

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 17, 2017, 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; Brian Chirichiello, Town Council Liaison; Frank Bartkiewicz, Lori Davison, Jim MacEachern (7:39 p.m.), Members; Mark Connors, Elizabeth Carver, Alternates

Absent: Randy Chase; Mirjam Ijtsma

Also present: George Sioras, Planning Director. Elizabeth Robidoux, Planning Assistant; Robert 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 then noted the emergency exits, the location of meeting materials, and introduced the Board members and staff.

Mr. Connors was seated for Ms. Ijtsma; Ms. Carver was seated for Mr. MacEachern.

Escrow

#17-17

Project Name: Lawrence Road Sprinklers

Developer: Bella Vista Homes

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 16 & 18 Lawrence Road, PID 06001 and 06001-001

The request is to establish cash escrow in the amount of \$10,000 for the above noted project. This escrow is non-interest bearing. Escrow is being held in accordance with the Affidavit of Plan Note Change, dated May 15, 2017; said plan is recorded as D-37661 at the Rockingham Country Registry of Deeds.

Motion by O'Connor, seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

Minutes

The Board reviewed the minutes of the May 03, 2017, meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the May 03, 2017 meeting as written. The motion passed with Davison and Carver abstained.

Correspondence

None.

Other BusinessZoning Amendments – Signs

Mr. Sioras reported the Town Council had approved the proposed changes to the sign ordinance last evening. The changes to the Definitions approved at the last meeting will be forwarded to Town Council with the proposed changes to the section pertaining to Accessory Dwelling Units.

Review of Policy and Procedures – Final Reading

Mr. Granese noted the Board has before it a revised copy of the Board's Policies and Procedures. If the members have no further changes to discuss, this can be approved by the members.

Motion by O'Connor, seconded by Bartkiewicz to accept the revised Town of Derry Policy and Procedures.

Davison, Connors, Carver, Chirichiello, Bartkiewicz, Fairbanks, O'Connor and Granese voted in favor and the motion passed.

Bella Vista Homes - Request to Change Fire Protection

Mr. Sioras explained there had been a subdivision of three lots on Lawrence Road. Initially, the subdivision plan stated residential sprinklers would be the source of fire protection for the new homes. Water is now being run by these lots and Bella Vista Homes would like to provide protection via hydrants rather than residential sprinklers. After discussion with Public Works, Planning, and Fire Prevention, the recommendation was to change the note on the plan via the Affidavit before the Board. Assistant Fire Chief Jackson is in favor of the change. The Affidavit will be recorded at the Registry of Deeds which will then change the note on the approved plan. Mr. O'Connor asked if November 30, 2017 is enough time for the water lines to be installed and the hydrants to come on line. Mr. Sioras said the water project has progressed up Ryan's Hill near the Robert Frost Farm and based on discussions he has had with Public Works this will be enough time.

Motion by O'Connor, seconded by Chirichiello to accept the Affidavit – Plan Note Change with regard to the subdivision plan approved for Bella Vista Homes, on June 11, 2012 (recorded at the Rockingham County Registry of Deeds as Plan D-37661), and to have the Affidavit recorded at the Registry. The condition precedent to the approval is that escrow, in the amount of \$10,000.00 is established for fire suppression prior to the issuance of the occupancy permit for any of the affected lots.

Davison, Connors, Carver, Chirichiello, Bartkiewicz, Fairbanks, O'Connor and Granese voted in favor and the motion passed.

Public Hearing

**Thomas & Sherry Dunne
Steven & Patti Ricker
PIDs 14029-033 and 14029-034
15 & 17 Elwood Road
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 two parcels. There is a waiver request letter dated April 20, 2017 from Bedford Design Consultants. They are requesting waivers from the contour, HISS mapping, and wetland mapping requirements. These are existing lots with existing homes. Staff recommends approval of both the waiver requests and the lot line adjustment plan.

Craig Francisco, Bedford Design Consultants, presented for the applicants. There is a garage on Parcel 14029-033 that encroaches 3.5 feet onto Parcel 14029-034. This plan is for an equal land swap to straighten that out.

Mr. Fairbanks inquired how long the garage has been on the property. Mr. Francisco said it has been there for a while; it was put in by a previous owner. Mr. Mackey agreed the garage has been in place for some time. Physically, it appears that it is part of the lot but the lot lines on this section of the roadway are slid over from what one would expect. The applicant did obtain a variance from the ZBA to allow the encroachment.

Motion by O'Connor, 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 O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the plan returned to the Board.

Mr. Connors noted that even after the lot line adjustment, the garage will not meet the appropriate side yard setback. Mr. Mackey said ideally, the lot line adjustment would have been to the full fifteen feet, but given the physical restraints and rest of the lot, the only way to maintain the frontage and lot area was to move the line to the proposed location. The ZBA allowed the garage to remain within 2-3 feet of the side lot line once the line has been adjusted. Mr. Connors asked if the Board would be setting a precedent if it approved this lot line adjustment. Mr. Francisco informed the Board that the location of the lot line is a result of a Court stipulation that stated the lot line would be three feet from the garage.

Motion by O'Connor, seconded by Bartkiewicz to accept jurisdiction of the Lot Line Adjustment plan before the Board for Thomas and Sherry Dunne, PID 14029-033, 15 Elwood Road and Steven & Patti Ricker, PID 14029-034, 17 Elwood Road.

Davison, Connors, Carver, Chirichiello, Bartkiewicz, Fairbanks, O'Connor and Granese voted in favor and the motion passed.

Motion by O'Connor, seconded by Bartkiewicz to grant a waiver from LDCR Section 170-24.A.11, Two Foot Contours, Section 170-24.A.12, HISS mapping and Section 170-24.A.13, Jurisdictional Wetland Delineation mapping, as after review of the waiver request the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Davison, Connors, Carver, Chirichiello, Bartkiewicz, Fairbanks, O'Connor and Granese voted in favor and the motion passed.

Motion by O'Connor, seconded by Bartkiewicz to approve, pursuant to RSA 676:4,III, Expedited Review, with the following conditions: Subject to owner's signature on the mylar; subject to on-site 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 disk is received, is operable, and complies with LDCR Section 170-24/170-61; note approved waivers on the plan; conditions precedent shall be met within 6 months; a \$25.00 check, payable to Rockingham County Registry of Deeds shall be submitted with the mylar in accordance with the LCHIP requirement; and submission of the appropriate recording fees, payable to the Town of Derry.

Davison, Connors, Carver, Chirichiello, Bartkiewicz, Fairbanks, O'Connor and Granese voted in favor and the motion passed.

Public Hearing to review the following proposed amendments to the Town of Derry Zoning Ordinance relating to Accessory Dwelling Units.

Article II, Section 165-5, Definitions to add a definition for Accessory Dwelling Unit and Article III, General Provisions, Section 165-25 to revise the provisions regarding the creation of an Accessory Dwelling Unit.

The purpose of the changes is to conform to recent changes in the State RSAs.

Mr. Granese noted the Board has held multiple workshops on these changes. Mr. Sioras added Mr. Mackey is present this evening to answer questions the Board may have. Mr. Mackey worked with Planning staff on the changes. The ordinance needs to comply with recent changes in State law which will take effect at the end of June. Changes are noted in red. Staff recommends approval of the changes and that the changes be forwarded to Town Council for review and approval.

Mr. Granese advised the Board is in receipt of an email from Councilor Richard Tripp. He had several questions relating to the proposed changes. Mr. Mackey stated the Accessory Dwelling Unit regulations are not new. Provisions for ADUs have been in place for many years. The purpose of these amendments is to change a few of the criteria such as the minimum size of the units from 600 square feet to 800 square feet and to no longer restrict the units to one bedroom. Derry will now allow two bedrooms in an ADU. In response to the questions from Mr. Tripp, the Board felt that even though the definition of ADU is the same as the State RSA, it was important to provide a definition in the Zoning Ordinance so that people did not have to go looking for the definition. With regard to Section 165-25.b, there is no mention of adequate water supply; that section deals with provisions for sewage disposal which occurs per the State regulations. When a bedroom is added to a dwelling, it is important that the septic system can handle the number of bedrooms. There are no State provisions for water supply. Most homes are on private wells. To clarify the parking requirement, the four spaces required is for the total lot which would include the single family dwelling and the ADU. The typo has been corrected in the document that will be forwarded to Town Council. Under the Town of Derry regulations, as Accessory Dwelling Units are listed as a permitted use, it is inferred they are allowed as a matter of right, so long as people are following the rules.

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

Richard Tripp, 44 Windham Road, explained he asked about a requirement for adequate water because he recalls from his days on the Planning Board that there are areas of town where there is an inadequate well water supply. The majority of homes in Derry are on wells and he feels the town should verify there is adequate water before adding an ADU. Provisions for adequate water are allowed under the RSA and therefore the town should check to make sure there is adequate water and sewage disposal; both should be in the ordinance.

