

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
March 21, 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, Jason Croteau, Joseph Passamonte, Tim Doherty, Alternate Mike Sherman, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Alternate Robert Molloy

APPOINTMENT OF ALTERNATE(S)

Consideration of application for appointment of Planning Board Alternate

Mr. McNamara stated the Board received an application from Patrick Culbert for appointment to the Board as an alternate member.

MOTION: (Montbleau/Dadak) To appoint Patrick Culbert as an alternate Planning Board member for a 3-year term.

VOTE: (7-0-0) The motion carried.

ADMINISTRATIVE

Waiver Request

Map 38 Lot 1-118 & 119

PETERSEN, Jim - Long Pond Woods - Discussion of Waiver for the new High School Impact Fee

Mr. Jim Petersen came forward to discuss the new High School Impact Fee. Reading it he was under the impression it was only for new developments that were not yet approved. He was told to go in front of the Board to ensure he was doing things properly and to request a waiver. Mr. Petersen reviewed the section pertaining to *Assessment of Impact Fees* that outlined when an assessment would be made. He then reviewed the section that addressed when a waiver could be requested. He commented that his project was approved prior to the effective date of the Ordinance. He also noted that the project was significantly in process; the complete road is paved and there were twenty houses constructed in various forms. Four houses have 'closed' and ten were 'under contract'. Mr. Petersen pointed out that the project was also an age 55+ community, which was also another reason to waive the impact fee.

Mr. McNamara noted the Board received an inspection report from Keach Nordstrom (Board's engineering review firm) last September that related to the work in progress, specifically the binder pavement.

Mr. Gowan spoke about the last Board meeting, during which they reached a general consensus that 'active and substantial' development is achieved when a road is to subgrade (ready for gravel). There are thresholds for various types of development. Mr. Gowan stated the Long Pond Woods development had gone way beyond the established threshold for active development. He noted the ordinance for age 55+ projects refers to the Fair Housing Act ('FHA'), which indicates up to 20% of the units could have residents under age 55 and children.

Mr. Sherman wanted to know if the impact fee could be reduced if a portion of the development ended up being houses with children. Mr. Gowan replied the Board would need to make that decision. He noted Petersen's request contained two aspects: 1) the project was beyond the threshold for active and substantial development; and 2) the project was an age 55+community. He commented that he wasn't aware of any school age children residing in any of the age 55+ developments in Town. He cautioned they should be cautious about the application of that aspect of FHA.

Mr. Montbleau asked for clarification regarding the age 55 rule for developments and who monitored the units when being sold. Mr. Gowan believed the Regulations required an annual submission of the resident's ages. He said they hadn't chased the information and weren't aware of any problems. He noted if they ever encountered a situation, he would request Town Counsel oversee how it was dealt with. Mr. Petersen told the Board he had gone over the State rules and regulations extensively with his attorney. He stated only the builder could sell the 20% (of units with residents under age 55) to the first buyer. Once the 20% was sold to a particular house, it was recorded in the deed. He said if a house wasn't sold to someone under age 55, it could never be sold to someone under age 55. If the original deed (from the builder to the first owner) doesn't stipulate 'under age 55' it can never be changed; it's a one-time allowance for the first buyer. Mr. Gowan believed the 20% was only allowed for the last units built. Mr. Petersen didn't believe that was the case. He believed they could sell either type of unit at any time.

Mr. Doherty stated he had no issue with either of the requested waivers. He suggested the Board consider how to respond in a situation where a road is built and individual lots are sold over time and not as part of a development as a whole. Mr. Gowan couldn't envision the Board approving a road that wasn't part of a project. He hadn't seen a road built that way. He said when builders sell off lots, the lots were part of a project.

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

MOTION: (Montbleau/Croteau) To approve the waiver of the High School Impact Fee for Jim Petersen's Lone Pond Woods project.

VOTE: (7-0-0) The motion carried.

DISCUSSION

2016 Sub-Committees and Objectives

Mr. Gowan stated the month of April was typically the time the Board elected their officers and discussed sub-committee membership. Typically there are three sub-committees: 1) Master Plan, 2) Zoning, and 3) Capital Improvement Plan. Those interested in a specific committee should contact Mr. Gowan and/or Mr. McNamara. The Board will discuss membership at their next meeting.

Planning Directors Report – The Board was provided with the report to review.

MINUTES REVIEW

March 7, 2016

MOTION: (Montbleau/Passamonte) To approve the March 7, 2016 meeting minutes as written.

VOTE: (5-0-2) The motion carried. Mr. Croteau and Mr. Dadak abstained.

ADJOURNMENT

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

VOTE: (7-0-0) The motion carried.

The meeting was adjourned at approximately 7:36pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary