

The Planning Board for the Town of Derry held a public meeting on Wednesday, October 02, 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; Maya Levin (Secretary); Brian Chirichiello, Town Council Liaison; Mark Grabowski, Mark Connors, Frank Bartkiewicz, Members; Jim MacEachern (7:08 p.m.)

Absent: Randy Chase, Dave Granese, David McPherson

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

Mr. O'Connor called the meeting to order at 7:02 p.m. The meeting began with a salute to the flag. Mr. O'Connor then noted the location of emergency exits and introduced the Board members and staff present.

## **Escrow**

### **#19-30**

**Project Name: Site Plan Redevelopment Crystal Plaza**

**Developer: 23 Crystal Avenue, LLC**

**Escrow Account: A W Rose Construction**

**Escrow Type: Performance Bond**

**Parcel ID/Location: 32030, 23 Crystal Avenue**

The request is to approve Release #1 in the amount of \$213,732.43 for the above noted project. The amount to retain is \$19,504.80. (Bond #9981191 – Westfield Insurance Company)

Motion by Chirichiello, seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.
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## **Minutes**

The Board reviewed the minutes of the September 04, 2019, meeting.

Motion by Chirichiello, seconded by Connors to approve the minutes of the September 04, 2019, meeting as written. The motion passed with Levin abstained.
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The Board reviewed the minutes of the September 18, 2019, meeting.

Motion by Chirichiello, seconded by Bartkiewicz to approve the minutes of the September 18, 2019, meeting as written. The motion passed with Levin and Connors abstained.

### **Correspondence**

Ms. Levin advised the Board is in receipt of notices of several public forums. The first is on October 07, 2019. There will be a Downtown Derry Community Conversation, beginning at 7 PM at Studio Labs, 11 A Street. The event is in partnership with UNH Cooperative Extension, Derry Economic Development and the New Hampshire First Impressions Committee.

The third Master Plan Community Forum will take place on Thursday, October 30, 2019, beginning at 7 PM in the 3<sup>rd</sup> floor meeting room at the Derry Municipal Center.

*Mr. MacEachern entered the meeting and was seated for Mr. McPherson.*

### **Other Business**

#### Proposed changes to the Land Development Control Regulations – specifically the West Running Brook District design regulations

Mr. O'Connor advised this item will be postponed to a later date. Mr. Sioras noted the attorney reviewed the proposed changes. An attorney-client privileged document has been received. Overall, the attorney had no issues with the proposal, but did have a few observations and comments. There should be some textual changes. One of the comments was with regard to the overall height of structures in the district. At the last workshop, the Board suggested some changes. The attorney had questions similar to those raised by some of the Board members. Mr. Sioras felt the Board needed some time to absorb the comments made. He did not suggest scheduling a date for the public hearing this evening. The Board could hold a workshop again at its next meeting to revise the document. Mr. O'Connor confirmed the Board members were comfortable with scheduling a workshop at the next meeting. Any change to the document based on the attorney's comments would be considered a substantive change. Mr. O'Connor noted the suggested changes were submitted to staff late today and the delay would give the Board a chance to review the comments and make suggestions.

#### Master Plan Presentation – Implementation Plan

Mr. Sioras explained during the previous public forums, information was collected. The consultants are here tonight to update the Board on the work that has been completed to date. Tonight the Board will look at the Implementation Plan. He hopes all the members will attend the Forum on October 30<sup>th</sup>.

Daphne Politis of Community Circle and Jeff Maxtutis of Beta Group presented. Ms. Politis noted the document provided to the Board is a long document and hopes the Board members have had an opportunity to review it. They wanted the opportunity to meet with the Board to discuss anything that might be missing from the Implementation Plan, to make sure the Board was involved in the appropriate places, or if the Board should be added to anything. She was looking for input from the Board so that it could be incorporated in the information that will be presented on October 30<sup>th</sup>. On that night, the public will be asked for final input before the priorities are finalized.

