

The Planning Board for the Town of Derry held a public meeting on Wednesday, February 04, 2015, at 7:00 p.m., at the Derry Municipal Center (3rd Floor Meeting room) located at 14 Manning Street in Derry, New Hampshire.

Members present: John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; Michael Fairbanks, Town Council Representative; Randy Chase, Administrative Representative; Jim MacEachern, Member; Marc Flattes, Lori Davison, Bob Jean, Alternates

Absent: David Granese, Darrell Park, Ann Alongi, Jan Choiniere

Also present: Elizabeth Robidoux, Planning Assistant; Mark L'Heureux, Engineering Coordinator

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

Mr. Flattes was seated for Mr. Granese

Ms. Davison was seated for Mr. Park

Mr. Jean was seated for Mrs. Choiniere

Escrow

#15-04

Project Name: The Goddard School – Future Traffic Light

Developer: Derry Realty Trust (Foxcroft)

Escrow Account: Sydney Hajjar

Escrow Type: Cash

Parcel ID/Location: 08079-006, 12 Tsienneto Road

The request is to approve, pursuant to RSA 674:21,V(j), the final release of cash escrow for the above noted project in the amount of \$46,000.00 plus any accumulated interest. The amount to retain is zero.

Motion by Bartkiewicz, seconded by Flattes to approve as presented. The motion passed with MacEachern abstained.

Mr. MacEachern asked for further explanation of this escrow account. Mr. L'Heureux advised the escrow needs to be released as the town has not utilized the funds set aside for a future traffic light on Tsienneto Road. The funds had to be used within six years or be returned. The Town has not put the money aside to fund this infrastructure improvement. Mr. O'Connor advised in 2008, developments on Tsienneto Road were required to put aside funds for a future traffic light. The traffic warrant required to necessitate the installation of the light has not been met. After six years if the funds are not utilized, the funds go back to the developer. The next development to come into the area may or may not trigger the warrant and that developer may be required to fund the light. Mr. MacEachern disagreed. Mr. L'Heureux said it would depend on the

development across the street; that is the only vacant lot. There is no automatic trigger for a light; it would depend upon the use at the site and traffic volume. Fifty percent of the funding was allocated to the vacant lot across the street from The Goddard School; 25% was allocated to The Goddard School and the remaining 25% was allocated to the medical office building. Mr. MacEachern asked what would be the trigger for a light. Mr. L'Heureux reiterated it would be based on use and traffic volume. Mr. MacEachern suggested another medical facility might trigger the warrant. He confirmed the funds cannot be retained if the town has not set aside funds for this improvement, per the RSA. Mrs. Robidoux said the escrow held for 14 Tsienneto will come due in November of 2016. Mr. MacEachern said the \$92,000.00 can still be assigned and currently the town is holding another \$42,000.00 until 2016. There are two other opportunities to construct the light.

#15-05**Project Name: 5 West View Drive/23 Kilrea****Developer: Erin Smith****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 03152-005 and 03152-007, 5 West View Drive and 23 Kilrea**

The request is to establish cash escrow in the amount of \$712.80 for the above noted project. This will be a non-interest bearing account.

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

Correspondence

None

Minutes

The Board reviewed the minutes of the January 21, 2015 meeting. Ms. Davison noted one correction; she did not attend that meeting and the record reflects she was present. The change was noted.

Motion by Bartkiewicz, seconded by Flattes to approve the minutes of the January 21, 2015 meeting as amended. The motion passed with Davison and MacEachern abstained.

Other BusinessSchedule public hearing – building code updates

Mrs. Robidoux advised the Board held a workshop on the proposed changes related to the building codes. This is a result of the recent adoption by Town Council of the Property Maintenance Code; it necessitates changes to the Zoning Ordinance to bring the Ordinance in line with the Code to ensure there are no conflicts. The changes proposed in this document are not meant to be in conflict with the proposed changes to the multifamily residential districts currently under discussion by the Board.

Motion by MacEachern, seconded by Bartkiewicz to schedule a public hearing to discuss proposed changes to the Town of Derry Zoning Ordinance regarding updates to the references to the Building Code. The date of the public hearing shall be Wednesday, February 18, 2015.

