

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD WORK SESSION MINUTES**  
**November 19, 2018**

Chairman Peter McNamara called the meeting to order at approximately 7:00pm.

Acting Secretary Derek Steele called the roll:

**PRESENT:** Peter McNamara, Roger Montbleau, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Bruce Bilapka, Planning Director Jeff Gowan

**ABSENT:** Paul Dadak, Tim Doherty, Blake Clark, Alternate Paddy Culbert, Alternate Richard Olsen, Alternate Samuel Thomas

Mr. McNamara appointed Mr. Steele and Mr. Bilapka to vote.

**MEETING MINUTES**

**November 5, 2018**

**MOTION:** (Montbleau/Lynde) To approve the November 5, 2018 meeting minutes as written.

**VOTE:** (6-0-0) The motion carried.

**ADMINISTRATIVE**

**Map 28 Lot 2-7-1 - COLE CIRCLE, LLC - Cole's Village – Burns Road – Request for bond reduction**

Mr. McNamara read aloud the letter of recommendation from Jeff Quirk of Keach Nordstrom (Board's engineering review firm) that the Board vote to release \$29,095.00 of the remaining bond (\$45,025.45) and retain \$15,930.45 to support completion of the project.

**MOTION:** (Montbleau/Steele) To reduce the current bond of \$45,025.45 by \$29,095.00 and leave a balance of 15,930.45.

**VOTE:** (6-0-0) The motion carried.

**NEW BUSINESS**

**Case #PL2018-00032**

**Map 7 Lot 5-180-1**

**JBC, LLC - 28-30 Tallant Road - Proposed conversion of an existing duplex into a condominium form of ownership**

Mr. Steele read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Representing the applicant was Mr. Arron Wechsler of Aspen Environmental, who provided Mr. Gowan with a signed Notice of Agency for the record. He told the Board they were proposing to convert the existing duplex (both being 4-bedroom units) into a condex form of ownership. All applicable information and documents were

submitted. Subsequent to submitting their application to the Town, they have received State Subdivision approval and State approval for a proposed septic system.

Mr. McNamara opened the hearing to public input. No one came forward.

**MOTION:** (Lynde/Montbleau) To approve the proposed conversion.

**VOTE:** (6-0-0) The motion carried.

### **DISCUSSION – Potential Zoning Amendments**

Mr. Dave Hennessey and Mr. Bill Scanzani joined the Board during the discussion.

Mr. Gowan told the Board he learned of an opportunity called a ‘workforce housing charrette’ being offered to two communities in the Regional Economic Development Committee (‘REDC’) district. He noted Exeter had conducted a successful charrette. He explained that a charrette was a theoretical study that involved the public; a property is selected (with owner’s permission) (in a zone where workforce housing is allowed) so there could be a discussion to demonstrate how certain issues (i.e. wetlands, lot size) could be worked around. The discussion is non-binding and would not ‘fast track’ a parcel for any approvals. Mr. Gowan said it wasn’t necessarily a Planning Board event, other than members could participate as citizens and learn from it. He noted it may help inform people about the workforce process. He pointed out that the study could be used for the Master Plan update within the housing chapter. He offered to review the process for applying. He previously spoke with the Selectmen regarding about conducting a charrette and said it could be used as a practical exercise.

Mr. McNamara felt it seemed worthwhile. Mr. Gowan reiterated that the Board wouldn’t have to follow anything that came out of the charrette but felt it would be a good idea to have more exposure to how workforce housing could be handled. Mr. Montbleau asked what towns had already conducted a charrette. Mr. Gowan replied Exeter had conducted a successful charrette last year. Mr. Montbleau asked for the timeframe of a charrette. Mr. Gowan replied it was done in a couple days (or weekend). Mr. Montbleau wanted to know the next steps that are taken after a charrette. Mr. Gowan didn’t know what Exeter was doing with their zoning because the charrette was recent. Mr. Montbleau understood to do workforce housing there had to be proper density to allow for low-cost housing. He said he was trying to understand where it would occur in Pelham. Mr. Gowan replied that was the purpose of the charrette because people didn’t understand what workforce housing was. He said the biggest value in the exercise was having people coming from outside the community that had experience and could provide context. At the end, the Town would have a document that contains valuable information. Mr. Montbleau asked if there were any communities that had done a successful workforce housing development. Mr. Gowan couldn’t answer to ‘successful’ but knew that Windham and Exeter had developments. He said it could be tailored to a community. He reiterated the value of having a charrette would open discussion with experts.

Mr. McNamara asked the Board to focus on what could be accomplished during this voting cycle. Mr. Gowan said based on the high number of member attendance at the previous ‘work session’ meeting he would schedule zoning discussions to be included on lighter agenda nights.

Mr. Lynde viewed the way ‘elderly’ housing was occurring in Town and felt they should take the same approach they took with 55+ housing and delete Section IX of the Zoning Ordinance. Mr. Bergeron said before totally repealing the section he wanted more research, such as what the Town had for buildable assets (of all types not just elderly). He didn’t believe there were a lot of suitable larger lots remaining. He pointed out that the Town center had water supplied by Pennichuck. He said water and sewer could change density and cautioned comparing Pelham with other towns that had those.

Mr. Bergeron said if the end goal was to keep the younger population in Town there may be other methods that could be reviewed. He wanted to know what other towns working with the Nashua Regional Planning Commission ('NRPC') were doing with their elderly housing and if they were repealing it. He said if the Board decided to repeal elderly housing, they should document the reasons for doing such.

Mr. Lynde spoke about the types of housing that was being built in Pelham for the older population, which he felt was too expensive. He said the housing wasn't being supplied in the areas that were needed. He pointed out that the whole state needed to encourage a younger population. He said Pelham had a good school system, but they wouldn't be able to make good use out of it because of that dwindling young population. He said the current developments off Windham Road and Mammoth Road would be filled by people from out of state. Mr. Lynde felt they should delete the elderly housing because they had the ability to do things under the Innovative Land Use and Conservation developments.

Mr. Bergeron reiterated his request for information about the Town's land inventory. He discussed slightly amending the elderly development language to become workforce housing. Mr. Lynde pointed out that the conservation subdivision language addressed workforce housing. He was concerned about going another year with the current language and having another development come in that would take land from what might be used for workforce. Mr. Bergeron stated money drives the options. Mr. Lynde didn't know if there was time this year to amend the language. Mr. Gowan stated workforce and senior/elderly housing were two separate things that had to remain separated; one is age restricted and one is income restricted. He told the Board he asked NRPC for a new buildout analysis. He said they aren't currently working on one, but felt the old one could be used, although it was a bit out of date. He commented that he didn't have time at present to do a housing stock inventory but would ask NRPC for information. Mr. Bergeron had information about Amherst, who was attempting to have mixed-use zoning using a density bonus. He said if Pelham was going to have affordable housing, they would have to offer something for it. He believed the areas with water service were the prime areas to start with because they could offer the most amount of density and least cost to the developer.

Mr. Hennessey stated he attended a conference on affordable housing two weeks ago. He said it was basically major industries in the state along with some planners. They explained the constraints on economic growth within the State was due to the lack of affordable housing. He noted currently the average size of a household in New Hampshire was two. The average size with children is 0.5. He said the old idea of building 3-4 bedroom homes would fill up schools was wishful thinking. Many communities are begging for children because infrastructure is already built. Mr. Hennessey asked the Board to get rid of elderly housing and believed in the future there wouldn't be anyone in those age groups to purchase them. He commented on families that have grandparents raising their grandchildren and how those housing units don't allow for that type of flexibility. He believed they should be discussing workforce housing, as that was the topic being discussed throughout the state.

Mr. Scanzani agreed with Mr. Hennessey that the elderly housing should be eliminated. He also agreed with Mr. Gowan that the elderly housing couldn't be mixed with workforce housing. He spoke about 'inclusionary' zoning. He felt there shouldn't be anything that limited any groups and they should review energy efficiency and 'walkable' communities. He stated the biggest problem with making anything affordable was the cost of land. He said unless density could be increased the pricing wouldn't decrease. He said consideration should be given to limiting the size of units and sharing utilities. They should try to envision where the community wanted to be in ten years. Mr. Scanzani pointed out that the voters still wanted a rural community, so they should be looking at parcels at least five (plus) acres in size, although he didn't think there were many remaining. He reiterated they should look to the future (10 years) and how the climate change was affecting wetlands.

Mr. Bergeron heard Mr. Hennessey's comment that the 62+ housing was too restrictive and questioned what would happen to those units down the road if population died off and the units became empty. He said at that point in time it would make sense for a family with young children move in. Mr. Hennessey said fundamentally 55+ and 62+ communities were exceptions to the fair market housing law and were granted very specific rules. Mr. Bergeron was hearing that they should try to make housing as inclusionary as possible (similar to Amherst)

and offer some sort of bonus to get units built. He believed they should ask voters to repeal the elderly housing, and at the same time move quickly to create an inclusionary zoning with density bonuses. Mr. Gowan explained 'inclusionary' housing meant housing for all ages, not a mix of housing types within a development. He felt it would be easy to take age-restrictive housing out of the ordinance and increase the square footage for accessory dwelling units ('ADU') from 800ft. to 1,000ft and reduce the common wall requirement to 20% or eliminate it. He said he wasn't ready to 'sign on' to detached units.

Mr. Gowan stated there were three petition warrant articles coming in (one arrived and two were on the way). He said if they were going to do something for the ballot, they should get the public hearing process going. He pointed out if the Board took away the density equation now the market would get hungry for whatever the Board came up with for inclusionary and workforce housing.

Mr. Scanzani noted there were already covenants in place on the existing developments that wouldn't be able to be broken. He said they needed to look carefully at the covenants at any future inclusionary housing units to ensure the covenants had a trust overriding it. He strongly recommended that the Board look at Pelham for what Pelham is and make certain recommendations as far as what had to be in the language. Mr. Scanzani said they needed an overall umbrella for the housing and underneath the different covenants for individual developments. This way there could be basic requirements each development had to meet.

Mr. Steele spoke about workforce housing and questioned if the type of structure could be an apartment building. Mr. Hennessey answered yes. Mr. Steele commented about the cost of the units within the Tuscan Village project (Salem, NH) being in the \$399,000 range. Mr. Scanzani added that the apartment rent was in the range of \$2,000. Mr. Steele simply wanted to point out that condominiums may not keep pricing down and asked Mr. Hennessey what he was seeing in the real estate business. Mr. Hennessey replied density didn't automatically lower prices, but it was a mechanism to get there. He believed part of the answer was density, other contributors could be to set up pricing mechanisms that come into play during resale and to have a percentage of units set below market values. He said NRPC was waiting to do buildout calculations until after the 2020 Census numbers came in. He believed the number of children would be lower than he discussed earlier and had no doubt that the cycle would have a down-turn. He said those factors made the urgency to eliminate senior housing. Mr. Hennessey felt another area to amend was the covenants of a homeowner's association; often an association is never created. Mr. Gowan stated every project had a homeowner's association. He understood they could decide to dissolve but the Town would have the ability to sue the owners of the property. Mr. Hennessey agreed that the condominiums had associations because they shared common things. He said he was referring to the associations within regular subdivisions; those associations were gone. Mr. Gowan replied the Town had never taken enforcement on private covenants within private subdivisions. Mr. Hennessey suggested tightening up the regulations on the smaller lots within conservation subdivisions that were required to have associations and have them create a plan of urban development. Mr. Gowan described the current practice for homeowner's documents within conservation developments.

Mr. Gowan mentioned the comment made by Paul Gagnon (Conservation Chairman) during the last meeting where he said, 'don't go wild with density'. He wanted the public to understand that land will be developed, the discussion was how it would be developed. The goal of the Planning Board and Master Plan was to try to pull from the developments things that had value to the community. He didn't hear through discussion that anyone was trying to urbanize the community.

Mr. Lynde felt they had to take two steps, the first was to eliminate Section IX of Zoning and the second was to continue discussions, gather information and define how they could move forward. Mr. Montbleau agreed with Mr. Lynde and he also agreed with Mr. Gagnon's statement about preserving the rural character of the Town. Mr. Scanzani commented that apartment buildings in the right location would work. He added that they would need the infrastructure and because of such didn't feel they would be built all around the Town. Mr. Montbleau cautioned going in the direction of allowing apartment buildings because some would be able to argue why they are allowed in one area of Town and not other areas. Mr. Lynde understood the concerns but felt they had to

face the necessity of having affordable housing. He wanted to find a way for it to work while maintaining the character of the Town.

Mr. Bergeron clarified for the public that the Planning Board couldn't change anything; the voters were going to be asked if they wanted to change anything. He agreed that they should ask voters to repeal the elderly housing because of the 'long strings' that would be tied to it for generations. He wanted to ensure that they were careful when defining workforce housing and felt it needed to only be in areas that had infrastructure. In the past he recalled the Town repealing multiple apartment zoning because people didn't like them. Mr. Bergeron said he would be very careful when proceeding with workforce housing. He wanted it to be clear that every section of the Town's Zoning Ordinance was unique and noted conservation subdivisions were in place to preserve and protect open space. He reiterated his agreement with repealing elderly housing but going forward he would be tough on density offsets. He heard Mr. Lynde touch upon the subject of relaxing standards for builders, which he agreed needed to be worked on so builders could build more affordable houses. He said there were a lot of things to consider, such as modular housing. Mr. Hennessey noted that the State didn't make a distinction as to how those homes were built; land cost drives the price. Mr. Bergeron said if they came up with relaxed standards, they might have people develop the remaining stock. He suggested they review the last census and look at potential areas. Mr. Gowan said NRPC won't consider that type of review of land. Mr. Bergeron said there were some pieces of land that the owners would never let go to development.

Mr. Gowan commented there was an effort to get water down Route 38. He said if it happens some of the properties along that route might build a multi-family housing.

Mr. McNamara believed Mr. Lynde was looking to make a motion to eliminate senior housing (for the March 2019 ballot) and felt there was an agreement that they wanted to do something else, such as 'inclusionary', 'workforce' etc.

Mr. Lynde made a motion to submit a Zoning Warrant Article to the People of Pelham to delete Section IX of the Zoning Ordinance, Senior/Elderly Housing. Mr. Bergeron seconded for discussion. Mr. Gowan said if the Board supported the motion, he would work up language for their December meeting, so a public hearing could be scheduled. He said if the Board agreed with the language prior to the public hearing they would only need to conduct one public hearing (per Statute). Mr. Bergeron wanted to make sure that everyone understood there was a specific Statute relating to 'repealing' Zoning and cautioned the Board to follow it to the letter. Mr. Lynde understood that the word 'repeal' needed to be specified. There was no objection to the word 'repeal' being in the motion.

**MOTION:** (Lynde/Bergeron) To submit a Zoning Warrant Article to the People of Pelham to repeal Section IX of the Zoning Ordinance, Senior/Elderly Housing.

**VOTE:** (6-0-0) The motion carried.

Mr. McNamara asked Mr. Gowan to go forward. Mr. Gowan stated the simplest language was best in terms of adhering to the Statute and being simple for voters to understand. He explained that he would write the zoning question for the ballot with Town Counsel's review. There will be a brief explanation contained in the Voter's Guide that describes the meaning of the article. He said when it all comes together it would be helpful for people to explain to their neighbors the distinction between age-restricted housing and workforce housing.

## **ADJOURNMENT**

**MOTION:** (Montbleau/Lynde) To adjourn the meeting.

**VOTE:** (6-0-0) The motion carried.

The meeting was adjourned at approximately 8:30pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary