Buffer Zones. The Planning Board will determine a buffer zone on a per project basis during the conceptual phase. The Planning Board may utilize the LDCR Section 170 with no man-made buffer to exceed 50 feet.” Motion is seconded by Nelson. Discussion followed.

Mr. Nelson noted the Board can’t make a determination outside of a public hearing. It would be unlawful, so the Board can’t determine a buffer during the concept stage. Mr. MacEachern suggested changing the wording per the friendly amendment to ‘The Planning Board will recommend a buffer zone on a per project basis. The Planning Board may utilize LDCR 170, with no man-made buffer to exceed fifty feet.’ Mr. Connors stated the requirement should not have a 50 foot distance; that limits it to less than fifty feet. Mr. MacEachern stated it was worded that way so that if there was a natural buffer, it can be exceeded. Mr. Connors felt the not to exceed fifty feet should be removed if the Board was not willing to have a buffer of a specific depth. Mr. Nelson added if abutters are concerned about impacts and request reasonable and lawful mitigation, the Board should do that. There may be cases where a 75 foot buffer is appropriate for mitigation. The Board should hear the testimony, assess the impact, devise a plan to protect the abutters and exercise its quasi-judicial responsibility in good faith. He suggests removing the ‘shall not exceed 50 foot’ distance. Mr. Connors said if there is no minimum, once one project builds to within 10 feet of the property line, it sets precedence.

Mrs. Robidoux asked what the buffer was intended to protect. If it is abutting residential uses, then the wording should say that; the Board needs to protect itself. The Board does not want to run into the situation where there is a commercial use on the property and then because of the wording, the Board has to impose a buffer between that and the residential use on the same property. That is a concern Mr. Chase had expressed earlier. The buffer should not be imposed against zoning districts. Mr. Connors asked if each project is looked at individually, why wouldn’t the Board impose a buffer between this and abutting zones. Mrs. Robidoux said if the wording specifically says residential zones, then the Board is only buffering against those zones. There are residences in other zones. The Board wants to protect existing residential uses; not zoning districts. Mrs. Robidoux recalled Mr. Connors has repeatedly asked for protection for

neighboring residential uses; that is what is being suggested. Mr. Connors if there are no minimums for the buffer, it does not protect anyone. He felt the only real teeth was the ten foot setback. He felt there should be a buffer between anything in the WRB and what is around it.

Motion by MacEachern to move forward with the following wording: “Buffer Zones. The Planning Board will recommend a buffer zone on a per project basis during the conceptual phase. The Planning Board may utilize LDCR Section 170 when determining buffering to protect abutting residential uses.” Motion is seconded by Connors.

Chase, MacEachern, Hultgren, Clapp, Nelson and O’Connor voted in favor; Connors voted no as he feels there should be specific buffer, and Tremper abstained. Motion passes.

The amended wording will be provided to the Board at the next meeting and the Board will then move forward to the public hearing process.

### **Board Member Comments**

Mr. O’Connor wanted to mention to the Board that as it moves forward with its discussions about housing in New Hampshire, Volume II of the current Master Plan has a lot of information relative to housing stock in Derry. The State of New Hampshire is proposing a massive change to how zoning is handled in New Hampshire and there is a push toward statewide zoning. He urged the Board members to read the Legislative Bulletins provided by the New Hampshire Municipal Association as that publication reviews what is happening in the Legislature.

Mr. Connors noted Mr. O’Connor has already mentioned Bike to Work Day and wanted to add parking is available in the Abbott Court lot for those that telecommute – The Grind has offered use of their Café for telecommuters that day.

He also suggests the Board review the impacts the proposed Rail Trail expansion may have, specifically on the three lots where the trail is now proposed to cross. The original design had a straight pedestrian tunnel under the road. The lots impacted by the trail may in the future have a 10 foot paved path with associated aprons going across the lots that could be developed commercially. He believes the new configuration will severely impact the potential to develop those lots commercially because the trail will impede access to the lots and would like the Board to look at them. Mr. MacEachern said the subcommittee was going to wait to do that. Changing the zoning on those lots will not change Exit 4A or where the State is going to put the bike path. Mr. O’Connor added the end result of the funding will not be known for several months yet. Mr. Connors stated those three lots have homes on them but eventually, they will be developed commercially (likely a plaza) once the intersection is constructed. If NH DOT moves forward with the alternative trail configuration, this will affect the ability of those lots to be developed. He would like to have a say in that from a Derry planning perspective.

Mr. Chase noted the Board is planning to review the density on residential lots in March. He had his eyes opened with respect to the true definition of ‘workforce’ housing when he watched one of the seminars on it. His previous notion of what workforce housing was, is not what it really

is. He suggests the Board members take the time to watch those on the state website and research workforce housing on the state website. This will allow the Board to have a more productive discussion. Mr. O'Connor asked if the housing data prepared by SNHPC and included in the 2020 Census could be provided to the Board for the density discussion in March.

Mr. Connors noted that the apartments that are being proposed in Derry are not workforce housing units; he is concerned they don't meet the workforce guidelines. He had attended a housing forum arranged by the Economic Development Director a month ago. It was very informative. He did not believe the town should be sold workforce housing concepts, when the apartments would be market rate.

There was no further business before the Board.

Motion by MacEachern, seconded by Chase to adjourn.

All members voted in favor and the meeting stood adjourned at 8:50 p.m.

Approved by: \_\_\_\_\_  
Chairman/Vice Chairman

\_\_\_\_\_  
Secretary

Approval date: \_\_\_\_\_