

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 18, 2019 at 7:00 p.m., at the Derry Municipal Center (Third Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: John O'Connor, Chairman; Lori Davison, Vice Chair; Mark Grabowski (Secretary Pro-Temp); Brian Chirichiello, Town Council Liaison; Frank Bartkiewicz, Members; Jim MacEachern (7:05 p.m.), Dave Granese, Alternates

Absent: Randy Chase, Maya Levin, David McPherson, Mark Connors

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

Mr. O'Connor called the meeting to order at 7:00 p.m. The meeting began with a salute the flag. Mr. O'Connor then noted the location of emergency exits and introduced the Board members and staff present.

Mr. Grabowski was appointed Secretary Pro-Temp for the evening.
Mr. Granese was seated for Mr. Connors.

Escrow

#19-28

Project Name: Hemlock Springs Subdivision

Developer: Pathway Homes

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 14011, 13 Hemlock Springs Road

The request is to establish cash escrow in the amount of \$11,988.00 for the above noted project. This escrow is non-interest bearing.

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

#19-29

Project Name: Grand View Farm Site Plan

Developer: B & H Oil

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 05053, 36 South Main Street

The request is to establish Letter of Credit #44535-1 in the amount of \$213,458.98, drawn on Enterprise Bank for the above noted project. The expiration date will be August 15, 2020.

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

Minutes

The minutes for the September 04, 2019, meeting were unavailable. Review will take place at the next scheduled meeting of the Board.

Correspondence

Mr. Grabowski advised the Board has received a copy of the most recent edition of *Town and City*. The Board has also received a thank you note from the Sioras family.

Other Business

Sports Betting

Mr. O'Connor reviewed the memorandum provided by Planning staff with regard to Sports Betting. The State Legislature recently authorized sports betting in New Hampshire. Licenses will be granted by the state for up to 10 sports book retail locations and five mobile sports wagering platforms throughout the state. The Town Council, at its meeting on September 17, 2019, requested the Planning Board review the zoning districts where this type of use could be located. There was good discussion at the Town Council level with regard to the staff recommendation of zoning districts where this could be a permitted use. The Town Council is asking the Board to consider adding Sports Betting as a permitted use in all zones, with the exclusion of the Central Business District and the residential zones. Staff recommends the Board place this item as a workshop on its October 02, 2019 agenda. The Town Council is looking for feedback from the Planning Board no later than November 15, 2019.

Mr. MacEachern entered the meeting.

This item will be placed on the October 02, 2019 agenda.

Workshop #3 – to discuss proposed changes to the Land Development Control Regulations, Section 170-84, Various Sections of Town and to add Section 170-86.1, West Running Brook District

Mrs. Robidoux reviewed the changes that had been incorporated into the proposed amendment to the LDCR. At the last meeting, the Board had been concerned that the Building: Scale and Style section did not adequately represent what the Board intended (Section 176-86-1.B). The

wording has been changed to “Buildings in new developments and those located in lots intended for substantial redevelopment shall relate in size and scale in alignment with the purpose of the district, which is to maintain the historic character of the West Running Brook area. Buildings shall reflect a continuity of treatment consistent with new development in the district specifically in relation to building scale and architecture. The height of the buildings in the district should vary, but no roofline should be so tall that it detracts from the overall character of the area.” The intent of the wording was to capture the Board’s concern. It also addressed the height concern. The last sentence in Subsection C was removed; this is the sentence that spoke to the height of buildings on corner lots. The Board also asked that staff look at the topography. A map of the topography for the area has been provided for the Board. The highest elevation point is near the Robert Frost Farm, on the mobile home park lot. In the rear, there is a hill with an elevation of 506 feet. The Robert Frost Farm has a structure height at elevation 486. The closest elevation on the adjacent property along the lot line is 454 and goes to 464 at its highest point. Heading north, on Rockingham Road, the elevation significantly drops to the 200 and 300s.

Mr. O’Connor recalled there had been significant discussion at the last meeting with regard to the topography and the potential height of buildings. There had been discussion about placing a 1000 square yard circumference height restriction around the Robert Frost Farm. Based on what he is seeing on the topographical maps, the suggested wording seems to protect the Farm. He would invite comment from the Board. At the last meeting the Board also discussed the correct verbiage for the types of building - he wants to make sure any future Planning Board is able to readily decipher this Planning Board’s intent. There are clapboard buildings in this district; there are also strip malls and auto dealerships. It is not the intent to retain that character; the Board’s intent is to keep to the character of the Town of Derry. The Board took a few minutes to review the proposed wording.

Mr. Granese said there is nothing in that wording with regard to height; roofs, gables, pitch, etc., are mentioned and he was not sure where that come from. Mr. O’Connor said the purpose was to remove “stories” as the American Planning Association defines a ‘story’ anywhere between 8 and 14 feet. Therefore, four story buildings could vary in height. That is why the Board eliminated the “story” provision. Mr. MacEachern felt the Board could say “story” and then define it such that a story is no taller than 12 feet. Mr. O’Connor said applicants can come in with what they want and then the Board makes a decision on what is presented; it should be fairly clear up front. Mr. MacEachern noted because of the varying topography in the district, a four-story building on the knoll will not end up at the same height elevation as a four story building on the corner of Island Pond and South Main Street. The former Fleamarket lot (2 Island Pond Road) is lower than other lots; a four-story building would look okay there, but not on the corner. That is why several Board members voiced a concern; the language was ambiguous and wide open. He would like rules that layout what people can and cannot do; anything else leaves the Board open to liability. Mr. O’Connor asked if Mr. MacEachern wanted to take the time to create language that addresses that and then come back to the Board at the next meeting? Mr. MacEachern suggested using the highest point in the district and stating nothing can be higher than that – similar to the downtown.

Mr. Granese mentioned the three or four story building with the solar panels on the Windham/Derry town line. That type of building, which is taller, would be a good fit on 2 Island

Pond Road, but would look out of place on the current Clam Haven lot (94 Rockingham Road). The Board members agreed that particular building style on the Windham/Derry town line would look good in this district.

Mr. Sioras reminded the Board that in the CBD, specific wording was added in 2015 to state, “no building or structure shall be higher than 350 feet above sea level.” That is the height of the Adams Memorial Building. The Board reviewed the topographic elevations in the WRB district. 2 Island Pond is at 330 feet; the Robert Frost Farm structure is at 486 feet and the tallest point in the district is at 139 Rockingham Road to the rear of the lot at 506 feet in elevation.

Mr. MacEachern said his idea would be to set some sort of point. The building (a two story colonial house) at 230 Rockingham Road looks to scale with the Robert Frost Farm; that is what should happen. The Windham three story building would look good in the valley at 2 Island Pond. If language similar to that in the CBD is used in the West Running Brook District, the structures would not be above a certain height above sea level. Mr. O’Connor noted there are two different heights under discussion. Mr. Grabowski cautioned that if the Robert Frost Farm is at 486 feet, and the maximum height is as Mr. MacEachern suggested, it would be possible to get a 200 foot tall building on 2 Island Pond Road. The Board discussed various options for potential wording. Mr. MacEachern said it might be possible to say at the highest point in the district, the tallest building would not be more than 2 stories. At the lowest point in the district, the tallest building would be no taller than 3-4 stories. A story would be ten feet. Mr. Sioras reminded the Board any provision in the LDCR may be waived by the Planning Board. If an applicant wanted something that was 4 ½ stories tall, then it would be possible for the Board to allow that. He agreed that any structure being considered near the Robert Frost Farm is going to be closely reviewed by the Farm Trustees, the state, and the National Historic Preservation representatives.

Mr. MacEachern believed the highest point in the district should not have a structure exceeding two stories. A story should be defined to say it is 8 feet or 10 feet, exclusive of attics, so that buildings can have a pitch roof. That discussion would be up to the Board. The lowest point in the district could have a maximum height to not exceed 4 stories, exclusive of the roof. Mr. Sioras noted each development in this zone is required to have a pre-conceptual discussion with the Board early on in the development process. The Board can at that time, make the call on height. There will be very stringent review on any development that occurs in this district. Mr. MacEachern strongly felt that people in this district needed a starting point because ambiguity can cause problems.

There was a short discussion relative to allowing five story buildings; hotels are allowed in the district and some are 5 stories. The Board discussed limiting a story to 10 feet.

The proposed last sentence in Section 170-86.1.B will be deleted and the following wording inserted: Structures located at the highest point in the district (506 feet above sea level) shall not be taller than two stories, exclusive of attics. Structures located in the lowest point of the district (254 feet above sea level) shall not be taller than five stories in height, exclusive of the attic. A “story” as defined for this district is limited to 10 feet in height.

The Board agreed to the proposed changes, which will be incorporated into the document. The document will have its first reading at the next meeting at which time a date for a public hearing will be provided.

There was no further business before the Board.

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| Motion by Granese, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 7:34 p.m. |
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Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____