

The Planning Board for the Town of Derry held a public meeting on Monday, November 19, 2012, 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: David Granese, Chairman; John O'Connor, Vice Chairman; Frank Bartkiewicz, Secretary; David Milz, Town Council Representative; John P. Anderson, Town Administrator; Randy Chase, Administrative Representative; Jan Choiniere, Member; Lori Davison and Ann Alongi, Alternates.

Absent: Darrell Park and Jim MacEachern

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineering Coordinator

Mr. Granese called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. He introduced the staff and Board members present, and noted the location of the exits, and meeting materials.

Ms. Davison was seated for Mr. Park and Ms. Alongi was seated for Mr. MacEachern.

Escrow

#12-29

Project Name: Covey Run

Developer: Covey Run, LLC

Escrow Account: Covey Run

Escrow Type: Letter of Credit

Parcel ID/Location: PID 31021, 81 North High Street

The request is to approve Release #2 in the amount of \$162,008.75 for the above noted project and request a replacement Letter of Credit in the amount of \$86,815.15. Upon receipt of the replacement Letter of Credit, the Board will release the existing Letter of Credit in the amount of \$248,823.90.

Motion by Anderson, seconded by Bartkiewicz to approve the request as presented. The motion passed with all in favor.

#12-30

Project Name: Martin Gate, LLC

Developer: Same

Escrow Account: Same

Escrow Type: Letter of Credit

Parcel ID/Location: 30047, 1 West Broadway

The request is to renew Letter of Credit #19981 in the amount of \$45,961.34 for the above noted project. The new expiration date will be December 04, 2013.

Motion by Bartkiewicz, seconded by Milz to approve the request as presented. The motion passed with all in favor.

Minutes

The Board reviewed the minutes of the November 07, 2012, meeting.

Motion by Anderson, seconded by Bartkiewicz to accept the minutes of the November 07, 2012, meeting as written. The motion passed in the affirmative with Chase abstained.

Correspondence

Mr. Bartkiewicz advised Mr. Mackey has reported that his office performed an inspection relative to the complaint received last week that a landscape business was operating from the Pete's Scoop property. Mr. Mackey advises that although there is some equipment and stockpiled materials on the property slated for development as a driving range (PID 03087), Kershaw Landscaping appears to be operating from the rear of the abutting motel property (PID 03089). His office will follow up with the owners to require they obtain the appropriate permits. Mr. Granese asked if there has been any follow up since the email? Mr. Sioras indicated Mr. Mackey has spoken with the owner of Kershaw Landscaping and they are working to obtain the appropriate permits for the use. Mr. Anderson noted the business is behind the motel, but not on the Pete's Scoop property.

Other Business

Schedule Public Hearing for sign regulations

Mr. Sioras advised the Board has a copy of the proposed sign regulations as approved at the last meeting. The process to move forward would be to schedule a public hearing for December 5th. If approved, the matter would be forwarded to the Town Council for their consideration. The Board reviewed the text of the proposed amendments. Mr. Anderson asked if in the proposed changes, there is mention of the size of signs within the different districts? Mr. Sioras said sign size is regulated between the zones. Commercial and Industrial have specific maximums and the Residential districts would have smaller signs. Mr. Anderson asked if there is language relating to "for sale" signs? Mr. Sioras said that is addressed under Temporary Signs which is under Section 165-101A.4. Mr. Anderson noted this is the current regulation. Mr. Sioras agreed and signs that remained beyond the allotted time would become an enforcement issue.

Motion by Anderson to schedule the public hearing to discuss the proposed amendments to the sign regulations for December 05, 2012, seconded by Bartkiewicz.

Chase, Davison, Anderson, O'Connor, Alongi, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.
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Hazard Mitigation Plan

Mr. Sioras indicated an email was received from Chief Klauber. Every few years, the Hazard Mitigation Plan is updated as part of the FEMA requirements. Various town officers are appointed to a committee and create the updates to the document. Chief Klauber heads up the committee and has recommended staff members to be part of the committee. An agreement with Southern New Hampshire Planning Commission is to be signed by the Planning Board once the agreement has been approved. No action is required on the part of the Board this evening.

Public Hearing

Route 28 Custom, LLC PID 03035-001, 230 Rockingham Road Condition Compliance Hearing Phasing Plan

Mr. Sioras provided the following staff report. The purpose of this plan is for a condition compliance hearing to review the phasing, lighting and building rendering for the mixed-use storage facility project that was approved by the Planning Board on August 15, 2012. No department signatures are required for this plan and there are no waiver requests or state permits. Mr. L'Heureux has discussed the escrow with the applicant. The plan has met the conditions of approval as outlined by the Planning Board in August and he would recommend approval.

Jim Hanley of Civil Design Consultants, presented for the applicant, Paul George, who was also present. The plan shows the limits of Phase I. A lighting plan has been prepared for the first phase of the project. Each building will have eight wall packs on the face and four other lights on fixtures which are actually light poles throughout Phase I. There will be a minimum amount of light provided. They do not cast light beyond the property lines. The lighting is for minimum security and safety. Lighting unit cut sheets were also reviewed by Charron, Inc., who also reviewed the lighting plan. The cut sheets were provided to the Board members for review.

Regarding landscaping, the original office building that was designed and constructed had landscaping. There were shrubs within the right of way, to the east of the building, around the building, and to the west which are all part of Phase I. Three to four shrubs located to the west of the building in the area of the proposed parking lot will be relocated beyond the parking lot. They will maintain the existing vegetation along the frontage. They are providing pictures taken last year that shows the existing vegetation. Mr. George noted the Welcome to Derry sign was installed today, but it is in a different location than originally proposed on the plan. It looks nice.

Mr. Hanley advised they have also submitted architectural renderings to the Board for the storage units. They are pretty straight forward.

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

Sheldon Wolff, 242 Rockingham Road, felt the proposal was great and goes into what the Board will be discussing during the workshop for the redevelopment of Route 28. There is a new welcome sign. Mr. George is making a nice facility and that is what people want. He has done a wonderful job and continuing forward he will be an asset to the town. Storage units were very popular several years ago because they can be removed later if the land becomes more valuable if that is part of Mr. George's exit strategy. He feels Mr. George will do well.

There was no further public comment.

Motion by Anderson, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and the plan came back to the Board for review and discussion.

Mr. Granese noted that the lighting utilizes LED, energy efficient lighting. Mr. Milz spoke with regard to the lighting plan which only included Phase I and not Phase II. Where will the wood pile go? Mr. George explained the existing wood pile is located beyond the extent of Phase I. That business will continue for now in a modified manner.

Motion by Anderson to determine there have been no material changes to the property since the August 15, 2012 public hearing at which the plan was conditionally approved. The motion was seconded by Bartkiewicz. Discussion followed.

Mr. L'Heureux advised his department has no issues with this plan. He has discussed the escrow with Mr. George. The escrow for Phase I and Phase III are inclusive because of the type of work to be performed. When it comes time to escrow Phase III it won't be needed because he will just be working on the building construction.

Chase, Davison, Anderson, O'Connor, Alongi, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Motion by Anderson to determine that Route 28 Custom, LLC, has met all of the conditions precedent with the exception of the following: submission of a landscape plan for Phases II and III. Phase I is part of a previously approved site plan and landscaping was included in that plan and reviewed this evening; establish appropriate escrow as required to complete each of the associated phases as mentioned by the Engineering Coordinator; a retaining wall design, stamped by a licensed structural engineer, shall be submitted for review for any proposed retaining walls four (4) feet in height or greater. The motion was seconded by Milz.

Chase, Davison, Anderson, O'Connor, Alongi, Milz, Choiniere, Bartkiewicz, and Granese all voted in favor and the motion passed.

Motion by Anderson, seconded by Bartkiewicz to approve the architectural renderings for the storage facilities. The Board acknowledges the intent of the regulation (170-87.B) is to not have doors facing Route 28. Given the topography of this particular lot and the location of the adjacent wetlands, the Board is satisfied the siting of the proposed buildings is acceptable.

Chase, Davison, Anderson, O'Connor, Alongi, Milz, Choiniere, Bartkiewicz and Granese all voted in favor and the motion passed.

Mr. L'Heureux departed the meeting.

Workshop

Discussion of proposed revisions to the Town of Derry Zoning Ordinance, specifically relating to the General Commercial Zone.

Mr. Sioras advised the Board has a few handouts regarding the proposed use changes in the General Commercial zone. There are handouts to the rear of the room for the public as well. The Board had decided to keep the area General Commercial. The uses would be as highlighted in the packet. He noted on page 2 of the General Provisions packet, the uses relating to vehicles are highlighted. The Board is in the process of determining if there should be distances between the auto uses. Staff was asked to put together a map showing the distances between the auto uses and Doug Rathburn has created that for the Board. There are also concepts included for a mixed use overlay. That would be applicable to some of the larger parcels, such as those owned by the Butterfield, Siragusa, Taylor, and Smith families. Staff has also obtained a mixed use concept for a lot located in Windham that is similar to what is proposed in the overlay zone. Mr. MacEachern had asked to see the gas station, car and auto uses on the distance map, and that is provided as well. Mr. Sioras provided a brief explanation of the auto use map. The lots identified in yellow are gas stations. Beginning in the northwest corner of the map, the gas stations are located on Crystal Avenue; at the rotary, the two gas stations are identified; heading south on Birch Street, there is a gas station; continuing around the corner to Shute's Corner, there is the Hess station; continuing east along Rockingham Road to Route 28 and then heading south, the 7-11 at Hillside Plaza is noted. On Ryan's Hill, there is also a gas station at Metro Plaza (Parcel 03090). That lot also has an auto sale use, and that is the use highlighted on that lot. The lots noted in blue are auto repair/sales and the lots noted in red contain vehicle sales. The map also has different buffer distances noted for 1000 feet, 1500 feet, and 2000 feet, radiating out from the lots. Mr. MacEachern had wanted to see a general idea of what was in the town. The concentration on Ryan's Hill is auto sales. The north and northwest part of town have the gas stations.

Mr. Milz believed part of Mr. MacEachern's question was that he wanted to see where the uses were located so that the Board could determine what, if any, buffer was required. Mr. Sioras noted that under General Provisions of General Commercial, the 1000 foot distance is highlighted because at the last workshop, the consensus was that in General Commercial II, there is a 1000 foot distance required between the gas stations. The Board wanted to see where they were located, and make a decision about the distance after reviewing it.

Mr. Milz said that the Board had discussed the 1500 – 2000 feet, but wanted to see the impact 1000 feet would have in this area given the pre-existing dimension in the GCII. The Board leaned toward the 1500 foot distance but in looking at it, 1000 feet looks like it won't cause a hardship to the existing uses; it would only restrict future businesses. The existing uses are grandfathered no matter what distance the Board picks.

Mr. Granese confirmed that in the document for the proposed changes, the new language is in the red and the old language is crossed out in black. Mr. Sioras said the Board had decided to keep this as the General Commercial zone, keep the permitted uses, and limit the distances between the auto uses. In black, the text that is crossed out is where the uses have been removed. Mr. Anderson further explained the uses crossed out on pages 3-5 have been categorized on pages 2-3. Mr. Milz noted as an example that all of the retail related uses listed under the current Section 165-32A.3.b are covered under "retail sales establishment". Ms. Alongi confirmed "wireless communication facilities" meant towers. Mr. Granese felt the biggest decision the Board would need to make was on the distance between gas stations and auto uses. Mr. Anderson felt if the value of the property in the community was being enhanced, the distance between the auto uses should be larger than 1000 feet. He felt 2000 feet was a good distance. Mr. Granese felt 2000 feet was sufficient and that had been a number suggested by several abutters to the uses. It seems that people keep flip-flopping on the distance. Mr. O'Connor asked if Salem's ordinance required 2000 feet? Mr. Sioras said it is 1000 feet in Salem's Ordinance.

Mr. Granese conducted an informal poll of the Board members to see what they felt the distance should be, noting that there were no decisions being made during a workshop and he would like to have Mr. MacEachern and Mr. Park to provide their input on the matter at the next meeting. Mr. Bartkiewicz, Mrs. Choiniere, Ms. Davison, Ms. Alongi, and Mr. Anderson felt the distance should be 2000 feet; Mr. Milz felt it should be 1500 feet because the way the existing uses are located in town there is not much overlap; Mr. Chase felt it should be 1000 feet to match the restrictions in the GCII; Mr. O'Connor said he was between 1500 and 2000, but leaning toward 2000 feet. Mr. Milz confirmed the Irving station on By-Pass 28 was located in the GCII zone.

Mr. Granese asked if there were other items the Board should focus on this evening? Mr. Sioras stated the Board decided to allow single family detached dwellings in the zone with a minimum lot size of one acre. That is not included in this draft. Currently, they are allowed on 30,000 SF of land. Mr. Granese wanted to leave single family residential out of the list of permitted uses. He conducted an informal poll, noting this would not be a decision and he wanted input from the two members who were not present this evening. Mr. Chase, Mr. Milz, Mr. Bartkiewicz, Ms. Alongi, Mrs. Choiniere, and Mr. O'Connor agreed it should be deleted from the permitted uses. Mr. Anderson thought it could be allowed with the increase in lot size. He noted the cost of educating a child in Derry is currently around \$10,000 to 12,000 per year. The problem is that there are too many apartments in town that are not generating that amount in tax dollars and the rest of the town is picking up the cost. He said the town needs to educate its children. The density noted in the regulations is the one that Derry had years ago. He asked the Board to think about what the impact would be if homes were created on smaller lots sizes and the impact that would have on the tax rate. Mr. Granese noted the Board is trying to fix the sins of the town that

occurred in the 1960's, 70's and 80's. Ms. Davison said she is undecided with regard to lot sizing for single family homes, but would lean toward the larger lot size.

Mr. O'Connor noted that when the town held its visioning sessions for the last Master Plan update, this area was targeted for commercial growth. Even in the CTAP build out analysis, this area was designated for commercial growth with the inclusion of water and sewer. He personally would recommend the addition of gas lines to the area as well. Commercial growth is the thrust of what the Board is doing. The Board is following what the people wanted to see in this area. He wanted to remind those present of where the town is going, and why it wants to go there.

Mr. Sioras felt Mr. O'Connor's comments were a good lead in to the review of the mixed use overlay proposal. Staff put together a mixed use overlay zone which allows a mix of different uses on one property. The mixed use overlay would generally apply to the larger parcels in this area, including the properties owned by the Butterfield, Taylor, Siragusa, and Smith families. Everything else in the area of Ryan's Hill has smaller lots or are built out. He reported he met with Dr. Butterfield, Mrs. Robidoux, and Peter Zohdi and looked at how a few towns to the south handle mixed use. What the Board has before it is a mixed use concept plan that is provided to give the Board an idea of what a mixed use development could look like. This particular plan is for a lot located in the Town of Windham. Mr. Anderson asked with regard to the density; for a mixed use development, what would be the minimum lot size? Mr. Sioras said the Board would need to determine what the minimum lot sizes would be for a mixed use concept. He would not recommend multi-family with a smaller density. This is geared more toward single family residential. Mr. Anderson asked what would be the minimum lot size to consider a lot for mixed used development? Would it be 10 acres or more? Mr. Sioras said that would need to be determined; perhaps 15-20 acres. Mr. Granese said there should also be percentages assigned to the retail and residential uses. Mr. Sioras said a mixed use overlay would be similar to what the Board created for Elderly Housing. Mrs. Choiniere asked how does open space fit into this type of concept? Mr. Sioras said the Board can determine what the criteria and percentage would be. It can be crafted the way the Board would like to see it and the architectural design regulations can be added as well.

Mr. O'Connor said he has done some research. The concept for the Windham lot is located on 42 acres. If the Board looks at the larger parcels in the Derry General Commercial zone in the area of Webster's Corner, the Butterfield lots are 11.5 acres, the combined Taylor lots are 27 acres; that section of land would be about 38 acres. His research shows that a mixed use overlay should be walkable, with smaller streets. The Town of Bow and other areas require public transportation in the mixed use overlay. Derry does not have that, other than the availability of CART. There is not a lot of developable land for this area. In addition, the 100 year floodplain goes through a portion of the available land and that does not leave a lot of raw land to be developed. He is still looking at the concept. One of his family members is living in one of these types of areas in England. The minimum lot is 200 acres with a big box store, a school, and other amenities. Mr. Anderson noted that England has a very good public transit system.

Mr. Milz indicated he would like to sum up his feelings. He is not against mixed use but would need to further explore it. He feels it should be included in this district, but there are many

questions to be answered such as the resolution of acreage and lot sizing. He feels the mixed use overlay concept is worthy of its own workshop and should not be included in this one, which was designed to set up the definitions and allowable uses. He felt the Board should act on the definitions and uses. He suggested the Board concentrate for now on the auto use distance requirement, the inclusion or elimination of single family detached residential and leave the door open for the mixed use in this zone. If single family is eliminated as a permitted use in the General Commercial zone, he felt it would be acceptable to include it as a permitted use as part of a mixed use plan.

Mr. Anderson agreed. The mixed use overlay draft has some interesting provisions and Mr. O'Connor has provided a history of the visioning for the master plan. He feels the overlay may be something the town may want to see located more in the downtown area as an overlay. The Board can work on that as long as it needs to. Perhaps the Board can create an overlay that can be applied anywhere in town, it does not have to just be in this zone. He suggested the Board deal with the issue of single family detached residential and the auto buffer area. That can be nailed down at the next meeting on December 5th. The Board can move forward with the proposed changes to the GC and then work on the mixed use overlay.

Mr. Milz suggested if the Board is defining the mixed use overlay, it could be site specific, where the town uses a percentage rather than an acreage requirement. Such as, 30% can be residential and 70% can be commercial. He can envision some of the available lots with three retail uses and one single family home. That might be a better way to go than using an arbitrary size.

Mr. Granese suggested tabling the mixed use overlay discussion to December 5th. Tonight, he would like to further discuss the single family residential use and the auto use buffer. Mr. Milz wanted it to be clear that the Board would discuss the mixed use concept because if the Board banned single family residential in the GC, there needs to be an avenue to consider it for the lots in the GC. As the Board was not making any decisions tonight, perhaps the public could provide input.

Mr. Milz said at the next general meeting the Board can set the distance between auto uses, and determine if single family residential will be allowed and if so, with what lot size. The mixed use would be its own workshop. The Board should finish up what it is working on now so that it can move forward. Mr. Granese stated he would like to confine the public input to those two issues and the Board can table the mixed use. The Board is not making any decisions tonight; this is a workshop only and the Board members reserve the right not to answer questions; the Board is looking for input. Mr. Milz said he would prefer to have input from the public tonight on the mixed use to see if they want it or not.

Mr. Granese opened the floor to the public.

Sheldon Wolff, 242 Rockingham Road, thanked the Board for notifying the property owners of the workshop; it was not a requirement. He placed three shoes on the podium and explained he was providing the visual to reiterate that it is hard to understand what someone is feeling or thinking if you don't walk in their shoes. He asked the Board to please grasp what he and the

other property owners are feeling. The property owners understand the Board members are trying to do what is best and right. After the last workshop, he came up with some points he wanted to share with the Board.

The workshop should be an open discussion between the Board and property owners. Property owners should have a plan and an exit strategy. People want to know what they can do if they sell their commercial property. He contacted many of the property owners from the Windham town line to the Robert Frost Farm. The Board is aware the property owners don't want arbitrary changes. The petition he submitted last time has a few additional signatures. There are 54 people directly affected by these changes. Mr. Wolff spoke to the Fifth, Ninth and Fourteenth Amendments to the Constitution. These changes would constitute a taking, be discriminatory, and would be illegal. The Board is taking away property rights, when they talk about limiting the space between two businesses, restricting trade, and taking a viable use from a property. Per the Constitution, a town can't take away property rights without retribution, and can't deny property rights. There is also the Anti-Competition law to consider, as that prohibits the restraint of free trade. By putting limits on the Zoning Ordinance, it is discrimination.

As water and sewer go down Route 28, the face of the real estate will change on its own. There are many business owners who rent on those lots that contain auto sales. He felt the Board members were having a knee-jerk reaction to similar uses elsewhere in town. There are several gas stations in town, but he does not feel there are too many, as any time he goes to one to fuel up, there are several people waiting in line. If there were too many gas stations, he would not have to wait to get gas. The rent a car lots will come and go. It takes \$12,000.00 to educate a child. It is better to have a business on a lot than an empty storefront. The businesses in this area bring economic gains to the area. Mr. Wolff reiterated many of the points he discussed at the last workshop. He felt the highest and best use with a healthy return on investment would predicate the sale of the properties containing auto uses. If the Board restricts this type of use it is limiting competition and it will put the land and the town in jeopardy with regard to repayment costs on the part of the town for the just compensation for land takings.

Many people feel intimidated when it comes to speaking before the Board. People don't want changes that will restrict their value. It is okay to add uses that will increase value. The Board must let the uses remain the same and not tip the scale with regard to real estate transactions. He suggested creating an Economic Development Subcommittee or Department. Help the landowners bring in business that the Board would like to see in Derry. There are options out there such as Economic Revitalization Zones. Commercial property does not go bad. The Board has said it wants to bring in new business. He asked the Board to also consider the green carbon footprint. The town can effect change in the carbon footprint by reducing emissions when drive time is limited. This Board has a vision and wants to do what is best. He asked the Board to help the landowner and don't restrict the uses. Derry has much to offer. Bring business into town rather than restricting uses. Reward people who have supported the town for years. These landowners have invested in the community.

Mr. Wolff noted that several of the business owners mentioned to him that they would like to see three phase power brought to the area. He has heard that Salem has a 1000 foot distance

restriction between auto sales. He thinks the town should not place a distance limitation between the uses. It is not a good message to send to the business owners.

Mr. Wolff stated Derry should not stand for “dictators, disenchantment, or disinterested.” It should stand for “desirable, dependable, and dedicated.” He asked the Board to show reciprocity to the landowners. He read the petition into the record and presented a copy for the file. It has 26 signatures on it. He thanked the Board for its time.

Rebecca Wolff, 242 Rockingham Road, felt that people who purchase residential land adjacent to a commercial lot should do their homework and make an informed decision. It is not the Planning Board’s responsibility to rectify an error made by a homeowner. Zoning is an important part of any community. When someone opens a business, they consider location, cost and demographics. They should have a good exit strategy. Limiting property rights is considered a taking. Derry is making an investment in the area by constructing infrastructure. This is a dynamic move on the part of the town. The Board should enhance dormant economic opportunities in town, not take away property rights. The Board should not restrict landowners but should be supportive.

Gary Hamm advised he owns property at 88 and 90 Rockingham Road. He believed a lot of the information provided by Mr. Wolff this evening was true. Mr. Hamm felt he was an example of what the Board is trying to do to people. His property did not have water or sewer or garbage pickup when he purchased in 1978. He did all of that himself. He paid his taxes and put one child through the school system. He planned what he might do with his property when he retired. He has seen the zoning for his property change over the years. He has sold specialty cars from the lot and heavy equipment without any problems. In the back of his mind, he thought that with water and sewer he could capitalize on the property. The addition of the restrictive buffer will eliminate his chances to do that. He has always been a competitive business owner and does not agree with the buffer. He feels the Board is trying to take away his rights. The Board has not been in his shoes. He is directly affected and does not want to see this change happen. He will do what he needs to do to prevent it. Now, water and sewer are coming to the area and the town wants to restrict him. He feels what the Board wants to do is illegal and the Board should leave the area alone. The Board should not be able to dictate to the landowners. The Board’s decision is final unless someone opposes it. He will do what he can to oppose it. He may be grandfathered. If he sells his business, will he still be able to sell specialty cars and heavy equipment from the lot because he did that in the past? Mr. Granese said that will be discussed.

Dr. Tim Butterfield of Humphrey Road introduced Peter Zohdi, a principle at Herbert Associates in Windham. Dr. Butterfield advised he met with Mr. Zohdi, Mr. Sioras, and Mrs. Robidoux and discussed the concept of mixed use overlays. Initially, he was opposed to any changes to the General Commercial zone and signed a petition. He has listened to the concerns of the Board. He and his wife have lived in town and paid the taxes to put their kids through the school system. He understands education costs. He noted the number of school enrollments is declining across the country and in Derry. Birth rates are also declining. The demographics are changing. He opposes tabling the mixed use discussion to another workshop and not considering it with these changes to the General Commercial zone. The Board has said it worked on the revisions to the

Robert Frost Farm area until it was done. This request is being asked in the spirit of compromise. To put off the discussion of the mixed use overlay would not be a show of good faith to the landowners. Mr. Granese noted the request.

Peter Zohdi explained the rendering of a mixed use concept plan that he prepared for a parcel located in the Town of Windham. He stressed this is a plan that he is working on and it has not been presented to the officials Windham. This is a 42 acre lot, located along Route 111 in Windham. 236,500 square feet are commercial units that front on Route 111. There are 17 residential units depicted on the plan located to the rear of the lot. The residential units total 34,000 square feet. The residential uses were put behind the commercial uses because no one wants to build commercial that far away from Route 111. The best use of the land in that area is residential. 32 acres of the lot are commercial, 11 acres are residential. With regard to lot size, these units are not placed on lots. With regard to adult communities or condominiums, the town can follow the State of New Hampshire rules or its own regulations. He suggests the town go with what it allows now, and if the town decides to go with mixed use, then what he is showing is an example of what a mixed use development can look like.

Mr. Zohdi had a few questions with regard to the overlay draft. One section indicates that drive-thru restaurants are allowed and another section says they are not permitted. There are conflicts. He also questioned the need for a 50 foot landscaped buffer between residential properties. If he has a mixed use property, why would he need a 50 foot buffer? Mr. Anderson said the overlay would supersede the underlying district regulations. Dr. Butterfield reiterated that he objected to the Board not including and considering mixed use overlay in the General Commercial changes. He does not feel it should be put off to another time.

Mr. Granese said the Board will try to determine if the mixed use overlay will work, but it will take a lot of discussion. The Board will need to figure out the percentages of retail versus single family home, not apartments, or condominiums. He would like to move forward with what the Board is working on. Dr. Butterfield said the Board had indicated it would take all the time it needed to work on the proposed changes. Now it feels like the Board is pushing the mixed use issue aside. He objects to that. They have been working on this for less than six months. The Board spent 18 months on the Robert Frost Farm rezoning.

Mr. Anderson wanted to clarify the water and sewer expansion plan. It has been said the expansion is going to the Windham town line. That is not part of the proposed expansion at this time. The plan is to bring it to just beyond the mobile home park on Route 28, just north of the Robert Frost Farm. Mr. Wolff stated about a year ago, he attended a meeting with other business owners at Metro Mart, led by Stuart Arnett. There was discussion about bringing sewer to the town line through a TIF district. He thought it would be done in phases to Clam Haven and then voted on again to go further than that. Mr. Anderson explained the plan is to eventually have water and sewer through the entire town. However, the next three phases cannot happen without a water tower being constructed on Warner Hill, which would be Phase II. Phase III would be to tie the tower into the existing system. As it relates to the discussion the Planning Board is having about water and sewer expansion right now; the expansion is not going to the town line.

Russell Wolff, 242 Rockingham Road, had general comments from the discussion this evening. Regarding buffers for car dealerships, the existing dealerships are not major dealerships such as IRA or Chevrolet, they are restricted by lot size. He is not sure how many people in the public are in favor of the buffers. Regarding auto repair, the businesses in this area do not have large garages and people like to have a choice as to where to have their car serviced. The renters on the lots are filling voids where there would otherwise be vacant land and they are renovating existing buildings. The Board needs to consider that growth will require construction. Many of the companies on Route 28 like to sponsor local sports teams such as little league and football, and that is also a benefit to the community.

There was no further public input.

Mr. Granese noted there will only be one meeting in December. The Board indicated it would like to move this workshop to December 5th.

Mr. Milz said he wanted to state something for the record. The landowners are asking the Board to add more opportunities. That was the original intent of the Board when it considered changing the zone to Office Medical Business which included the uses allowed in General Commercial and expanded the uses. Landowners thought the Board was doing the opposite. The Board has listened to the landowners, heard what they are saying, and kept the land zoned General Commercial. Now, the Board is redefining General Commercial. The purpose for buffering [distance restrictions between auto uses] it to protect existing business owners. Areas like the Auto Mile in Massachusetts started because Planning Boards did not have restrictions in place. Planning Boards plan so that it is understood what can and can't be on a lot. There is always room for an exception. The Board is trying to expand opportunities for the landowners, not take away opportunities. This is the Board's first experience with mixed use. The Board members are not experts and want time to make sure they know what they are doing. They want to protect the area and then add mixed use as a separate package to make sure they are doing it right.

There were no further comments from the Board.

Mr. Granese wished all a Happy Thanksgiving.

Motion by Anderson, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:53 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____