

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
January 4, 2016

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

The Secretary Paul Dadak called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Paddy Culbert, Alternate Tim Doherty, Selectmen Representative William McDevitt, Planning Department Manager Jen Hovey

ABSENT: Jason Croteau, Joseph Passamonte, Alternate Mike Sherman, Alternate Robert Molloy

Mr. McNamara appointed Mr. Doherty to vote in Mr. Passamonte's absence.

PUBLIC HEARING

Notice is hereby given in accordance with RSA 675:3-7, the Pelham Planning Board will hold it's first of two public hearings to discuss zoning amendments proposed for the 2016 Town Meeting. This first public hearing shall take place on January 4, 2015 at 7:00 pm at the Pelham Municipal Center, 6 Village Green, Pelham, New Hampshire. The proposed amendments are described as follows:

- 1) **Changes to the Pelham Zoning Ordinance, Article V-I Mixed-Use Zoning Overlay District,(MUZD):**
 - a) **Section 307-25-3, Table of Uses – Elimination of “Townhouses” from the Allowed Uses column and the elimination of the entire Prohibited Uses column and move the words “Any Uses Not Listed Under Allowed Uses Are Prohibited Uses Within The MUZD” to the Allowed Uses column.**
 - b) **Section 307-25-6, Setbacks - Increasing building setbacks from ten (10) feet to fifteen (15) feet**
 - c) **Section 307-25-7, Building Height – Decreasing maximum building height from forty (40) feet to thirty (30) feet**
- 2) **Changes to the Pelham Zoning Ordinance, Article XV Residential Conservation Subdivision By Special Permit:**
 - a) **Move language describing the requirement for the establishment of a Home Owners Association from 307-102, Density Offsets to Article 307-97 which had been reserved for future amendments.**
 - b) **Section 307-95, Application Procedure – Add the requirement that all applicants must submit a conceptual Conservation Subdivision plan as part of their yield plan submittal;**
 - c) **Section 307-100, Parcel Requirements – Increase the minimum parcel size for a Conservation Subdivision from ten (10) acres to fifteen (15) acres.**
 - d) **Section 307-102, Density Offsets – Add “Sidewalks” and “Connectivity to a water system operated by Pennichuck East or its successor” to the list of project features that can qualify for density offsets at the discretion of the Planning Board**
 - e) **Section 307-103, Standards for Approval – Add requirement that impacts to existing neighborhoods shall not exceed those of a conventional subdivision, the Town must not have additional costs than it would in a conventional subdivision, and the protection of existing trail systems.**
 - f) **Section 307-106 General Requirements – HOA docs must include a restriction on private irrigation wells where a community water system supplies drinking water, Roads may be private**

and can count towards a density offset, and existing trail connectivity must be protected and entirely within the project parcel.

Mr. McNamara asked that the Board begin the hearing with discussion regarding Article XV – Residential Conservation Subdivision by Special Permit. He explained that the proposed changes were the result of subcommittee review as well as a recent Planning Board meeting. He opened the hearing to public input. No one came forward.

Mr. McNamara noted at the Board's request, the Nashua Regional Planning Commission ('NRPC') had reviewed the proposed amendments and provided their recommendations through a letter dated January 4, 2016 forwarded to Planning Director Jeff Gowan. The Board reviewed NRPC's suggestions and did not feel the Article needed to include their amendments.

Mr. Doherty spoke of a proposed change to section 307-94-Special Permit to include language used by Windham, NH. He read the amendment aloud, which reemphasized the fact that the ordinance was not traditional zoning, but was instead an innovative land-use ordinance. The Board felt the 'reiteration' language was not necessary.

The Board then reviewed Article V – I – Mixed Use Zoning Overlay District ('MUZD'). With regard to 307-25-6- Setbacks, NRPC suggested that setback distances support a consistent streetscape. The Board felt this could be done on a case-by-case basis. Mr. McNamara noted Town Counsel reviewed the proposed changes and didn't offer further recommendations.

Mr. McNamara opened the hearing to public input.

