

The Town Council for the Town of Derry held a workshop on Tuesday, May 27, 2014, at 7:30 p.m., at the Derry Municipal Center (3<sup>rd</sup> Floor) located at 14 Manning Street in Derry, New Hampshire. The meeting consisted of members of the Town Council and the Planning Board.

Town Council present: Chairman Mark Osborne; Michael Fairbanks; Albert Dimmock; Thomas Cardon; Joshua Bourdon; David Fischer; Phyllis Katsakiores

Planning Board present: John O'Connor, Lori Davison, Randy Chase, Frank Bartkiewicz, Frank Mazzuchelli, Darrell Park; Mark Flattes

Also present: Larry Budreau, Acting Town Administrator; George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant

Mr. Osborne began the meeting with the salute to the flag, introduction of those present and other housekeeping items. He stated the Town Council (Council) and their constituents had questions regarding direction and information with respect to some of the projects to be discussed tonight. Those include a general discussion about zoning, the future of the zoning on the By-Pass/Route 28 and the downtown. He noted he would also like to touch on suggestions for project ideas for the Southern New Hampshire Planning Commission. The Town Council has learned people before them this evening and is glad of an opportunity to have a dialogue about Planning and Zoning. The Council is familiar with the Master Plan. The infrastructure expansion on Route 28 is not a surprise. He wants to make sure that the town is on course for the future. Mr. Osborne took a moment to thank Sheila Bodenrader for her work in preparing for this meeting and Mr. Budreau for organizing the workshop. He advised David Granese, the Planning Board Chair, could not attend this evening as he was working. Mr. Granese had shared some ideas with him and he would share those with the group when the time came. He suggested that each Councilor share thoughts, concerns or visions for the Route 28 area. [The area being discussed and noted this evening as "Route 28" is the area where the water and sewer expansion will take place. This includes the area at the intersection of Rockingham Road, Island Pond and Route 28, north of this intersection to Humphrey Road and south of this intersection to Berry Road.]

Mr. Dimmock noted a few years back, the town constructed a school to deal with the influx of students that lived in the Fairways. He is against allowing dwellings in this area because any housing put in this area will increase the tax rate to support the additional children and additional schools. His understanding is the Fairways is not taxed the same as other apartment complexes. They pay according to their profits. The property has been sold and the same agreement made with the original developer is going to the new owner. He feels the Town's agreement was with the developer, not future owners. He does not feel they are paying their fair share of taxes. He would like legal to look at that. If additional houses are constructed in this area, the Town will not be losing students.

Mr. Bourdon felt Route 28 was important to the future economic development of the Town. He shares the concerns of having residential property there. He asked if the town had the ability to not allow residential property by zoning and can the town specify certain types of commercial uses on the properties. Are there guidelines to be put in place to restrict use? More medical facilities would be his preference.

Mr. Fairbanks said the town needs to make sure the zoning is attractive to developers. It can't be hardnosed and say "we want this and not that" because the town is not the developer. Mixed use has its pros and its cons. Mr. Chase has raised some good points with regard to mixed use that should be discussed later. The area needs to be attractive to developers or all the talk will not make anything happen. He felt the town needed to stay on track with the Master Plan. The 2010 Master Plan has some good goals and objectives; some of which have been addressed. It should not just sit on a shelf. The Town should be planning five to ten years out, not one year at a time.

Mr. Fischer indicated he did not know a lot about zoning. He does not want economic development at the expense of the residents. If development will be detrimental to the residents, he would not want to see it. For example, he does not believe this area should end up looking like Crystal Avenue. It is important that as the Council and Planning Board (Board) talk and plan that they take care for the residents. He would not want to see a lot of different things in one area. It is not economic development at any cost. There needs to be limits. Economic development should benefit the taxpayers, be appealing, inviting, and acceptable to residents. Otherwise, no one will move here because it is just a conglomeration of small businesses that open and close because of the high cost of living and it is too spread out.

Mr. Cardon said he is also opposed to housing in this area. This is the last area in which the Town can do positive economic development. He would also not want to see this developed like Crystal Avenue. He would like to see something that looks good and brings in commercial business.

Mr. Osborne has concerns with zoning. He sees Route 28 as the last chance to take an underdeveloped area and maximize the potential for economic growth. He supports small business and professional office. The area should be utilized to bring corporations that foster jobs that bring people to Derry. It would be nice to have solid, independent economy. The tax rate is lopsided because of the absence of corporations and industry. The town needs to utilize the land and the opportunities in front of us. Route 28 has tremendous potential. The Board has had some passionate discussion about zoning in the past. Mixed zoning was a topic on which Mr. Granese had some concerns. Mr. Osborne questioned why would the town think to put townhouses, condominiums or apartments on Route 28? There is no shortage of housing in Derry. Any square footage should be used for industry, not housing. That has to some degree, gotten the town to where it is.

Mr. Dimmock said he was not sure what the town would do for zoning. Tsienneto Road has housing, behind Shaw's there is housing, there is Bunker Hill Estates, and now there is more housing coming. Every child costs the Town money. The West Running Brook middle school was built to take care of the Fairways. Sewer expansion will take money that will be paid for by the users. He does not want more housing in that area. He has heard people say it is time to put in uses that will give the town money.

*Mrs. Katsakiores entered the meeting.*

Mrs. Katsakiores felt the sewer and water expansion has been a long time in coming. She feels it will open up the whole area and is a great thing for Derry. She does not want to see housing or car dealerships. That area will be redeveloped and with regard to taxes, it will help.

Mr. Fischer has heard discussion regarding taxes and single family residential. His tax bill arrived today and he is contributing significant taxes to the Town of Derry. He does not agree single family residences with kids do not contribute to the taxes. He understands the importance of economic development but wants to stress the importance of the contributions the residents make to the tax base.

Mr. Park noted no housing is allowed in the General Commercial zone. There has been some discussion about a potential housing overlay. The town can restrict the business types, but should not want to be too restrictive because that can create other issues. He asked Mr. Fischer to clarify what he meant by "no more Crystal Avenues". Crystal Avenue today is better than it was 19 years ago. Does Mr. Fischer mean he would not like to see the smaller businesses and tattoo parlors? He agrees it would be nice to upgrade the area. Mr. Fischer said it reminds him of Las Vegas in that there is lots of advertising and businesses right next to each other. It seems like a conglomeration of all kinds of small business that is not appealing to the eye. It might be convenient for the residents, but it does not look appealing.

Mr. Dimmock said if the town can restrict certain uses and in the new rules say there will be no auto uses, then those that are there will be grandfathered. Mr. Park did not believe we would see an 'auto mile' in Derry because there is not enough traffic. An auto mile, with dealerships such as Lexus, Ford, Chevrolet, etc., needs something to make them all profitable. Once water and sewer is in the area the Mom and Pop dealerships will go away and another business that makes more money will go in there. These businesses are here because they migrated north when water and sewer went into Salem.

Mr. Osborne spoke in relation to the Mom and Pop businesses. For the dealerships and small businesses, are there communities where these small businesses have just faded away once there were substantial infrastructure improvements and, was there growth such as what Derry would like to see? Mr. Park said North Salem is a prime example of how the land develops when the infrastructure is brought to the area.

Mr. O'Connor asked if Mr. Sioras could give a summary of where Derry has been and where it is going before the group got too far into discussions. Mr. Sioras advised that sewer was expanded in the Town of Salem in the area of the existing Salem Walmart. Prior to that, there was a Dairy Queen on the corner of Route 28 and Route 111 and Canobie Market. At that time, his counterpart in Salem called and inquired if Derry was getting a lot of calls for auto dealerships. The value of land went up when the sewer went into that area and it pushed out the auto uses, tattoo parlors and psychics because they only need a septic and well to do business. The Town of Derry did take housing out of the General Commercial zone last year at the request of Council. The reason the Board has been discussing mixed use is at the time of the last zoning change, the property owners in this area asked the Board to consider it. It was not a given that it would happen, and the Board said they would explore the option. The Fairways were here when he was first employed by the town. The day he came for an interview, he drove around town and Sunview Condominiums was under construction on the old Hood Farm fields, and the Fairways was also under construction. The town had the option to purchase the land on which the Fairways sits for recreation and open space. That is the old

Carrie White Farm. The purchase failed at Town Meeting and a developer purchased the land and built the Fairways. Linlew Drive is zoned Industrial. In 1970, water and sewer were put in that area and the multifamily was allowed to be placed there. The town is paying for the lack of planning in the past.

The town now has the opportunity to follow the Master Plan and put in water and sewer past the hospital, down Rockingham Road and Ryan's Hill, with possible future expansion to the town line. The town can get some quality development. Maybe the Board could look at the uses such as high end retail, office medical and retail developments such as you see on Route 111 in Hampstead.

Mr. Dimmock said there is a difference between auto dealerships such as Dobles and a used car dealership. A used car dealership has fewer employees. Someone who reps something like Chevrolet will have many more people and have a building that we can tax. He would like to define between new and used cars. He can see not having used car dealerships in this area because that won't bring a lot of taxes.

Mr. O'Connor thought it might be beneficial to speak with David Gomez, the Assessor, to have him explain how the larger apartment complexes are taxed and how and why abatements take place. To answer Mr. Bourdon's question, there are complicated rules set out by the state for zoning. The Planning Board does attend training that is made available several times per year. A medical facility as a use has been mentioned. There are medical facilities in town. Some are non-profit. Before we zone them into a particular area, we may want to look at that. He did not look in the RSAs to see if we can restrict 501C3s. The town also needs to consider all of the employees who will spend money in town. Mr. Fairbanks had mentioned that we should stay on track with the Master Plan. Maybe the Master Plan needs to be revisited a few times. In 2008 and 2009, the residents took part in the Moving Derry Forward process. Chapter 10 of the Master Plan outlines the results of the future land use portion of the survey provided to the residents. 61% felt there was not enough commercial and business office; 50% felt there was not enough commercial retail, 36% felt there was not enough 55 and older housing, although some has been built since that time. The majority of the residents felt there was enough housing in Derry. There was a large effort to put this Master Plan together. It was costly and the town worked with Southern New Hampshire Planning Commission on it. Because of the I93 expansion, they also included people who drive through our and the effect they have on our Town. He suggests revisiting the Master Plan. In 2014, the Board's first goal was to put the Office Medical Business (OMB) parcels into the General Commercial and then to look at mixed use as promised to the residents. Mr. Fairbanks stated the Master Plan should not be put on a shelf; it should be reviewed every five to six years.

Mr. Flattes agreed the Town did not need another Crystal Avenue retail strip. He agrees there should be no housing in this area. He would like to see regulations in town that require multifamily units of four plus be LEED certified. These are buildings that are constructed in an environmentally friendly manner and meet certain Federal guidelines for energy efficiency. The Town has achieved some LEED goals in the Municipal Center. He feels that requirement would slow down some of the multifamily development because it would make it costly to develop. He does not want to trap people who want to build a single family residence or in-law apartment. Retail restaurants move around resident dollars. If more restaurants are constructed in this area, it will just take revenue from the existing restaurants. He feels the Town should go after

tourist dollars. There is as much profit there as there is in industry. It brings money to the Town that is not from the resident's pockets.

Mr. Osborne asked if Mr. Flattes had any particular examples of tourism in mind. Mr. Flattes mentioned Kampgrounds of America. This would be a good location. Traffic going north or south travels through Derry. Campgrounds are cheaper than hotels. There has been a surge in RV use. There is money in that. Derry has history in the community, walking trails, great access and is convenient. Mr. Dimmock felt our State Representatives could help change laws that might otherwise be detrimental to the residents in town. Mr. O'Connor noted he is one in ten Representing Derry. He did work on the salt reduction bill which will help the town; when he knows what the town needs, he can work on it.

Mr. Bourdon had a few comments about tourism. He reached out to Alex Ray of The Common Man. Mr. Ray said he has paid attention to Derry throughout the years, but said the town needs a hotel.

Mrs. Katsakiores felt there needed to be something to draw businesses and bring people to the area. She agrees there needs to be a hotel. There is one motel on Ryan's Hill. If Derry had a nice hotel that could be the start of something. The closest one is at Exit 5. She reported she toured a cancer hospital in Philadelphia. They are looking at New Hampshire for expansion potential. The criterion is that they need to be within so many miles of an airport and highway, with so many acres of land, etc. She would not want to see anything happen with Parkland. Many people travel through Derry and have no place to stay.

Mr. Osborne noted the Board is hearing a singular voice from the Council saying no housing. Mr. O'Connor said with regard to mixed use layouts, the best ones are like the proposed Woodmont Orchards project which are on very large acres of land. There needs to be enough infrastructure in place to support narrow roads. This area has a floodzone which cuts into the buildable area. He can't see residential in this area, other than the existing residences, which are protected. The town needs to get a return on its investment in the form of commercial development. He met with some business owners on Ryan's Hill. There are many things they would like to do but are limited because they are currently on septic systems. Mr. Fairbanks said there are changes the Board wants to implement and he had forwarded copies of the proposed uses to the Council. Does the group want to discuss the specifics this evening? Mr. Osborne said he would prefer to keep it more general.

Mr. Park said he was not in favor of adding housing in the General Commercial zone. He has no love for a housing overlay. His only concern is for the one or two property owners that have land that has been in the family for generations. Those landowners have thought about dividing off lots for family members and he would like to protect them in some way. There is no guarantee however that those lots will stay within those families. Currently, no additional housing is allowed in this area. The current uses are grandfathered and the Board is looking at future use.

Mr. Sioras said there were particular property owners who asked the Board to consider some form of housing. They did indicate they would like the ability to subdivide for their family members. Traditional mixed use has a housing component. The Board has looked at a concept prepared by a developer for land near the Windham Town Hall so that the Board could become familiar with the mixed use concept. It would place commercial uses along Route 111,

office in the middle and 55 and older housing to the rear. The hardest thing for a Planning Board and staff is the transition between commercial and residential use. There will always be conflict between the two. When the Dunkin' Donuts on Ryan's Hill was being discussed the neighbors had complaints about being able to hear the drive up speakers as this is a 24 hour operation. That is a legitimate complaint.

Mr. Cardon asked how many houses could be put on the acreage in this area. Mr. Park thought there could be quite a few in theory. The residents had said one or two lots each, but in theory at one acre zoning, there could be a lot; some of these lots are fairly large. Mr. Cardon agreed the lots could be subdivided and then sold off to someone who was not a family member and then the housing would be there forever.

Mr. Budreau asked if the first three uses listed in the current General Commercial zone could be removed. Mr. Fairbanks said in the proposed General Commercial IV district that is what the Board is considering. Mr. Park indicated if those uses were taken out, that would prohibit a large Lexus dealer from coming to the area. Mr. Budreau hoped the town would look at something that would be palatable and increase the value. The town can't tax pavement. Mr. Park said he liked Mr. Dimmock's suggestion to define between new and used dealerships. Mr. Budreau asked if the Board could make that fine a distinction between the two. Mr. Park said the Board may be able to say a stand-alone used car dealership is not allowed, but a dealership selling new cars and a few used ones would be allowed. That however, would negate a dealership like Merchant's from coming to town. Mr. Sioras noted when the Board defined the General Commercial II zone, it did just that. It specified new vehicle sales in a 2500 square foot building or larger. At the time, Bentley Chevrolet had indicated they had future plans to expand onto their second lot with a high end vehicle sales facility. Mr. O'Connor thought the town did the same kind of thing with the buffers. Mr. Sioras took a moment to review the list of permitted uses in the GCII zone. Mr. Dimmock thought the problem was the used car dealers on Ryan's Hill are grandfathered. Mr. O'Connor said the value of the property will increase and the landowners will sell the land because it will be too valuable not to sell it.

Mr. Fairbanks said he would like to look at zoning all the way to the Windham town line. Right now, they are not looking further than Berry Road. The Master Plan indicates zoning should be considered all the way to the line. Mr. Sioras agreed. The value of the land will increase. It happened in Salem. It does take time for change to happen.

Mr. Osborne confirmed there were no objections to looking at zoning all the way to the town line. Mr. Sioras noted the sewer improvements in the area are part of a long term plan which is to bring it all the way to the town line at some point in the future.

Mr. Fairbanks asked if this area had been considered as an Economic Revitalization Zone (ERZ). He felt it would encourage development. Mr. O'Connor commented those could be anywhere in town. Mr. Sioras said there has been some discussion to expand the zones and this could be a future zone. This is something that is handled at the state level once it is approved by Council. It would be another tool and incentive for business to locate here.

Mr. Osborne asked Mr. Chase to provide his insight on mixed use developments. Mr. Chase said his feelings are fairly well known. He feels residential and commercial uses do not mix. The most valuable commercial land in town during the 1960s was grossly mismanaged and is now residential development. Quail Hill, Linlew Drive and Sunview Condominiums are all on

land that was zoned commercial. This led to a scatter of residential and commercial through town. The town is now forced to deal with what is left which is small, scattered commercial area. With regard to what to allow or not allow, most major corporations look for easy highway access and we don't have it. People go through Derry – many on the highway and we have no exit off that highway. There has been discussion about Exit 4A. There had also been discussion of an exit off 93 between Exits 3 and 4, but that land (which was industrially zoned) has been taken by the state for mitigation for the widening of I93. The residents did not want industrial land near them. No matter how good the commercial development is, residents abutting it do not want it.

When the town created the GCIII zone, it had several contentious workshops. The residents wanted the land to remain residential. The request to change the zone had come from residents and landowners who wanted the ability to do just a little bit more on their property. Mixed use only works well when it is vertical mixed use with commercial/retail on the first floor, office in the middle and residential on top. Stand-alone mixed use does not work. If the residential component goes in first, the commercial rarely gets developed – this is seen time and time again.

Mr. Cardon asked with regard to commercial uses on Route 28. Is there any plan to widen Route 28? If additional businesses locate there, does that mean the road needs to be wider? Mr. Chase noted Route 28 is a state road. When Irving wanted to locate at Webster's Corner, the state made it cost prohibitive for them to locate there. They wanted too many improvements at the intersection and Irving ended up locating at Tsienneto Road where the town was already installing water and sewer. The town has been waiting for 5 years for the safety improvements at the Kilrea Road intersection, let alone asking the state to expand a 2.2 mile stretch of roadway. The state looks at the entire road, not just a short section of it.

Mr. O'Connor recalled there was other land that had been removed from the Office Research and Development district and placed back in residential. If water and sewer goes all the way down Ryan's Hill, it may behoove the town to change that back. Regarding Exit 4A, the project is still on the revised 10 Year Highway Plan and the project is supported by the House and Senate. There is 1 million dollars set aside for the engineering. Mr. Cardon understood the total cost of the exit to be 50 million and that did not include the cost of the road work that would have to take place in Derry. Mrs. Katsakiores recalled that the total project when it was first estimated 25 years ago was 5 million; it would have been opened and finished by now if it had moved forward at that time. Mr. O'Connor noted the new gas tax will pay for some of the improvements for this project.

Mr. Osborne confirmed the consensus was no mixed use on Route 28. Mr. Bartkiewicz agreed. Mr. Chase added that he felt the parcel sizes in the area were really too small to consider that type of use. Mr. Park agreed and did not want a retail section so much as he would like to see medical uses, industrial and general business uses develop there. That is a difficult task; he noted that there had been some development of a small section of Route 111. Cedar Point had been located there. Mr. Sioras advised it is now the Granite State Arts Academy which is leasing a portion of the building. Brookstone Park is a high end development for Derry. Mr. Fairbanks asked if the Charter School was on the tax rolls. Mr. Sioras said since they are leasing the building, the town is still receiving taxes.

Mr. Fairbanks said he would like the Board to look at expanding the zone change to the town border to get ahead of the curve.

The participants took a five minute break.

Mr. Fischer had a question with regard to the general discussion about future zoning amendments, are they just discussing Route 28 South. He wanted to confirm the discussions did not equally apply to Bypass 28. Mr. Sioras explained the commercial zone located on the right side of the road, ends at the first set of power lines heading north past the Irving station (corner of Tsienneto/Bypass 28). The land north of that heading to Auburn is zoned residential. There have been some questions regarding changing the zone along the Bypass on both sides of the road, but there has not been support for any changes. It has never gone further than a preliminary discussion. That land is all residential. The only commercial development along the stretch is the grandfathered uses: the current Chester Arms and JPs Market. Mr. Fischer said he did not want commercial development along the Bypass near the residential properties.

There was a short discussion regarding the current issue of the smell coming from the septic lagoons. It is caused by a worse than usual seasonal heating of water in the lagoons and it occurs annually. It should subside soon; it has been more evident this year than in years past.

Mr. Osborne asked for input with regard to the downtown, more specifically, the Sawyer Court area. He reported he had a productive meeting with Mr. Budreau and Mr. Sioras. The Council has had discussion as to what to do with the Sawyer Court property. The general consensus is to get the property back on the tax rolls as soon as possible so that it can start to make money again. If they take Sawyer Court and fine tune some elements of the zoning, it could make money as perhaps an office building. They don't want to see it sit too much longer. Something that had many employees who would utilize the downtown during lunch hour would be beneficial.

Mr. Sioras said this land is in the Central Business District, which encompasses land to South Avenue, Rollins Street, along Broadway to the Marion Gerrish Center, and to the Library. It allows many permitted uses. Those parcels have town water and sewer. The zoning allows a 60 foot building height because that is what the ladder trucks could handle at the time. With fire sprinklers, that is not an issue any longer. That particular lot sits lower so it is possible to have an 8-10 story building because one would only see 5 stories from Broadway. Some people say don't limit the height at all. The other side of the argument is to keep the current scale of the downtown. Many people now walk to the coffee shop on Manning Street during the day. An office building in the downtown would generate restaurant traffic. The Traditional Business Overlay District (TBOD) is the frontage lots along Broadway from the Derry News to Birch Street. The TBOD has zero lot lines and keeps the scale intact. Walgreens wanted to locate at the corner of Birch and Broadway, but people wanted the scale to remain intact and were opposed to that development. In traditional downtowns, the buildings are built to the sidewalk and that maintains the character. The Planning Board at the time feared that if a building was destroyed the lots could be rebuilt as something else entirely. For example, the current Cumberland Farms with its gas station is on a lot that used to have a four story retail building that was destroyed in a fire. The Planning Board wanted to maintain the scale and character along the street and so created the TBOD.

The Town owns the property at Sawyer Court and has an opportunity to control how that lot is



developed. Through the purchase and sales agreement, the Council can ensure that certain things cannot be done in the future. This is what the town did with the firehouse and the train depot. He suggested discussing the height limitation and the scale of the downtown. If the land is put out to bid with no restrictions, it could become a tire warehouse. Mr. Fairbanks confirmed the Sawyer Court property was not in the TBOD. He suggested extending the TBOD back to that lot to retain the scale. Then it will appear no higher from the street than 6 West Broadway when it is built at grade. Mr. Sioras said some people have suggested no height restriction and allowing a 20 story building because it would generate more tax revenue.

Mr. O'Connor said there is another issues in the CBD, and that is the buffer zones. That also needs to be addressed to avoid litigation.

Mr. Osborne understood people want to keep the traditional look of the downtown. If the town wants economic development and a vibrant downtown, why confine it to what seems like yesterday's design of three to four floors? Maybe they need to develop a vision to elevate the height of the building and it will bring people into our downtown. It puts in place infrastructure that brings business, employees, residents, jobs and people who spend money. Mr. Fairbanks commented someone could put a single family house there now; that is why he suggests moving the TBOD back on that corner. Mr. Chase noted 7 and 9 Railroad Avenue used to be commercial, but when they were sold they became residential.

Mr. Dimmock recalled when the depot became a restaurant, the Planning Board said there needed to be so many parking spaces. In order to get the required number of spaces, they presented an agreement between the restaurant and Benson's to use Benson's parking during the evening. If a 10 story building goes in this area, where will all the people park? Mr. Sioras said that is one of the things the Council can address. The Planning Board wrote the zoning on purpose. Traditionally, downtowns are compact. Businesses are allowed to have on street, on site and private parking, or they can utilize the municipal lots. A building in this location would utilize the Abbott or Wall Street parking lots. People need to walk places; this is what happens in a downtown. Mr. Dimmock asked why don't people want to use the Wall Street lot. Mr. Sioras thought it was because there is nothing there for them to go to. Mr. O'Connor maintained it was because it is not marked well. People get confused when they see the "no parking" signs that belong to another business. Mr. Fairbanks did not think the town advertised its parking very well. Mr. Dimmock said the Wall Street lot is next to the VFW and people get confused and think the public lot belongs to the VFW. From West Broadway to Wall Street, you can't enter from that end. The entrance to the parking lot is in the wrong place and that lot is next to useless. He asked why people don't park in the Abbott lot. Mr. O'Connor felt the lighting was poor and walking along Central Court made people nervous. Mr. Dimmock said a resident who used to live next to the lot used to tell him about the vandals in the parking lot.

Mr. Osborne felt the parking issue should be addressed. If a structure is put where there is nothing now, that will take care of some of the issues just raised.

Mr. Bourdon said people have brought up good points. It is all about opportunity; as the Town builds these buildings, the useless parking lots will have uses and vandals will have fewer places to hang out. Mr. Osborne felt people working in these buildings will want to park in these lots.

Mr. Sioras recalled that when the Courthouse moved from the Adams Memorial Building, they thought at the time they might create a complex down near Humphrey Fields. The Town told them the Town would prefer investment in the downtown and worked out a lease arrangement with the Court. They did not want to have a four to five story building, and now they are out of room. Their parking lot is full and people going to the Court also use the municipal lot. Down the road, there will be a need for more parking as the downtown revitalizes.

Mr. Fairbanks felt the area should be zoned to the height of the TBOD. He is not saying buildings could not be more than 60 feet there. Mr. Fischer suggested the buildings should look as though they complement one another. Buildings should not stand out; they should blend in and be aesthetic and complimentary. Mr. Cardon would like to see aesthetically pleasing buildings; he has no issue with an eight or ten story building.

Mr. Fairbanks asked if the TBOD could be moved. Mr. Sioras said the Town Council has the legal right to write covenants in the deed and state there are architectural constraints, which is what was done for the current Halligan's Tavern and Sabatino's. The Council could say any change to a building is subject to architectural review. Mr. Osborne confirmed the Council would be able to look at any architectural changes and approve them.

Mr. Cardon asked if the Board could explain the issue with buffers in the downtown. Mr. O'Connor said there are specific setbacks between property lines that are to be maintained. Many lots are closer than the setback so businesses can't put in dumpsters or fire lanes. Mr. Chase said there is a 20 foot residential buffer requirement between commercial and residential uses. This encompasses the entire CBD. It applies where any residential structure abuts a commercial use. Any type of change now has to go for Planning Board review and the buffer kicks in, even if the buildings are 10 feet apart. That needs to come out of the CBD because it does not work. If our vision comes to fruition, the town will run into this issue a lot. Mr. Osborne asked what is impeding the change to the regulation. Mr. Sioras explained there is some ongoing litigation that has caused the Board to wait. It is on the To Do list. Mr. Fairbanks noted the current zoning regulations direct you to the land use regulations and you have to figure out how to define it. The buffer would apply to this lot. Mr. Chase said he was not fond of piece meal lots into a zone or overlay. Where the Town Council has control over covenants, he does not see the need to shift this lot into the TBOD. That buffer would apply to the Sawyer Court lot. The Council can say the building can be no higher than a certain height, and has to follow specific architectural regulations. He would prefer to see the development controlled with covenants. Mr. Sioras suggested instead of taking the parcel and moving it into another zone, they could change the height restriction from 60 to 100 feet. That makes it easier. That can be a zoning change that can be accomplished by holding a workshop and a public hearing and then bringing it to the Town Council. Mr. Fairbanks said it could also be a requirement in any RFP they develop.

Mr. Osborne confirmed the Planning Board will work on changing the height requirement.

Mr. Dimmock said if they increase the height of the building, there will be a need for even more parking and he felt there was not enough parking. He did not know where the parking would take place. Mr. Sioras said a purchase and sales could say that construction was subject to certain things. One of those things could be that 50 spaces in the municipal lot would be assigned to the building. Mr. Cardon felt parking would go without saying when you are talking about a ten story building, and he is sure the Town Council would address it.

There was a short discussion regarding the Ambrose lots where the dry cleaning business used to be.

Mr. Fairbanks noted the Council has not yet made its final determination as to the disposition of the Sawyer Court property. Mr. Osborne asked that the zoning changes be accomplished so that the lots will be attractive to potential buyers when they are put on the market. Mr. Dimmock noted the condition of the property is being improved. DPW staff is going to bring in fill and level it to make it more attractive.

The Council and Board opted to not discuss key projects for SNHP this evening as the hour was late.

There being no further discussion, the workshop was adjourned at 9:56 p.m.

Prepared by Elizabeth Robidoux, Planning Assistant