

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
January 4, 2018

The Chairman, Vice Chairman, and Secretary were not present. As the longest sitting Board member present, Mr. Doherty asked if someone wanted to make a motion to appoint a temporary Chair, given there were enough members present to conduct the meeting.

MOTION: (Bergeron/Lynde) To appoint the most senior member of the Board, Tim Doherty, to be acting Chair.

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

Mr. Doherty asked for a volunteer to be Secretary. Mr. Gowan noted that every applicant had requested date specification, therefore abutter lists would not need to be read into the record. Mr. Bergeron reluctantly volunteered to be the acting Secretary.

Acting Chairman Tim Doherty called the meeting to order at approximately 7:07pm.

The acting Secretary Jim Bergeron called the roll:

PRESENT: Tim Doherty, Jim Bergeron, Joseph Passamonte, Selectmen Representative Hal Lynde, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Peter McNamara, Roger Montbleau, Paul Dadak, Alternate Samuel Thomas, Alternate Paddy Culbert, Alternate Richard Olsen, Alternate Derek Steele

Mr. Doherty appointed Mr. Bilapka to vote in Mr. Dadak's absence.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

Mr. Gowan suggested the Board suspend acting on meeting minutes review due to the lack of members present.

December 18, 2017 - Deferred

MOTION: (Bergeron/Passamonte) To suspend the minutes to the next regular scheduled meeting.

VOTE: (5-0-0) The motion carried.

PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS

The full text of all proposed amendments is available from the Planning Department at (the Municipal Center) Town Hall, 6 Village Green during normal business hours and from the Town of Pelham website at www.pelhamweb.com on the Planning Department page.

The proposed amendments are described as follows:

*1. DRAFT changes to the Pelham Zoning Ordinance, **Article IX Elderly Housing***

Adds the following requirement to section 307-51, Requirements for complex

G. Each Elderly Housing complex shall provide 10% of the lot as open space for use by the residents for outside social and/or recreational purposes and shall be independent from the small areas of land located between units and those areas required for buffer.

Mr. Lynde asked if open space could be centrally located. Mr. Bergeron replied he had an idea for a minor verbiage change, but wasn't able to send it prior to the meeting. He suggested adding the words 'a minimum' of 10% of the lots. There was a consensus of the Board to accept the additional verbiage. *(the verbiage was further amended later in the discussion)*

Mr. Doherty asked for an amendment to the last sentence to clarify the word 'buffer'. The Board was in agreement to amend the last sentence to read: "...and those areas required for buffer(s)". *(the verbiage was further amended later in the discussion)*

Mr. Doherty opened the discussion to public input. Mr. Gowan stated Dave Hennessey (Zoning Board Chairman) had submitted an email to be read into the record. As acting Secretary, Jim Bergeron read aloud the correspondence. It was noted that Mr. Hennessey was commenting on the conservation subdivision ordinance, not the Elderly Housing Ordinance.

Mr. Doug Shawver, Heather Lee Lane asked for clarification of the proposed 10% and wanted to know if wetlands were factored in to the calculation. Mr. Doherty said the wording stated 10% of the lot. He said the Board could discuss if that would be defined as 10% of the 'usable land'. Mr. Bergeron felt the calculation should be the usable land. He asked Mr. Shawver if he felt the language was too restrictive, or not restrictive enough. Mr. Shawver felt it was over restrictive because he felt there would be excessive land in proportion to the land being used. Mr. Bergeron wanted to know if Mr. Shawver agreed that setting aside a minimum of 10%, excluding the buffers, was a reasonable amount to set aside for open space use in an elderly housing complex. Mr. Shawver agreed. Mr. Bergeron said that was his intent.

Mr. Gowan reviewed the ordinance and said although it speaks to usable land area, it doesn't do that in the context of the open space. He felt adding clarity (to the language) was a good idea.

Mr. Bergeron read aloud a comment submitted by Jen Czysz of Nashua Regional Planning Commission ('NRPC'), who felt the proposed Zoning was a simple way to ensure reasonable open space and it would benefit future residents.

Mr. Pat Gendron was concerned that an owner would lose acres to be used for a buffer; for example, if an owner had 100 acres, they would lose 10 acres. He stated people would lose a lot of land and money. Mr. Lynde spoke about the ordinance and explained that it provided affordable housing for people age 62+, and would provide open space for them to gather. He said it wasn't like a conventional subdivision. Mr. Gendron felt the percentage was excessive and believed it should be reduced to 5%. Mr. Bergeron believed a person with a 100 acre parcel would divide off the minimum acreage required for an elderly development. He said developers and engineers used the ordinances to their best ability for a return of investment. Mr. Gendron still believed that a developer would incur costs associated with surveying (preparing) land for development. Mr. Gowan noted they hadn't experienced large 100 acre parcels being used for elderly housing.

Mr. Doherty reviewed Section 307-52 (site requirements), which he believed allowed the inclusion of wetland conservation district in the calculation. Mr. Gowan replied the buffer could be used in the lot size calculations, but it couldn't be built on. Mr. Bergeron didn't feel 10% was excessive.

Mr. Doherty was not comfortable with voting to put the amendments on the ballot as presented. He felt it needed to be completely re-thought, as it didn't seem to be worded well enough to get his support. Mr. Passamonte was in agreement with adding 'usable land'. Mr. Doherty discussed his concerns with the language and reiterated he was not comfortable with proposing (further) language changes while being acting Chair of the meeting. Mr. Bergeron spoke about the Board's options to move the ordinance forward to the second meeting.

Mr. Lynde offered a proposed amendment (*in bold below*). The Board discussed the proposal. Mr. Gowan read aloud the proposed amendment of the Article as follows:

*G. Each Elderly Housing complex shall provide **not less than** 10% of the **buildable land (as described in 307-52)** as open space for use by the residents for outside social and/or recreational purposes and shall be independent from the small areas of land located between units and those areas required for buffer(s).*

MOTION: (Bergeron/Passamonte) To accept the new language (as read aloud by Mr. Gowan for second public hearing January 22, 2018) *

VOTE: (5-0-0) The motion carried.

**See below for clarifying motion. Later in the meeting the Board couldn't recall if this motion had been made.*

2. DRAFT changes to the Pelham Zoning Ordinance, Article XV Residential Conservation Subdivision by Special Permit;

Mr. Doherty reviewed the proposed amendments.

Amends 307-98, Definitions, and 307-102, Density Offsets to eliminate all criteria for potential density offsets except for the provision of Workforce Housing as defined in 307-98.

Amends 307-106, General Requirements, C and D, as follows:

C. All conservation subdivisions shall be served by a community water system managed by a third-party entity with demonstrated expertise in the management of such water systems. All applicants must demonstrate to the Planning Board's satisfaction that their Homeowner's documents prohibit residents from drilling private irrigation wells.

D. Roads constructed as part of a conservation subdivision may be private roads at the discretion of the Planning Board.

Mr. Lynde discussed his reasons for being in favor of the proposed amendments.

Mr. Bilapka would like the Board to consider not allowing accessory dwellings. Mr. Doherty replied there were other areas of the ordinance that contained the restrictions for conservation subdivisions. There was a brief discussion and Mr. Gowan explained that an accessory dwelling unit needed to go in front of the Zoning Board. He noted that the Town couldn't be more restrictive than the State. Mr. Bergeron added that amendments to the State's accessory dwelling unit law were being brought forward in the 2018 Legislative session.

Mr. Doherty opened discussion to public input.

Mr. Mike Gendreau, Conservation Commission member came forward and stated the committee wasn't aware of the Board's meeting, and felt they would have wanted the opportunity to discuss the proposals. With regard to the language, he felt they were going from one extreme to another, and felt there should be more discussion with more voices heard. Mr. Doherty said if the zoning was discussed in a subcommittee setting, the other committees would have heard from him; he would have contacted other boards to be involved. Mr. Gendreau spoke about the language and felt it would be a dis-incentive for a builder to have to have a community well.

Mr. Doherty discussed the proposed language and the reason the amendment was put forth. Mr. Lynde discussed the importance of the Board reviewing Zoning and taking time during the year to do so. Mr. Bergeron commented about the amount of work the Conservation Commission spends to find parcels for the Town to purchase for conservation. He said he wanted to see changes in the ordinance specifically with regard to wells and water. He heard there was some negativity regarding conservation subdivisions and felt having water systems would help maintain the spirit and intent of the ordinance. Mr. Gendreau recalled some of those concerns came from people being able to install (individual) irrigation wells within developments that already had water systems. Mr. Doherty thanked Mr. Gendreau for his comments.

Mr. Bill McDevitt, Lane Road, who is currently a Selectman, came forward to speak as a citizen. He believed affordable housing would be difficult for the Board to handle; the maximum price allowed is \$315,000. He spoke about the purpose of the conservation subdivisions, and wanted to know if the Board was abandoning the idea of preserving open space. He questioned how they could still preserve open space while still allowing affordable housing. Mr. Doherty replied they weren't adding workforce housing, it had always been in the ordinance; they were eliminating all the other density offsets. He discussed the amendment and how it would change the types of plans that had been coming in front of the Board. Mr. Lynde stated he was in favor of open space and conservation; however, he was not in favor of giving bonus lots except for affordable housing. Mr. McDevitt believed the problem the Board would run into with affordable housing, was the government putting a cap on the cost of that type of home. He said affordable houses didn't build equity because there was a cap linked to incomes, and people wouldn't move out so there wouldn't be much turnover. Mr. McDevitt then spoke about community wells and questioned how the Town would ensure (long-term) that the third party (with expertise) would continue to manage the wells. He felt there should be some criteria to ensure this. Mr. Gowan discussed the oversight of homeowner's associations and the Town. Mr. McDevitt suggested having a mechanism to keep the water systems on the Town's 'radar'. Mr. Bergeron informed there were new regulations regarding multiple wells that were coming which would provide oversight. He said if the average price of the affordable housing was (approximately) \$315,000, he would want something in the ordinance to ensure that a percentage (or all) affordable houses were at that price. Mr. McDevitt read aloud a portion of the State standard that addressed the cost of affordable housing. Mr. Doherty reiterated that workforce housing was already contained in the ordinance, it was not something new being added. He discussed community wells, and suggested they possibly allow community irrigation wells, so people don't dig individual irrigations wells.

Mr. Bergeron discussed the ordinance, and stated the amendment would discourage overlapping well radiuses and drawing from particular aquifers. Mr. Doherty discussed the differences between conventional and conservation developments in relation to the use of water. He believed conservation developments would use less water.

Mr. Gowan had three sources of public input to put on record (*available in full at the Pelham Planning Department*). He read aloud the correspondence from Dave Hennessey, Zoning Board Chair, Attorney Cronin (on behalf of DC Development), and Jen Czysz of Nashua Regional Planning Commission. Mr. Doherty commented that Ms. Czysz's comments could have been received sooner had they discussed zoning in subcommittee.

Mr. Lynde understood that the Board hadn't offered any amendments to the proposed draft of Article XV.

Mr. Doherty closed the public hearing.

MOTION: (Lynde/Bergeron) To proceed with Article XV as presented.

VOTE: (5-0-0) The motion carried.

Although there were no changes during the public hearing, Mr. Gowan suggested discussing the Article at the second public hearing. Mr. Lynde agreed. Mr. Bergeron felt the Board should discuss the Article at the second public hearing, read the text in its entirety, and vote at that time.

The Public Hearing was concluded.

OLD BUSINESS

PB Case #PL2017-00022

Map 17 Lot 12-232

CROTEAU REV. TRUST c/o Arthur Croteau - 9 Ledge Road - Site Plan Review to permit the construction of an addition to the existing 60'x80' service garage, permit the construction of a 30'x80' pole barn and to re-organize and add some additional parking.

The applicant requested that the plan be date specified to the January 22, 2018 meeting.

MOTION: (Lynde/Passamonte) To date specify Case PL2017-00022 to the next meeting.

VOTE: (5-0-0) The motion carried.

PB Case#PL2017-00023

Map 18 Lot 12-15-1

HARRIS POND LANDHOLDINGS, LLC - 363 Gage Hill Road - Proposed 3 Lot Subdivision & Seeking Special Permit for well locations & minor WCD encroachment for driveway turnaround

The applicant requested that the plan be date specified to the January 22, 2018 meeting.

MOTION: (Lynde/Passamonte) To date specify Case PL2017-00023 to the next meeting.

VOTE: (5-0-0) The motion carried.

NEW BUSINESS

PB Case #PL2018-00001

Map 1 Lot 5-124

HEBERT, Christopher - Mammoth Road - Site Plan Review of Proposed 29 Unit Elderly Housing Community and Seeking a Special Permit for WCD Crossing for Grading and Drainage.

The applicant requested that the plan be date specified to the January 22, 2018 meeting.

MOTION: (Lynde/Passamonte) To date specify Case PL2018-00001 to the next meeting.

VOTE: (5-0-0) The motion carried.

PB Case #PL2018-00002

Map 22 Lot 7-1

DEBORAH ANN TRUST- 9 Atwood Road - Proposed 13 Lot Conservation Subdivision with 1 Open Space Lot and Also Seeking a Special Permit for the Conservation Subdivision and WCD Impact.

The applicant requested that the plan be date specified to the January 22, 2018 meeting. Mr. Gowan stated Attorney Cronin requested acceptance of the project; however there was no one present to open the case, and there was no one present to represent the applicant. He pointed out that the hearing wasn't being opened and saw no downside to the project being accepted for consideration at the next meeting. He added that the application was filed in a timely fashion and shouldn't be impacted by any of the Zoning questions.

Mr. Bergeron confirmed that the Board wasn't taking action on the case. Mr. Doherty replied the Board was only date specifying the case to the next hearing.

MOTION: (Lynde/Passamonte) To date specify Case PL2018-00002 to the next meeting.

VOTE: (5-0-0) The motion carried.

PB Case #PL2018-00003

Map 35 Lot 10-351 & Map 41 Lot 10-312

DHB HOMES, LLC (applicant) / FINEMAN, Neil (owner) - 48 Currier Road & 56 Bridge Street - Special Permit application for a yield plan to show a conventional subdivision of 41 lots to determine the base density for a conservation subdivision

The applicant requested that the plan be date specified to the January 22, 2018 meeting.

MOTION: (Lynde/Passamonte) To date specify Case PL2018-00003 to the next meeting.

VOTE: (5-0-0) The motion carried.

PB Case #PL2018-00004

Map 3 Lot 5-174

HARRIS, John, HARRIS, George Jr., HARRIS, George III - off Shelly Drive - Seeking a Special Permit for WCD Impact for Construction of Driveway

The applicant requested that the plan be date specified to the January 22, 2018 meeting.

MOTION: (Passamonte/Lynde) To date specify Case PL2018-00004 to the next meeting.

VOTE: (5-0-0) The motion carried.

Article IX Elderly Housing – Clarification Motion

Mr. Lynde confirmed the Board had taken appropriate action to amend the language. For clarification, the Board took the following action:

MOTION: (Bergeron/Lynde) To adopt the changes made to the verbiage (of Article IX Elderly Housing – as read aloud by Mr. Gowan) and moved forward to the second public hearing.

VOTE: (5-0-0) The motion carried.

ADJOURNMENT

MOTION: (Passamonte/Bergeron) To adjourn the meeting.

VOTE: (5-0-0) The motion carried.

The meeting was adjourned at approximately 9:28pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary