

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
January 21, 2016**

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

Tim Doherty called roll:

PRESENT: Peter McNamara, Paddy Culbert, Jason Croteau (via telephone during public hearing) Alternate Tim Doherty, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Roger Montbleau, Paul Dadak, Joseph Passamonte, Alternate Mike Sherman, Alternate Robert Molloy

Mr. McNamara appointed Mr. Doherty to vote prior to the meeting commencing.

Mr. McNamara explained that there were only four Board members present; therefore they were trying to reach a Board member via telephone so a vote could be taken with regard to the items during Public Hearing.

PUBLIC HEARING

Notice is hereby given in accordance with RSA 675:3-7, the Pelham Planning Board will hold it's second of two public hearings to discuss zoning amendments proposed for the 2016 Town Meeting. This second public hearing shall take place on January 21, 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 307-25-4 Conditional Use Requirements – the word ‘number’ to be replaced by the word ‘density’ (“*When an increase in the density or mix of permitted uses of the lot is proposed...*”)**
 - c) Section 307-25-6, Setbacks - Increasing building setbacks from ten (10) feet to fifteen (15) feet**
 - d) 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 opened the Public Hearing for the Residential Conservation Subdivision.

Mr. Peter Zohdi of Herbert Associates came forward. He questioned why the change was being made to Section 307-100 – Parcel Requirements increasing the minimum size for a conservation subdivision development from ten acres to fifteen acres. He asked if any studies had been done. Mr. McNamara replied the Zoning subcommittee debated a fair amount of time on the topic. Mr. Doherty explained when the Ordinance was adopted the requirement was fifteen acres. He didn't know why it was reduced to ten, but when it was, the Board began to see smaller pieces of land that didn't fit the context/purpose of the Ordinance. The subcommittee decided to amend it back to the original requirement of fifteen acres. Mr. Zohdi stated he liked the ten acre zoning, which to the best of his knowledge, worked for the Town. He said on ten acres 40%-45% of land was reserved for open space. He said changing it to fifteen acres, the developers would have to decide if a conventional subdivision would be better for their client. He felt maintaining ten acres would be a better deal for both the Town and the land owner. Mr. McNamara noted it was the second public hearing and changes beyond grammatical couldn't be made.

Mr. Culbert questioned if changing the requirement to fifteen acres would force developers to have more houses than they would on ten acres. Mr. McNamara believed there would be because there was more land. Mr. Gowan reiterated if the Board wanted the ordinance on the ballot it was too late to make changes. Mr. Culbert would rather have the ordinance read ten acres instead of fifteen acres.

Mr. Gowan stated Board member Jason Croteau was available to join the Board via telephone. Mr. McDevitt pointed out it was legal to have a member participate via telephone. Mr. Gowan called Mr. Croteau. Mr. Croteau joined the Board via telephone to participate with the Public Hearing. Mr. McNamara advised that the Public Hearing had been opened and the Board took public input with Mr. Zohdi speaking in opposition.

Mr. Croteau stated he read the Board member packet and was comfortable voting.

Mr. Culbert wanted to know if the Board could change the ordinance next year. Mr. McNamara answered yes; so long as the rest of the Board agreed.

MOTION: (McDevitt/Culbert) To approve the proposed changes to Article XV – Residential Conservation Subdivision by Special Permit Ordinance.

VOTE: (5-0-0) The motion carried. (*Mr. Croteau cast his vote via telephone*)

Mr. McNamara then opened the Public Hearing for the Mixed-Use Zoning Overlay District ('MUZD')

No one from the public came forward to speak.

Mr. Doherty confirmed that the proposed amendment included the word 'number' being replaced by the word 'density' within Section 307-25-4 – Conditional Use Requirements. Mr. Gowan stated the change was reflected in the official notice of the second public hearing.

Mr. McNamara asked Mr. Croteau if he had read the proposed changes. Mr. Croteau answered yes.

MOTION: (Culbert/McDevitt) To approve the proposed changes to Article V – I – Mixed-Use Zoning Overlay District ('MUZD').