The Implementation Plan is only one portion of the entire Master Plan. The update began one year ago. A Vision and set of Goals have been developed based on the stakeholder input – this included input from Department heads, commissions, Boards, the public, and Planning staff. Other information came from numerous town wide surveys. All of the information and data has been incorporated. An inventory and assessment of existing resources was developed, and the consultants looked at the previous studies. They spoke with local experts on Housing, Economic Development, Open Space and Recreation, Natural Resources, Cultural and Historical Resources, Circulation and Transportation, Public Services and Facilities, and Land Use and Zoning. The Existing Conditions is an inventory of where the town is right now; the Vision and Goals are where most of the stakeholders felt the Town should go. This is all tied together in the final plan. The Implementation Plan is the framework of how the town can get there. There will be three documents produced at the end of the update process. The third document will be a record of the public process and a compilation of all of the input. The second document is a detailed review of existing conditions. The first document, the Plan, will be a summary of the input and inventory. This document will be the one that is most viewed. The consultants will also supply an executive summary.

Mr. Connors said he thought the update process would include a review of what had or had not been accomplished of the goals set forth in the 2010 Master Plan, reviewing where the town succeeded or failed, and if there were failures, what were the barriers to that success. Ms. Politis said the consultants did not conduct a formal review of the prior plan, but it was noted that some things have changed since that plan was developed.

Mrs. Robidoux reported the Planning Staff has been looking at the 2010 Master Plan matrix to see what had and had not been accomplished. The Town Council has been updated with that information on occasion. She believed almost 85-90% of the items had been accomplished. Of the remaining items, there were some that were never going to be accomplished but they had been included in the Plan. The consultants were provided with a copy of the 2010 Master Plan and the build out information in that Plan. Staff was very pleased with the success of the implementation plan from the last update and wanted to make sure that this plan had achievable goals.

Ms. Politis agreed that the outcome of this process is to create a vision and goals that are achievable. She began a review of the Draft Implementation Plan.

Page 3 outlines the underlying themes that were uncovered during the process. Big Ideas included making Derry a Destination, building on arts and creative economy, culture, nature and

the downtown; the creation of a Cultural District; revitalization of the downtown and maximizing the opportunities that will be created with the construction of Exit 4A. Connectivity was a major theme. People wanted to expand the downtown area making it more of a destination by connecting separate areas of the downtown; connecting the open spaces, recreation areas and facilities with trails; to connect residents to each other through events, community gathering and via social media; and to connect destinations with safe walking and biking infrastructure. Natural, Economic and Social Sustainability and Resilience was a strong theme. There was a defined need to strengthen the local economy, attract and retain young adults, care for the elderly and young, develop policies and implement measures to protect the environment including renewable energy sources, and to promote the health and wellness of Derry's residents and Derry as a community. The goal was to make Derry resilient into the future through green initiatives, economic initiatives, and socially. There was a perceived need to attract young people to live in town and to allow the elderly to age in place.

Page 4 identifies what people thought made Derry unique. The Vision, outlined on page 5, was developed from the different conversations. Page 6 outlines the six Goals. Each goal has a set of objectives. Five strategies have been developed for each objective, with a list of action steps, identification of who should lead the effort and who might support completion of the strategy as a partner. Resources that can be used to complete the strategy are listed as well as potential sources of funding. The objectives still need to be prioritized. #1 identifies the timeline as between 1 to five years to complete; #2 would be between five and ten years to complete. If something is identified as being completed in ten years, it should likely be reevaluated. A sustained action would be something that would be an ongoing effort. Mr. O'Connor asked if there is any way to put a cost or economic value to any of the items, for example economic development marketing might cost the town \$80,000 per year. Ms. Politis said they had not done that, but could take a look to see if there were any items where that could be done. Mr. Maxtutis noted that might involve details the consultants would not have available to them such as the cost of sidewalk repairs, lighting etc. That might be a next step in the process after the Master Plan is complete; it is possible they can ballpark some items.

Ms. Politis read through the list of goals.

- Goal 1: Make Derry a Destination for the enjoyment of both residents and visitors alike.
- Goal 2: Encourage Economic Activity in order to create more employment opportunities and to expand the tax base.
- Goal 3: Address opportunities and challenges posed by the New Gateway: Exit 4A
- Goal 4: Promote Derry as a Place to Live.
- Goal 5: Promote Health and Wellness for individuals living and/or working in Derry as well as the community as a whole.
- Goal 6: Conserve Energy and Plan for Resilience

Mr. O'Connor asked if the numerical order of the goals identified the priority. Ms. Politis said it did not and a note can be added that the numbers do not note the priority; the goals are equally important. The twelve recommendations came to the top based on discussions with the community, department staff, and the consultant's own experience. The bulk of the document begins on page 9. The consultants would like input from the Board on what is missing. If the

Board disagrees with a strategy, is it because there would be no funding or support, or because the Board feels it just won't work? Are the strategies in the right place? Are the top five strategies the ones that should be there?

Mr. Connors questioned the inclusion of Health and Wellness as a goal in the Master Plan. It did not seem to fit in the Master Plan. Ms. Politis explained in the last few years, the Center for Disease Control has identified how town Planning relates to health, both mental and physical. The provision of walking and bike paths provide health benefits for visitors and residents. Community events assist with the non-isolation of seniors and other residents.

Mr. O'Connor noted this update of the Master Plan follows a different process than has occurred in the past. Previously, the Board members were provided with each chapter and given an opportunity to discuss and review them. It will take a little while for the Board members to digest this. Ms. Politis said that is why this discussion is the beginning of the process. Once input is received from the public on October 30<sup>th</sup>, the Board will review the final drafts. Mr. Sioras added it is hoped the Board will adopt the plan in December. Mr. MacEachern said the timelines should be clear. Tonight should not be a detail night. There is a lot more to do for this plan. Following the October 30<sup>th</sup> forum, when can the Board expect the next revision to this Implementation Plan? Mr. O'Connor interjected he felt the public should be given an opportunity to review the Implementation Plan before they comment on it on October 30<sup>th</sup>. Ms. Politis said it was hoped that they would receive some feedback between now and October 30<sup>th</sup> from the Board. They will take the feedback from the Board and the Forum and incorporate it into the document by the end of November. Mr. O'Connor did not feel that the consultants would receive much feedback as many of the members are busy with other commitments. Mr. MacEachern asked if the Board should have a final draft available to it a week or two prior to its November 20, 2019, meeting. Mr. Connors stated the Planning Board's number one job is to develop the Master Plan. This is the Board's document. He feels this requires a lot of work on behalf of the Board. Maybe the next meeting should be devoted to reviewing this document. Ms. Politis that is what they had hoped would happen.

Mrs. Robidoux commented after each forum event, the summaries have been shared with the Board and posted on the Planning Board's webpage. There is a process that has been ongoing, of which the Board has been aware. The information has been available. The consultants are doing all of the footwork for the Board and have gathered all the information so that the Board did not have to do it. This is a very different process than what has been done before. Based on the information and what has been seen in the documents, she believes the Board is going to get a very different and very valuable Master Plan.

Mr. MacEachern said the Board maybe should have met separately after each Forum to review what had been discussed; the Board can't go back and do that. The Board can make a point of catching up and reviewing the information in detail. This is the Board's priority. He needs more time to look at this. Mr. O'Connor asked Mr. Sioras when the Board could meet and dedicate a few hours to reviewing this material. Mr. Sioras explained the next month will be devoted to review of the document. The public will provide input on October 30<sup>th</sup>; the Board could follow up in November. It is hoped the document will be finalized in December.

Ms. Politis asked the Board to go through this document to see if anything is missing or inaccurate so that the comments can be incorporated prior to the October Forum. The document could then be reviewed in more detail. The consultants can wait for the Planning Board to review the document after the Forum and finalize the draft for December. They want to make sure there is nothing that should not be there, is inaccurate, or that nothing is missing.

Mr. MacEachern noted the results of the two prior Forums have been captured in this document. He knows the priorities need to be put in order and the Board may need a few more details to see how this will all fit in relative to the zoning. After that, the Planning Board will tweak the ordinances.

