



STAFF REPORT

AGENDA ITEM #: #19-113
COUNCIL MTG. OF: September 17, 2019
FROM: Dave Caron, Town Administrator
OFFERED BY: Administration
PREPARED BY: Administration
SUBJECT: Evaluate Locations for Sports Betting Retail Locations

INTRODUCTION:

To determine if the Zoning Ordinance should be amended to allow sports betting retail locations in Derry.

TOWN ADMINISTRATOR COMMENTS

Please see comments within this staff report.

BACKGROUND

The State Legislature recently authorized sports betting in New Hampshire. One of the tiers includes granting licenses to up to 10 retail locations throughout the State; although the retail establishments would be operated by the private sector, local voter approval is necessary in order to allow the Lottery Commission to issue a license within a community.

The Town Council at its August 13 meeting directed staff to evaluate locations in Derry which may be suitable for sports betting retail locations, and report back to the Town Council.

DISCUSSION

Planning and Economic Development Staff met on August 19 to evaluate potential locations; including the benefits and challenges of allowing Sports Betting as a permitted use in each of the zoning districts. To summarize, the recommendation from staff is to allow the use in the General Commercial, Industrial III, and Industrial IV zones.

Staff looked at the residential zones to include the Manufactured Housing Park District, Multi-Family Residential District, Medium High Density Residential and Medium High Density Residential II Districts, Medium Density Residential, Low- Medium Residential, and the Low-Density Residential Districts and determined Sports Betting was an incompatible use.

The focus of the Central Business District has been downtown revitalization; the Office Business District is a smaller zone and based on the recent rezoning in that area, Sports Betting would not be compatible in that zone. The Office Medical District focuses on medical office use. There are no existing lots in the Office Research & Development District (they were moved to the LMDR zone in 2011) and the Industrial II district was deleted in 2004.

The land in Industrial I is owned by the State of New Hampshire and was taken for mitigation. Industrial V is located along Windham Road and the existing lots contain a self-storage facility and single-family homes. Industrial VI, is where the Ash Street Corporate Park is located.

General Commercial II is on Tsienneto Road where the predominant use is medical office. There are only a few vacant lots in this zone. General Commercial III was specifically created to protect the Robert Frost Farm. It was felt General Commercial IV should be reserved for future commercial and industrial uses as it is located fairly far from the highway and would not be an attractive destination in inclement weather.

The proposed use should would be contrary to the spirit and intent of the following zones: West Running Brook, General Commercial III, General Commercial II, and the Traditional Business Overlay District (located in the CBD).

Staff recommends the following zones for consideration for the following reasons:

- 1) General Commercial is located near Exit 3 and easily accessible from Route 111; there are existing event centers in this zone and the use could be a draw for residents of the surrounding communities to include Hampstead, Salem, Atkinson, Windham and Plaistow. The General Commercial zone located closer to the downtown is on the Exit 4A corridor.
- 2) Industrial III zone, as there is a fair amount of undeveloped land with access to town water and sewer.
- 3) Industrial IV is a mixed-use zone with access to water and sewer. Both I-III and I-IV zones are adjacent to the Exit 4A corridor.

Attached is a map outlining recommended zones (yellow) with major transportation routes in red.

FISCAL IMPACT

There are no provisions in the statute by which a host community receives additional compensation; therefore, any impact from locating a retail sports establishment in Derry would result from additional property taxes, generation of jobs and any spin-off development.

RECOMMENDED ACTION BY COUNCIL & MOTION

Act upon Resolution #2019-059 (please see Resolution)

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