

The Town Council for the Town of Derry held a joint meeting on Wednesday, January 30, 2008 at 7:00 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, the Planning Board and the Conservation Commission.

Town Council present: Chairman Craig Bulkley; Kevin Coyle, Brent Carney, Janet Fairbanks, Rick Metts, Beverly Ferrante, Brian Chirichiello.

Planning Board present: Chairman Virginia Roach, Neal Ochs, David Nelson, Philip Picillo, Ann Evans, Jim MacEachern, Richard Tripp, Jan Choiniere.

Conservation Commission present: Chairman Paul Dionne, Marianne Page, Neil Wetherbee.

Also present: Gary Stenhouse, Town Administrator, George Sioras, Director of Community Development; Beth Thompson, Business Development Coordinator, Elizabeth Robidoux, Planning Clerk; and several members of the public.

Mr. Bulkley called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag and those present introduced themselves for the benefit of the public. Mr. Bulkley advised there were seven items on the agenda this evening and the plan was to end the meeting by 9:00 p.m.

#### Wind Turbines

Mr. Picillo advised he has several colleagues who live in a fairly upscale development in Massachusetts. One of the landowners had extra acreage and applied to the local ZBA for a variance to allow 3 wind turbines to be placed on his property. The other residents are upset and have performed a lot of research on this subject. They oppose the installation of the wind turbines in this neighborhood. The three are proposed to be as high as the Sagamore Bridge. He wondered if Derry wanted to look at implementing regulations, similar to the telecommunications regulations, to determine zones where this type of use might be appropriate? The technology will get better and there will be ways to mask them, similar to what has happened with cell phone towers. Wind power will be viewed as an alternative energy choice. Should wind turbines be allowed in the same areas as cell towers, or should the town craft different areas? The issue of decibels will need to be considered. In the state of Maine there are some turbines on farm land.

Mr. Bulkley stated he recalls discussing this at one point. It may be time to revisit the overlay districts with regard to cell towers. He asked Mrs. Roach if the Planning Board had discussed revisiting the cell tower overlay? Mrs. Roach advised it is on the Planning Board's agenda to do so. Mr. Bulkley suggested combining the cell tower overlay district discussion with the wind turbine discussion. There will be pressure to find alternative energy sources. Mr. Picillo felt this type of use would be prone to open areas and he wants to make sure that the town addresses it proactively.

Mr. Nelson felt this type of use could be considered an accessory use to agriculture. There have been windmills in Oklahoma for years. Would this type of use be allowed in any zone? Has the government stipulated any regulatory prohibitions? Green energy will be an initiative at the federal and state level, so the town will need to look at how the use is regulated. Mr. Bulkley

thought that the windmills in Oklahoma were intended to draw water, not necessarily to sell energy to the electric grid. Federal or state regulations could be put in place at any time and it is important to plan for it. The town should not wait for the state to act on this. Mr. Nelson felt the town should take into account any legislation that may be passed when it is drafting its own regulations. Where these will be allowed should be considered.

Mr. Dionne pointed out there are several different designs for wind turbines. Some utilize vortexes rather than blades. The town should look into this.

Mr. Picillo inquired if the town currently regulated solar panels? Mr. Nelson said it did not under the Planning Regulations. Sunview Condominiums were mentioned and it was noted that many of the solar panels on these units have been discontinued.

Mr. Carney noted the technology is changing. The town should encourage alternative energy sources. Commercial designs may be different than residential designs and the town needs to make sure this type of use does not interfere with other residents. This type of use should be encouraged, but in a responsible manner. Mr. Picillo felt any regulation should be for personal use, public consumption use and industrial use.

Mr. Wetherbee inquired if there are any height restrictions in town? The town has a 60 foot height maximum. Mr. Carney thought any proposed regulation would need to look at the intended use, for example personal versus professional. They need to be looked at separately. If someone wants to sell energy from their home, that would be an issue.

Mr. Bulkley asked the Planning Board to review wind turbines as well as look at a new overlay area for cell towers. He noted that Ann Evans had just joined the group.

Mr. Sioras passed out Zoning Maps of the Town, dated December 2, 2005.

Mr. Tripp thought since the selling of any electricity generated from a wind turbine would be considered commercial, it would not be allowed in a residential zone. He agreed the uses would need to be reviewed in the zones with regard to wind turbines. Mr. Nelson thought the Board would need to look at what the intended use would be, for example, is someone selling electricity or are they using for personal use? Typically, if a use is not listed in a zone, then the use is not permitted. He felt this use could be considered an accessory use for a home, which would be allowed, but he did not agree business use would be allowed.

Mr. Tripp felt this type of use would not be prevalent in Derry because of the amount of trees. Unless the turbines were over 100 feet tall, they would not be able to take advantage of wind. He has followed this issue in Plan-Link. Derry does not have many hilly areas. Mr. Picillo noted his example from Cape Cod involved turbines placed on a flat area; the turbines are over 100 to 150 feet tall.

Mr. Metts recalled this issue was brought up in the White Mountain area. The Board will need to look at all the available information. If the use was proposed in the General Commercial zone, but is not listed, what would be the next step? Mr. Nelson said there is case law out there. The Board needs to look at the accessory use, the allowed use and determine the primary use.

Water Sewer Infrastructure – Expanded to Ryan’s Hill Area

Mr. Bulkley advised this issue had been discussed during the economic development roundtable discussions. There is interest in expanding water and sewer service up Rockingham Road and up Route 28. Mr. MacEachern recalled this item has been discussed for several years. This is in the Master Plan as well as the 30 year CIP, and the item was projected for 2012 or 2013. The intent was to expand the water and sewer service to Ryan’s Hill to provide access to the businesses there. Currently, many of them are used car lots, which don’t need water and sewer. The Master Plan indicated water and sewer should be expanded to that area and the zone could be changed to allow the uses the town would like to see in that area, which would bring in more revenue for the town. It is not an inexpensive project, and would require bonding and perhaps a TIF district. This would be something to look at. He inquired if everyone was satisfied with Ryan’s Hill? The Re-Zoning Committee is looking at this area and other commercial areas. They may have to create three commercial zones, because the uses are different in all three commercial areas. The uses on Tsienneto Road are very different than what is found on Ryan’s Hill. What are the plans for that area, because that would affect how the area is rezoned.

Mr. Ochs indicated he has discussed this issue with Mrs. Roach on several occasions. Because of the development of the Route 111 by-pass there is an opportunity to develop this area. The availability of water and sewer will help attract businesses. There may only be a small window of opportunity to do this. He hopes the Town Council will support this effort. Mr. Bulkley felt there would be an immediate response to a change to that area with regard to economic development if water and sewer were installed to Ryan’s Hill. There would not be car lots; the area would be too valuable to remain as it is today. If the town wanted to commit to a project that would get that area there, this would be the project. Ms. Ferrante inquired if there was water and sewer at the Windham town line? There is not. Mr. MacEachern noted that Tom Carrier has the master plan for the water and sewer. Does the town enact this plan and when does the town enact it? He felt Planning and Economic Development should work together to see if this is still viable and if it is, then this plan should be reactivated. Will the Council support this because a feasibility study will need to be performed, and that would have to be included in the next budget cycle.

Mr. Bulkley felt the CIP should be reviewed to see what is expiring with regard to bonds. Mr. MacEachern stated some of the installation of the infrastructure would be self funding from current water and sewer fees and the installation was planned to coincide with the expiration of some bonds so that additional funds would be available. Mr. Bulkley thought the town might want to help with this project as this project would benefit the whole town. Mr. MacEachern noted this area could also be made into a TIF district.

Mr. Sioras noted that at the Windham town line, Windham has zoned the area residential with a 55+ community and a 150 lot subdivision. The commercial zone for Windham is closer to the Salem town line near Route 111.

It was confirmed for Mr. Tripp that the current waste water treatment facility could handle the additional capacity.

Mr. Tripp asked how the utilities are planned to go from Shute's Corner to Ryan's Hill? Mr. MacEachern advised that Mr. Carrier has a plan laid out to bring the utilities up Rockingham Road to Route 28. There is an alternative plan to bring the infrastructure through the neighborhood near South Range School. It will depend upon what gets developed first. Mr. Tripp did not think many of the residents in that neighborhood, who have invested in private wells and septic systems, would want to spend the money to hook up to town water and sewer. He thinks the lines should be brought up Rockingham to Route 28.

Mr. Nelson said he would like to balance the tax base, but sometimes we want to be a bedroom community. The town can't do both. The area needs infrastructure like transportation and utilities. Derry needs to create an environment to attract the businesses it wants to attract. There need to be areas that are attractive locations for businesses.

Mrs. Fairbanks recalled during the economic development roundtable discussions, this issue was discussed. If sewer and water were to be run in an area for the purpose of economic development, this would be the place to do it. Perhaps a meeting could be arranged with Beth Thompson, the Town Council and Mr. Carrier to see what the cost would be to the town. Mr. MacEachern agreed that Mrs. Thompson would need to look at this and obtain figures for a feasibility study to be performed during this budget cycle. Mr. Bulkley thought they could ask Michael Fowler to discuss this during the budget cycle. The Town Council may be able to put funds in towards the feasibility study. It would be helpful if Mr. Stenhouse could have someone look at the 20 year CIP and see if there is any leeway with retiring bonds. Mr. Stenhouse thought it needed to be determined what portion would be economic development, and what portion would be water and sewer, and then, if it would be more beneficial to have a TIF district. The zoning should also be reviewed in this area. Mr. MacEachern confirmed that there is intent to change the zoning along Route 28. There should be three or four separate commercial districts.

Mr. Bulkley inquired as to the timeline for rezoning along Route 28? Mr. MacEachern stated the committee wanted to see if water and sewer could be approved to be installed here and then they can make the proposals for zoning changes around budget time. Mrs. Fairbanks felt the water and sewer should proceed up Rockingham because that is where the tax base may be because of the potential industrial and commercial properties. She does not feel they should waste cost running lines through an area that cannot be zoned commercial. Ms. Evans inquired if the installation of water and sewer would be phased or done all at once? Mr. Bulkley said it would depend upon what they hear from Mr. Fowler with regard to cost. It may be the project is phased as that would be the only way to afford it. Ms. Evans suggested phasing the zoning as well to match the phasing of the water and sewer.

#### Board Vacancies

Mrs. Roach advised the Planning Board has one alternate opening. Mr. Stenhouse said he has received one application to the Planning Board, and two applications for the Conservation Commission; one is an alternate who would like to be considered for a full member position. He has also received an application for the Housing Authority. Mr. Bulkley said the Council will take this matter up on February 5<sup>th</sup>. He noted it is close to the time when the new Council will appoint Board members. If there is an immediate need on any of the Boards or Commissions, that should be filled right away, he asked that Mr. Dionne and Mrs. Roach let the Council know.

Currently, they have not set up appointments to interview anyone. Mrs. Roach stated the Planning Board has two alternates and has sufficient coverage at this time.

Mr. Dionne advised the Conservation Commission currently has three vacancies. They do have four alternates with varying degrees of experience. Procedurally, they are all set, but the vacancies need to be filled. He would recommend that the alternates move up to full members. Mr. Bulkley requested that Mr. Dionne provide that recommendation in writing to Mr. Stenhouse. The alternates should be advised to attend the meeting on February 5<sup>th</sup>. Mr. Stenhouse asked Mr. Dionne to confirm that all the alternates would like to move up to full members, as he has only heard from one.

#### Jackman Road @ Drew Road – Snowmobile Use

Mr. Dionne advised Jackman Road is a discontinued road. It has been asked that access be allowed for snowmobile use. The Town Council had seemed to approve it, but there was no formal action. He asked that this issue be revisited so the Council can take formal action to authorize Jackman Road for snowmobile use. This would require a public hearing. Mr. Bulkley said he would need to review the public hearing schedule.

Mr. Stenhouse inquired if there is a specific RSA that provides the authority? Mr. Dionne did not know. Mr. Stenhouse said he would research it. Mr. Bulkley asked that the research be included in Mr. Stenhouse's report on Tuesday evening.

Mr. Metz wondered if the use is to be restricted to snowmobiles, if the wording should be crafted to prohibit OHRV use. Mr. Tripp asked if this trail connected to other snowmobile routes? Mr. Dionne stated this road connects to another trail that is there now.

#### Bond for Open Space Protection

Mr. Bulkley advised that Margie Ives could not attend this evening due to a prior commitment, but she sent comments. A copy of her letter was emailed to the Council members. He asked Mr. Dionne to read the letter into the record. The letter is as follows:

To Members of The Town Council, Planning Board and Conservation Commission:

I thank the Town Council for calling a joint meeting of the Council, Planning Board and Commission. I regret my inability to attend due to previous commitments scheduled months ago. I submit these remarks in the spirit of the agenda for tonight's meeting. The agenda looks very interesting and the discussion promising.

#### Open Space Ordinance

Please give consideration to the benefits of an open space ordinance for Derry. Drafts for such an ordinance have been in the works for four years, most recently through the efforts of Ann Evans, PB member. This past fall the SNHPC sponsored several workshops for communities in the I93 expansion corridor focused on smart land use. The expansion will bring more growth to these communities and the Planning Commission encourages each town to review its land use ordinances. One workshop focused on a conservation ordinance where a substantial amount of the site (over 50%) remains in open space. Property values increase faster than in conventional subdivisions due to the amenities of open space and future town service costs for such infrastructure as roads and schools are less. Bringing together various opinions on an open space ordinance to reach a final recommendation and approval is challenging, but I

believe Derry has the will to succeed in providing an ordinance that benefits the community. An open space ordinance is a tool for building an attractive economic base while providing the pleasure of recreation in many forms in the out of doors. Businesses and residents thrive in a community with green space.

#### Open Space Bonding

Following the March 2004 referendum on establishing a 6 million dollar bond by a vote of 1397 yes and 844 no, the Town Council established a Land Advisory Committee which submitted a report to the Council March 2005. The LAC recommended 5 million in the form of a bond and a \$500,000 yearly increment to the town's budget so that sufficient funds are available for immediate use on an approved, available property. Please consider open discussions on this during this year's budgeting process.

Thank you again for holding this joint planning meeting this evening. I stand ready to volunteer for any follow-up items where I can be of assistance.

Sincerely, Margaret Ives

Mr. Dionne stated the issue regarding the bond for open space is brought up from time to time. This was passed four years ago and the Commission feels this is a good direction in which to move. Mr. Bulkley asked if the funding sources the Commission typically utilizes are still strong? Mr. Dionne stated they continue to be funded, but it changes from year to year. He advised that Phil Auger [UNH Cooperative Extension] has been helpful in attempting to get the Commission a 100% funding grant. This issue bears further discussion. LCHIP is still alive. There are grant monies available but some parcels don't meet the grant criteria. Mr. Chirichiello noted the Caras parcel cost \$1,000,000.00. Mr. Dionne commented that is why the bond was recommended at 5 million dollars.

#### Open Space Ordinance

Ms. Evans advised that she is part of the Open Space Committee that includes Mr. Picillo and Mr. Tripp. She was also on the original Committee. The Ordinance was drafted and not accepted by the Town Council. It was felt at the time that the Committee did not have a clear understanding of what the Town Council wanted to see in the Ordinance. The Town Council wanted the ordinance to be tax positive, and something that would not create a bunch of boxes in a field, such as Quail Hill. She took that to mean that the ordinance needed to increase taxes and the size of the homes. She stated she went on a great trip Saturday morning with Mr. Sioras, Mr. Tripp, Ms. Ferrante and Mrs. Robidoux. Mrs. Robidoux took them to several open space subdivisions in Auburn and shared her knowledge of open space. They saw examples of "open space gone bad" and "open space done right". Auburn has builders that build beautiful homes. Derry has boxes.

Ms. Evans said Derry needs large homes to be tax positive, but the home market is declining. The ordinance needs to be re-written and she would like to remove the size requirements for the homes. Perhaps architectural style requirements could remain, as well as the footprint and the 60 foot height requirement. She can see changing the ordinance and having it move in a new direction. She would recommend the Planning Board look at the Auburn ordinance. It would be nice to write something in so that the end result is not bad open space with 2 story boxes in field. On the field trip, they saw trees, homes with 50 foot setbacks, and larger homes in the \$350,000.00 range, the prices of which have decreased recently. She would like to find something the Town Council would like. There are about 30 parcels left in Derry. Open space

in Auburn is optional. She can see changes to make in the current draft and would like to schedule a workshop so that the draft can be made better.

Mrs. Roach suggested getting a copy of the Auburn ordinance and scheduling a workshop for the end of the month. Mr. Bulkley suggested approaching the new Council, request a workshop, and see what they would like to see in an Ordinance. That would improve the chances of success.

Mr. Tripp reported he attended the CTAP workshop where a developer discussed how he worked with the Dover ordinance and created an open space development. In the Dover regulations, open space is not an option. The developer went into detail on how the ordinance was developed and said that he saved money, and open space was preserved, as well as some wetland areas. He suggests looking at the Dover ordinance as well. Maybe Derry should require open space. Mrs. Robidoux told them on Saturday that the same situation exists in Auburn: cluster subdivisions save money, and the owners are allocated a tax liability that they pay on the open space. The idea is to promote recreation and conservation of the ecology when you are talking about open space.

Mr. Nelson said he was sensitive to the comment with regard to why we want to develop an open space ordinance. One reason is to preserve open space, and "open space" needs to be defined; another reason is to slow development, by allowing fewer homes. The third reason would be to upscale the level of the assessed value to gain revenue, while avoiding snob zoning. He felt the Board needed to be careful in drafting this ordinance. Once the committee knows what it wants, it can look at prototypes and pull out what it would like to see in the Derry ordinance. Mr. Dionne felt the purpose of the ordinance should be open space preservation and the protection of water quality.

Mr. Nelson felt school funding has had an impact on the planning and regulations in town. He felt they need to take a look at what the proposed zoning amendments will do to the tax base. He is not sure an ordinance can be written that will outline home size and styles; it could be construed as snob zoning. Ms. Evans asked for a definition of 'snob zoning'. Mr. Nelson advised that the Town of Chester had an issue where they tried to regulate the type of home that could be constructed in Chester, as a method of control, and the Court said it was illegal. Snob zoning is anything that attempts to keep lower income people out of town.

Ms. Evans said Derry has plenty of affordable housing available. She would still recommend removing the size requirements out of the draft and see what people build.

Mr. MacEachern stated that he recalled the intent of open space, from the Town Council perspective, was to make it tax neutral. He feels it is a good idea but still questions how you can make sure the developments are tax neutral to what zoning allows. Some people like traditional 3 acre zoning; some like all the homes on 10 acres, leaving the rest of the acreage to the back. The town struggles with making it optional. He felt it would be based on the market. Also, would the open space be available only to the owners in the Association, or available to all the town residents? Ms. Evans felt the open space should be held privately. For example, if the parcel was 30 acres, and there were 10 homes, each homeowner would be taxed for 3 acres. The land would only be open to the public if the Homeowner's Association allowed it.

Mr. MacEachern said that in a traditional 3 acre zone, the road is more expensive, which creates larger homes in order to make the road affordable. If you take open space and reduce the road standards, will the developer build cheaper homes because the road does not cost as much? That will mean less money. That is not what he wants to see. He wants to make sure the development is tax neutral or creates a little bit more money.

Mr. Ochs stated that is an issue that the committee struggled with for six months. The intent was never to make the homes generate less tax dollars. They wanted to make sure the town did not lose money by allowing open space. There is no guarantee a builder won't construct a cheaper home. Judging from what he has heard, Mr. Ochs thought that Derry would get a quality build. The question is, does the town lose a little bit of money to gain a quality of life? That is the planning perspective. He hopes that this ordinance can be looked at seriously. He feels open space is a good idea for Derry and that the town should preserve as much land as it can, whether it be for private or public use. He feels an open space ordinance can answer these questions. Now is the time to deal with this before I 93 is widened.

Mr. Coyle stated that as a developer, he would build a less expensive home if the road standards were decreased. The other issue is that smaller lots could lead to failed septic systems. If the option was given for conventional or open space on a parcel of 30 acres where 20 of them were wet, he could see where a developer would build the 10 homes on the 10 acres and leave the remaining 20 in open space. Mr. Nelson noted that in the current draft of the ordinance, the open space has to be good net tract area that is buildable. There is not an option to put unbuildable land in open space.

Mr. Coyle said this was done at Bliss Farm and in Drew Woods. Those were Planned Urban Developments (PUDs). Why should the road standards be decreased? Mr. Dionne indicated that he felt closed drainage does not provide water quality. If the lay of the land supports water quality, then open drainage should be allowed. Mr. Coyle said it needs to be fair to everyone. If granite curbing is taken out of the open space, then it should be removed from all road standards.

Ms. Ferrante stated she has seen success in Auburn and Dover, and in other areas, with open space. There is a positive piece and there is a dollar amount connected to preserving land. There needs to be some wiggle room with this ordinance. Ms. Evans felt that an open space ordinance could have its own rules, separate from the other standards. Mr. Coyle felt if the road standards were lessened with regard to curbing, which is expensive, the developers will opt to go with open space. This may work in Auburn, but it did not work in Derry.

Mr. Ochs noted this is the same discussion they spent three to five months on. What is important is the ability to preserve open space. With that as the goal, he hopes that granite curbing becomes a smaller issue. It depends on the vision of the Town Council and what the town does with open space. Granite curbing should not be what makes or breaks this ordinance. He hopes that does not become a stumbling block. Mr. Coyle explained he is looking for consistency in the regulations.

Mr. Bulkley encouraged members of the Town Council to provide recommendations to Mrs. Roach. Mr. Carney asked that the Council be provided copies of the drafts that the Board is working on. Mrs. Roach said she would make sure the draft ordinance was forwarded several weeks prior to a workshop so that the Council can review it. Mr. Bulkley was not sure that a



workshop should be scheduled before the end of March, unless everyone wants to meet. Otherwise, the Council will be involved in the budget process.

Regarding the bond issue, Mr. Bulkley said the budget will need to be reviewed and that is going to be tight this year. It may not be feasible in the next budget considering the tax cap. The desire needs to be expressed to the Town Administrator that the Town Council include the funds in the budget process. Mr. MacEachern recalled the intent of the bond was for open space, recreation and economic development. Since March of 2005, the town has spent a considerable amount on these issues and may have spent close to that amount. There was the purchase of the Caras property, the development of the TIF district, and Ash Street Extension. Mr. Dionne may be asking for a new round of funding related to open space.

#### Wetlands Buffer

Mr. Dionne stated the Conservation Commission has been discussing a wetland buffer of 30 feet on properties of less than an acre, and 75 feet on those 1 acre or greater. This would not change the buildable area, and would create a buffer rather than a setback. This is a common practice throughout the state. The only ordinance in place currently is for prime wetlands. He would like to see these buffers implemented. Mr. Coyle thought buffers of this type would create undevelopable lots. Mr. Dionne explained the intent is to improve water quality. Mr. Coyle could not understand why that much of a buffer would be required. Ms. Evans asked for an example. Mr. Dionne said the building setback would be the same, but there would be an undisturbed, vegetated buffer that would protect the water. The buffer is natural vegetation. Forestry is allowed in a wetland area. The natural buffer would be maintained to decrease high nitrogen and phosphate introduction into the wetland. Driveways might be allowed in the buffer subject to permits. Mr. Coyle suggested splitting the difference of the distance. Mr. Dionne said it might be that the buffer is 30 feet to all but prime wetlands. They are just looking for some type of protection. Mr. MacEachern thought it was reasonable to maintain half of the proposed distance as a buffer. Mr. Dionne stated they would continue to work on this. Any changes would have to be implemented in the LDCR. They will bring this back to the Planning Board.

#### Other

##### *Building Height*

Mr. Carney commented on the size of commercial buildings. This was discussed during the economic development roundtable. It was suggested to raise the height of the buildings in the downtown area. Currently the maximum is 60 feet, or 4 stories. Mr. Chirichiello asked if the heights could go up? Mr. Dionne said he did not think it would be a problem, so long as the buildings had sprinkler systems. Height restrictions because of lack of fire apparatus that could reach that height would not then be an issue. Mr. Nelson thought making a change of that type would depend upon the vision in the Master Plan. If the vision is to keep a historic downtown, without buildings on a massive scale, the town may not want to allow high buildings that will look out of place. The town needs to decide what it wants and where it wants to pull tall buildings; maybe in the OMD or downtown. What is the vision for the tax base of commercial property, versus aesthetics? Mr. Carney said he would support looking at this. He is not convinced the buildings need to be taller, but it should be looked at.

Ms. Ferrante noted there is not a lot of commercial space left, so if the town wants to increase revenue, it makes sense to see what the town can gain by increasing the height restriction. Ms. Evans asked if there is a demand for office space? If there is not, then the use will become apartments in that space. Several people commented there would have to be very specific use restrictions.

Mrs. Fairbanks noted that the end of Bunker Hill Estates was to be 55 and older condominiums and now the units are being leased. The area may be zoned for a particular use, but that can change. If the use is not office space, there is always a way to change the use from what was intended.

#### *Growth Management Ordinance*

Mr. Nelson asked if the Growth Management Ordinance was still needed, or has it run its course? The CIP has to be reviewed every 30 years, and he did not think the GMO had been reviewed in the last three. Schools have been built. Has the GMO served its purpose and should it go away? Mr. Carney thought the phasing aspect of the ordinance should be reviewed. Mr. MacEachern thought that depending on the kind of vote, that would change. It has been mandated. He thought classroom sizes should be reviewed. He did not think the school point would be allocated, but agreed the ordinance should be reviewed and updated because of the other attributes.

Mr. Bulkeley asked that a staff study be performed by Mr. Sioras. What are the pros and cons of the ordinance and would it be better to change from the schools to something else? This could be a joint effort. If the ordinance is not being followed then it should be reviewed and decided if the time and money should be spent on updating it. Mr. Chirichiello asked that the ordinance be reviewed with respect to what has it done for the town over the last five years? He felt the ordinance has done a good job for the town. Mr. Nelson commented the ordinance was supposed to be temporary, per the statutes. Mr. MacEachern felt it was a valuable tool. He would like to look at the attributes of Derry and change the ordinance if it needs to be changed. The entire point system should be reviewed. Mr. Chirichiello noted that the expansion of I93 will affect Derry. Mr. Bulkeley agreed.

There being no further topics of discussion the meeting was adjourned at 8:43 p.m.

Recorded by Elizabeth Robidoux, Planning Clerk