

The Planning Board for the Town of Derry held a public meeting on Wednesday, May 20, 2015, at 7:00 p.m., at the Derry Municipal Center (3<sup>rd</sup> Floor Meeting room) located at 14 Manning Street in Derry, New Hampshire.

Members present: David Granese, Chairman; John O'Connor, Vice Chairman; Michael Fairbanks, Secretary; Mark Osborne, Town Council Liaison (7:10 p.m.); Jan Choiniere (7:31 p.m.), Lori Davison, Members; Marc Flattes, Frank Bartkiewicz, Alternates

Absent: Randy Chase, Jim MacEachern

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning Assistant; 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. Mr. Granese noted the emergency exits, the location of meeting materials and introduced the Board members and staff.

*Mr. Flattes was seated for Mr. MacEachern*

*Mr. Bartkiewicz was seated for Mr. Park*

Mr. Granese advised that Mr. Park has tendered his resignation from the Board. Mr. Park has served on the Planning Board for the last five to six years and has been an asset to the Board. He has retired and moved out of state. Mr. Granese wished the Park family well in their future endeavors and thanked Mr. Park for his service to the Planning Board.

## **Escrow**

### **#15-10**

**Project Name: 30 Brook Street Site Plan**

**Developer: Stage Crossing, LLC**

**Escrow Account: Same**

**Escrow Type: Letter of Credit**

**Parcel ID/Location: 23016, 30 Brook Street**

Please establish Letter of Credit #Stage-515-P, in the amount of \$175,342.32, drawn on Merrimack County Savings Bank for the above noted project. The expiration date will be May 19, 2016.

Motion by O'Connor, seconded by Bartkiewicz to approve as presented. The motion passed with all in favor.

**Minutes**

The Board reviewed the minutes of the May 06, 2015 meeting.

Motion by O'Connor, seconded by Bartkiewicz to approve the minutes of the May 06, 2015 meeting as written. The motion passed with all in favor.

**Correspondence**

Mr. Fairbanks advised the Board is in receipt of the latest issue of *The Source*.

**Other Business**

Mr. Sioras advised the Town Council will hold its public hearing on two zoning amendments on June 2, 2015. One is related to the covenant provision found under the requirements for special exceptions and the other is the proposed changes to the Central Business District and Traditional Business Overlay District.

Mr. Granese reported that FOX News will be in Derry on July 10, 2015 as a Zip Trip. He felt this was a good economic development opportunity for the town and encouraged people to get out and showcase the community. It is a good free advertising for the town.

**Schedule Public Hearing – Zoning Amendments, Sections 165-44 and 165-45**

Mr. Sioras stated the Board and Town Council have approved the zoning amendments relating to multifamily developments. During the public hearings a question came up about the building height restriction and it was found that instead of 'circumference' the term should be 'radius'. Staff recommends the Board schedule a public hearing for June 17, 2015 and then move this change on to Town Council.

Motion by O'Connor, seconded by Bartkiewicz to schedule a public hearing for June 17, 2015, regarding proposed changes to the following sections of the Town of Derry Zoning Ordinance: Article VI, District Provisions, Section 165-44.B.2.e, Multi-Family Residential District and Section 165-45.B.2.e, Medium High Density Residential District.

Flattes, Bartkiewicz, Fairbanks, Granese, O'Connor and Davison voted in favor and the motion passed.

**Public Hearing****Extended Realty, LLC  
PID 26232, 37 Highland Avenue  
Acceptance/Review, Site Plan  
20 Unit Townhouse Development**

Mr. Sioras provided the following staff report. The purpose of this plan is for a 20 unit townhouse development located in the Medium High Density Residential District. The site is the former Floyd School property. The intent is to demolish the building and replace it with 20 two bedroom townhouses. Previous approvals for the site have expired. The Planning Board held a Design Review hearing for this project on February 4, 2015. The applicant held a Saturday morning meeting with the neighbors. All town departments have reviewed and signed the plan. There are several waiver requests. He suggests hearing from the applicant and the abutters and then conducting a site walk. The plan can be continued to June 3, 2015. There are 55 items on the outside engineer's review report. A continuation of the plan would allow enough time for the plan to be revised and for the Board to hold a site walk. At this time of year, it is possible to have site walks during the week; there will be enough daylight.

Karl Dubay, The Dubay Group, represented the applicant, Eric Spofford, who was also present. Mr. Dubay advised they held a Design Review hearing with the Board previously and have taken their time with this project. They believe this is a good plan; they discussed the details of the plan at the previous hearing, but would review them for the Board if that is what the Board wished. He received the review from Vanasse Hangen Brustlin which contained many comments. They have no issues with the comments – many are note related or require adjustment to details, additional spot shots, sign details, things of that nature. The items can be easily and quickly addressed. He would suggest working with Planning and Engineering staff on some of those items such as confirming the access aisle width, which they had proposed as one way, 20 feet wide to provide additional green space. VHB suggested a 24 foot wide, two way access. Does the Board want that level of review, or can that be discussed with staff? He is happy to make the changes suggested by VHB. Mr. Dubay advised they had invited the neighbors to the site last winter for a site walk and it was a favorable meeting.

*Mr. Osborne entered the meeting at 7:10 p.m.*

Mr. Dubay felt this was an outstanding project and gave a brief overview. Five of the units will have garages, there is landscaping and buffering and this will be a high quality project for the Town of Derry. They compared the plan to the new zoning regulations and they meet all of the new criteria with the exception of density; this project will have a few more units than will now currently be allowed. It fell under the old regulations. With a two bedroom design package, this project targets the elderly and young, single professionals. This is an improvement over the existing building that does not meet current code. It would be very difficult to make the current building meet today's codes.

Mr. Flattes asked if they have considered saving any part of the old building when it is taken down and have they contact the School Department to see if there are any time capsules on site that should also be preserved. Mr. Dubay said they have had a request to preserve the stone lintel/header over the door, which they will do to the best of their ability. They will be very careful when dismantling the building. If they find any time capsules, they will save them subject to safety concerns. This time period produced some stunning architecture, but this building was constructed on a slim budget and functioned as a school. They will dismantle it and save things if they can.

Mr. Fairbanks asked if there are any issues with the proposed height of the townhouses; will they run afoul of the building height restrictions until the Board can change the wording in June. Mr. Sioras said this application still falls under the old regulations and the application came into the Board before the Board made those changes. Mr. Dubay said the townhouses will be lower than the existing school building. They are two level townhouses, each with a footprint of 1100 square feet. They will have a main living level with two bedrooms above. Some have a walkout basement. A few on Florence Street have garages with two levels above that but when looking at those buildings from the rear, because of the grade change they will look like one story buildings. Mr. Fairbanks noted he did not have an issue with the proposed height but just wanted to make sure there were no potential conflicts.

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

There was no public comment.

Motion by O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the plan returned to the Board.

Mr. O'Connor asked about the drainage design. Is it a new design; is the water detention system the same as what they saw for the redevelopment of the school? Mr. Dubay said it was similar. They have underground infiltration. They have obtained the two foot vertical separation; there is beautiful sand on site and at recharge they got 5" per hour. They matched the flows and locations of the outlets. They worked with Mr. L'Heureux on these items. He noted those are roof drains.

Mr. Fairbanks asked if Mr. Dubay could explain the waiver requests. Mr. Dubay said they did submit a waiver summary letter. Two of the waivers have to do with the rebuilding and improvement of the private way on Highland Avenue. Currently, when one exits that driveway one can bottom out as it is very steep; it has a 15-20% grade. They will blend and improve that, continuing the access to the two existing homes as well, and cut the slope in about half. They will need a waiver because even though it will be a much improved situation it still does not meet the regulations which require access that is fairly flat. They have made a bad situation better based on the confines of what they had. They can't physically match it because of utilities and the grades on Highland as well as the on site grades. Mr. L'Heureux said he went over this with Mr. Dubay to try to maximize the correction. Mr. O'Connor recalled at the site walk a few

years ago, the Board had the Fire Department come down with a truck and access the site; the truck could make it up the grade. That is why the Board approved the waiver at that time. This will be an improvement and clean up the area as well as provide additional buffering for the neighbors to the north.

Mr. Dubay said they believed this design to be a better one than the previous design; it is shallower. The second waiver is also related to the private way. They do not intend to put in vertical granite curbing as required by the regulation. They will use bituminous curbing. There are many items in that area that make it impractical to use granite curbing such as the various curb cuts. They are also removing a bull pine from the area, adding a privacy fence and landscaping to the right to benefit one of the neighbors. They can't meet the service road cross section even with their improvements to the access because of all the items going on there.

With regard to the waiver for the curb cut on Florence, they should be 75 feet from the intersection with Highland Avenue. This drive is closer but it is one way coming out. They would rather reduce the pavement providing a 20 foot wide access with two small curb cuts. Florence Street has little traffic in this area. The sight distance plan will be added to the plan set. They have 186 feet of sight distance. Based on the limited traffic and the slow speeds on Florence they feel they have met the spirit and intent of the sight distance requirement. The other waiver has to do with drainage and they coordinated that through the Public Works Director. There is emergency outfall criteria for infiltration. The soil is very sandy and the water is basically sheet flow. They have a hybrid emergency outfall design and they feel it meets the criteria for a secondary system, but Mr. L'Heureux felt they should request a waiver because it technically does not meet the regulation. Mr. Dubay said he felt it was overdesigned. It serves a small area to the front. They have also added an outfall in the island in the middle. If water levels rise, water will appear in that island first. Most towns don't require a secondary outfall design. The alternative would have been to pipe another system across the road, down into Beaver Brook. Mr. Côté reviewed it as well. They may need a few additional waivers per the VHB report. One is for a parking space that meets the fifteen foot criteria to Highland, but not to Florence. They are one space over the requirement but provided the additional parking after discussions with staff. People park along Florence now within the 15 feet of the right of way. They will do what the Board would like. They prefer to keep the additional visitor space. The units with garages have more room to park a car in front of them. Mrs. Davison confirmed that only the units on Florence Street have garages. Mr. Dubay noted they are providing 2.5 parking spaces per bedroom. Mr. O'Connor asked Mr. L'Heureux if the parking space in question would meet the standard for compact parking. Mr. L'Heureux said the width would still infringe on the requirement. Mr. Dubay said they could remove the space or ask for a waiver.

*Mrs. Choiniere was present at 7:31 p.m.*

Mr. Fairbanks asked if the space was deep enough to hold a car. Mr. Dubay said it is 18 feet long and is near the exit. They will put a Do Not Enter sign there.

Mr. L'Heureux said VHB had many comments on this plan; the majority of them are housekeeping items. There were a few incomplete items such as the sight distance profile, test

pit data for the drainage study, slope issues, a few grades and bounds, but those have been discussed. Most of the open items will be accommodated and the drainage study will address the amount of green space versus impervious. The plan is closer to complete than the list would make it appear. He has no objection to any of the waivers so long as the sight distance profile information is provided. At 30 MHP the distance is 200 feet; at 25 MPH the distance is 150 feet. He does not feel there is a safety issue at 186 feet as people will be approaching a stop sign.

Mr. Granese asked the Board if they wanted to conduct a site walk. Mr. Sioras suggested continuing the hearing to June 3<sup>rd</sup>; the site walk could be held at 6 or 6:30 in the evening during the work week. The Board could take jurisdiction of the plan.

Motion by Fairbanks to accept jurisdiction of the site plan application before the Board for Extended Realty, LLC, PID 26232, 37 Highland Avenue, seconded by Bartkiewicz.

Davison, O'Connor, Flattes, Bartkiewicz, Fairbanks and Granese voted in favor and the motion passed.

Mr. Granese explained as Mr. Osborne and Mrs. Choiniere entered the meeting after the public hearing began, they could not vote on it this evening.

The Board discussed dates and times they would be available for a site walk.

Mr. Flattes said he would like to have a site walk since it has been a while since the Board held one here. Mr. Granese felt it would give the applicant time to address some of the review items. Mr. Dubay remarked he would have the comments addressed within three days.

Mr. L'Heureux asked if the Board members could consider issues raised this evening involving the aisle width: whether it should be 20 or 24 feet wide, and the extra parking space issue: would the applicant need a waiver.

Motion by Fairbanks to schedule a site walk for this property on Thursday, May 28, 2015 beginning at 6:45 p.m., seconded by Bartkiewicz.

Davison, O'Connor, Flattes, Bartkiewicz, Fairbanks, and Granese voted in favor and the motion passed.

Mr. Granese confirmed the site walk would be open to the abutters. Mr. Dubay said he would accommodate the issues raised by Mr. L'Heureux and bring revised plans to the site walk. Nothing is marked on the site yet. Mr. Granese asked that the driveway and building corners be staked out. Mrs. Davison asked if the parking space in question could be staked out as well as any areas that pertain to waiver requests to provide a visual for the Board members.

Mr. O'Connor asked about the 20-24 foot conflict. Mr. Dubay said the design meets the driveway requirement and they could meet the 24 foot distance but they need a waiver for the 15

foot requirement. They can accommodate the Board's wishes either way. He noted there are a few landscape trees in the area.

Motion by O'Connor to continue this hearing to June 3, 2015, seconded by Bartkiewicz.

Davison, O'Connor, Flattes, Bartkiewicz, Fairbanks, and Granese voted in favor and the motion passed.

**Public Hearing to review the following proposed zoning amendments to the Town of Derry Zoning Ordinance.**

**To amend Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions for Commercial Performing and Fine Arts Schools and Studios and Movie and Recording Studio; amend the definition for Private Educational Facility/Private School and delete the definition for Commercial Recreational Building.**

**To amend Article VI, Districts, Section 165-29, Enumeration of Districts to add a new district, General Commercial IV District.**

**To amend Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to amend the date of the map and to rezone three parcels in the Office Medical Business District to General Commercial VI and to remove seventy seven (77) parcels from the General Commercial zone and place them in the General Commercial IV zone.**

**To amend Article VI, District Provisions, Section 165-32, General Commercial District, Section 165-33, Central Business District, Section 165-45, Medium High Density Residential District, Section 165-49, Traditional Business Overlay District to add Commercial Performing and Fine Arts Schools and Studios to the list of permitted uses; and to add a new section, Section 165-32.3, General Commercial IV and to establish the list of permitted uses for that zone.**

**As part of the town's long range plan to expand its commercial tax base with the extension of town water and sewer to Route 28, Rockingham Road, and the Webster's Corner area, the purpose of these amendments is to increase the number of commercially zoned parcels, create a new commercial zone with expanded uses, and to add new definitions with the intent to encourage development along one of the town's arterial routes (Route 28).**

Mr. Sioras advised as part of the 2014 goal setting for the Planning Board, the Board held a workshop with Town Council. The recommendation from the Council was to look at the zoning along Route 28 as part of the town Master Plan and the extension of water and sewer along Rockingham Road, the area known as Webster's Corner, to Berry Road. Town Council later asked the Board to expand the area of the zoning along Ryan's Hill to the Windham town line. The Board has spent the last year in workshops, meetings and public hearings, working on the zoning amendments.

Motion by O'Connor, seconded by Flattes to open the public hearing. The motion passed with all in favor and the floor was open to the public.

Sheldon Wolff, 242 Rockingham Road, noted that visuals during meetings are a good thing. A few years ago, he brought assorted shoe styles to a meeting to impress that residents and landowners share common ground with the Board members. The job of this Board is to say yes, as Mr. Granese has said in the past. He wanted the members to 'walk in the landowner's shoes'. Mr. Wolff handed out pens to the Board members. He stated with a stroke of a pen tonight, the Planning Board will change 77 parcels of land in this town. The Board does a good job of getting the information to the public. This process has been going on for years as the Board tries to decide what is the very best for the town. This area is the last frontier for tax base. This is a wonderful community but people can't get the value for their homes because the taxes are so high. General Commercial IV has been created under a lot of friction. The Board should want to put as much as it can in this zone. It is a state road. Many people have owned property here for years. He would like to see a few more uses added such as solar or wind farms. He would like to see any type of use that would be an alternative energy farm. It could provide a tax base and it is alternative energy from which the residents can benefit. He would like to see clinics added back in because those types of uses utilize water and sewer. Office should be added back in as a use as well as trade schools such as HVAC or solar energy. Mrs. Choiniere noted trade schools are a permitted use in this proposed zone.

Mr. Wolff felt as many uses as possible should be allowed in this zone. He would like to see serious consideration to some form of an overlay district. He has the impression the Board wanted to keep big box retailers out of this zone. There are some parcels that are fairly large. He would like to ask the Board when water and sewer will get to the town line. There has been no definitive time given; it may never happen. Mr. Granese suggested Mr. Wolff reach out to the Department of Public Works to find out a time frame for any further expansion. Professional office covers the office use Mr. Wolff mentioned. Mr. Wolff asked what type of office would not be allowed. Mr. Granese said professional businesses fall under professional office. Mr. Wolff said he would want to be able to rent to any type of business. There are some things in the ordinances that may sound good on paper but in reality, do not work or they deny people the ability to work. Mr. Granese said it makes the ordinance cleaner if 'office' is under 'professional office'. Mr. Fairbanks agreed professional office covered office and trade school is listed. Clinic falls under hospital. Mr. Granese added the Code Enforcement Officer would decide if a use was allowed in the zone or not. Mr. Wolff said he was just asking for anything that would be a legal use to be allowed in the zone and for the Board members to remember that a stroke of the pen changes 77 parcels and that is a lot of parcels.

Marjorie Palmer, 91 Warner Hill Road, asked what is the rationale of extending the zoning from Berry Road to the Windham town line, when water and sewer will not be extended to the town line in the foreseeable future. Why not postpone the zoning in the area until the town can afford to expand the infrastructure? If and when General Commercial IV takes effect, does the tax rate change for the properties at that time, or does it change when the water and sewer project is complete? No one is breaking down the doors to develop their land. Her family has made it clear their land is not for sale. She is dismayed there has been no subcommittee report prior to



this meeting with regard to mixed use because the subcommittee has not met. If the Board votes this evening prior to the subcommittee report, it is sending the message that they are just placating the residents. Mr. Granese said with regard to the overlay, the Board held a discussion and agreed to form a subcommittee to look at a town wide, commercial mixed use overlay instead of an overlay of just this area of town. The subcommittee has been trying to meet, but has been having an issue trying to get a quorum. Two members have been lost and they are doing their best to meet. It is on future agendas for workshop but not on the agenda this evening because the Board members had voted to make mixed use separate and for it to be town wide. With regard to rezoning, it made sense to do it all at once. When the Board looks at one area and realizes it makes sense to add other parcels, they do that. They are trying to do the right thing for the whole town. He can't say when the tax rate for each parcel would change and suggested Mrs. Palmer speak with the Assessor or Tax Collector. That is not under the purview of this Board. Mrs. Palmer said it appears the ramifications of the changes the Board wants to make do not seem to be of interest to the Board. Does this change mean her tax rate will be affected? Will they get the benefit of the former zone they had for their property?

Mr. Sioras explained his general understanding is that if there is a residential property in a commercial zone, the property is taxed at the residential assessment. The rate would only change if the use on the property changed to a commercial use. For example, a single family residence on Ryan's Hill is assessed at the residential rate. If the home is torn down and a gas station constructed on the property, it would change to a commercial assessment. Mr. O'Connor added that the agricultural assessment will remain until the use changes or the land is taken out of current use. Mrs. Palmer said she is very disappointed the residents were not notified that this meeting did not include a discussion about mixed use and that it has become a potentially town wide overlay and is not limited to this area. She does not recall the Board having this discussion.

Mr. Granese advised the discussion was held during a workshop. He will ask Mrs. Robidoux to find the date. Mr. Fairbanks confirmed the definition of hospital also includes clinic, medical office, laboratories and support buildings.

Michael Desmond, 195 Rockingham Road, said he used to operate the Longhorn Restaurant. He has a hotel business background. He related the history of the restaurant and how he purchased a home adjacent to it and has been there for 40 years. He has listened to the other residents speak and has noted their longevity with regard to their property. When he first came to town there was The Longhorn, The Paddock, Mecca Grove and a motel. Over the years he has watched Ryan's Hill develop with car dealerships which have created business in the area and people are making a living selling cars. The small business owners are the backbone of this country. He hears what the Board wants to do. He is still not sure why the town expanded water and sewer to this area. This is the same Board that allowed the Fairways and created the need for a new school. He recalls Roland Ferland asking what the impact of the Fairways would be to the town and saying the impact would be more children in the school system. Now, school enrollment is decreasing. He hopes this Board has it together and has ideas of what they would like to see on Route 28. He does not believe he will see water and sewer at his property in his lifetime and hopes the Board does not want to see a bunch of strip malls. The town does not need any more office space. If the Board does not want large box stores, what does it want? He used to own

several other parcels of land in the area and sold it off. It is a lot of money to bring water and sewer to Route 28. The uses may be restricted. He has lived on Ryan's Hill for 40 years, has no children in the school system, the state plows his road, the tax bill keeps coming, and the step the Board is now taking will affect 77 parcels. The Board will vote as it wills. He hopes the Board has a vision for this area. Changing the lives of these residents is a big step.

There was no further public comment.

Motion by O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the amendments came back to the Board.

Mr. Granese answered the question posed by Mrs. Palmer about when the Board decided to not include mixed use as part of this discussion and to create a subcommittee. During workshop #6, held on April 1, the Board discussed and held a straw vote on the matter. The conversation can be found on pages 11-13 of the minutes of that meeting.

Mr. O'Connor said Dr. Butterfield had made a comment during one of the meetings with regard to Performance Zoning. Mr. O'Connor was intrigued and did some research on it. The laws have changed so that the Board can do innovative land use which includes criteria for performance zoning. It is complicated, but that type of zone allows the town, developer or citizen who own a piece of property to come to the Board once the criteria is in place. It puts an overlay in place. The mixed use subcommittee did meet once but has since lost two members of the subcommittee and he had a medical issue. The subcommittee is still looking at it. The vote tonight will have no impact on any future performance zone which would include commercial mixed use. A good example of that type of use is the building on Route 28 just over the Windham town line. Development in a performance zone would need to be tax positive and the burden to prove that is on the developer. The resident's comments did not fall on deaf ears. The Board is moving forward with it. The commercial rezoning has been going on for years and the changes started when the Board did zoning changes around Danforth Circle at the impetus of the Civic Profile that developed the vision. The water and sewer upgrades have also been in the vision for the town for years. Mr. O'Connor said he can't give a date when it will happen, but the Master Plan tells the town the direction it wants to go. It takes years to develop the Master Plan which provides the Planning Board with direction. It is known there were development issues on Ryan's Hill because the soils can't handle the septic systems. That is the intent to add water and sewer and also to open up land for development. The mixed use subcommittee has met and will be on a future agenda to move forward.

Mr. Fairbanks asked where alternative energy sources would be allowed in town. Mr. Sioras said the town was awarded a pilot program for solar power. Currently, it is not allowed. They are working through the Energy and Environmental Advisory Committee. This program will allow people to put panels on their property and they will work to create areas in town where energy farms would be allowed. The Energy Committee will come to the Planning Board with recommendations for zoning amendments. Residents are allowed to place panels on their property. Mr. O'Connor added the Southern New Hampshire Planning Commission will meet next week and is working on model ordinances to make available to its member communities.

Motion by O'Connor, seconded by Bartkiewicz to accept the following changes to the Town of Derry Zoning Ordinance, to amend Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions for: Commercial Performing Arts and Fine Arts Schools and Studios, Movie and Recording Studios; To amend the definition for Private Educational Facility/Private School; To delete the definition for Commercial Recreation Building; To amend Article IV, Districts, Section 165-29, Enumeration of Districts to add a new district, General Commercial IV (GC IV); To amend Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to amend the date of the map and rezone three parcels in the Office Medical Business District to General Commercial IV and to remove seventy-seven parcels from the General Commercial District and place them in the General Commercial IV District; To amend Article VI, District Provisions, to add Commercial Performing and Fine Arts Schools and Studios to the list of permitted uses in the following sections: Section 165-32, General Commercial District, Section 165-33, Central Business District, Section 165-45, Medium High Density Residential District, Section 165-49, Traditional Business Overlay District; To add a new section, Section 165-32.3, General Commercial IV and to establish the list of permitted uses for that zone. The Board also moves to forward the changes to the Derry Town Council for its consideration of the proposed changes. Discussion followed.

Mr. Flattes confirmed solar is not a permitted use in this zone at this time.

Davison, Osborne, O'Connor, Choiniere, Flattes, Bartkiewicz, Fairbanks and Granese voted in favor. O'Connor noted his affirmative vote is based on the understanding the Board will move forward with discussion of performance zoning.

There was no further business before the Board.

Motion by Davison, seconded by Bartkiewicz to adjourn. The motion passed with all in favor and the meeting stood adjourned at 8:44 p.m.

Approved by: \_\_\_\_\_  
Chairman/Vice Chairman

\_\_\_\_\_  
Secretary

Approval date: \_\_\_\_\_