Chase, Fairbanks, Jean, Flattes, Davison, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Schedule public hearing - multifamily requirements

Mrs. Robidoux advised the Board has held workshops since August of 2014 to refine the multifamily requirements. The Board has been working on the density calculations, parking calculations, separating out green space and recreation space requirements, so that developers are not double dipping on those requirements, getting more on a lot than they should. The intention of the Board is to create a better quality multifamily development in the town, prevent overcrowding, and to retain the character of the older neighborhoods. The town's older more dense neighborhoods are the ones that are seeing this type of development. The Board was very careful when crafting the revisions and did a good job to balance the needs of the community and the needs of the developers.

Motion by MacEachern, seconded by Bartkiewicz to schedule a public hearing to discuss proposed changes to the Town of Derry Zoning Ordinance and Land Development Control Regulations regarding multifamily residential requirements. The date of the public hearing shall be Wednesday, February 18, 2015.

Chase, Fairbanks, Jean, Flattes, Davison, MacEachern, Bartkiewicz and O'Connor voted in favor and the motion passed.

Other

Mrs. Robidoux thanked Mary Eisner for her contribution to the MHDR amendments. Ms. Eisner is the one who brought the request forward for discussion. Ms. Robidoux advised the next agenda will include the presentation of the Capital Improvement Plan by the Town Administrator and the Chief Financial Officer. Additionally, David Preece from Southern New Hampshire Planning Commission will be present to provide information to the Board on mixed use developments. The information for the next workshop regarding proposed changes to the General Commercial zone has been uploaded to the Town of Derry Planning Board webpage. The information can be found under the "GC Workshop materials" link. The available materials include a copy of the proposed changes to the General Commercial zone that the Board reviewed at the public hearing on January 21st, a list of existing uses compared with a list of the proposed uses (Board member and resident suggestions) in a new General Commercial IV zone, and a map of the area.

Mr. O'Connor felt it would be best to defer the SNHPC presentation to another meeting as it would likely be a long presentation. Perhaps the mixed use discussion could be pushed out to another evening. It appeared the agenda was very full. Mr. Fairbanks suggested starting the meeting earlier to accommodate the items on the agenda, perhaps at 6:00 or 6:30 p.m. Mr. MacEachern suggested rearranging the items to other evenings; Mr. Fairbanks said the board could push the General Commercial workshop out to the meeting following. The MHDR ordinance changes have been posted so any new application would comply. In response to a question from Mr. Flattes, Mrs. Robidoux said she did not feel Mr. Preece's presentation would be very lengthy. It should provide an overview of mixed use – what is it and how it would fit in that particular area of town. Mr. MacEachern felt the questions from the audience were what might be lengthy; it is a contentious topic. Mr. Fairbanks said he hoped to gain information so they could make a good decision. Mrs. Robidoux said her interpretation was Mr. Preece was giving a presentation to the Board so that the Board could understand mixed use and be more comfortable with it, so that when it came time to decide whether it was a use to allow in the zone, the Board could make an informed decision. She did not believe the intent of the presentation was for a community Q&A. She thought Mr. Preece was going to provide the information in his presentation and then the Board would go directly into workshop and work off the document it had from the last public hearing, deciding whether the list of uses suggested were things they wanted to move forward with or not. There are several plans that will be coming forward to the Board. If things keep getting pushed out, the Board won't get anything done. Mr. O'Connor said he would rather delay this discussion rather than any plans that would create economic development. Mrs. Robidoux agreed, but commented these proposed changes are a very important piece of the economic development plan moving forward. The proposed agenda for February 18th has the public hearings for the MHDR and Building Code changes; the CIP presentation and the workshop. There are no plans scheduled for this meeting.

The Board determined it would begin its meeting at 6:30 p.m. and it was suggested the meeting start with the presentation from Mr. Preece. Mr. O'Connor and Mr. MacEachern stressed that this should all be discussed and confirmed with the Chairman Mr. Granese and Mr. Sioras before posting the agenda.

Public Hearing**Extended Realty, LLC
PID 23232, 37 Highland Avenue
Design Review Hearing
20 Unit Townhouse Development**

Mrs. Robidoux provided the following staff report. The applicant had a previous approval from the Board to convert the former Floyd School into 19 apartments. After consideration, the developer changed the concept and came forward with a proposal to raze the school and construct a 20 unit townhouse development. Staff has been working with the developer and his engineer, Karl Dubay, for several months on this plan. The applicant and his engineer have worked very hard to provide good buffering for the neighborhood to minimize any impacts as this is another of Derry's older and denser neighborhoods.

