The Planning Board for the Town of Derry held a public meeting on Wednesday, August 05, 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, Brian Chirichiello, Town Administrator Representative, Bryan Fishman, Derek Minervini, and Michael Wood, Members, and Thomas Mauzy, Michael Appleton, and Andrew Young, Alternates

Members absent: Randy Chase, Town Council Liaison, and Jacob Pelletier, Member

Also present: Elizabeth Robidoux, Planning Director, Caroline Wilson, Planning Administrative Secretary II, Abigail Burrill, Planning Intern

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

Mr. Appleton was seated for Mr. Pelletier.

Escrow

#26-24
Project Name: 18 Cemetery Road Subdivision
Developer: Strategic Contracting Co., LLC
Escrow Account: Same
Escrow Type: Cash Escrow
Parcel ID / Location: 05069, 18 Cemetery Road

The request is to establish escrow in the amount of $35,535.00, for the above noted project. This escrow will be non-interest bearing.

Motion by O'Connor, seconded by Malaby to approve Escrow #26-24 as presented.

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

#26-25
Project Name: Ball Farm Heights
Developer: 80.5 English Range Road, LLC
Escrow Account: Same
Escrow Type: Cash Escrow
Parcel ID / Location: 11087-001, 80.5 English Range Road

The request is to approve Release #1 in the amount of $12,247.50, for the above noted project. The amount to be retained is $5,750.00. This account is non-interest bearing.

Motion by O'Connor, seconded by Malaby, to approve Escrow #26-25 as presented.

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

#26-26
Project Name: The Grindhouse
Developer: The Grindhouse Meat Company, LLC
Escrow Account: Same
Escrow Type: Letter of Credit
Parcel ID / Location: 32025-003, 43.5 Crystal Avenue

The request is to establish Letter of Credit # 10094, drawn on Kennebunk Bank, in the amount of $488,589.00, for the above noted project. The expiration date will be July 27, 2028.

Motion by O'Connor, seconded by Malaby, to approve Escrow #26-26 as presented.

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

#26-27
Project Name: EPSI Commercial Site
Developer: Engineered Pressure Systems, Inc.
Escrow Account: Same
Escrow Type: Cash Escrow
Parcel ID / Location: 08001-002003, 12 A Street

The request is to establish cash escrow in the amount of $365,525.20 for the above noted project. This escrow will be non-interest bearing.

Motion by O'Connor, seconded by Malaby, to approve Escrow #26-27 as presented.

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

#26-28
Project Name: Derry Plumbing & Heating (new building)
Developer: 71 Birch Street, LLC
Escrow Account: Same
Escrow Type: Letter of Credit
Parcel ID / Location: 28002, 71 Birch Street

The request is to approve a release in the amount of $93,581.25, from Letter of Credit #82461840, drawn on Haverhill Bank, for the above noted project. The amount to be retained is $3,053.25.

Motion by O'Connor, seconded by Malaby, to approve Escrow #26-28 as presented.

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

#26-29
Project Name: The Residences of Skye
Developer: Keystone Derry, LLC
Escrow Account: Same
Escrow Type: Letter of Credit
Parcel ID / Location: 05039, 74 Rockingham Road

The request is to approve a release in the amount of $463,914.20, from Letter of Credit #48759-1, drawn on Enterprise Bank, for the above noted project. The amount to be retained is $106,295.36.

Motion by O'Connor, seconded by Malaby, to approve Escrow #26-29 as presented.

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

#26-30
Project Name: Subdivision of 84 Island Pond Road
Developer: Belize Real Estate Holdings, LLC
Escrow Account: Same
Escrow Type: Cash Escrow
Parcel ID / Location: 06017, 84 Island Pond Road

The request is to release cash escrow in the amount of $15,795.25 for the above noted project. The amount to be retained is $18,837.00.

Mr. Chirichiello observed the amount to be retained was greater than the amount to be released. Ms. Robidoux confirmed this was correct, the original escrow amount was $34,632.25.

Motion by O'Connor, seconded by Malaby, to approve Escrow #26-30 as presented.

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

Minutes

The Board reviewed the minutes of the July 08, 2026 public meeting.

Mr. Chirichiello observed that on page 2, the approval date for the minutes was changed from June 03, 2026 to June 17, 2026. It was confirmed that this amendment was made after the draft was distributed to the Board.

Motion by O'Connor, seconded by Malaby, to approve the minutes of the July 08, 2026 public meeting as amended.

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

Correspondence

Mr. Malaby reported that the Notice of Land Use Board fees (available on DerryNH.gov per RSA 673:16, III) has been updated to reflect the increase in postage rates. Certified letters will increase from $9.04 to $9.33 per party to be notified. Mr. Nelson inquired if this warranted a fee schedule update. Ms. Robidoux did not believe so, as the Notice of Land Use Board Fees states "current certified fee, plus $3.00 per notice ($6.33 + $3.00 = $9.33).

A notice was received from Salem Planning Director, Jacob LaFontaine, that Tuscan Village Master Development will present Master Plan Update 3.0 (West Village) on August 11 at 7pm at the Salem Town Hall.

Proposed changes to the LDCR and the Zoning Ordinance have been compiled by staff and will be deferred to Other Business.

Other Business

Architectural Design Review - Sign in WRBD
PID 05012-001001, 94 Rockingham Rd.
Deadproof Pizza Co.

Ms. Burrill explained the Town of Derry Zoning Ordinance, Section 165-101.12 (A)(14), requires that all new signs proposed in the West Running Brook District be reviewed by the Planning Board prior to the issuance of a sign permit. The architectural design of the sign should be compatible with the buildings and their surroundings, be informative, legible, and provide examples of quality graphics appropriate to the spirit of the district.

The applicant is requesting two signs to be internally illuminated; signs in this district cannot be internally illuminated without approval, and no sign may contain neon, argon, or krypton. Therefore, the planning board must approve the internal illumination of these signs.

Deadproof Pizza Co. is operating at 94 Rockingham Rd, the former Clam Haven location. A sample of the proposed signs were provided to the Board, as well as a rendering of proposed future changes to the façade of the existing structure, to include (not under review at this time), an addition to the building. The rendering is being presented to the Board preemptive to any official submittal for site plan amendment.

Part of the façade has artwork along the bottom half of the building. The Board should discuss this as a part of the sign package. Our Code Enforcement Officer deems this piece a sign, so that should be taken into consideration when discussing.

The West Running Brook District (WRB) was designed to retain the unique character that differs from the other commercial districts given its proximity to the West Running Brook. In reviewing plans under these Regulations, the Planning Board shall take into account the level of expected compliance based on the zoning district in which the development is to occur, as defined in Section 170-84, the nature of the surrounding uses, style of the surrounding buildings, and special features of historic, cultural or community interest in the vicinity of the development. A very high level of compliance with the regulations is required for the WRB.

Additionally, the LDCR Section 170-84 (A) (1) (b) states applicants must comply with a Very High Compliance with the Architectural Design Regulations, when it comes to non-residential structures.

Per the general requirements for the WRB:

- Broad expanses of blank walls are inappropriate.
    - Traditionally, the parts of a facade that might be embellished, or at least articulated in some fashion include the horizontal *base* where the building meets the ground and the areas around the *windows*
- Depth shall be created for the facade through use of projecting or recessed sections, bay windows, or arcades and porches.
- Subtle colors are appropriate on larger, plain buildings, whereas smaller buildings with more detailing can more effectively incorporate brighter colors.
    - Bright colors should be limited to accent areas. High intensity colors, metallic colors, or fluorescent colors should not be used.
- Buildings on corner lots shall be considered significant structures, given that they have at least two front facades visibly exposed to the street.
- Buildings with more than one façade facing a public street or internal open space shall be architecturally designed to be consistent regarding style, materials, colors, and detail on all sides facing the streets. Bland walls or service area treatment of side and/or rear elevations visible from the public viewshed is discouraged.

Staff recommends the Board approve the proposed signage. The board should review the structure rendering to determine if the proposed design change meets the requirements of the district. The owner of Deadproof Pizza Co., Dante Marino, is here to answer any questions.

Mr. Nelson clarified that the request includes two signs (one pylon, one on the roof of the building) as well as potential changes to the structure itself (including a lean-to porch with a bar area and extensive decoration of the front.) Ms. Robidoux clarified that the initial façade change will include painting the building black, which does require the Board's review. Mr. Marino understands that additions to the building will require Site Plan Review, the rendering was meant to give the Board a chance to provide feedback conceptually.

Dante Marino, owner of Deadproof Pizza Co., appeared before the Board. Mr. Marino was accompanied by Lisa Desisto, owner of the property at 94 Rockingham Road.

Mr. Marino thanked the Board for their time. Mr. Marino explained that he grew up in Derry, and he respects the Town and Clam Haven's legacy very much. Mr. Marino hopes to make the location a destination. Mr. Marino has a large following and was recently featured on the Food Network. The Deadproof branding is very strong, and Mr. Marino wanted to reflect that in the building's appearance. Mr. Marino stated that on a daily basis he receives patrons that traveled to come to get food from Clam Haven and he has to explain that it is no longer there. The black color is meant to accentuate the pops of color in the artistic branding design. Mr. Marino is looking to have the two signs and the black exterior coloring approved this evening.

Ms. Desisto added that Mr. Marino's vision as submitted today is more aggressive than he is prepared to do. Ms. Desisto stated that Mr. Marino was present this evening for a sign permit and should not have submitted the whole plan yet. Ms. Desisto stated that Mr. Marino will have to return to the Board to have the artwork on the building and other features reviewed at a later time. Ms. Desisto told Mr. Marino that the artistic elements would not get approved in the West Running Brook District and that he needs to review the district's architectural design requirements.

Mr. Nelson suggested the Board discuss the two proposed signs, then review the artistic renderings as a conceptual consultation and provide non-binding feedback.

Mr. Chirichiello stated that he likes the proposed signs and that he is glad to see a young entrepreneur stepping up. Mr. Chirichiello urged Mr. Marino not to give up his dream. Ms. Desisto expressed that she did not want to see the sign approval jeopardized by becoming intermingled with the greater vision for the business' branding. Ms. Robidoux asked Mr. Marino if he wished to paint the building black sometime in the next few months; Mr. Marino said yes. Ms. Robidoux suggested that for the façade, the Board consider just the black exterior and leaving the artwork aside at this time.

Mr. Nelson felt it was reasonable to segregate the black base coat of paint from the other façade features in this evening's discussion of the façade.

Mr. Nelson could not tell if the signs were illuminated. Mr. Marino stated they will be halo-lit LEDs. Mr. Nelson explained that the regulations stated no neon, but he wondered if that was written before LEDs were commonplace. Ms. Robidoux recalled that when the regulation was created, the intent was to prohibit the gaseous types of lighting; this would look neon but would not have the gas.

Mr. O'Connor inquired if the signs would be internally lit. Ms. Robidoux said yes. The WRB regulations state that internally lit signs are prohibited unless allowed by the Board.

Mr. Nelson felt the black base color was different from the surrounding buildings. Mr. Nelson did not necessarily feel that black was undesirable; other buildings feature a dark navy blue. Mr. O'Connor added that this property is on the edge of the WRB district, and the hope is that a village-style feel is imparted in this district. Mr. O'Connor felt the Board should be upfront in discussing the district requirements. Ms. Robidoux did not believe that specific colors were stated in the language of the WRB district. Mr. O'Connor added that the wording suggests using colors that blend in with the surrounding buildings. Ms. Robidoux added that Treeline, the business across the street, is a painted a dark green.

Mr. Chirichiello added that, since patrons come seeking Clam Haven, the black color could provide the necessary identity change for the building. Mr. Chirichiello is not opposed to the black base color of the building.

Mr. Mauzy did not have a problem with the black. but asked Mr. Marino if the artwork were added to the façade (hot pink/purple designs), would that include illumination on the building? Mr. Marino said the artwork would not be internally lit but he would add exterior lighting on the ground to accent the embellished area. The business would be closing at sunset, and all lights will be turned off at that time.

Ms. Desisto added that the renderings do not include the existing exterior lighting on the building. She felt that with these lights, the black will not be so stark. Ms. Desisto understood what Mr. O'Connor stated about preserving the WRB character. Ms. Desisto felt that the property was standalone on its own unique corner. Ms. Desisto wanted to clarify that the internal illumination of the two signs would be allowed; Ms. Robidoux explained that would be up to the Board. Ms. Desisto added that the existing Clam Haven signs are internally illuminated. Mr. Nelson added that Clam Haven existed before the architectural design regulations and was therefore grandfathered. Mr. Chirichiello added that the Clam Haven signs are not illuminated with LEDs. Mr. O'Connor added that the renderings include the colors of the proposed LEDs for Deadproof. Mr. Marino confirmed that the signs would have magenta LEDs, whereas the lettering for "Deadproof" - minus the triangle that stands in for the letter "A" - would be white LEDs.

Mr. Nelson would interpret the previous language that "no sign may contain neon, argon, or krypton…" as including LEDs; the wording just has not been updated with the technology. Therefore the Board should consider waiving this requirement as well. Ms. Robidoux added that nighttime views were included with the renderings.

Mr. O'Connor suggested that according to 165-101.12, no roof signs shall be permitted in the WRB district. Ms. Desisto clarified that she still owns the property, and Deadproof is a tenant. Mr. Nelson added that the proposed replacement sign for the roof is within roughly the same footprint as the existing roof sign. Mr. Chirichiello felt the proposed roof sign would fit better than the existing roof sign.

Mr. Malaby felt this was a good location for Deadproof. Although this is in the WRB district, existing businesses at that corner include a car repair shop, a motorcycle repair shop, and a gas station. Mr. Malaby felt that if this were a mile or two down the road, in the vicinity of a school and apartments, that it might be different. Mr. Malaby is in favor of the signs. Mr. Malaby felt the black base color was a bit jarring. Mr. Nelson added that the Board would be weighing in on the black paint this evening as well.

Mr. Appleton inquired if the panels on the pylon sign would be wrapped or removed; Mr. Marino stated they would be removed and replaced with new panels with the white and magenta LED coloring.

Mr. Minervini inquired if the graphics shown on the base of the building were the exact designs that were being proposed. Mr. Marino said no, but the colors and style match the branding. Mr. Marino felt it would be a nice accent to the black building. Black was chosen to allow the other colors to stand out. Mr. Marino added that Derry is becoming a food destination. Mr. Marino felt that having this building stand out would be a welcome sign, showing that Derry is not behind the times.

Ms. Robidoux noted that Ms. Burrill prepared two motions; one is specific to the signs, including the internal illumination aspect. The other would allow the Board to accept the color of the façade in general.

Mr. Nelson mentioned that there are zoning provisions that further regulate signage. Ms. Robidoux explained that she and Code Enforcement Director, Keri Owen (not present), discussed these provisions yesterday in anticipation of questions. Currently, the frontage of 94 Rockingham is 184 feet. The sign regulations allow 2 square feet of signage per linear foot of road frontage. The allowance – if calculating only Rockingham Road frontage and not including Island Pond Road frontage - is 362 square feet. The pylon sign, the building sign (and even if the artwork at the base of the building were included, which would be considered a wall sign) would equal 200.62 square feet. This means that the proposal falls below and would not require a variance. Even if the wall signage wrapped around to the Island Pond Road side of the building or if the 30 square foot sign would be on the Island Pond Road side, the total would be 324 square feet, which would still fall below the maximum. Mr. Nelson added that aside from the color, design, and aesthetics

of the signage, the Planning Board cannot waive other aspects such as size – that is the purview of the ZBA.

Mr. Fishman inquired whether the signs would be illuminated during all hours, or only during business hours. Mr. Marino confirmed they would only be illuminated during business hours; which are currently 11am-8pm on Thursday through Saturday, and 11am-4pm on Sunday.

Mr. Chirichiello remarked on the color of the roof as depicted in the renderings versus what exists now; will the new sign be black on grey, or black on black? Mr. Nelson agreed that the sign would pop more if it is black on grey. Mr. Marino mentioned the backboard of the sign is black to reflect the lighting, so he is not concerned with changing the roof color. Mr. Marino went with NH Signs' suggestions. Mr. Nelson stated that if the roof is changed, that will be reviewed by the Board in the future with any other structural changes. Mr. Nelson clarified that the Board's decision this evening will not relate to the color of the roof.

Mr. Nelson suggested that the Board move to grant waivers this evening as part of the WRB district design review process. Ms. Robidoux stated that the lighting requirement for WRB was found in LDCR section 170-86 (F)(9), Lighting. Mr. Nelson suggested the Board move to waive the terms of this subsection to allow internally lit signs where the regulations do not allow. Mr. Nelson was confident that was all that the Board would specifically need to waive; there were no objections. Mr. Marino submitted a written waiver request to Staff.

Motion by O'Connor, seconded by Malaby, to grant a waiver from LDCR section 170-86 (F)(9) to allow internal illumination on the signs where the regulations do not allow.

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

Motion by O'Connor, seconded by Malaby, pursuant to the Town of Derry Zoning Ordinance, Article XII, Signs, Section 165-101.12, Signs in the WRB, to approve the sign design presented for Deadproof Pizza, Parcel 05012-001001, 94 Rockingham Rd, as presented. The Board accepts the internal illumination of signs and finds the signs are compatible with the surrounding buildings, meets the regulations contained in the Ordinance, and compliments the surrounding architecture.

The Board accepts the painting of the exterior of the building black, without the addition of the artwork on the building.

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

Mr. Nelson explained to Mr. Marino that this evening's discussion included the Board's informal feedback on the more advanced design proposed in the renderings submitted. Some of the Board members like the designs, while others think it is a bit much. Mr. Nelson encouraged Mr. Marino to be mindful of the final design he chooses to submit. Mr. Marino stated he will be a bit more purposeful in his future submission. Mr. O'Connor remarked that the Facebook following for Deadproof was vast and loyal. Mr. Marino thanked Mr. O'Connor; much hard work has gone into this endeavor and Mr. Marino is proud to be in Derry.

Mr. O'Connor asked about the Deadproof food truck; Mr. Marino explained it is currently parked in the parking lot of Clam Haven, but he is looking for a different location to keep it between events. They are in their busiest season, so it has been convenient for staff to load up directly from the restaurant.

Mr. Marino and Ms. Desisto thanked the Board for their support.

Architectural Design Review - Sign in TBOD
PID 30052, 6 East Broadway
Beyond Beauty

Ms. Burrill explained the Town of Derry Zoning Ordinance, Section 165-101.5 (A)(1)(q), requires that all new signs proposed in the Traditional Business Overlay District be reviewed by the Planning Board prior to the issuance of a sign permit. Signs in this district cannot be internally illuminated (neon, argon, krypton) or have internally illuminated lettering; projecting signs are to be located so that they do not block line of sight for motorists and cannot be closer than 8 feet to grade. The architectural design of this sign must compliment the architectural design of buildings and surroundings.

The applicant is proposing signage on the existing awning as well as a vinyl window decal sign. The vinyl window decal sign must not obstruct visibility of the interior of the business.

Beyond Beauty is currently operating at 6 East Broadway, the former JZ Health. A sample of the proposed signs was provided to the Board.

Staff recommends the Board approve the proposed signage.

Mr. Nelson suggested the applicant consider the readability of the sign for those driving by. Mr. Nelson wished to confirm that the total square footage of the signage would be allowed relative to the linear square footage of the road frontage per the regulation. Ms. Robidoux had not calculated this yet. However, the property fronts on East Broadway and Manning Street. The applicant is replacing signage on areas where a previous tenant, DeFrancesco Roofing had their signage. Mr. Nelson did not want the applicant to be taken by surprise in the event that the Planning Board approves the architectural design and the Zoning administrator denies the application on the basis of coverage area.

Mr. Provencher announced that a remote participant called in and was granted access to the meeting. The caller, Ted, stated that he was interpreting on behalf of the applicant, Xiaojin Zhang.

Mr. Nelson suggested that the applicant be made aware that the Planning Department did not calculate square footage of the proposed signage. Mr. Nelson felt there would not be a problem with this, as they are on a corner, but this is a Zoning requirement, and the Planning Board cannot change it. Mr. Nelson suggested that where it reads, "Hair, Skin, and Massage" and lists the phone number to add some white space or dashes to make it more readable. Ted stated that they will request the sign company make the content easier to read. The color of the lettering will be white and black. It was confirmed that the window decal counts toward signage. Six window panels face East Broadway, and the applicant is requesting to put decals on only two windows. Again, Mr. Nelson encouraged Ted to verify the square footage with Code Enforcement Director Owen or Ms. Robidoux prior to purchasing the signage; this was understood.

Motion by O'Connor, seconded by Malaby, pursuant to the Town of Derry Zoning Ordinance, Article XII, Signs, Section 165-101.5, Signs in the TBOD, to approve the sign design presented for Beyond Beauty, Parcel 30052, 6 East Broadway, as presented. The Board finds the sign is compatible with the surrounding buildings, meets the regulations contained in the Ordinance, and compliments the surrounding architecture.

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

Legislative Updates

Ms. Burrill explained the 2026 legislative session has come to an end, and the Planning Department has reviewed the changes as they pertain to the Town's LDCR and Zoning Ordinance. The main topics of review include Child Care Centers, Multi-Family Housing in Commercial Districts, Innovative Housing Structures, and some building and code regulations.

The Board was provided with a presentation providing an overview of the legislative changes and their potential impacts on the Town of Derry. Also included was a summary of the relevant statutory changes and the proposed amendments to the LDCR and Zoning Ordinance, including draft language for the Board's review and discussion.

Staff sought Planning Board feedback on the proposed amendments prior to preparing any necessary ordinance updates for future consideration. The Board was encouraged to discuss whether they would like to schedule a workshop to review these changes.

The Board was informed of legislative items which were passed and have some relation to planning, but for which there is no action required. These include **SB 494, SB 443, HB 1159, HB 1469,** and **HB 1246.**

HB 296

Purpose	Effect on Derry
- Introduces new provisions regarding the issuance of building permits along private roads by local governing bodies. It establishes an alternative condition for authorization, allowing local governing bodies to issue permits after reviewing comments from the planning board or confirming that the private road complies with municipal policy. This change aims to streamline the process for erecting buildings on private roads	• Planning Board can review the road construction. Building permit is issued only if the applicant can provide a Waiver of Municipal Liability (recorded with the deed) and proof that the lot and structures on the lot can be insured.

Mr. Nelson confirmed this dealt with lots of record and not subdivisions; Ms. Robidoux added that it has to do with creation of private roads as well.

Mr. Chirichiello wondered if the Planning Board would have any say on how a private road was constructed; Ms. Robidoux said yes. Mr. Nelson felt that the intent was protecting one landowner from another; similar to how building codes protect future owners from structural deficiencies. Mr. Chirichiello felt that if the Town controlled private roads, this may be a slippery slope.

Mr. Mauzy inquired if a developer comes in and develops on a private road, does the Planning Board have a say on how wide the road has to be for emergency apparatus? Mr. Nelson said the law stated that the Town can have a say. Ms. Robidoux explained that the Town does dictate how the roads are built for 55+ developments. Mr. Appleton added that this pertains to private roads upon which buildings would be constructed. Ms. Robidoux emphasized the goal is that there is ample access to a lot.

SB 564

Purpose	Effect on Derry
-Prohibits municipalities from placing limits on maximum road length, provided that the proposed roadway or extension fully complies with state fire code. -Prohibits municipalities from imposing a cap on the number of housing lots on a dead-end road or street, unless such cap is in compliance with state fire code and National Fire Protection Association Standard 1141, and provided that the proposed lots otherwise comply with current zoning restrictions and requirements. -Requires municipalities to allow the placement of utilities within or along buffer	• Change LDCR 170-26B(5) and add to ZO 165-20 and 165-23

areas, or wetland buffers or conservation areas of a subdivision or lot by a special exception or conditional use permit -Prohibits municipalities from imposing additional restrictions or requirements regarding building or lot size for affected properties before the effective date of the act	

Mr. Nelson inquired what the final statement in the purpose meant; Ms. Robidoux clarified that it is effective in 2027, therefore a Town cannot go in and change a bunch of requirements so that this becomes moot. Mr. Nelson asked if there was more detail on the utilities allowed in buffers. Ms. Robidoux stated that this related to wetland buffers. Ms. Burrill clarified that this referred to the placement of utilities such as septic systems, wells, electric distribution, drainage structures, stormwater management structures, and other utilities.

Mr. Nelson felt that allowing septic systems to be installed in wetland buffers was not the best idea. "In the buffer" could mean right up to the edge of the jurisdictional wetland. Ms. Robidoux explained that NHDES still needs to approve the septic designs. For the other piece, the change in the LDCR would be removing the maximum cul de sac length and the maximum amount of homes on a cul de sac.

Mr. Fishman added that there is the provision that "the proposed use will not create a hazard to individual or public health, safety, and welfare due to the loss of the wetlands buffer, the contamination of groundwater, or other reasons."

HB 244

Purpose	Effect on Derry
-Reorganizes the state building and fire code by repealing it from certain parts of the RSA and reenacting it with some modifications to another part of the RSA	• Add new section in ZO, 165-126 (3) and (3)(a).

HB 1588

Purpose	Effect on Derry
-Regulates accessory parking to not require parking spaces per unit to be garaged -To allow municipalities to impose limited requirements on multi-family in commercial districts	• Requires update to zoning ordinance in GC, GCII, GCIII, GCIV, Ind II, NC

(HB 1588 was discussed with HB 1010, below)

HB 1010

Purpose	Effect on Derry
-Requires municipalities to allow multi-family dwelling units on commercially zoned land, subject to the local planning board confirming the infrastructure is adequate -Authorizes the local planning board to deny applications to build multi-family dwelling units on commercially zoned land in certain circumstances -Removes the ability to provide an exception for requirements relative to the municipality's conversion of structures into multi-family dwelling units, and replaces such exception to permit the waiver of requirements so long as the converted dwelling unit is not altered to further violate zoning dimensional requirements	• Requires update to zoning ordinance in GC, GCII, GCIII, GCIV, Ind II, NC (same changes as HB 1588)

It was observed that HB 1588 and HB 1010 are effective or soon-to-be. Ms. Robidoux mentioned that multifamily uses will now be allowed in commercially zoned land, without a mixed-use element.

Mr. Nelson suggested the Board take note of the things that have become effective. Even if the ZO is out of compliance, we could simply elect not to enforce the parts that are out of compliance. Mr. Chirichiello inquired if duplexes could be built now. Ms. Robidoux stated that multifamily includes 3 units or greater. Mr. Nelson explained that the issue with the duplexes is that there were many 2-member condo associations which resulted in problematic inter-neighbor fighting. Mr. Chirichiello added that many of the duplexes shared septic systems which was another issue.

HB 1079

Purpose	Effect on Derry
-Expands the definition of accessory dwelling units to allow them to be built within nonconforming structures	• Edit ADU definition • Edit section 165-25 to specify ADUs may be created on lots containing single family dwellings existing as of July 1, 2025. • Add a condition for pre-existing, non-conforming structures

HB 1195

Purpose	Effect on Derry

-Defines child care centers for purpose of local zoning requirements and provides (with exception) municipalities shall allow the operation of a child care center on commercially zoned land, provide that the center is in compliance with licensing requirements of the department of health and human services	• New definition of "Child Care Center" • Changes in zoning ordinance in GC, GC II, GC III, GC IV • Renumbering of permitted uses in the zones listed above

Ms. Robidoux mentioned that Board was ahead of the curve by recently permitting Group Daycare in the Industrial districts.

HB 1681

Purpose	**Effect on Derry**
-Establishes standards for innovative housing structures such as tiny houses, tiny houses on wheels, and yurts, allowing their use as single family or accessory dwellings, siting and permitting requirements, authorizing municipal property tax assessments, regulating transport, and permitting grey water disposal systems.	• Four new definitions in the ZO: Innovative Housing Structures, Tiny Houses, Tiny Houses on Wheels, and Yurts • New section in ZO for "Innovative Housing Structures" 165-25.1 • Permit Innovative Housing Structures in zones: MHDRII, MDR, LMDR, LDR

Mr. Nelson was surprised by the inclusion of yurts; how does one include plumbing and sanitary waste disposal? Ms. Robidoux mentioned that any of these structures will have to meet code requirements. Mr. Chirichiello commented on tiny houses on wheels; how are these differentiated from recreational vehicles at campgrounds? Ms. Burrill explained that there is a provision that such a structure is not a trailer, semi-trailer, camp trailer, or recreational vehicle. Mr. Chirichiello inquired about the definition of a tiny house on wheels.

Planning Director and Chairman Updates

Ms. Robidoux reported that the Town Council approved the changes to the Central Business District, which will be effective on 9/3/2026.

Ms. Robidoux will forward the Board a resource on how ADUs are permitted and why people choose ADUs.

The Board will resume its regular schedule on September 2nd.

Ms. Robidoux announced that this was Ms. Burrill's final meeting. Ms. Burrill has been instrumental in spearheading some of the housing efforts with SNHPC, has helped the Town Administrator and Economic Development Director on projects, fielded phone calls and assisted

walk-ins. Ms. Burrill has done the work of a Planner this summer; Ms. Robidoux commended her and thanked her for her assistance, and all individuals present joined in a round of applause.

Mr. Nelson announced that a plans reading and analysis class will be held in the Municipal Center meeting room on the morning of September 25. Please inform Ms. Wilson if you are interested in attending.

Public Hearing

None.

Board Member Comments

None.

Motion by Chirichiello, Seconded by Malaby to adjourn.

All members present voted Yes. The motion passed, and the meeting was adjourned at 8:41pm.

The minutes were prepared by Caroline Wilson.

Approved by: _____
Chairman/~~Vice Chairman~~

_____
Secretary

Approval date: September 02, 2026