

PLANNING BOARD MINUTES

April 4, 2007

ROLL CALL:

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| Ruth-Ellen Post, Chairman – Present | Ross McLeod, Vice Chairman – Present |
| Nancy Prendergast, Secretary – Excused | Walter Kolodziej, Regular Member – Present |
| Phil LoChiatto, Regular Member – Present | Pam Skinner, Regular Member – Present |
| Neelima Gogumalla, Alternate – Present | Rick Okerman, Alternate – Excused |
| Margaret Crisler, Selectmen Member – Excused | Alan Carpenter, Selectmen Alternate – Present |

STAFF:

Al Turner, Director of Planning and Development – Present
Shaun Logue, Town Planner – Excused

Ms. Post opened the meeting at 7:30 pm. Ms. Gogumalla replaced Ms. Prendergast. Ms. Gogumalla recorded motions in Ms. Prendergast's absence.

MINUTES:

- Mr. McLeod motioned to approve the March 28 minutes. Mr. LoChiatto seconded. Passed 6-0-1. Mr. Kolodziej abstained;
- Mr. McLeod motioned to approve the March 21 minutes as amended. Mr. Kolodziej seconded. Passed 5-0-2. Mr. Carpenter and Ms. Skinner abstained.

CORRESPONDENCE:

- Letter from Marcia Unger expressing interest in continuing as a member of the CIP Committee. Ms. Post recommended appointing Ms. Unger for the Committee. Board discussion regarding the of number of terms a person can serve on the CIP Committee;
- Planners Association conference flyer;
- Regional notification from the Town of Derry regarding a roof antenna communications facility;
- Letter from RPC regarding dues.

OLD/NEW BUSINESS:

- The Board asked about a previous sign issue that has been resolved;
- Ms. Post will be selling tickets for the Women's Club fund-raising raffle;
- The Board discussed the order of the meeting and should the house keeping items be at the end of the meeting? The bylaws would have to be changed, and should the meeting begin at 7:00 pm? This will be a workshop topic.

Peter Zohdi, Herbert Associates, requested to postpone the North Lowell Road Estates Circulation and Traffic Report Public Discussion to the next public hearing. Mary Behl, 5 Eastwood Road: Received a certified mail for this public discussion and will not be in town at the postponement. Mr. Carpenter explained that no decisions are made at a public discussion. Mr. Kolodziej motioned to move the North Lowell Road traffic report to May 2 at 8:00 pm. Mr. LoChiatto seconded. Passed 7-0.

PUBLIC MATTERS:

Windham High School Lot Line Adjustment and Consolidation – Public Hearing Londonbridge Road, lots 20-D-1000, 1200, 1500, 1600, 1800, 14-B-2200, 2300 & 2400

Mr. Turner stated the request from the school department IS to do several lot line adjustments and consolidations, no new lots are being created, he indicated the changes on the plans posted on the wall, under Sections 606.1 and 606.2 of the Zoning Ordinance the Planning Board can create lots as long as it

serves the public need, the lots meet the requirements, the easements are shown on the plan that were approved by the Selectmen, AND the existing houses will be further away from the lot line.

Board discussion regarding whether the road would be a Town road, it has been planned as a meets and bounds right-of-way, it will be owned either by the town or the school board. Mr. McLeod motioned to open for public hearing. Mr. LoChiatto seconded. Passed 7-0.

Bruce Anderson, representing the school board, explained this is going on because of an error in the tax maps that was researched regarding land ownership. Board discussion regarding taking land away from the bordering properties. Attorney Greg Michael explained when the road was discontinued the property lines moved to the middle of the road and the lot line brings it back out. Mr. Turner: The Selectmen's layout does not change, and all the property owners are aware of the changes. No public comment.

Ms. Post read a portion of a letter from Attorney Campbell. Board discussion regarding the actions required by the Board. Mr. McLeod motioned to approve the right-of-way layout and boundary line adjustment plan for the Windham School District sheets 1 through 3 stamped and signed on March 22, 2007 and sheets 4, 5 and 6 stamped and signed March 7, 2007, noting that the road activity was determined by the Board of Selectmen not the Planning Board. Ms. Skinner seconded. Passed 7-0.

Ms. Gogumalla stepped down and Ms. Prendergast joined the Board.

Willows Site Plan – 21 units – Public Hearing Continued
Mammoth Road / Rt 128, lots 14-A-925 & 930

Mr. McLeod motioned to reopen the public hearing. Mr. LoChiatto seconded. Passed 7-0. Mr. Turner stated the Board had been discussing State law requirements for significant facilities for age 55 and over, and the affordable requirement was changed. More site plan issues also need to be discussed.

Attorney Bill Mason, representing the owner Ken Bergeron: He stated that the handout and book address Section 610.8.1 concerning the facility and services. Board discussion with Attorney Mason included keeping the units below market rate, NH Housing Finance website regarding sale prices. Attorney Mason stated the prices of the units will be between \$259,900-279,900 and 20% of the units will be \$255,500. Discussion continued that the prices fall in the moderate housing pricing, providing significant facilities and services for older persons on and off site, there will not be handicapped ramps in all units, all units will have 3' wide doors, future owners may need handicapped upgrades, and units are for age 55 and over not necessarily for handicapped people. There are three questions which need to be answered for services and facilities: 1) where is the program or facility located; 2) is the program or facility provided by the applicant; 3) is the program specifically designed for older persons? Mr. McLeod submitted for the record an outline of the listed services provided in the book and how each of the three questions would be answered. Mr. McLeod does not believe the applicant meets the requirements of section 610.8.1.

Items listed in the handout were reviewed by the Board. Discussion: the applicant is trying to provide significant facilities and services along with providing important housing opportunities for older persons, services do not need to be exclusive to older persons, agreements have been entered such as reduced memberships to Salem Athletic Club which has a Young at Heart Program designed for seniors, and the CART agreement, and CART is for transportation services for a \$2 fee per trip. Ken Bergeron, owner, stated that the service providers aren't willing to enter into agreements with a project that hasn't even been built but are willing once there is an approved plan.

Board discussion continued regarding how we got to 21 units, it's based on bedrooms not the number of

units, the Board has been alerted to pay more attention to significant facilities, the interpretation of Section 610.8, who should be supplying the significant facilities? Onsite or offsite? Discussion of where the significant services and facilities requirement came from, Mr. McLeod shared with the Board some examples of court cases regarding significant services and facilities, the applicant needs to provide the services or meet the exemption, and the applicant needs to provide the proof. Windham has a 10% cap and Derry has a 3% cap for housing for older persons, is there an important need? There are only 21 units in the complex, cannot expect the same degree of onsite facilities as with a complex with 100's of units. Does the applicant meet Section 610.8.1? There is no mechanism in place to keep the prices below market price; items 1 through 9 provide important needs, the walking trail to Waterhouse stores is a plus, the plan can meet the requirements, putting the money from the lower cost units back into the facilities for all, does the plan comply or not with significant facilities and services, and more refinement is needed. Attorney Mason asked for suggestions. Board discussion: can the applicant ever meet the requirements? Is our ordinance workable? Would like ramps and grab bars in every unit, pavilions are usable only 5-6 months, and a place to gather year-round would be well used. Attorney Mason stated that they will put ramps in every garage and grab bars in the bathrooms and will build a 25' x 25' club house and will use the funds from selling all the units at market rate.

Public input Alan Doak, 8 Cobblestone Road: Stated that he'll be retiring soon, 55 years of age is not that old, just because you're old doesn't mean you're poor, doesn't understand the desire for inexpensive units, has seen projects like this turn into low-income housing, and the average home in Windham is around ½ million dollars, and who are we attracting. The Board responded that there are people looking for lower priced opportunities to stay in the community. Mr. Doak asked if any studies have been done regarding how many of the units are needed, and how many people need the services?

Mr. Turner stated that there is data and that there was a recent newspaper article about how successful the Hadleigh Woods Community is, the average age for Hadleigh Woods is 68 ½ and Whispering Winds is even older, and there is a need for grab bars. *Public comment portion closed.* Regarding enforcement, a yearly audit of the age requirement is required, the Board of Directors is required to uphold the bylaws, and there is a service increase within the Town of Windham.