VOTE: (4-1-0) The motion carried. (*Mr. Croteau cast his vote via telephone*) Mr. Doherty voted no.

Mr. Croteau apologized for his absence. Mr. Gowan ended the telephone call with Mr. Croteau.

OLD BUSINESS

In looking at the agenda, Mr. McNamara believed the main purpose was for the applicant to provide information to the Board so the applicant could have direction going forward. He said with only four members present it may be self-defeating to proceed. Mr. Doherty confirmed that he had been appointed to vote. Mr. McNamara answered yes.

Mr. McNamara asked for the applicant's input on whether they wanted to proceed with their case, or continue to a later meeting.

PB Case #PL2015-00021

Map 39 Lot 1-51-1

SESTON, Carolyn - Sherburne Road & Mammoth Road - Seeking a Special Permit to approve yield plan for proposed conservation subdivision (*Note: full application for Conservation Subdivision will follow once Special Permit and density is established*)

Peter Zohdi of Herbert Associates, representing the applicant, came forward to request that the case be postponed. Mr. Gowan understood that a traffic consultant/engineer had been engaged and questioned the status. Mr. Zohdi said they had traffic information, but wasn't comfortable with a four-member Board making a decision. He preferred to be heard by a five-member or full Board. Mr. McDevitt felt Mr. Zohdi could present the information and leave the Board with a package of information to review.

Mr. Zohdi asked for the case to be date specified to the Board's next meeting. He informed if the ownership of the parcel changed by the date of the next meeting the application would remain as submitted. Mr. Gowan replied that was common.

The case was date specified to February 1, 2016.

ADMINISTRATIVE

Request for Bond Reduction - Map 16 Lot 13-85 - PETERSEN BUILT HOMES – Paradise Estates

Mr. McNamara apologized and informed that the Board could not make a decision with only four members present. Mr. Jim Petersen, seated in the public told the Board he would continue the request.

The request was date specified to the February 1, 2016 meeting. Abutters will not receive further notification.

PB Case #2015-00016

Map 22 Lot 8-130

52 WINDHAM ROAD, LLC - 52 Windham Road - Special Use Permit and Site Plan Review for proposed mixed use development consisting of a 1500SF retail building and 15 townhouse condominium units in the Mixed Use Overlay District

Project proponent Brian McGowan came forward and told the Board he had no objection to moving forward and seeking guidance from the Board. Mr. McNamara replied there were only four Board members present and the guidance they receive may be different from what a full board may offer. Mr. McGowan appreciated that fact and was still willing to move forward. Mr. Doherty felt the applicant should present the plan because it better than the previous submission and included some great concepts.

Mr. McGowan told the Board they were aware there wouldn't be a vote. He said their goal was to introduce the project and have dialog. He told the Board he moved to Town two years ago and was in the business of designing, building and managing property for twenty years. He invited anyone to visit properties that he currently managed. His overall goal was to develop property that added value to the Town. Mr. McGowan spoke of the Mixed Use Zoning District ('MUZD') and felt they had studied and addressed its concerns. He said they were committed and flexible and were willing to work with the Board to design, develop and build the best project possible.

Mr. David Jordan of MHF Design Consultants came forward. He began by reviewing the originally submitted plan and the subsequent revisions based on feedback they received. He said in addition to reducing the number of buildings and units, they reduced the number of bedrooms within each of the units to be no more than two bedrooms, which will limit the number of families/children. Mr. Jordan spoke to the question of density by providing the Board with a tax map outlining the limits of the MUZD highlighting the flood plain/wetland areas, Town owned property and other parcels containing multi-units. He then gave the (unit per acre) density calculations for those multi-unit parcels. He noted there weren't a lot of undeveloped properties within the MUZD, but noticed that the area of Woodbury Avenue was similar to the density being proposed in their development.

Project architect Barry Ganek of Ganek Architects came forward and stated their purpose was to work with the Board to arrive to an agreeable/acceptable solution design concept. In terms of building appearance, the Site Plan design standards talk about buildings that are respectful of the New England character, leaving room for creative design. Mr. Ganek noted in their first design they submitted buildings they thought were appropriate in scale, massing, material selection and detail. He described the layout of the project as originally submitted and for discussion submitted a layout reminiscent of a Shaker Village. He provided the Board with a packet containing images of New England townscapes. In the Shaker Village proposal, the number of garage doors was reduced by having common parking at the ground floor of each building. Mr. Ganek pointed out that it aligned with the design standards and welcomed the Board's comments. Mr. McGowan stated overall they were trying to understand the concerns, such as density and design. In looking at the MUZD in general, he believed there were very few opportunities to meet the goal of what the MUZD spelled out if the Board didn't allow the few projects that had an opportunity to support it. Mr. McGowan understood their project was the first submission, but in his opinion Zoning clearly spelled out the plan they presented. He said they wanted to work as a team and asked for feedback.

Mr. Doherty pointed out that the applicant had paid attention to the Board's previous comments by including a dedicated recreation area with a gazebo located at the junction of the walking trails. He felt they had addressed the issues of overcrowding discussed with the initial plan submission. With the increase in size to the store, he wanted to know if there was a potential to add a pathway in the front so pedestrian foot traffic (from across the street) could access the 'store'. Mr. Jordan noted they included a patio at the front of the building that connected to the sidewalk in front. Mr. Doherty felt the things that had been addressed fit the spirit and intent with regard to density. He also believed they were starting to address the concern for having a 'traditional look'.

Mr. McDevitt couldn't recall a plan he had given as much thought to, as he did with the one now in front of the Board. He said the development was close enough to the Town center to change the 'face' of the community. Hearing that there were weren't many parcels within the MUZD that could be developed as he

initially believed there could be made him a little less concerned. He noted there were some developed parcels the homes could be knocked down and have something else built. Mr. McDevitt said some of the other projects with a higher density were out of sight and with senior projects there's a certain level of tolerance. He said his concern was the development would be dense and have a 'cookie cutter' look with an allee of garages. He researched New England townscapes and commented they had certain characteristics. During his time as Interim Director at the Canterbury Shaker Village learned buildings weren't all painted white. He understood the abutters had concerns, but felt the plans were getting closer to where they needed to be. He wanted there to be a 'wow' factor. Mr. McDevitt said he was also concerned with the view from the street and felt the back of the houses looked better than the front, but understood the need for the garages. He said there was a depiction of the interior road on one of the plan pages and wanted to know what it would look like; if the buildings would have curvature, or be in a straight line. Mr. Ganek replied they were working to manipulate the plan and create interest in the building placement. He said if they were to use the Shaker style plan, the buildings would typically line up; however they were separating the middle buildings to begin to create a center place. Mr. McDevitt asked if the buildings would be painted gray. Mr. McGowan replied it was open for discussion and would work with the Board. Mr. McDevitt felt the applicant was moving in the right direction; however the density continued to bother him.

Mr. Gowan believed there would be a benefit to Mr. Jordan reviewing the plan and illustrate the differences from the initial plan. Mr. Jordan reviewed the changes and added amenities such as: a gazebo, planted rain garden, link to existing trail running to back of property ending with a bench overlooking Beaver Brook, open area (in front) ideally suited for a community garden, central location for mailboxes, recreation area at end of hammer head, and an extension of privacy stockade fence along south property line. Mr. Gowan confirmed that the amenities would be included on either plan. Mr. Jordan answered yes. Mr. Gowan questioned how the building ridge heights compared with each other. Mr. Ganek replied the Shaker style buildings were taller due to parking underneath, but the overall height remained under 40ft. Mr. Gowan asked if the dormers were storage or living areas. Mr. Ganek replied they envisioned them as living areas.

Mr. McNamara asked Steve Keach of Keach Nordstrom (Board's engineering review firm) to comment. Mr. Keach felt when comparing the two plans, it was worth mentioning the increase to the retail building and change of the architecture would bring the commercial/non-residential component into greater scale with the residential portion. He said he looked at the concept and didn't see anything that jumped out as a departure from Zoning. He felt the Board was having a good discussion.

Mr. Gowan brought to the Board's attention there had been an appeal to his Administrative Decision that would be heard by the Zoning Board in February.

PUBLIC INPUT

Ms. Cynthia Kirkpatrick, 7 Mossey Lane, was curious if the square footage of the units had changed within the new 'Shaker' design. Mr. Ganek replied they would be taller, not larger. Ms. Kirkpatrick asked how much taller the units would be from the original plan. Mr. Ganek said they would be approximately 9ft. taller. Ms. Kirkpatrick didn't like the new design because she felt the buildings were too tall and looking into her backyard. She said a privacy fence wouldn't help. She spoke about the MUZD and believed if property owners got together there could be other similar developments. Ms. Kirkpatrick told the Board that the neighbor had farm animals and in hot weather the smell wasn't pleasant. Because of this, she didn't feel people would enjoy the green spaces within the development. Ms. Kirkpatrick reiterated her main concern was the building height.

Mr. Frank Kirkpatrick, 7 Mossey Lane found the conversation interesting. He asked if the Board members lived within the MUZD. Mr. Gowan replied one of the members did, although they weren't present for the meeting. Mr. Kirkpatrick wanted to know if any of the Board members would want to reside next to the development. Mr. McNamara replied he liked the development with the staggered town house depiction. He

felt the developer had made great progress from where they had been originally. Mr. Kirkpatrick commented prior to the present owner purchasing the property, the realtor approached him. He felt it was short sided to think that the development wouldn't change the MUZD area. Although he was told the Town's Master Plan was outdated, he noted its spirit was to have conservative growth with single family homes. He said there could be a domino effect of people selling their properties in the downtown area, which could lend to further development of the area.

Mr. McNamara responded to the comments and said the one certain thing was change could occur anywhere and anytime. He said by enacting the MUZD they were trying to control development to reflected traditional Town values. He noted there would always be some conflict when change occurs; it was the Board's job to try to parse through the proposals and recommend changes to make the least impact to the abutters while still being true to the intent of the MUZD. Mr. McNamara stated they were still in that process and would try to fine tune the proposal.

Mr. Jordan appreciated the opportunity to discuss their plan with the Board. He said they will now go back and take a harder look at some of the issues. They looked forward to continuing the discussion. Mr. McGowan noted they were trying to represent the facts of what the MUZD was today. He reiterated there were very few undeveloped lots of similar size in the area; it would be a challenge to make the economics work. He would remain open to working with the Town.

Mr. Culbert agreed with Ms. Kirkpatrick and was not in favor of the Shaker design.

The plan was date specified to Thursday, February 18, 2016.

PUBLIC MEETING

The Pelham Planning Board to vote to approve the new High School Impact Fee. The public hearing took place on January 4, 2016 at 8:00 pm at the Pelham Municipal Center, 6 Village Green, Pelham, New Hampshire. Once 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. (NOT A PUBLIC HEARING)

Mr. McNamara asked Mr. McDevitt if the Board should try to address the impact fee at the present meeting, or if it would be acceptable to postpone discussion. Mr. McDevitt didn't see any downside to a delay.

The Board's discussion/vote was date specified to the February 1, 2016 meeting.

DATE SPECIFIED HEARING(S) / DISCUSSION(S)

Monday – February 1, 2016

- Public Meeting – Planning Board to vote to approve the new High School Impact Fee
- PB Case #PL2015-00021 - Map 39 Lot 1-51-1 - SESTON, Carolyn - Sherburne Road & Mammoth Road
- Map 16 Lot 13-85 - PETERSEN BUILT HOMES – Paradise Estates – Request for bond reduction

Thursday - February 18, 2016

- PB Case #2015-00016 - Map 22 Lot 8-130 - 52 WINDHAM ROAD, LLC - 52 Windham Road

MINUTES REVIEW

January 4, 2016 – Lack of quorum – Deferred.

ADJOURNMENT

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

VOTE: (4-0-0) The motion carried.

The meeting was adjourned at approximately 8:25pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary