

**PLANNING BOARD MINUTES  
FEBRUARY 3, 1999**

**ROLL CALL:**

David Dubay-Chairman-Excused  
Bernie Rouillard-Vice Chairman-Present  
Jack Gattinella-Secretary-Present  
Wayne Morris-Regular Member-Present  
Russell Wilder-Regular Member-Present  
Annette Stoller-Regular Member-Present  
Keith Goldstein-Alternate-Present  
Walter Kolodziej-Alternate-Present  
Margaret Crisler-Selectman-Excused  
Galen Stearns-Selectmen's Alternate-Present

Mr. Kolodziej replaced Mr. Dubay on the Board.

**ZONING & PLANNING ISSUES:**

Mrs. Stoller read a letter addressed to the Planning Board regarding a growth management ordinance and a timetable for research and development of the ordinance. Mrs. Stoller motioned to set a timetable and schedule for the early part of the February 10th meeting. Mr. Stearns seconded.

Mr. Wilder suggested there could be other items to consider for the next year. Mr. Gattinella discussed the scenario if the Village Center District passes in March and the need to update site plan and subdivision regulations. Mr. Gattinella addressed the need for a growth management ordinance if all the major projects in town pass the infrastructure would be in place.

Mr. Turner has put together a list of zoning issues. He discussed the current problems in the towns of Hudson, Londonderry, and Salem with their growth ordinances. Mrs. Stoller reiterated the ordinance would be growth management not growth control and a timetable would assist the Board with the procedure.

Mr. Wilder moved to amend the motion to include other items as suggested in Mr. Turner's memorandum dated January 8, 1999 and other Board members. Mr. Morris seconded. The amendment and main motion passed 7-0.

**CORRESPONDENCE:**

The following communications were received by the Board:

- Ballot language from Atty. Bernard Campbell;
- Minutes of the Highway Safety Committee, dated December 17, 1998, regarding recommendations for Heritage Hill Road. Mr. Gattinella suggested a copy be sent to Atty. Campbell;
- Letter received from Sentry Management Corporation concerning the emergency gate on an access road between the Villages of Windham and the newly approved Lamplighter Villages. Mr. Turner reported the approved site plan for the Villages of Windham shows they have to maintain the access road on their side of the gate;
- Notice received from the Rockingham Planning Commission regarding the February 10th legislator's forum;
- Fax received from NH DES updating the Shoreland Protection Act and certification;
- Notice received regarding the public hearing for the Walmart expansion in Salem. Meeting to be held February 4th, 7:30 P.M., at the Salem Town Hall;
- Letter received from Kathleen Ryan regarding the CIP priorities;
- Notice received from the Town of Pelham regarding a subdivision off Blackstone Circle. Mr. Turner will follow up with the Town of Pelham.

## **THIBODEAU SITE PLAN & SPECIAL PERMIT (19-A-800) - PUBLIC HEARING**

### **80 MAMMOTH ROAD**

The site plan proposal is for 80 units of affordable elderly housing located at 80 Mammoth Road, across from Glance Road. Town Counsel, Atty. Campbell has reviewed the covenants and a letter is in the file. Mr. Turner indicated sufficient information has been received to review the application and the proposal meets the site plan and zoning requirements. Mr. Turner suggested the Board discuss affordability and age requirements.

Mr. Wilder motioned to accept for public hearing and Mr. Kolodziej seconded. Mr. Morris questioned the absence of sign details in the submittal. Mr. Peter Zohdi, of Edward N. Herbert Assocs., Inc., requested he submit the sign details at the hearing. Mr. Morris questioned whether this was appropriate and Mr. Wilder questioned the location of the Aquifer Protection District line and the

W.W.P.D. line. There was not an appeal to the A.P.D. and the W.W.P.D. line is marked at 150 feet from the embankment of Beaver Brook. Mr. Morris questioned the lack of details on the landscaping plan and Mr. Peter Zohdi explained note # 10 on page 3 of 13 of the plans.

Mr. Turner stated the new state law prohibits his denial of plans and they must be submitted to the Planning Board within 30 days. Mr. Stearns requested the staff mention the deficiencies and then the Board could reject or proceed. Mr. Rouillard read the minutes of June 3, 1998 referring to the project as 36 units originally. Motion passed 6-1 (W. Morris opposed).

Mr. Turner reviewed the access to the project, which will be across from Glance Road. The plan depicted the A.P.D. line, the W.W.P.D. line, multi-family units resembling townhouses. There will be a community center and ample parking with two roadways, one-way, with breaks in the island. The units will be offered for \$129,900.00 and Mr. Turner presented the Board with printed information on affordability and federal guidelines for age requirements.

Atty. Campbell addressed the affordability issue on a resale and discussed the Salem ordinance with sufficient housing authority staff to administer. Atty. Mason stated 100% will be sold as affordable housing, 80% owner occupied and needing town approval to change the covenants. Atty. Campbell's letter dated January 12th, on file, responded to the documents provided by Atty. Mason.

Mr. Wilder suggested the Board review the plan in a orderly fashion by going through the criteria for approval in the site plan regulations and the zoning ordinance. Mr. Gattinella indicated the affordability issue was a serious problem and the Board should come up with a policy to handle. Mr. Turner reported this project meets the same guidelines as Lamplighter Village and the covenants are almost identical. Discussion followed on the number of units allowed in the Town, 4% of the total number of homes. The approval of this project would bring the Town to within 12 units of elderly housing and the Sisters of Mercy and the Town are planning elderly housing units. The Town currently has 60 units approved with the approval of these 80 units the total would be 140 units. Assisted living units are not considered elderly housing.

Atty. Mason gave a presentation of affordability and included in the packet a letter from the NH Housing and Financing Authority. Documentation was presented concerning price limits and fair market rents. The owner is flexible if

the Board would prefer more rental or more owner occupied.

Mr. Thomas Case, as one of the originators of the elderly housing ordinance, explained the intent of the ordinance was to provide housing to low income elderly such as rental units. Mr. Gattinella indicated the Board shouldn't tie the developers' hands and it should be the developer's option. Discussion followed on zoning incentives given in exchange for the owner makes the units affordable.

Mr. Bill Olha, of 66 Mammoth Road, questioned the demographics used to determine affordability and Mr. Mason explained the method of determining. Discussion followed on 610.2.2 of the zoning ordinance and Atty. Mason addressed the proximity to services in the geographic area of the project. The owner will be donating a van after the sale of 30 units. The association would be self-governing and discussion followed on requiring the covenants to insure a van would be in service.

Mr. Zohdi presented the proposal of 80 units on 28 acres of land to have a maximum of two bedrooms. The location of the sign was shown and the applicant has applied for a wetlands crossing permit from the State. There will be a cul-de-sac at the end of the development. Mr. Zohdi presented the front view of the buildings, the parking, the front elevation and roof lines and floor plans for 44'X24' units. The units are planned with a full basement.

Discussion followed on the water supply to the project and the driveway profile included in the plans. There will be separate septic systems for one to two buildings and details of the sign were shown. The development will only occupy 18% of the parcel and 82% will remain open space. The total lot is 80+ acres and at present the project would only use 28 acres. A subdivision of the property will be needed.

Section 610.2.3 & 610.2.4 of the zoning ordinance concerning diminution of area property values was reviewed and Mr. Wilder requested a construction sequence. Mr. Zohdi stated the first phase will be 30 units and the additional units would be constructed in a phase manner. There is the potential for the expansion of the gas line, adjacent to the property, if the AES Plant is approved in Londonderry. The owners and engineers are aware of this matter. The units will have to comply with ADA requirements and several of the buildings will be at grade level. The lighting will be facing downward in order to eliminate light pollution to surrounding areas.

