

The Planning Board for the Town of Derry held a public meeting on Wednesday, April 01, 2026, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room, with a virtual option.

Members present: Dave Nelson, Chair, John O'Connor, Vice Chair, Richard Malaby, Secretary, Randy Chase, Town Council Liaison, Brian Chirichiello, Town Administrator Representative, Bryan Fishman, Jacob Pelletier, Derek Minervini, Michael Wood, Members, and Thomas Mauzy, and Z. Michael Appleton, Alternates

Also present: Elizabeth Robidoux, Planning Director, Caroline Wilson, Planning Administrative Secretary II, Beverly Donovan, Economic Development Director

Mr. Nelson opened the meeting at 7:00 p.m. The meeting began with a salute to the flag.

Mr. Nelson congratulated Mr. Wood, as he was promoted from Alternate to Member.

Planning Board Annual Meeting

Election of Officers

Mr. O'Connor moved to nominate Dave Nelson as Planning Board Chair, Mr. Malaby seconded the motion. There were no other nominations.

Roll Call Vote: Chase, Wood, Minervini, O'Connor, Fishman, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Mr. Chirichiello moved to nominate John O'Connor as Planning Board Vice Chair, Mr. Minervini seconded the motion. There were no other nominations.

Roll Call Vote: Chase, Wood, Minervini, O'Connor, Fishman, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Mr. O'Connor moved to nominate Richard Malaby as Planning Board Secretary, Mr. Pelletier seconded the motion. There were no other nominations.

Roll Call Vote: Chase, Wood, Minervini, O'Connor, Fishman, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Escrow

#26-08

Project Name: 7 A Street Change of Use

Developer: Durabull Trailers, LLC

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 08001-003, 7 A Street

The request is to establish cash escrow in the amount of \$22,626.25, for the above noted project. This escrow is non-interest bearing.

Motion by O'Connor, seconded by Malaby, to establish cash escrow in the amount of \$22,626.25, for the above noted project. This escrow is non-interest bearing.

Roll Call Vote: Chase, Wood, Minervini, O'Connor, Fishman, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

#26-09

Annual Review of Cash Escrow

#11-12 T-Mobile Northeast	\$17,452.66
#14-16 Samuel Kershaw	\$45,068.23
#20-16 High Meadows, LLC	\$71,597.52
#20-20 Prime Storage Derry, LLC	\$79,554.96
#22-21 John Cooper	\$15,837.12
#24-14 Tree Line Property Services	\$8,625.00
#24-16 Hidden Pond Derry, LLC	\$18,026.25
#24-25 Keystone Derry (fair share)	\$43,750.00
#24-31 FW Holdings	\$22,885.00
#24-37 Paul Doolittle	\$14,605.00
#25-02 GlennCo Construction	\$4,945.00
#25-05 80.5 English Range Road	\$17,997.50
#25-25 Euro Stop	\$181,098.55
#26-03 Belize Real Estate Holdings	\$34,632.25
#26-07 Tim Woodland	\$11,534.50
#26-08 7 A Street Change of Use	\$22,626.25

The request is to review the list of open cash escrows and determine that they are held in amounts which provide adequate security for the proposed length of the project. The amounts listed above are the ending principal and interest amounts as of March 04, 2026.

Ms. Robidoux explained that #11-12, T-Mobile Northeast, is a cell tower removal bond. #14-16, Samuel Kershaw, is for the completion of a mini golf course. All of the listed developments have met the criteria for active and substantial development. Ms. Robidoux noted that #20-20, Prime Storage Derry, LLC will lose its vesting for being protected from zoning changes in June.

Motion by O'Connor, seconded by Malaby, to find that the list of open cash escrows are held in amounts which provide adequate security for the proposed length of the project. The amounts listed above are the ending principal and interest amounts as of March 04, 2026.

Roll Call Vote: Chase, Wood, Minervini, O'Connor, Fishman, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Minutes

The Board reviewed the minutes of the March 18, 2026 public meeting.

Motion by O'Connor, seconded by Malaby, to approve the minutes of the March 18, 2026 public meeting as written.

Roll Call Vote: Wood, Minervini, O'Connor, Mauzy, Chirichiello, Pelletier, Malaby, Nelson, vote Yes, Chase and Fishman abstained due to being absent. The motion passed.

Annual Review of Non-Public Minutes

All non public minutes were unsealed at the April 02, 2025 meeting, therefore there are no non-public minutes to review for the Planning Board.

Correspondence

None.

Other Business**PID 03129, PID 03076****8 Stark Road, 202 Rockingham Road****David A. Palmer****Voluntary Merger**

Ms. Robidoux explained that Mr. Palmer owns two adjacent lots in common ownership. One lot fronts on Stark Road, the other lot fronts on Rockingham Road. The intent is to voluntarily merge the lots. 8 Stark Road (PID 03129) is a 10.11 acre parcel which contains a garlic farm. This lot is also slightly encumbered by a billboard easement, which does not affect the merger. 202 Rockingham Road (PID 03076) contains .92 acres, and is triangular piece of land adjacent to the Rockingham Rail Trail. 202 Rockingham Road will be deleted and 8 Stark Road retained. Voluntary Mergers are approved pursuant to RSA 674-39-a, and a public hearing is not required.

Motion by O'Connor, seconded by Malaby, to approve the voluntary merger of 8 Stark Road and 202 Rockingham Road. The parcel to be retained is PID 03129, 8 Stark Road, the parcel to be deleted is PID 03076, 202 Rockingham Road.

Roll Call Vote: Chase, Wood, Minervini, O'Connor, Fishman, Chirichiello, Pelletier, Malaby, and Nelson vote Yes. The motion passed.

Annual Review of Board Policy & Procedures

The Planning Board is required to annually review and update (as necessary) its Policy and Procedures, beginning at the first annual meeting, held in April.

Mr. Nelson encouraged the Board to review the Policy and Procedures, and to submit any suggested changes to Ms. Robidoux.

Ms. Robidoux explained that there have been no legislative changes that need to be reflected in the Bylaws over the past year, but a few items of discussion have come up, and she thought this would be a good time to have the Board consider the following:

Section 5, Conduct of Meetings, Subsection (f) – Manner of Voting.

Ms. Robidoux explained the Board is not required to hold a roll call vote, unless a member is participating remotely. The Board's practice has been to hold a roll call vote for matters of substance (waivers, DRI, motions). This section does not need to be revised, but this is a good time for the Board to have a policy discussion about when it is appropriate to let the Ayes or Nays decide. For example – Ayes and Nays could be applicable for votes on things like, accepting revised plans, opening and closing public hearings, findings of fact or administrative decisions involving signs and architectural reviews. Roll calls could be reserved for DRI, Waivers, and motions to approve.

Mr. Nelson explained that his practice has always been to take roll call votes for items that would affect notices of decision, and to take Ayes and Nays on purely procedural items.

Section 6, Order of Business

Ms. Robidoux mentioned that one of the trainings put forth by NH BEA indicated that the Planning Board should vote on waiver requests PRIOR to accepting jurisdiction. The Board was recommended to discuss and determine if it needs to be memorialized in the Policy & Procedures.

Mr. Nelson felt there were two valid sides to this. If there is a waiver request that causes a substantial piece of information (report, compliance of a regulation) to be missing, then the Board could find that there was insufficient information and have the applicant return, without starting the 60-day clock. The other side is that the Board is required to have a process addressing waivers; they are expected to be granted as part of application deliberation, which is to take place during and after public hearing. Making substantive decisions on waivers before accepting jurisdiction could be problematic. Mr. Nelson suggested that future staff reports indicate that the waivers requested are or are not sufficiently supported to proceed.

Mr. Chirichiello felt it was contradictory; accepting jurisdiction is saying the plan is complete, but not accepting jurisdiction is saying the plan is not complete. Why would the Board approve a waiver on something that was not complete?

Mr. Nelson mentioned that the Board has occasionally gone against a department's recommendation; applicants have the right to state their case before the Board and to ask for a waiver.

If an applicant's proposal included a substantial projected traffic impact, yet the applicant submitted a waiver request to not complete a traffic study, Ms. Robidoux explained that this is an

example of a situation in which the staff report would recommend the Board to not find the application to be complete.

Mr. O'Connor added that Subdivision regulations per RSA 674:36 state that waiver provisions are optional, while the Site Plan regulations per 674:44 deem that waiver provisions are not optional. So, there may need to be a split if the Policy and Procedures are changed for this reason.

Mr. Nelson opined that the NH BEA may have geared this suggestion more for smaller communities that do not have a professional staff or a TRC process. The Board's consensus was to keep the Order of Business policy as-is, except for when an applicant presents an egregious missing piece, in which case staff should flag the deficiency and the Board may not automatically accept jurisdiction.

Section 7, Applications, Subsection (g) – Developments of Regional Impact.

Ms. Robidoux mentioned this section as this is where the Board typically votes "no" on a motion. Historically, the Board makes all motions in the affirmative, citing any reason for a "no" vote, and then the Notice of Decision (all applications, not just DRI), lists the reasons for the denial. Technically, if the majority of the Board votes NO on a motion, another motion is to be made in the negative (Move to deny), for which the members can vote yes on the denial. If this is how the Board wants to move forward on motions when the vote is NO, Ms. Robidoux will amend the "Suggested Motion" page accordingly. (See RSA 676:4, I)

Mr. Nelson has heard of this in law lectures. Approvals to applications are almost always conditional; but a proposal either is or is not found to be of regional impact. Mr. Nelson did not think it mattered whether the vote was affirmative or negative, because there are no conditions that would apply to regional impact. Mr. Chirichiello felt that the intent of the initial motion should be sufficient and a second motion should not have to be made. This has always been Ms. Robidoux's thought process; but if the majority vote no, the application would technically be denied. Mr. Nelson added that a failure to get an affirmative vote on a motion is a failure to reach a decision, not a decision itself.

The Board's consensus was that if the Board fails to reach a majority "Yes" on an affirmative motion, then the Board should reopen the discussion and see if something would get them to "Yes."

Mr. Minervini asked if there was any reason that a Board member could not make a motion that, "No, this proposal does not meet the definition of a development of regional impact." Mr. Nelson said no, but the Board has a longstanding practice of making motions in the affirmative. Ms. Robidoux appreciated the consistency of this practice, but always defers to the Board's preference.

Ms. Robidoux suggested that if there are no changes to the Board's Policy and Procedures, the Board could vote to accept them at the next meeting.

Planning Director and Chairman Updates

Ms. Robidoux informed the Board that, since the first of the year, the Technical Review Committee (TRC) has reviewed applications for:

- Redevelopment for ~3,800 SF of commercial use with associated parking and drainage
- A 12-lot residential subdivision
- Redevelopment of 12,000+ SF of mixed use commercial
- A site plan amendment involving 3,000 SF of commercial use, for which the applicant decided not to move forward at this time
- A 2-lot residential subdivision
- A site plan for a new light industrial use including a 20,000 SF building with associated parking and drainage.

Ms. Robidoux emphasized that, for a variety of reasons, not all of the proposals that receive technical review make application to the Planning Board. Ms. Robidoux will provide the Board with such an update every couple of months to anticipate what may be coming forth.

Mr. Nelson announced that with Mr. Wood's elevation to a full member seat, there is now a vacant alternate position with a three-year term. Interested individuals can submit a volunteer application via DerryNH.gov.

Workshop – To Discuss goals, procedures and policy, and to set priorities for future Board actions

As Ms. Robidoux has been reviewing applications and their conformance to the Town's Zoning and Land Use requirements, she has noted some portions of the Zoning Ordinance or Land Development Control Regulations that could use some adjustments. The Code Enforcement Officer and Ms. Robidoux struggle daily with language in the Zoning Ordinance that is not as clear as it could be to provide direction to the public.

Additionally, as Code compliance issues have come up, it has become evident some of our language is outdated based on current land configurations or just everyday progress.

As the Board is discussing Goals for the next year or so, Ms. Robidoux would offer the following areas to review for potential amendment:

1. CBD Amendments – *in process*
2. MDR/LMDR amendments – Over the last ten years, water has been extended to areas currently zoned MDR or LDMR. The lots were originally designated with minimum lot areas to accommodate wells and septic systems. With water now available in these areas, it might make sense to review the current requirements to see if we would like to add a provision that if the lot has water or sewer available, then the minimum lot size can be decreased. We do this in the MHDR.

Mr. Nelson agreed that it would be good to review this as infrastructure is added. Mr. Chirichiello agreed; public water and sewer allow building on smaller lots.

Ms. Robidoux explained that water and sewer has been added to some areas more quickly than was foreseen. The Town is part of the Southern NH Water Project, and developers are extending water. Mr. O'Connor agreed, expanding infrastructure will open development opportunities to areas with soil types that do not support private septic and well.

Ms. Robidoux explained that a study can be done in-house with Engineering staff. MDR and LMDR areas will be examined in conjunction with where the expansions are to occur. Mr. Chirichiello added that more value can be brought into town by bringing opportunities for commercial growth to areas like Ryan's Hill (Rte. 28 south of the rotary). Commercial growth is a tool that can help generate revenue to offset the effects of tax increases.

3. Creating the Non Normative Workforce Housing index – the goal would be to unify our references to Workforce Housing to present to developers and other interested parties, how we comply with State law. We can create an outline with footnotes that shows how we satisfy that goal. In other words (or the words of our Chair), create an annotated index for Workforce Housing.

Staff can work on the index and bring the final product to the Board. If it is an addition to the Ordinance, it would require approval by Town Council. Perhaps the data can be pulled together and the Board can determine the best way to incorporate it.

4. Update language regarding the ground/roof solar 15K requirement

5. Update the time limit on the non conforming use provision

Presently, the language states that if a non-conforming use ceases, it is allowed back if it returns within a year. Perhaps this period of time can be decreased. Mr. Nelson asked if there was case law on this; Ms. Robidoux will double check. Financing or insurance delays (such as after a fire) were mentioned. Ms. Robidoux clarified that that intent is to promote conformity in districts by tightening up the window allowing a non-conforming use to return. Mr. Nelson would not want to see confiscation of the value of the business in cases such as retirement or delays in selling a business. Ms. Robidoux explained that acts of God or fires have their own separate provisions, which would not be touched.

6. Tiny Home Ordinance/Requirements

Mr. Chirichiello requested Ms. Robidoux determine towns and cities with successful tiny home developments and to coordinate site visits to those developments for the Board.

7. Add requirements for travel trailers and temporary storage

Requirements for recreational use trailers and truck-body style containers being kept indefinitely for storage could both be refined. Ms. Robidoux will draft requirements.

- 322 8. Add a definition for "Town". It is not absolutely clear in our ordinance that we mean the
323 Town of Derry.

324
325 *Ms. Robidoux explained that it has been brought to Staff's attention that "Town-approved road"*
326 *was not clear. Mr. Nelson noted that the definition of "Town" is clear in State statute. Mr. Nelson*
327 *understood that an abutting Town's approved road, relative to the provision of access to a lot to*
328 *be the point of contention. To be clear that frontage is required to be on a Town of Derry Class V*
329 *road, the definition of "Town" should be edited.*

- 330
331 9. Review the sign ordinance – banner signs (where are they permitted), off premise signs,
332 and permitting of signs.

333
334 Ms. Robidoux would also like to offer as work session topics include:

- 335
336 1. The Escrow Process – when and how we can require it, and what the process looks like
337 after the Board makes its motion.

- 338
339 2. Adding "Precedent" and "Subsequent" to our conditions of approval

340
341 *Conditions precedent shall be done before the Board signs a plan; conditions subsequent shall*
342 *happen after the Board signs the plan. Ms. Robidoux would like to begin adding these qualifiers*
343 *to the suggested conditions, and if the Board disagrees, they can be changed during deliberations.*

- 344
345 3. LONG TERM GOAL – revamp the Zoning Ordinance to make it easier for the general
346 public to understand what we are requiring. Staff made some progress to that goal with
347 the creation of the Quick Reference Guides.

348
349 *Mr. Chirichiello inquired if AI has been utilized for suggested amendments to the Ordinance; Ms.*
350 *Robidoux said no.*

- 351
352 4. The TRC Process – what it is, why we need it, and decide if the Planning Board wants to
353 receive copies of the TRC notes in their packets, or continue with the current policy where
354 the Planning Director notes any remaining concerns/comments in the staff report to the
355 Board.

356
357 *Ms. Robidoux mentioned that the Board previously received copies of TRC meeting notes in their*
358 *meeting packets. This was discontinued when Ms. Robidoux became the Director of Planning.*
359 *Confusion was created as items in the TRC notes that had since been resolved were being discussed*
360 *during deliberation. Ms. Robidoux instead provides the Board with staff reports detailing*
361 *outstanding items. However, if the Board wishes to see the TRC notes in the packets again, Ms.*
362 *Robidoux will include them.*

363
364 *Mr. Chirichiello suggested staff provide TRC notes in the Chair and Vice Chair's paper meeting*
365 *packets only, on the evening of the meeting. Mr. O'Connor inquired if the TRC notes fell under*
366 *NH RSA 91-A; they do not, as they are meetings in which staff assists applicants. Mr. Nelson*
367 *suggested that if decisions are made in a TRC meeting, then they would be subject to 91-A. Ms.*

Donovan added that there are proposals that come to TRC which have not been finalized and therefore are to remain confidential; this information needs to be protected.

Other items suggested this evening by Board members and staff:

- Mr. Chirichiello has observed many dumpsters not being screened, both on residential and commercial land. Mr. Nelson explained that State law gives the Planning Board very little ability to regulate residential land as Site Plan Reviews are not typically done. Mr. Chirichiello did not want to see a nuisance ordinance, but some dumpsters are very close to traveled way. Ms. Robidoux agreed that some commercial sites have “crept” beyond their approvals. It is not that it is not on the Town’s radar, but there is an enforcement action process that must be followed.
- Mr. Nelson suggested the Board consider requiring turnarounds for new residential driveways. Ms. Robidoux mentioned that driveways over 150’ in length must require a turnaround. Mr. Nelson felt that backing out into roadways is a safety issue regardless of driveway length.
- Ms. Donovan suggested looking at zoning in totality, beginning in the GC II, and considering deleting uses that are basically obsolete, and adding newer sought-after uses. Mr. Nelson felt that this was done during the 2025 Gateway District rezoning. Perhaps this could be done within the year as the Board has time.

Workshop #4 – To discuss proposed changes to Article VI, District Provisions, Section 165-33, Central Business District

Following the last workshop held on February 18, 2026, the district provisions have been amended per the workshop discussion as well as input from David Nelson, Jake Pelletier and Bryan Fishman, who worked on the setbacks, height and density.

In italics are the Board and staff’s discussion of each section.

Section 165-33.A, Purpose – additional language has been proposed to support the proposed changes to the district and sets the intent to maintain a unified streetscape.

Mr. Nelson encouraged adding, “In order to protect the predominant character and historical nature of this district, dimensional requirements shall be established to encourage a consistent streetscape.” This gives guidance on interpretation. There is case law for towns that do not have purpose statements for their districts.

Section 165-33.B, Permitted Uses

Subsection (5) (a) – continuing to suggest new multifamily or conversions to multifamily can allow up to 24 units per acre.

Mr. Fishman found in doing research that our density is already restrictive; and that crime, traffic, and school enrollment were unlikely to be significantly affected by increasing density. Increasing density can offer opportunities for economic development. Mr. Fishman did not believe that such increases would degrade the feel of the area.

Mr. Nelson felt that entertainment and discretionary spending destinations would be incentivized by providing more residents to visit said businesses. Mr. Fishman felt that providing more units per acre would better offset the fiscal impact that multifamily development has on the Town. Mr. Appleton inquired about the traffic increase; it was found that increasing the density would result in only 2-3 additional vehicle trips per hour, at peak hours. Mr. Fishman felt that modes of transportation are changing; including ride shares and autonomous driving.

Subsection (5) (b) (i) – decrease minimum sf per unit to 400

Mr. Fishman found that overall median rent of an 800 SF unit is above the median affordability limit in NH (30% of annual income). Allowing smaller units will allow developers to serve a market where income is limited and will provide more places for people to affordably live. Mr. Chirichiello and Mr. O'Connor agreed; and Mr. Minervini was strongly in favor. This could be one way to attract and retain replacement workers.

Subsection (5)(b) (ii) – suggest removing the bedroom unit limitation

Mr. Chirichiello felt that the bedroom unit limitation was no longer needed; we do not expect to see a 400 SF unit to have 5 bedrooms, for example.

Subsection (5) (b) (iii) – renumber to 'ii' and require a minimum of 30% of the first floor be a permitted non-residential use.

This provision is in furtherance of maintaining non-residential uses in the district. Mr. Wood wondered if there should be a maximum instead of a minimum. Mr. Nelson noted that historically, it has been more profitable in Derry to produce housing than to produce commercial uses. Ms. Donovan would favor eliminating the requirement that commercial and residential uses shall occupy certain floors, however, she is not in favor of specifically converting businesses to apartments. Ms. Donovan was not sure that a percentage requirement was necessary, as all situations are different. Mr. Nelson stated that as a quasi-judicial body, the Board shall be objective. Ms. Donovan suggested allowing conditional use permits on the commercial portions. Mr. Nelson opposes conditional use permits for this purpose as they can result in constitutional equal protection issues. Ms. Donovan explained that other towns use CUPs to allow flexibility.

Ms. Robidoux suggested that a certain percentage of the whole structure be required to be commercial. Mr. Chase suggested that the equation be rephrased to "30% of one floor, placed anywhere in the building." Mr. Nelson agreed, the intent is 30% of a floor, not specifying which. It could also be 15% on one floor and 15% on another floor. Mr. Fishman suggested choosing a percentage (such as 10%) that is a function of the total square footage of the building so it scales with the number of floors naturally. Perhaps, "The combined commercial area shall be the

equivalent of 10% of the net livable floor area.” The Board was encouraged to keep thinking about this for the next discussion.

Removal of Parking Facilities in the CBD

Mr. Chase inquired why parking was being eliminated if density was being increased. Ms. Robidoux explained that if a parcel in the CBD was converted into strictly a parking lot, that would not be the best and highest use of the lot. The Abbott Court parking garage was mentioned; but this is in the TBOD, and is a mixed-use private and public parking structure.

Mr. Chase added that there are opportunities in some CBD lots that would be cohesive with mixed use in combination with a parking garage. Mr. Nelson noted that a house with four residents may have four or five cars; if density is increased, where will the cars go? Ms. Robidoux asked if the Board wished to see standalone parking lots in the CBD or parking lots connected with a use. Mr. Nelson did not feel that an entrepreneur would favor building a lot where they could build a building, from a ROI perspective. Parking garages should be encouraged. Mr. Fishman suggested adding a definition for a surface parking lot. Mr. Wood suggested added a definition for multi-level parking facility. Mr. Nelson felt that private, offsite parking agreements will likely be needed with the increase in density. Mr. Appleton wondered if a side street could accommodate a parking facility.

Addition of Medical Office in the CBD

Section 165-33.C, Area and Dimensional Requirements

Subsection (1)(b) – Amended to require conversions and new construction to connect to municipal sewer. Currently, new developments are required to connect if they are within 125 of municipal sewer (sewer ordinance).

Ms. Robidoux will double check to ensure the regulation is not contrary to State law.

Subsection (4), Maximum Front Yard Depth – amended to allow a larger setback on lots that have more frontage. Proposing 8 feet for lots with up to 75 feet of frontage, and 25 foot setback for lots with greater than 75 feet of frontage. Sets maximums to provide some flexibility, while avoiding the appearance of ‘sawtooth’ lots.

Mr. Nelson suggested, “a. When the Lot Width (at the front lot line) is 75 feet or less, the maximum yard depth shall be eight feet or the average of the existing yard depths for 100 feet in every direction along the street, whichever is greater; or b. When the Lot Width (at the front lot line) is greater than 75 feet, the maximum yard depth shall be 25 feet.”

Ms. Robidoux provided graphics to help the Board envision how the 8’ and 25’ setbacks would appear in the district. There are some lots that are so small that a 25’ setback would create a negative building envelope. Mr. Nelson felt this was a good exercise to show the variation in the lots. Mr. Nelson suggested taking two prototypical lots and doing a “paper doll” study to determine what the threshold measurements should be; Ms. Robidoux will do this. Mr. Fishman

is concerned that there are lots that are 75 feet wide but might not support a 25 foot yard depth. What about parcels on the cusp (74' or 76' feet wide) that have different proportions? The intent is that the Central Business District have a uniform streetscape.

Mr. Chase mentioned a provision in the Ordinance that allows expansions in certain districts (such as MHDR) to meet the average setback relative to nearby lots; he would not want to see the new regulation conflict with this.

Mr. Fishman inquired about a "façade line;" perhaps for certain streets a target line is drawn to mark where the front of newly developed buildings should go. Mr. Nelson added that the setback was zero feet. In the TBOD in places like Manchester and Nashua, there are buildings that come right up to the sidewalk. Mr. Nelson did not see any harm in leaving the maximum front setback at 8'. Perhaps some of the larger parcels along Sawyer Court could have an overlay applied to them.

Subsection (6), Structure Height – amended to allow up to 425 feet above sea level. Also adds language to ensure architectural exceptions and performance and design standards.

Mr. Pelletier examined the GIS map with elevations and found the average CBD property was at 300 feet above sea level at grade. The Ordinance currently restricts buildings over 350' in height above sea level, but this may not be economically feasible for developers. Upward expansion should be allowed. Mr. Pelletier examined regulations of some area communities (Concord, Nashua, Portsmouth). It was felt that allowing for about seven additional stories, or for a building height to exceed the current limit by 75' could be an option. Mr. Pelletier was assured by the Fire Department that both the current code and the ladder trucks would accommodate this.

Mr. Pelletier proposed adding a section on performance and design standards (based on the City of Concord) to ensure that any building over 6 stories (or 65' above finished grade) shall have an upper story setback of 10' as not to overwhelm pedestrians.

A section (based on Portsmouth and Londonderry) that non-habitable architectural features or appendages such as clock towers could be allowed to create visual interest and avoid flat roofs. It was mentioned previously that exposed HVAC degrades the experience of pedestrians and those that live and work downtown, so a provision to add screening is proposed.

Mr. Nelson recommended pulling the portions not dealing with building height out and supplementing the Architectural Design regulations with them.

Subsection 165-33.G, Parking –

1. All off street parking areas shall be provided in such a way that no vehicle will be required to or will be likely to back into the street, access drive, or into the lot.

There was no record of why "into the lot" was added in 2007. "Or into the lot" will be removed.

2. No parking, storage, or display of vehicles shall be allowed between the front lot line and a line parallel with the front of the structure closest to the front lot line.

Mr. Nelson felt this will be self-regulating.

3. Parking shall otherwise be as provided in Chapter 170, Land Development Control Regulations.

Members agreed with the goal of prohibiting backing out into the street and parking between the front of the building and the road.

Members were encouraged to consider this evening's discussion and to bring recommended changes to Ms. Robidoux prior to the next meeting. Mr. Nelson suggested the Board consider whether there is one formula that fits the whole district, or if an overlay that considers the varied characteristics may be more appropriate for certain portions. Mr. Fishman favored the overlay approach, as he observed how disparate different areas of the CBD were during the district walk. Ms. Robidoux will make the discussed revisions and the Board will hold a fifth workshop at the April 15th meeting.

Board Member Comments

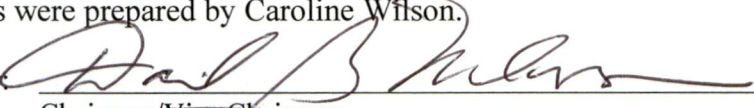
None.

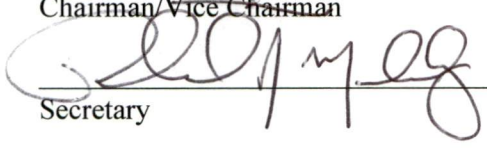
Motion by O'Connor, seconded by Malaby to adjourn.

All members present voted Yes. The motion passed, and the meeting was adjourned at 9:31pm.

The minutes were prepared by Caroline Wilson.

Approved by:


Chairman/Vice Chairman


Secretary

Approval date: April 15, 2026