

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

DATE: AUGUST 20, 2014

CASE NO.: 8/20/2014-3

Applicant: TEAM BUSINESS DEVELOP CORP
C/O KULCH FINANCIAL SERVICES, INC.
98 SPIT BROOK RD SUITE 4401
NASHUA, NH 03062

LOCATION: 42 AND 40 MEADOW DRIVE AND 1, 3 AND 5 GOLEN DRIVE; 7-132-1, 2,
10, 11, AND 12; C-I WITHIN THE ROUTE 102 PERFORMANCE OVERLAY
DISTRICT

BOARD MEMBERS PRESENT: JIM SMITH, ACTING CHAIR
NEIL DUNN, VOTING MEMBER
JIM TIRABASSI, VOTING MEMBER
ANNETTE STOLLER, VOTING ALTERNATE
DAVID PAQUETTE, CLERK

REQUEST: VARIANCE TO ALLOW AN INCREASED DENSITY OF 58 UNITS IN AN
ASSISTED LIVING FACILITY WHERE 27 UNITS ARE ALLOWED ACCORDING
TO THE DENSITY REQUIREMENTS OF SECTION 2.3.2.3.2.1.1.

PRESENTATION: Case No. 8/20/2014-1 was read into the record with two previous cases listed.

JIM SMITH: Who will be presenting?

MORGAN HOLLIS: Thank you Mr. Chairman and members of the board...my name is Morgan Hollis and I am an attorney at Gottesman and Hollis in Nashua and I have here this evening representing the owner and applicant of the property, the Team Business Development Corporation and also the option...the Senior Housing Development LLC. With me this evening is the project engineer George Chadwick with Bedford Design Associates. He also brought some exhibits and he is able to answer any questions concerning the site and the designing and engineering. Also with me this evening is the project architect if there are questions involving this specific layout of the building and then finally two representatives of Senior Housing Development, both John and Ben are sitting here and they will answer any questions about the operation of the facility. So if those questions come up I will just defer to these people who will introduce themselves, the name and their address, and answer the questions Mr. Chairman. The property itself covers six parcels along route 102. It is at the intersection of Meadow and Button. I think this board is very familiar with this site. I was here last month and you were entertaining and application for what I call the back half of the lot. It also involves some of the side parcel, immediate adjacent to these parcels. That application for a variance is for elderly housing. These

45 two properties, these two uses, the elderly housing and are proposed use, assistant living, are companion type
46 uses but they are not by the same developer or operator. They are independent...and it just so happens that
47 because this site has been a problem site...at finding compatible uses such as these have been difficult and we
48 have one use granted by this board and that is going to go forward to the Planning Board for its review and
49 hopefully approval and we are here on a companion type use, assisted living, which is permitted. It is a use
50 permitted in the zone. The difficulty is...the site itself is approximately five acres of land...a little over five
51 acres. That is what is leftover here. In order to develop a meaningful project, we have taken a look at the
52 other projects that the client has and have been successfully developed and how much size you need and how
53 many rooms you need to operate a facility of this type and come up with a plan, which fits on this site
54 appropriately and that plan reflects fifty-eight units and the calculation of units and beds is a little convoluted
55 in your ordinance. I am not going to regurgitate it because you all sat through this for several months I am
56 aware in the discussion of the elderly housing project. This is a similar type of issue. We are in fact asking for a
57 relief which is almost two times what is permitted....and I am going to explain that. Part of my discussion
58 and...and each of the points I would cover would be very similar to what was covered by Attorney Panciocco
59 on the previous case. Her hearings went over a series of months. I am going to try not to repeat what she said
60 but I would be referring to those...that case and those presentations. This project has already previously been
61 presented to the Planning staff for their preliminary review and feedback before deciding whether or not to
62 come to this board and ask for permission for the density relief. The staff, led by Cynthia May, your Town
63 Planner on mayday review and observation that this is an excellent use for the site. It is a compatible use...of
64 course it is compatible with now what has been permitted by variance but it is a nice buffer use between the
65 very active commercial street of route 102, the adjacent commercial uses and the residences in the back,
66 which you all know about being duplex uses. Again, this is now going to be a compatible and complementary
67 use to a use which you have permitted by variance, the elderly housing. Also, this plan was presented to the
68 Planning Board for their review as a conceptual plan, obviously not a final plan and that the Zoning Board has
69 to decide if the use with this density is allowed. And...the Planning Boards feedback was positive. That led us
70 to come before this board to see whether you agree that given the uniqueness of this property the density we
71 are asking for a reasonable request. As I mentioned I can probably simply say to all of you board members
72 given that I was hear and heard what you heard that I am just going to reiterate what Attorney Panciocco said
73 on the five points of law, but we do have a little bit of a different use and I do think...in fact if anything makes
74 are case any more compelling than the prior case that was approved...while we are asking for more density
75 allowance than the elderly housing development did...we still think it is the ordinance, which creates the
76 uniqueness of the property as well as the uniqueness of the land itself, both of which create a hardship on the
77 property owner. Not the applicant but the owner. I am going to touch on the five points of the application as I
78 presented in the application the five points of law and...just to be sure that in the record I have covered all the
79 bases. The variance will not be contrary to the public interest because it is a permitted use first of all...the
80 criteria in New...New Hampshire courts is that it won't threat the public health, safety or welfare and that it
81 won't substantially or significantly modify the character of the neighborhood. Because it is a permitted use it
82 automatically has been recognized by this town that this type of use belongs in this zone. So the use itself
83 won't make any difference. The question is whether doubling down on the density will. This are fits well within
84 the site...as I said there has been a conceptual plan presented on that plan it shows that the open space is in
85 access of what is required by the city. I think the numbers...the thirty-three percent is the open space required
86 and we are providing more than seventy percent of the site is open space. So there is plenty of open space. I
87 would say that the requirement of the ordinance, and I will get to this on the hardship point but the
88 requirement of the ordinance will essentially require doubling of the land area for us to put in these fifty eight

89 units and the number of bedrooms requested. That would mean there would be a substantial acreage. About
90 five acres of unusable, unused land which in this instance really doesn't serve any purpose that the ordinance
91 might be compelling and it doesn't harm the public interest to move that access, significant access to open
92 space over your zoning requirements. As I said it is a permitted use. Construction of an assisted living facility
93 being a permitted use will not only provide a necessary facility which is companion to the other facility,
94 immediately behind it but also provided transitional use complimentary to the residential feel of the area. The
95 proposed facility will provide assistance to a little over one hundred residents but only have twenty employees
96 traveling to the facility...because of the nature of the occupants and the tenants, this facilities, traffic
97 generation is significantly lower. This is not an independent living facility which graduates into an assisted, it is
98 a full one hundred percent assisted living facility. These are people who need car and people on site and need
99 assistance in their day to day activities...because of the nature of these tenants...you're not going to have the
100 same traffic, the same impact, the same coming and going form the facility that you may have for the property
101 to the rear or certainly for any other commercial use that would be permitted in the zone. The proposed
102 facilities appearance is similar to and mirrors a large home, thus in keeping with the essential character of the
103 locality. There are a couple of boards here that I think are worth at this point, introducing. I think you may
104 have them before you, but George has them. The first is to just give you an idea of what I referenced the
105 appearance of the facilities so there is not out of character...it is a residential appearing facility, very large, but
106 it is not a big box facility which of course the zoning ordinance outlaws. I think you can get a sense from that
107 first board of what we are proposing here. The second is a board that reflects the overall two parcels. The first
108 parcel you consider, as I said, at prior meetings and grant a variance on and that is on the back...George if you
109 just point out the area which is encompassed by the assisted living, just to remind everyone...this is ours and
110 this is the assisted living and in the back is the area which is the elderly housing previously granted so you can
111 see how ours fits on. We have left the...green space to the front and also some to the rear. The Golen Drive
112 will be discontinued as part of the Planning Board application of the elderly housing, so that roadway itself will
113 no longer be a public roadway. Finally we have a board which finally identifies out site and gives you a better
114 idea of how my statement that it fits on this site and there is no harm to the public interest by increasing the
115 density. Again, it is hard to describe what was going in to the thought process of the framers of your ordinance
116 back when it was drawn up but we now know a lot more about what assisted living facilities are, what the
117 building looks like, how people live...and the density that may be reasonable. The spirit of the ordinance is
118 observed because the purpose and intent of the ordinance is to frankly limit the number of occupants per acre
119 in any zone, for any use. That is what density requirements are about. Based upon a calculation of the net
120 acreage and its...restricted to prevent overcrowding, again if these were separate units either town house,
121 detached, some other facility...it comes into play, okay we can't have too much density but in a compact single
122 unit building, the density, we need some relief from the density or we are going to end up with this
123 tremendously large area on which a house would have to be placed, which really does not fit into a reasonable
124 economic project proposal. You heard about that from Attorney Panciocco over a period of meetings...I don't
125 want to reiterate that when I get to the hardship part but I will touch on it...again the criteria is not intended
126 to violate the intent of the ordinance as this site fits well, we exceed the open space requirement. Substantial
127 justice will be done if you grant the variance in that allowing the variance will allow reasonable use of the
128 property by the property owner. A fair and reasonable return on the property. By denying the variance you
129 are not protecting anyone. There is no harm to the public by granting the variance. There is no benefit by
130 denying the variance. When you weigh those two you have to vote in favor of if the harm to the property
131 owner outweighs the benefit to the public, than substantial justice would be done by granting the variance. In
132 this case we do think there is little if any harm to the public but there is substantial harm to the applicant. The

133 property owners have this property for a number of years. There have been...I have personally been involved
134 in three different applications as you know there is a variance that was approved back in eight-nine and ninety
135 for a retail development which really isn't a good use for this site and never was built. I was involved in
136 applying for to the Planning Board for other retail uses again, not ideal uses...there is a restriction against big
137 boxes so you are talking about strict retail centers. Substantial justice will be done by allowing this use and the
138 density we are requesting. The values of surrounding properties are not diminished because the proposed use
139 is a permitted use and it provides a buffer or complimentary transition use between the commercial district
140 and busy 102 and existing residential uses. Most of the time when I present I ask for either a professional
141 appraiser or a professional real estate person to opine on this so that I am not here arguing without some
142 basis. I would say there...the reason we did not do it in this case...there are two reasons and number one you
143 have made the determination that increased density of elderly to the rear is not going to adversely affect the
144 value of the residential properties right directly behind. We are not even adjacent to those. We are not going
145 to have any impact on the residential houses in the back and to the side of commercial that is more traffic
146 oriented so even if you double the density and therefore arguably double the traffic there is not going to be an
147 adverse impact there. Traffic itself will be dealt with at the Planning Board but with twenty employees and
148 most people not leaving this facility, you can see how little traffic impact there is going to be. So...that is the
149 main reason I did not bring a professional in. I felt...felt you made that finding already to the rear and this is a
150 fairly strait forward permitted use; we are just dealing with the density issue. You could put a building of the
151 same size just fewer people, but again that is not what is going to affect the values of the properties. And
152 finally, literal enforcement of the provisions of the ordinances would result in an unnecessary hardship. We
153 think we qualify under both criteria but I am going to address the one that I feel is probably most
154 significant...because of its unique location and it is a unique site. This particular collect of lots if unique
155 because of the topography and the existing configuration of Meadow Drive and route 102. You are all familiar
156 with it. You have heard about it and you have the plan in front of you. When you go to any commercial use in
157 there, there are problems with this site. This particular site is different from any other site and these lots in
158 particular are different. They front upon a very busy commercial street but they have no access...direct access.
159 So...it is commercially zoned but it is not a practical commercial lot. This particular site is lower than the back
160 portion that is there some distance to the rear portion; this site is right off of 102, it a drop down. This site is
161 right at the intersection and it is the intersection at which everyone knows is a bit of a problem and is going to
162 have to be dealt with at the Planning Board level. I don't think you can say there is any other parcel in this
163 entire neighborhood or district which suffers these penalties like this site does and it deserves some relief.
164 What we have is a use that is permitted but the only way to make an economic viable use on this site is to give
165 us relief for density. I would also argue that because of the uniqueness of the site, requiring an addition five
166 acres in order to have the density which is necessary for the economic design that we are proposing, there is
167 no fair and substantial relationship to the general purpose of the ordinance, which as I stated is for open
168 space. So I don't think under either A to B criteria, there is any other way to have a reasonable use of this
169 property without the relief we are asking and our proposed use, again, the model that we follow in other sites
170 where we have...this is one of the smaller sites...we have one hundred and eight, one hundred and nine, one
171 hundred and sixty, eighty-six others in the same size as this on a similar size acreage so that model has been
172 proven so as to not adversely affect anyone...and...it just doesn't make sense to require that additional land
173 area and we would ask for relief for this site. Thank you Mr. Chairman. Happy to answer any questions as I said
174 the professionals are here to answer any particular questions.

175
176 JIM SMITH: Ok, questions from the board...

177
178 NEIL DUNN: If I may...when you did your calculations you say...twenty-seven units are allowed so you did that
179 with the useable land and all of that?
180
181 GEORGE CHADWICK: That is correct. I can go through the calculation if you would like...
182
183 MORGAN HOLLIS: We ran through this and...
184
185 NEIL DUNN: Does the Planning Board check that? I mean if we can...the only reason I ask is because the last
186 one we kept going back and forth with some bad calc, so if...is you can help me with the calculation at twenty-
187 seven so I can get a better handle on fifty-eight it looks to me like there is some stream or wetland going
188 through there.
189
190 GEORGE CHADWICK: There is...let me go right to the calculations here. If we...add up the land...oh excuse me
191 my name is George Chadwick with Bedford Design...if we add up the...the...lots...total land area including the
192 portion of Golen Road that is being discontinued adds up for two hundred and forty six thousand, seven
193 hundred and eighty-six square feet. So with that area what you need to do is determine what the net useable
194 area is and you would take out the wetlands and you would also take out slopes greater than twenty-five
195 percent. The wetlands count for ten thousand, one hundred and ninety-two square feet and there are no
196 slopes over twenty-five percent. We subtract that area out of the two hundred and forty six thousand square
197 feet and we come up with a net of two hundred and thirty six thousand, five hundred and ninety-four square
198 feet. Plug in that area in to the formula into your regulations and you multiply point eight times the net tract
199 area divided by seven thousand. You come up with the twenty seven units.
200
201 NEIL DUNN: Thank you for going through that.
202
203 GEORGE CHADWICK: And the regulation does state that each dwelling unit is considered two bedrooms...so
204 that is how we came up with that part of it...but...so there is twenty seven...twenty seven units allowed.
205
206 JIM SMITH: And you want to double that...
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208 GEORGE CHADWICK: We want fifty-eight units versus the twenty seven allowed...correct.
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210 JIM SMITH: So a little more...
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212 GEORGE CHADWICK: A little more than double yeah...
213
214 ANNETTE STOLLER: Mr. Chairman...
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216 JIM SMITH: Yes.
217
218 ANNETTE STOLLER: This...land be in a zone where there is sewers?
219

220 GEORGE CHADWICK: That is correct. There is sewer and water to the parcel as well as the project will be in
221 conjunction with Calamar, the previous project that was in from of you, will be extending gas to the area as
222 well...natural gas.
223

224 ANNETTE STOLLER: Ok...and so you are doubling the project but...I see where it is going...ok...
225

226 NEIL DUNN: If I may...fifty-eight units, two bedrooms, I get one hundred and sixteen but you're going to one
227 hundred and twelve?
228

229 MORGAN HOLLIS: There are some units which will not be two bedrooms...due to the nature of...the type of
230 unit or the suite design...I would be happy to introduce you to the architect or the owner but...essentially that
231 is what is boils down to. There are upper units...several units will only be one bedroom...
232

233 GEORGE CHADWICK: And if I may...unlike Calamar where it was required that all of them be two bedrooms,
234 there is no such requirement in the assistant living regulation.
235

236 NEIL DUNN: And are these...do each of these units [chuckling]...do they have kitchens and living rooms and
237 everything?
238

239 MORGAN HOLLIS: I have some example pages that I will show you that reflect a typical suite and I think that
240 would be helpful to the board.
241

242 [Passing out papers]
243

244 GEORGE CHADWICK: And to answer your question, there is no kitchen in it. There is a kitchenette but there is
245 no full kitchen and you will see that right in the main living area right there on the...in the plan.
246

247 ANNETTE STOLLER: So it is a shared eating area...
248

249 GEORGE CHADWICK: Correct...this facility provides all of the meals three meals a day...that facility or the
250 kitchen...I mean the sink and maybe a place for a microwave or something like that is more for the...the
251 convenience of the resident but the facility does supply three meals a day.
252

253 ANNETTE STOLLER: And Mr. Chair may I ask another question?
254

255 JIM SMITH: Sure...
256

257 ANNETTE STOLLER: Where have they built other such facilities?
258

259 GEORGE CHADWICK: I am going to let them speak to that.
260

261 ANNETTE STOLLER: And...the second point of the question; were they about the same size?
262

263 BEN WELLS: Hi Mr. Chairman...I am Ben Wells, 30 Jericho Executive Plaza, Jericho, New York...we have two
264 projects that are of the same models building...one that is in operation and was completed in December of
265 2013 and one that is right now under construction and in Massachusetts.
266
267 JIM SMITH: Do you have a full plan of the one bedroom?
268
269 MORGAN HOLLIS: I don't...I don't know...who...he has a big board...do you want to introduce yourself.
270
271 STEVE HUMPHRIES: Sure for the record my name is Steven Humphries I am from EGA Architects in
272 Newburyport, Massachusetts...I did bring a couple boards with floor plans...
273
274 JIM SMITH: If you are going to speak you need to stay on a mic.
275
276 MORGAN HOLLIS: Here I will hold it for him...
277
278 [Pause]
279
280 STEVE HUMPHRIES: Can you hear me now? Ok...thank you...there are four studio apartments...two on the first
281 floor and two on the second floor. On the plans there is one here and one here...and the memory care wing it
282 is really just a bathroom and a bedroom and a closet. In assistant living it is a bathroom, bedroom and just a
283 small kitchenette which is a sink. They are about three hundred and sixty square feet.
284
285 ANNETTE STOLLER: And the number of units you are building in the other areas? Roughly...?
286
287 STEVE HUMPHRIES: Its fifty eight total units...there is four studios...
288
289 ANNETTE STOLLER: Here...
290
291 STEVE HUMPHRIES: Yes...
292
293 ANNETTE STOLLER: What about in your prior projects?
294
295 STEVE HUMPHRIES: ...It was ten less so it was forty-eight.
296
297 MORGAN HOLLIS: And they have some larger projects as well.
298
299 JIM SMITH: Ok the red areas are they stairwells and stuff?
300
301 STEVE HUMPHRIES: Yeah...I can go through the floor plans one by one if you want...
302
303 JIM SMITH: Yeah just clarify it.
304
305 STEVE HUMPHRIES: Sure...this is the first floor plan. Main entry is at the bottom of the sheet. As you enter,
306 you enter into the main common space so there is a living room and library...dining room; the grey area is the

307 kitchen. This is kind of the center core of the building. Services on the left side of the building and there is a
308 service drive there...it is divided in two segments. The left wing is the memory care wing, which is separated
309 from the rest of the building. It has its own dining and living area. There is thirteen units and apartments
310 there. As you just mentioned the stairs are in red. There is one elevator in the building. On the right side of the
311 plan is the assisted living apartment's on this particular floor they are all two bedrooms. They do have access
312 to outside, a patio off the arts and crafts room and the rei access off the dining room. I forgot to mention on
313 the memory care wing we do have our own access outside but it is secure court yard to prevent wandering.
314 On the second floor...the second floor is pretty strait forward...again the bottom of the page is the main entry
315 area. You can get upstairs by the elevator in the center or either the stairs in the wings. This floor is all assisted
316 living. All the two bedrooms, but again there is two studios on the left side of the plan. There are some small
317 service areas for storage and laundry and there is also a small rehab area for physical therapy and thing like
318 that. And again the building is two stories and eight thousand square feet residential.

319
320 ANNETTE STOLLER: Where are your offices for our service personnel?

321
322 STEVE HUMPHRIES: There are a few locations, as you walk in the front door there is reception. There is an also
323 backup house office for administrative in marketing. The memory care has its own staff area and it will always
324 have a nurse on duty and then upstairs has a small care station...again for staff.

325
326 JIM SMITH: That is pretty expensive over there...

327
328 [Chuckling]

329
330 MORGAN HOLLIS: They are getting their money's worth.

331
332 NEIL DUNN: if I may Mr. Chairman...part of section two and 2.3.2.3.2...did I say that right? Let me start
333 over...party of section 2.3.2.3.2 talks about the maximum amount of dwelling units which you are really not
334 asking for here...you are asking for density and I see those as different line items so I am just trying to help
335 understand that. Typically...or I mean at least in some previous cases we see every single instance so you are
336 also looking for greater than sixteen or twenty units in the building.

337
338 GEORGE CHADWICK: That is not the interpretation we had from Richard. I did ask for a zoning interpretation
339 from Richard and...[shuffling of papers]...here is the letter I got from him and basically he is saying that we
340 need to look at relief for density and that was part of 3.7 one of the ordinance that was the only...section that
341 referred back to the 2.3.2.11 or whatever the number was...I will get the number...

342
343 MORGAN HOLLIS: His...I think his reference which is bolded on the cover letter on the letter says section 3.7
344 provides for density purposes, two bedrooms to the equivalent of one dwelling until whether or not the
345 facility includes full dwelling units so the way he has looked at it is how many bedrooms do you have in this
346 facility and we are going to divide that into two bedroom proposition so that every two bedrooms are one unit
347 unless you have a separate distinct unit.

348
349 NEIL DUNN: What if we go back...and that is where I went is to 3.7 it tells you to go back to one and dot two
350 and dot four.

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MORGAN HOLLIS: And that has...following paragraph I think explains his thought which is for example using the formula a lot area of the property equates to a maximum allowed density of fifty dwelling according to the provisions 3.7 this would equate to one hundred bedrooms so he gave...we did a calculation of the maximum density was...twenty seven...and so that would be for purpose of calculation...doubling that fifty-four...we are asking for two different numbers in our variance application. I guess one could say you could go for the number of bedrooms but then we have some units which are not the number of bedrooms. So on that basis, we thought it was safer to apply for the number of units which theoretically allows us more bedrooms than what we are asking for so for clarity purposes we have limited the bedrooms. If we...one of the first questions was why was there discrepancy in fifty-eight times two would be...

NEIL DUNN: One sixteen...

MORGAN HOLLIS: Right and so what we are saying is that is not our design that is not what we are presenting. We don't want someone counting and saying how does that all work. We need two...we need the specific unit but we will agree to a lesser bedroom count than would be permitted.

ANNETTE STOLLER: Mr. Chair...

JIM SMITH: Yeah...

ANNETTE STOLLER: So basically you are saying because of your use of studios etc...you have affected a balance.

MORGAN HOLLIS: Correct.

JIM SMITH: I think what he is trying to say in the way this layout is set up...you really don't have a complete living unit because you don't have a fully functioning kitchen.

NEIL DUNN: Right and I read that in there but I also and looking at the maximum number of units and we are defining it by two bedrooms from 2.3.2.3.214 and 3.7 gets us to two bedrooms it can be considered a unit for assisted living. What I am looking at is the number of units in the building is much greater than the last case that you are referring to when they went up to forty two...they are different type of units but then you have all this common area that makes this building much bigger and that's where I started getting concerned about fire and safety and what are the other things that we should be looking at besides you know just your...

MORGAN HOLLIS: Open space...

NEIL DUNN: Financial...open space and making it work for you and this to me is one much bigger unit than any of the other units we approved last month and the other buildings. And maybe if you have square footage numbers we can compare them and say well no square footage wise it works out the same but to me it looks like one big, big unit.

394 GEORGE CHADWICK: We do have square footage numbers and we can get those to you but I think we look
395 back at 3.7 and the only requirements for assisted living are stated in the 3.7...correct there is a one paragraph
396 section of requirements for assisted living in your zoning ordinance. In that 3.7 it doesn't state anything about
397 the number of units in the building as did in your elderly ordinance which was three pages in length did. So the
398 only requirements we need to follow are my...my assumption is the only zoning variances that we need to
399 follow are under 3.7. And then he is saying go to 3.2.3.2.11 or whatever the number was

400
401 NEIL DUNN: Alright so it is skipping right over three so thank you for...

402
403 GEORGE CHADWICK: Sure...

404
405 MORGAN HOLLIS: When you first read that 3.7, at least when I read it, it first says we can ignore the density
406 standard but then it says...

407
408 NEIL DUNN: But...but...

409
410 MORGAN HOLLIS: Except for back to that one provision and when you read the one provision it says number
411 of dwellings on a lot and so we are categorizing each of these two bedrooms as a dwelling.

412
413 NEIL DUNN: Correct

414
415 MORGAN HOLLIS: and they just happen to be less than one large roof but I wanted to distinguish why we are
416 asking for such an increase in density from the last case and that clearly these are not independent units. They
417 may be classified as units because they are two bedrooms together but they are essentially not dwelling units
418 like the other one or like any other multifamily or any other residential. They are bedrooms under one roof
419 which has a common dining room facility. And your ordinance doesn't really address that.

420
421 NEIL DUNN: Ok and...and I agree that 3.7.1 does essentially take out that minimum...or that maximum sixteen
422 or twenty...ok I was just looking for clarity because...thank you.

423
424 JIM SMITH: Will this be a sprinkled building?

425
426 GEORGE CHADWICK: Yes.

427
428 JIM SMITH: Ok. Any other questions? If not...anyone who would like to speak in support of this? Not seeking
429 anyone...anyone who is either in opposition or has questions? If you wish to speak could you approach a
430 microphone and identify yourself. Name and address...

431
432 ROY BOUCHARD: My Name is Roy Bouchard...19 Buttrick Road and I am an abutter. All across 102...I don't
433 know enough about this to ask any questions. All of the pictures were shown and drawings were show to you,
434 not to us. It is the first time I have seen it and I think I would like to have a little bit more ear on this a
435 little...maybe a pamphlet handed out or some kind of information to inform the abutters...I don't see that. This
436 is the first time I have even seen these pictures. Thank you. I respectfully request it...thank you.

438 JIM SMITH: Anyone else who would like to speak?

439
440 MORGAN HOLLIS: Mr. Chairman I guess in rebuttal, we are happy to answer any questions that anyone might
441 have about the facility as to why we have all the design professionals, operational professionals, the plans that
442 were submitted were submitted with the application so they were available at Town Hall for the application.
443 Happy to allow opportunity if you want to take a fifteen minute recess perhaps there might be some questions
444 that could come up that we could answer.

445
446 JIM SMITH: Yeah...ok...why don't we take a ten minute break at and give you an opportunity to take a look at
447 the plans and drawings and give you a little feeling for what is going on.

448
449 GEORGE CHADWICK: Thank you.

450
451 MORGAN HOLLIS: Thank you.

452
453 **[BREAK]**

454
455 JIM SMITH: I think I would like to get this out...on these two bedroom units could you describe for the
456 record...what type of occupants these are...I know you said it could be a husband and wife it could be two
457 women or whatever...some could be one person. Could you give us a little breakdown on that...so we have a
458 little better understanding.

459
460 BEN WELLS: Typically...Ben Wells again...typically the residence are two individuals that have no relation so we
461 will try to pair up each resident as best if possible...at times we do have couples that do take a unit and at the
462 same time there could be one individual that takes the whole unit. So there is no way of foreseeing who is
463 going to live in the unit but for instance our Hanson Building, Hanson Massachusetts, we have right now sixty
464 percent...sixty-six percent of the building occupied and I believe there are three or four couples and the rest
465 are just individual residents that have been teamed up to live together and the remodel itself has been proven
466 successful in the fact that...it is nice to have someone looking out for you and can make a recommendation to
467 an aid if they see any declines in health and so forth it is also good for socialization aspect and instead of
468 residence just sitting in a unit and not being active we find that it has promoted a lot of activity and happiness
469 so you know it has been marketed that way and a proven...proven model so.

470
471 ANNETTE STOLLER: So basically you may have individual with caretakers in the second bedroom.

472
473 BEN WELLS: That...that is very possible. We don't have that in our Hanson model but that is...that is possible as
474 well.

475
476 NEIL DUNN: Do we know if there is any age restriction on these units.

477
478 ANNETTE STOLLER: That is a good question...

479
480 BEN WELLS: No...

482 NEIL DUNN: Or not by ordinance either than. So than there could be a case where a caregiver could live in
483 there and you may have a few extra cars but...probably again nothing to worry about. Interesting...
484
485 JIM SMITH: Any further questions? Seeing none we will close the Public Hearing and...
486
487 NEIL DUNN: Did you need this letter back? From Richard...?
488
489 GEORGE CHADWICK: I have it in an email so your can keep it if you would like.
490
491 NEIL DUNN: I am sure we have it if Richard sent it. This looks like his original to you so I didn't know if you
492 wanted to...
493
494 JIM SMITH: Ok...discussion...
495
496 DAVID PAQUETTE: SO my one thought on the specific ordinance is that it was written for more of a...not this
497 type of dwelling. More written towards a multiple family dwelling...like condos or town houses or something...
498
499 JIM SMITH: I think what we are seeing is this area is evolving.
500
501 DAVID PAQUETTE: Right...
502
503 JIM SMITH: You know and...part of the trouble with the zoning regulation is that they were written at a time
504 with an understanding a lot of the background of these was presumed...that we were going to have on site
505 sewer on all of these.
506
507 DAVID PAQUETTE: Right...
508
509 JIM SMITH: With the development of a sewer system is negated...
510
511 DAVID PAQUETTE: There is also in the Town Master Plan a need for this type of facility in our town. I
512 know...Annette you had brought up the cost of this type of facility...and the previous case was the property
513 behind it...it was raised that the median income of fifty-five and plus is significantly higher in Londonderry then
514 it is in other areas as well so...I think...it's not necessarily affordable. I think they...
515
516 JIM SMITH: Well this isn't really aiming at affordability for a specific need...
517
518 DAVID PAQUETTE: Yeah...
519
520 JIM TIRABASSI: This is age based...
521
522 JIM SMITH: Right because you could have someone much like the guy who started the bucket thing...I mean he
523 obviously needs to have a certain amount of assistance to continue to live who is not by any stretch an elderly
524 person. I know one of the things that happens with young people is they tend to have a lot of neck and head

525 injuries because of the...well they say the risks they take and the recreational things...so...you could in fact
526 have some people who are relatively young with this type of a need.

527
528 ANNETTE STOLLER: Yes.

529
530 JIM SMITH: Having said that...any other questions? If not, we can entertain a motion...

531
532 NEIL DUNN: Mr. Chairman I would like to make a motion to grant case 8/20/2014-3 as presented in regards to
533 the five points of law...the applicant seemed to hit the needs that it would not be contrary to the public
534 interest. It would be...the spirit of the ordinance would be observed. It would do substantial justice for its need
535 and it's...the uniqueness of the property. Real estate values surrounding...would not be impacted and the use
536 is a reasonable one because it is permitted and due to the uniqueness of this parcel of land and its location
537 that it meets the special conditions of the property.

538
539 DAVID PAQUETTE: Mr. Chairman I would like to second that motion.

540
541 JIM SMITH: Ok all in favor?

542
543 NEIL DUNN: Aye.

544
545 ANNETTE STOLLER: Aye.

546
547 JIM SMITH: Aye.

548
549 DAVID PAQUETTE: Aye.

550
551 JIM TIRABASSI: Aye.

552
553 RESULT: THE MOTION TO GRANT CASE NO. 8/20/2014-3 WAS APPROVED, 5-0-0.

554
555 RESPECTFULLY SUBMITTED,

556 
557

558
559 DAVID PAQUETTE, CLERK

560
561 TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

562
563 **APPROVED SEPTEMBER 17, 2014** WITH A MOTION MADE BY DAVID PAQUETTE, SECONDED BY JIM TIRABASSI
564 AND APPROVED 3-0-1 WITH JACKIE BENARD ABSTAINING AS SHE HAD NOT ATTENDED THE MEETING.