

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

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5 DATE: APRIL 16, 2014  
6  
7 CASE NO.: 3/19/2014-4, 5, AND 6 (CONTINUED FROM MARCH 19, 2014)  
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9 APPLICANT: TEAM BUSINESS DEVELOPMENT CORPORATION  
10 C/O CHARLIE KULCH  
11 491 AMHERST STREET  
12 NASHUA, NH 03063  
13  
14 LOCATION: 5 BUTTON DRIVE, 4 GOLEN DRIVE, 6 GOLEN DRIVE, 8 GOLEN DRIVE, 12  
15 GOLEN DRIVE, 1 REED STREET & 3 REED STREET; 7-132-8, 9, 13, 14, 18,  
16 19, AND 20; C-I, WITHIN THE RTE. 102 PERFORMANCE OVERLAY DISTRICT  
17  
18 BOARD MEMBERS PRESENT: JIM SMITH, CHAIR  
19 NEIL DUNN, VICE CHAIR  
20 JIM TIRABASSI, VOTING MEMBER  
21 JACQUELINE BENARD, VOTING ALTERNATE  
22 DAVID PAQUETTE, CLERK  
23  
24 REQUESTS: CASE NO. 3/19/2014-4: VARIANCE TO ALLOW AN ELDERLY HOUSING  
25 DEVELOPMENT ON A 7.96 ACRE PARCEL WHERE 15 ACRES IS REQUIRED  
26 BY SECTION 3.6.4.1; AND TO ALLOW AN ELDERLY HOUSING  
27 DEVELOPMENT WITH 56% OPEN SPACE WHERE 70% IS REQUIRED  
28 UNDER SECTION 3.6.4.8.1.  
29  
30 CASE NO. 3/19/2014-5: VARIANCE TO ALLOW AN INCREASE IN THE  
31 NUMBER OF DWELLING UNITS IN A SINGLE BUILDING OF AN ELDERLY  
32 HOUSING DEVELOPMENT TO 36 UNITS AND 42 UNITS WHERE 16 IS THE  
33 MAXIMUM NUMBER OF UNITS ALLOWED BY SECTION 3.6.4.7; AND TO  
34 ALLOW AN INCREASE IN DENSITY IN AN ELDERLY HOUSING  
35 DEVELOPMENT TO 15.8 UNITS PER ACRE WHERE ONLY 6 UNITS PER  
36 ACRE IS ALLOWED BY SECTION 3.6.4.14.2.1.  
37  
38 CASE NO. 3/19/2014-6: VARIANCE TO ALLOW AN ELDERLY HOUSING  
39 DEVELOPMENT WITH SEPARATION BETWEEN BUILDINGS OF 20 FEET  
40 WHERE 60 FEET IS REQUIRED BY SECTION 3.6.4.2; AND TO ALLOW AN  
41 ELDERLY HOUSING DEVELOPMENT WITH A MIX OF 1-BEDROOM AND 2-  
42 BEDROOM UNITS WHERE THE STANDARD 2-BEDROOM UNIT IS  
43 REQUIRED BY SECTION 3.6.4.7.1.  
44

45 PRESENTATION: Case Nos. 3/19/2014-4, 3/19/2014-5, and 3/19/2014-6 were read into the record with one  
46 previous case listed (Case No. 2/21/89-2 involved all of the aforementioned lots).  
47

48 JIM SMITH: Who will be presenting?  
49

50 PAT PANCIOCCO: I will be...  
51

52 JIM SMITH: Do you want to state your name for the record?  
53

54 PAT PANCIOCCO: My name is Attorney Patricia Panciocco. I represent Calamar Construction Corporation this  
55 evening and I will be going through...some information first. I am than going to have...Jocelyn Bos explain to  
56 the Board a little bit more about what is being proposed...have...Bob Baskerville of Bedford Design take you  
57 through the plan and then I will take it back to take you through the various tests that need to be satisfied to  
58 support the request that we submitted...ok...so...good evening Mr. Chairman and members of the Board. I am  
59 going to take you...through a little history tour here...about this property...so...for those who haven't lived in  
60 Londonderry for a long time can understand how it got this way and where it has been. The property that is  
61 the subject of the three applications that you will hear about tonight involve seven of twenty lots...shown on  
62 the plan that was recorded in 1988...but also in 1971. The properties located to the south of route 102, the  
63 southwest of Crossroads Mall, northwest of Elliot Urgent Care and east of numerous shopping venues, grocery  
64 stores and restaurants and other conveniences...[missing area in between tapes]...feel that an elderly project  
65 in that particular location on those seven lots is a really nice transitional buffer between the existing  
66 residential properties and the more...intense commercial uses along route 102...to take you back to the  
67 property...it was originally approved as twenty lots in 1971...Alice Golen owned the property. In 1983...she sold  
68 the lots which look very much like they look now today...to John Dipalma...actually those two plans are  
69 number three and four...I think on that slide show...I don't have that many...yeah this is the 1971 plan and  
70 it...I...it is deliberately upside-down because the next one comes along I believe in the same position. But the  
71 configuration is pretty much the same...nothing has really changed except when John Dipalma owned it...he  
72 actually built the roads. The roads were not there before...so these lots have been sitting there for forty three  
73 years...as you see them today...which is pretty amazing given how visible they are...from New Hampshire  
74 102...[Pause]...John Depraver died in 1990...and at that time there was a substantial real-estate down turn.  
75 After he died he...his estate sold these properties to another developer...and they changed hands a couple of  
76 times but finally at one point, the lender for the owner of the property foreclosed and it was purchased I  
77 believe in 1997, by the current owner. In 1999, a proposal entitled 'Old Londonderry' was brought to the  
78 Planning Board. It was largely a recreational type...development if you will. Much like a mall, but more for  
79 entertainment purposes. That never went forward for some reason...and I don't know the exact  
80 reason...but...when it didn't come to fruition in 2002, a lot of big box stores like Kohls and Target and Lowell's  
81 started to look at the site...and make inquiries at the Town Hall. So it wasn't long after that that the town  
82 adopted the performance overlay zone because they didn't want big box stores along route 102...so...in  
83 2005...nothing happened until a gentleman came along and proposed government subsidized elderly housing  
84 on the property. That also did not go through...I don't know whether it was because he didn't get funding or  
85 what the story was but that never came to fruition. On the heels of that, however, along came Berkshire  
86 Development...who was proposing a retail mall...at the eleventh hour, just before it was ready to be approved,  
87 or perhaps was approved...Bob actually handled that project too...they lost their funding and that was the  
88 most recent economic downturn in 2008...so...it has been through a tortured history and it seemed to...it  
89 seems to have had a lot of interest...but nothing has ever moved forward on the property. As part of the

90 Berkshire project though...in 2005...the property was rezoned to a commercial...as it stand today...the property  
91 is really not suitable for typical residential homes...single family homes if you will...or even for more  
92 duplex's...because it is so close to route 102. In addition to that...the performance overlay zone, restricts the  
93 use of the property...the...the front setback...[clearing of throat]...imposed under that particular zoning  
94 provision from route 102 is four times the height of the building, which pushes whatever is going to be built  
95 there back there substantially from the right of way...that proves to be a real challenge for most commercial  
96 development where you have...tend to have larger buildings...my client is proposing to build a senior rental  
97 community on the property with one hundred and ten units, which will be housed in three buildings. On seven  
98 of the twenty lots that were highlighted in the earlier map...although the town has approved several elderly  
99 communities in the town...they are all for sale type communities. There are no rental housing projects out  
100 there that are age restricted. The economic performers for elderly housing rentals are quite different than  
101 they are for other types of communities to be built, especially when you are talking about communities where  
102 houses being built to be sold. The financing that is associated with a rental community is quite stringent and  
103 has become even more stringent with the recent economic down turn. In addition to that, when you are  
104 accommodating the elderly who have some very specific needs, you need a greater number of units to be able  
105 to afford to provide those accommodations and...to be able to qualify for financing. It all goes hand in hand.  
106 However, the higher density in the context of senior citizens is and added benefit. It increases their sense of  
107 safety...it helps create a sense of community at a time in life where many have lost loved ones as they  
108 age...and it encourages socialization when isolation is really a problem that impacts their health  
109 substantially...so in this case...a higher density benefits the population to be served, in addition to...helping to  
110 make the project more viable economically...[clearing of throat]...as I mentioned before, there is no age  
111 restricted rental housing in the town of Londonderry. All the surrounding towns do have it, yet more than  
112 twenty-two percent of the population in the Town of Londonderry is over fifty-five...recent...staff...summary of  
113 the number of age restricted housing units in the town confirm that there is only five point four percent of the  
114 housing stock in the town, available for the elderly and restricted to them...on the...first slide...this is a page  
115 from the Master Plan...[clearing of throat]...it says here the demographic data shows that Londonderry's poor  
116 population is disproportionally composed of seniors and elderly. Now the next page...[chuckling]...I can't see  
117 this too well but I think it says the age profile...the median age is increasing...Londonderry should offer more  
118 choice in the types of housing available for the seniors and the elderly population could use more housing  
119 options and more communication about the services that are available for them. This is the most recent  
120 Master Plan, which is very well done. It defiantly took a very nice...nice snap shot of the town and it has the  
121 luminous information about the people who live here. So this is very current...and it's also consistent with the  
122 2010 census that was completed in distributed not too long ago. So with that...I am going to turn it over to  
123 Jocelyn and she is going to take you through...[clearing of throat]...some of the...some more information about  
124 Calamar Construction, the projects they build, where they are located and what is included.

125  
126 JOCELYN BOS: This...first slide...as Bob has...losing my presentation...is an example of one of our projects in  
127 Wheatfield, New York. That's...the H design that we have...

128  
129 BOB BASKERVILLE: Ah....

130  
131 JOCELYN BOS: There we go...[chuckling]...slide two sir...please...in the fall we had a focus group...to help us  
132 insure...that during our process we do initial demographics study done by their [indistinct] Associates which is  
133 a national...organization. We than send our management folks out that oversee the apartments in the sense of  
134 a managers perspective...to do what is known as a focus group...Tina came last fall. There were over seventy-

135 five individuals...who attended and actually initiate...that they would like to give some...deposit. There were  
136 some people in the audience that would like...subsidize or affordable housing in your community, of which this  
137 is not. This is for middle income individuals, incomes ranging from thirty thousand up to approximately sixty.  
138 Calamar is an organization...that's interesting...oh there it is...we have been developing medical office  
139 buildings and senior housing for over twenty years...this would be as...Pat had mentioned to you...our first  
140 New England product...featuring one hundred and ten independent living apartments. So I will get more into  
141 the specifics...five apartment communities we currently have in New York, two in Buffalo and the one in  
142 Auburn, York is coming on board...actually June one. We have five apartment communities in the Midwest...as  
143 you can see three in the in the Omaha, Nebraska area...the Springs in Independence, that should  
144 be...sorry...MO...not NE...Missouri and Kansas City Missouri...and we have two more products...parcels under  
145 contract and...we will be starting building, hopefully this fall. Again...that's Forest View...this...the next slide  
146 basically overviews...in each of these...in the middle building, which Bob will get into...we also have what's...a  
147 community room, which is the upper left hand corner on the outside of that is a patio...that we have for  
148 grilling. We have tables and chairs and...functions. The one of the upper right is a theater...bottom right is  
149 basically just the entrance. We also have a card room, exercise room...[shuffling of papers]...and office, lounge,  
150 library are as well...just off to the side...but it doesn't show. There is an example of one of our units that  
151 happens to be a one bedroom actually. Our typical individual who resides in our...complexes right now are  
152 seventy-two. Female to male, sixty to forty percent, ninety percent of them retired and the other ten percent  
153 work in part time or volunteer an average of fifteen hours a week...and the average use of vehicles is three to  
154 five. Interestingly enough...each...each community...because it's called a senior community, is unique unto  
155 itself. The population, the whole feeling about it and what they plan, it becomes sort of a sub community of  
156 the larger entity. As Pat was mentioning...the market study that was done is there's seventy eight...ah...seven  
157 thousand, eight hundred and fifty five senior households in the market area. Twenty-four percent of those are  
158 currently renting, seventy-six percent are home owners. The median income of the seniors in this market area  
159 is eighty-three, eight hundred and seventy one. I went on the HUD website. The median income of  
160 Londonderry itself, area...is one hundred and six thousand, three hundred. So you have some nice wealthy  
161 people...the growth rate of senior households isn't...anticipated to increase twenty seven point one percent in  
162 the next four years...that's over thirty-five hundred senior households more in this area by 2018...There are  
163 two different types of senior houses...communities for individuals who do not qualify for subsidized rental  
164 housing and do not need...I should have need in there...assisted or nursing level care. Retirement communities  
165 sometimes refer to CCR Caesar congregate community...retirement communities. They typically are running  
166 about forty-two hundred dollars a month. There is one that is in...down here somewhere...no it's not  
167 Nashua...here it is...sorry...there is one that is in...Derry...thank you Pat...that...Derry...that starts their...studio  
168 starts at twenty-eight hundred dollars a month...our proposed offering is a mix of one and two bedrooms. We  
169 currently have, the way it's laid out, thirty-three one bedrooms, fifty-three two bedrooms with one and a half  
170 baths and twenty four two bedrooms with two baths...our rents range from fourteen hundred to sixteen  
171 hundred and fifty dollars a month. That includes cable, water, hot water, etc....in each building...as you see  
172 there's three of them...we have an elevator, the community room as I mentioned is in the middle here and  
173 there is a patio out the back...exercise room, card room...sidewalks all around the building for walking  
174 purposes...and secured entry. Okay we sort of...we don't have buy in fees, we don't charge deposits, we don't  
175 have surcharges. We do allow animals, I always forget to put that up there...but they have...they have to hit a  
176 weight range and it is forty pounds or less. It is a smoke free community. Monthly planned activities are  
177 decided upon by the individuals who reside in the community. The types of things the full time manager plans  
178 are...card clubs...whatever speakers people might like to have, art teachers coming in...some of  
179 our...complexes have morning coffee and current events...the full time manager that is here not only collecting

180 just rent, but they coordinate these activities and bring in the community. We have a couple of out  
181 sites...there is a meal program for lunches, hot meals within the municipality itself. We have offered to be that  
182 site, than the general community also comes in and joins our tenants for a hot meal. We have full time  
183 maintenance and then we contract out annual. We budget one hundred and eighty thousand dollars for  
184 budgeted, for landscaping, snowplowing, electricians, plumbers, whatever might be needed to come in....our  
185 antic...our anticipated construction cost is approximately twelve millions dollars. We do our only...our own  
186 general...contracting, however, that consists of...of our own project manager and project superintendent and  
187 we use all local contractors for all the subcontracting...ok...  
188

189 PAT PANCIOCCO: That's it?

191 JOCELYN BOS: That's it...I'm sure they will have questions.

193 NEIL DUNN: If I may...you said two to three cards per unit?

195 JOCELYN BOS: No, I think it's 1.2...oh, two to three car trips per week, per tenant.

197 NEIL DUNN: Oh...[chuckling]...I was like...

199 JOCELYN BOS: ...No...no...I think we have got 1.2, if I remember correctly, planned...actually.

201 [Shuffling of papers]

203 ROBERT BASKERVILLE: Robert Baskerville...with...Civil Engineer for Bedford Design Consultants. Glad to be here  
204 tonight...just a little preview...back in 2008 for Berkshire Development...my company went into...

206 JIM SMITH: You need to stay on the mic.

208 ROBERT BASKERVILLE: What's that?

210 JIM SMITH: You need to make sure you pick up on the mic.

212 ROBERT BASKERVILLE: Close enough.

214 [Fixing of mic]

216 ROBERT BASKERVILLE: How's that?

218 JIM SMITH: Ok.

220 KIRBY WADE: Just close to it...yeah.

222 ROBERT BASKERVILLE: Back in 2008, Bedford Design Consultant was hired by Berkshire Development. We did a  
223 full boundary survey, wetland survey...we hired people to do test bits...everything we needed to do that  
224 development. It went up through City Council, we got it rezoned...so that the overlay district did not

225 apply...but only for...that development. It didn't apply to anything else. And then the funding  
226 disappeared...and...I didn't collect all the money...[laughter]...it just disappeared but...[laughter]...typical for  
227 this business...when we got hired recently we went back in and had the wetlands reflagged, retraced to make  
228 sure everything was current. So we had the site done...[shuffling of papers]...we are only looking at the seven  
229 lots, which are...that would be easterly of Golen Drive. You have Button Drive going on down the middle,  
230 Golen Drive and then Reed Street going down and connecting. We sat down with city staff and talk about the  
231 project first to talk about the street layout and one thing that was endorsed by city staff...was...discontinuing  
232 Golen Drive...that connection there...not Golen...Reed Street. That will eventually take action by the city  
233 Council to go in and discontinue that. The reason I wanted to say it...we talk about the acreage tonight...that is  
234 after we discontinue the road and it takes out everything that we think will be in the cul de sac. So we actually  
235 lose acres...acreage by doing that because we...the turnaround in there. It allows us to put the building...so  
236 when I talk about our acreage, it's after we have Planning Board approval and city Council discontinuance of  
237 the road. We will...bring sewer to the site. Right now, sewers are being built to the apartment complex next to  
238 us...it doesn't currently extend to us. We would have to put in about one hundred and fifty feet of sewer line  
239 and a couple of sewer manholes...that would get the sewer service to us. One advantage of that is...it would  
240 get us to our lot, through our lot and then that sewer service could eventually be continued down to areas like  
241 the Crossroads mall and that whole corner...all of those stores that are currently on septic systems and don't  
242 have sewer service. There is water in the...in the street now. We talked to Pennichuck Water about how to  
243 reroute it so it will still be available and they are fine with that. We talked to the electric company, the gas  
244 company...all of your utilities with regards to moving that forward...[shuffling of papers]...as Pat and Jocelyn  
245 mentions, we are proposing three buildings. The building furthest from Button Drive will have mostly single  
246 family units in a three story building, connecting by a fully air-conditioned and heated walkway so people  
247 could walk from that building...connect to the center building, because the center building is where the  
248 entrance is, the movie theater the community rooms...all of the different rooms Jocelyn mentioned. So you  
249 will have this room in the center, which will be a mix of ones and twos...connected again, with a connecting  
250 walkway...to building three...so the people can take an elevator from one, walk over to the central building  
251 and not have to go outside. We also have outdoor parking...with regards to parking, I think the city minimum is  
252 1.2 minimum, which would be one hundred and thirty two spaces. Right now we are showing one hundred  
253 and seventy seven...so that would be...

254  
255 JOCELYN BOS: 1.5...

256  
257 ROBERT BASKERVILLE: ...about 1.5, 1.6 per unit. So we actually have a little parking...about fifty five spots  
258 above the city minimum. That is something Calamar would like. They don't want a shortage of parking...The  
259 plan you see on the screen in front of you, the architect did a rendering of their architectural plans. This is  
260 been...done in several communities before. My set staff than did a landscaping plan and...this plan we entered  
261 the actual landscaping that we propose...and I can move this closer so I can...in the computer we took two  
262 view. What we thought was an important view was looking in from route 102 from about car level. When you  
263 are looking into, right now we have got the vacant lot in front...there is...those lots in front of us...this shows it  
264 pretty well. So the first one is basically looking in from 102 at about car level, looking in...you're looking at  
265 across the front lot which is pretty open right now, than you will see the light green will be here...and then the  
266 dark green...the darker grey I should say...is looking in here, going in at the entrance of the property. So...the  
267 intent is...to put up a lot of vegetation in front of it...get rid of some of the detail, they used a lot of dormers, a  
268 lot of features...so the building has a lot of features on it so it doesn't look like a blank slate...it won't be that  
269 visible and then you have got mature trees behind the project. The other view we did, which is not on the

270 screen, but here...we went up into an elevated view looking down at it a little bit...so you can see...you have  
271 got the Golen right here...Golen Drive...we have a completed interior layout around the building, circling the  
272 building...a walk of landscaping. One feature that Jocelyn may want to talk a little bit more about, I know she  
273 knows the details better than I...is outside of the community room, we have an area here which will have  
274 landscaping, tables...it's a drive thru area in an emergency...but the intent is someplace where the residence  
275 can sit outside and enjoy some sunshine and some quiet with some special landscaping. As a Civil Engineer I  
276 could go on for hours about drainage. I will just mention that there are three wetlands on the side...we have a  
277 wetland up...by the duplex's above, one in the far corner and one at the very end of Golen Drive. We don't  
278 propose any wetland fill at all. We are not touching any of them. We will get full state permits. We have done  
279 a full conceptual design. We will go in for all of these state alterations of train permits for storm  
280 water...etc....and make sure that works. And of course we will design the water design and sewer  
281 design...which has the added benefit of getting them closer to some developments in the corner that could  
282 really use them...with that I would be glad to answer any question you have...

283  
284 PAT PANCIOCCO: You have some other projects...

285  
286 ROBERT BASKERVILLE: Oh, that's a good point... Glad she is here to remind me...if I could just pass out one  
287 document. I don't have this on the screen because...I just threw this together today...I will wait until I get back  
288 to a microphone before talking about it...

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290  
291  
292 [Shuffling of papers]

293  
294 JACKIE BERNARD: Thank you.

295  
296 ROBERT BASKERVILLE: What I have, which you will see in your packet...is...I have a...I am looking for projects all  
297 the time and I am doing projects all throughout the state. I have done a lot of projects up in Concord for RJ  
298 Morrow Communities...I did a hundred and twenty-four unit...town house project for them...which  
299 are...condominium projects...off of Bog Road in Concord. We have also done some single family homes up  
300 there and now we are looking town doing an apartment building...it had a lot of similarities to this in many  
301 ways...so just some talking points to talk about...how this fits into a neighborhood. That project is one and a  
302 quarter miles north of downtown. You leave downtown, you head up route three and you go up past the  
303 prison and eventually you get up...I think they call it Penacook region. When you get up there...on the street  
304 itself, that first layer along the highway, which is very similar to this first layer...they either have general  
305 commercial or high density residential right on the road. And...the following pages will have...why don't I flip  
306 through it...right behind that...and they intentionally layered the zoning this way...right behind that layer they  
307 will have a layer of medium density housing. That is where we are allowed to do a PUD and we have got some  
308 very high densities. Than they will do a layer...basically you have water and sewer for the general commercial  
309 and for the high density. The medium density, some of that has water and sewer and some of it needs water  
310 and sewer extended to it. Than as you get further form the road...back here...you are in an area where the  
311 deemed it proper for single family homes...and then that...that's the name of their zone, single family zone.  
312 Than you get to the one where you are really getting further from the highway...and you get into their rural  
313 zone...they call it the open space development area...so if you are going to do a subdivision they want ti to be  
314 an open space because you are out there without any water and sewer. That if you look at...I put in the zoning

315 map so you can just see where it is located...[shuffling of papers]...I got a larger one here that I can open up. So  
316 downtown Concord is right down in here. You have to go up route three and continue way up here and it's  
317 one and a quarter miles along the highway before you get to the point on route three, we're adjacent to it.  
318 The...bring red color is general commercial...the dark green is high density residential. You go one layer toward  
319 the west; you'll see a light yellow...that is a medium density residential. You can do apartment complexes in  
320 it...house lots in that area are five thousand square feet. You can get some pretty small house lots. Then you  
321 will see another color green behind it which is your single family residential and then your other green that  
322 goes way out, that's your rural zones once you get further away from the highways...that is very typical as your  
323 get commercial by the street, than you got an area that is a transition zone. You don't go straight to single  
324 family; you get something with more density in between the two. You don't need to look at it, but then there  
325 is one other close up of that zone map behind it...just to show you the individual lot zoning...[shuffling of  
326 papers]...when it comes to where...on the third page, multi family dwelling units for the elderly are allowed.  
327 They're allowed in the medium, single and high density residential zone. They are not allowed once you get  
328 into the water and sewer and you are out in the open space area. And just for comparison, to show you what  
329 densities are allowed...on the second sheet where I highlighted it, they have multifamily density for the elderly  
330 in all districts except, single family and it is fourteen per unit. When you go to multifamily for the elderly in the  
331 single family density area, it drops to six. So when you have the buffer zone in between the two, or in high  
332 density, they allow fourteen units per acre. And the reason I put that in there is just...early on...I said in all the  
333 other communities we work in would this...fit into their density standards. You go into some area like  
334 Manchester and you go down in the Millyards, the density is off the chart. It's much higher than this...and the  
335 further you get form downtown, the more they'll step it down. But...I checked Salem, Nashua...Bedford and  
336 Derry...Manchester and Concord. I tried to think of towns local that are your size or bigger and they all have  
337 higher densities. I wanted to do that to give you a perspective of...does this fit in and does this make sense in  
338 other communities. So since I had an example of one I am working on now, I've done all the work up there...I  
339 just wanted to provide that example to you.

340  
341 NEIL DUNN: If...if I may...?

342  
343 ROBERT BASKERVILLE: Yes.

344  
345 NEIL DUNN: So on this chart you're giving us...

346  
347 ROBERT BASKERVILLE: Yes...

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349 NEIL DUNN: In the...the commercial zone, what would the density be?

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351 ROBERT BASKERVILLE: I didn't bring the whole thing with me. It may not be allowed in commercial...

352  
353 NEIL DUNN: This chart has a 'P' for permitted for the use in a multi-family dwelling for elderly...the 'P' is there

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355 ROBERT BASKERVILLE: ...it does have a 'P'.

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357 NEIL DUNN: I presume...

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359 ROBERT BASKERVILLE: In...in general commercial, so it's even permitted in general commercial.



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NEIL DUNN: But do you know what that density would be?

ROBERT BASKERVILLE: Well there...the way their list is, it's multifamily for elderly other than RS. So every single district, other than single family, it's fourteen. So everywhere it's permitted, it's fourteen, with the exception of the single family. You understand what I'm saying?

NEIL DUNN: Yeah...yes...ok so...I don't mean to delay but before you go on, this is off a website, librarymunicode.com so this...this is the code or is this generic...

ROBERT BASKERVILLE: Nope this is there...I printed it out today, the bottom has today's date...this is the city of Concord official website, you go to their zoning page it lets you click on their zoning ordinance and you will get to this page...

NEIL DUNN: Ok I did see anything about the city of Concord I was...just see municode.com so I wasn't sure where this was coming from that's the only reason I was asking.

ROBERT BASKERVILLE: Yeah, that was today off of the city of Concord zoning website.

NEIL DUNN: Thank you,

ROBERT BASKERVILLE: With that...

PAT PANCIOCCO: Ok...

ROBERT BASKERVILLE: I'll go back...

PAT PANCIOCCO: Do you want me to continue, or does anyone else have questions?

JIM SMITH: Mmm...anyone have questions about what has been presented so far...

JIM TIRABASSI: How many parking spaces did he say there were?

PAT PANCIOCCO: On the site?

JIM TIRABASSI: On the site...yes.

ROBERT BASKERVILLE: Once hundred and seventy seven.

JIM TIRABASSI: A hundred and seventy seven...and how many...?

ROBERT BASKERVILLE: Proposed.

JIM TIRABASSI: How many two bedroom units are there...in total?

405 JOCELYN BOS: I don't want to give you the wrong information...  
406  
407 DAVID PAQUETTE: Fifty-three...plus twenty-four two bed two bath...is that...am I accurate?  
408  
409 JOCELYN BOS: You are accurate...thank you.  
410  
411 JIM TIRABASSI: So how many total was that for two bedrooms?  
412  
413 DAVID PAQUETTE: Seventy-seven.  
414  
415 JIM TIRABASSI: Seventy-seven...ok.  
416  
417 JOCELYN BOS: Yeah.  
418  
419 JIM TIRABASSI: Because I'm looking here and this is...my math skills aren't that good but it should be roughly  
420 over two hundred spaces because it says 1.25 parking spaces per bedroom.  
421  
422 JOCELYN BOS: Per unit...I believe.  
423  
424 JIM TIRABASSI: Per bedroom in each unit.  
425  
426 JOCELYN BOS: That's a Bob question.  
427  
428 ROBERT BASKERVILLE: If you continue I can look that up quickly...I have it down in the plan as per unit...and I  
429 don't know whether Richards has...  
430  
431 JIM SMITH: Do you want to jump in here Richard?  
432  
433 RICHARD CANUEL: Sure yeah...as the ordinance reads, it says parking will be provided at 1.2 spaces per  
434 bedroom in each unit. So it is a...it is a per bedroom count.  
435  
436 JOCELYN BOS: Oh...  
437  
438 [Long pause]  
439  
440 ROBERT BASKERVILLE: ...and how many two bedroom units did we say?  
441  
442 JOCELYN BOS: Ah, seventy-seven  
443  
444 ROBERT BASKERVILLE: You need one fifty-four plus...  
445  
446 JOCELYN BOS: Thirty-three.  
447  
448 ROBERT BASKERVILLE: Thirty three...  
449

450 PAT PANCIOCCO: If you have garages...  
451  
452 ROBERT BASKERVILLE: You would need on eighty seven, so we are fifteen short.  
453  
454 PAT PANCIOCCO: Do you have garage spaces?  
455  
456 JOCELYN BOS: That's included in the count.  
457  
458 PAT PANCIOCCO: Hmm.  
459  
460 ROBERT BASKERVILLE: That's including thirty garage spaces. The one seventy-seven includes the garage  
461 spaces.  
462  
463 [Long pause]  
464  
465 PAT PANCIOCCO: Is there anything else?  
466  
467 JIM SMITH: It would be interesting to see how they came up with that.  
468  
469 ROBERT BASKERVILLE: Two and a half cars per apartment seems a little steep for an over fifty-five unit...but  
470 that is what it says.  
471  
472 PAT PANCIOCCO: Well...  
473  
474 ROBERT BASKERVILLE: So we would either have to come back to you or make an adjustment.  
475  
476 PAT PANCIOCCO: Yup...well...  
477  
478 JIM SMITH: Ok...any other comments or questions...ok we got to go into the various cases at this point.  
479  
480 PAT PANCIOCCO: We can...I...I can start there or I don't know if you take questions who...who are here who  
481 have seen the plans, have questions too Jim.  
482  
483 JIM SMITH: Ok we can...ok...  
484  
485 JACKIE BERNARD: Mr. Chairman may I ask one question? What is the heating source for these units?  
486  
487 PAT PANCIOCCO: We are actually looking into whether or not natural gas can be brought to the site but so far  
488 we have not been able to reach the right people to make the decision and the engineer who has been  
489 handling the projects since the beginning had been out of town for a couple of weeks. He has a family  
490 wedding that he had to attend so...Bob's pinch hitting, but he is a little disadvantaged here  
491 tonight...[chuckling]...but...  
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493 JOCELYN BOS: But we also have in each apartment, individual...high energy units that for heat...run off  
494 gas...and then in the summer...there is an AC component click over and that is electric.

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JACKIE BERNARD: So it will be gas...it will be propane...

JOCELYN BOS: If we cannot...

JACKIE BERNARD: Presently...

JOCELYN BOS: ...cannot get a gas line over...

JACKIE BERNARD: Ok...and that will not be included?

JOCELYN BOS: Gas is not included...

JACKIE BERNARD: Ok...so no heat of any kind will be included in these units?

JOCELYN BOS: Not at this point.

JACKIE BERNARD: Ok.

JIM SMITH: Ok...I think what we are going to do is divide this in two...I will open it up to the audience to have comments about the initial presentation, than when we go through each of the cases...we will go through the normal procedure, presentation...than public support and opposition, questions and so forth...and we will go through those...the three cases that way...so at this point...anyone who has any questions or...I guess questions would be the most appropriate of the presentation...at this point if you want to approach a mic and make your comments or questions...this is the general procedure...yup ok.

JOSIE: Hi my name is Josie and I live at...5...5 Reed St. The...my property would be abutting to these new developments. Right now my water pressure is very low, so I was wondering...which direction that...there water lines would be coming in from...would they be coming in from Reed or from 102?

ROBERT BASKERVILLE: I know we have spoken to Pennichuck and we need to loop it around the building...so we will connect to the Reed Street water, while going around the building. Whether we actually connect in...Golen and goes all the way through...I think it does now already...so we would loop it so it shouldn't decrease your water pressure but it probably wouldn't increase it either.

JOSIE: I don't understand...like...loop it...I...I guess I don't understand that.

ROBERT BASKERVILLE: Right now the water lines go down Reed Street...go down to Golen and hook into Golen...

JOSIE: Ok...

ROBERT BASKERVILLE: ...we would connect through Golen...but than Pennichuck water also wants us to take a loop and go all the way around and connect here too...so we basically loop around the building and connect to both.

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JOSIE: Ok.

ROBERT BASKERVILLE: And that helps to keep your water pressure where it is because I don't know whether your water comes from one direction or the other, and you have multiple directions, you just get more reliable water service, so they are going to make sure we keep that connection.

JOSIE: One other question...I had was...I'm sorry I don't remember your name...

JOCELYN BOS: That's ok.

JOSIE: She stated that...that...the land was not suitable for more duplexes and I was wondering what you based that off of...

JOCELYN BOS: Oh...that was you...

PAT PANCIOTTO: Its proximity to Route 102...

JOSI: But it is not abutting 102?

PAT PANCIOTTO: It is very close to 102 and...similar to what Bob was explaining about the layers of density...the closer you get to 102 it is less likely to appeal to people for residential housing, simply because of the buzz of the traffic...it because...they don't want their children close to...the state highway...

JOSIE: It's all duplexes there now...

PAT PANCIOTTO: I'm talking about up close to 102...it...if...

JOSIE: It's on the same side...

PAT PANCIOTTO: It...

JIM SMITH: Ok...now we are getting into a conversation back and forth...do you have a specific comment or question about the presentation...that is what we are looking for at this point...

JOSIE: Well I was just wondering where she based...what she based that off of.

JIM SMITH: Ok...anybody else in the audience have any other...I mean you will be given an opportunity to make questions about the specific variances are they are asking about...in those cases...so what we are looking for right now is comments about the general presentation.

BRENDA KISS: Well my concerns was...property value...I mean out of all of us who own homes...houses in that are...isn't that going to kill...our property values...the...the traffic...

NEIL DUNN: Your...your name and your address please...

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BRENDA KISS: My name is Brenda Kiss and I live at 9B Button Drive...and the traffic, I mean that...to me...that just seems like it is going to kill our property values...

JIM SMITH: I would suggest to you at some point we are going to ask them to give us a financial break down on how this impacts the entire...project...so I think that question will be answered later but not at this point...

BRENDA KISS: Ok...

JIM SMITH: But it will be answered...fully addressed...

NEIL DUNN: It is one of the five points of law that they have to address how it affects the surrounding property values...so when they get more to the specifics...

BRENDA KISS: Yeah well I was just thinking...you know I mean...it's going to be adjacent to 102 but...the...there has got to be entrances on the other side which is going to be all on our streets.

JIM SMITH: Ok...I think what you are getting into it more specific to certain variances...so...you will be given an opportunity later to ask any addition questions...ok...I think...

DOREEN FUGERE: Can I just ask a question?...

JIM SMITH: If it is in the general thing...

DOREEN FUGERE: I live at 9 Button Drive, my name is Doreen Fugere...and the parking spaced that were brought up I'm assuming are for tenants, but is there addition parking spots for visitors?

JOCELYN BOS: Typically...

JIM SMITH: A...

JOCELYN BOS: I'm...

JIM SMITH: Again, I think what you...you know...when we have an audience of...an audience that addresses parking, that is part of what is considered...

DOREEN FUGERE: Ok...so...and one more questions...it there going to be additional entrances into that complex or is it...going to be one...? Right now I think you have it in the neighborhood Meadow Drive...

ROBERT BASKERVILLE: Our main connection comes in off of Golen Drive right here...but we will also connect in through Reed Street...there won't be any connection on Button, you will have to come out of Golen...

DOREEN FUGERE: But it all goes in through Meadow Drive...correct...where you turn off from 102...

[Shuffling of papers]

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ROBERT BASKERVILLE:...it is...it's Button Drive that goes down...oh does that connect into Meadow?

DOREEN FUGERE: Meadow Drive is you...Meadow Drive is the entrance...is that the only entrance into that complex?

ROBERT BASKERVILLE: Is...that will be one of the main entrances...one thing that the town will make us do as part of the Planning process...they have never liked that connection of Meadow Drive to 102, that sharp angle...they will make us do a traffic study...and along with whoever develops the front parcel, and there is another parcel on the other side of Button, I am sure they are going to oppose modifications to that entrance...but obviously you could go out...over towards the...the corner there and out through Meadow but...I don't know the side streets...

DOREEN FUGERE: That...that is usually the only way...

ROBERT BASKERVILLE: That may be a disadvantage...

DOREEN FUGERE: That's the only way in and right now it is difficult getting in there...without...

ROBERT BASKERVILLE: That's just the...they certainly know about the condition of Meadow Drive and it is something that we will have to address when we get to the Planning Board.

JIM SMITH: Ok...and again what we are crossing into...is questions that the Planning Board would be looking at versus what we are looking at.

DOREEN FUGERE: This is just a concern...

JIM SMITH: Ok...

MIKE SPELTZ: Mr. Chairman...Mike Speltz, 18 Sugar Plum Lane...two questions on the slides that showed the list of existing properties that the developer is operating on...in the rest of the country...it looked to me, I don't know the geography of all of those suburban urban areas but it looked to me like...like the vast majority of the other developments are in urban areas...is...is that true or not?

JOCELYN BOS: No...Auburn, New York is a suburb, very similar to Londonderry, but not as wealthy...to Syracuse it's a...a middle income group...Paint Post...it's also listed here as Colonial Square and Painted Post, it is a suburban area that is...outside of Corning, New York...southern are...Eagle Crest is in...Orchard Park is in upscale...in...area that is not in the city and Buffalo...Forest View in Buffalo and Woodlands in Buffalo are actually on the outskirts, they are not actually in the municipality themselves. The ones that is...are...are the ones in Omaha, Nebraska, Levista and Alcorn...those are actually...in...Independence, Missouri, which should be Missouri, not MA like I mentioned...is...upscale on the outskirts of Kansas City, Missouri and then Independence Missouri...as you are heading southeast of the city. And Kansas City, Missouri, there is one...this property is actually up north near the airport, almost to Liberty, Missouri...so it's on the outskirts...

MIKE SPELTZ: And what city would you consider Londonderry to be on the outskirts of...

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JOCELYN BOS: Similar to any of these?

MIKE SPELTZ: No...what...what city...Manchester, Boston? I assume those are the two choices. Nashua maybe...

JOCELYN BOS: Well actually we didn't even include those in our market study...but I would say that Londonderry itself is an upscale community that is not part of the Manchester city itself.

MIKE SPELTZ: Right...my point Mr. Chairman when I ask these questions is...that...I don't think we compare that well...although they may rely on site of the municipal boundary of some of these larger cities. Londonderry is a...is a good way out from a large city and as you just heard...the marketing study done didn't even look at cities so I don't think it is going to be valid to compare this project to the other ones that are...around the country. A second question and final one right now is what is the current occupancy rate of the properties that have been fully developed?

JOCELYN BOS: After we stabilize...after two and a half years our occupancy rate is ninety-five percent.

MIKE SPELTZ: Thank you.

JOCELYN BOS: Mhmm.

JIM SMITH: Ok...with that we will go to the cases...

PAT PANCIOCCO: Ok.

JIM SMITH: Which case do you want to go first?

PAT PANCIOCCO: I...I would like to deal with case six first.

DAVID PAQUETTE: Do you want me to reread the case...

PAT PANCIOCCO: The last one...

DAVID PAQUETTE: ...each time?

JIM SMITH: Why don't we read case six so you all know what we are talking about.

DAVID PAQUETTE: Case 3/19/2014-6...Team Business Development Corporation requests a variance to allow and elderly housing development with separation between buildings of twenty feet, where sixty feet is required by section 2....excuse me...3.6.4.2 and to allow and elderly housing development with a mix of one bedroom and two bedroom units where the standards two bedroom unit is required by section 3.6.4.7.1 at 5 Button Drive, 4, 6, 8, 12 Golen Drive and 1 and 3 Reed Street. Tax Map 7, 132-8, 9, 13, 14, 18, 19 and 20. Commercial-I zone and within the Route 102 Performance Overlay District.



720 PAT PANCIOTTO: Ok...

721

722 JIM SMITH: I'm having a hard time with this computer...

723

724 NEIL DUNN: Here...

725

726 JIM SMITH: I am going to switch computers and try to see if this one will work...

727

728

729 PAT PANCIOTTO: Ok...

730

731 JIM SMITH: Go ahead...I will try to get this thing working here...

732

733 PAT PANCIOTTO: Ok...before I get into the actual test, I wanted to...give you a little bit of information about

734 the ordinance. When this case first came to me...I...examined the ordinance and read through the commercial

735 zoning which the property is located...looked at the performance overlay provisions and then when into the

736 elderly housing ordinance...in...in the Londonderry Zoning Ordinance because that at the end of the day

737 controls the dimensions and the density that is allowed. So with Richards help, he's the keeper of the

738 ordinances, I was able to get copies of the old ordinance because it couldn't imagine where it came from.

739 It...It's very difficult to trace back. Nonetheless...it was adopted in 1990. That was twenty-four years ago...at

740 that time when it was adopted...there was very, very few sites in the town of Londonderry that had Town

741 water and Town sewer...and I think that's important and the reason I think it's important for us to remember

742 that is...this area when these lots were subdivided and when the adjacent areas were developed, there was no

743 water or sewer available in this area...at all...it's only recently that the interceptor on the southern side of 102

744 has been connected, brought up to Woodland Estates there where the condominiums are and it is now closer

745 to this site...so...that is an important thing to remember because when this ordinance was adopted, it is pretty

746 clear when you read the language or the ordinance in its numerous conflicting provisions, that...the design

747 was...built...to accommodate septic systems and wells. So...I wanted to put that out there because...the elderly

748 housing ordinance as it reads today, has some...it appears to have discouraged elderly housing in this type of

749 configuration...because the restrictions are quite burdensome. And they actually run counter to the expressed

750 content of the ordinance itself. And for the record I would like to read that to you. It says, quote "the elderly

751 housing and elderly affordable housing standards are designed to permit an increased residential density

752 above that allowed in the agricultural district and our three districts which is where multifamily is allowed and

753 to set criteria that ashore that a project for the elderly will address the needs of the elderly as opposed to any

754 other residential use."...I have read that over and over as I kind of tried to reconcile different provisions in the

755 ordinance. When I looked at the ordinance for elderly housing and contrasted it with the multifamily

756 ordinance...I found quite a difference. For instance...and I think these are important...because generic

757 multifamily housing...is actually easier to do. Section 3.6.4.8.1 requires an elderly project; one of our variance

758 requests to dedicate seventy percent of the parcel is open space. Seventy percent...forty feet within the first

759 setback area in addition to that in the setback areas between the building...cannot be counted as part of that

760 seventy percent. So at the end of the day it's more than seventy percent. So...half...at least half...or thirty-five

761 percent of the tract must be useable land. That is a lot of land when you are talking about land that now has

762 water and sewer. And...whether the elderly use the open space...I am not sure they benefit quite as much

763 from it as the younger crew that tends to go out and hike and bike and do more of those things than the

764 elderly population. But...when I looked at the same type of thing in the multifamily ordinance that requires

765 only forty percent of the tract. Plus, a fifteen foot wide band around the perimeter of each building. Only  
766 twenty-five percent of the open space has to be useable land and when they talk about useable land they  
767 mean not wetland, not steep slope or not water like a little pond. Just to give that a little definition. So...as far  
768 as open space the elderly ordinance is more restrictive, substantially. Another section that I looked at, the  
769 multifamily ordinance allows increased density expressly when water and sewer are available. It relies upon  
770 the towns soil based lot sizing to determine the allowable units. In addition...it allows a reduction in the  
771 required lot size so a boost in the density for two and three bedroom units. The elderly housing ordinance is  
772 silent regarding any increase density when water and sewer are available. It says absolutely nothing. When  
773 there is septic, any other use allowed by the zoning ordinance, the applicant only in an elderly housing  
774 ordinance...subdivision...or project, must dedicate a specific area of the parcel by deed in perpetuity, as a set  
775 aside for the septic system. And it then allows only eighty percent of that area to be used as a quote on quote  
776 'safety factor'. No other use in your ordinance requires that. Now that dates back to when the chairman was  
777 the Building Inspector...I mean back to some of the original ordinances. All the other ordinances have moved  
778 along somewhat, that one has not. Multifamily allows buildings up to fifty feet high. Elderly housing ordinance  
779 is thirty feet...thirty-five feet. Multifamily ordinance allows buildings to be thirty feet apart. Twenty feet apart  
780 for duplexes and single families, but elderly housing has to be sixty feet apart...[pause]...but for a few of the  
781 challenges of working with this...this is why there are so many requested variances...and that was why I went  
782 into this. I think the ordinance was drafted a very long time ago and it hasn't come forward and evolved as the  
783 two has evolved and it does explain why we are asking for so much relief because otherwise, this project fully  
784 complies with all the visual barriers and buffers required by your ordinance as well as all of the other setbacks.  
785 I think that is important to put it in context as to why we are asking for all of these things and why they seem  
786 to be such a...a great deal what we are asking for. Now with that said I...I would like to go through the test on  
787 the sixty...

788  
789 NEIL DUNN: If I may...

790  
791 PAT PANCIOCCO: Excuse me...

792  
793 NEIL DUNN: Jim, if I may ask a question of Richard...Richard it says the elderly housing section was  
794 amended...do you know when that was...last amended?

795  
796 RICHARD CANUEL: Oh...that's...

797  
798 NEIL DUNN: Only because that is such a big part of your presentation I want to get a better perspective...

799  
800 PAT PANCIOCCO: I can tell you...

801  
802 RICHARD CANUEL: I can't tell you off the top of my head but...if you give me a moment I can get that for you...

803  
804 NEIL DUNN: Ok...thank you.

805  
806 PAT PANCIOCCO: I can fill you in on the amendments and Richard can check and I can give you a little...I went  
807 through it all the way from 1994. In 1990 it was adopted...and in 19...when it was adopted you had...you were  
808 restricted to one bedroom units only. In 1997 that was changed. Two bedrooms only...in 2006, and I...I still  
809 don't know why because I couldn't find any rationale for this...previously elevators were required in all of the

810 elderly housing buildings...they were illuminated in 2006 and the only explanation I could find is that there are  
811 other ways to get the elderly to the upper floors. I don't know what those are...do you? [Laughter]...I  
812 mean...well there is a lot of people who...

813  
814 JOCELYN BOS: Mhmm...

815  
816 PAT PANCIOTTO: ...that's a real problem.

817  
818 JOCELYN BOS: Right...

819  
820 PAT PANCIOTTO: Ok...in 2010 the affordable elderly housing provisions did provide that you could have a mix  
821 of one bedroom and two bedroom units. Other than that I don't know that there's a whole lot...there was one  
822 other year I think it was in 1994 or 1995 Richard where they had...the deed restriction as far as the age  
823 restrictions. I think that was in your book.

824  
825 NEIL DUNN: Ok...thank you.

826  
827 RICHARD CANUEL: And...and...

828  
829 NEIL DUNN: That's a great perspective.

830  
831 RICHARD CANUEL: And 2010 was our last amendment to that section.

832  
833 PAT PANCIOTTO: Mhm...and at that point I think they went to twenty units...by conditional use permit...or  
834 something like that...similar to the multifamily. Ok...so...we are asking for relief from the sixty-foot building to  
835 building separation...that is found in section 3.6.4.2 of the ordinance. We...we are proposing that between two  
836 for the buildings there will be a twenty-six foot separation and a thirty foot wide separation between the  
837 other two building and we do not feel that is contract to the public interest. To be contract to the public  
838 interest, the relief has to defeat the public purpose served by the restriction. Section 3.6.4.2 does not really  
839 provide any incite as to the purpose of the restriction. Although the stated objection of the ordinance is to  
840 serve elderly residence. A sixty foot long connecting hallway between the buildings, because Calamar's project  
841 does contemplate covered walkways between the buildings so that residence can reach community spaces  
842 without having to go outdoors...it is not practical for the project, especially when this type of arrangement  
843 that Calamar is proposing, is expressly allowed in the multifamily district and it is...The two part test that we  
844 need to require is...will granting the requested relief all to the essential character to the area and with the  
845 focus on a sixty foot long tunnel between the buildings, we are proposing three, three story buildings, each  
846 has its own elevator, the buildings are served by municipal water and sewer and the location is unique, close  
847 to shopping, restaurants and healthcare...the project will include indoor and outdoor community spaced,  
848 accessible through those covered walkways between the building without any need of people to go outdoors  
849 to reach those spaces. The project will act as a comfortable transition and buffer the more intense uses along  
850 route 102 from existing residences to the southeast in the...where the duplexes are located. And for that  
851 reason we don't feel that allowing a shorter breezeway or covered hallway between the buildings, twenty-six  
852 to thirty feet as shown on the plan, would alter the character of the area.

854 JIM SMITH: I would like to ask a question...when you look at this plan, you have building A, B, C and D. Building  
855 B...what is that...the function of that?  
856  
857 ROBERT BASKERVILLE: That is the original plan we turned in...I...I am not sure whether...George was in charge  
858 of that.  
859  
860 PAT PANCIOCCO: And then there is a replacement plan that doesn't show that small building.  
861  
862 ROBERT BASKERVILLE: I probably have...  
863  
864 PAT PANCIOCCO: Those were delivered...I don't know if you have the right plan.  
865  
866 JIM SMITH: I don't seem to have it.  
867  
868 ROBERT BASKERVILLE: Let me get up and speak to that for a moment.  
869  
870 PAT PANCIOCCO: I know we brought them...down...  
871  
872 JOCELYN BOS: I can tell you what it used to be...  
873  
874 ROBERT BASKERVILLE: I have...  
875  
876 JOCELYN BOS: [Laughter] Now it's incorporated into the middle building...it was the community space.  
877  
878 PAT PANCIOCCO: Yeah...  
879  
880 JIM SMITH: Ok...I...I was just trying to clarify this.  
881  
882 JOCELYN BOS: Right.  
883  
884 PAT PANCIOCCO: Right...I am glad you asked...now we know.  
885  
886 [Laughter]  
887  
888 ROBERT BASKERVILLE: I can give you this one...it was a separate community building. The only community  
889 building...you didn't have units in between these two...  
890  
891 JIM SMITH: Right...yeah.  
892  
893 ROBERT BASKERVILLE: This is actually the...just to talk about how much the architect has looked at trying to  
894 get it to fit your requirements. When you look at general commercial requirements, overlay, elderly housing  
895 requirements and then we also have to look at your site plan requirements. This is the fourteenth set by the  
896 architect...not including what we have done...it is...it is really taking a close look at this...to...  
897  
898 JIM SMITH: So we are one...

899  
900 ROBERT BASKERVILLE: ...get the best layout.

901  
902 JIM SMITH: We are a couple behind on this plan.

903  
904 PAT PANCIOCCO: Maybe one...

905  
906 JIM SMITH: Ok...ok, continue...

907  
908 PAT PANCIOCCO: Ok...the second point to be satisfied is...whether or not granting the relief would be contract  
909 to the public health, safety and welfare. As stated above, the purpose of the sixty foot long separation is not  
910 completely clear, nor is the public...purpose that it serves unless you are talking about septic systems and  
911 wells perhaps and even than I am not sure. If the arrangement being proposed is permitted for multifamily,  
912 shouldn't it also be available to a multifamily that is age restricted. Where it is...benefits are actually more  
913 apparent and serve the residence even more. Easy transition to and from community spaces encourage  
914 socialization, create community and prevents isolation...and should be encouraged. For that reason we don't  
915 feel as though shortening those transitional spaces that run between the buildings down to a number lower  
916 than sixty, where we have got twenty six feet and thirty and I am not sure the exact length of them but the  
917 closes points were twenty six and thirty, would be contract to the public interest. The spirit of the ordinance  
918 would be observed by granting this request...the same factors considered with not contrary to the public  
919 interest; also supports spirit of the ordinance...the stated objective of the elderly housing ordinance is to serve  
920 elderly residence. In an enclosed transition between the buildings, is only consistent with that purpose.  
921 Shortening the area causes less impact t the land, allows the project to be more efficiently spaced, aids  
922 community and socialization and supports this specialized type of housing. All consistent with serving the  
923 elderly residence in the manner in which is best for them. Substantial justice would be done by allowing  
924 twenty-six foot, and thirty foot long internal corridors between the buildings. Substantial justice requires the  
925 applicants loss due to the strict application of the restriction, be less than the public gain. Requiring the  
926 applicant to contract a sixty foot...foot long enclosed hallway...with...I am not sure any public purpose, would  
927 not be substantial just. With no clear benefit to the future residence, the applicants or the public, it appears to  
928 be wasteful...a waste a resources and would unnecessarily and without any benefit, increase the cost of the  
929 project, therefore granting this relief would be substantially just...[clearing of throat]...the values of the  
930 surrounding properties would not be diminished by allowing these shorter hallways. The subject property is  
931 zone C1...senior housing is expressly permitted. It abuts vacant land, also zone C1...and agricultural one  
932 property where there is one hundred and ninety-five unit condominium complex to the northeast and  
933 duplexes to the south. Likewise the AR1 zone also permits senior housing. In fact the structures in Woodland  
934 Village appear to touch each other and I believe that is shows right on Bobs plan, right here on the left-hand  
935 side. There is really no hallway there and the little corners, if they're not touching, they are inches  
936 apart...[Pause]...they have been there since at least the seventies. They are surly less than sixty feet apart and  
937 they have not diminished the value of abutting properties. In fact, the senior rental community when none  
938 exist in Londonderry, would be a tremendous benefit to the town as well as the senior residents and studies  
939 from the urban land institute, done with the American Association of architects, done in 205, actually found  
940 that high density housing, especially senior housing, enhances values in the area. Literal enforcement of the  
941 provisions of the ordinance requiring a sixty foot hallway or separation would result in an unnecessary  
942 hardship. The fact is bearing on whether an unnecessary hardship is imposed by a restriction require the  
943 Board to consider when the restriction is applied, does it interfere with the applicants reasonable use. While

944 the...a...permitted use, which senior housing it, it is presumed to be reasonable if the ordinance allows it.  
945 What the applicant is proposing, built separate buildings connected by an enclosed hallway for reasons  
946 previously stated to benefit the residence and to keep them safe. We don't feel a sixty foot long hallway is  
947 practical nor is that reasonable in this context. One other factor to consider is whether it interferes with the  
948 applicant or the owner's ability to receive a reasonable rate of return on its investment. The restriction  
949 interferes with the applicants proposed use because it wastes valuable resources and provides no benefit or  
950 no added benefit. Is the property unique in its surroundings, in which case the restriction impacts the property  
951 differently and how does it do so. The lots that we are talking about here are forty-three years sitting as they  
952 are today. They are very different than the abutting properties because all of those properties were developed  
953 a long time ago...under...less restrictive regulations, with septic's and wells...and when sewer wasn't available  
954 in the area. Things have changed over those forty-three years. The town has grown its use of land has  
955 evolved...route 102 at that time probably only had one traffic light. I know when I moved here...moved to  
956 Londonderry in 1984 there was one traffic light in front of Shaw's. There is a whole lot more now. So...I do  
957 believe it is unique because this property is zone commercial and it has been sitting there and nobody seems  
958 to know what to do with it and it is just an optimum site for senior housing to be located...because it is so  
959 close to conveniences. Whether the general area will be detrimentally impacted is the last point to consider.  
960 In fact the structures at Woodland...village are very close...they have been there for a long time and they have  
961 not diminished property values. And...the spacing between them is little or nothing. This restriction is  
962 unreasonable for senior housing, is an unnecessary hardship and we are requesting the Board allow  
963 us...the...relief so that we can put shorter hallways between the buildings because they are more  
964 efficient...and having them be longer really serves no purpose. So that is that one...

965  
966 NEIL DUNN: Jim, if I may...?

967  
968 JIM SMITH: Sure...

969  
970 NEIL DUNN: A...you...speaking to point five you seem to have A and B here in this middle...?

971  
972 PAT PANCIOCCO: Mhmm.

973  
974 NEIL DUNN: And then you went into something that I am not seeing written here...

975  
976 PAT PANCIOCCO I paraphrased...

977  
978 NEIL DUNN: OK...than there's a lot more to these cases...

979  
980 JIM SMITH: Yeah, but they have a second set of...of...

981  
982 PAT PANCIOCCO: It was...it was two requests with each application.

983  
984 KIRBY WADE: That's why you have two sheets in your packet.

985  
986 JIM SMITH: But looking at it...is...they're giving the five points on each point of each of the two parts. So now  
987 you go to the two bedroom part...

989 PAT PANCIOCCO: Mhmm.  
990  
991 JIM SMITH: Ok...  
992  
993 PAT PANCIOCCO: Ok,  
994  
995 JIM SMITH: In some...some of these are going to be some repetition I would think...  
996  
997 PAT PANCIOCCO: Yes and on the next one I am going to request that I be allowed to combine them because  
998 they both deal with density...  
999  
000 JIM SMITH: Ok,  
001  
002 PAT PANCIOCCO: I'm trying to combine them and distill them as much as I can...[laughter]...yes there is  
003 hope...ok...the two bedroom requirement in section 3.6.3.7.1 the applicant is proposing a mix of one bedroom  
004 and two bedroom units, rather than all two bedroom units. An elderly rental housing development with a mix  
005 of one and two bedrooms would not be contrary to the public interest. Again, the public interest served by the  
006 restriction is unclear....the...  
007  
008 JIM SMITH: I'm going to stop you just...just for a question. Richard, in the parking standard, the parking  
009 standard related to the two bedrooms?  
010  
011 RICHARD CANUEL: Well the parking standards based on the number of bedrooms per unit...  
012  
013 JIM SMITH: Per unit...ok.  
014  
015 RICHARD CANUEL: So if you have one...requirement of 1.2 parking spaces for a one bedroom unit, than it  
016 would be 1.0 parking space for...  
017  
018 JIM SMITH: Ok...  
019  
020 RICHARD CANUEL: ...each bedroom in the two bedroom unit.  
021  
022 JIM SMITH: Ok, I just wanted to make sure we didn't get into another problem. Ok, go ahead.  
023  
024 PAT PANCIOCCO: But that is interesting because it suggests it can be other than two bedrooms...ok the public  
025 interest services is unclear. The restriction dates back to 1997, which amended the 1990 ordinance. It went up  
026 until 1997, it was required that all bedrooms be...all units have one bedroom, which was a little unusual. A  
027 2010 amendment to the affordable elderly housing ordinance allowed for a mix in the affordable context. So  
028 the question is...would grant this relief, alter the essential character of the area. The use of the property for an  
029 elderly housing project is expressly permitted and the internal way out of the buildings will not be apparent  
030 from the exterior. Not allowing a...a mix of one and two bedrooms would reduce the affordability...cause rents  
031 to be that much higher and exclude a segment of the population that does not require two bedrooms...which  
032 includes widows and widowers. For that reason though because it is not apparent from the exterior of the  
033 building, how many buildings are inside the units, how could it alter the character of the area. Granting this

034 request is not contract to the public health, safety or welfare. The number of bedrooms within a particular  
035 unit has no impact on the public. It's the inside of one's abode which is private to the person who occupies.  
036 Denying this request could also be construed as unnecessarily...exclusionary and I don't think that is the intent  
037 of the ordinance. I think it actually runs counter to that. The spirit of the ordinance is observed by granting the  
038 requested relief. The stated objective of the ordinance is to provide housing to accommodate the unique  
039 needs of seniors. It's a fact of life that when you have an older couple at some point in time there may only be  
040 one of them. Market research done by Calamar confirms that there is a substantial demand for one bedroom  
041 units because they are more affordable. In light of that demand, in the obligations of the town zoning, and the  
042 elderly housing objectives, the town should make a provision to accommodate all senior residents regardless  
043 of their number, or need to bedrooms...which is consistent with the spirit of the ordinance. Allowing a mix of  
044 one and two bedrooms is substantially just. The applicant's loss must be less than the public's gain and I am  
045 not sure what the public gain would be by restricting these units to just two bedrooms. Allowing a mix allows  
046 more people to be reached...increases affordability and regardless of size each unit...will be co-compliant and  
047 there are just some people who don't need that extra space. This strict application would do a substantial  
048 injustice to those who would prefer not to have two bedrooms. And for that reason we feel that it is  
049 substantially just to allow the mix to the public, the applicant and to hopefully future residents. The values of  
050 the surrounding properties would not be diminished...because you can't see it from the outside. This is  
051 permitted housing and why two bedroom is permitted expressly by the ordinance and one bedroom is not is  
052 unclear. Because you cannot see it from the outside and because all the buffer requirements have been met  
053 it's hard to understand how that could detrimentally impact the values of surrounding properties. Literal  
054 enforcement of the provisions of the ordinance is an unnecessary hardship. Factors bearing on that include,  
055 whether this restriction interferes with the reasonable use. One bedroom is a reasonable use. It does interfere  
056 with that. In requiring all two bedrooms will only increase costs and increase rents and...and I am not sure how  
057 that is a gain to the public. It also interferes with the applicants ability to receive a reasonable return on...it's  
058 investment...and that largely goes to the financing of this project, the equity requirements and all the  
059 complexities that go along with that...which we can...go into in a little more depth when we get to the density  
060 provisions. So the restriction does interfere with the viability of the project and its ability to move forward. Is  
061 the property unique in its surroundings, we discussed that with the last...request. It is a unique property...it  
062 now had...has sewer and water available when it didn't before. All of the surrounding properties didn't have it  
063 before and because of its unique location, we are looking to take advantage of that for the benefit of this  
064 population. Will the general area be detrimentally impacted, we don't think so. A neat and efficient senior  
065 housing community when there is a clear demonstrated need, documented in all kinds of government  
066 publications, your own Mast Plan and in...in...every way you go I mean the Planning Department is confirmed  
067 the underserved nature and that only five percent of housing is age restricted when you have a twenty two  
068 percent over fifty five population, how could that detrimentally impact this area. A mix serves...a broader  
069 range of income levels and will reach the most people. And for that reason we feel the two bedroom only  
070 requirement is a substantial hardship...

071  
072 DAVID PAQUETTE: Did...

073  
074 PAT PANCIOTTO: Thank you.

075  
076 DAVID PAQUETTE: Did you have a...data...I know you had pricing up there for your one and two bedroom  
077 units, the one bedroom unit going to fourteen hundred dollars a month and the two bedroom unit I want to  
078 say sixteen-fifty.



079  
080 PAT PANCIOCCO: We have some estimated rents right now...I think...but they are preliminary because we still  
081 don't know all the costs. I think Jocelyn can fill you in on those...  
082  
083 DAVID PAQUETTE: Well you stated that your costs would increase exponentially...following the ordinance.  
084  
085 PAT PANCIOCCO: Oh I didn't say exponentially...  
086  
087 DAVID PAQUETTE: Following the ordinance...of two bedrooms only. So how much would the cost...?  
088  
089 JOCELYN BOS: Well, of course David, the...the two bedrooms that we have...the starting is fifteen hundred and  
090 those are our small ones, the nine-hundred and thirty five that have one bath. The largest go up to one-  
091 thousand and sixty square feet and those are the ones that...were...right now...anticipating the rents to be one  
092 thousand, six hundred and fifty. So that answers one of the questions...the other piece is if you can only have  
093 two bedrooms, we are going to significantly reduce the number of units we can actually put on this site and  
094 there are some costs in the site that regardless of whether I have thirty units or one hundred and ten units,  
095 are going to remain the same like running the sewer or doing the roadway, re...running the water etc. So...as it  
096 stands right now...we are anticipating about six point two percent return on investment...based upon the cost  
097 we currently have...and we don't even have all the costs...that I am aware of...yet...Did I answer it? Sort of...?  
098  
099 DAVID PAQUETTE: Kind of sort of, but...  
100  
101 JOCELYN BOS: Ok...[chuckling]...  
102  
103 DAVID PAQUETTE: Thank you.  
104  
105 JIM SMITH: A...Jim...?  
106  
107 JIM TIRABASSI: If you are going to have thirty three one bedrooms...  
108  
109 JOCELYN BOS: Mhmm  
110  
111 JIM TIRABASSI: ...how many units would you have to lose to make them twos?  
112  
113 JOCELYN BOS: I don't know...  
114  
115 JIM TIRABASSI: What is your configuration...?  
116  
117 JOCELYN BOS: ...because it's square footage...  
118  
119 JIM TIRABASSI: Right...right I know you have a square footage configuration...  
120  
121 JOCELYN BOS: Right...plus we have to meet the...density and setbacks and everything for the...I really don't  
122 know the answer to that question, Jim.  
123

124 JIM TIRABASSI: Ok.  
125  
126 JOCELYN BOS: I have to...have our architect run those measurements...but you're also illuminating...besides  
127 the one bedrooms, and I can get that answer for you...you are also illuminating a portion of the market as well,  
128 by illuminating those...fourteen hundred dollar entry level units.  
129  
130 JIM TIRABASSI: The description of the market was a high end market which really shouldn't be much of a  
131 financial thing...probably less than a five percent increase in rent.  
132  
133 JOCELYN BOS: No...no but you're still going to cut out some of the seniors that don't want two bedrooms and  
134 have no other options. I mean you will be affecting the market but I can find out...  
135  
136 JIM TIRABASSI: Right...  
137  
138 JOCELYN BOS: If we only went with two bedrooms...square footage wise...we right now have thirty percent  
139 one bedrooms...  
140  
141 JIM TIRABASSI: So you got to figure...  
142  
143 JOCELYN BOS: And I can probably do a pretty quick calculation here...  
144  
145 JIM TIRABASSI: So you would lose about seven or eight units.  
146  
147 JOCELYN BOS: Yup...[Pause]...because they are about six hundred and eighty five to about seven hundred and  
148 twenty five square foot for the one bedrooms, you're doing nine thirty five to one thousand and fifty so you  
149 are right...we would be losing...[clearing of throat]...probably six units. We would drop down more than that  
150 actually...I probably would say ten. We would drop down to one hundred or less...which is a...not out model...  
151  
152 JIM TIRABASSI: Right...  
153  
154 DAVID PAQUETTE: That doesn't seem...  
155  
156 JIM SMITH: That increases the...prorated cost per until of the overall...  
157  
158 JOCELYN BOS: Right...yeah.  
159  
160 JIM SMITH: So there's more than one factor...  
161  
162 JIM TIRABASSI: Oh yeah I know.  
163  
164 JIM SMITH: Ah...I am thinking about the logistics of this...  
165  
166 PAT PANCIOCCO: It is a lot to digest...  
167  
168 JIM SMITH: The time is now quarter to ten. We got two more cases to go...

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DAVID PAQUETTE: Can we plow through it? [Chuckling].

JIM SMITH: Ah...

NEIL DUNN: If I may, while you're thinking about that...if I may ask Richard a question and the applicant...? You...you are talking to 3.6.4.7.1 where the standard units are two bedrooms...and then in 3.6.4.7 we say there is basically two residents per unit, so they are not always being used as bedrooms. They are really probably a den or an office or something else.

JOCELYN BOS: Correct...

NEIL DUNN: So is...is calling it a two bedroom Richard...are...are we having issues here because...the ordinance says two residents per unit...?

RICHARD CANUEL: Right.

NEIL DUNN: So they can use it as an office or a bedroom...are we talking logistics here and because they are calling it a bedroom...I mean...it has a closet it's a bedroom so they can't have a den with a closet?...I...I don't know...help me to understand it...

RICHARD CANUEL: [Chuckling].

NEIL DUNN: ...because it is really limited by the number of people in the building anyways so if they wanted to have a grand room...

RICHARD CANUEL: Right.

NEIL DUNN: ...and everything else and these folks wanted to build it...

RICHARD CANUEL: Yeah...well the ordinance really says that no more than two people per unit...whether that's down in...single bedroom unit or a two bedroom unit. If we are looking at elderly housing by our ordinance, the standard unit is two bedrooms. A bedroom would be constituted by the minimum dimensions from the building code, not necessarily a closet. It would have to meet certain dimensional standards to be considered...a bedroom and would qualify as such...

NEIL DUNN: And then they fall into egress rules and everything else.

RICHARD CANUEL: Yes, absolutely...yup...so whether it's actually used as a bedroom by the occupants or not is irrelevant.

NEIL DUNN: And most of them probably won't be...it will be a nice office...or a den or whatever...

RICHARD CANUE: That's...that's probably true.

214 NEIL DUNN: Ok thank you...I didn't know if there...  
215  
216 [J. Bos and P. Panciocco figure the math out loud].  
217  
218 JIM SMITH: Kind of sounds to be like the ordinance needs to be...looked at...  
219  
220 RICHARD CANUEL: Well yeah I know and I think Attorney Panciocco made a good point to that respect. You  
221 know when this ordinance was first written...there were certain...you know parameters...that this was based  
222 on. It certainly needs to be written...rewritten now that we have redone our Master Plan and that is the next  
223 step in the process and I...I think we can foresee it as being a rewrite of this section of the ordinance  
224 so...because it just doesn't serve the needs of the elderly.  
225  
226 [Pause]  
227  
228 NEIL DUNN: Mr. Chairman if I may...? There was reference, I know earlier someone out in the audience talked  
229 about property values and you referenced a surveyor or something...  
230  
231 PAT PANCIOTTO: Yes...  
232  
233 NEIL DUNN: A general survey...are you going to provide that for us...?  
234  
235 PAT PANCIOTTO: I can get you that...yes...  
236  
237 NEIL DUNN: Ok, but we don't have that now...  
238  
239 PAT PANCIOTTO: No, it's actually quite lengthy and it's generic to high density housing...and I looked at it  
240 because the density seems to be the largest hurdle here...at least...on first look. But, I can surely get you that  
241 and I can send it to Jaye and she can send it over to you...it gives...it gave some very...  
242  
243 NEIL DUNN: I heard you say some elderly housing in particular was not impacted...  
244  
245 PAT PANCIOTTO: It's not just focused on that...it's talking...  
246  
247 NEIL DUNN: But I think that's what you said...  
248  
249 PAT PANCIOTTO: No...  
250  
251 NEIL DUNN: Ok...  
252  
253 PAT PANCIOTTO: It's the movement towards that and how it impacts values and it actually they care finding  
254 that the higher density housing is helping to attract the young people back...to fill the jobs to take care of us all  
255 when we are old...[chuckling]...so...I mean...  
256  
257 NEIL DUNN: But they can't live there...  
258

259 PAT PANCIOCCO: [Laughter]...I guess not, but...  
260  
261 JOCELYN BOS: They can move into the houses that are opening up...  
262  
263 PAT PANCIOCCO: There you go...  
264  
265 JIM SMITH: Ok...ok I think where my thinking is going...we are generating some questions which...  
266  
267 PAT PANCIOCCO: Mhmm.  
268  
269 JIM SMITH: I don't believe you are going to be able to answer tonight. I mean the question you just had you  
270 said you could get it to him.  
271  
272 PAT PANCIOCCO: I will get you that...  
273  
274 JIM SMITH: You...you said the same thing about figuring out the...the impact of going from one family...I mean  
275 one bedroom to two bedroom, so I think what I would like to do is plow through the points of law on the  
276 other two cases, than continue this...until the next meeting...get those answers because I think we might get  
277 some other questions, which need some research...when you go through those other points, and then when  
278 we come back we will look at those things and do the deliberation at that point.  
279  
280 PAT PANCIOCCO: Will the public hearing remain open?  
281  
282 JIM SMITH: Yes...  
283  
284 PAT PANCIOCCO: Ok so we can deliver...  
285  
286 JIM SMITH: Yeah...that's...that would be the point of it...  
287  
288 PAT PANCIOCCO: Ok.  
289  
290 JIM SMITH: Yeah.  
291  
292 PAT PANCIOCCO: Ok...does the rest of the Board agree with that?  
293  
294 NEIL DUNN: Absolutely.  
295  
296 JACKIE BERNARD: Yes...  
297  
298 DAVID PAQUETTE: Do we want to utilize the special night, first Thursday of the month?  
299  
300 JIM SMITH: We can try that...what...what's the date of that?  
301  
302 DAVID PAQUETTE: Is that the first? Just to help...  
303

304 JIM SMITH: Well...well I wanted to make sure...the time frame...  
305  
306 KIRBY WADE: It's the seventh. The first Wednesday is the seventh...  
307  
308 JIM SMITH: The seventh...would that be enough time...ok...when we do the continuation...  
309  
310 JOCELYN BOS: I can't...  
311  
312 PAT PANCIOCCO: I'm out of town though.  
313  
314 JOCELYN BOS: No, but Chris will be here...  
315  
316 PAT PANCIOCCO: Oh ok, May seventh?  
317  
318 JIM SMITH: May seventh, is the date...  
319  
320 KIRBY WADE: It's the first Wednesday...not Thursday right?  
321  
322 DAVID PAQUETTE: Right, it's the Wednesday.  
323  
324 KIRBY WADE: Ok.  
325  
326 JIM SMITH: Yeah it says on the thing...whose got it...  
327  
328 DAVID PAQUETTE: What are you looking for?  
329  
330 JIM SMITH: Ok...on the...list of...the variances and everything else, on top of that page they give you the date  
331 that we can...  
332  
333 KIRBY WADE: It says May first.  
334  
335 JIM SMITH: We reserve the right to...  
336  
337 DAVID PAQUETTE: So it's the first...  
338  
339 JIM SMITH: Ok...so we have confirmed the date...ok.  
340  
341 PAT PANCIOCCO: So...is it May first of May seventh?  
342  
343 KIRBY WADE: May first.  
344  
345 PAT PANCIOCCO: Ok.  
346  
347 NEIL DUNN: I will not be here...  
348

349 JOCELYN BOS: That's a Thursday...  
350  
351 JIM SMITH: What?  
352  
353 NEIL DUNN: My daughter is graduating in North Carolina...  
354  
355 JOCELYN BOS: That's a problem...  
356  
357 NEIL DUNN: I am just throwing that out there...  
358  
359 DAVID PAQUETTE: I think this date is just...incorrect...on...the...  
360  
361 NEIL DUNN: No, that is a Thursday and that's the first day of May...so it's the first Thursday in May  
362  
363 DAVID PAQUETTE: That's true it is right...yeah the...the additional one...is the first Thursday of the month.  
364  
365 JIM SMITH: Yeah.  
366  
367 PAT PANCIOCCO: So it is May first?  
368  
369 NEIL DUNN: Which one...  
370  
371 JIM SMITH: May first...you wouldn't be available. Ok the only complication would be down to four people.  
372  
373 PAT PANCIOCCO: I...I would really want a full Board, Jim.  
374  
375 JIM SMITH: Well than we would have to...  
376  
377 PAT PANCIOCCO: And...  
378  
379 JIM SMITH: Continue it to the next regularly scheduled meeting.  
380  
381 PAT PANCIOCCO: And...and...and quite honestly I do think continuity given the volume of information has  
382 some real value here...  
383  
384 JIM SMITH: Yeah...  
385  
386 PAT PANCIOCCO: If...if it's...we are able to accommodate that at all.  
387  
388 JIM SMITH: Mmm.  
389  
390 DAVID PAQUETTE: We do have a new member coming on as well.  
391  
392 KIRBY WADE: She will be approved on Monday so she will be able to participate in the next ZBA meeting.  
393

394 NEIL DUNN: The worst case it would go to the next regularly scheduled meeting if you are ok with that...  
395  
396 PAT PANCIOCCO: The twenty first of May?  
397  
398 JOCELYN BOS: Mhmm.  
399  
400 PAT PANCIOCCO: I have a Planning Board hearing that night...hmm...so you don't meet in between huh...  
401  
402 JIM SMITH: Part of it is availability of the rooms.  
403  
404 PAT PANCIOCCO: Oh...ok...we will go May first...  
405  
406 JOCELYN BOS: Fine.  
407  
408 PAT PANCIOCCO: Ok.  
409  
410 JIM SMITH: Ok...ok...well we then...  
411  
412 JOCELYN BOS: But they won't have a full Board...  
413  
414 PAT PANCIOCCO: They have another one coming on...  
415  
416 JOCELYN BOS: Ok...sorry.  
417  
418 PAT PANCIOCCO: Mmm...I hope...  
419  
420 JIM SMITH: Which...which or the two cases do you want to read...go through at this point.  
421  
422 PAT PANCIOCCO: Ok...how about we go through the density ones, the middle ones, the second, number five...  
423  
424 JIM SMITH: Ok...  
425  
426 [Pause]  
427  
428 PAT PANCIOCCO: Ok?  
429  
430 NEIL DUNN: Now wait a minute. Which one is this? They are not numbered on our...  
431  
432 PAT PANCIOCCO: Ok...so we have got section 3.6.4.7.1, 2which requires sixteen units per building and the  
433 other provision is 3.6.4.14 which limits the number of units per acre to six...the applicant is proposing three  
434 buildings, thirty two, thirty six and forty two dwelling units within each building. Section 3.6.4.7 only permits  
435 sixteen dwelling units...and the applicant is proposing a density of fifteen point eight units...dwelling units...per  
436 acre...when 3.6.4.14 only allows six per acre. Now, if you read those two sections together...you get six units  
437 per acre...sixteen per building. I am not sure how those two provisions can coexist...[chuckling]...unless you  
438 have a building over all three acres...because you can only have six units per acre. Though we exceed both of



439 them so...I have put these together if that...that is acceptable to the chairman and the Board...to save time  
440 because the argument is really the same. Request the density often raise concerns about traffic, crime,  
441 diminish property values and changes in the neighborhood character, research has shown that these beliefs  
442 have grown out of the failed public housing projects of the sixties and the seventies. That as discussed quite a  
443 bit in that study I am going to send you. Investigation into that has shown that poverty, poor education and  
444 unemployment are the real reason why those projects that were higher density projects and very urban areas  
445 failed. Well planned...in...in a good fit for a high density project prevents sprawl, the impacts on air and water  
446 quality, traffic congestion, loss of natural areas and elevates municipalities of burdensome utility and  
447 infrastructure cost. In this context they prevent crime because this is more eyes on the street and the  
448 buildings are secure. There is a greater sense of community. For the senior population...these social pluses are  
449 very much a benefit and because they discourage the isolation that is health detrimental for them.  
450 So...allowing an increase in the number of dwelling units per building and per acre when both municipal water  
451 and sewer are available, we don't feel is contrary to the public interest. When the ordinance was adopted, it  
452 had a six bedroom limitation...really...but there was no sewer available. In 1997, it was increased to six  
453 dwelling units per acre...when water and sewer was available. But there wasn't any available. In 2010, in...it's  
454 now available but it...the density has largely remained the same up until that point. You have sixteen units per  
455 building, it could be increased to twenty, but the dwelling unit per acre has not changed. When sewer and  
456 water are available there is no public interest protected by being this restrictive as to the density because of  
457 the pluses afforded by neat and efficient development practices. By way of comparison, the town of Derry  
458 approved a senior project in the mid...around 2005, 2006 over at Shoots Corner, over near the Parkland  
459 Hospital...twenty one units per acre. The town of Bedford, New Hampshire, allows twenty eight units per acre  
460 on a minimum of one acre when there is water and sewer available. In Manchester as Bob mentioned earlier,  
461 the range is between twelve and eighty dwelling units per acre, that's down in the Millyard. Depending on the  
462 zoning district when there is water and sewer. Granting this variance for the increased density from both of  
463 these restrictions...[clearing of throat]...would not alter the essential character of the area. Although the  
464 applicants or the amendments to the ordinance generically increase the permitted densities, the ordinance  
465 has remained the same since 1990 pretty much...despite public sewer now becoming available. More  
466 importantly the unique location of this property makes it optimum for this type of resident. Concerns about  
467 traffic are all but nonexistent because seniors make less vehicle trips per day. Concerns about crime are  
468 almost nonexistent because the building is secure. An elderly housing project with the proposed density will  
469 also be less intense than a large retail establishment with much more traffic and many more of the other uses  
470 that are permitted on this property. And in addition, this use will fill a current need of residents who are now  
471 here in the town, granting this request would not be contract to the public health, safety or welfare. While the  
472 proposed buildings have more dwelling units, they are three levels. The service by elevators, something that's  
473 also lacking in the town and not required by the elderly housing ordinance. Although costly elevators are  
474 essential to the senior population, but there must be enough dwelling units to support the cost of an elevator.  
475 The applicant is also providing buildings which connect without having to weather the elements for the  
476 benefit of the population. These are two examples of additional costs the benefit this population but they are  
477 not the only ones. There are many other costs associated, such as added accommodation for handicap  
478 situations, extra handrails, internal hallways and numerous other items that add cost to the property...and its  
479 construction. Despite the increase density, the applicant is still meeting at buffer requirements as well as the  
480 setback requirements and there is no evidence at all that allowing an increased number of units would impact  
481 the public's health, safety and welfare. It will help to support the cost associated with accommodating...the  
482 special need of the seniors and make the project feasible and financially buyable. The spirit of the ordinance is  
483 observed by granting the requested relief. As I explained earlier, the express purpose of the ordinance right at

484 the beginning of...of it in 3.6.1 increased residential density above that allowed in the agricultural in R3  
485 districts...to serve the elderly population. Granting the requested density would serve that elderly population,  
486 and therefore it is consistent with the spirit of the ordinance. Allowing the increased density would be  
487 substantially just because it allows...requires the applicant's loss to be outweighed by the public benefit.  
488 Without an increased density, the project cannot go forward because the numbers simply do not work. The  
489 applicant is proposing fifteen point eight dwelling units per acre within the three buildings which have thirty  
490 two, thirty six and forty two dwelling units each on lots that primarily face New Hampshire route 102 that  
491 have been vacant for forty two years. Property is less than a mile from the grocery store within walking  
492 distance of two full service pharmacies and Dunkin Donuts, and several restaurants and medical care. The  
493 convenience and the availability of water and sewer add value to the land, but that comes with a price. As do  
494 the elevators, barrier free appliances, community spaces, handicap accommodations and other safety  
495 features. There have been numerous ideas explored for these lots over the years, but none have been able to  
496 move forward for one reason or another. This is simply a good fit. Denying relief from the strict density  
497 limitation would be substantially just...and...allow the project to move forward. It also provided a much  
498 needed service to existing residence. The values of the surrounding properties would not be diminished.  
499 Property is zone C-I...the abutting properties are agricultural, both permit elderly housing. Uses within the  
500 same zoning district are presumed to be compatible and not diminish each other. Literal enforcement of the  
501 provisions of the ordinance would result in an unnecessary hardship. The factors bearing on this...are the  
502 limited density and the...the unnecessary hardship and require consideration of...whether the restriction as  
503 applied, interferes with the applicants reasonable use without increased density, it more certainly does. The  
504 project cannot move forward and is expressly permitted. Can you open my PowerPoint...for me...

505  
506 ROBERT BASKERVILLE: I think so yes...

507  
508 PAT PANCIOCCO: And put up those density calculations and...we can send those over too...

509  
510 ROBERT BASKERVILLE: Which one would you like?

511  
512 PAT PANCIOCCO: Well...either one...and they can look at...we can print them off and I can get them to Jaye.

513  
514 ROBERT BASKERVILLE: Ok

515  
516 PAT PANCIOCCO: And then we can answer questions later I guess...or whether or not the density interferes  
517 with the applicant or the owner's ability to receive a reasonable rate of return on the investment they're  
518 making. The density economic analysis that are up on the screen there...there's one...that considers the rents,  
519 there's another that considers the cost of the development. They illustrated the permitted density and  
520 contrast it with what we are requesting. If you look at this first one you will see that under the current terms  
521 of the ordinance, with the densities that are allowed...it's...it's about forty units I believe...there is a three  
522 point three percent return which is not financeable at all...no bank will look at that. The density that we are  
523 requesting lists and just gives you what we have presently for estimated costs. There is a six point two rate of  
524 return, based upon what we are asking and if I understand correctly...this Board has looked at other projects  
525 and has found a six and a half percent rate of return to be within the realm of reasonableness. I am thinking  
526 that we are probably right about there. Now the other one...the number two shows the rents. And...it  
527 calculates out the taxes...and you look at the total cost of building the units in each column, once again it is  
528 permitted verse requested...but forty seven I guess is what's allowed in...under that...ok...you can't afford to

529 building it...[chuckling]...it just makes nonsense. You would be losing money...so...you know before we  
530 reconvene; perhaps you could look at those a little more closely if you have questions...

531  
532 NEIL DUNN: We don't have those either...

533  
534 PAT PANCIOCCO: I'm going to get you those...

535  
536 NEIL DUNN: Ok...and the other thing while you are at it if you could get us what you are reading because you  
537 are not matching what is on the application at all...

538  
539 PAT PANCIOCCO: No, I am not reading the application...

540  
541 NEIL DUNN: I know but for us reviewing it...it's hard to go back and try to comprehend...and give you credit for  
542 what you said...when it is not even close to what we are reading...and one other point if I may, I know you are  
543 not quite finished...

544  
545 PAT PANCIOCCO: I can get you those...

546  
547 NEIL DUNN: So forty seven units you would get one million three and one hundred and ten which is over twice  
548 you would get less than double...is that because of the mix...that looks like a math thing and maybe I am just  
549 reading it wrong...

550  
551 PAT PANCIOCCO: I don't know...

552  
553 NEIL DUNN: If you had forty seven units and your rent was one million and three hundred thousand...and you  
554 round it off and you have one hundred and ten which is over twice that, I would expect you would be getting  
555 two million six hundred...

556  
557 JOCELYN BOS: It depends...well...I actually...what we had to do is what doesn't show on that is in order to even  
558 carry, if we were able to get a mortgage, with that kind of rate of return, the rents would have to go up to two  
559 thousand, three hundred and thirteen dollars on an average...just to...

560  
561 NEIL DUNN: So that is also not including the whole package, so we are getting all of these...

562  
563 PAT PANCIOCCO: It's in the footnotes...that piece is not...

564  
565 JOCELYN BOS: It's down below...

566  
567 PAT PANCIOCCO: I will get those to Jaye tomorrow...yup...

568  
569 JOCELYN BOS: I mean if I were to keep the rents the same, which perhaps would be a more accurate  
570 comparison, it's...you would be running a deficit annually.

571  
572 PAT PANCIOCCO: The next factor to consider is the property unique in the surroundings, in which case the  
573 restriction impacts the property differently. We have talked about that in...with the last two requests so I

574 won't go through those again...and whether the general area will be detrimentally impacted...the density  
575 calculation and that we have provided you...it shows how this...the property it...it's just not viable without an  
576 increase in the density. We do not feel where senior housing is permitted here that this would be detrimental  
577 to the area. It's a residential sue although it may be a larger building. It is still people's homes. So we feel as  
578 though it's a nice transition between the two different uses and a very good use of this piece of property  
579 because the convenience is just not something easily found in this community or a lot of communities in New  
580 Hampshire. And...for that reason, the density is defiantly a hardship. Ok...so you want me to go through the  
581 other two also...for the next...?  
582

583 JIM SMITH: Yeah, we will get through that part of the hearing and...

584  
585 PAT PANCIOTTO: Ok.

586  
587 JIM SMITH: Maybe we will get through them...

588  
589 PAT PANCIOTTO: You can't combine these...

590  
591 JIM SMITH: Ok...want to read that last case so...we can get this...  
592

593 DAVID PAQUETTE: Case number 3/19/2014-4, continued from March nineteenth 2014, Team Business  
594 Development Corporation requests a variance to allow and elderly housing development on a seven point nine  
595 six acre parcel where fifteen acres is required by section 3.6.4.1 and to allow and elderly housing development  
596 with fifty six percent open space where seventy percent is required under 3.6.4.8.1. Property address is 5  
597 Button Drive, 4, 6, 8, 12 Golen Drive and 1 and 3 Reed Street. Tax Map 7, 132-8, 9, 13, 14, 18, 19 and 20. . Zone  
598 C-I, within the Route 102 Performance Overlay District.  
599

600 PAT PANCIOTTO: Ok, the fifteen acre tract requirement is in sections 3.6.4.1...we are proposing seven point  
601 nine eight nine acres...there is a little bit of an inconsistency between that number and the plan and I am  
602 taking the conservative approach I think the plan says eight point one...it is off slightly because of all of the  
603 different iterations, so I am going with the lower number. Allowing an elderly development on a seven point  
604 nine eight nine acre track served by water and sewer is not contrary to the public interest...this provision dates  
605 back to 1990 when there was no water and sewer. Breaking it down, section 3.6.3.1 allows up to fifty percent  
606 of the open space to be wetlands and water. In the case of a fifteen acre parcel this could be up to five plus  
607 acres...leaves nine point seven five acres of usable land which would have otherwise been used by the septic  
608 system and well, which the residual that's left...is pretty close to what we have. The property has  
609 unusual...unusually suitable soils which is A typical in New Hampshire. Very little wetland...no water. Parcel is  
610 only point three two acres of wetland. Proposed use otherwise complies with the fifty foot wide buffer  
611 requirement. In three six four, four, all required setbacks from abutting properties proposed buildings do not  
612 exceed the thirty five foot height requirement. They are actually placed in a slightly lower elevation than route  
613 102 so they kind of nestle down into...into that valley. A reduction in the overall track size would not be  
614 contrary to the public interest because any additional land would not necessarily even be used. The spirit of  
615 the ordinance is observed by granting this relief...because it states it...it is supposed to be designed to permit  
616 an increased residential density above agricultural and R3 districts. And to encourage development to  
617 accommodate seniors. Elevators, community spaces, barrier-free designs, handrails, security, other benefits  
618 proposed by the applicant are costly and serve this identified purp...population more than additional open

619 space. Numerous studies confirm that seniors prefer because close to conveniences like shopping and  
620 healthcare as opposed to being located in remote areas where they need to drive everywhere. There...they...in  
621 New Hampshire particular there is no public transportation that is often available in more urban areas. For this  
622 reason, granting the requested relief allowing the project to proceed on seven point nine, eight, nine acres  
623 with water and sewer would be consistent with the ordinance. Substantial justice requires the property  
624 owner's loss, not outweigh the public benefit...and allowing a...reduction in...from the fifteen acres would be  
625 substantially just. The applicant is proposing senior house...housing...expressly permitted in the C1 district...on  
626 lots that have been approved and vacant for forty-three years. The tract is more valuable than it was  
627 in...[clearing of throat]...when the lots were created because they...it's now serviced by water and sewer or  
628 will be...and this supports a lower lot size, by way of comparison, Derry imposes a four acre minimum lot size  
629 for its elderly...housing ordinance...and approved one hundred and twenty four units on less than six acres.  
630 Bedford has a one acre minimum with twenty eight units with water and sewer. There are many senior  
631 residents who would prefer to continue in Londonderry...but...there are no communities like this proposed,  
632 where they can go once they are...elevated from the burden of home ownership. For that reason, it would be  
633 substantially just to allow the...the lot size for this proposed development to be...decreased. The values of  
634 surrounding properties would not be diminishing. There is no evidence that this use, which is permitted,  
635 would diminish the value of surrounding properties when all buffers and setbacks are met. In addition, it  
636 provides a smooth transition between uses. Uses within the...the same district are presumed to be compatible  
637 and not diminish the value of each other. Literal enforcement of the provision of the ordinance will result in an  
638 unnecessary hardship. Factors bearing on whether the limited density requirements of the elderly housing  
639 ordinance impose an unnecessary hardship and require consideration of whether it interferes with the  
640 applicant's reasonable use. It does interfere with the...parcels used for senior housing. Its commercially zoned  
641 property...the value that is assessed to it is almost exactly the same as the value being paid...so there is no  
642 dispute about the value and it is more valuable than a lot without water and sewer and...for that  
643 reason...those benefits...that added value should offset the larger tracked size. The cost of the additional land  
644 is better spend accommodating senior needs. The large track size also interferes with the applicant's ability to  
645 receive a reasonable return on investment which...would...was...spelled out in the density comparisons which  
646 you will have tomorrow. If the land...[clearing of throat]...were cost...were...not...if the land...was not  
647 so...cost...so costly...the project would not be financeable. The additional cost of the land, I should say, makes  
648 the project not financeable...especially when it is not being used. The property is unique in its surroundings for  
649 all of the reasons we discussed earlier. Whether the general area will be detrimentally impacted, we don't  
650 think it will. We feel as though the use is compatible because...it is...allowed in both zoning districts...and...a  
651 softer transition to a more intense use...and for that reason, fifteen acres is a hardship. Seventy percent open  
652 space...sections 3.6.1 and 3.6.4.8.1 are the applicant is proposing fifty six percent open space when seventy is  
653 required so it is a fourteen percent reduction. We say that is not contrary to the public interest because this  
654 requirement dates back to 1990...it is the only permitted use where septic system is permanently restricted  
655 with a twenty percent safety factor. Multifamily only requires forty percent. Will reducing the open space alter  
656 the character of the area?...well...the area's character is a little bit difficult to define...because you have got  
657 quite a mix...you have vacant land...commercial uses right next door...duple...duplexes and then  
658 multifamily...commercial use, you have got a restaurant abutting...so the character is a little difficult to define.  
659 So...it is hard to say whether...you know there will be any impact on any of those uses the more you think  
660 about it but the proposal non the less meets all the buffer requirements, all the setback requirements. It is  
661 sufficiently laid out. It is close to desired conveniences. There is no evidence at all to show the character of the  
662 area whatever that may be would be altered due to this use being allowed to move forward. Granting the  
663 relief is not contrary to the public health, safety or welfare. The efficient layout of the project is intended to

664 offset addition cost to...so they can be best spent on accommodating the needs of the population. Requiring a  
665 larger lot to accommodate a seventy percent open space requirement...would be contrary to the public  
666 interest only because...it is a waste of money without any corresponding benefit. It translates into higher rents  
667 and the research shows that the seniors are less likely to use the open space. The spirit of the ordinance is  
668 observed, same factors as the public interest prong but...the expressed purpose of the...elderly...housing  
669 ordinance is to accommodate this population with increased dense and for that reason it is consistent with the  
670 ordinance. Granting relief to reduce this seventy percent open space requirement to fifty six percent would be  
671 substantially just. Requiring the applicant's loss to be outweighed by a public benefit...the applicant is  
672 proposing a fourteen percent reduction...on lots which face new Hampshire route 102...the availability of  
673 water and sewer enhances the property's value as does the location to conveniences...which warrants a  
674 reduction in the open space. Requiring an applicant to acquire an additional three acres of land which is  
675 approximate to accommodate this additional open space would defeat the financial feasibility of the project  
676 and provide no corresponding benefit, therefore granting the relief would be substantially just. The values of  
677 the surrounding properties would not be diminished because the buffer requirements are all met. Open space  
678 is not required with the commercial...other commercial uses that this property would qualify for. The same  
679 buffers are being honored with an elderly housing project so reducing the open space when it is not required  
680 for commercial uses...surely would not diminish the surrounding property values. Literal enforcement of this  
681 restriction in the ordinance...is an unnecessary hardship because when applied...when it's applied it interferes  
682 with the applicants reasonable use...which is permitted...and this land is valuable...there is no doubt about it.  
683 Requiring the applicant to acquire additional land only to have it dedicated as open space defeats the projects  
684 feasibility and is a waste of resources. The property is unique for the reasons previously stated and its  
685 surroundings and the area would not be detrimentally impacted by senior residents living there. for that  
686 reason, requiring a seventy percent open space would be a substantial and unnecessary  
687 hardship....[chuckling]...

688  
689 JIM SMITH: Ok.

690  
691 NEIL DUNN: Why...why do you go to a senior instead of a multi dwelling...or a multifamily?

692  
693 PAT PANCIOTTO: Because it is age restricted.

694  
695 NEIL DUNN: Right...I know its age restricted...so it sounds like you are referencing everything in multifamily  
696 dwellings because the spacing and the density and this or that are better so I was just curious why you are  
697 going...go senior...

698  
699 PAT PANCIOTTO: It's not permitted in C-I

700  
701 NEIL DUNN: Multifamily is not permitted in C-I?

702  
703 JIM TIRABASSI: No it's not...

704  
705 NEIL DUNN: So you are using references to a non-permit...ok...ok...I got it.

706  
707 PAT PANCIOTTO: Only because the configuration of the buildings is similar...it's the...best analogy...

709 NEIL DUNN: But it is not a permitted use...  
710  
711 PAT PANCIOCCO: It's not permitted...no...  
712  
713 NEIL DUNN: I understand where you're going with it...but...  
714  
715 PAT PANCIOCCO: Right.  
716  
717 NEIL DUNN: I...I was thinking that it was so I was...now that helps me get a better handle on it too...  
718  
719 PAT PANCIOCCO: Right.  
720  
721 NEIL DUNN: Richard do you remember...the...the density of exit five...was...wasn't that about a similar size lot  
722 for the...?  
723  
724 RICHARD CANUEL: Are you talking about the Wallace Farm project?  
725  
726 NEIL DUNN: Yes, thank you.  
727  
728 RICHARD CANUEL: Yeah, I can't recall what the density was off the top of my head but...it was a substantial  
729 increase per building above the twenty that the Planning Board is allowed to grant...so...  
730  
731 NEIL DUNN: Well I think we had up to twenty four but...  
732  
733 RICHARD CANUEL: Twenty four per building.  
734  
735 NEIL DUNN: But I was thinking the lot size was the same size...  
736  
737 RICHARD CANUEL: Yeah...  
738  
739 NEIL DUNN: Numbers that they're...they're return was the return that they are referring to and they didn't  
740 need... this kind of density that they are after here but is very similar...  
741  
742 RICHARD CANUEL: Very similar...yes...yes it was.  
743  
744 NEIL DUNN: So I am kind of looking for comparison in the cost of Wallace Farm because they are very similar  
745 and they have less density and they are saying they can't do it with that...economically I guess so...I guess I  
746 have to pull some record on that.  
747  
748 PAT PANCIOCCO: The...cost to build this project...is much more...because of the different improvements that  
749 are...like for instance the elevator...  
750  
751 NEIL DUNN: Mhmm.  
752

753 PAT PANCIOTTO: That's a lot of money and...there is a whole bunch of other things that go into...barrier free  
754 designs and whatnot...that go into this project that may not necessarily be included in the other project that is  
755 not age restricted...so that might be one distinction right there...plus I think they have two hundred and some  
756 odd units don't they?

757  
758 RICHARD CANUEL: Yeah...two hundred and forty units...

759  
760 PAT PANCIOTTO: That's a lot...

761  
762 RICHARD CANUEL: Yeah...yup.

763  
764 PAT PANCIOTTO: Yeah...twice as many...

765  
766 NEIL DUNN: Yeah but the densities...they have more land over there though...

767  
768 RICHARD CANUEL: Yeah...

769  
770 NEIL DUNN: So the density is about the same...

771  
772 RICHARD CANUEL: Yeah...well the only issue with that if I might add is that was workforce housing so there  
773 was certain specific rent restrictions...for the workforce housing...that didn't make that project economically  
774 work for that developer so it is a little different than this one here...

775  
776 PAT PANCIOTTO: Mhm.

777  
778 NEIL DUNN: Right...but it was less rents...it was similar cost if I remember...a total cost and a six point three  
779 so...I...I was just looking for comparison because that....that...

780  
781 JIM SMITH: They were three story buildings so they still added elevators in them.

782  
783 PAT PANCIOTTO: They had elevators in them?

784  
785 JIM SMITH: If they are three stories...

786  
787 PAT PANCIOTTO: I don't think they were three stories...were they?

788  
789 RICHARD CANUEL: Yes...

790  
791 JIM SMITH: Yeah...because that's what we wrestled with...the sixteen lot itself to two stories...the twenty kind  
792 of was...didn't seem to go anywhere...

793  
794 PAT PANCIOTTO: Yeah...and this is tight too...

795  
796 JIM SMITH: Yeah.

797



798 PAT PANCIOCCO: Well the land here...there is less of it.  
799  
800 JIM SMITH: Yeah...  
801  
802 PAT PANCIOCCO: And there is less units so...  
803  
804 JIM SMITH: Ok...any questions from the Board at this point?  
805  
806 DAVID PAQUETTE: I have a comment to make regarding our May first scheduling.  
807  
808 JIM SMITH: Ok  
809  
810 DAVID PAQUETTE: I am not going to be around either. I will be in Michigan that week...so I...you would be  
811 down two members.  
812  
813 JIM SMITH: Ok...so...  
814  
815 NEIL DUNN: Normal monthly meeting.  
816  
817 JIM SMITH: Yeah...so why don't we plan on the third Wednesday of next month.  
818  
819 PAT PANCIOCCO: What is that date?  
820  
821 JIM SMITH: Somebody with a calendar...?  
822  
823 JACKIE BERNARD: Ah...yeah...the twenty first.  
824  
825 JIM SMITH: The twenty first.  
826  
827 JACKIE BERNARD: That is the one...  
828  
829 JIM SMITH: Ok, just a general announcement to the...to the audience...what we are going to be doing is  
830 continuing these three cases to the next regularly scheduled meeting which will be the twenty first of next  
831 month. Now...the hour is ten thirty...I am going to allow for a brief question...not question...a brief period for  
832 the public so we...don't waste all of your time so anyone who has any questions or...first of all...anybody in  
833 support of this want to talk...ok anyone who is in opposition or has questions...you want to approach one of  
834 the mics and identify yourself...and...if it is a question that is going to take some research...we would  
835 appreciate those types of questions as well...because they will be coming back on the twenty first with  
836 some...with some...researched answered.  
837  
838 DAN CLARK: The name is Dan Clark and I live at 4B Reed St...are guests allowed to stay overnight at this type of  
839 project?  
840  
841 JOCELYN BOS: Yes...  
842

843 DAN CLARK: And for how long?  
844  
845 JOCELYN BOS: They cannot be there permanently and when...so...I mean we don't say you can only be there  
846 for twenty four hours or forty eight hours.  
847  
848 DAN CLARK: So if I was to move in and have children come up from Florida for a week that would be  
849 permitted?  
850  
851 JOCELYN BOS: Mhm.  
852  
853 DAN CLARK: Ok...I'm...I'm just asking that question for the traffic, and...I think that will do it...thanks...  
854  
855 JIM SMITH: Ok...anyone else?  
856  
857 MIKE SPELTZ: Mike Speltz, 18 Sugarplum Lane...Mr. Chairman...thank you for getting all the issues out on the  
858 table tonight...I think it was a wise way to proceed...the Board is expressing frustration in not having  
859 everything documented that they heard tonight...I can imagine...imagine for a resident of the  
860 town...[chuckling]...we have even less access. Is there a way between now and the...a little bit before the next  
861 meeting...to get this material online on the zoning page of the website so that people have the benefit of  
862 being able to weigh what is a very complicated set of requests here?  
863  
864 NEIL DUNN: It is available...it's...  
865  
866 KIRBY WADE: It can become available if she sends it to us, we can post it on the ZBA website.  
867  
868 JIM SMITH: Ok the...my only question is whether the...the capability of what the staff can do...and if they say  
869 they can post it on the webpage...well...  
870  
871 KIRBY WADE: It can be posted...yeah.  
872  
873 JIM SMITH: Ok.  
874  
875 MIKE SPELTZ: Kirby can do just about anything...  
876  
877 KIRBY WADE: I can just send it to Mike personally...  
878  
879 MIKE SPELTZ: [Chuckling]...I want the whole town to see it I want these folks to be able to have access  
880  
881 KIRBY WADE: Yeah...I can post it.  
882  
883 JIM SMITH: Ok so what we're looking for would be...Pat...  
884  
885 PAT PANCIOTTO: Mmm...I'm writing...  
886  
887 JIM SMITH: You're writing...ok...the information that you presented for the points of law.

888  
889 PAT PANCIOTTO: Mhm.  
890  
891 JIM SMITH: Those would be the critical things.  
892  
893 PAT PANCIOTTO: The outlines...right?  
894  
895 JIM SMITH: Right...yup.  
896  
897 NEIL DUNN: The real-estate comparison or some kind of evaluation...  
898  
899 JIM SMITH: Yeah.  
900  
901 PAT PANCIOTTO: The study that you...do you still want the study?  
902  
903 JIM SMITH: The financial...  
904  
905 PAT PANCIOTTO: Yup...  
906  
907 JOCELYN BOS: The high density report.  
908  
909 JIM SMITH: Yup.  
910  
911 NEIL DUNN: Yes.  
912  
913 JOCELYN BOS: And those...  
914  
915 PAT PANCIOTTO: The comparison...  
916  
917 JOCELYN BOS: Yup and I need to know...I need to verify how many units...  
918  
919 JIM SMITH: Units...  
920  
921 JOCELYN BOS: Reduced down to if we only had two...  
922  
923 JIM SMITH: Right.  
924  
925 JIM TIRABASSI: You will be looking at the parking spaces...  
926  
927 JIM TIRABASSI: I think that's a typo...[chuckling]...I can look into it  
928  
929 JOCELYN BOS: We may be appealing that piece.  
930  
931 NEIL DUNN: Additional parking spots would change your open space request.  
932

933 ROBERT BASKERVILLE: Right...I did notice that, again in comparison to multifamily I think they allow, they want  
934 two point five spaces for multifamily, two point four than for a two unit...four fifty five...but I think it also  
935 allows off premise parking. I think a lot of what they are looking at is street parking. I have got Golen Street  
936 which will basically be a road to nowhere. A lot will depend on other issues. Would the Board consider...and I  
937 haven't looked at it yet...counting on how many cars could park on one side for visitor parking for an overflow  
938 situation...

939  
940 RICHARD CANUEL: Well...Just one comment on that. Number one the parking issue is not part of the variance  
941 request...so that is not something this Board should even consider...

942  
943 NEIL DUNN: No...no...I was bringing it up because they were going to be changing their open space...

944  
945 ROBERT BASKERVILLE: Right...

946  
947 RICHARD CANUEL: And that is something that should be presented to the Planning Board during the site plan  
948 review process...

949  
950 NEIL DUNN:: I thought we were here hearing open space requirements.

951  
952 RICHARD CANUEL: All the Board is...is making the decision on is whether to allow a reduced open  
953 space...which is what they're requesting so whether it has to do with parking or not, that...that is not part of...

954  
955 JIM SMITH: Well...well I think what he is getting at is if the parking has to be increased, how does the effect  
956 the amount of open space that is going to be available.

957  
958 NEIL DUNN: They want to reduce it to fifty six instead of seventy percent and then they will be back here  
959 again...I'm trying to save them a trip...

960  
961 RICHARD CANUEL: Right, but that doesn't...

962  
963 NEIL DUNN: Right...I didn't mean specifically the parking...

964  
965 ROBERT BASKERVILLE: Well I will do a study to see how it affects the open space.

966  
967 JIM SMITH: Ok and that's what we are trying to get to...so if suddenly it...drops to say fifty five percent and we  
968 give a grant for fifty six...than they have to come back.

969  
970 JOCELYN BOS: Mhm.

971  
972 JIM SMITH: And we are trying to avoid that...ok...any other questions or request of information?...if not...I  
973 would like to close...I will entertain a motion...to continue this hearing to...

974  
975 NEIL DUNN: 5/21 the date?

976  
977 DAVID PAQUETTE: Yeah.

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NEIL DUNN: Mr. Chairman I would like to make a motion to continue cases 3/19/2014-4, 3/19/2014-5 and 3/19/2014-6 until 5/21 of 2014, our next regularly scheduled meeting.

JIM SMITH: Ok...second?

DAVID PAQUETTE: I second that.

JIM SMITH: Dave seconds...all in favor...

JACKIE BERNARD: Aye.

JIM SMITH: Aye.

NEIL DUNN: Aye.

DAVID PAQUETTE: Aye.

JIM TIRABASSI: Aye.

JIM SMITH: It will be continued.

JOCELYN BOS: Thank you for your time.

RESULT: THE MOTION TO CONTINUE CASE NOS. 3/19/2014-4, 5 AND 6 TO MAY 21, 2014 WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,



DAVID PAQUETTE, CLERK

TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

**APPROVED MAY 21, 2014** WITH A MOTION MADE BY NEIL DUNN, SECONDED BY JIM TIRABASSI AND APPROVED 4-0-1 (ANNETTE STOLLER ABSTAINED AS SHE HAD NOT ATTENDED THE MEETING).