Ms. Cynthia Kirkpatrick, 7 Mossey Lane, questioned with 'townhouses' being removed from the Table of Use (307-25-3) if there would be any way to define multi-family residential. She also questioned the removal of multi-detached dwelling structures. She was having a difficult time finding definitions for 'townhouses', 'condominium' and 'multi-family residential'. Ms. Kirkpatrick also questioned the definition of 'density', since it was an issue with a recent development in her area. Mr. McNamara replied density was relative to a particular area and lot. Ms. Kirkpatrick was in favor of the language that made sidewalks mandatory within the MUZ but wanted to know who would be responsible for maintenance and clearing. Mr. McNamara believed the language was in regard to sidewalks within a development; therefore, whoever owned the development would be responsible for maintenance/clearing. He said if sidewalks were on public land, the Town would be responsible.

Mr. Frank Kirkpatrick, 7 Mossey Lane questioned how the proposed changes were initiated. Mr. McNamara replied a couple years ago the Planning Board created a Zoning Subcommittee. This year they were tasked with straightening out some of the ambiguities and inconsistencies in the MUZD. The subcommittee was comprised of members from the Planning Board, Conservation Commission and others who came up with suggestions and submitted such to the Planning Board. At the last meeting, the Planning Board had a general discussion as to whether they wanted to accept the findings. The amendments being discussed are what they agreed to present to the public for consideration. After public hearings the amended ordinances will be submitted to the Selectmen. If the Selectmen approve the changes, the Zoning amendments will be included on the Town Meeting ballot in March, 2016. Mr. McNamara noted significant changes could only be made during the first public hearing; only grammatical changes can be made during the second public meeting.

Mr. Kirkpatrick asked if the MUZD had already gone through the review process. Mr. McNamara answered yes; the MUZD was on the ballot last March. Mr. Kirkpatrick questioned if the process was commonplace. Mr. McNamara answered yes; it occurs whenever the language needs to be fine-tuned, or a problem with the language is found. He noted it was an on-going process and explained that the Board wasn't allowed to change Zoning, they had to propose changes to the public and the public then had the opportunity to vote on

the proposed changes. He commented if the public voted against the proposal, the language wouldn't change. In this case, the public voted to adopt the MUZD.

Mr. McDevitt clarified that the Board of Selectmen receive proposed changes and directly forward such to the ballot. They don't vote to accept changes or make recommendations on the ballot.

Mr. Doherty called attention to proposed amendments submitted by Mr. Passamonte, who was absent for the meeting. After a discussion, the Board decided not to make additional amendments at this time, they wanted the opportunity to discuss the proposals at another meeting to avoid unanticipated consequences.

Mr. Paul Staniec, 4-6 Nashua Road told the Board his multi-family property fell into the MUZD area and wanted to know how it would be affected based on the proposed amendments. Mr. McNamara replied a pre-existing use couldn't be restricted because the law wasn't applied retroactively. Mr. Staniec questioned what would happen if he wanted to sell the property as it presently was. Mr. McNamara believed it would fall under the category of non-conforming, pre-existing use. Mr. Doherty noted the MUZD was an overlay district, which meant the underlying district was still in place. Mr. Staniec said his lot was less than one acre and didn't conform to today's standards. Mr. McNamara reiterated they couldn't retroactively impose a law.

The Board didn't make amendments beyond the initial proposal. Further amendments will be discussed at a later time.

The present public hearing was closed.

The second public hearing will be held Thursday, January 21, 2016.

PUBLIC HEARING

Notice is hereby given, the Pelham Planning Board will hold a public hearing to consider a new High School Impact Fee. The public hearing shall take place on January 4, 2015 at 8:00 pm at the Pelham Municipal Center, 6 Village Green, Pelham, New Hampshire. If the Planning Board approves the new High School Impact Fee it will be scheduled for a regular meeting of the Board of Selectmen and upon their approval the new impact fee shall become effective.

Mr. McNamara stated that the Board had reviewed the draft High School Impact Fee Analysis during their last meeting. He noted Town Counsel vetted the language and advised that the impact fee could be applied not only to future projects, but in some instances existing projects. If requested, the Board has the ability to grant waivers.

The hearing was open to public input. No one came forward. The present public hearing was closed.

It was the consensus of the Board to continue the hearing and include the High School Impact Fee Schedule on the next public hearing agenda to be set for Thursday, January 21, 2016.

MINUTES REVIEW

December 21, 2015

MOTION: (Montbleau/Culbert) To approve the meeting minutes for December 21, 2015 as written.

VOTE: (5-0-1) The motion carried. Mr. Dadak abstained.

ADJOURNMENT

MOTION: (Montbleau/Culbert) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:09pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary