



*OLD VALUES - NEW HORIZONS*  
**PLANNING AND DEVELOPMENT**

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Planning Board Minutes  
11/11/09

**Roll Call:**

Phil LoChiatto, Chairman – Present  
Nancy Prendergast – Present  
Ruth-Ellen Post, Member – Present  
Kristi St. Laurent, Alternate – Arrived @ 8:46pm  
Bruce Breton, Selectman Member – Present

Rick Okerman, Vice Chairman – Excused  
Walter Kolodziej, Member – Present  
Pam Skinner, Member – Present  
Sy Wrenn, Alternate – Present  
Louis Hersch, Alternate – Excused

**Staff:**

Laura Scott, Community Development Director – Present  
Elizabeth Wood, Town Planner – Present  
Tracey Mulder, Admin Asst. – Excused

**Call to Order/Attendance/Pledge of Allegiance**

Mr. LoChiatto opened the meeting at 7:00 pm, followed by the Pledge of Allegiance.  
Seated for Rick Okerman is Sy Wrenn.

**Sign Permit – Coffee Roasters Café (84 Range Road/17-G-26)**

Applicants, Mr. and Mrs. Goldman were in attendance to the meeting. The proposed sign will have a dark green background. Lettering, poles and borders will be white and it will have a ground-mounted exterior light. The sign was originally approved during site plan review but a note on the Plan required the Planning Board to approve the sign permit application. The only change in the sign from the previous application is a proposal for two poles (on either side) rather than one pole (in the middle).

Mr. Kolodziej made a motion to approve the sign permit for Coffee Roasters Cafe on 84 Range Road from one post to two posts as presented with English/British green background. Mr. Breton seconded the motion.

**Motion passed 5-0-1. Mr. LoChiatto abstained.**

**CTAP Projects**

- **Open Space Task Force**

Julie LaBranche from the Rockingham Planning Commission presented this item. She reported on status of the project and presented an open space map. The map was created over a series of 5 meetings with the Task Force. Ms. LaBranche explained the details of the map.

Ms. LaBranche distributed a draft Open Space Task Force report and went over the highlights of the document. The report was generated by 8 task force members and Rockingham Planning Commission Staff. Parts of the draft report are incomplete and waiting on input from some task force members. The Planning Board is welcome to add to Task Force Recommendations on P. 14. The revision process will conclude by the end of December and the final report will be available on CD.

This report can have many uses once it is completed, including: long term planning, zoning district changes, linking open space areas, making connections with trail systems, and support for grant applications. It may also help in the development of a capital improvement plan for future land purchases. Ms. LaBranche is available for comments or questions after the meeting.

- **Build-out Analysis**
  - ✓ **Review updates to Maps/Data from 8/19/09 meeting**
  - ✓ **Develop list of constraints Board wants for 3<sup>rd</sup> build-out scenario**

Rob Pryne from Rockingham Planning Commission presented this item. He says this is the 5<sup>th</sup> meeting on this project. Today's set of (7) maps takes into consideration suggestions made at these previous meetings. Each map presents a different scenario.

**Map 1** is a constraints map. If there are any open space or conservation lands missing Mr. Pryne needs to know about them.

**Map 2** shows existing units and areas that are unsuitable for development.

**Map 3** is a zoning map. Ms. Scott mentioned that we do not have a Cobbetts Pond zone.

**Map 4** displays developable land. Phil LoChiatto mentioned that the cream color may be an error. Mr. Pryne will correct this. Ms. Prendergast asked what the white areas indicated. Mr. Pryne said that the white areas have already been developed. Colored areas are buildable areas.

**Map 5** displays possible density in a buildout scenario. Ms. Scott raised questions about the numbers listed for buildout of "non residential units" in residential zones. Mr. Breton is concerned that if the chart says "only 15 units are available in Town Center" that an application for 16<sup>th</sup> or 17<sup>th</sup> unit will be denied. Mr. Pryne says that maps will come with a caveat saying that this is an approximation.

Ms. Prendergast wants to know if Mr. Pryne can get better numbers from our zoning. Mr. LoChiatto says we may want to say that we don't have historical/soil information to base this on. Ms. Post questions the usefulness of historical data. Ms. Post wants to know what we could use as an alternative to historical data.

Ms. LaBranche said that the Village Center has no minimum lot size and wonders if there is a target density. According to the Planning Board, a target density has not been calculated for the Village Center. Ms. LaBranche says that we may want to figure out what kind of density we want and then establish a lot size that fits this density. One suggestion for doing this is to look at other towns and see what their minimum lot size is.

Ms. Scott mentioned that Village Center zoning ordinance may be comprehensively examined next year. She said it may be good idea to remove Historic non residential units from chart.

Mr. Breton wanted clarification on what a "national wetlands inventory" is. Mr. Pryne explained the data source.

Mr. Pryne says this data from the buildout analysis may help to project for Capitol Improvement Plans.

Ms. Prendergast mentioned that the yellow historic district was not represented on Map 5.

**Map 6** shows both existing units and buildout units.

**Map 7** shows a standard alternative, all units at buildout but with them clustered. Ms. Scott asked if the map set could end with Map 6. Clusters would not necessarily be located on same areas shown. Mr. Pryne says that he is obligated to create this map because it is consistent with data provided for other towns and the process established for CTAP.

Ms. Scott said that we could provide a third scenario. Mr. LoChiatto suggested a scenario to show what you could do if there was an expanded water supply along Range Road, R111, and Mammoth Road. This would increase the allowable density. Mr. LoChiatto thinks this will be good because it will attract density to certain areas and away from others. Another addition to the build out scenario is to not allow future development on the priority parcels identified in the Open Space Task Force report.

Ms. St. Laurent arrived at 8:46 PM.

## **2010 Town Meeting Proposed Changes**

- **Workforce Housing Overlay District**

This is the 3<sup>rd</sup> time that this item has come before the board. All changes requested by the Board at previous meetings have been made. Ms. Scott went over these changes. She plans

to clarify the section labeled "Conflicts". Ms. Scott opened up the subject for questions and comments.

Mr. Lochiatto asked that members bring up their hot button issues for this meeting. There will be more time to revise this ordinance in future meetings.

Ms. Prendergast recommends that everyone read the ordinance thoroughly because there have been some language changes. She highlighted some of those changes.

Mr. Lochiatto asked for clarification on what was meant by "total allowed unit density".

Ms. Scott says that the piece on "density" needs to be reviewed and clarified.

Carl Dubay, Windham resident from the public spoke. Mr. Dubay gave suggestions for wording changes to clarify the density section of the ordinance. Under 1<sup>st</sup> Bullet point, he says he thinks that the intent of the ordinance means that density is the total number of units - the maximum amount that you could fit on land regarding to State Regulations (combined workforce and market rate housing). Lot loading regulations are based on certain calculations. They are based on a HISS plan. Regulations give board more control to establish top ceiling amount. Mr. Dubay suggests that the ordinance list total allowed units for market rate and workforce housing.

Mr. Dubay says he thinks that the board should have an accurate means of calculating density. There needs to be a quantitative formula applied to this. He agrees that ordinance needs to be rewritten to become more understandable. He says that the board really needs to know how many lots land can carry.

Ms. Scott asked for suggestions about how to reword this section to make it clearer.

Mr. LoChiatto says that HISS requirements are stricter than state requirements and make it prohibitive for creating workforce housing developments.

Ms. Prendergast questions workforce housing meeting minimal criteria versus our ordinance requirements.

Mr. LoChiatto wants to know how we are going to increase workforce housing if we are holding the number of bedrooms to the same standard.

Ms. Post wants to know intent of 3<sup>rd</sup> bullet point. She sees workforce housing developments as getting 2 breaks: 1) Lower threshold of soils based standards (state standard vs. Town standard 2) Workforce housing will not be held to same bedroom restrictions as market rate housing. Mr. LoChiatto says Ms. Post's point 2) is not so.

Ms. Scott says that if you are doing a mixed development of workforce housing and market rate housing, she thought that the board did not want to give the density bonus to the entire development but only to the workforce housing units.

Mr. LoChiatto pointed out some points that need to be clarified.

Ms. St. Laurent asked questions about HISS.

According to Ms. Scott, State standards allow for greater density. The State does not require HISS mapping to get approval. Windham has more restrictive standards than the state for density. This is why we want to use state requirements for workforce housing developments.

Mr. Kolodziej believes HISS is a good level of protection. He does not believe that HISS requirements will put developer off and is in favor of requiring HISS mapping.

According to Ms. Scott, if it is just a workforce housing development should we use state standards. If it is a mixed development, how do you figure this out?

Mr. LoChiatto thinks it will be easier to apply one standard throughout.

Mr. Dubay gave suggestions for wording changes to clarify the ordinance.

Developers may choose whether or not to build workforce housing. They are not required to. Ms. St. Laurent says we want to encourage a mix of workforce and market rate housing so that housing types are not segregated.

Ms. Post agreed. And thinks it is important to put market-rate housing and workforce housing together. Ms. Post would prefer that subdivision regulations would require a certain percentage of workforce housing.

Mr. Breton mentioned that there are different possibilities for workforce housing. It may not be a single family home. It could be a multi-family unit.

Ms. Post asked for clarification of ordinance. She wanted to know if there would be lower standards for market rate housing also.

Mr. Dubay reiterated that Ms. Scott needs to rewrite this section of the ordinance to make it clearer.

Mr. Breton wanted to know if there was a contradiction in the ordinance between HISS standards and State standards. Mr. Breton says State standards are desired to make housing more affordable

Mr. Dubay says a HISS standard is generally done because it creates more accurate results.

Ms. St. Laurent says she wants to know if HISS numbers to the State are more restrictive to HISS standards to Windham.

Ms. Scott says that any HISS calculations should be the same across the board. You don't need HISS calculations to get State approval. Requiring HISS is requiring more work, more information.

Ms. Post says that using State versus Town standards gives us greater numbers.

Ms. Scott says that our standards are stricter. State standards provide incentive to develop workforce housing.

Mr. Kolodziej does not think the cost of a HISS study will put a developer off and is in favor of requiring a HISS study.

Mr. LoChiatto debated bullet points 2 and 3. He thinks one standard should be applied to the whole thing.

Mr. Kolodziej says that Mr. LoChiatto's comment sounds good. He also said he suggests town density standards for the entire ordinance.

Mr. Breton says that it isn't feasible to do this.

Ms. Prendergast asked about 2<sup>nd</sup> bullet point where the ordinance mentions lot size is greater than 15 acres excluding wetlands. She wants clarification from the board. She wonders if we need an acreage limit for mixed housing developments. She asked if only mixed developments over 15 acres in size get the benefit. There is concern that you will not get workforce housing unless there is a benefit for the market rate units as well.

Mr. LoChiatto says bullet #2 is not a benefit to anybody. He says if you have a lot that is greater than 15 acres that you have to build 25% of that as mixed development.

Ms. Scott says that it is the developer's choice to develop workforce housing or not and the intent was not to force lots larger than 15 acres to be developed as workforce housing.

Ms. St. Laurent says that the point is to encourage a mix of housing and not to segregate workforce housing. Says she interprets the ordinance as giving concessions for workforce housing units. We are not trying to give concessions to market rate housing.

Ms. Post says that it is very important not to segregate workforce housing units. She does not want there to be a social perception of the workforce housing being "the projects". She says she wants to see market rate housing and workforce housing put together. She would like to see all future subdivisions requiring a certain percent of workforce housing.

Mr. Kolodziej thinks it will be a better fit in a Residence B Zone than in a Residence A zone.

Ms. Scott suggested that we take out any language in reference to lot sizes. If it is a mixed development of workforce housing and market rate housing the ordinance should provide a minimum percent needed for workforce housing to get density bonus.

Mr. LoChiatto says that we need to raise the minimum. One standard is good. Keep in mind that it will not be a huge numbers increase. It may take the units developed from 20 units to 22 units.

Attorney Michael Rosen spoke at the podium. He represents clients who have concerns with the bylaw. He made the following points:

- 1) The most important thing about the law passed by the State is that if the town does not develop an ordinance in regards to workforce housing then the oversight for workforce housing will be handed off to superior court which will take authority away from the local municipality.
- 2) He has heard the planning board bring up concern that workforce housing would be segregated into pockets. He also heard the board discuss concern that workforce housing would impact those living in Resident A Districts. Mr. Rosen says that the Town has seen a proposal to put 30 units on a single-family lot and that such a proposal will impact each and every zoning district including Resident A. He suggests that the board take a hard look at it and say that "You are required to adopt workforce housing in a majority or residential areas. You are not required to put it in every residential area. You are required to meet the reasonable requirements of workforce housing in your community and take on your fair share. The goal is to create housing that looks like the housing that it is surrounded with. That fits and is compatible with the community and doesn't create a stigma of a workforce housing subdivision that is plunked in the middle of million dollar homes." Maybe what the community should start with is workforce housing in Residential B. Maybe B and C, and maybe rural. Work on setting up a density that creates housing that fits in with the community rather than is a developer's effort to create as much of a windfall as they can and create a development that will stick out as a sore thumb and be a stigma.
- 3) In looking at intent of state law and looking at some of this evening's debate, suggests you put away with debating if it is 5 acres or 15 acres, just put workforce housing into the multifamily B district. Take one calculation and apply it to everything and it will fit into what you are doing in that district and that area. Then you won't have to worry about the ratio of what are market rate and what are workforce housing units.

Mr. LoChiatto mentions that there are probably very few 15 acre parcels so this development is unlikely to happen in Residential A.

Ms. Prendergast believes that "dwelling units" (p.5) needs to be clarified. The language concerns her, thinks it is a possible point of contention.

Mr. LoChiatto says that the language is very subjective. Suggests we say that architecture is subject to Planning Board Review. Ms. Scott says this is already required by our ordinances. Ms. Prendergast discussed Road Standards.

Mr. Breton suggests that we keep the road standards the same.

Mr. LoChiatto asked for clarification on what an "adjacent property" as far as the intent of the ordinance.

Laura Scott says this includes properties that abut the site.

Ms. Scott will rewrite this draft. It will be scheduled for discussion at the December 2, 2009 workshop. Afterwards it will hopefully go to public hearing.

Ms. Prendergast and Bev Donovan attended the 11<sup>th</sup> Statewide Housing Conference and attended 2 sessions on workforce housing. Windham is ahead of the curve with workforce housing and getting ready for Town Meeting. Others are interested in what we are doing. She addressed question regarding schools at conference and was told that workforce housing does not increase school enrollment. Ms. Prendergast says she wants to see this ordinance go for legal review soon, before we go to public hearing.

Ms. Scott wants to wait until Planning Board has their final version of this ordinance before sending items to legal counsel so as to avoid multiple reviews.

Mr. Breton is concerned about the turn-around time for legal review. Ms. Scott says that she will give the attorney a deadline for comments.

Mr. Kolodziej made a motion to continue the meeting past 10pm.

#### **Motion passed 7-0**

- **Customary Home Occupation (Section 200 & 602.1.6)**

There was a request that Ms. Scott add a purpose section into ordinance under 602.1.6. She did this.

She also added to 602.1.6.3. Changed it to allow packages and regular mail to be delivered to home businesses. Prior language permitted no deliveries.

Mr. LoChiatto believes that the planning board should approve each Customary Home Occupation as a conditional use permit rather than as a special exception through the Zoning Board. Mr. Kolodziej and Ms. Post agree. Thinks it gives too much discretion to ZBA. Ms. Scott will make these changes and prepare it for public hearing.



- **Board of Adjustment (Section 900)**

The proposed changes adjust the appeals time from 5 days to 30 days. Mr. Breton mentioned an example of when this happened and was a problem. Ms. Scott will prepare this for public hearing.

### **Member Binder Updates**

The following materials were provided to Planning Board Members to add to their member binders:

- Member List (Tab 1)
- Legislative Bulletin (Tab 16)

### **Miscellaneous**

#### **Adjournment**

Mr. Kolodziej motioned to adjourn. Ms. Skinner seconded.

#### **Motion Passed 7-0**

The meeting was adjourned at 10:26 PM.

Elizabeth Wood has respectfully submitted these minutes in DRAFT.