Mr. Granese asked Mr. Mackey if when a homeowner adds an extra bedroom, Code Enforcement verifies there is adequate water for the additional bedroom. Mr. Mackey said there are no provisions in the state law to verify the water supply. There are provisions to verify the septic load if a bedroom is added. People can add bedrooms and additions and there are no provisions requiring they prove there is adequate water. Mr. Granese asked who is responsible if someone adds an ADU and it affects the neighbor's well. Board members said the person affected would need to prove there had been an affect and it would be a civil matter. Mr. Connors recalled he asked the same question during the workshops about proving an adequate water supply and there is nothing that prevents people from adding a water tank for the water supply. Homeowners just need a water supply. The septic has to be able to accommodate the additional load on the system. Mr. Mackey explained there are regulations for new construction and before a Certificate of Occupancy (CO) can be granted, the landowner has to prove the adequate water yield. There is no such requirement for an existing home that creates an addition. Mr. Connors added if the Board adds something, they would need to require this for any person constructing an addition.

Mr. Tripp stated he recalls the issues on Gulf Road where they tried to drill wells and were unable to reach water; people have water holding tanks in the garage to provide water to the house. He is aware that some wells are affected when neighbors do things like water lawns. The State allows the towns to verify there is an adequate water supply before approving an ADU and he feels this should be in the town's regulations.

Motion by O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the amendments returned to the Board.

Motion by O'Connor, seconded by Chirichiello to accept the proposed changes to the following sections of the Town of Derry Zoning Ordinance and forward the changes to Town Council for review and approval.

To amend Article II, Section 165-5, Definitions, to add a definition for the following: Accessory Dwelling Unit, and Article III, General Provisions, Section 165-25 to revise the provisions regarding the creation of an Accessory Dwelling Unit.

The purpose of the changes is to conform to recent changes in the State RSAs and to meet the end of June deadline.

Discussion followed.

Mr. Connors asked if at the time someone pulls a building permit, are there any requirements that a well has to still produce the same capacity as it did when the yield test was provided for the original CO. Mr. Mackey advised there are no provisions down the road, just when they are obtaining the CO. Mr. Connors thought that would be hard to regulate. Mr. Granese asked who writes the Building Code with regard to water. Mr. Mackey said that is in the Town's Well Ordinance which is revised by either Code or the Department of Public Works and approved by Town Council. Mr. Granese asked if changes to that Ordinance would fall under the purview of the Planning Board. Mr. Mackey said the Well Ordinance is amended through the Town Council; the ADU regulations are through the Planning Board. Mr. Granese suggested adding something to the Well Ordinance that requires if someone adds a bedroom that they prove there is an adequate water supply. Good points have been made by Mr. Tripp and Mr. Connors. Mr. Chirichiello asked who determines what is "adequate". Mr. Connors thought if someone adds onto their home, they should be required to prove they have at least the same water supply as they did when they obtained a Certificate of Occupancy for the construction of original dwelling. Mr. O'Connor suggested a subcommittee research the issue, review the RSAs to make sure the Board has that authority, and come back with a recommendation. Well water has nothing to do with the Accessory Dwelling Units. Mr. Mackey said well water should apply to all additions, and the correct place to address that would be in the Well Ordinance.

Ms. Davison asked if a Certificate of Occupancy is provided for the construction of an ADU. Mr. Mackey said there is once the unit is inspected, but there is no separate well permit.

Mr. Chirichiello noted that for new construction, a water test is required to prove there is water for the dwelling. The Board is talking about an addition onto an existing home. Mr. Mackey

explained the process a developer goes through to conduct a well test and provide the results. Mr. Chirichiello commented wells can dry up even without an ADU during a drought. Mr. Mackey said there is an issue with water supply in the southeast area of town.

Ms. Carver noted the lettering of the provisions needs to be corrected.

O'Connor and Chirichiello accepted a friendly amendment to resolve the lettering issue throughout the provisions.

Davison, Connors, Chirichiello, Bartkiewicz, Fairbanks, O'Connor and Granese vote in favor. Carver voted no. She did not agree with the provision that limited the floor area of the ADU; she felt there should be no maximum size. The motion passed.

WORKSHOP

Joint Workshop with the Economic Development Coordinator and the Economic Development Advisory Committee to discuss permitted uses and density requirements in the following zones and areas: Section 165-33, Central Business District; Section 165-44, Multi-Family Residential; Section 165-45, Medium High Density Residential; Section 165-45.1, Medium High Density Residential II; Section 165-46, Medium Density Residential; Section 165-49, Traditional Business Overlay District; and, the area proposed for Exit 4A.

Present for the workshop:

Planning Board: David Granese; John O'Connor; Michael Fairbanks; Brian Chirichiello, Town Council Liaison; Frank Bartkiewicz; Lori Davison; Jim MacEachern; Mark Connors; Elizabeth Carver.

Economic Development Advisory Committee: Gordon Graham; Paul Needham; John Potucek; Andrew White; Christina Gossel; Terri Pastori, Chair; James Morgan, Town Council Liaison; Nicholas Del'Etoile.

Staff: David Caron, Town Administrator; Anne Struthers, Economic Development Coordinator; George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant; Robert Mackey, Code Enforcement Officer.

David Granese stated he wanted to invite the Economic Development Coordinator, Town Administrator, and Economic Development Advisory Committee and members of the public to discuss potential amendments so that everyone could be on the same page as the Planning Board moves forward. There are six zoning districts that he and staff thought should be discussed as well as Exit 4A.

Mr. MacEachern entered the meeting and was seated. Ms. Carver stepped down.

Mr. Granese said the focus should be on the future and not what has happened in the past. The intent tonight is to get a framework to draft amendments for the workshops that will follow.

There will be multiple workshops. Any suggestions or comments should be emailed to the Planning staff.

Brian Chirichiello felt the focus should be on the area of Exit 4 A, the Central Business District, and Traditional Business Overlay District rather than the residential zones.

Michael Fairbanks asked with regard to one of the Exit 4A maps provided. The map shows five alternatives for the exit. Are all of the alternatives viable? George Sioras said the five alternatives are part of the EIS update. NH DOT has to look at the alternatives, so all five are still on the table. The various alternatives will be narrowed down. Alternative A is the best route, but the Federal regulations require that all alternatives be reviewed before one is selected. Mr. Fairbanks asked if the group should be narrowing the scope or should they be looking at all five alternatives. Mr. Sioras said Alternative A would require the most zoning changes. Some of the area encompasses the industrial, commercial and residential zones. Alternative B feeds into B Street and would not require land takings. The route would go through Franklin Street to B Street. This would require building a new road that would go behind the Sportszone and Aldi's. This road would line up with the traffic light at Ashleigh Drive. Alternative C goes to Ashleigh Drive and up the power line easement. This would then go across By-Pass 28 near the new cell tower and then follow the powerlines to Route 102. John O'Connor asked if Eversource would allow a road to be placed in their easement as they had just upgraded the entire infrastructure. Mr. Sioras said those are the things the State will look at as it begins to eliminate the options. Alternative F goes along Broadway, widening the road, and continues on Route 102 through the traffic circle. Alternative D starts in Londonderry at the power lines, and goes south of Exit 5, near the firework store and would eventually work its way to Manchester Road.

Mr. Fairbanks asked if the town was aware of what Londonderry has for zoning in the area of Alternative A and B. Can we find out and see what their plan/vision is for this area. Mr. Sioras said he will check with Londonderry. He knows the zoning was commercial/retail but there had been plans for multifamily in that area; this is also the Woodmont Orchard side.

Mark Connors commented since Alternative A seems to be the most viable option then amendments should be made in that area. Exit 4A is a good opportunity. Is there anything else staff is aware of in town that the Board should be looking at? Mr. Sioras said there are three areas of focus: the uses in the existing zones in the area of Exit 4A, the second is the uses in the zones, specifically looking at the uses in the CBD, and third, the regulations for multifamily. Mr. Connors asked if the Board would review the CBD, specifically multifamily and who can do what on each floor. Mr. Sioras noted that the Board had made changes to that zone and required residential use could not take place below the third floor. The Board should look at that again and allow residential and office on the second floor. Mr. Connors said once the area near Exit 4A is rezoned, the existing uses will stay grandfathered. This area should be planned for the future. This is a good opportunity for the town.

Gordon Graham noted that there were 7 different zoning districts along the route planned for Alternative A (Exit 4A). There is no consistency. He felt there needed to be a vision by the Planning Board and the community as to what they see in the area for the future. There needs to

be a simplification or consistent approach in the area. He does not want there to be sets of lights every five feet on the bypass route to Route 102. He would like to encourage ways to limit curb cuts and to promote circular routes into the development. That would require developers to purchase blocks of lots, but there would be long range benefits with respect to transportation and economic development. Tsienneto Road has good development on it now.

Mr. Connors noted the plan is to create a T intersection where Kelsen Brewing is now with a five to six lane interchange. He agrees there should not be five more intersections between there and the Police Station. In his opinion, the industrial area has not flourished; if the left side becomes industrial, does that eliminate some of the curb cuts? The lots on the right are smaller lots; the zones may need to be deeper.

Terri Pastori reported she recently walked the Rail Trail. She suggested adding zoning along the Rail Trail or perhaps landscaping. She agrees the town should be anticipating 20 years into the future. What kind of business does the town want along the Rail Trail and what kind of buffers should be in place? Some properties along the trail are derelict and do not enhance the attractiveness of the area or encourage tourism. Mr. Connors said Derry's downtown is a true downtown. Rail Trail people want long stretches that are attractive that lead to amenities.

Mr. Granese asked if it was known when NH DOT would decide on the final alternative for Exit 4A. James Morgan felt the State would move forward with Alternative A as too many homes would need to be taken with Alternatives B or C. The town should be concerned with how much land will be taken with the widening. The lots are narrow along the proposed roadway and will get eaten up by the widening. Perhaps the town should speak with the State to see if the town can purchase the properties for retail development once the State has finished its widening process. Mr. Chirichiello said one side of the road is MHDR. That would create further issues similar to what happened on Fordway. Mr. O'Connor said the EIS is due to be finalized by June of 2017. The impact study is due to the State by December of 2017. The final design of the project is due in 2018-2019. The final phase should be completed by 2022.

Mr. Granese suggested creating an overlay or separate zone for the Exit 4A corridor. Mrs. Robidoux advised the Exit 4A – Alternative A map highlights the properties that will be affected by the road widening along that corridor. She likes the idea of an overlay, but it would need to be wider than just the lots that front on the corridor.

Mr. Sioras stated there is already infrastructure in this area; there is water and sewer. Mr. Morgan asked if there is natural gas in this area as well; that is important for commercial development. Mr. Sioras added there is fiber optic in the ground in this area. It runs along the railroad bed up to the Manchester Airport. John Potucek recalled gas is being brought to the schools. It makes sense to hook into it on Folsom Road. Mr. Sioras felt it might be beneficial to invite Michael Fowler, the Director of Public Works, to one of the workshops as he would have a better idea of any plans to expand natural gas in that area of town. Mr. Potucek thought it made sense to provide natural gas to the industrial parks.

Mr. Graham said there is a distinct difference between the east side of By Pass 28 and the west side. The overlay zone should stop at By-Pass 28 and not extend up near Barkland Acres in the residential area. He does not see that area changing as it is a built out residential area.

Mr. Granese suggested the first thing to do is come up with the list of permitted uses, and then define the area of the overlay, for example, how wide will it be, and where the zone will start and end. Mr. Graham noted most of Tsienneto Road is already built out near the medical office buildings. The area of focus would be from the Londonderry town line to the Police Station. Mr. Granese commented some uses may not be allowed in the underlying zones, that is why he is suggesting an overlay zone. Mr. Sioras suggested reviewing the list of permitted uses in the General Commercial and Central Business Districts.

Mr. Connors wondered if it was possible to add an entrance to the Ash Street industrial park. Mr. Sioras was of the understanding that the design is not yet complete but the State wants to limit curb cuts. The final design may not bring the exit to Ash Street.

Mr. Chirichiello recalled that area of town has a lot of smaller lots and the roadway is not designed for high traffic. Mr. Granese questioned if the Board should wait to see what they do with Exit 4A to see how much land is proposed to be taken which will determine how wide the overlay zone will need to be. He stressed there needs to be a specific list of permitted uses.

Mr. Connors felt once a plan was in place it would be beneficial to see what Ms. Struthers has to say about what the town should have in place before Exit 4A opens up. Mr. Morgan said if developers believe this is a hot zone, they will have already looked at it. Mr. Chirichiello commented the work is already beginning for the exit; it can be seen from the bridge. Mr. Morgan recalled Laurel Bistany of the Regional Economic Development Committee had discussed the Revolving Loan Fund with the EDAC at one of its meetings. She also mentioned there are financing packages that are in place for developers that provide advantages to create mixed use developments. Woodmont Orchards and Tuscan Village will both have a housing component. Derry has an abundant share of mixed use and apartments. Developers have avoided some areas, such as 7 Manchester Road, because mixed use is not allowed. The downside to mixed use is that it could lead to more children in the school system, leading to higher taxes. The town should consider what happens when older house lots get redeveloped with apartments and townhouses such as the potential development near Ash and Elm Streets. The residents get upset. How does the town keep the older homes from begin converted to multifamily? The town wants the biggest bang for the tax base. Apartments are detrimental to the economy and tax rate; it pushes Derry further out of the game. He would like the ability to limit or restrict multifamily to protect the town. Mr. Granese noted that even if multifamily is not allowed in a specific area, developers can go before the ZBA to obtain a variance and the Planning Board cannot deny the site plan. That has occurred in the recent past. Mr. O'Connor advised the Board did make changes to the MHDR and MHDRII zones. Mr. Granese mentioned it might be possible to remove multifamily and allow two-family. Nicholas Del'Etoile stated there should be no multifamily allowed on Folsom Road; multifamily should be limited along the 4A corridor. Mr. Sioras reviewed the rezoning process and advised changes become effective as of the posting date of the proposed change.

Mr. Connors inquired as to the amount of time it takes to rezone an area. Mr. Granese explained the workshops to come up with the final draft can take months, but the changes are typically only brought to a public hearing once. In the past, it has taken almost two years to get through the process.

Mr. Granese moved the discussion to the multifamily zones. Mr. Sioras explained the Multi-Family Residential zone was specifically created for the Fairways and Sunview Condominiums, which is different from the other multifamily zones. Mr. Granese said if the Board intends to rezone MHDR and MFR, it should also look at the zones that don't allow multifamily.

Jim MacEachern spoke with regard to the potential overlay district along the Exit 4A corridor. What do people want to see as permitted uses in this zone? His vision would be to create an overlay that has six to ten permitted uses, and highlight the lots to be included in the overlay. This may be the lots from the animal hospital and Irving Gas (28 Tsienneto & 55 By-Pass 28) to Route 93. The overlay could expand one or two lots to the east and west. Anything pre-existing would not change but any changes on those lots would require a variance. An overlay makes it easy to say no to multifamily in the zone, but there needs to be a specific list of uses. Mr. Graham said he would like to see office, research, hotel, and colleges. An overlay zone would trump the list of permitted uses in the base zone. Mr. MacEachern cautioned, when it crafts the overlay based on the suggested uses from the group, the Board needs to make sure there is no spot zoning and that any of the permitted uses will not negatively affect what already exists. A final decision on the list of uses can occur later, but what do people want to see along Exit 4A? Once a list has been established, the Planning Board and Planning staff can do the homework and decide on either an overlay or a new zone making sure there are no negative effects with other areas of town. Mr. Graham commented the majority of the properties along this corridor are already developed but the group should look toward future redevelopment. Mr. MacEachern asked how deep the zone should go. Should it be just the Police Department lot, or should the zone extend two lots back? If a use such as a hotel would go there, then more lots should be added.

Mr. Granese asked if the group was looking for an expansion of the General Commercial II district. Mr. Graham said he would like to see more of the office buildings that are in the current district such as medical office or office. Mr. Sioras explained that zone was created specifically to encourage the type of growth that has occurred in the GCII. It took years to develop but now that area meets the vision. Mr. Graham suggested similar uses as are currently allowed in GCII, but without retail. There was a short discussion regarding the zoning history along Rockingham Road between Shute's and Webster's Corner (Birch/Rockingham and Rockingham/Island Pond/South Main).

Mr. Fairbanks suggested looking at the current uses in the GCII zone as well as the Office Medical Business zone. The Board could use that as a model and go from there. Mr. MacEachern said the work can be done offline and then brought back to another meeting to see what the sentiment of the group was with regard to the proposed list of permitted uses in an overlay zone. It is clear what the EDAC wants to see. The Planning Board can come up with a plan, provide it to the EDAC, and also decide if it should be an overlay or individual zone. That can't be done until Planning staff has time to determine if there are any potential negative

impacts. Mr. Morgan said the group needs to understand that drive times become a factor. People may say there should be retail along the corridor but there is plenty of retail along Manchester Road. Medical office will be the biggest bang for the tax base. Mr. Fairbanks pointed out this zone would be on the tail end of Woodmont which is planned to have a mixed use and retail. The uses along this corridor should complement the uses in Woodmont and not replicate that development. Mr. MacEachern agreed there is a need to have ancillary uses that will compliment Woodmont. Perhaps the most efficient thing to do is to create a subgroup that works off what Londonderry has planned. The Town of Derry has Tupelo Music Hall and can build off that. The Board should use what the town has that Londonderry does not. The Board can work with the Economic Development Coordinator and see what makes sense and then market it jointly with Londonderry. With the construction of Exit 4A more land in Londonderry will open up than in Derry.

Mr. Graham shared his vision of an area of office buildings where the employees can utilize the Rail Trail. It is a short walk along the Trail to Derry's downtown.

Mr. Morgan asked how does the town address the other areas of town that can be developed which would address the concerns of developers with regard to mixed use. Is the Board amenable to creating a zone that allows 55+ housing only? For example, the land at 7 Manchester could be developed with 55+ housing, mixed retail, and a restaurant. This could be a 20 million dollar development. It will be four and one half to five years before that land is cleared for development and online. The property owner is amenable to what the town desires. Can the Board look at the zoning along Manchester Road, specifically the available land, and perhaps add 55+ housing as a use? There is not a lot of elderly housing in town. Mr. Chirichiello clarified there is not a lot of elderly rental properties available. Mr. MacEachern stated if an overlay is created, it can be a district with just a few lots; that would not be spot zoning because it is an overlay, not a stand along district.

Ms. Pastori stressed the intent would be to add 55+ housing, not elderly housing. Mr. Granese asked for clarification that the request is to add 55+ housing to an overlay that would run from the Irving gas station on Tsienneto Road to the Londonderry town line. Mr. Morgan said he would like to see 55+ housing on Manchester Road. Mr. Granese asked if the request is to create an overlay on Manchester Road as well. Mr. MacEachern thought that would need to be discussed further; there are other uses that could go on the available land in that area. He thought the vacant property at 2 Island Pond (former Grandview Fleamarket) would lend itself to a 55+ housing development similar to what Mr. Morgan had suggested for 7 Manchester. Both lots have water and sewer which changes things. The Board should get an update on the Water/Sewer Master Plan and see where that is in the implementation so that the infrastructure expansion can be tied into the zoning changes. Mr. Graham said he was not sure there was unanimous support for residential use on a property that could be developed commercially.

Paul Needham suggested the following uses for the Exit 4A corridor: office, education, hospitality, and medical office. He would not want multifamily, adult business, retail, drive throughs, fast food, auto dealers, auto service and gas stations. He would not want to see anything that would promote an intense traffic flow; there should be traffic mitigation along the corridor.

Mr. Granese asked the attendees to discuss any potential changes to the Central Business District and Traditional Business Overlay District. Mr. Sioras outlined the list of permitted uses with in the Central Business District. The intent of the TBOD is to maintain the character of the buildings and the scale. There is a substantial list of uses allowed in these zones. It is possible to have a 10 story building in the CBD with retail and commercial on the first floor. The Board may change the residential restriction to allow residential on the second floor. Mr. Chirichiello explained some of the prior zoning had been put into place at a time when there was too much residential growth in town; that is when the Growth Management Ordinance was enacted.

Mr. Morgan expressed one of the goals of the EDAC would be to limit the maximum size of the apartments allowed in the downtown to allow micro apartments. A limit on the size lends itself to enticing a younger demographic of singles and couples. This is popular out west and in larger cities. Mr. O'Connor asked if micro apartments qualified for HUD funding. Mr. Morgan said they are HUD certified. Mr. Granese was aware of The Lofts development in Manchester. Mr. Morgan said this would involve changing the maximum allowable square foot size. Mr. Del'Etoile felt a change of this type would encourage foot traffic. The EDAC wants to have people living in the downtown who will take advantage of the night life; that is their goal.

Mr. Granese said it is possible to craft zoning to restrict the type of apartment allowed in the downtown, what will be allowed, and who can live there. In 2015 there were many reasons why the Board changed the zoning the way it did. Mr. Connors cautioned that in the right community micro apartments might make sense but Derry should be aware these can become rooming homes. Mr. Granese said if there are medical or high tech companies located in town, those employees would be living in these units and eating in the downtown. Mr. Morgan indicated there is a shortage of office space in the downtown. Micro apartments have to accompany office space; the residents need a place to work. Mr. Granese said he would like to change the second floor restriction in the TBOD. Mr. Graham noted that people can't get to the second floor in the buildings in the TBOD; there are no elevators and the buildings are not handicap accessible. This is great in concept but the existing stock is restrictive; there should be a balance between existing and new stock. There could be incentives and limitations such as 50% of the second floor should be office and 50% should be micro apartments. There are ways to provide incentives that will generate a different quality and quantity of development. He hopes this can be done in the downtown. He stressed there need to be creative incentives to attract the professions the town would like to see.

Anne Struthers said there are design elements in mixed use that can create a demand and a price that attracts the people the town wants in the downtown. Mr. Graham suggested extending the TBOD through some of the side streets. He was specifically thinking about Abbott Court and extending the TBOD to the Rail Trail. Mr. Sioras went over some of the setback requirements in the TBOD.

Mr. Granese reviewed the list of permitted uses in the TBOD. There are specific multifamily requirements. Abbott Court is in the CBD; if the TBOD was extended, are there any uses that should be added? In response to a question as to why the town would allow Light Manufacturing in the downtown, Ms. Struthers explained that use is also light assembly, which is

what Intelitek does. Mr. Connors asked what does the town need that it does not have that will attract people to micro apartments. Mr. Graham thought the answer was offices. There is a fair amount of land available in the downtown. Ms. Struthers commented the list of permitted uses in the Abbott Court area is pretty extensive. Nothing comes to mind that should be added that might attract a company.

Mr. Connors asked the EDAC what is the missing piece. Ms. Pastori said one of the things missing in the downtown is water (ocean). Derry will not be Portsmouth. Manchester and Concord have deeper downtowns; Derry is one dimensional. She suggested paring down the list of permitted uses in the downtown so that there is more office, retail, restaurants, micro apartments. There is a lot that can be done and has been done; timing is one of the pieces. Mr. Morgan stated Concord and the City of Nashua, as well as Salem, Massachusetts have spent money in their downtowns during a redevelopment crisis. The town needs to be able to spend the money to make it happen; it can be done with little impact to the tax payers. The community needs to be willing to make the investment. Mr. Graham felt the town has made tremendous strides. There are a number of restaurants and shops; the town needs to continue to support and build those businesses. The list of permitted uses can be pared down, and the TBOD can be expanded. Strategically limiting the size of the apartments makes sense in the whole of the CBD rather than having the large scale apartment buildings seen elsewhere in town. There needs to be a different type of housing stock in the downtown. Potential uses could be retail, office, medical, research, restaurant, micro apartments and hotel.

Mr. Del'Etoile expressed that is the live, work, play ideal. The younger demographic does not want to commute. The town needs to provide amenities and they will come. Derry has great bones in a great community. In Woodmont and Tuscan Village, people will live there, work there - or close to there - and will go out at night. Derry has many art offerings. Derry could be the art community that will get people out at night. The younger people will pay \$2,200.00 for rent. Mr. Graham pointed out many people living in Derry commute 45 minutes or more to work. The town can attract those types of businesses if it can provide the infrastructure and livable community.

Lori Davison felt downtown growth was an organic process if the town supports the local small businesses. Main Street in Concord has small businesses and independent retailers. Mr. Graham added there are professional offices on the second, third, and fourth floors in Concord. Those are the people that go to lunch in the downtown. Mr. Connors noted the town can zone however it wants, but is there a way to work with the existing landowners. Mr. Morgan said a tenant of an absentee landlord has improved one of the buildings in the downtown, Broadway Pets is gone and would be a nice place for an office building. Redevelopment will happen over the next decade; there are many people who are focused and will work on moving things forward; there needs to be a formula and a chance to get everyone on board. Everyone has to be on board for the redevelopment to happen. Mr. Sioras, in response to a question about setbacks, explained in the TBOD, the side setback is no greater than five feet. Buildings constructed today need to meet fire codes and are better protected. Mr. Graham asked if there was any consideration to allowing a tall building in the downtown; he is familiar with the height restriction. Mr. Granese said the restriction was put in place to keep the building height level. Mrs. Robidoux added the intent was to preserve the aesthetic of the downtown and its charm.

There was a short discussion of the improvements the City of Concord has made in its downtown, incorporating Complete Street elements which included shrinking the road width and widening sidewalks. Mr. Morgan commented if Broadway was narrowed it will slow traffic and have the added benefit of creating space for the restaurants to have outside seating. That is a huge deal for people who like to dine out. Currently, Sabatino's is the only restaurant with outside seating. Mr. Graham said outside seating can also take place to the rear; T Bones has outside seating that is not in front.

Mr. MacEachern said those items could be considered once the town has a clear idea as to the status of Exit 4A. The offshoot of Exit 4A is that traffic on Route 102 in the downtown will be relieved and at that point the town could consider eliminating parking on one side of the street to allow extra sidewalk width. It all needs to tie back to Exit 4A and the adjustment of the traffic flow. Before that, it would be detrimental and take too long to recover economically. The town has to be able to look at the numbers and see how the traffic flow will change. Mr. Morgan agreed there could be a safety issue; the extra roadway protects the pedestrians. Mr. MacEachern felt the suggestions made sense and could possibly be implemented. This is long range planning. There needs to be a game plan for the citizens with timelines or phasing. This draws business to the town when developers know the town is on board and has a plan. The town invested almost twenty million dollars in downtown improvements over the years implementing underground electric, the streetscape, renovation of the Adam's Memorial Building, and construction of the Court House and the Municipal Center. The town needs to follow up with a plan. A lot of the investment has been done but it needs to be brought back to life with these newer ideas. There was a short discussion regarding Complete Streets.

Mr. Granese summarized the next steps are to create an overlay district for the Exit 4A corridor, look at the uses in the CBD/TBOD and see what should be changed and then begin to work on it. Suggestions should be forwarded to Planning staff so that something can be drafted up. That draft will be provided to the Planning Board on June 7th, and can be sent to the EDAC in advance of their next meeting. The Planning Board will hold another workshop on June 21st. Ms. Pastori felt the two Boards go hand in hand. Everyone should be on the same page so that there is consistency and everyone is going in the right direction.

There was no further business before the Board.

A motion was made and seconded to adjourn. The motion passed and the meeting was adjourned at 9:30 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____