Mr. LoChiato motioned that the applicant has met the requirements of Section 610.8.1 specifically that the proposed elderly housing is necessary to provide an important housing opportunity for older persons outlining items 1-9 of the applicants binder with amendments: 1) All units would be handicapped accessible; 2) All units would be barrier free; 3) All units would have three feet wide interior and exterior doors; 4) All units will have handicap ramps in the garage; 5) Handicapped showers and toilets would be available for all units; 6) Each unit will have grab bars installed in the bathrooms; 7) Each unit will be pre-wired for chair lifts to the difference floors in the unit; 8) Each unit will be pre-wired for life support lines; 9) 20% of the units will be made available with call buttons in the bedrooms and bathroom. These 9 items meet the definition of providing important housing opportunities for older persons that's not currently provided in the Town; and 10) In lieu of the 20% units being available at market rate, that money that would have not been gained by the developer be put toward a community building on the pavilion area provided they meet the set backs in that area. 11) And in meeting Section 610.8.1, the proposed covenants for declaration of condominiums include a) Information of social activities for people 55 years of age or older; b) Information on recreational programs for people 55 years of age or older; c) Information on homemaker services for people 55 years of age or older; d) Information on emergency, counseling, and preventive health care programs or services for people 55 years of age or older; e) Information on continuing education programs for people 55 years of age or older; f) Develop activities, social or recreational, which can be conducted at the complex for people 55 years of age or older; g) The information required in Paragraphs a thru f shall be provided by the Board

of Directors on a monthly basis and shall be posted on the bulletin boards located at each of the mailbox locations. The services to be provided by the Declarant and or the Officers of the Homeowner's Association shall be provided on a monthly basis. This provision is binding on the Declarant and its successor. This provision may be enforced by any Unit Owner and or the Town of Windham by seeking enforcement action in the Rockingham Superior court. Mr. Kolodziej seconded. Board discussion included that the motion is defective, it carries no weight, it is an advisory motion, it was meant to move on to other items, and this does not bind the Board. Passed 6-0-1. Mr. McLeod abstained as it is an advisory motion.

Mr. LoChiatto motioned to continue to April 18. Mr. Kolodziej seconded. Passed 7-0.

Pelletier Subdivision – 2 lots – Public Discussion

66 West Shore Road, lot 22-L-1

Mr. Turner explained that this meeting is a discussion and is non-binding. The application is for a 2 lot subdivision, the road will include a hammerhead turnaround, the applicant is asking for waiver to not have a cul-de-sac, the site has several wetlands, he showed the Wetland and Watershed Protection District and Canobie Lake on the plan, and the plan needs to meet the soils requirements and frontage requirements. The Board asked if there are any existing lake access easements, and is it a significant wetland?

Attorney Bill Mason, representing the Pelletier's: Stated they have met with Mr. Turner, the soils mapping is complete and wetlands have been checked, the hammerhead will be deeded to the Town, and the client is amendable to a 10' easement for lot "A". Board discussion included the odd shape of the lots, it is because of the soils calculations, and there are not any Shoreland Protection District issues with the hammerhead.

Public comment from William Sherry, 11 Birchwood: Asked if the home to be built would be in characteristic with the neighborhood, and is concerned with any clear cutting.

Board discussion regarding the type of house, the location of the house and what trees are taken down are not the purview of the Board. Ms. Post read a letter from Scott Anderson, 6 Pine Ridge Road. Mr. Turner located Mr. Anderson's property on the map. The Board discussed how the property drains, the plan to be sent out for department comments, not to create a drainage issue for the abutters, a waiver is required for the hammerhead, Board consensus was in favor of the hammerhead.

Mr. McLeod motioned to adjourn. Mr. Kolodziej seconded. Passed 7-0. Meeting adjourned at 10:50 pm.

These minutes are in draft form and have not yet been reviewed and approved.
Respectfully submitted, Nancy Charland