

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD MEETING**  
**October 16, 2017**

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, Joseph Passamonte, Tim Doherty, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Paddy Culbert, Alternate Samuel Thomas, Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Alternate Derek Steele

**PLEDGE OF ALLEGIANCE**

**ADMINISTRATIVE**

**Request from Paul Gagnon to discuss and make a recommendation to the Board of Selectmen regarding the purchase of Fred Merriam's 46.5 acre parcel described as Map 39 Lot 6-181. This parcel runs from Mammoth Road (near the intersection of Sherburne Road) to Beaver Brook**

Mr. Gowan noted that an abutter's list didn't need to be read. The purpose of the presentation was for the Board to make a recommendation for Mr. Gagnon to bring to the Board of Selectmen.

Conservation Chairman Paul Gagnon came forward and told the Board that the Conservation Commission was making a purchase of a 46.5 acre parcel that was currently owned by Fredrick Merriam. He is the son of the Frederick Merriam from whom they purchased the 110 acre parcel on Sherburne Road. He displayed a map of the Town to show the location of the parcel, which had frontage on Mammoth Road, Moonshadow Drive and considerable frontage on Beaver Brook. He described the quality of the land and current farming activity, and explained how he came to know about the parcel, which would be beneficial for connectivity.

Mr. Gowan updated the Board on two projects (Seston and RJ McCarthy) recently approved that would have potential conservation land coming to the Town. The projects both contain open space that will eventually be submitted to the Selectmen to accept as a gift. In speaking with Bob Meissner (DHB Homes), with regard to the Jones property (Seston project), something came to light that may be a problem. He commented if the Town accepted the land, they would essentially be accepting the wells that feed the project and some drainage aspects. He sent the information to Town Counsel for review. Mr. Gowan asked Mr. Meissner if he would work with the Town even if the Selectmen didn't accept the open space; Mr. Meissner told Mr. Gowan he would be happy to. With regard to the RJ McCarthy project, Mr. Gowan stated there was no infrastructure in the open space being offered to the Town. He will keep the Board updated.

Mr. Gagnon forwarded the checklist used when considering an acquisition to ensure it's appropriate. He reviewed the checklist used when assessing the proposed parcel. The Town has the parcel appraised at approximately \$469,000; the independent appraisal came in at approximately \$440,000. The owner would like to be close to the \$440,000 figure and offered to throw in a 6 acre parcel at the end of Cranberry Lane (appraised

by the Town at \$24,800). They've signed a purchase and sales agreement for \$440,000 plus the 6 acre parcel; the signature is contingent upon the Planning Board's recommendation and the Selectmen's approval.

Mr. Gagnon provided the Board with a compilation of all the acquisitions Pelham has made since 2002, which included the parcel currently being discussed. He reviewed the information and noted the proposal would get the Town up to 900 acres being purchased. The average per acre price is \$7,100. He reviewed the donations given to the Town, which if included to the purchased parcels, would bring the acquired total to 1,026 acres.

Mr. Doherty questioned why the Cranberry Lane parcel was listed under the 'donated' column. Mr. Gagnon replied one of the Conservation Commission members felt it would be better to show two line items and two separate transactions.

Mr. Gowan wanted to know if the Board's recommendation to the Selectmen would need to include the specifics of money. Mr. Lynde replied the Selectmen knew the price.

Mr. Montbleau wanted to know if a document could be created for the proposed donation of open space that would allow the development access to the wells. Mr. Gowan replied he had forwarded Town Counsel all the information to review. Mr. Montbleau questioned if the proposed property would be about the area that may contain a future roundabout. Mr. Gagnon answered no; the parcel directly across from Sherburne Road was owned by the Nietupski family. Using the map of the Town, he showed the location of the Nietupski parcel. Mr. Gowan noted that the Town was in the process of doing an application for funding to build roundabouts at Mammoth/Sherburne and Mammoth/Marsh intersections. He said there may be a need to purchase a bit of right-of-way for both intersections; the more challenging area will be at the Mammoth/Marsh intersection.

Mr. Doherty understood there was farming activity currently occurring on the parcel, and wanted to know if there could be some kind of a swap in the future since there may be a future interest in their land. He asked Mr. Gagnon to keep that in mind when negotiating.

**MOTION:** (Montbleau/Dadak) To make a positive recommendation to the Board of Selectmen regarding the purchase of the property.

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

Mr. Doherty spoke about land in the area of the Hudson Town Forest and asked Mr. Gagnon to consider it when looking to connect Town properties. Mr. Gagnon was aware of the property and noted that his son was a member of the Hudson Conservation Commission and had brought the matter of the parcel up for discussion. He said he would give the area serious thought.

#### **Map 36 Lot 10-358 - Squire Estates - 52 Dutton Road – Request for Bond Reduction**

Mr. McNamara read aloud the recommendation from Keach Nordstrom (Board's engineering review firm) dated September 26, 2017.

Current Bond: \$70,019.55  
Recommended Reduction: \$31,281.80  
Amount to be retained: \$38,737.75

With regard to the off-site improvement bond, Keach Nordstrom recommends full release of bond in the amount of \$8,627.95. Work satisfactorily completed on June 22, 2016.

**MOTION:** (Montbleau/Doherty) To approve a full release of the off-site improvement bond of \$8,627.95 leaving a balance of zero.

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

**MOTION:** (Montbleau/Doherty) To approve a bond reduction of \$31,281.80 from the original bond of \$70,019.55, and to retain \$38,737.75.

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

### **MINUTES REVIEW**

#### **October 2, 2017**

**MOTION:** (Montbleau/Passamonte) To approve the October 2, 2017 meeting minutes as amended.

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

### **ZONING**

#### **Discussion – Potential Zoning changes including a review of the Amherst Workforce Housing Ordinance**

Mr. Gowan discussed the recent Planning and Zoning conferences and the discussion topics. Mr. McNamara wanted to get the Board's feeling on what, if anything, they were going to pursue. He understood workforce housing was on people's mind and noted there could be other things involved. He was unsure if they could do anything in time for the 2018 vote. Mr. Gowan provided the Board with the list of deadline dates in connection with the March, 2018 ballot.

Mr. Lynde questioned if Subdivision Regulations required a Board vote or Town vote. Mr. Gowan replied they required a scheduled public hearing and Planning Board vote. Mr. Gowan said they were reviewing dates for Zoning.

Mr. McNamara asked if anyone objected to trying to form a workforce housing ordinance for the Town. There was no objection. Mr. Lynde understood that workforce housing was stated in the current Zoning. He questioned if the task would be to revise it, or work on the Subdivision Regulations to define workforce housing. Mr. McNamara replied they recommend workforce housing, but didn't believe there was anything in Zoning that codified it. Mr. Gowan stated Town Counsel had guided the Town through the process; the Town allows it in a conservation subdivision. It was his opinion that it wouldn't be built because it needed more density than a development could get out of a conservation subdivision because of the additional scrutiny that went along with it.

Mr. Doherty stated that the Town had forms of workforce housing that have needed to be addressed for a while. He's spoken to a lot of people in Town who want to do away with the bonus density offsets, except for workforce housing. He believed the wording in the conservation subdivision language didn't meet the intent of the RSAs. He suggested that the Board consider placing an item on the ballot to do away with density offsets in conservation subdivisions, except for workforce housing.

Mr. Bergeron felt the Board needed to establish priorities to review within existing Zoning. He believed they needed to address those issue before moving ahead with workforce housing. He said he had much to talk about regarding the way the Zoning Ordinance was written. He said before the conservation subdivision regulation was removed (which could happen by petition), he felt the Board should enter into discussion about what meets

the objectives and goals. He felt they should talk about the density ratios being granted, as he saw some problematic issues. He believed first and foremost, ground water should be protected. Mr. Bergeron stated they needed to force changes by offering density bonuses and not just be granting them to anyone that comes in with a conservation subdivision. He agreed they needed workforce housing, but believed it should be under certain criteria. With regard to density, he said if a person has a good piece of property and water, there should be some density bonus granted. Mr. Bergeron reiterated his suggestion that the Board determine priorities. He felt conservation subdivisions should be looked at right away, which ran parallel with workforce housing. He said the only difference between the two was the definition.

Mr. Lynde felt they put too much emphasis on open space sometimes. He stated the Town had a lot of open space and it shouldn't be a guiding thing, but felt workforce housing should be addressed. He had a problem with the 62+ Ordinance. With regard to open space, Mr. Dadak pointed out that those developments also had less pervious surface that would allow a balance for ground water and control it naturally.

Mr. Montbleau spoke to open space, and believed the concept was pushed forward so the Town wouldn't end up with a development grid, as was happening in the late 1980s. Being on the Board for many years, he's watched the Town develop to include open areas for children to play and people to sit and view wildlife. He cautioned the Board not to dispel the value of open space. Mr. Lynde noted that there was a current provision that states 15% of land should be set aside for open space. He supported the provision and felt it should be implemented. Mr. Gowan stated that they needed to work on the wording and agreed it was a goal that should be fixed and pursued. He hoped the Board would take a field trip and review completed projects so he could show good examples and poor examples of conservation subdivisions. He felt doing so would be informative when working on the language.

Mr. Doherty explained that the conservation/open space ordinance was brought to the Town when he first got on the Board. He said when members of conservation and forestry told him they wanted to place an article on the ballot asking taxpayers to put together pools of money to buy open space land, he agreed to put together an open space ordinance. With the open space ordinance they could get pieces of the puzzle (to connect Town owned property) through the developments. He believed they should try to salvage the open space ordinance because it had good merits. Mr. Doherty felt there were four or five sections of Zoning that needed to be addressed. He discussed workforce housing which was specified in RSA 674:58 – 61, which includes reference to RSA 672:1,III-E. He spoke about the Mixed Use Zoning District ('MUZD') and felt the Board needed to discuss if they would consider a warrant article to allow workforce housing (by what was listed under the Table of allowable uses in 307-25). He added that the definitions section should include the State's definition of 'affordable housing' and 'multi-family housing'.

Mr. Gowan provided the Board with a copy of the Town of Amherst Zoning Ordinance section pertaining to workforce housing. Mr. McNamara understood it had been in effect since March 10, 2015 and questioned if they had legal challenges. Mr. Gowan didn't have an answer, but offered to contact the Community Development Director and added that he could also ask him to come in and speak to the Board. Mr. Doherty noted in RSA 674 speaks to reviewing the collective impact of all such ordinances and regulations on a proposal for a development of workforce housing shall be considered when determining whether opportunities for workforce housing are reasonable and realistic. He said when a developer takes a town to court, the court is going to collectively look at all the different sections of zoning and what realistic opportunities the Town makes. He said if they went into the various sections of the Zoning and strengthened what they had it would make it difficult to be sued. Mr. McNamara noted that the language in the RSA was brought about by a court case in New Hampshire; the Supreme Court basically said no community can unreasonably restrict or exclude affordable housing. Mr. Gowan commented that the language in Pelham's Ordinance was a stop-gap measure; it covered the Town, but they would never really see it happen.

Mr. Bergeron spoke to density and the character of the Town. He said for development they have to look at what the infrastructure is to support the increased density. He noted the only thing they could offer is a little

water from Pennichuck. In looking at the Amherst's Zoning, he noted that their acreage requirements were bigger than Pelham. He stated Pelham's soils changed from one end of Town to the other and believed they should be really careful about granting density offsets in areas that have poorly drained soils.

Mr. Doherty agreed with the comment that there were areas in Town with poor soils. He read a sentence aloud from RSA 674 regarding inclusionary zoning and went on to read aloud information contained within RSA 674:21,4,A. He said the problem was they gave the same offset for everything and had different ways for it to be met. His suggestion was to do away with all density bonuses except for workforce housing; that way they could meet the obligation contained in RSA 674.

Mr. Culbert would like the Board to prioritize the items to discuss. Based on hearing a consensus from the Board, Mr. McNamara suggested they move forward and possibly fashion something that would specifically mention workforce housing.

There was further discussion regarding the current zoning and ordinance and how the Board would proceed. Mr. McNamara asked members to review the innovative land section – affordable housing prior to the next meeting. Mr. Gowan suggested if members have discussion ideas to send them to him. He will make copies for the Board. It was understood that the Board's second meeting of the month would be their work session.

#### **ADJOURNMENT**

**MOTION:** (Passamonte/Dadak) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:37pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary