

ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053

DATE: MAY 21, 2014

CASE NOS.: 3/19/2014-4, 5, AND 6 (CONTINUED FROM APRIL 16, 2014)  
AND 5/21/2014-2

APPLICANT: TEAM BUSINESS DEVELOPMENT CORPORATION  
C/O CHARLIE KULCH  
491 AMHERST STREET  
NASHUA, NH 03063

LOCATION: 5 BUTTON DRIVE, 4 GOLEN DRIVE, 6 GOLEN DRIVE, 8 GOLEN DRIVE, 12  
GOLEN DRIVE, 1 REED STREET & 3 REED STREET; 7-132-8, 9, 13, 14, 18,  
19, AND 20; C-I, WITHIN THE RTE. 102 PERFORMANCE OVERLAY DISTRICT

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR  
NEIL DUNN, VICE CHAIR  
JIM TIRABASSI, VOTING MEMBER  
JACQUELINE BENARD, VOTING MEMBER  
ANNETTE STOLLER, NON-VOTING ALTERNATE  
DAVID PAQUETTE, CLERK

REQUESTS: CASE NO. 3/19/2014-4: VARIANCE TO ALLOW AN ELDERLY HOUSING  
DEVELOPMENT ON A 7.96 ACRE PARCEL WHERE 15 ACRES IS REQUIRED  
BY SECTION 3.6.4.1; AND TO ALLOW AN ELDERLY HOUSING  
DEVELOPMENT WITH 56% OPEN SPACE WHERE 70% IS REQUIRED  
UNDER SECTION 3.6.4.8.1.

CASE NO. 3/19/2014-5: VARIANCE TO ALLOW AN INCREASE IN THE  
NUMBER OF DWELLING UNITS IN A SINGLE BUILDING OF AN ELDERLY  
HOUSING DEVELOPMENT TO 36 UNITS AND 42 UNITS WHERE 16 IS THE  
MAXIMUM NUMBER OF UNITS ALLOWED BY SECTION 3.6.4.7; AND TO  
ALLOW AN INCREASE IN DENSITY IN AN ELDERLY HOUSING  
DEVELOPMENT TO 15.8 UNITS PER ACRE WHERE ONLY 6 UNITS PER  
ACRE IS ALLOWED BY SECTION 3.6.4.14.2.1.

CASE NO. 3/19/2014-6: VARIANCE TO ALLOW AN ELDERLY HOUSING  
DEVELOPMENT WITH SEPARATION BETWEEN BUILDINGS OF 20 FEET  
WHERE 60 FEET IS REQUIRED BY SECTION 3.6.4.2; AND TO ALLOW AN  
ELDERLY HOUSING DEVELOPMENT WITH A MIX OF 1-BEDROOM AND 2-

44 BEDROOM UNITS WHERE THE STANDARD 2-BEDROOM UNIT IS  
45 REQUIRED BY SECTION 3.6.4.7.1.

46  
47 CASE NO. 5/21/2014-2: VARIANCE TO ALLOW .95 PARKING SPACES PER  
48 DWELLING UNIT WHERE 1.2 SPACES IS REQUIRED PER BEDROOM IN EACH  
49 UNIT BY SECTION 3.6.4.5.  
50

51  
52 PRESENTATION: Case Nos. 3/19/2014-4, 3/19/2014-5, and 3/19/2014-6 were read into the record with one  
53 previous case listed (Case No. 2/21/89-2 involved all of the aforementioned lots).

54 JIM SMITH: Ok...the floor is yours...  
55

56 PAT PANCIOTTO: Thank you Mr. Chairman...good evening...my name is Patricia Panciocco. I am here on behalf  
57 of Calamar Construction Corporation who...was here last before the board on April 19 and...when  
58 we...terminated and ended our discussion that night, the Board had a few requests. I would like to just touch  
59 upon those briefly and then go back into a recap and however you would like me to proceed forward with the  
60 cases we can do that. At that time...there were a couple of requests for documents and those were delivered  
61 to the Zoning Officer...office I should say, approximately a week or so after the hearing ended and I am hoping  
62 that all those documents were passed out to members. During the meeting last time there was a questions  
63 raised about how many units would be lost in the proposed development if we were restricted to only two  
64 bedrooms and Jocelyn from Calamar, who's to my right here tonight with me, she indicated she wanted to  
65 make sure she was giving an accurate answer and I guess the answer is eight...is that correct?...

66  
67 JOCELYN BOS: Right...  
68

69 PAT PANCIOTTO: So we would have...  
70

71 JOCELYN BOS: Eight less units...  
72

73 PAT PANCIOTTO: Ok so there would be one hundred and two units if it was all...two bedroom units...proposed.  
74 We...during the hearing there was a questions raised by a resident who lives in the area about the water  
75 pressure...Bob Baskerville has...from Bedford Design...has looked into that and when he comes up and talks to  
76 you about the parking variance he can explain to you or George, one or the other, about the water pressure,  
77 what was done to look into that issue and what we learned. And...the last thing we wanted to report to the  
78 Board since we were last here in April...Bedford Design has been able to meet with and explore natural gas  
79 being brought...under...on 102 or from the south over to this site with Liberty Utilities and they have come up  
80 with a plan to be able to bring that to the site and because of the availability of natural gas, the applicant will  
81 be able to include heat in the rent because now it is at a far more manageable cost than it otherwise would  
82 be...so that is a big plus. Plus it will also make natural gas service available to other commercial sites that are in  
83 and near this particular property. So to briefly recap, and I am going to be very brief and perhaps talk about  
84 more of the specificity's of each of the applications in the relief that was request when we get to those, but  
85 general speaking when we came to the board last month, Calamar submitted three variance applications and  
86 within each application submitted in February, there was two sections of the elderly housing ordinance from  
87 which we were requesting specifically to accommodate the proposal that is currently before the board.

88 We...we're proposing to construct an elderly rental housing project community on seven of the twenty lots  
89 owned by Team Development Corporation. Those twenty lots were originally approved forty-three years ago.  
90 They actually pre-date the elderly housing ordinance. They were originally zoned agricultural, they are now  
91 zoned C-1 and are located in the performance overlay zone where elderly housing is permitted. Elderly  
92 housing has been permitted in all of the town zoning districts except industrial since its...adoption in 1990.  
93 During our discussions in April...April 19<sup>th</sup> when we last met, there were several provisions in the ordinance  
94 that I brought to the boards attention and...the consensus amongst us anyway and from what we could glean  
95 from questions that were asked, it appears that when the ordinance was adopted, it was adopted to  
96 accommodate the construction of free standing, occupant owned units, not a multifamily style structure  
97 which is a different type of housing, as...we are proposing in this particular...with...with this particular  
98 proposal. At that time in 1990, there was no sewer service available in this area either because that end of 102  
99 in 1990 was not as well developed as it is presently. This is relevant in the fact that sewer wasn't available  
100 because that is how this...ordinance was designed because the permitted density and the uses aloud are often  
101 a function of how waste water is handled. When you go to Massachusetts where sewer is more available, you  
102 see much smaller lots because more lots can be put in an area when...when they are served by sewer rather  
103 than big septic systems and the leach fields that go with them. Since 1990 there have been very few  
104 amendments to the elderly housing ordinance. In 1994 the first amendment asked for recorded assurances in  
105 the registry of deeds to make sure housing that was age restricted, remained that way permanently. In 1997,  
106 the ordinance was amended to require only two bedroom units...for the first seven years it was only one  
107 bedroom units. In...1997...they also amended the ordinance to allow six dwelling units per acre when water  
108 and sewer was available. But it wasn't available and it was a long time before it became available...in fact  
109 it's...because my client will bring it up there, that it will be available. In 2006, they eliminated the requirement  
110 in the ordinance that was there since 1990 that elevators be put in an elderly housing building...if you will...to  
111 bring the elderly up the stairs when stairs become difficult, but in 2006, that was illuminated and I don't know  
112 why...but it was. In 2010, the ordinance was amended to allow sixteen units per building, but that was really  
113 the only thing changed and you could go to twenty units I believe, with a conditional use permit from the  
114 Planning Board. There has been no global look at the elderly housing ordinance to see if it would  
115 accommodate anything other than occupant owned, free standing units. Many...there's many of them in the  
116 Town of Londonderry, but there is nothing like what my client has proposed. Nothing rental age restricted I  
117 don't recall. In addition, when we talked about the ordinance, most importantly, I did point out to the board,  
118 some of the restrictions that are in it, that are not applied to any other types of land uses in the ordinance.  
119 This may very well be...one of the reasons why a project like this has not been proposed in the town yet. The  
120 Master Plan has pointed out that different housing options are now needed, the new Master Plan, for the  
121 elderly population, which has grown exponentially in the town. People who live here don't generally leave too  
122 soon. They would like to remain here. So hopefully we can come together and be successful to move this  
123 project forward...by considering the relief that my client has requested. Now I guess I have a question for the  
124 chairman as to whether or not we should read in the new variance and go into that or whether you want to  
125 start with the ones that we have already submitted.

126  
127 NEIL DUNN: But before we go any further may I get some clarification...did...from Richard on something? Your  
128 referencing that the elevator was taken out was the elevator put back into the...  
129

130 RICHARD CANUEL: No...the reason the elevator requirement was taken out of the ordinance is because  
131 elevators is dictated by the building code or the accessibility standards...so the ordinance was in conflict with  
132 that so that was taken out some years ago.  
133  
134 NEIL DUNN: So when a building of this size and number of floors it would be required...even though you're  
135 bringing the point up that it was taken out it was for different reasons...  
136  
137 RICHARD CANUEL: That's right...  
138  
139 PAT PANCIOCCO: That wasn't apparent...I didn't...I had no idea why it came out other than...I think I read an  
140 amendment that said there were other ways to get the elderly up the stairs. That was the only thing I found.  
141  
142 JOCELYN BOS: That's interesting  
143  
144 RICHARD CANUEL: Yeah...simply because it was in conflict with you know building code requirements so...it  
145 was taken out.  
146  
147 NEIL DUNN: Well I...I...more to the point that it doesn't make the ordinance antiquated because we took out  
148 elevators that was covered somewhere else which was the impressions that I was...  
149  
150 PAT PANCIOCCO: That's fine...[chuckling]...so...  
151  
152 JIM SMITH: Basically it was duplication...  
153  
154 NEIL DUNN: No right I...I...  
155 .  
156 JIM SMITH: Of requirements...[Long Pause]...why don't we go through the new case, get that on the...on the  
157 table with the rest of them...  
158  
159 PAT PANCIOCCO: Ok...we can do that...alright...  
160  
161 [Chatting and chuckling]  
162  
163 ROBERT BASKERVILLE: Mr. Chairman, I have got another document I would like to pass out...can I pass that  
164 out...  
165  
166 JIM SMITH: Do you want to...want to introduce yourself for the record...  
167  
168 ROBERT BASKERVILLE: Robert Baskerville, Bedford Design Consultants...  
169  
170 JIM SMITH: Thank you.  
171  
172 [Long pause]  
173

174 PAT PANCIOCCO: Ok and for the record...I have to...let you know that I put the wrong numbers in this  
175 application for the parking variance...Mr. Baskerville has set me straight...so where it says that it...the section  
176 that the relief is requested from is accurate, but...it's to allow 1.61 parking spaces per dwelling unit when 1.2  
177 parking spaces per bedroom are required. Everywhere it says five percent, just ignore it. [Chuckling]  
178

179 ROBERT BASKERVILLE: Again, Robert Baskerville, Bedford Design Consultants, for the record...as Pat  
180 mentioned at the last meeting one of the board members correctly pointed out...that we needed another  
181 variance and between our plan last time the application, the numbers seemed to change constantly on this so  
182 I just wanted to do a front page number that says here are the numbers...so we are all on the same page.  
183 Going through...  
184

185 JIM SMITH: On the...application where it reads .95 it should be 1.61.  
186

187 ROBERT BASKERVILLE: And the application states that the requirement is 1.0, but it is really 1.2, which is the  
188 way it was read into the record tonight. I don't know why we are having trouble with these numbers...they just  
189 seem...slippery.  
190

191 PAT PANCIOCCO: I think it is per bedroom and swelling unit confusion too.  
192

193 ROBERT BASKERVILLE: Yes...so just quickly I am sure you can read down through this. We have always had one  
194 hundred and ten bedrooms on our plans. Seventy seven of those units are two bedroom, thirty-three are one  
195 bedroom...I just have the trouble with this...when you add that up it gives you a total bedroom count of one  
196 hundred and eighty seven. We currently and have always showed one hundred and seventy seven parking  
197 spaces which includes the garages. Are current ratio is 1.61 parking spaces per unit. The regulation requires  
198 1.2 per bedroom, which would require 224 units. We talked to the client of trying to squeeze those extra spots  
199 onto the plan and it was proving very difficult if not impossible. So I wanted to clarify that. So the current  
200 variance we need would be for 1.61 parking spaces per unit where 1.2 units per bedroom are required. To  
201 further support that, in the office we went to nine towns...nine towns or cities that we thought were  
202 comparable, all having water or sewer or similar types of info structure. We only looked at nine, we didn't look  
203 at more and we printed out each of their requirements per unit...none of them were per bedroom, for what  
204 they require. The most stringent was in Derry which was 1.5 per unit so our current plan exceeds all of those  
205 other nines towns...well there is two towns that didn't specifically list a parking requirement per elderly  
206 housing unit.  
207

208 DAVID PAQUETTE: What...do you know what your per bedroom number is...so we can age this against the  
209 actual...ordinance. Based that...  
210

211 ROBERT BASKERVILLE: I didn't put it on the front sheet as we have error so many times in the past...  
212

213 DAVID PAQUETTE: [Chuckling]  
214

215 ROBERT BASKERVILLE: I will use my electronic device to...so per bedroom you asked for?  
216

217 DAVID PAQUETTE: Yes...yeah so the way...way the ordinance is written is that it's parking spaces per bedroom.

218  
219 ROBERT BASKERVILLE: 1.9 something...we have one hundred and seventy seven spaces  
220  
221 DAVID PAQUETTE: Yeah...  
222  
223 ROBERT BASKERVILLE: And per bedroom...divided by one eighty seven...  
224  
225 DAVID PAQUETTE: 1.95  
226  
227 ROBERT BASKERVILLE: I did it backwards of course...it comes out to .05, but...my electronic device failed  
228 again...one eighty seven...how did I do that wrong...this number just...  
229  
230 JOCELYN BOS: [Chuckling]  
231  
232 DAVID PAQUETTE: That's ok...  
233  
234 ROBERT BASKERVILLE: I'm actually good with numbers believe it or not...always have been...  
235  
236 [Laughter]  
237  
238 DAVID PAQUETTE: You're failing to prove that [chuckling]  
239  
240 ROBERT BASKERVILLE: Yes...he asked for spaces we have per bedroom I believe...so that is your question right?  
241  
242 DAVID PAQUETTE: That way we have...the numbers match the ordinance...  
243  
244 JIM SMITH: Right...ok  
245  
246 ROBERT BASKERVILLE: And that is what is confusing because there are so many different ways to look at this  
247 depending on exactly what you're ask for. One seventy seven divided by one eighty seven, is .946 or .95, which  
248 is probably where the number came from so we have .95 per bedroom, the application said .95 per unit.  
249  
250 DAVID PAQUETTE: Right...  
251  
252 [Long pause]  
253  
254 PAT PANCIOCCO: We have .95 per bedroom for 1.61 per unit. That's what we have.  
255  
256 ROBERT BASKERVILLE: Correct  
257  
258 [Long pause]  
259  
260 ROBERT BASKERVILLE: Do you want to take over and do the legal part?  
261

262 PAT PANCIOCCO: Did you go through all of these?

263  
264 ROBERT BASKERVILLE: Of that's true...sorry...yes I did...I want to mention that to him....I didn't go into each  
265 town but I did mention that we did that research.

266  
267 PAT PANCIOCCO: Ok...one other thing...I would like to read this in...I just go this a day or two ago...I did ask my  
268 client to go to some of their other communities that they have in a number of other locations that we  
269 discussed at the last meeting, and ask them if they can tell me, based upon this product, the one and two  
270 bedroom mix that they build in a number of different places, how many vehicles each of the residents have.  
271 So...they were able to come up with five different places...out of the many that they own...that they were able  
272 to give me some information and I double and triple checked these...[Chuckling]...they're a mix of one  
273 bedroom and two bedroom units and the vehicle totals we were given, and it came down to somewhere  
274 between .45 and .84 vehicles per unit because they do have to list their units when they live there so they are  
275 allowed to park. The number of vehicles per bedroom went from .32 to .54 so it was substantially less  
276 and...oddly enough, in the parking ordinance, which we know doesn't necessarily squarely apply here, there  
277 are discussions in there...I have to find the section, where they say that...on page one sixty seven of the  
278 ordinance, and it talks about conditional use permits for deviations in the number of required off street  
279 parking, and I know that we talked this over with Richard and he says we still have to meet the elderly housing  
280 requirement, another conflict here...the Planning Board may allow deviations from the parking requirements if  
281 two are the criteria are met. It talks about one of those criteria to be met is a residential development is  
282 oriented towards the elderly or other demographic group that, due to the driving characteristics of the group,  
283 requires fewer or more parking stalls. Now we would argue that we require less because generally there is one  
284 vehicle for an elderly couple and we do have a two person limitation imposed on these units by the Town  
285 ordinance as far as permanent occupants, so this sort...this does not necessarily apply, but it does suggest and  
286 recognize that the elderly defiantly...they have less vehicles than us young ones I guess. For that reason, we  
287 think that the lesser number should apply. The other thing that I noticed when I read through the parking  
288 ordinance is...all of the determinations in there are per dwelling unit and even with the single family home  
289 that has three bedroom units, it's two parking spaces off the street, so that would also suggest that the  
290 bedroom requirement maybe just doesn't squarely fit because it is the only places it is found. So I will read  
291 through the application as you usually require here...the variance is not contrary to the public interest because  
292 the onsite parking is required by the ordinance to ensure there is antequate space on the site to accommodate  
293 vehicle's to ensure they are kept off the road. Allowing this requirement...requirement to be reduced when  
294 the elderly usually travel in a single vehicle with a companion, which is pretty customary, will not alter the  
295 essential character of the area and not be contrary to the public interest because one vehicle per bedroom  
296 appears to be the norm as is the case with most residential uses. The public's health, safety and welfare won't  
297 be impacted by a slightly lesser number of parking spaces. The spirit of the ordinance is observed because the  
298 onsite parking is to ensure the vehicles are no...not stored on a public way so it's not to impede the towns  
299 efforts to maintain the roadways including snowplowing and not frustrate that purpose by encountering  
300 parking...parked vehicles. In addition, onsite parking also protects the public's right of free and safe travel over  
301 the public ways. A reduction in the number of available spaces when most seniors travel with companions,  
302 together in one vehicle and only make three to five vehicle trips per week will be consistent with the  
303 ordinance and also allow less coverage on the site. Substantial justice will be done because the applicant's loss  
304 must be less than public gain through strict application of the ordinance. Denying this request when most unit  
305 occupants only have one vehicle. A...as nominal reduction in the number of parking spaces would not be

306 contrary to the ordinance. The impervious coverage can be reduced. The values of the surrounding properties  
307 are not diminished because there is no evidence that less pavement on this site to accommodate additional  
308 parking when there is no confirmed need for it was diminished surrounding property values. In fact, the  
309 contrary may be true. Literal enforcement of the provisions of the ordinance is an unnecessary hardship, due  
310 to the special conditions of the property that distinguish it from other properties in the area. The public  
311 purpose of keeping public ways free of parked vehicles is furthered by this provision...is...furthered by the  
312 ordinance but it is not clear that a separate parking space is necessary for each bedroom in the proposed  
313 facility because it is likely each unit will only have one vehicle, for the same reasons already discussed. The  
314 proposed use is reasonable and because reducing the number of parking spaces is modest and reasonable and  
315 there are still extra parking spaces available for guests. The subject that...let see the...criteria...that's only a  
316 paragraph, A is not...satisfied but...the subject property is located in an area where land value is at a premium  
317 due to the availability of public utilities and requiring additional land to accommodate additional parking is an  
318 unnecessary hardship and could preclude an un...an...otherwise unreasonable use of the site. And I think that's  
319 it...[Clearing of throat]...

320  
321 JACKIE BERNARD: I do have one question...you stated that there is guest parking, how many spaces are for  
322 guests? And that's not included in the calculation we have...

323  
324 PAT PANCIOCCO: it's included in those spaces and there is a factor included if you have one per unit and one  
325 hundred and ten units, at least which the number is proposed. There is sixty seven more spaces in addition.

326  
327 JACKIE BERNARD: Ok...

328  
329 PAT PANCIOCCO: Yeah...

330  
331 JIM TIRABASSI: I am going to throw a...a wrench at your monkey I guess...you said there is a limit of two people  
332 per unit...is that what you said?

333  
334 PAT PANCIOCCO: that's in the ordinance...

335  
336 JIM TIRABASSI: Ok so that's in the ordinance, ok...so you are participating one vehicle needed because you get  
337 older you tend to have one car per family...is there any restrictions being two widowed, single people residing  
338 in the same building and each having their own vehicle...

339  
340 PAT PANCIOCCO: No I don't think so...

341  
342 JIM TIRABASSI: So that kind of puts your ratio out of whack...ok

343  
344 PAT PANCIOCCO: It could but I...I would...

345  
346 JIM TIRABASSI: I...I mean it's not a large number but it is a number to coincide...

347  
348 PAT PANCIOCCO: If...it is sort of the exception to the rule I would guess...



350 JIM TIRABASSI: Well...I wouldn't go that far because I have seen a lot of people saying people are having  
351 problems finding places...in their comingling households.

352  
353 PAT PANCIOCCO: Well it's possible...

354  
355 ROBERT BASKERVILLE: We just tried to take a look at existing facilities...both we have done and Calamar  
356 operates and seems standard and we try to provide...a margin for error in our extra spaces.

357  
358 PAT PANCIOCCO: Right...

359  
360 NEIL DUNN: If I may Richard...what is the age restriction on this property?

361  
362 PAT PANCIOCCO: Fifty five and over

363  
364 NEIL DUNN: Fifty five and I am over fifty five and my wife and I both have more than one car...so I...I'm...You're  
365 making these broad statements that may be at the much older age, would be applicable. I am having trouble  
366 only say because there is only being one...a single vehicle and we are reading off the five points so that is why I  
367 am bringing it up, you're saying that you know...the elderly usually travel in a single vehicle with a companion  
368 and...so therefore they only need one vehicle per bedroom...

369  
370 PAT PANCIOCCO: Typically...

371  
372 NEIL DUNN: Or per unit and I am thinking well under fifty five isn't necessarily the point to that statement so I  
373 am having trouble with the argument from point one if you will...

374  
375 ROBERT BASKERVILLE: One thing we have discussed with Calamar is what the average age is...

376  
377 PAT PANCIOCCO: Yes

378  
379 ROBERT BASKERVILLE: And they are debating on the change one all the baby bombers move in. right now their  
380 average age is 72.

381  
382 PAT PANCIOCCO: Mm-hmm.

383  
384 NEIL DUNN: Yeah but we have no limit on 72, it's for fifty five and over...

385  
386 ROBERT BASKERVILLE: Yes but that's the average age...so you have some younger but you have a lot older and  
387 by that time hopefully I will not be working. I am over 55 now too but hopefully by the time I am seventy two I  
388 will not be working and I won't need to go out every day. I am sure a good percentage of them no longer work  
389 every day. These are all generalities for we hope or what we think will happen in the future. We think there is  
390 a good, but we think there is a good...

391  
392 NEIL DUNN: You also used some previous units for the number you came up with...

393

394 PAT PANCIOCCO: Yes...  
395  
396 NEIL DUNN: Do any of those have those have public transportation?  
397  
398 PAT PANCIOCCO: I can't answer that questions but I can have Jocelyn Bos speak to that but one other thing  
399 that I wanted to mention, you had mentioned to me that you have more than one vehicle and your wife has  
400 more than one vehicle but I suspect you live in a single family home where only two parking space for  
401 required.  
402  
403 NEIL DUNN: That's fine but if I wanted more vehicles than I would put in spaces for them and me being the  
404 land owner...  
405  
406 PAT PANCIOCCO: Maybe.  
407  
408 NEIL DUNN: ...I would make room for them and so we are just making sure that there is room for everyone  
409 base on this code...  
410  
411 PAT PANCIOCCO: Right...  
412  
413 NEIL DUNN: ...so again I am going through the five points I am looking at...the justification that there is only a  
414 single vehicle and everyone travels together at the age of fifty five and I guess I am not real comfortable with  
415 that argument for that point....so...so someone else can talk about whether there is a...  
416  
417 PAT PANCIOCCO: Yes.  
418  
419 NEIL DUNN: Public transportation and then your other letter that you did when you surveyed the other towns  
420 around here...do we know how many bedrooms these units...you're putting maximum...minimum spaces per  
421 unit...  
422  
423 ROBERT BASKERVILLE: Yes...  
424  
425 NEIL DUNN: Were these all one bedroom units?  
426  
427 [Long pause]  
428  
429 GEORGE CHADWICK: George Chadwick with Bedford Design...I was the one that did the research for the letter  
430 that is in front of you. I can't stand here today and say I can recite every one of those towns...I know there was  
431 quite a few of them that I read that the maximum number of units was...I mean the maximum number of  
432 bedrooms was two...but I can't go back and cite Derry...Derry said two...this one said whatever...I can tell you  
433 that a majority of them did but I can't be more specific other than spending a few minutes looking through my  
434 backup and come up with an answer for you if you would like...  
435  
436 ANNETTE STOLLER: Mr. Chairman, am I aloud to ask a questions?  
437

438 JIM SMITH: Yeah...sure.

439

440 ANNETTE STOLLER: I am in a different position than most of you sitting up here I think...I recently moved into  
441 the fifty five and over community in Londonderry...and I have been on other boards where we have debated  
442 requirements for...I guess you have seen me before, where we have debated requirements for elderly housing  
443 developments. These are rental unit correct?  
444

444

445 PAT PANCIOTTO: Correct.

446

447 ANNETTE STOLLER: In rental units, and I's a reversed trend, you tend to have people who have a higher  
448 income requirement because of this comingling that was just mentioned before where two people may need  
449 to leave for two different jobs every day. You're not necessarily going to have people stay in their houses  
450 every day. My husband and I leave for two different jobs every day. We are an...far in excessive the fifty five  
451 and over and we find that other people do that as well so I think considerations we had ten and twenty years  
452 ago, and when I served on other boards, are no longer the considerations of today. They just cannot be and I  
453 think a different pen stroke has to be applied to the plans here...in this case. One looking at the rental versus  
454 the ownership and two...the...two bedrooms should not...as someone else recently mentioned, illuminate the  
455 possibility of comingling families and I am seeing more and more and more of them. I am seeing two  
456 widows...I run a transportation agency in this town...primarily geared to the elderly and I will tell you that I see  
457 more and more two widows, two widowers etcetera, comingling in a housing unit whether it be a single family  
458 house or whether it be a fifty five and older unit so I think so consideration has to be given here where some  
459 of us who may have been in the business a while ago, as even I have, would have thought differently ten and  
460 twenty years ago. I remember the first senior housing unit I worked on from a planning board perspective, the  
461 assumption was that they don't need as wide a road because they don't drive fast...[Laughter]...well guess  
462 what...I am they...[Chuckling]...you know...I drive fast...but seriously there has to be a different brushstroke  
463 applied today than you might have applied because and that's what...the point I wanted to make.  
464

464

465 PAT PANCIOTTO: I...I have a question Ms. Stoller...Did I say that correctly? What...have you seen...instances  
466 where...the comingling you are describing, that the people that are residing in those units have more than one  
467 vehicle...  
468

468

469 ANNETTE STOLLER: Yes...absolutely.

470

471 PAT PANCIOTTO: Each?

472

473 ANNETTE STOLLER: No not each having more than one vehicle...  
474

474

475 PAT PANCIOTTO: So...  
476

476

477 ANNETTE STOLLER: But each of them would have one vehicle...  
478

478

479 PAT PANCIOTTO: Right...  
480

480

481 ANNETTE STOLLER: ...because they are going about their lives differently. They're not necessarily sharing their  
482 lives, they are in one case perhaps...one...going to business in the city and in another case going to business  
483 nearby or one is not going to business. Whatever is involved it is different but I don't think we only need to  
484 look at the comingling. I think we need to take a serious look at the activities of people as they age.  
485

486 PAT PANCIOCCO: Agreed.  
487

488 ANNETTE STOLLER: They are not as limited as some of your mention...seems to talk about. Are you actually ten  
489 short because of guest spaces?  
490

491 PAT PANCIOCCO: Well that's...  
492

493 ANNETTE STOLLER: I am coming up on two different sides of this.  
494

495 PAT PANCIOCCO: Right...right...but that assumes that everyone has a car.  
496

497 ROBERT BASKERVILLE: Right...every...every...every person...  
498

499 PAT PANCIOCCO: It's a balance.  
500

501 ANNETTE STOLLER: We are living in a rural oriented community; I don't care how you cut it.  
502

503 PAT PANCIOCCO: You need a car.  
504

505 ANNETTE STOLLER: Where are you going to get to without a car? I hear these pleas every day from people  
506 who need rides on our service and we don't have enough space to give them rides.  
507

508 PAT PANCIOCCO: Mm-hmm.  
509

510 ANNETTE STOLLER: So this is becoming a critical situation.  
511

512 PAT PANCIOCCO: And...and that's one reason why we feel so strongly Ms. Stoller and you weren't here at the  
513 last hearing so...  
514

515 ANNETT STOLLER: No I just joined the board.  
516

517 PAT PANCIOCCO: Your input is very...very good to have but that is why we feel so strongly that this location,  
518 even though you can't wait everywhere, it's certainly closer to the services that the elderly, or people who are  
519 older, they don't want to drive a half an hour to go to the grocery store...they want to be reasonably close to  
520 medical care, all those services in this particular location, we find are a big plus...  
521

522 ANNETTE STOLLER: well you're right I am not as familiar. I don't...I am not even sure where the location is right  
523 now because this is the first time I am seeing it.  
524

525 PAT PANCIOCCO: ...it's right down on 102 next to...where are we...right across the street from Mr. Steer.  
526  
527 DAVID PAQUETTE: Behind Café Theresa.  
528  
529 PAT PANCIOCCO: Right...  
530  
531 ANNETTE STOLLER: Because I see it takes in Reed Street so...  
532  
533 PAT PANCIOCCO: Yes.  
534  
535 ANNETTE STOLLER: I...I understand that area...  
536  
537 PAT PANCIOCCO: Yes...  
538  
539 ANNETTE STOLLER: Which certainly doesn't make it a walkable community.  
540  
541 PAT PANCIOCCO: Not walkable to everything no but not a long distance away, like some of the more rural  
542 areas of Londonderry, away form the core area on 102. So it is a short ride.  
543  
544 DAVID PAQUETTE: So the research that you presented, regarding your averages and your...in your other  
545 communities...  
546  
547 JOCELYN BOS: Yes...  
548  
549 DAVID PAQUETTE: These are other properties outside of New Hampshire, outside of Londonderry,  
550 specifically...  
551  
552 PAT PANCIOCCO: Yes...  
553  
554 DAVID PAQUETTE: Where your research showed from your previous...time here that...the average income of  
555 our elder...our elderly is substantially higher than your...I am assuming your other areas that your...that you  
556 have built in...so I think that goes to show that there are probably more vehicles involved when there is more  
557 income involved...in my opinion.  
558  
559 JOCELYN BOS: You're right David. In the complex that has...that is our equivalent product if it were, the  
560 advanced project of the one hundred and six units, eighty four percent of the persons have vehicles. So there  
561 is eighty nine vehicles registered within the complex itself out of the hundred and six.  
562  
563 DAVID PAQUETTE: But my point is that where...where is this community that you are basing this off of?  
564  
565 JOCELYN BOS: That is...none of our properties done around transportation that is in Wakefield, New York...I'm  
566 sorry.  
567  
568 DAVID PAQUETTE: Ok...

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JOCELYN BOS: None of our properties are on bus routes if any of our folks besides joining up with others who may have vehicles. If there are persons who do need transportation they use the transportation services of the municipality...

ANNETTE STOLLER: That is not easy because those are only available...primarily available to people of limited income. So it's a different story...

DAVID PAQUETTE: Your research showed that our median income for this age group is substantially higher and I believe those are the words you used.

JOCELYN BOS: The median income for your community yes is significantly higher for this age group. It is \$83,871.

DAVID PAQUETTE: Just wanted to make that point...I think...the numbers of vehicles per unit in your other communities doesn't quite mesh with this area in the event that this community was put in.

ANNETTE STOLLER: Possibly not...however the one is equivalent rental wise so it is the same income type group.

JACKIE BERNARD: May I ask you, with your other communities...

JOCELYN BOS: Mm-hmm.

JACKIE BERNARD: There was how many? Previously I think we had four that you showed us. Four or five other projects that you had done in the past and those were how many years?

JOCELYN BOS: Over the last, since 2009...

JACKIE BERNARD: Oh ok, so they are new, under ten years...and all of them were fifty five and over?

JOCELYN BOS: Not all of them. Some of the municipalities in Erie County for example, there is an upper scale community, that community...their requirement is sixty and over.

JACKIE BERNARD: Ok so that population is a little older to begin with...

JOCELYN BOS: The rest are fifty five and older...

JACKIE BERNARD: The rest are fifty five and over...ok...so your older communities...or the requirement to be sixty plus, were already there initially, so those people were further in age than the fifty five group...so I guess I was working with the numbers to be fair with that...

JOCELYN BOS: Mm-hmm.

613 JACKIE BERNARD: Because...the economic times and our fifty five age...you're still young enough...and...over  
614 the last seven years a lot of economic changes have happened...  
615  
616 JOCELYN BOS: Mm-hmm.  
617  
618 JACKIE BERNARD: So that...person or persons that may cohabitate as a single or two combining, because they  
619 have to because economically...they need to so that two car comes into play there versus your older  
620 community where they are sixty anyways and older....getting in there and they might already have the  
621 older...the older physical...  
622  
623 JIM SMITH: Limitations...  
624  
625 JACKIE BERNARD: Limitations...yes...so thank you...so I was trying be fair about your other communities, how  
626 old they were initially versus us now. Ok...alright...thank you.  
627  
628 JOCELYN BOS: The one...that I mentioned that is exactly comparable in the sense of income levels and that  
629 kind of stuff, the information...that was opened in 2011.  
630  
631 JACKIE BERNARD: Ok.  
632  
633 PAT PANCIOTTO: Is that on your list Jocelyn?  
634  
635 JOCELYN BOS: It's there I am not...  
636  
637 JIM SMITH: The point I would like to kind of bring out a little bit, everyone is talking about the median incomes  
638 and the incomes of these groups and how we have comingling and so forth, I don't think anyone has thought  
639 too much about the physical limitations which could kick in as young as fifty five...and...progressively become  
640 more of a...have more impact as the population ages. From my own personal experience, my wife...has a  
641 vision problem, so she no longer drives, even though we have two vehicles...so I drive one or the other and I  
642 have one that is four years old with about nine thousand miles on it so I am not driving very much, especially  
643 that vehicle. So I think this also enters into this thing...With the age group that you said the average is seventy  
644 two...  
645  
646 JOCELYN BOS: Mm-hmm...  
647  
648 JIM SMITH: I could...believe that one vehicle per unit makes a certain amount of sense at that age...do you  
649 have any...even though you have the average age s seventy two...do you have any kind of a breakdown by age  
650 groups on how these units are occupied? Like from fifty five to sixty...  
651  
652 JOCELYN BOS: I am sure I could get that information Mr. Smith but I don't have it on me...  
653  
654 JIM SMITH: Yeah because that would give you a better idea of what the mix of ages you have in these units...  
655  
656 PAT PANCIOTTO: ...on my list...

657  
658 NEIL DUNN: If I may...Richard is there a greater number of handicap parking spaces...required in elderly?  
659  
660 RICHARD CANUEL: No the ratio is the same regardless.  
661  
662 NEIL DUNN: Because those are wider and take up more space?  
663  
664 RICHARD CANUEL: ...the actually parking spaces are the same size, it's the access isles that are...  
665  
666 NEIL DUNN: The isles next to them...  
667  
668 RICHARD CANUEL: ...that take up spaces...yeah...  
669  
670 JIM SMITH: Ok...any other questions or comments from the board...  
671  
672 JACKIE BERNARD: These were affordable rental units, so what I cannot remember, and you will have to refresh  
673 my memory, the income...was there an income requirement in which...  
674  
675 JOCELYN BOS: I don't know if I understand the question...  
676  
677 JACKIE BERNARD: An income requirement for your renters...they had to meet...  
678  
679 JOCELYN BOS: No...no...none of the complexes that we build...  
680  
681 JACKIE BERNARD: Yup...  
682  
683 JOCELYN BOS: Are affordable, in the sense of income restricted...  
684  
685 [Laughter]  
686  
687 JACKIE BERNARD: Ok.  
688  
689 JOCELYN BOS: You know...  
690  
691 [Laughter]  
692  
693 JOCELYN BOS: Affordable housing is typically tax credits...income....  
694  
695 JACKIE BERNARD: Ok...ok...so you didn't have a...  
696  
697 JOCELYN BOS: [Chuckling]...Sounds wrong...  
698  
699 JACKIE BERNARD: I know...it...  
700



701 JOCELYN BOS: It's the terminology...but it's true.  
702  
703 JACKIE BERNARD: So the...you didn't have a...maximum income requirement?  
704  
705 JOCELYN BOS: No.  
706  
707 JACKIE BERNARD: Ok...  
708  
709 ANNETTE STOLLER: If I may I have a question and...it...stop me if I should know if from a previous occasion.  
710 What other amenities, and you could call parking an amenity, do you have in this complex?  
711  
712 JOCELYN BOS: As part of the common areas we have...besides in the units themselves, they have washer and  
713 dryers, heat is included, cable is included, obviously hot water...in the common areas we have a community  
714 room that is fourteen hundred square feet, lounge area, card room, exercise room, theater...craft room,  
715 conference room, for the individuals.  
716  
717 ANNETTE STOLLER: Can you show me where that is? Is it all in one place?  
718  
719 JOCELYN BOS: It is in the second building. It is all here...first and second floor...and the first and second floor  
720 and then on the third floor are units...out the back area...this is where the community room is in the inside of  
721 the building. This is a patio area, obviously blacked here...  
722  
723 ANNETTE STOLLER: So it is fair to say that residents in that building can conveniently get to those...those  
724 amenities. It doesn't look to me if you are talking about elderly people, that if they are in the outlined  
725 buildings, they could conveniently get there without a vehicle.  
726  
727 PAT PANCIOTTO: Actually that's not...that's part of one of the requests that we have before the board. The  
728 buildings are connected by...[clearing of throat]...internal, heated and cooled in the summer, hallways on the  
729 first floor so that you can move from building to building and stay inside...  
730  
731 ANNETTE STOLLER: On your feet if you have that...that ability.  
732  
733 PAT PANCIOTTO: Yes...  
734  
735 ANNETTE STOLLER; Yeah...not if your wheel chair or not if you can't walk as well...you know that kind of thing.  
736  
737 JOCELYN BOS: First floor is completely wheel chair accessible...in the building and every building is...every unit,  
738 apartment complex in the complex itself is wheel chair adaptable.  
739  
740 ANNETTE STOLLER: I don't know if that's as important as what I am driving at is that people maybe not be able  
741 to without a car, to get to these locations, that's all. I am just trying to figure it out. Hallways that connect are  
742 great, but if someone is walking with a cane or walking like I am not, which is not real well...it is going to be  
743 real rough getting form the outline unit to the exercise room.  
744

745 JOCELYN BOS: Well you know Ms. Stoller, actually our typical apartment complex is not split up like this. We  
746 had to split it up like this based upon the Londonderry code. Typically it is an H or a U, which makes it much...  
747

748 ANNETTE STOLLER: Quite different...  
749

750 JOCELYN BOS: Yeah...  
751

752 ANNETTE STOLLER: Thank you.  
753

754 JIM SMITH: Any further questions...?  
755

756 JIM TIRABASSI: Yeah I do have one...Richard...what is the minimum parking space...one point two per...that's  
757 the code one point two...you...parking spaces per bedroom?  
758

759 RICHARD CANIEL: ...in the ordinance? For this?  
760

761 JIM TIRABASSI: Yes.  
762

763 RICHARD CANUEL: Yes, it is one point two space per bedroom.  
764

765 JIM TIRABASSI: Ok I just wanted to check on this before I...ok I am going to go back to this part again because I  
766 am reading to the thing. It is funny because I turned sixty two weeks ago and...  
767

768 ANNETTE STOLLER: Happy Birthday!  
769

770 JIM TIRABASSI: But I am reading this, my mother is eighty two and my great grandparents rode horses in  
771 Ireland until they were in their mid-nineties, this makes people sound like when they hit fifty five, you're ready  
772 to be on a cane and...and watch Wheel of Fortune seven hours a day...one minute we are saying this is baby  
773 boomers of these full of energy, never ready to retire people and here we are saying they are ready for shawls  
774 and fireplaces...[Laughter]...the part I am asking about is because there is a minimum requirement and we  
775 have been discussing all of these issues about aging and viability and transportation and accessibility and you  
776 are talking that one of the parts in here is to avoid the cost and the problem of clean ups in the winter with on  
777 street parking and this winter...last couple of winters have been tough. Do you have a contingency plan in case  
778 you need to exceed the number of spaces you are projecting?  
779

780 PAT PANCIOTTO: I would have to have Bob or George address that and are you suggesting...areas where  
781 additional spaces could be provided?  
782

783 JIM TIRABASSI: You know because I am looking at this and it says it may bring down the value to pave over  
784 more property than is necessary to accommodate, one of the whole things should be, ok should this come  
785 about that you're granted this and all of a sudden you have people saying, well we need more spaces than the  
786 ones that are available, and a waiver had been granted saying, well what is the deal...these people are left  
787 without something or their cars are parked in the public roadways and come time in the winter, there is  
788 serious problems.

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JOCELYN BOS: So you are indicating basically future parking if needed...

JIM TIRABASSI: Right...what are your contingency plans...?

JOCELYN BOS: Yes they did look at that.

JIM TIRABASSI: Ok.

ROBERT BASKERVILLE: I have two though on that. Of...we have done many, many projects in town and with all projects of every type, being single family homes, apartments, elderly fifty five...we deal with averages. If I do a single family home subdivision that has six bedrooms in the house, it still only needs two...obviously there will be days where we need two. Someone throws a graduation party this time of the year and there is twenty cars. Well that's what street parking is, for most subdivisions, is used for. You have twenty four foot wide road which allow usually, if people are parking on the road, for two cars to still pass for that overflow situation. So typically when you're in access of the averages, it's for visitors, Mother's Day, days like that, but they typically are not there overnight, they are there to visit and they leave. The other consideration that has come up tonight and maybe Richard can help us, we talked about the changes in regulation. The regulation was originally one bedroom for all units and I am imagining, that is what regulation was for one point two bedrooms...one point two parking spaces per bedroom, which would have automatically been, one point two spaces per unit...which matches almost every other two, considers on average. At some point, I think you said ninety seven...

PAT PANCIOCCO: Yup...yes...

ROBERT BASKERVILL: 1997...they go in and change the unit count to have to be two units, two bedrooms. But, in doing so they may inadvertently double the requirement for parking, inadvertently.

ANNETTE STOLLER: Because it is per bedroom.

ROBERT BASKERVILLE: Right...so we would...if we look at what the intent of the regulation is one point two, but it is only all bedrooms for one bedroom units. When you doubled the unit count, it doubled the bedroom count automatically. The way it is worded it doubled the parking and you know its...even within many cases with the Planning Board in this town, have gone in and in section ten, it lists all of your parking requirements for probably almost every other use in town. It specifically says the Planning Board has jurisdiction to go in and modify that if needed based on definitions and talking to Richard, it specifically say you can modify everything in section ten. This list of parking requirements is under a different section, so it also falls out of that. You just have all types of conflicting contents and regulations and history so we have talked a lot about one per unit, well we are greatly above that. One per unit would be one hundred and then, I have sixty seven extra. Can I get ten more? Yeah ...just every unit I am doing a lot of buyer retention for storm water drainage...

PAT PANCIOCCO: Alright...

832 ROBERT BASEKRVILLE: Every extra parking spot that goes out there, if it is not used, creates a little more  
833 heat...I have a little less buyer retention and at some point I have to start using buyer retention with those  
834 plastic chambers under the parking lot, which your...town engineer in particular does not like...[Chuckling]...he  
835 never has. So there are tradeoffs with storm water of how I treat it so it is a matter of what is reasonable. You  
836 know we're...we're one point six one per unit instead of one. Could I get to two...I think so...that is what you  
837 require for any other single family unit. Two point four is just saying that the elderly have more cars than any  
838 other age group in town and any size house. It exceeds anything else in your requirement I think. You know I  
839 agree that...you know...I have kids and I have more cellphones than cars but yeah we do have more than two  
840 cars that you do have a lot of cars now a days...but...what is reasonable...two point four per unit just seems  
841 excessive considering its two for a single family house. How was that for a long answer to a short question?  
842

843 JIM TIRABASSI: It's a hypothetical answer...in reality what if you come across a scenario, do you have an  
844 alternative plan? Do you have a fall back...?  
845

846 ROBERT BASKERVILLE: ...is...on many occasions in the past before the town changed the zoning, we would  
847 show future parking spaces on our plan...places where we could pave them if we need them. We have not  
848 done that recently because the Board of Regulations has changed...we can easily show ten more....twenty  
849 more spaces as a future parking space to be built...if it is required. We have done that in the past.  
850

851 JIM TIRABASSI: That's what I meant...there is a...you do have the potential to do that...  
852

853 ROBERT BASKERVILLE: We do have the potential to do that...  
854

855 JIM TIRABASSI: That was the whole point of my questions. We are talking in abstracts and hypotheticals with  
856 averages and standard deviations and variance...this is an actual thing, you happen to have people with  
857 cars...what in the world is going to happen to them...  
858

859 ROBERT BASKERVILLE: Correct...so is there a logical backup plan?  
860

861 JIM TIRABASSI: Yes, that is where I was going...you do have a scenario strategy.  
862

863 ROBERT BASKERVILLE: Right...  
864

865 ANNETTE STOLLER: I have an additional question...we are talking about cars...cars use roads...what is  
866 the...estimated width of the roads within the development?  
867

868 PAT PANCIOCCO: Well there is no roads in the development are there?  
869

870 ROBERT BASKERVILLE: There's no town roads within the project...  
871

872 ANNETTE STOLLER: I understand...  
873

874 ROBERT BASKERVILLE: But we have twenty four feet isle way between the parking spaces...it is all town  
875 requirements.

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ANNETTE STOLLER: Ok, I see actually...some roads there at the peripheral...

ROBERT BASKERVILLE: Driveways...

PAT PANCIOTTO: Driveways...

ROBERT BASKERVILLE: Right...they are all twenty fours.

ANNETTE STOLLER: Ok. I guess with the new gismos saying that you can't back up...[Chuckling]...

PAT PANCIOTTO: The other thing that is noteworthy is when they come up with the one point two for the one bedroom in 1990, that was twenty four years ago...at that time again you were talking about much larger lots because you had no sewer in the area so it is that evolution that the town has gone through in that particular area that if it's just changed all of the dynamics with having municipal sewer and water available. The land is more valuable and it is what it is and it accommodates higher density now except as you say, the parking can be a challenge but then again people who do have a lot of cars are not likely to rent a one thousand square foot apartments...you know...and when they come to the point when they are going to downsize you know they are not going to be coming in with three or four cars that they drive occasionally...it likely at that point they get rid of some of that stuff so...and it is not a perfect fit for everyone either as you said...when you are fifty five and...I was listening to something on NPR about this and we are all pretty offended by that word...elderly as all of the studies are showing and no one likes to hear it because none of us are going there but...it is what it is and it is a personal choice you make when the time comes for you...not every fifty five year old fits here but then there are some that it...it is a god sent for them. It is a personal choice.

ANNETTE STOLLER: Well the federal term is older persons so that may be even worse...

PAT PANCIOTTO: Yeah...

[Laughter]

ROBERT BASKERVILLE: Yeah there is no good way to put it...

PAT PANCIOTTO: Yeah...so...

JIM SMITH: Any other questions or comments from the board?

DAVID PAQUETTE: I...I hate to bring up another math issue...

PAT PANCIOTTO:...[Chuckling]...no please...

DAVID PAQUETTE: Throughout your...your...notes here...your application...it states that there is a five percent reduction.

920 PAT PANCIOCCO: Oh that is...I said to ignore that...[Chuckling]...  
921  
922 DAVID PAQUETTE: Ok  
923  
924 PAT PANCIOCCO: That...that and any numbers in there I am going to plead the fifth...Bob straitened that out.  
925  
926 DAVID PAQUETTE: Ok so that...so...  
927  
928 JIM SMITH: She skipped over the five percent when she read it.  
929  
930 PAT PANCIOCCO: Yes...for that reason...  
931  
932 DAVID PAQUETTE: I hear you I just wasn't paying attention apparently.  
933  
934 ROBERT BASKERVILLE: She had the point nine five spaces so she turned that around to be a five percent  
935 reduction...  
936  
937 PAT PANCIOCCO: But it was ninety five percent...  
938  
939 [Chuckling]  
940  
941 ROBERT BASKERVILLE: Of one of the numbers...  
942  
943 [Chuckling]  
944  
945 DAVID PAQUETTE: So we are actually talking a twenty percent...twenty one percent decrease against the  
946 ordinance...  
947  
948 PAT PANCIOCCO: I guess...[Chuckling].  
949  
950 ROBERT BASKERVILLE: I won't check your numbers.  
951  
952 DAVID PAQUETTE: I did it a couple times so just to make sure I was right and I believe it is actually a twenty  
953 one percent reduction if anyone cares.  
954  
955 NEIL DUNN: For a total of forty seven parking spaces?  
956  
957 DAVID PAQUETTE: Yeah, so whatever the actual number...based on their bedrooms...  
958  
959 ROBERT BASKERVILLE: And again I would debate that the original intent of your regulations was ever to have  
960 two point four per bedroom...  
961  
962 PAT PANCIOCCO: Per unit...  
963

964 ROBERT BASKERVILLE: Per unit...  
965  
966 PAT PANCIOCCO: Right.  
967  
968 [Laughter]  
969  
970 ROBERT BASKERVILLE: Of...does it make sense for a Planning Board, when the rewrite these regulations, to  
971 have the elderly...older persons have more cars than any other age group. It doesn't really make sense...I don't  
972 think that was the original intent of the ordinance.  
973  
974 DAVID PAQUETTE: I think you're right...there is a confliction between...the different ordinances requiring the  
975 two bedrooms and the one point two per bedroom...  
976  
977 ROBERT BASKERVILLE: And this is a case with we have a zoning district where this was originally  
978 residential...now the underlining is commercial but I am also in the POD district and we are also under the  
979 elderly housing overlay...  
980  
981 PAT PANCIOCCO: Right...  
982  
983 ROBERT BASKERVILLE: We sat down with Richard months ago...  
984  
985 PAT PANCIOCCO: Twice.  
986  
987 ROBERT BASKERVILLE: With our first interpretation with what variances were needed. He gave us an update  
988 and said no you need these and then we came back here and found out we needed even more. There are so  
989 many conflicting regulations. This has changed many times.  
990  
991 DAVID PAQUETTE: We will get there.  
992  
993 ROBERT BASKERVILLE: This is what makes it so much fun.  
994  
995 JIM SMITH: I think what you are essentially saying when they change from one bedroom to two bedrooms no  
996 one looked at the parking requirements.  
997  
998 ROBERT BASKERVILLE: I am speculating that...  
999  
000 PAT PANCIOCCO: And there is no paper trail Jim in...in the files and in the history in the documents. Richard  
001 has got the most information out of anyone I have found so it has been really difficult to get to the root of ok  
002 what were they thinking and does this work for this and it is all speculation.  
003  
004 JIM SMITH: Yeah...  
005  
006 DAVID PAQUETTE: It was discussed that these ordinances are due for...  
007

008 PAT PANCIOCCO: Right...

009

010 ROBERT BASKERVILLE: Tender love and care.

011

012 PAT PANCIOCCO: Yeah.

013

014 JIM SMITH: Made the comment, the zoning regulation wasn't written, it is a collection of amendments...

015

016 PAT PANCIOCCO: Yeah, this one is twenty four years old and it has not been looked at a lot. At least not in this

017 particular context...it...they...all the elderly housing in the town is free standing for the most part.

018

019 JIM SMITH: Ok...at this point we will open it up to anyone who is in favor of...and what we are talking about is

020 just this one variance on the parking, not the whole situation...we are just talking about this one case...so

021 anyone in favor of this...if not anyone who either has questions or is in opposition and if you do please

022 approach the mic and identify yourself for the record, name and address please...

023

024 JESSE MANDOSER: Hi my name is Jesse Mandonser and I live at 5B Reed Street. I just have a couple of

025 questions...I was a little confused when you said that there was thirty three extra spaces...for visitors...that

026 kind of confused me. Is that another thirty three on top of the one hundred and seventy seven?

027

028 ROBERT BASKERVILLE: I don't recall using the number thirty three...of the one hundred and...did I use

029 that...but of the hundred and seventy seven spaces we have...it's speculation how many will actually be

030 residents...so some percentage is...how many will be for visitors...I don't know...and there will also be as we

031 mentioned, parking along driveways we have twenty four foot widths, people can park onsite and along

032 driveways...on special visitor days they need to also.

033

034 JESSE MANDOSER: Ok...because of it's not individual houses as in some of the other heavily

035 developments...will there be like...in having all of that activities planned...will there be full and part time

036 employees that work there as well? Landscapers and maintenance and...

037

038 JOCELYN BOS: Yes...there will be a full time manager and a full time maintenance person and all the

039 landscaping will be all contracted out to local businesses...landscaping, plumbing, electrical folks...those kind of

040 folks.

041

042 JESSE MANDOSER: Have they...has anyone taken into consideration...I know you had mentioned that the

043 elevator thing was removed because...they moved it to like the building type of building ordinance...I guess

044 where I am getting at is, with the elevator requirement...does that change the type of building to...for the code

045 to have to have more spaces for like handicap or because it is considered more of a building?

046

047 RICHARD CANUEL: Yeah...let me clarify...yeah the issue with the elevator which was part of the ordinance at

048 one time, dealing with elderly housing because the consideration was people who were elderly need elevators

049 to get up and down floors, but it conflicted with the requirements of the building code and the accessibility

050 standards which really didn't prevail when the requirements come into play for the elevator...so that conflict

051 was removed from the zoning ordinance. So it is all dictated by the building code. As far as assessable parking



052 goes, those requirements are also from the building code and the ordinance does reference the building code  
053 section directly. There is x number of parking spaces that are required for handicap on the percentage of total  
054 spaces that is required for the site.

055  
056 JESSE MANDONER: Is that included in the one point two per bedroom?  
057

058 RICHARD CANUEL: I would assume that would be included in the one point two.  
059

060 JESSE MANDONER: So...is there also any added parking considered for visiting nurses, cleaners, the activity  
061 planned...because I know there is many of those that will come and go every day. The meals on wheels people  
062 that come...a lot of those come in and out every day. So are there added...types of people who are coming  
063 there for specific reasons on a daily basis.  
064

065 JOCELYN BOS: We currently have a hundred and seventy seven units I believe...spaces...oh my gosh I am doing  
066 it now...[Laughter]...it is also independent living. This is not assisted living. A majority of the folks here that will  
067 be here...as we also mentioned...there could be allocated eventual spaces if needed...that has been looked  
068 at...the availability is there. We don't anticipate a lot of home healthcare aids and what have you at this point  
069 in time nor do we experience that in any of our other complexes. Yes there are some and those individuals  
070 that typically need those services are no longer driving either.  
071

072 JESSE MANDONER: Ok...that's all. Thank you.  
073

074 DAN CLARK: Hi my name is Dan Clark, I live at 4B Reed Street...if as a special condition...you are required to put  
075 in the extra parking, would that come from the fifty six percent open space area?  
076

077 JOCELYN BOS: It would affect it, wouldn't it?  
078

079 ROBERT BASKERVILLE: Yes it would...  
080

081 DAN CLARK: Thank you that's all I had.  
082

083 JIM SMITH: Anyone else...approach the mic ma'am...please identify yourself.  
084

085 BRENDA KISS: My name is Brenda Kiss, I live at 9B Button Drive...alright...I asked the last time we were  
086 here...what would a complex like that do to our property values?...you know I mean...in all honesty...you know  
087 it is a beautiful neighborhood and it is very private you know...you know what appears to be a big complex  
088 that is going to come in...not to mention the traffic...102 is horrific as it is...right we can't get out now...you  
089 know I just...with over one hundred units...I mean the entrance way and what it is going to do to 102 and not  
090 to mention all of us. You know I live on the back side...which would...you know this complex would be in my  
091 back yard however...right...a lot of these people are going to open their front door...to a big...you  
092 know...complex. I mean I bought the house in that neighborhood because it was private and I am sure a lot of  
093 other people did too. So the question I suppose...right...is what would that do to our property values because I  
094 know I spent a lot of money for my house...?  
095

096 JOCELYN BOSS: The complex right now...I mean all I can tell you is that we anticipate spending over sixteen  
097 million dollars on this complex and I think Bob can show you that we have taken a great deal to make sure that  
098 these...

099  
100 [Woman from audience asked for the maps to be turned so that they are facing the audience]

101  
102 JIM SMITH: You need to speak into one of the mics or something...

103  
104 ROBERT BASKERVILLE: Are these on?

105  
106 JOCELYN BOS: We have worked very hard at maintaining any of the green space that currently exists to the  
107 east and north of the complex...none of that area is going to be touched...right...

108  
109 BRENDA KISS: Well I mean that...that is ok for your complex...my question is what it is going to do to our  
110 property values? I mean most people buy homes in private neighborhoods like that because they are  
111 beautiful and private and we are right against 102 you know and right down the street you are right in the city  
112 but you would never know it by living in our neighborhood so...

113  
114 ROBERT BASKERVILLE: Robert Baskerville from Bedford Design Consultants...one other thing to consider is we  
115 came in here eight, ten years ago, for another potential development, is that you bought is a quiet  
116 neighborhood and these were originally zoned for housing. It is now commercial. The last development to  
117 come in here was a retail mall. Traffic would have been ten times more than this and you might have had the  
118 back units. Go ahead...

119  
120 BRENDA KISS: None of them did...you know all the developments in the last...from what I understand, last  
121 forty fifty years...none of them went through for all the reasons I am not sure you know...but...but even  
122 than...if it was a small complex on that corner, yeah ok sure depending on what it is it could be a wonderful  
123 thing, but you're not talking about a small complex, you are talking about a giant complex with more than one  
124 hundred units with 102 with the way it is now it is horrific. Not to mention our neighborhood because your  
125 entrance ways, you are going to add one hundred and two apartments up to two bedrooms that could be two  
126 people, which does seem to us would be absolutely horrific. You know I mean...in New Hampshire, just down  
127 the street, there is all open space...and I...I have nothing against the elderly, I am fifty two...however I am just  
128 can't imagine destroying a neighborhood of people who bought in this town...in this neighborhood because  
129 they love this area. You know...and the fact...I mean if I wanted to live in the city I would buy a house in the  
130 city and...I mean that's...I think I am speaking for all of us right...

131  
132 JIM SMITH: Ok, I would like to interject at this point. When you are looking at a situation like this, we have a  
133 zoning regulation which allows certain uses in certain areas and that is a balancing act between the uses that  
134 are already there and what is could be allowed. This type of unit...is an allowed use in this zone.

135  
136 BRENDA KISS: I understand that but...but...the...the law is the sixteen and they want to go well over one  
137 hundred.

138  
139 JIM SMITH: Alright, again we have to make a balance between everything.

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BRENDA KISS: Well...sixteen to thirty would be ok but...over one hundred....

JIM SMITH: But again we have to listen to all the various arguments and then make a decision...but we are not making a decision right at the moment.

BRENDA KISS: Well I mean that's all I have to say...

JIM SMITH: Ok...anyone else?

CINDY HAM-STRIKE: Cindy Ham-Strike, my mom and dad have been in the town for a long time...I have been in the town for forty eight years. I have been in the development when it started...that circle...where is the second exit out for driving because there is going to be a lot of the parking, but where is the second entrance, I see Reed St which is going to come right by my house because I am at 8A Karen Lane...comes right by my house...and then it comes up the street...that looks like what the circle looks like...and I know the last development that came through, they had to with the state had to figure out 102 and Café Theresa's because the angle of that road was wrong so they had to...have to figure out the street because to take a left you have a lot of parking people, a lot of drivers that are going to be taking that left, who's taking a left into Café Theresa's...it's a nightmare. Now you are adding one hundred and however many cars...elderly there...so...

ROBERT BASKERVILLE: Bob Baskerville again, and you're correct. We have in addition to the circle here we have two entrances going here, so we have two entrances that go onto Golen, our to Button, and this is the first step of a two part process. We are going to the Zoning Board for certain issues. If we are granted relief, we go to the Planning Board and the Planning Board staff has already made it clear that traffic will be one of the things that need to be discussed but it is not part of this application. We will have to sit down with them and the previous application was for all twenty lots. At this point we will go in and make the changes for a retail mall. We have eight of the twenty I believe so we are going to have to go in and provide studies and suggestions and work with town staff on how that can be improved.

CINDY HAM-STRIKE: Yeah and I would like you to really look at that Reed Street circle because what it looks like to me is the main entrance and those other two things are just subs.

ROBERT BASKERVILLE: From appearance, this is going to be a town road including the circle.

CINDY HAM-STRIKE: Is that Reed St?

ROBERT BASKERVILLE: Yes this is Reed Street, so this is meeting town requirements so this will still be a town road so a snowplow can go around and the town will still snowplow this so...there is not intent for us to make this the main entrance there is a question of when people come to this, what is the most convenient way...come up Button and then Golen? Or around and down Reed. So I think our entrance here is really seen as being our main entrance and we have done a lot of landscaping. What you see in dark green here exists. Trees and all of this and all of this is a very elaborate landscape plan that we have submitted and we will go over all of that with the Planning Board.

184 CINDY HAM-STRIKE: I am more concerned with the numbers, people...how many people in one particular area  
185 because I bought into that land, because I have been in town for forever...one of the first people in the  
186 development and it use to have fox actually where you guys are ripping up...there's fox that use to come  
187 through there...so...use to be...so...I hope you think about the development because there is a lot of  
188 developments and we all have a big area and a lot of houses and a lot of parking will impact us as a community  
189 in our development. I hope you all take that into serious consideration.

190  
191 JIM SMITH: There was a gentleman over here...if you want to come forward...

192  
193 RAY BRESLIN: I...I think...

194  
195 JIM SMITH: You have to come to a mic, sir...

196  
197 RAY BRESLIN: Ok...well I was going to give them an opportunity to speak, however...

198  
199 JIM SMITH: Please identify yourself...

200  
201 RAY BRESLIN: Ray Breslin, 3 Gary Drive...Londonderry...I...I would just like to say that you know there has been  
202 a lot of discussion here and unfortunately this was only turned around a short while ago...there is a lot of  
203 people here in the audience that...want to know what is going on. I mean you guys up there may understand  
204 this but these people need to understand to and...and this area where this is suggested...to me looking at it...is  
205 number one not an ideal location...number one. It is right on route 102, a major commercial route  
206 ok...and...this...this land...if it is zoned commercial...is it?

207  
208 JIM SMITH: Yes...

209  
210 RAY BRESLIN: Yes...ok...so it...it could be anything could go in there. Now...if we are talking about elderly  
211 housing, defiantly needs to be elderly housing in town, there is no doubt about that. What I am suggesting is  
212 that this is far from an ideal location...you know for that traffic to be dumping out on route 102 is going to be a  
213 problem. Already if you go to pull out of 102 from virtually anywhere...unless you are at a set of lights, maybe  
214 at Gilcrest or maybe at Home Depot...it is a real problem and...and to have potentially a lot of people, if they  
215 are fifty five....guess what they are still going to be work and even if they are not, I am seventy...you know I get  
216 up every day...I go out somewhere...I am active...and...and a lot of people that age are still going to be active,  
217 they are still going to be moving around. You're talking about all of these cars...well those cars are going to be  
218 going out and at some point they are going to have to go out on 102 if they are going anywhere, outside of  
219 just driving around these peoples neighborhood. And...beyond that you know I have heard a lot of talk about a  
220 walkable neighborhoods and...and...and access to shopping and so forth...nobody is going to walk out of that  
221 location and walk to anywhere...but he is talking about shopping...nobody...nobody is going to go to Shaw's or  
222 Home Depot or the Post Office from that location walking. They're going to have to drive...that's just the fact  
223 of life you know. It is not safe and as far as crossing 102 to go to Mr. Steers or to the healthcare at Elliot  
224 Hospital...you...you're going to get killed. There is no way you are going to walk across 102 unless you are  
225 crazy...so anyone that is leaving that is going to have to drive and...and...and to drive out of there you are  
226 going to have to go onto 102. How else are you going to go anywhere? That is going to be a problem and...the  
227 bottom line is...I am suggesting...and...and I am sorry to those people who spent a lot of time on this and this

228 still may go through but, I...I am suggesting that this is far from an ideal location to be putting an elderly  
229 housing on a major thoroughfare that trucks are going to be going up and down all the time. I mean...just the  
230 noise factor is going to be a problem, so it is far from an ideal location. That is all I have to say. Thank you.

231  
232 [Audience members clap]

233  
234 JIM SMITH: ...I think I want to step in here and...and clarify a couple of things...points. The Zoning Board is  
235 hearing arguments about these variances. We are not the Planning Board. Once...if these variances are  
236 granted and this continues down the process, it will go to the Planning Board. The Planning Board looks at  
237 traffic and all of these other issues and the way the site plan is put together and the landscaping and all of  
238 that. That is not what we are here for. The Planning...we just...we are just looking at the variances...just the  
239 variances. And that...not the total plan. In other words the Planning Board is the one who is going to look at  
240 the overall site plan, look at how it impacts everything as far as traffic...what other things...you know...run  
241 offs...landscaping...all those other issues are Planning Board issues.

242  
243 PAT PANCIOTTO: Right...

244  
245 BRENDA KISS: Who grants it?

246  
247 JIM SMITH: We are just looking at the variances. The Zoning Board acts on the variances. They would have  
248 to...you know...if they don't get the variances maybe they will stop at that point or maybe they will modify  
249 their plan and come up with something different.

250  
251 DAVID PAQUETTE: I don't think we are here to approve or deny this complex being built...just as Mr. Chairman  
252 has said, just against the actual ordinances that this complex being built would...would infract upon. It is not  
253 our decision to neither approve nor deny this...

254  
255 CINDY HAM-STRIKE: Cindy Ham-Strike, they...they're eighty five and eighty four...they just gave up one of their  
256 cars so we are talking about eighty year olds, they had two cars...just for food for thought because...and my  
257 husband is sixty two and we both have a car...so...you know I really find it hard to believe...

258  
259 JIM SMITH: You need to stay on the mic mam' ...if you are going to...

260  
261 CINDY HAM-STRIKE: I find it very hard to only have one at even seventy two. My parents weren't even close at  
262 seventy two to give up a second car.

263  
264 DAN CLARK: Dan Clark, 4 Reed Street, we are speaking only to the parking variance, right?

265  
266 JIM SMITH: Correct, that is all we are talking about right now.

267  
268 DAN CLARK: Ok...ok.

269  
270 JIM SMITH: Just parking. So what we are looking for is any more comments about the variance on the parking  
271 requirements. That is the only issue we are talking about.

272  
273 DOREEN FUGERE: Hi my name is Doreen Fugere, I live at 9B Button Drive and my concern with the parking is  
274 again, I mean at fifty five, I am pretty active. I am fifty four and I don't plan on giving up my car for quite a  
275 while. Two bedrooms...the opportunity is still there that there is...could be very likely two cars with two  
276 bedrooms so you fill up the parking places and you have workers, there will be no other place to park but on  
277 the streets and especially in the winter you can have snow in the winter it will be a hazard when your streets  
278 are full of snow where do you put all of that when you are actually reducing your space, your open space  
279 so...that is my concern.  
280

281 JIM SMITH: Any other comments? Would the applicant like to make any more comments?  
282

283 PAT PANCIOTTO: I just have a couple of things, they are general comments Mr. Chairman as you have said and  
284 you have explained many of the issues being raised are matters for the Planning Board and they are part of  
285 the Planning process. This is the second hearing and what is likely going to be many opportunities to have the  
286 abutter's provide impute and comments, it is all part of the process and we are very aware of the traffic and  
287 the issues with 102. We do think that this is an appropriate site. It is permitted under the zoning ordinance...as  
288 a use...and we also feel it provides a residential use as a buffer between the existing residential uses where  
289 many of the abutters reside and 102. We could be putting up a eighty thousand square foot building and  
290 knocking down all the trees and that is not what we are doing. We are trying to do something here that is a  
291 transitional type use...and to maintain buffers, out of respect for them having lived there and we understand  
292 this is intrusive. So...that is really my only comment and as far as the parking, everyone is different. If someone  
293 needs a bunch of cars they are not going to want to move into a tiny apartment. So...personal choice.  
294

295 NEIL DUNN: Richard...you made a statement that the parking comes from the building code?  
296

297 RICHARD CANUE: No the parking comes from the zoning ordinance.  
298

299 NEIL DUNN: Oh...I thought you made a statement that it came from the building code to...  
300

301 RICHARD CANUE: No...no, the parking comes from the zoning ordinance with reference to the building code  
302 for accessibility parking.  
303

304 NEIL DUNN: Oh...ok thank you...and...I apologize I forget your name but you said last meeting we request  
305 a...there was a property value determination and impact of units like this on property value.  
306

307 PAT PANCIOTTO: I provided the report that from the Urban Land Institute, it is very lengthy and...  
308

309 NEIL DUNN: ok so we don't have that in the folders at all?  
310

311 DAVID PAQUETTE: Not that I saw...  
312

313 PAT PANCIOTTO: I...I gave...I sent that over to Jaye with all the other information that you requested...it is very  
314 generic, it is not focused on age restricted housing but it does talk about the impact of a higher density, multi-  
315 family type dwelling on residential communities that are more conventional.

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NEIL DUNN: Do you know whether that was demographics and density?

PAT PANCIOCCO: It might have been...Urban Land Institute...architects...there is four different trade groups that put it together with them. Its...like I said it is quite long and it gives an example of many communities where you have typical, conventional lots, single family homes where higher density multi-families have been constructed and because it creates community...it...it's enhanced values is what the studies have shown. And...Urban Land Institute is pretty reputable.

[Long pause]

JACKIE BERNARD: Richard, may I ask you a question? This...once it is deemed fifty five plus, can it ever be any other type of rental units?

RICHRD CANUEL: Well according to the ordinance it has to be a deed restriction that limits it to that age restriction.

JACKIE BERNARD: So it will stay like that period?

RICHARD CANUEL: It has to...

JACKIE BERNARD: Ok...thank you.

NEIL DUNN: So if I may...it...it looks to me like right now we would require two hundred and twenty four spaces...and if...if we were to go by what I am just hearing, a lot of people think two per unit, not per bedroom, might be more accurate and a little bit of a relief. Doesn't really change the whole...the whole thing too much...but...it will drop you to two twenty instead of two twenty four, which is required I believe.

PAT PANCIOCCO: But that would presume two parking spaces for a one bedroom unit.

NEIL DUNN: Yeah...and presuming that some people may run it and occupy more than one person in one bedroom...my wife and I have one bedroom yeah...

PAT PANCIOCCO: So you...that's more than the ordinance requires than right...no...yeah...the ordinance requires only one point two per bedroom...

NEIL DUNN: Right...so than...[Chuckling]...I was looking at some way to get some kind of relief but accommodate...

PAT PANCIOCCO: Right...

NEIL DUNN: A larger density than the one seventy seven because I personally...I am not sure that based on the five points...it's been hit but I was trying to see if there was anywhere we could get some kind of agreement if...if I was to make...you know change it I guess but I realize in that case it would be different but...

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PAT PANCIOTTO: Well if it was one...

NEIL DUNN: Looking at most of what everyone is saying there is probably two people in a unit and that is your limit, two persons per unit but it probably doesn't give you much of a relief so it is probably...I was just trying to see where we could go to try to accommodate maybe what we are thinking is a higher...number of cars than proposed.

PAT PANCIOTTO: I...I understand and I appreciate that...it...under the radiance though one point two is required per bedroom so for the thirty three one bedroom units we would only need one point two. It is the two bedroom units where we would be at two point four...so that is a different number.

ROBERT BASKERVILLE: If I can I just ran a number...

PAT PANCIOTTO: Oh good...[Chuckling]...

ROBERT BASKERVILLE: Based on your line of thought...there is seventy seven two bedroom units...two a piece should be one hundred and forty four spaces...leaving thirty three one bedroom units. If those met the ordinance at one point two I would need forty more...I would need one hundred and eighty four. I would need seven more...we discussed potentially doing a future parking lot. I can easily show seven to ten more. Someone else brought up a good point though...it would slightly change the other variance we need for an open space, whoever would go do it so we would have to lower that by one percent...but it is all within the range of what is possible. I just wanted to give you a clarification on numbers since you started down that path.

PAT PANCIOTTO: Thank you Bob.

JIM TIRABASSI: I have a question...

JIM SMITH: Go ahead...

JIM TIRABASSI: Richard...what is the percentage of parking spaces that need to be made handicap accessible?

RICHARD CANUEL: It is not percentage; it is one space per twenty five parking spaces provided...

JIM TIRABASSI: Ok...that's fine...

RICHARD CANUEL: So essentially they would need six spaces for this.

JIM TIRABASSI: Right yeah...

JIM SMITH: the only impact would be on the zone...

JIM TIRABASSI: Right...yeah I just didn't know if there was a...



404 JIM SMITH: That would be a minimum of three...would any of them have to be van accessible?

406 RICHARD CANUEL: Yes...I...I think two percent of them have to be van accessible.

408 DAVID PAQUETTE: Two percent of the eight?

410 RICHARD CANUEL: Two percent of the six that would be required so...

412 JIM SMITH: So you have slightly larger loading space...I think since we have hashed this one out to this degree...I would like to close the hearing on this and deliberate and vote on this particular variance, than go back to the other three.

414 PAT PANCIOCCO: I am fine with that Mr. Chairman and...when going through the points of law if you can...please if you can...provide us some findings and conclusions and specific comments...

416 JIM SMITH: Ok...

418 PAT PANCIOCCO: If you could.

420 RICHARD CANUEL: If I could make a suggestion Mr. Chairman before you do that...being that each one of these variances depends on the other, it may be worthwhile to discuss the other variances as well before you close the case on the parking because if the board votes to reduce the total number of units per building, that is going to change your parking requirement right there. So you may want to...want to keep that open.

422 NEIL DUNN: And it could also impact if we don't allow the parking, impact...open area.

424 JIM SMITH: I think part of the problem is you vote on one, it affects the other one and you could be going around in a circle.

426 PAT PANCIOCCO: Mm-hmm.

428 JIM SMITH: [Sigh]...Ok...since we have been talking for so long...did you actually go through the five points of law on this variance?

430 DAVID PAQUETTE: Yes...

432 PAT PANCIOCCO: Yes.

434 JIM SMITH: Yeah...ok...I am so...[Chuckling]...we have gone over so many different variances...ok...

436 DAVID PAQUETTE: So where we are at now, this is our third...second...third time we have visited...

438 JIM SMITH: Well the first time they just had the continuance because...

448

449 DAVID PAQUETTE: You're right...

450

451 JIM SMITH: They had some questions and so forth so that one really didn't count...so this is really our second  
452 hearing on this.

453

454 DAVID PAQUETTE: The first time we went through the previous three cases, the 3/19/2014-4-5-6 cases, all of  
455 the points were read for each one of those cases...

456

457 JIM SMITH: Right.

458

459 DAVID PAQUETTE: And then we continued due to time...

460

461 JIM SMITH: Right.

462

463 DAVID PAQUETTE: ...I just...rather continue...debating and...and going through all five points again for each one  
464 of these cases I am just...trying to find an end point for...these particular cases.

465

466 PAT PANCIOCCO: I have a question for the board though...is there any additional information that we can  
467 provide you on the parking variance that you would find helpful?

468

469 JIM SMITH: My only really unanswered question was the breakdown by age groups in these complexes. What  
470 was typical?

471

472 JOCELYN BOS: Our average is seventy two...each complex is unique unto itself...

473

474 JIM SMITH: Yeah.

475

476 JOCELYN BOS: Our complex in...Erwin, which is right next to Corning, New York, tends to be a younger group.  
477 Our complexes in western New York tend to be...seventy's and up. Our complexes in Orchard Park...in Omaha,  
478 Nebraska tend to be an older group as well because they're majority folks who are selling their houses and  
479 downsizing...and I don't know yet about Missouri and what have you because we are under construction so...I  
480 mean in initial folks are folks coming from rental properties but...in the most recent meetings that we have  
481 had there have been a lot of people who have been in their homes that are...when are you going to be  
482 opening so we can start planning for downsizing. So I don't know if that really helps.

483

484 JIM SMITH: Ok one further questions than...have you done any market research in this particular area to try to  
485 figure out what kind of a...a...client base you may be looking at.

486

487 PAT PANCIOCCO: Good question.

488

489 JOCELYN BOS: Significant client base we tend to, when we do a market study...take a conservative approach so  
490 we look at individuals age sixty and older and...based upon that market data there was over seventy five  
491 hundred individuals. Twenty four percent of them were renters and seventy six were home owners that fell

492 within that...income bracket that...we would tend to look at that would move into a complex such as this. With  
493 a growth rate of over twenty seven over the next four years so another thirty five hundred individuals. I could  
494 pull the data and give you within this ten years there is this many people within this ten years there's this  
495 many people and what have you but we specifically in order to make the determination whether or not there  
496 was substantial market, look at age sixty two and older even though many municipalities, the senior zoning  
497 code says fifty five.

498  
499 PAT PANCIOTTO: If this information that Jocelyn is discussing right now is material to your decision...I would  
500 like to know that because we can get you that information...and we would be willing to table it...this particular  
501 variance, until...we can get that for you.

502  
503 DAVID PAQUETTE: In the document, the demographics and density document...it mentions that Londonderry  
504 is disproportionately composed of seniors and elderly citizens so I am assuming that data means of fifty five  
505 plus, if fifty five plus goes under the seniors and elderly citizen tag...[Chuckling]...

506  
507 PAT PANCIOTTO: Was that the PowerPoint Mr. Paquette?

508  
509 DAVID PAQUETTE: No, the...the document labeled the demographics and density info. Demographics and  
510 population is the title on it...it looks like it is written directly either by the Town of Londonderry, based...the  
511 part of the comprehensive Master Plan yes...

512  
513 PAT PANCIOTTO: Yes the Master Plan...

514  
515 DAVID PAQUETTE: Yeah just trying to answer your question more with this particular document...

516  
517 PAT PANCIOTTO: Yeah that's...that's the one that says that they heard from seniors they want more housing  
518 options it's down in the bottom right hand corner...

519  
520 DAVID AQUETTE: Yes...

521  
522 JACKIE BERNARD: I would like to make one comment. Your supporting documents that you gave us  
523 tonight...your second page...when you...are...using the comparisons for all of the Towns you have got two very  
524 distinct types of information here. You have our sister towns, Bedford, Derry that are like us and then you  
525 have the city...the city of Manchester, city of Nashua...the cities require minimum spaces of one. Typically  
526 cities you are able to walk to your various...types of...things that you may want to do. Bedford, Londonderry,  
527 Derry...you have one point two five for Bedford, you have one point five for Derry. Your supporting document  
528 tells me that the outlined communities require minimum spaces that are greater than those of the city for all  
529 of those various reasons that we discussed whether or not it was one or two cars. So...just keep in mind that  
530 the regulation and what we are looking at...and why it is there, but your supporting documents sort of prove  
531 the minimum space requirement should be larger than say the city...where you are able to access  
532 services...and maybe walk and not need as much parking area because you are probably going to use other  
533 types of transportation that are available, readily available for these types of communities. The bus services,  
534 maybe the elderly...services that are more readily available than they are here. Whatever that may be...I do  
535 know Manchester offers a lot...

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ANNETTE STOLLER: Manchester offers a great deal...

JACKIE BERNARD: Great deal...for the elderly so maybe that is the key there to as well. Maybe some transportation service...I don't know...I am just saying that is what I am concluding when I look at your town information that you gave us tonight. That is what I am drawing for a conclusion.

PAT PANCIOCCO: These were selected because they have water and sewer available so...

JACKIE BERNARD: Oh, that was the only reason why they were picked?

PAT PANCIOCCO: Yes...

JACKIE BERNARD: Oh ok...

PAT PANCIOCCO: Yes.

JACKIE BERNARD: Ok...

ROBERT BASKERVILLE: If I may, you know we didn't go to a lot of the smaller communities because without water and sewer, a lot of them wouldn't even allow a multi-family unit like this...

JACKIE BERNARD: Right and I didn't have a notation that it was only strictly driven by water and sewer...

ROBERT BASKERVILLE: There...there is no determination of that...

JACKIE BERNARD: Ok.

ROBERT BASKERVILLE: Theoretically, if you had forty acres or more you could do it some place or else, but now you get into a more outlined area, community wells, community septic's...there is not only a cost to those...a lot of people don't like to...bet all your marbles on a community while they are community septic. If something goes wrong, there is a problem. Your probably are correct in your hypothesis, it is a small sample size to do it...

JACKIE BERNARD: That is why...that was the conclusion I drew.

ROBERT BASKERVILLE: I will also mention that even what we are proposing now, is still greater than Derry or Bedford. And...we are willing to add more if the board feels it is reasonable.

JACKIE BERNARD: Great...than you.

JIM SMITH: Ok...yes...

MIKE SPELTZ: It is obvious we are struggling with how to proceed here...we...we really...I'm sorry...Mike Speltz, 18 Sugar Plum Lane...senior citizen of Londonderry...we have seven labor requests here even though there is

580 only four cases...and it is not clear to me that the way they are grouped in necessarily their relationship but  
581 the...the very first waiver request, the one that asks to go from fifteen acres to eight acres should the board  
582 not grant that waiver...it would solve quite a few of the other ones. There would then be room enough to  
583 meet the seventy percent open space requirement. There would then be...I...I think room enough, depending  
584 on how many acres were added...to...to get to the six units per acre requirement so...to me...and possibly it...it  
585 would certainly allow extra parking spaces if the...if the board felt we needed extra parking spaces...so I...I  
586 think it would make sense to...to take that single waiver request out of the first case and just look at that  
587 waiver request first and make a decision on it and...it may not help if the...if the...board grants that waiver but  
588 if it chooses not to grant that waiver, than it solves a lot of...a lot other problems. The other thing that I could  
589 think of to...to do to help would be to ask Richard why is this not one building. If this...if it is connecting by...by  
590 heated, covered walkways...isn't it really one building in three pods...what is the definition of a building and if  
591 that is the case than that would complicate and...and help some of these other waivers.

592  
593 RICHARD CANUEL: Would you like me to answer that? Yeah...from the building code stand point...those are  
594 considered...

595  
596 [Technician switches to additional CD]

597  
598 PAT PANCIOCCO: Perhaps we can go through the other variance requests and...process those...

599  
600 DAVID PAQUETTE: I agree with...Mr. Speltz is it...with his assessment of the order of cases. This is...the first of  
601 the four cases as far as case number goes...so it may be prudent to...start with.

602  
603 PAT PANCIOCCO: I...I would really prefer to start with application number three which is 2014-6, that was the  
604 first case that we read into the record on the nineteenth of April. That has two variances, one to the 3.6.4.2,  
605 which requires the buildings to be sixty feet apart and we are requesting the buildings...to be...the space  
606 between them, be reduced to twenty six feet and thirty feet...respectively. The other variances, 3.6.7.1, which  
607 requires all bedrooms, all units to have two bedrooms, where the...we are proposing thirty three one  
608 bedroom units and seventy seven two bedroom units. Those are a little more contained and perhaps a little  
609 simpler to process than some of the others and that was why we began with those. They just happened to be  
610 ordered that way when they were taken in.

611  
612 JIM SMITH: Ok.

613  
614 DAVID PAQUETTE: I am reviewing the minutes from that particular...meeting...just trying to find the...

615  
616 PAT PANCIOCCO: They were long...[Chuckling]...

617  
618 DAVID PAQUETTE: So the support on that...this...that the cases were read in backwards...whereas...

619  
620 PAT PANCIOCCO: Yeah...the...applications are in...and I believe there was additional outline that were  
621 submitted after the last meeting also to supplement what was also provided...

622  
623 [Long pause]

624

625 DAVID PAQUETTE: According to the minutes from April...excuse me...ZBA minutes from April...April  
626 sixteenth...the cases were read in in order, with case four, five and six...the presentation case numbers four,  
627 five and six were read into the record with one previous case listed. So...I'm...

628

629 JIM SMITH: I think we may have read them in that order but then she presented them in the order that she  
630 suggested...

631

632 DAVID PAQUETTE: Just to...just to prove her case that they were read in...

633

634 JIM SMITH: Ok.

635

636 DAVID PAQUETTE: In order...I think they were just chosen to be presented in a different order.

637

638 PAT PANCIOTTO: Perhaps. So if I could just...if it is ok with you Mr. Chairman...I will do just a brief recap and  
639 we can deal with those.

640

641 JIM SMITH: Ok...what is the consensus of the board? Do we want to go to case six?

642

643 DAVID PAQUETTE: I think starting with case four is probably...

644

645 NEIL DUNN: It is a big one...it changes a lot if we don't give them...

646

647 JIM SMITH: Ok, you want to go with four?

648

649 JACKIE BERNARD: I am ok with four...

650

651 JIM SMITH: Ok the consensus of the board, we are going to go with case four.

652

653 PAT PANCIOTTO: Ok...ok...case number 3/19/2014-4...this application relates to the land itself...the relief  
654 requested is from section 3.6.4.1 to allow a seven point nine six acre tract for this project when fifteen acres  
655 are required under the ordinance which is now twenty four years old. The project is efficiently arranged to  
656 serve a un-need of the town. When viewed in the overview context...[Pause]...which is this map...here...this  
657 project...[Clearing of throat]...it really does not appear as large as it does when you say one hundred and ten  
658 units. Would you like...do you want me to bring it up?

659

660 JIM SMITH: No...not really.

661

662 PAT PANCIOTTO: Are you sure? What is before the board is...how allowing a smaller piece of land for this  
663 project would be contrary to the public interest. Water and sewer is available...it wasn't when the ordinance  
664 was adopted. All the required buffers in the ordinance are met by the proposed improvement. For that  
665 reason, there is no detrimental impact to the public's health, safety or welfare. The property is also close to  
666 necessary services, medical care, and emergency services. Requiring fifteen acres is a substantial hardship in  
667 this location, to be close to services...and...other conveniences...the land is far more valuable. And in this

668 particular case...to require fifteen acres would completely defeat the feasibility of the project. As well as  
669 economic liability. Now I did submit to you...two days ago...an economic and density comparison of what is  
670 proposed by my client versus what is permitted under your ordinance. We had a preliminary version of that  
671 document available for the board...when we came here last but since then we have gotten more refined  
672 information, financial markets have changed oh so slightly and we have been able to confirm certain other  
673 costs so the numbers that you have tonight are the current numbers, as refined as they can be today. The cost  
674 of the land is substantial because of the services that it is close to although...we will incur substantial costs to  
675 bring those services to the sit which will also benefit other properties in the area. Additional land is not  
676 needed to accommodate this development because the addition land would be open space and the elderly  
677 population is less likely to use a large open space than the younger population. In addition there is substantial  
678 acreage within the town that is dedicated open space that the tax payers continue to fund...so...it is not like  
679 there is no open space available if someone really wants a large piece of land to walk on. We do not feel that  
680 this proposed project would harm the neighborhood or the surrounding property values. The use is  
681 residential; this will be people's homes. The use is permitted under your zoning ordinance. It will act as a  
682 buffer between 102 traffic and the more...lower density houses further down on the streets that the abutters  
683 reside on...further away from route 102. For that reason, and this is capsulized and I am trying not to be  
684 repetitive, we feel that requiring fifteen acres for this project is an undue hardship...because Londonderry has  
685 changed. The area has become more developed and the demographics of the town are such now that this is  
686 an unmet need. That...the town has an obligation to provide for or the elders that want to live here either  
687 have to buy or go rent in another town which...they...they told us they don't want to do. I don't know Mr.  
688 Chairman if you want to deliberate on that particular issue or on that application or that relief of whether you  
689 want me to do the other one that was included in the application for the open space and then close.

690  
691 JIM SMITH: Yeah I think we should do both...

692  
693 PAT PANCIOTTO: Ok.

694  
695 JIM SMITH: Than when we go...we will close that particular case and...be able to handle...deal with both of  
696 them.

697  
698 PAT PANCIOTTO: Ok...the other relief that is part of this same application, there were two provisions in this  
699 one application...section 3.6.4.8.1, is seventy percent open space requirement for an elderly development. As  
700 we discussed when we last met, the open space requirement for multifamily is less...and they are more likely  
701 to use it. We are asking to reduce the open space to fifty six percent and if we need to provide some  
702 additional parking it may be fifty five percent as Bob from Bedford Design indicated. To...supplement that  
703 open space, the nature and character of this land is such that it has very limited steep slopes, very limited  
704 amount of wetlands and it is likely that we can meet the seventy percent by adding a big wetland to it, not  
705 something that is useable, but that wouldn't likely fulfill the deficiency but it is just not an option we have  
706 available to us. As I previously stated, this particular population is less likely to use open space than younger  
707 generation. All of the buffers have been met from abutting properties that are required under the ordinance.  
708 There is not relief requested for those. The express purpose of your elderly housing ordinance is to serve the  
709 special needs of the elderly population. My client seems, feels that investing in accommodations...while the  
710 elevators, the covered walkways, community spaces and other nice things within this community, the money  
711 is better spent on those things than more land that is likely to benefit this population less. A reduction in the

712 open space will not harm the surrounding properties because the use is permitted and if it is permitted, it is  
713 presumed reasonable. We meet the buffers and...from my perspective it is a better alternative than a big  
714 commercial building or a mall. Nominal shortage in the open space as I said is...could probably be met by  
715 wetlands because we have very little wetlands on the site which is not useable and for that reason, we feel  
716 because the quality of the land is such...that it is reasonable to ask for a nominal reduction to fifty six...perhaps  
717 fifty five percent from the seventy percent required under the ordinance. And that is my capsulized...unless  
718 there is any question...I read in all of the more formal arguments last time.

719  
720 JIM SMITH: Ok...I...I have a question for Richard...if this lot was developed commercially, what would be the  
721 open space requirement?

722  
723 RICHARD CANUEL: Oh boy...I would have to check that. I don't know that off the top of my head but give me a  
724 moment...

725  
726 JIM SMITH: Ok...

727  
728 PAT PANCIOTTO: I do know...I did check the coverage...twenty five percent, so that is two acres. That...that is  
729 the only thing that I looked up today.

730  
731 JIM SMITH: When you say coverage, is that building coverage or...?

732  
733 PAT PANCIOTTO: Yes...building coverage.

734  
735 JIM SMITH: Ok.

736  
737 [Typing and chatting]

738  
739 RICHARD CANUEL: Actually for a commercial lot it's...it's not an open space requirement, it is a thirty three  
740 percent of it has to be green space.

741  
742 JIM SMITH: So one third would be green in a commercial.

743  
744 RICHARD CANUEL: Right.

745  
746 PAT PANCIOTTO: We are way beyond that...

747  
748 JIM SMITH: Ok...the board...any other questions on this one?

749  
750 NEIL DUNN: Well...the...the only...I mean there are some valid arguments with the open space and with other  
751 zones and type of buildings can have in there but...and it gets back to the complication factor where we are  
752 talking about typically we allow...sixteen units in a building, which if they were to comply with that than...they  
753 would need a bigger lot anyways so...I don't know...I...based on there being so many variances here...so if we  
754 were to stick with sixteen and twenty and they were going to spread that out and try to fit a hundred and how  
755 many units...a hundred and ten units, than they would be taking a bigger footprint, they would never fit it in



756 the seven point nine six so...I...I don't know...it...to me it...it gets so convoluted when we...yes in this case...but  
757 you are also putting a building that has you know so many more units than are typically in the ordinance so I  
758 guess Richard if I can ask a general question, what does it take to change to ordinance or...for the  
759 application...the town or the board...or whoever for an ordinance change.  
760

761 RICHARD CANUEL: Yeah the applicant can easily petition the Planning Board request for a change to the zoning  
762 ordinance...the Planning Board would debate that and make that recommendation to the Town Council.  
763

764 PAT PANCIOTTO: We are not interested in that. We are trying to fit a square peg in a round hole I realize...  
765

766 NEIL DUNN: Well and it also looks like you are trying to put ten pounds in a five pound bag when I look at it in  
767 totality...of all of the exceptions and variations...and so it...just to get a better handle and get a better...just my  
768 you know...it gets really hard when you are looking at huge numbers off the variances and then perhaps they  
769 do need to be adjusted. Maybe not this extremely.  
770

771 JIM SMITH: Again, I think part of what our problem in wrestling with this whole problem is that we have  
772 multiple variances. All interact with each other so if you lose one, the whole thing kind of collapses...I think  
773 some valid points were made about how this ordinance got to this point the history of it. I think in my mind,  
774 the size...of the tract and the open space kind of related to the idea of when it was written that they  
775 anticipated septic and onsite water supplies and so forth for this type of development. It seems to be out of  
776 step with some of the other requirements like the parking; two point four versus a single family house only  
777 needs two. I think there was a mistake made when they changed it from one bedroom to two bedrooms.  
778 Whoever did that didn't look at the parking to make sure they made an adjustment at that point...they didn't. I  
779 think the idea of trying to get the ordinance, is what we are almost doing is trying to rewrite the  
780 ordinance...with all of these variance. I think it is a little bit...  
781

782 PAT PANCIOTTO: There is a lot...  
783

784 JIM SMITH: Yeah...I think it is almost too much...personally...  
785

786 PAT PANCIOTTO: Well...I am not sure...I think that you know...  
787

788 JIM SMITH: Well...I think one of the things you need to consider would be if we go forward with these cases  
789 and we vote on them...and they are defeated, and then you are open to either asking for a rehearing than...if  
790 you get a rehearing we go back through the whole thing and then if you are still defeated, than you can go to  
791 court which is all a lot of money for everyone...if you elected to withdraw at this point, you would leave  
792 these...all of these issues open for another approach if you could go to the Planning Board and possibly get  
793 some of this changed so that you are not...no...  
794

795 JOCELYN BOS: Thank you though...  
796

797 PAT PANCIOTTO: They...they have...people they answer too as well and we proceed on this now for months in  
798 good faith. We have done our very best to try to anticipate what the board may ask us and...quite frankly we  
799 can only work with the ordinance that you have. I...I really just don't...and I have tried very hard Mr. Chairman

800 to...analogize this ordinance to the multifamily ordinance to illustrate the distinctions and quite honestly,  
801 there is like almost a built in disincentive applying these existing ordinance to this proposal but...I...if this was  
802 the case we hope someone would have said something sooner. I mean in reality...there has been big malls  
803 proposed on this site in the past and now that it is all grown up and filled in with trees because it has been  
804 sitting there for forty three years, when we came in with this proposal we thought now, this it just...this is  
805 great for the people that live next to the area that we are hoping to develop but this works well because it is a  
806 little setback from route 102. Location was everything here. And the use is permitted. If you look at the  
807 economic analysis that we gave you and I submitted is so Jaye said she would have it to you, those numbers  
808 clearly confirm that the project would not be viable economically. It is not financeable unless there is enough  
809 units to generate the revenue to run the place. It is just plain common sense. I do understand that it appears  
810 like a lot, and I thought the same thing. The more I thought it through its...it's a good fit. If there is more  
811 information that you need...I am hoping you will tell us...[Long pause]...Your 2008 Housing Task Force report  
812 on your website recommended higher density housing in location where there is water and sewer. Your  
813 Master Plan says it.

814  
815 ANNETTE STOLLER: Mr. Chair...?

816  
817 JIM SMITHL: Yup...

818  
819 ANNETTE STOLLER: May I ask something? Was this ever contemplated as a mix community in the sense that  
820 part condominium and part rental for example?

821  
822 PAT PANCIOTTO: No...never. This particular proposal?

823  
824 ANNETTE STOLLER: Yes...

825  
826 PAT PANCIOTTO: No.

827  
828 ANNETTE STOLLER: And that would not have contributed to an increase in funds for that...

829  
830 PAT PANCIOTTO: That's not your business...

831  
832 JOCELYN BOS: That's not our businesses...plan...I mean basically that is the bottom line...

833  
834 ANNETTE STOLLER: ...because I have seen one or two others in the general region that have succeeded in that  
835 way.

836  
837 PAT PANCIOTTO: They have a business model that is proven and works...if it isn't broke you don't fix  
838 is...[Chuckling]...but thank you.

839  
840 JIM SMITH: Ok...Well we are basically at the point of...is there anyone else who has any further comments  
841 about...case number six...

842  
843 DAVID PAQUETTE: Nope...number four...3/19/2014-4.

844  
845 NEIL DUNN: I'm not sure they know what it is though.  
846

847 JIM SMITH: Yeah this is the one that will reduce the acreage from fifteen acres to seven point nine six...and the  
848 open spaces from seventy to fifty six percent so...that is the part...case we are talking about at the moment.  
849 Does anyone have any further comments about that?  
850

851 MIKE SPELTZ: Mike Speltz, 18 Sugar Plum Lane...I think...in our discussion here...we are missing a couple of  
852 things. Zoning ordinance that we have is the one that this board administer...this is not a policy making board.  
853 We have a zoning ordinance that is the result of an open democratic process developed by the Planning  
854 Board, approved by the Town Council. Now...we may not like some of what is in there...but...but that is what  
855 this board does now if we find something that doesn't fit that is one thing and the board has the authority to  
856 grant waivers. In...in this case...I think there was a good reason for having the fifteen acre requirement and  
857 that is...there is a concept that runs through all of our town planning and zoning documents which is that  
858 we...we do allow a trade of density for open space by building in a more dense matter we make it easier for  
859 the developer and therefore more affordable for the people that live there. But that...comes with a  
860 requirement to...create open space and that open space is an amenity that is valuable for everyone in the  
861 town because everyone gets to look at the open space. Old people sue open space. They make not hike or  
862 hunt it but they look at it and they know that it is there. They breathe cleaner air and drink cleaner water  
863 because the open space is there. We want to develop with a balance between density and open space and  
864 that is where this requirement came from and I have not heard anything that...that...would contradict that. I  
865 don't see why we would throw that out. There is a public loss if you grant this waiver and that is that everyone  
866 in Londonderry that drives down 102 or sees this development or breathes the air in this town is going to have  
867 less open space. So...I...I don't see that...that granting this waiver would be...a...a benefit to the public. And I  
868 think that is really my argument and I will stop there. I hope that I...I have summarized what a lot for the  
869 abutters were trying to say...that their view...the one that they now enjoy is enjoyable because of the open  
870 space that is there and our ordinance reflects that and requires that there be open space. I don't mean to  
871 speak for them and I am sure you will hear from them. Thank you.  
872

873 PAT PANCIOTTO: Mr. Chairman...first of all...first of all we don't have an obligation under the legal test to  
874 show a public benefit. A test requires we demonstrate that what we are proposing is not contrary to the public  
875 interest. That's quite a distinction. We are entitled to a reasonable use of the land as a property owner and for  
876 that reason we don't have to show public benefit but...if I could point out to the board. We have the fifty foot  
877 buffer around the property. We have met all the ordinance requirements.  
878

879 [Spoke away from the mic while pointing to the map]  
880

881 PAT PANCIOTTO: ...so to reduce the open space nominally when a commercial development only requires  
882 thirty three percent green is surly reasonable. Thank you.  
883

884 JIM SMITH: Any other comments from the board...questions...any other comments from the  
885 audience...[Pause]...well we will close the public hearing on case four...take it back to the board and we will  
886 deliberate and see what we can do.  
887

888 DAVID PAQUETTE: Ok  
889  
890 JIM SMITH: But I...I think I would like to take a five minute break.  
891  
892 [Break]  
893  
894 JIM SMITH: Ok...is everyone back...  
895  
896 [Talking amongst one another]  
897  
898 PAT PANCIOCCO: Ok.  
899  
900 JIM SMITH: Ok...so we are back...we are taking case four under deliberation at this point.  
901  
902 DELIBERATIONS:  
903  
904 DAVID PAQUETTE: Ok so here is...in regards to the green space...in my research they own all of the property  
905 around what they are building so...they own three parcels on Button, ten on Golen, and two on Reed Street.  
906 They are using one on Button for this property, four on Golen and two on Reed Street which means they have  
907 the other property already to appease this particular green space ordinance. That is just my take on it...it is  
908 there and...and as a monetary...  
909  
910 ANNETTE STOLLER: And then you have beaver pond over there.  
911  
912 JIM SMITH: So you are basically trying to suggest that they own enough property to increase the fifteen acres.  
913  
914 DAVID PAQUETTE: I agree...Yes...yes that is what I am...  
915  
916 ANNETTE STOLLER: Oh...I see what he is saying.  
917  
918 DAVID PAQUETTE: So if you look at this...[pulls out paper]...this property here is all Team Businesses  
919 Development owned...so they own all of this parcel...so...all of this is buildable  
920  
921 JIM SMITH: Ok...I think the only problem with that idea...they would have to relocate Golen Drive.  
922  
923 DAVID PAQUETTE: And I don't know if there is anything on Golen Drive...  
924  
925 JIM SMITH: No...no...no...I am saying to combine these lots into this lot, you can't a lot divided by a street.  
926  
927 DAVID PAQUETTE: Ok.  
928  
929 JACKIE BERNARD: No but if some of the parking is on another parcel, do you see what I am saying...especially  
930 guest parking...the green space is increased, you know...you know you take some of these portions out and  
931 they are put on the other parcel.

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JIM SMITH: You are eluting to a concept they do on some site plans where they have offsite parking.

JACKIE BERNARD: And then it would fit the parking requirements...it may appease a lot of the issues we are looking at.

DAVID PAQUETTE: I...I think that the hardship is not there.

JACKIE BERNARD: It is just that they are choosing not to....

DAVID PAQUETTE: Based on cost...

JACKIE BERNARD: Based on cost...they aren't choosing to use any of the other parcels that they own. They also own the other properties that are directly across from the master development here...

DAVID PAQUETTE: On Button and on Golen...there would be other methods of...the ordinance is still 2014, whether they were written in 14 or 1997...twenty four year old ordinances. Point one, would be contrary to public interest. The public spoke about the green space...it may be one person but...

[Pause]

JACKIE BERNARD: Where are these other parcels? Are they C-Is?

DAVID PAQUETTE: Yeah they are all the same zones, so the backside of this property turns into AR zoning...but this side to 102 is all C-I...

JACKIER BERNARD: All C-I...ok....

[Pause]

DAVID PAQUETTE: And the...the...building this...where fifteen acres is required, they are effectively cutting the radiance in half so it is kind of to me...seems like a large variance to be accepted.

JIM SMITH: Any other comments?

NEIL DUNN: I am just trying to piece it all together here.

[Long pause]

JIM SMITH: Ok why don't we go down through the five points of law and see where we stand on...because I think one of the things that we have to do, whoever writes the...motion, you have to give some sort of an argument on each of the five points so that its...we can support the decision whichever way it goes.

975 DAVID PAQUETTE: So the only one I am struggling with writing a piece for is the substantial justice...mostly  
976 because I am struggling to...apply that to the ordinance.

977  
978 JIM SMITH: Ok...why don't you go through what you have so far.

979  
980 DAVID PAQUETTE: Ok...so...as of number one...granting the variance would be contrary to public interest due  
981 to the tradeoff of density to the open space...impacting all the open space provides...so...open space provides  
982 a list of things to the town. The spirit...spirit of the ordinance would not be observed due to the...the request  
983 of the percentage...it is a pretty big change from what they are requesting to what is the ordinance that is  
984 actually written so you know the eight acres...where fifteen is provided or fifty six percent opens pace to  
985 where seventy percent is required so...a difference in...of...fourteen percent of seven acres so those numbers  
986 seem large to me as far as granting this particular variance because...of the difference between what they are  
987 requesting.

988  
989 JIM SMITH: Ok...hold on...

990  
991 PAT PANCIOTTO: When you have a moment, we may want to table this, Jim. They have some new information  
992 that we may need to incorporate...here. I don't want to waste the board's time.

993  
994 JIM SMITH: You want to...you would like to table the whole thing...?

995  
996 PAT PANCIOTTO: Yeah...sorry to interrupt. There are some back room discussions going on...[Chuckling]...I  
997 apologize.

998  
999 DAVID PAQUETTE: Where does that put us? As far as procedural goes being that we are in...

000  
001 PAT PANCIOTTO: I know you are in close.

002  
003 DAVID PAQUETTE: A closed deliberation at this point.

004  
005 ANNETTE STOLLER: We have to complete the closed deliberation don't we?

006  
007 JIM SMITH: Richard do you have any thoughts on this? To table at this point...

008  
009 RICHARD CANUEL: The Board, at any time, can choose to table the hearing. The applicant however, must  
010 request the continuation to continue it on to another hearing. That is something the board; at this point you  
011 have already closed the hearing. It is up to the board to vote to decide whether to reopen the hearing and  
012 allow the applicant the opportunity to request continuation or the board can decide now in deliberation to  
013 table the hearing until the next meeting.

014  
015 NEIL DUNN: Which would still have to come out of closed deliberation.

016  
017 JIM SMITH: Well then we could...at that point decide that we want to go back into a public hearing too...

018

019 RICHARD CANUEL: Exactly  
020  
021 JIM SMITH: Ok...ok...Kirby you could have gotten us a good excuse for this...[Laughter]...I think given the  
022 lateness of the hour that I would entertain going...to table this and then you could...once we do that you  
023 could...we could entertain continuance on the other...  
024  
025 ANNETTE STOLLER: You have to go into public hearing first...  
026  
027 JIM SMITH: No I mean we would table this case in deliberation...  
028  
029 ANNETTE STOLLER: Right...  
030  
031 JIM SMITH: And that would stop it at this point. Than we would look at the other cases, which we haven't  
032 done anything on and the applicant could than ask for a continuation of the two continued case and the new  
033 case tonight.  
034  
035 PAT PANCIOTTO: Yes.  
036  
037 DAVID PAQUETTE: So we are still in...Ok...  
038  
039 JIM SMITH: So...  
040  
041 NEIL DUNN: So...so is that a motion to table it...  
042  
043 JIM SMITH: Until next month yes...  
044  
045 NEIL DUNN: Until next month...it just stops us at where we are at this point, is that accurate.  
046  
047 JIM SMITH: Yes...  
048  
049 RICHARD CANUEL: Yeah if you give a reason for tabling...  
050  
051 ANNETTE STOLLER: He did...the late hour...  
052  
053 [Chuckling]  
054  
055 JIM SMITH: Because of the late hour...I mean it is a good of a reason as any I believe.  
056  
057 NEIL DUNN: Mr. Chairman I would like to make a motion to table case 3/19/2014-4 due to the large amount of  
058 information we have been looking at and the late hour of the evening, I think it would do us all better justice  
059 to review it at another time.  
060  
061 JIM SMITH: So I have a second?  
062

063 JACKIE BERNARD: You have a second.  
064  
065 JIM SMITH: Jackie seconds. All those in favor...?  
066  
067 NEIL DUNN: Aye.  
068  
069 JACKIE BERNARD: Aye.  
070  
071 DAVID PAQUETTE: Aye.  
072  
073 ANNETTE STOLLER: Aye.  
074  
075 JIM TIRABASSI: Aye.  
076  
077 JIM SMITH: Aye...so...this case is tabled. Now...  
078  
079 PAT PANCIOCCO: Did you reopen the public hearing...?  
080  
081 JIM SMITH: We...we are back to the public hearing on cases five, six and number two of tonight.  
082  
083 PAT PANCIOCCO: Ok Mr. Chairman I would like to make a motion to continue to next month's hearings so we  
084 ca incorporate some new information and come back to the board with perhaps a somewhat changed  
085 approach.  
086  
087 JIM SMITH: Ok...  
088  
089 JACKIE BERNARD: Mr. Chairman, I would like to make a motion to continue cases 3/19/2014-5-, 3/19/2014-6  
090 and 5/21/2014-2 until our next scheduled meeting.  
091  
092 JIM SMITH: Alright...it will be the third Wednesday of the month.  
093  
094 DAVID PAQUETTE: Second.  
095  
096 PAT PANCIOCCO: Ok.  
097  
098 JIM SMITH: All those in favor.  
099  
100 NEIL DUNN: Aye.  
101  
102 JACKIE BERNARD: Aye.  
103  
104 DAVID PAQUETTE: Aye.  
105  
106 ANNETTE STOLLER: Aye.



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JIM TIRABASSI: Aye.

JIM SMITH: Aye...ok.

RESULT: THE MOTION TO CONTINUE CASE NOS. 3/19/2014-4, 5 AND 6 AND CASE NO. 5/21/2014-2 TO JUNE 18, 2014 WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "D. Paquette", enclosed in a rectangular box.

DAVID PAQUETTE, CLERK

TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

**APPROVED JUNE 18, 2014** WITH A MOTION MADE BY JACKIE BENARD, SECONDED BY DAVID PAQUETTE AND APPROVED 4-0-0.