Mr. O'Connor asked the Board members to provide feedback on this document before the next meeting, which would be October 16<sup>th</sup>. Any hot spots can be brought forward for discussion. Mr. MacEachern suggested feedback be provided to Planning staff who can then forward the combined comments to the consultants. Mr. Sioras advised that he, Mrs. Robidoux, Ms. Politis and Ms. Lyons went through the Implementation Plan, item by item and revised it in about 2 hours. It won't take the Board long to discuss it.

Mr. O'Connor had a concern with Strategy 1.1.4, Complete Streets in the Downtown. That is a hot button; it has already been deemed what can and can't be done. Mr. Sioras said when the Board reads through the document they will see who should lead each strategy and what is the priority. That is spelled out in the matrix. When the document is adopted, it will be the responsibility of the leaders and partners to make sure it gets done. Ms. Politis said in some cases, items will require further study and could take years to complete.

Mr. Connors noted the Implementation Plan is really the strategic portion of the Master Plan. The Board should decide if it wants the items in or out of the plan. The discussion tonight does not need to be detailed. It was noted that any strategies requiring town funding would be reviewed by Town Council and potentially placed in the Capital Improvement Plan.

On October 16, 2019, the Planning Board will meet and hold a workshop on the Implementation Plan. Any suggested changes will be forwarded to the consultants to be incorporated into the document that will be presented October 30<sup>th</sup> to the public. The comments from October 30<sup>th</sup> will then be incorporated and the document finalized for December.

Mr. O'Connor noted the Board has been charged to look at permitting Sports Betting in town; did the consultants recall any discussion about that? Ms. Politis said not Sports Betting per se, but they did hear the residents would like to have more entertainment options and activities. When reviewing the document, she would ask the Board to review and make sure the timing of the initiatives are correct. Should the initiative occur sooner or later, is it ongoing? The plan needs to keep moving and be ongoing and what can be identified as low hanging fruit should be accomplished first.

As an example, the first Goal is to make Derry a Destination. The first objective is to Improve and Promote Derry's Downtown, and there are up to 5 strategies provided on how that can be accomplished. Each strategy lists existing resources that can be utilized, potential actions that

can occur to complete the strategy, how the strategy could be funded, who would lead the effort and who might partner on the effort. Mr. O'Connor asked if the Marion Gerrish Center, which is noted in the strategies, should be considered part of the downtown. Ms. Politis said that is something they are looking for the Board to tell them – should it be in the downtown or outside the downtown? Mr. Connors agreed, adding that Hood Park and McGregor Park should also be included as part of the downtown. Ms. Politis explained it is possible that a strategy could be noted in more than one section. That is the type of information they need back from the Board. For example, strategy 1.1.2 – should that be moved? There could be items that the Board can think of that could be listed in the Additional Strategies/Actions to Consider section; or something listed as an Additional Strategy might be something the Board feels should be a strategy. As an example, providing amenities along the rail trail may not be a main focus but it might be something the Board would like to consider. Sometimes, related objectives will be listed. The End Notes are available if there is an item that may need a little bit more explanation. If there are things that should be added to those, the consultants would appreciate knowing about them. They would like to know if anything in the top five strategies should be moved to Additional Items or vice versa. They would also like input on the Lead and key partners. Are the ones listed accurate? Did they miss anyone?

Mr. Connors asked if Route 28 South Corridor should be a separate Goal, similar to Exit 4A. Ms. Politis said that falls under the Economic Development Goal; the Exit 4A gateway has other components. The Board would need to make that decision.

Mr. Chirichiello commented on Goal 4 which is to promote Derry as a place to Live. The town has a broad mix of housing options. Ms. Politis agreed the town exceeded its fair share for workforce housing. Mr. Chirichiello believed the town had diverse housing stock. Ms. Politis advised that goal is in response to people who said they wanted the ability to age in place in town, but not necessarily in their existing home. Younger people want walkable neighborhoods. The town should be supporting housing for different phases of the lifecycle. Mr. Chirichiello noted the average homeowner is between 34-40 years old; the town needs to provide things such as entertainment to keep that demographic in town. The wording “wide range” is not quite right. The Master Plan sets the tone and drives everything else. He wants to make sure the wording is defensible.

Mr. Connors asked if there is a full inventory of each type of housing stock, giving percentages of each type. That might be a good resource document. Mr. Sioras said the information is available.

Mr. Grabowski noted one of the Goals is to promote Derry as a place to Live. He sees very little about the schools in the key recommendations and inputs into the recommendations. The SAU is one of the largest employers in the town and the schools take up two-thirds of the expenditures. The schools are one of the reasons young adults choose Derry as a place to live and he felt there should be more focus on that. Ms. Politis said it is noted under Section 4.2, Promote Educational Excellence. Perhaps that should be moved. Mr. Connors said the town cannot drive the school budget and that might be why it is not noted in this Plan. Mr. Grabowski stressed the schools and their importance should be recognized in this document. Ms. Politis explained the schools are discussed in the Inventory in the section that speaks to Public Services and Facilities; if he

has not seen that, they can get a copy of the draft to him. Mr. Grabowski felt Promoting Educational Excellence should be moved up as a strategy and not left as an Additional Strategy. Mr. Connors thought building the relationship between the school system and the town might be considered as a Goal level. Goal 4.6.2 identifies supporting improvements to the school system as a Strategy.

Mr. MacEachern stated in the past, the Planning Board worked closely with the school on the Master Plan, and the school system (the SAU and Pinkerton Academy) provided their recommendations. He recommends the consultants meet with them and then add them to the document. Ms. Politis advised they have had multiple meetings with the SAU Superintendent and Pinkerton's Headmaster. Mr. MacEachern said the schools are individual bodies, but they work as one in the Master Plan. People come to Derry for the educational opportunities and that needs to be promoted as a team. He feels the connection between the school system and the town is missing from this document. The Derry public school system and Pinkerton run themselves, but this is a comprehensive town document and those groups are a significant portion of the town. Mr. Connors suggested promoting the proposed 4.6.2 to an Objective, rather than a strategy. Mr. MacEachern stated Pinkerton and the SAU need to supply their master plans so that they can be included in this document. Ms. Politis advised the discussions with Pinkerton and the SAU are included in a separate document. Ms. Politis asked that if more specific information should be included, the Board members should include that in their comments if they feel it has not been adequately addressed in the Inventory and Assessment. At the very back of the Implementation Plan, an appendix has been attached that includes summaries from the discussions with the various departments, including the schools.

Mr. Maxtutis said there are six goals, with objectives and strategies. Low hanging fruit (noted as ripe apples) have been identified and it is possible that many of those items have already been achieved. They would like some feedback on that. There had been mention of using a potato symbol rather than the apple to celebrate that part of Derry's history.

Ms. Politis said some Master Plans have chapters on Health and Wellness. The CDC and American Planners Association have been promoting it. It is about how a municipality can support the health of its individual residents as well as the health of the community as a whole. Health is physical and mental health. The first step is to create a Wellness Campaign. Many of the items included in a Wellness Campaign are already in place. The town already supports local food with its incubator and Farmer's Market; there are bike and walking trails. There is an obesity epidemic and Derry's statistics are above average; obesity can lead to serious diseases. It has been shown there are benefits if fitness can become a part of everyday life. It is not so much going to the gym everyday as much as it is creating a walkable downtown or areas that are accessible for all ages and abilities. Mr. Chirichiello felt that was a good tie into the hospital and medical facilities. Ms. Politis acknowledged the Health Officer is very interested in this effort and was very helpful in obtaining statistics from the State.

Mr. Connors noted Goals 5 and 6 seem more robust than the previous goals. Ms. Politis said that is likely because they are newer goals; the others are more traditional planning and require less explanation. Mr. Maxtutis added the last two goals include newer and emerging technology that requires more explanation. The other goals already have a good network in place. There is a lot



of crossover with the objectives related to alternative modes of transportation (biking, walking, ride sharing, rides for seniors, safe routes to school). There was a short discussion with regard to autonomous vehicles; those are likely to become more prevalent over the next ten years. This type of vehicle opens more doors for the elderly and the impaired.

Mr. O'Connor questioned the inclusion of curb side trash pick up as a strategy under Section 6.3.5 and 4.6. Ms. Politis said it might be considered for the aging population. Mr. Chirichiello commented the town did study that in the past and found it to be cost prohibitive until the tax rate comes down. Mr. O'Connor commented there is a study currently underway at the state level; it is anticipated by 2024 there will not be any landfills available in the State of New Hampshire.

The Board members will review the document and at the next meeting will provide comments and suggestions to the full Board that can be sent to the consultants. The Plan should be finalized, adopted and available publicly by January 2020.

Mr. Sioras commented he has enjoyed working through the update process with this team of consultants. The inclusion of social media as a method to conduct outreach and engagement has allowed for more participation and input than has occurred in previous Master Plan updates.

**Workshop #1 – To determine zones where Sports Betting could be allowed as a permitted use.**

Mr. O'Connor advised the Town Council has been reviewing recent legislation and has charged the Planning Board to find locations in the Zoning Ordinance for Sports Betting. Mr. Chirichiello added about a year and a half ago the Supreme Court ruled in favor of sports betting. State Representatives moved a bill forward to have it allowed in New Hampshire. The State is allowing 10 brick and mortar locations and 5 mobile betting locations. The townspeople have to approve this by a vote, similar to Keno. The issue right now is timing. Cities are holding their elections in November and the citizens in cities will vote to allow it or not. The rest of the towns and communities like Derry will need to wait until March elections. 13 cities in New Hampshire would like to allow it. The thought was that Derry would be a good location as it is strategically placed.

Mr. Sioras asked what happens if the 13 communities vote to allow it in November. Will the State Commissioner wait until March before making a decision with regard to location? Mr. Chirichiello believed the Commissioner would wait. Currently, the State is looking at vendors who would run the locations. If Derry is ahead of the curve with regard to zoning, it would make the town more attractive as a location. All of the dollars from this type of use go to fund State Education. If the town wants young people here, this is a draw for them.

Mr. MacEachern said he was not necessarily against the use, but what does it look like? Will it take place in an existing building or will someone build for the use? Mr. Chirichiello said it could be either. Mr. MacEachern said he envisioned it being like a sports bar. Mr. Chirichiello said it is likely and that would be where the town would make its money. Mr. MacEachern

stated the State controls gaming; the towns and boards regulate the building. His preference would be to create an overlay district rather than an entire district. There might only be so many parcels where this might make sense. The town did an overlay when it was creating the regulations for the wireless communication towers; that avoids spot zoning. This might be a good use near Exit 4A, but he did not feel it necessary to put it over near A and B Streets. That would be the benefit of an overlay. The use should be in an area that is easy to get to. Route 111 is a major thoroughfare for people traveling east. The use needs to be where people can get to it easily.

Mr. Connors envisions the use occurring in existing restaurants and bars. Should it be away from the downtown or does the Board want it where people go and spend their money? Mr. O'Connor envisioned something like Suffolk Downs or Rockingham Park when the horses no longer raced there; those were buildings with multiple television screens. Mr. MacEachern stated Exit 4A will be a major draw and people can get to the downtown easily. Mr. Chirichiello was concerned that the scope might be too narrow; Derry could get overlooked if the allowable area is too small. It would be a private business coming into town.

The Board discussed locations for brick and mortar. Mr. Connors felt the Board might create a problem if this use is put in an area that does not allow restaurants. Mr. O'Connor did not want to exclude A and B Streets. Property will be available there and that location is close to Route 28 and Exit 4A. Mr. Sioras reminded the Board members that the Town Council, at its meeting on September 17, 2019, recommended the Board avoid the Central Business District and the residential areas. Staff recommended the General Commercial zone which includes Route 111 as there are already event centers in the area; GC also includes the area on Crystal Avenue where Sal's Pizza is located, up to Hood Plaza. There are existing restaurants along that stretch as well. Staff did not recommend the West Running Brook district or the areas where the uses are primarily medical. Mr. O'Connor thought 2 Island Pond Road would be an ideal location. Ms. Davison said the area needs to have parking.

Mr. Sioras explained staff was asked to look at this and narrow it down. Staff had an almost identical conversation and recommended General Commercial at Route 111 and Crystal Avenue and north of the Police Station; this use could go in an existing business. Mr. Chirichiello added the Town Council debated the various options and expressed an interest in seeing this type of use near Ryan's Hill. Mr. O'Connor did not believe that was a good area due to the lack of sewer; large septs could be an issue in this area. Mr. Sioras said it sounded like the State was looking for strategic locations that are near tourism locations. Mr. Chirichiello felt there needed to be good internet service options. Mr. O'Connor noted the town has high speed VIOS in place near A and B Streets. Mr. MacEachern felt Route 111 made sense, but did not feel that the General Commercial area on Crystal Avenue was as good an area to locate this use as this area has Sal's Pizza, and Hood Plaza. He would rather see the use in the Industrial IV zone, north of the Police Station as it is close to Exit 4A.

Mr. Connors noted this discussion is about zoning for a single institution; there would not be multiple locations. If it is allowed in all places but the CBD and the residential zones, and the areas are left open, it might be better. The Town does not get to pick where the facility is located; the vendor will pick where they want to be located. Mr. Sioras explained the Town

Council made a Resolution; it was similar to what was just discussed by the Board. He suggested the General Commercial IV area, which is Ryan's Hill. Mr. MacEachern did not feel that was a good match until sewer was available in the area. Mr. Chirichiello noted water will be there shortly. The Town will work on getting sewer to that area next. Mr. Sioras said if the Lottery Commissioner is making a decision about the locations in March; many of the vendors will already be shovel ready in April. Mr. Chirichiello explained this is why he is mentioned this early. Mr. O'Connor said the vendors will be selected by November 1, 2019; the locations will be selected once March voting results are available.

Mr. Connors asked if the use is intended to be part of a multi-use or as an anchor? Mrs. Donovan explained staff spent time on this, trying to determine the best area to locate the use. Staff did not recommend the West Running Brook area in its initial findings; there are two schools located nearby, higher density residential, a popular children's park, conservation land and a State park. This use appears not to fit what the West Running Brook district is about. For the most part, this type of use is destination driven and people who utilize the facilities do not go to other restaurants or venues and sight see. She would prefer to see the use on the edge of town where it is easy to reach but would have less of an impact on residents' day to day life.

Mr. MacEachern suggested offering feedback to the Town Council that the Planning Board had a positive reaction to siting the use in the General Commercial zone, Industrial IV, and possibly in the General Commercial IV zone. People won't look for a location in these areas if the use is not allowed. Ryan's Hill abuts residential area on each side, and he is sure the Board would hear more from the residents near Ryan's Hill than it would from residents living near Route 111 or the Police Department as those areas are more industrial in nature.

Mr. Chirichiello said the vendors will want to know about parking and ease of access; he would not suggest limiting this use to one or two lots in town.

Mr. Sioras said the Board needs to provide feedback by November 15, 2019. This will be a ballot question for the voters. Theoretically, the zoning should be in place by March if the use is approved.

When asked, Mr. Sioras said the Industrial VI area on Ashleigh Drive is not really a good area for the use. Mr. MacEachern suggested the Board hold another workshop to finalize updates to the Zoning Ordinance and send this to the Town Council. When the vote occurs in March, the zoning will be in place in case it is needed. If a map of the proposed area is provided at the next workshop, the Board can further refine the areas. Mr. Sioras believed the Town Council wanted a general idea of three to four zones so that they can move forward.

The Board was polled and believed it was a good idea to move forward with allowing the use in General Commercial, General Commercial IV and Industrial IV. The information will be forwarded to Town Council.

Other

Mr. Chirichiello mentioned there may also be a question on the ballot in March with regard to the tax cap. There is supposed to be an override provision. The City of Nashua has been taken to court; it was stated their tax cap was illegal as there was no override provision in their Charter as required by State law. Residents need to be educated about the ramifications of that question on the ballot. The way it needs to be worded may lead residents to vote out the tax cap, which will not be beneficial to the town in the long run. Mr. MacEachern thought there was an existing override provision in the Charter as bonding is outside of the tax cap.

There was no further business before the Board.

Motion by MacEachern, seconded by Davison to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:17 p.m.

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

\_\_\_\_\_  
Secretary

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