



STAFF REPORT
Public Hearing 5-3-22

AGENDA ITEM #: 22-47
COUNCIL MTG OF: April 19, 2022
FROM: Dave Caron, Town Administrator
OFFERED BY: Planning Department
PREPARED BY: George Sioras, Planning Director
SUBJECT: Revisions to the Derry Zoning Ordinance

INTRODUCTION:

To Amend the Town of Derry Zoning Ordinance, Article VI, District Provisions, Section 165-32.4.1.4.B, Design Standards for All Areas, Buffer Zones.

TOWN ADMINISTRATOR COMMENTS

The Council is encouraged to adopt the recommendations of the Planning Board which would authorize the Planning Board to establish the appropriate buffer considering adjoining land uses and the size and shape of the impacted lots.

BACKGROUND

The West Running Brook Zoning District was created in 2019 and approved by both the Planning Board and Town Council. In late 2021, Planning Board Chairman, John O'Connor, upon an audit of the West Running Brook District, found an error in the final wording for the District. Review of drafts placed before the Planning Board for review, indicate the change in wording proposed by the Planning Board did not make it into the final drafts. The language in the ordinance states: "A vegetated buffer of at least 100 feet shall be provided between Residential Areas and adjacent zones"; the Planning Board intended to state: "A vegetated buffer of at least 100 feet shall be provided between Residential Zones and adjacent non-residential areas".

DISCUSSION

The Planning Board, in conjunction with staff from the Planning and Economic Development offices, held two workshops on January 5, 2022, and February 2, 2022, and a Public Hearing on March 16, 2022, to amend the Buffer Zone language. First, the Planning Board recommends the elimination of the following language which currently exists in the ordinance: - "A vegetated buffer of at least 100 feet shall be provided between Residential Areas and adjacent zones". Second, with the intent to provide a buffer between residential and non-residential uses, in recognition that one finite number cannot be applied to all circumstances and in fact may lead to an unlawful land taking in some instances, the Planning Board recommended new language- "The Planning Board shall determine a buffer zone on a per project basis during the conceptual phase. The Planning Board may utilize the Land Development Control Regulations Section 170

when determining buffering to protect abutting residential uses". The Land Development Control Regulations have specific standards in Section 170-64, Landscape and Buffering Requirements. Staff has put together an accompanying information packet outlying the various buffer scenarios on parcels in the District, as well parameters that will need to be met for a project.

FISCAL IMPACT

NA.

RECOMMENDED ACTION BY COUNCIL

Staff recommends that the Town Council approve the attached revision to the Derry Zoning Ordinance as approved by the Planning Board on March 16, 2022.

RECOMMENDED MOTION

Please see Ordinance #2022-002

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