Karl Dubay of The Dubay Group, presented for the applicant Eric Spofford, who was also present. Mr. Dubay provided the following summary of the plan. The lot contains 1.7 acres with available sewer and water. They have been working with Mr. Sioras and TRC staff on a new concept. They had been before the Board about a year ago with a plan converting the old Floyd School into apartments. This plan removes the school and puts in a more amenable and appropriately scaled development. The 20 townhouses will be privately owned and there will be a Homeowner's Association. The units will consist of two bedrooms, be about 1100 square feet, and will be marketed to the young professional or active elder market; the units as set up are not amenable to families with young children. They have doubled the required interior landscape, and provide greenspace that does not double dip into the recreation space. The green space requirement is 33%; they are providing 51%; they are also providing usable recreation space. The recreation space connects between the development pods. There are 70 trees on the property which are also not planted in the recreational area. They are providing good quality green space and encapsulating the development within a stockade fence and supplying adequate buffering for the project. There are 2.5 parking spaces per unit, which matches the proposed changes to the multifamily regulations; 10 street trees, 31 building perimeter trees and they are doubling the amount of required shrubs. They have designed the site to utilize town water and sewer and the buildings will be sprinkled. They have also designed site drainage. They are making improvements to the existing private way and have shaved the maximum slope as it approaches Highland Avenue. They are still a few points over the required grade and will need to request a waiver. The townhouses themselves will be two stories; some will have walkouts; all will have basements and walk out or walk up to green space. The units along Florence Street will have garages. They will utilize LED lighting. The drainage recharges into good, sandy material. The Conservation Commission has seen the plan and conducted a site walk. They will remove the invasive bittersweet that was noted on site, at the request of the Conservation Commission. They want to do a stand up job on this project and they feel the project was well received by the neighbors during their neighborhood meeting and site walk. He believes this plan meets the spirit and intent of the ordinance. The site will have a homeowner's association and will have snow removal. They will make sure excess snow is removed. They are here before the Board

this evening for input. They did not want to rush the project and wanted to ensure they were presenting a good, quality project that is an improvement over the previously plan.

Mr. O'Connor asked if the line of sight on Florence Street had been reviewed by the Highway Safety Committee, noting the Board does not have copies of the TRC notes as this is a design review hearing. Mr. Dubay said they met with the Highway Safety Committee and may need to go back to them. The Committee did support the project and the one way circulation flow on Florence Street. There is an existing retaining wall on the abutting lot containing a duplex; the wall is located within the right of way and that limits some of their sight distance on Florence Street. They have annotated the flow on Florence to have one way flow on the driveway, creating a one way in and a one way out; they did not want people backing out of garages onto the street. Florence Street has very little traffic, in conjunction with the one way entrance and exit, the driveway will be safe. They may technically need a waiver, but do meet the 200 foot sight distance in one direction. They will not exit on the side that does not meet the 200 foot sight distance. Traffic moves very slowly in that area.

Mr. O'Connor asked Mr. Dubay to explain the proposed 340 foot upgrade on Highland Avenue. Mr. Dubay stated there are existing utilities under Highland Avenue along the frontage of their project and they will tie into those utilities in multiple locations. Where they tie in, they will need to provide a mill and inlay for the trenches. Rather than having multiple patches along the frontage they will, as suggested by Public Works, mill and inlay almost the entire length of the frontage.

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

Craig Busteed, 33 Highland Avenue, said this plan looks better than the previous one. His concern is trees and the parking lot. Will he be looking at the parking lot? Mr. Dubay said they put as many trees along the corner as they could on the lot and in the islands. The town has a concern with obstructing sight distance. There will no longer be a building there and there will be a smaller parking lot. Mr. Busteed asked if the addition of trees there would help reduce the noise from automobiles. Mr. Dubay said the noise generated will be less than what the school generated or the apartments would have generated. The parking area allows for two way circulation. Mr. Busteed said his biggest concern is the traffic will be beyond what it was and there will be a parking lot where once there was nothing. He does not expect them to change the plan, but would like a little more buffering. He is concerned about the noise. Mr. Dubay said they are installing a stockade fence and Mr. Busteed's driveway will be moved as part of this project. Mr. Spofford confirmed he will install the stockade fence and relocate Mr. Busteed's driveway to the other side as previously agreed when they do the site work. Mr. Busteed asked with regard to construction timeframes. Mr. Spofford said that would depend upon the timeframe for approvals, but they would like to move forward with this plan. He believed it would take four months to construct, from start to finish.

There was no further public comment.

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

Mr. Fairbanks asked if the abutter's property would be affected by work in the private way; he would like to locate the property line. Mr. Dubay explained there is a private way and a private way agreement will be put in place. The private way services the Busteeds, Mr. Spofford's lot and one other. Mr. MacEachern said he believed it would be the same type of agreement as when the school was in session. The school needed the easement to access the property. The lot line is near the trees that are shown on the current plan. Mr. Dubay said they will rebuild the private way. Mr. Fairbanks noted that on Sheet 5 there is a note regarding the Highland Ave crosswalk and the note refers to Sheet 8, note 26. There is no such note. Mr. Dubay said that should say Sheet 8, Note 25. The hatch lines shown are for the existing crosswalk. They will make sure that when they pave this section of Highland Avenue that they repaint the crosswalk if required by the town. It may not be necessary but they wanted a note there so that it did not get missed. He will follow up on that item.

Mr. Fairbanks confirmed the TRC notes would be supplied to the Board during the final application submittal. Mr. Fairbanks asked with regard to the neighborhood meeting. Mr. Dubay explained they sent a letter to the residents, inviting them to a site walk. They held a question and answer session and explained their open door policy. He does not recall anything from that meeting that needed to be noted to the Board. Their client has been open and willing to produce a good product. Mr. Fairbanks asked if the relocated driveway is shown on the plan. Mr. Dubay said he needs further clarification on that for the plan and the private way agreement should also be noted on the plan and be annotated so there are no questions later regarding the fence, the restoration of green space and the driveway configuration. Mr. O'Connor agreed that would make the plan cleaner. Mr. Flattes thought this was a nice plan. He asked what is the plan for trash removal. Mr. Dubay said they did not want dumpsters because they become a magnet for more trash. The Transfer Station is nearby. There will be a Homeowner's Association; people will take their own garbage to the transfer station. Each unit will have a basement and there will be room for trash storage. Mr. O'Connor commented Sheet 6 has a note that indicates each unit will be responsible for its own trash removal. Mr. Fairbanks asked if the Association rules will be provided. Mr. Dubay said the Rules still need to be reviewed by town staff and Legal.

Mr. O'Connor asked Mr. Dubay to explain the two types of drainage and infiltration systems. Mr. Dubay said the upper catch basin system collects the water. They do have a drainage study. The existing condition is the school roof collects water in a pipe that is discharged to the rear of the property. The soils at this location are very good. The recharge area will be under the pavement. The town does not like to see systems like this unless there are good soils. The lot is partially in the aquifer and they want to make sure they are recharging properly. The recharge system will capture the storm flows and there will be no drainage to Florence Street. The flood zone is located across the street and not on the property. They did extra test pits to double check that. There is good receiving capability. On Florence, the water is absorbed into the shoulder. They have modeled the 25 and 50 year storm. They don't hit the overflow with the 25 or 50 year storm. They will hit it at the 100 year storm. The overflow is a landscaped dish. There is an underground system and supplementary dish that are connected with an overflow device. At the

100 year storm, water will be in the dish. They would like to work with DPW and the review engineer on the drainage. They don't really want to pipe it to the Brook a few hundred feet down the road. They don't see the need to add additional piping on Highland Avenue that would not have any water in it; the drainage issues will be resolved before the plan comes to the Board.

Mr. L'Heureux said they are adding additional capacity with the underground retention system. It is an interesting concept. He is familiar with the soils on this lot and it looks like the drainage system will do the job even in the worst storms. It will be good to have the third party review engineer take a look at the drainage design as well. He does not foresee it being a problem with future storms. Mr. O'Connor asked if this was the case given the 100 year flood zone and the location of Beaver Brook. Mr. L'Heureux said this development is outside of the floodplain. They are balancing what is reasonable. It may not be reasonable to pipe to an area that may be flooding.

Mr. Dubay asked if the Board had to accept the plan during Design Review. Mrs. Robidoux said the Board did not, but the plan is now vested.

Mr. Fairbanks asked for an explanation of the proposed waiver requests. Mr. Dubay said they provided a summary outline of four waivers. The first is for the private way, to allow them to not use granite curbing. They will rebuild and there is no granite curbing there now. They would rather not use granite curbing to control the sheet flows. The second waiver is from the grade requirement. The grade is now at 20% and that will be shaved down to 5-11% which is better than what the Board saw before. Mr. Fairbanks recalled at the previous site walk it was proven a fire truck could get up the existing grade. The third waiver is to allow the one way flow of the driveway near Highland Avenue. Mr. Dubay explained they will need a waiver because of the distance of the entrance from the intersection. They would prefer this plan over one entrance/exit. The fourth waiver is for drainage. Technically they need more of an emergency overflow; he would like the review engineer to weigh in on this request.

Mr. O'Connor thanked the abutters for attending this evening. There was no further comment from the Board. Mr. O'Connor advised the Design Review hearing was over and the Board would be moving into a workshop.

Workshop – Proposed changes to Central Business District regulations

Mrs. Robidoux provided the following overview. The Board had met several times in workshop to discuss potential changes to the Central Business District. The Board decided to move into subcommittee and let the subcommittee come up with the draft. The subcommittee met several times and the draft before the Board this evening is the result of those meetings. The subcommittee was comprised of Mr. Sioras, Mr. Mackey, Mr. Wentworth, Mr. Fairbanks, Mr. Chase, Ms. Davison, Mr. Flattes, Mrs. Choiniere and Mrs. Robidoux. Suggested changes are in red; yellow highlighted areas are sections where the subcommittee wanted input and direction from the Board. Mr. Chase had noted that some of the changes proposed for the CBD would also need to be accounted for in the Traditional Business Overlay District. Staff drafted those changes after the last subcommittee meeting and those are included in this document.

The Board reviewed the draft beginning with proposed amendments to 165-5, Definitions. “Bus Depot” is being changed to “transportation center”. Mr. O’Connor noted the federal government has several grants available for developers to construct charging stations for electric vehicles. One grant is for \$15,000.00 to construct four charging stations. In Hooksett, Tesla has added a few stations to the information area on I-93. People need the charging stations; it takes between 20-40 minutes for a car to come to a full charge. Other towns are looking at changing zoning to allow them; they are not gas stations. SNHPC is preparing a map of existing and potential charging locations. Mr. O’Connor thought the downtown would be an ideal location for such a use, especially given the proximity of the rail trail. Mrs. Robidoux noted the definition of “filling station” includes electric recharge stations; Board members noted that “filling station” is not an allowed use the Central Business District (CBD). Mr. Fairbanks asked if a use of this type would have special signage or a website that would direct people to the nearest electric recharge station. Mr. MacEachern said there is a smart phone application for that and the charge is paid for similar to how people pay for gasoline today. Mr. MacEachern thought it would not hurt to have this type of use in the downtown area; people plan their routes based on where the recharging stations are located. Most people are charging their vehicles at home. Mr. Fairbanks thought this was a good economic development tool; people could come to Derry because we have it and/or allow it. He can’t see this as a detriment. The Board asked staff to come up with a separate designation for “charging station”, include it in the definitions, and list it as a permitted use in the CBD and TBOD.

Mr. Flattes asked with regard to uber stations; Board members stated that use would be considered a livery service and that is listed in the definition of ‘transportation center’. Mr. MacEachern asked for an overview of the boundaries of the CBD. A map will be provided for the next discussion. In general, it is the area of the downtown bounded by Rollins Street, South Avenue, Birch, Marlboro, Crystal Avenue, and Maple Street. Board members noted this area contains many single family and multifamily residences, and has businesses on the main streets. The TBOD is defined as the frontage lots along Broadway between Birch and Maple.

Mr. MacEachern questioned allowing light manufacturing as a permitted use in the CBD; there is none currently. He could see where the committee had been going by allowing nano and microbreweries and listing those in the definition of light manufacturing, but he felt those should be listed as specific uses. He felt light manufacturing might be too intense a use for the downtown. There are no manufacturing facilities in the downtown currently and he felt this might open the town up for any manufacturing in this area. Does the town want any? The CBD ends near the library. A microbrewery is not a bad thing and the town may want a microbrewery on its own with a retail component (brew pub). This area is condensed in population. Ms. Davison felt the CBD was an encapsulated area and that might deter a manufacturing plant from locating in the area. Per the definition of light manufacturing, there are many interpretations. Mr. MacEachern suggested extrapolating out from the definition which involves manufacturing or assembly that is not detectable off site. Mr. Jean said depending on what it is, light manufacturing might not be a bad thing. Light manufacturing is pretty general. Mr. MacEachern said the Board needs to think of who resides around the area. If the intent is to have brew pubs and get people downtown, the Board has listed some good uses. The Board needs to consider the character of the area and should look at the Main Street plans that were developed years ago. He feels the town would be opening itself up to something it might not really want.

Sometimes the Board needs to state explicitly what it does and does not want. It is okay to limit uses to the character of the neighborhood. Allowing light manufacturing opens the door to manufacturing downtown. It may never happen, but it would be allowed. If the Board wants brew pubs, then it should list that. Mr. O'Connor felt the definition was vague as it did not separate out when it became medium manufacturing or heavy manufacturing. Mr. Jean did not agree that a printed circuit board manufacturer would be allowed as that type of use cannot be contained within the building; he agreed box build assembly or value added assembly could be performed in the downtown. Mr. Fairbanks could see what Mr. MacEachern was saying but did not feel this was a bad use; it would bring revenue, jobs and people to the downtown. Ms. Davison agreed it was not intrusive. People will shop and eat during lunch and after work. Mr. MacEachern added he was just saying the town has defined a very definite area as the downtown with a certain character and light manufacturing is allowed currently one district away at Ash Street Extension. Mr. Chase said the intent was to allow the use in more areas. It was determined that the Adams Memorial Building/Opera House would fall under the definition of Indoor Commercial Recreation; the Museum would be a public use.

With regard to area and dimensional requirements, Section 165-33.C, Mr. Fairbanks said there was one area the subcommittee left undefined. The maximum building height still needs to be determined. Mr. Chase said he was going to work with Mr. Côté to determine the height of the tallest building in the CBD, as soon as the weather permitted it. They believed it would be the Adams Memorial Building. Mr. Chase said the suggested 300 feet above sea level will not be adequate as the sidewalk in front of Halligan's Tavern is at 280 feet above sea level. Mr. O'Connor believed the lowest elevation in the downtown area was 253 feet above sea level; this was at Abbott Court. Mr. Chase said he and Mr. Côté would survey the height of the Adams Memorial Building and go from there. The subcommittee picked sea level so that areas like Abbott Court can be developed with a taller building but the height would not overwhelm the downtown. They will use a transit to obtain the measurement and then he will provide the Board with a specific sea level height.

Mr. Fairbanks asked if this document would require one more workshop or can the changes be incorporated and brought to a public meeting. Mrs. Robidoux advised the changes would have to be incorporated and brought back to at least one more workshop. Once the document was clean, it could go to a public meeting and be scheduled for a public hearing.

Mr. O'Connor had a question regarding Section 165-49.B.c. Should the structure height remain at 60 feet or should it be consistent and use sea level? The Board said this wording should mimic Section 165-33 and utilize sea level. Section 165-49.C.5 will also be changed to be consistent. Mr. MacEachern asked that in the future, other zones be included in changes of this type so that the changes are made all at once and not a little here and a little there. The Board needs to be consistent.

With regard to Section 165-49.G, Mrs. Robidoux asked if the parking calculation should be changed from one space per bedroom to 2.5 spaces. Mr. Jean felt it should. Mr. Fairbanks noted there is very limited parking in the TBOD. Mr. Jean thought the Board wanted to limit the number of units. Mr. Fairbanks said in this zone, mixed use is allowed. The parking calculation is 2.5 outside of this district where there is on site parking; there is no onsite parking here. Mr.

Chase said it is misleading because this area does not allow for single family residential or multifamily unless the multifamily is part of a commercial building. There needs to be mixed use. Any residential component must be part of a mixed use; there is no off street parking in the downtown. He suggested mimicking the wording in the CBD. Mr. O'Connor asked why is there no off street parking allowed in this area. Mr. Fairbanks explained there is no parking. This opens it up so that people can park in lots in other areas.

Mrs. Robidoux asked if the Board felt the section relating to Conditional Use permits for parking in the TBOD needed to remain in the ordinance. This is in place to recognize the lack of parking in the downtown. If this section is removed, are there any unintended consequences? She felt the Board addressed the parking issue in the LDCR. Mr. Chase thought the Board could get rid of this section in its entirety if the Board is not requiring parking on the same lot as the use in the TBOD. A conditional use permit would not be required. There is only one block in the TBOD that does not have a building on it. That is the Oliver Block and that lot has access to the Whitney Block. There is no other lot in the downtown that is large enough to have a building and parking.

Mr. Fairbanks asked that the Board be provided with a copy of the use matrix for the CBD for the next workshop.

Mr. O'Connor asked if the Board members were comfortable with the section dealing with wireless towers. Mr. Chase recalled the subcommittee had a good discussion on this topic and felt that they would be okay in the downtown if they did not stick out. Staff was directed to create a definition of "stand-alone wireless tower" so that it is very clear what the Board is allowing in this district. What it means to be a 'structure' should be defined, for example, if what the Board is intending is something similar to a whip antenna, or towers that look like chimneys, that should be in the definition. The wording will need to be carefully crafted and added to the definition section, or clearly defined in this section.

On page 14, Mr. Fairbanks spoke with regard to item 4. These amendments were proposed with the intent of allowing parking, but not restricting development. Mr. MacEachern said he was glad the subcommittee increased the square foot calculation for retail. It is a pet peeve of his to see too much parking available on a site. Mr. Chase said the subcommittee agreed and that is why they increased the number. They also increased the requirement for multifamily and decreased the requirement for medical office so that more parking is required.

The Board reviewed parking dimensional requirements. The Board discussed various options and felt that the standard space should be increased to 9 x 20 feet, compact cars could be allowed at 8 x 15 feet, but the compact parking had to be located in specific areas. Mr. Chase felt this was a happy medium and allowed an offset for the number of spaces required. Parking aisle widths do not need to be changed.

The Board reviewed Landscape and Buffering requirements under Section 170-64. Language in section A.2 was reworded to assist Mr. Mackey with code enforcement. The text is the same, it has just been reorganized. Mr. MacEachern said he did not want people to take out good trees and vegetation. That mistake has been made in the past. Mrs. Robidoux explained that for

section 170-64.C.3, the “in lieu of 3B above” had been added so that if a developer wanted to put up a fence in the 20 foot buffer, they could do that and did not have to also add a planted buffer; there would not be enough room. Mr. Mackey has asked that the Board make this particular section very clear; it is very difficult to interpret and enforce this section as it is currently worded. Currently, there are three options for a residential buffer: the applicant can retain existing vegetation, plant a buffer if there is not an extensive amount of existing vegetation and that is where developers plant the three rows of trees, etc. The third option is to put up a fence. There are applicants now who feel they only need to put up a fence and add a few trees. That is not what the town wants. For residential buffers, Mr. MacEachern suggested the design requirements should be at the final discretion of the Planning Board and the Board could pick option a, b or c. Applicants can use one of the three options. Mrs. Robidoux asked if “or 3A” is added, would that mean a developer could opt not to retain the existing vegetation, cut it down, and put up a fence instead. Mr. MacEachern said if “at the discretion of the Planning Board a developer can have one of the three options below” was added to the introductory paragraph, it would solve that issue. The Board discussed various examples where it was difficult to determine exactly what should be in the residential buffer based on the current wording; there is always an issue when residential and commercial uses abut. Mr. Fairbanks noted one of the changes is that residential buffers are only between commercial districts and residential districts, not between commercial and residential properties within the districts. This alleviates some of the issues the Board has experienced in the past with regard to residential buffering requirements. Mr. Chase said that change is noted under 170-64.C.1 which addresses buffers within the district. In other words, a multifamily in the CBD adjacent to a commercial use does not need a buffer. The next change, noted under Section 170-64.C.2.iii, states that a commercial use in the CBD that abuts MHDR needs a 20 foot buffer. In place of the 20 foot buffer, the developer, if there is not enough room, can put up a fence -- if there is not 20 feet and if the Planning Board agrees. Subsection 3.c. is for parcels where there is buffer that is 20 feet or less wide. Board members felt that it was appropriate to include “in lieu of items 3a or 3b” in subsection 3c and it would give the Planning Board more control, even in instances where the buffer was less than 20 feet wide. Adding the provision that the Planning Board has final discretion gives the Board the option to utilize subsection a, b or c, depending on the particular lot.

There was no further business before the Board.

Motion by MacEachern, seconded by Flattes to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:05 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____