Ms. Stoller questioned the elevations and if there were to be any external options. Atty. Mason was not aware of any external options, but in the interior upgrades would be available. Ms. Stoller questioned the road width and provisions for snow removal and storage. The road widths will be 18', sufficient for removal and the plans depict a snow storage area.

Mr. Rouillard questioned the number of elderly housing units allowed in town and Ms. Stoller questioned the traffic study. Mr. Zohdi stated the traffic engineers have used the guidelines for this type of development.

The septic design is waiting for State approval and Mr. Wilder discussed the type of well. Mr. Turner reported that this development would require extensive sand and gravel removal during construction. He requested a plan of the hours of operation be filed to avoid trucks on the roadways during rush hours. Mr. Wilder questioned test pit # 5 and the water table and if blasting would be needed, as there was considerable ledge in the area. Mr. Morris questioned the number of driveways allowed onto Mammoth Road by the State for the total parcel. The State would allow three entrances for the total parcel.

Mr. Rouillard read the comments from the Police and Fire Departments and the Conservation Commission. Emergency water supply will be needed for the site and the applicant has met with the Fire Department. A cistern is shown on sheet 3 of the plans.

\* Mr. Wilder motioned to move the last item on the agenda, Obouhkov Subdivision and Special Permit to be the next item heard and open and continue Stonewall Subdivision and Special Permit to the February 17th meeting. Mr. Morris seconded and the motion passed 4-3 (G. Stearns, J. Gattinella, W. Kolodziej opposed).

Mr. Thomas Case questioned whether the parcel had been subdivided and suggested this should be done before the site plan. He also indicated an adult community was not an elderly community.

Mr. Ohla, of 66 Mammoth Road, gave a history of the parcel including the sand and gravel operation and tree removal. Jared Gauthier, a direct abutter to the project, believed the owner should be able to use his property, but wanted the Board to understand the close proximity to industrial land in the Town of Pelham. Mr. Ron Bouley, of Farrwood Road, questioned the occupancy of the units and the consideration of sump pumps in the basements given the proximity to Beaver Brook.

Mr. Morris questioned the state statute which governs elderly housing requirements and Atty. Mason read the statute. Mr. Rouillard questioned the 4% allowed elderly housing units and the approval of this project leaving only 12 units. He suggested, given the nature of this project, should the Board permit this number of units and given the intense development of the site near the Aquifer Protection District he would like to see the project cut back and leave room for other units under the cap.

Ms. Stoller questioned the intensity and building out of the parcel and did not feel the project met the design criteria seen on other properties. Ms. Stoller suggested the applicant may wish to continue with sign details, state septic approval, a scaling down of the plan, owner's option if they would consider two phases or another alternative proposal to consider. Mr. Wilder questioned the change from 36 units at the conceptual and now with 80 units would lock up the last of the units and discourage other projects, forcing other projects to apply for a variance or seek the town to raise the cap. Mr. Wilder expressed concern with the proximity to the Pelham industrial area, the possibility of a wood power plant and the noise from that plant may become a issue diminishing the value of the development.

Mr. Turner reiterated the issues as, rentals versus owner occupied, should the van be in the covenants, fit up of the community house, light at the end of the cul-de-sac, gravel removal and hours of operation, subject to the subdivision of the parcel, number of units and the septic design should be finalized. Mr. Gattinella stated he could not support limiting the number of units if the project meets all the requirements.

Mr. Stearns indicated the intent of the elderly housing ordinance had been whitewashed down to an adult community and suggested the Board clarify the difference in the upcoming year. Mr. Morris questioned whether this project was regional impact and suggested a continuation of the hearing as the affordability was a large issue and it was the intention to keep the community affordable. Mr. Morris also suggested the possibility of more reasonable locations for elderly housing and felt the Board had the power to limit the amount of housing.

Ms. Stoller questioned the difference in density between elderly housing and a regular condo project. Mr. Turner informed the Board elderly housing allows more density. Atty. Mason indicated the intent of affordable housing would offset the density bonuses. Mr. Rouillard compared the project to single family

homes, 10 to 20 single family homes as opposed to 80 units. Mr. Rouillard suggested the proposal be cut in half to leave room for other projects and because of where it is being proposed near the Aquifer Protection District. Mr. Gattinella indicated it would be unreasonable to hold up the applicant, as the Board has not seen any other plans for elderly housing.

Ms. Stoller motioned to continued the topic of the Thibodeau Site Plan and Special Permit to February 17th with the following additional information:

- Sign details and appropriate colors;
- Status of septic approval;
- The intent of the applicant on rental units and optional proposal of percentage of rental and purchase units;
- Continued affordability after conveyance of the units;
- Earth removal plan, work not to disturb the community;
- Construction sequence plan, with timetable;
- Voluntarily choose to submit a smaller project;
- More details on the architecture of the buildings.

Mr. Wilder seconded the motion. Motion passed 6-1 (J. Gattinella opposed).

## **OBOUHKOV SUBDIVISION & SPECIAL PERMIT (21-C-271) - PUBLIC HEARING**

### **COBBETTS POND, FARRWOOD AND RANGE ROAD**

Mr. Turner reported the proposed two lot subdivision was ready to accept for public hearing. Mr. Wilder motioned to accept for public hearing and consideration. Mr. Kolodziej seconded and passed 7-0.

Mr. Turner reviewed the plans, which depicted a driveway off Farrwood Road and the new lot having a driveway off Cobbetts Pond Road. Location of the house and drainage was discussed. Mr. Craig Francisco, of Bedford Design Consultants, Inc., reviewed the engineering and requested two waivers. The Conservation Commission has walked the site and the parcel contains no scarred channels. Blasting will be needed for the driveway. The wetlands permit is pending from the State.

Mr. Rouillard read the comments the Fire and Police Departments, the Historic District Commission and the Conservation Commission. Mr. Turner requested

the limits of the cut and fill on the special permit and blasting guidelines.

Mr. Frank Sheffield, and abutter, expressed concern with the flooding of his property and driveway. Mr. Ed Richards discussed the landfill area adjacent to this parcel, the drainage and the sheeting of drainage across the roadway. He presented the Board with photos of the icing problem, which is usually an annual problem.

Ms. Carolyn Therrien discussed the placement of the septic system in proximity to a wet area and presented the Board with a letter addressing her concerns (on file).

Mr. Ron Bouley, of Farrwood Road, gave a history of the parcel on Farrwood Road and questioned whether there were covenants on the first parcel. He requested a reasonable timeframe for completion of construction. Mr. Turner requested a timeline on blasting and construction of the house. Mr. Wilder questioned whether the Board could require a performance bond. Mr. Turner explained that was not possible and the covenants were not the jurisdiction of the Planning Board or the Town.

Mr. Morris questioned the size of the culvert and if it was undersized. Mr. Turner explained the culvert is 24" on Cobbetts Pond Road and the state is responsible for the culvert. The sight distance is adequate in both directions.

Mr. Richards discussed the sight distance for the driveway and the pipe size. Mr. Francisco stated he has met with NH DOT and they have insisted he not put in a larger pipe. The new driveway length will be 1,200 feet. Mr. Morris suggested the engineer talk with NH DOT about increasing the size of the pipe under the driveway of 21-C-123, the new lot on Cobbetts Pond Road. The driveway permit is pending.

Mr. Wilder motioned to grant the waiver for the requirement of HISS mapping and the additional topography requirement for the lot, subject to approval of the drainage by staff so it does not effect the adjacent properties. Mr. Kolodziej seconded. Mr. Turner requested the driveway should have a limit on the cut and fill for the driveway and blasting guidelines should be set. Mr. Wilder withdrew his motion and Mr. Kolodziej withdrew his second. Mr. Turner discussed the blasting guidelines and Town Counsel is in the process of developing a town wide blasting ordinance.

Mr. Wilder motioned to continue the public hearing to February 17th and Mr.

Morris seconded. Motion passed 7-0.

Meeting adjourned 12:00 A.M.

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