

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

DATE: MARCH 18, 2015

CASE NO.: 11/19/2014-6 (REHEARING)
(WITH REFERENCE TO CASE NOS. 11/19/2014-4 & 5)

APPLICANT: FIRST LONDONDERRY ASSOCIATES, LLC
80 NASHUA ROAD
LONDONDERRY, NH 03053

LOCATION: 30 STONEHENGE ROAD AND 113 HARDY ROAD, 12-120 & 131, AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN
NEIL DUNN, VOTING MEMBER
JIM TIRABASSI, VOTING MEMBER
BILL BERARDINO, NON-VOTING ALTERNATE
DAVE PAQUETTE, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/HEALTH/ZONING
OFFICER

REQUESTS: CASE NO. 11/19/2014-4: VARIANCE TO ALLOW 24 DWELLING UNITS PER
MULTI-FAMILY BUILDING WHERE A MAXIMUM OF 16 UNITS IS
ALLOWED BY SECTION 2.3.3.7.3.1.2.

CASE NO. 11/19/2014-5: VARIANCE TO ALLOW THE PERCENTAGE OF
WORKFORCE HOUSING UNITS IN A MULTI-FAMILY WORKFORCE
HOUSING DEVELOPMENT TO BE LIMITED TO 50% WHERE A MINIMUM
OF 75% IS REQUIRED BY SECTION 2.3.3.7.1.1.4.

CASE NO. 11/19/2014-6: VARIANCE TO ALLOW PHASING OF A
PROPOSED WORKFORCE HOUSING DEVELOPMENT OVER THREE YEARS
WHERE OTHERWISE LIMITED BY SECTION 1.3.3.3, AND TO EXEMPT SUCH
DEVELOPMENT FROM FUTURE IMPLEMENTATION OF GROWTH
CONTROL REGULATIONS AS PROVIDED IN SECTION 1.4.7.2.

PRESENTATION: Case Nos. 11/19/2014-4, 5 & 6 were read into the record with one
previous case listed. However, each variance listed above was reviewed
and voted on separately from the others after Bill Tucker spoke to his
Exhibits P and Q.

46 JIM SMITH: Okay, I received three of these e-mails. Do you want to...?

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48 NEIL DUNN: Let me see if they are the same one's I've got? I got...

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50 JIM SMITH: I presume they are?

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52 NEIL DUNN: I was going to bring that up. We should read those in because those are e-mails that were
53 received by some...some were copied to everybody, some copied to a couple of people.

54

55 JIM SMITH: Just for your information. If somebody is going to send an e-mail they really note on the e-mail
56 whether they want the e-mail to be entered into the record. These don't, but out of courtesy, I'm going to
57 have them done anyway, but typically in a letter you request your letter to be submitted as part of the history
58 of the case, but an e-mail unless you specifically say that really isn't quite in that same class.

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60 [The Clerk read into the record Exhibits M, N and O].

61

62 JIM SMITH: At this point, the applicant has the floor.

63

64 BILL TUCKER: Good evening Mr. Chairman and members of the Board. Again, for the record my name is Bill
65 Tucker. I'm with the Wadleigh, Starr and Peters law firm in Manchester. With me tonight is Samir Khanna,
66 brother to Raja who was here at the last two meetings. He is also a principle in First Londonderry Associates.
67 Yesterday, Mr. Chairman, I submitted a summary. You'd asked last time that I try to address the five points for
68 each one in a summary fashion. I submitted that to Jaye, and I have hard copies of that if anyone would prefer
69 to have hard copies of that?

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71 JIM SMITH: Yeah, okay? Is it on this?

72

73 [Overlapping comments]

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75 JIM SMITH: Where do I look?

76

77 [Overlapping comments]

78

79 JIM SMITH: Okay, I have the first one for the twenty four (24) units.

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81 BILL TUCKER: Okay, I also submitted two...sort of one page summaries. [See Exhibits P and Q]. The first, I'm
82 trying to deal with the background on how workforce housing plays into this. The second page was an analysis
83 of the Supreme Court's focusing on the first two criteria, and what we need to show there because in your
84 denial it was primary the first two criteria that we got denied on...on all three of the variances. I'm not sure
85 what order those things were loaded into your computer, but again, I'm going to start with the one that says
86 back ground and overview which is applicable to all three variances.

87

88 JIM SMITH: Okay.

89

90 BILL TUCKER: What we are dealing with here is not a use variance. The use that we are asking for is a
91 permitted use on this property, and we are doing no more, or no less. Actually, a lot less than what's
92 permitted because the density we're planning to put on is only forty six (46) percent of what would be
93 permitted, but it is a permitted use. The three variances going from sixteen (16) to twenty four building per

94 unit; going from seventy five (75) percent to fifty (50) percent of workforce units, and asking for the
95 construction to be phased over three (3) years as opposed to six (6). Are provisions that restrict and hamper
96 the economic ability of the developer to do this project, and the three restrictions conflict with two things.
97 They conflict with the purpose of the zoning ordinances inclusionary housing provision which purposes is, and
98 I'll quote here for the record *"To encourage and provide for the development of workforce housing within
99 Londonderry...to insure the continued availability of a diverse supply of home ownership and rental
100 opportunities meeting the definition established in the State of NH's Workforce Housing statutes ..."*. Those
101 statutes provide that *"In every municipality that exercises the power to adopt land use ordinances and
102 regulations, such Ordinances and regulations shall provide reasonable and realistic opportunities for the
103 development of workforce housing, including"*, and I emphasize here...*"rental multifamily housing."* It's not
104 just single family it's multi-family, and the statutes defines reasonable and realistic opportunities as
105 *"Reasonable and realistic opportunities for the development of workforce housing' means opportunities to
106 develop economically viable workforce housing within the framework of a municipality's Ordinances and
107 Regulations adopted pursuant to this Chapter and consistent with RSA 672..."*. So the key there is economically
108 viable workforce housing, and we have submitted reports by Russ Thibeault. I believe those have now been
109 reviewed by the Town's consultant, and have been verified. We believe, and it's very clear that those reports
110 show that these three ordinance provisions make the property development, as we proposed it, economically
111 impossible. Therefore, we believe that these variances need to be granted. This is a setting where these two
112 provisions of the state statute, and the provision of your ordinance act as an umbrella, or a canopy that has to
113 go over the five criteria. It's sort of an overriding criteria. It sets the framework for which everything must be
114 looked at. The only comparable thing that I can think of is the Telecommunications Act that provides that
115 every town must make available locations for cell towers. I don't know if any of you were on this Board when
116 the Daniel's case was before it, but your Board granted variances for a cell tower. That was appealed and the
117 courts said that that has to be taken into consideration. It has to be an umbrella in which you view everything.
118 So given that background, I want to go over the criteria of the three variances, but...

119
120 NEIL DUNN: If I may Mr. Chairman? Could you...I was here for the cell phone thing, and before we get
121 convoluted in the rest. I don't remember...what was your statement? It was appealed?

122
123 BILL TUCKER: Yes, your decision was appealed. It went to the state Supreme Court.

124
125 NEIL DUNN: I don't recall losing, I don't...?

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127 BILL TUCKER: No, you won.

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129 NEIL DUNN: Right, okay...

130
131 [Overlapping comments]

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133 NEIL DUNN: ...I wasn't clear what your point was there, so I was...

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135 BILL TUCKER: I was just trying to make...

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137 NEIL DUNN: ...just trying to make clarification. Thank you.

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[Laughter]

BILL TUCKER: Reading that decision your Board took into consideration the Federal statute in granting the variance. Your approving decision was appealed by some abutters and the court said you did exactly right; you had to take into consideration that Federal statute.

NEIL DUNN: Okay, thank you. I wasn't clear...

BILL TUCKER: Right.

NEIL DUNN: ...and maybe because I was...I do apologize.

BILL TUCKER: This is a similar situation where we've got an overriding state statute. In the denials, the first two components of the tests you found that we did not meet that and so I want to just give a little background on what the state Supreme Court has said in that regard. [See Exhibit Q]. The first two of the statutory criteria which must be met in order to grant a variance - that the variance will not be contrary to the public interest and that the spirit of the ordinance will be observed, - - have been the subject to a number of Supreme Court decisions. The most recent one was Harborside Associates v. Parade Residence Hotel. This was a 2011 case. The Court stated that the first step in analyzing whether to grant the variance would be contrary to the public interest and would be consistent with the spirit of the ordinance was to examine the ordinance and the provisions representing what the public interest was. The court stated "*Accordingly, to judge whether granting a variance is contrary to the public interest, and is consistent with the spirit of the ordinance, we must determine whether to grant the ordinance would 'unduly and in a mark degree, conflict with the ordinance such that it violates the ordinance's basic zoning objects.'*" So merely conflicting with the ordinance is insufficient because every variance conflicts with the ordinance. The Court went on to recognize two methods for ascertaining whether granting a variance would violate an ordinance's basic zoning objectives. The first was to examine whether granting the variance would alter the essential character of the neighborhood; that's one. The other was to examine whether granting the variance would threaten public health, safety, or welfare. So it's these two components the character of the neighborhood, and public health, safety and welfare that we need to look at when asking whether the variance would be contrary to the public interest, or the spirit of the ordinance will be observed. So with that background, I'd like to proceed to go through the three variances, and review the criteria and our position on that. And I see Mr. Thibeault has arrived so we have both Mr. Fougere and Mr. Thibeault here to answer any questions that may arise out of the reports that they have submitted, and the [Inaudible] that they've done.

[The discussion proceeded regarding Case No. 11/19/2014-4; see separate minutes. The following is a transcription of the discussion regarding Case No. 11/19/2015-5 only].

JAMES SMITH: Okay, we're onto the third case.

BILL TUCKER: Okay, this one is our request to have the phasing over three years as opposed to the six years that would be required if we were only allowed to build 48 units a year. And again, with respect to criteria one and two, the not contrary to public interest and not within the...or within the spirit of the ordinance being

182 observed, we need to look at the two section of the ordinance here, one...the Londonderry ordinance which
183 deals with residential development phasing. And it states that the purpose of that section of the ordinance is
184 “to monitor and evaluate, plan for and guide residential growth...consistent with the Town’s capacity for
185 planned, orderly and sensible expansion of its services to accommodate such growth” [sic] [Section 1.3.2.A]
186 “at a rate that [sic] will be compatible with the orderly and gradual expansion of community services...”
187 [Section 1.3.2.C] and “to provide for [the] current and future housing need of existing residents and families”
188 [Section 1.3.2.B]. Again, then we look at the inclusionary housing purpose, which we’ve said it several times
189 before tonight, but it’s primarily “to encourage and provide for the development of workforce housing within
190 Londonderry...to ensure the continued availability of a diverse supply of home ownership and rental
191 opportunities...” [Section 2.3.3.1]. So given the express purpose of the inclusionary ordinance being to
192 encourage and provide for the development of workforce housing within Londonderry, a variance that would
193 permit construction of this housing project is within the basic zoning objectives set forth in the ordinance.
194 Also, the project which will still be phased over three years will be planned, orderly and sensible. Looking at
195 the criteria established, again, in the Harborside case, granting the variance will not alter the essential
196 character of the neighborhood. Completion of this construction within three years as opposed to six years will
197 have no impact on the character of the neighborhood. In fact, we submit that it would likely have a less of an
198 impact as construction would be completed sooner and any disruption caused by construction would be over
199 a shorter period. The construction will be on site and we submit that a drawn out construction project would
200 have a greater impact than a shorter one. A three year construction period would not create a threat to the
201 public health, safety or welfare. The three year difference in construction schedule and construction activity
202 on the site just will not have an impact one way or the other on health, safety or welfare. The period will only
203 be shorter. Overall, the Fougere report states the Town of Londonderry’s infrastructure is not at risk and
204 there are no significant improvements that will be required by this project. Thus there will not be an impact
205 on the planned, orderly or sensible expansion of services as the services necessary to support this project are
206 in place. The initial subsequent reports of Mr. Fougere provide evidence that the residential growth rates are
207 well under projections and that the school enrollments have declined to the point where Londonderry High
208 School accepts tuition students from the Town of Hooksett. Public water and sewer is available and building
209 the project in three years as opposed to six will not have an impact of the supply of these services. Based on
210 all of the foregoing and since the three year phasing will not alter the character of the neighborhood or
211 threaten public health, safety and welfare, it is submitted that granting of the variance will not be contrary to
212 the public interest and is within the spirit of the ordinance. With respect to substantial justice, we believe
213 there will not be a benefit to the public that outweighs the loss to the applicant. As stated earlier, Mr.
214 Fougere’s report provides the evidence that the Town of Londonderry’s infrastructure is sufficient to support
215 the project. The residential growth rates are well within projections and under-projections and that the
216 Londonderry school system has excess capacity at this point in time and the public utilities for the project are
217 available. The applicant has provided ample evidence that as a need for the variance, permitting three year
218 phasing in order to make this project financially viable. Mr. Thibeault’s initial and subsequent reports provide
219 evidence that it is not feasible to construct the project with phasing of more than three years. Phasing over six
220 years would result in an increase of project costs of over \$3 million dollars. And this additional cost makes the
221 project economically unfeasible since the income from the project will not be sufficient to support debt
222 service with those increased construction costs. In addition, banks are very hesitant, if not unwilling to lend
223 on a project which has a construction schedule in excess of three years since interest rates can change and the
224 viability of the project can be affected. The proposed development is consistent with the area’s present use
225 and we have, again, submitted the Verani and Valentine letters indicating that the project would not alter the

226 essential character of this neighborhood. Since there is no general public gain outweighing the loss to the
227 applicant, and since the project is consistent with the area's present use, granting the variance will do
228 substantial justice. With respect to property values not being diminished, permitting the project to be
229 constructed in three years as opposed to the ordinance requirement of six will not have an impact on the
230 value of the properties. The Verani letters indicate and as does the Valentine Group letter, that the
231 surrounding properties will not be diminished by the project as a whole and a shorter time period of three
232 years for construction as opposed to six will not have an impact on the surrounding property values any
233 different. With respect to hardship, we submit that there is no fair and substantial relationship between the
234 general public purpose of the ordinance provision, six year phasing, and its specific application to the
235 property. Mr. Fougere's report states that there are no up to date findings that support restricting the timing
236 of construction, nor is there justification to limit building permits. The Town of Londonderry's infrastructure is
237 not at risk and there are no significant improvements that will be required by the proposed project. Without
238 any significant impact on infrastructure or requirement for public improvements, there is no relationship
239 between the purpose of the ordinance provision, orderly growth, and this application to this project. The
240 project's construction over three years as opposed to six will meet the Town's capacity for growth as the Town
241 is in a period of sustainable growth. Also, there is a lack of fair and substantial relationship...that the lack of
242 fair and substantial relationship is supported by the finding of the task force for Londonderry that the
243 identified property here is a site appropriate for workforce housing. We also have the economic impact
244 argument that is really the primary driving force here. Requiring the six year phasing of the project
245 increases...or imposes a substantial economic burden on the applicant, as the construction costs are increased
246 by over \$3 million, consequently making the project economically unviable. The net operating income from
247 the project will not be sufficient to cover the debt service if it is required to be phased over six years. We also
248 submit that the second criteria, criteria (B) for a hardship, is met. The property cannot reasonably be
249 developed as workforce housing in strict conformance with the ordinance. The variance is required in order to
250 enable the applicant to make a reasonable use of the property and the economic analysis submitted by Mr.
251 Thibeault and confirmed by the Town consultant clearly demonstrates that the project is not economically
252 viable if it has to be constructed over a six year period. The requirement of the six year phasing clearly
253 provides a roadblock to the development of the property as a workforce housing project and consequently
254 does not provide a reasonable or realistic opportunity for the development of workforce housing in
255 Londonderry. We therefore submit that we have met the five criteria for the granting of this variance. Thank
256 you.

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258 JAMES SMITH: Okay. Questions from the Board?

259
260 [No response from Board members].

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262 JAMES SMITH: Anyone in favor?

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264 [No response from the audience]

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266 JAMES SMITH: Those in opposition? Those in opposition.

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268 DEB PAUL: I would like to address Neil about the Planning Board. Just so you know, by you giving them all of
269 these variances, really what you did is you handed them their project on a silver platter. Yes, you did. I've

270 gone to plenty of Planning Board meetings to know everything at Planning Board is a workaround. So
271 basically, what they will do is widen Stonehenge, put in a light or two and everything will go through pretty
272 much as get-go by doing this. I just...I had to say that because I've gone to so many Planning Board meetings
273 and I've tried to fight so many of them and I've seen exactly what happens. And I needed to say that to you.
274 And as far as the phasing goes, be mindful of all the projects coming in within the next three years. That
275 will...we have another 288 apartments on Stonehenge...on Perkins, excuse me, plus the Mammoth Road ones,
276 plus the two housing developments coming in on Hovey Road...on Hovey and Otterson. All of those, just
277 there, will impact and all of them are coming in on an accelerated rate. So I'm very fearful of what's going on
278 and I'm very fearful about maybe not the schools, but everything happening at once. And I think you guys
279 should be aware of that and you know, I wish I had known that I needed to submit, you know, paperwork for
280 all of this. If I had known that, I would have done it. I could have got just as many people with degrees behind
281 them to say things that were on my side. You can work anything to work in your favor. Please stop being
282 afraid of these people. You're killing our town. Killing it.

283
284 BILL GARVEY: Bill Garvey, 110 Hardy Road, Londonderry. This is your last chance to shoot this down and I'd
285 like to address the impact of public health, safety and welfare by changing this from six years to three years.
286 It's very simple. For three years, there's gonna be twice as many dump trucks, trailer dump trucks, cement
287 trucks, lumber trucks, and contractor trucks on all those roads. That is a definitive threat to public health,
288 safety and welfare. Thank you.

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290 JAMES SMITH: He already stood up.

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292 GREG STANLEY: Greg Stanley, 112 Hardy Road. Just, I guess, just a couple questions. Just trying to get my
293 head around this. If they move it up to three years, how many days per week are they gonna be doing
294 construction on the site? You know, what are the normal hours gonna be? What impact are we gonna feel,
295 'cause I'm, again, trying to get a flavor for, you know, I go down Stonehenge Road every day in both directions,
296 whether I'm going to Wally World in Derry or whether I'm going past the airport to Merrimack where I work,
297 so I have questions in terms of what is the impact for me going to be and if somebody could kind of address
298 that. And last, I'd just...if you'll give me the opportunity to kind of veer off topic, I'm still just trying to get my
299 head around this whole...the whole rent thing. I'm trying to...and I'm not trying to debate it, I'm just trying to
300 understand it, so I know based on workforce housing, they can charge \$1,400 or \$1,440 for the subsidized
301 units, more or less, which means that they're gonna be charging more for the non-subsidized units and in
302 order for this whole thing to be viable, they're gonna have to charge more for the other 50% of the units and
303 I'm just trying to understand how much more is that? And are they truly going to be able to fill those...again,
304 it's just...I'm just trying to get my head around. I mean, are they gonna...are they gonna charge \$1,700 in rent?
305 \$1,800 in rent? And it seems like you can almost make a house payment for that kind of money. So I'm just
306 concerned about...does...do those numbers make sense? And I'm trying to get my head around that and I'm
307 not trying to debate it. I'm just trying to...do those numbers make sense to you guys? Can you shed any light
308 on that so that I get some better clarity on that? Just I'm just trying to do the math and I'm like, I don't
309 understand how they're gonna be able to rent, you know, rent these units for a number higher than that.

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311 JAMES SMITH: There's a partial answer to what your question is. One of the things we asked for was a
312 financial breakdown on each of the various variances and also if they got all three of them. And what they did
313 was, they gave us a breakdown of the construction costs, the site work, and everything that goes into the

314 project. And at the bottom of that, it said based upon their income stream, they were projecting a certain
315 percentage of return on the money they invest. In each of the three scenarios which were only based on one
316 variance, it would blow the...it was basically negative. It didn't make enough money to make it work.

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318 GREG STANLEY: Right.

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320 JAMES SMITH: When you got all three of them, their income coming in is just sufficient to meet what the
321 banks are looking for, which is at least 1.25% I believe. Now to go back to the question you had about the
322 rents. I believe, if I'm...I hopefully paraphrase this correctly, it's based upon the medium income in
323 Rockingham, 60% of it for a three person family and then of that, the rent can't exceed 30% of their income.
324 And that rent has to include utilities. So that's how they came up with that \$1,440.

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326 GREG STANLEY: Right, but that...

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328 JAMES SMITH: Which would vary from year to year as the medium income changes.

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330 GREG STANLEY: I understand that and that's for the people who are going to be subsidized.

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332 JAMES SMITH: Well, when you say "subsidized," I don't think that's the correct term...

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334 GREG STANLEY: Well, I...

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336 JAMES SMITH: We're gonna be in this rent controlled unit.

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338 GREG STANLEY: Right, but so what will...

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340 JAMES SMITH: It's not subsidized by anyone.

341
342 GREG STANLEY: I understand. But what will the other people be paying? 'Cause I'm just trying to understand
343 if they're gonna be, you know, again, now that...

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345 JAMES SMITH: We'll try to get an answer from the applicant.

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347 GREG STANLEY: Yeah, well, again, so you understand my questions, I just want to...'cause if they can't upkeep
348 the property because they can't rent out these units, I have a concern from that perspective, because I don't
349 want that to create a negative effect because they can't, you know, maintain...maintain the property. So I'm
350 just trying to understand what that rent would be.

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352 JAMES SMITH: My own opinion would be they must have a business plan which they've put together which
353 tells them that they can make this work. That's what I'm presuming.

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355 GREG STANLEY: Yeah...

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357 JAMES SMITH: But that's really their business approach to the whole thing.

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GREG STANLEY: Mmm.

JAMES SMITH: I would presume they're not gonna go in there thinking it's gonna fail.

RAJA KHANNA: So that's a very valid concern. Obviously, we want to make sure the properties are kept well as well. To speak to your point about the market rent, as opposed to the affordable rent of \$1,400. Russ, I don't want to misquote the number...

BILL TUCKER: It's right here.

RAJA KHANNA: ...that was used. That's \$1,575.

GREG STANLEY: Okay.

RAJA KHANNA: Alright? And the income analysis that was done, a fair bit, along with all the other expenses that go along with operating an apartment building, such as property taxes and insurance, a large portion of that is repair and maintenance. Any property requires repair and maintenance. It's built in. We know that it's gonna require repair and maintenance and that's certainly something that we've taken into account.

GREG STANLEY: Yeah, again, my only concern being that in this particular area, you know, the rents are \$1,200 or, you know, what have you and \$1,575 seems kind of high, given that it appear to me that you need to have 50 and 50 in order to be economically viable. So that's my only concern is I would hate to see you not be able to be economically viable 'cause that has an impact. In terms of the...if you could just kind of give us an idea in terms of the construction impact that we'd be facing if they went to a three year schedule? Does that mean, you know, twice as many dump trucks? Six days a week? Twice as many what...you know, I'm just trying to get a flavor...

JAMES SMITH: We'll try to get an answer to that, if you don't have any other questions.

GREG STANLEY: No, I'm good. Thank you.

JAMES SMITH: Okay, we've got one other person who wants to talk.

GEORGE YANKOPOULOS : Thank you. George Yankopoulos, 49 Stonehenge Rd. I'm sure these gentleman are very...I don't know your industry very well at all. I'm just a one-house homeowner kind of thing. Once again, I'm going to...I understand you're trying to accelerate the building construction in order to meet your financial obligations. Toward that end, I just scratch my head saying there seems to be a tremendous amount of inventory in the area for housing presently. You're looking at rates that apparently sounds like they're a little bit higher than the going rate locally. Toward that end, my concern is you accelerate, is there going to be a lot of empty space, empty...empty additional inventory that's not filled, thereby impacting, and I'm sure you guys have figured this out because you guys are smart about this stuff, about what your burden is if you don't sell all your available stock, rent all your available stock there. Toward that end, I would say gee, wouldn't six year...wouldn't six year phasing in just, granted it's more expensive, it would stretch it out longer? But you

402 have a better understanding of what your income is. Because I just see lots of property available and that's
403 my question there. Finally, I really have a very difficult time with Verani and the other agency saying this will
404 not impact my fees and I will debate that...my property value. I've seen a lot of traffic on Stonehenge Road
405 over the years and I won't bore you with the details of what it used to be like and how few cars went up and
406 down that street. But exponentially, every time something happens in this area or generally speaking,
407 whether it had been Vista Ridge, whether it had been development with a Walmart area in the
408 Londonderry/Derry town line, the volume of traffic and the accidents and the lady across the street that got
409 hit by a car while she was trying to shovel the snow in her driveway two months ago, the volume is
410 extraordinary. And to say that this additional traffic with possibly widening the road, where I can't speak in
411 my front yard now, which is understandable, I did all this stuff with development and so and so forth, but the
412 impact on my property will be significant. There will be a light in the corner, I would imagine, in the future.
413 It's gonna be flashing in my bedroom window. That's not gonna impact my property value? The increased
414 traffic volume, that's not gonna increase...impact my property value? So when people say so-called and, you
415 know, they're smart too and they probably know what they're talking about, their property values, but to have
416 local companies say this is not gonna impact my property value is a lie. It is totally incorrect. If I lived around
417 the corner in a little bit of a quieter neighborhood, my property value would be higher than it is today because
418 of the increased volume of traffic. So, yes it will impact. If it happens in three years, it will be less of an impact
419 if it happens in six years. So that's my point. You know, maybe this is germane to your argument, to your
420 resolution that this is a variance and so on and so forth, maybe it isn't, but I have a problem with people
421 saying it's not gonna impact my property value. That's all I have to say. And one final thing, I hear a lot of
422 questions asked, but I don't hear a lot of answers. And I understand some of them are not germane to your
423 variances and the topic and you don't need to answer them, but it would be nice to hear a few extra answers.
424 Thank you again, gentlemen.

425
426 JAMES SMITH: Okay, any other questions? Somebody new. Finally.

427
428 KERRI STANLEY: Kerri Stanley, 112 Hardy Road. The first thing you see when you go to the Town's website is
429 its welcome statement: "Londonderry is located in Rockingham County in southern New Hampshire.
430 Chartered in 1722, residents, elected and appointed officials and town staff have worked hard to maintain
431 Londonderry's enviable quality of life by supporting an excellent school system, preserving thousands of acres
432 of open space and encouraging land use practices to promote a healthy suburban lifestyle." So building in
433 three years versus six goes against the last part of that statement. You are sending the message that the
434 ordinances that we have in place are all just pretend. Anybody that has come to you with a variance request
435 that was denied can follow the same steps these people have and eventually, with persistence, have it
436 overturned. That's the message you're sending, not to mention the fact that those of us who will be directly
437 impacted by this development don't matter. Your mission, as it states, is "As a 'quasi-judicial' entity, the main
438 goal of the ZBA is to make exceptions to the ordinance without having to change the ordinance itself
439 (something only the Town Council has that authority to do)." So that's all I needed to say. Thank you.

440
441 JAMES SMITH: Is there anyone else? Back to the applicant.

442
443 BILL TUCKER: Yes, just two things. There's been some talk about the rents. This variance is on the phasing and
444 the stand alone economic analysis on the phasing, the rents were held constant and we simply ran the
445 increased costs that would result from the six year phasing. So on the economically unviable and economic

446 impact of this request, it is a cost analysis, the cost of a six year project versus a three year project results in \$3
447 million more of expense and that's what drives the bottom line numbers that make the project economically
448 unfeasible. And I'd just comment on the construction activity and its potential impact, that's an area that can
449 be limited by the Planning Board. I've had other projects that were near residential areas where the Planning
450 Board, for instance, said no outdoor construction activity before 7 in the morning. You can't start up the
451 bulldozers at 5 AM, for instance. And obviously, you can't put those restrictions on but that's certainly
452 something that can be discussed and the Planning Board certainly has the power to, you know, to restrict the
453 time of construction, particularly outdoors. The other project I'm thinking of was the Target/Lowes in Bedford
454 that has neighbors by it and they said you can't start anything outdoors before 7 o'clock. If it's a painter
455 indoors, that's fine because he's not disturbing anybody, but things like that can be discussed and appropriate
456 restrictions can be put on the construction activity.

457
458 JAMES SMITH: Any other questions?

459
460 NEIL DUNN: Are you coming to the Board? Richard, do we have any limits on construction noise, time of
461 day? I...

462
463 RICHARD CANUEL: Yeah, there's no restrictions in our ordinance insofar as development and construction
464 goes. There's no time limits, no restrictions whatsoever.

465
466 NEIL DUNN: And do you know if the Planning Board typically requires a surety bond or a bank line of credit
467 for completion of projects?

468
469 RICHARD CANUEL: They can do that. They have the authority to do so.

470
471 NEIL DUNN: So that would really, for those who are concerned about having financial...at least completing the
472 project and not leaving it halfway there, they could ask the Planning Board to ask for a surety bond or letter of
473 bank credit.

474
475 RICHARD CANUEL: The Planning Board has that authority, yes.

476
477 DAVID PAQUETTE: I think one question that was asked by the public was about finishing the project and
478 financially making it through to the end of building it all. I would like to assume from a business practice that
479 you're not looking...that your supporting numbers aren't at 100% filled. That you're gonna make it at 75%
480 filled or 80% filled, so it's not gonna fall apart because you're not at 100% capacity.

481
482 RAJA KHANNA: Yeah, that's correct. There's always a vacancy factor that's taken into consideration because, I
483 think someone alluded to, there's current housing stock available. That is always gonna be the case. There
484 are always gonna be housing stock available and even in these units, rare will be a day that all 288 will be
485 filled. Apartments are meant to operate with vacancy.

486
487 DAVID PAQUETTE: Thank you.

488
489 JAMES SMITH: Anything else? In that case, we'll close the public hearing and we'll deliberate this one.

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DELIBERATIONS:

JAMES SMITH: Okay, you got a sheet ready?

NEIL DUNN: [Indistinct]...voting sheet...[indistinct].

JIM TIRABASSI: Do you want to continue this to next month?

JAMES SMITH: Please, no.

[Laughter]

[Overlapping comments]

DAVID PAQUETTE: Alright, so...

JAMES SMITH: Okay, first one. Granting the variance would or would not be contrary to the public interest because...

JIM TIRABASSI: Once again, it would allow the project to be done economically and proceed.

DAVID PAQUETTE: The development will help the Town meets its statutory obligation of providing realistic opportunities for the development of workforce housing, including rental multi-family housing, per RSA 674:59.

NEIL DUNN: 59 or 58?

DAVID PAQUETTE: 674:59, "Workforce Housing Opportunities."

NEIL DUNN: Any thought on that?

[Pause]

DAVID PAQUETTE: "A municipality shall not fulfill the requirements of this section by adopting voluntary inclusionary zoning provisions that rely on inducements that render workforce housing developments economically unviable." That's part of that 674:59.

[Pause]

NEIL DUNN: And the spirit...

JAMES SMITH: The spirit of the ordinance would or would not be observed because...

534 DAVID PAQUETTE: Inclusionary housing provisions of our ordinance specifically permit multi-family workforce
535 housing developments.
536
537 JAMES SMITH: Well, we're talking about the phasing, though, really.
538
539 DAVID PAQUETTE: Okay.
540
541 JAMES SMITH: I think...
542
543 NEIL DUNN: Well, it gets back to the...it's maybe not our inclusionary, it's the State mandate that...
544
545 JAMES SMITH: Yeah.
546
547 NEIL DUNN: ...we can't hinder the development by putting in our ordinance anything that's gonna make it
548 financially...
549
550 JAMES SMITH: Alright, so we're in a period where we have the infrastructure to support this. I think I read
551 somewhere that...I think in the Town Report they said there's a...school population could be increased by
552 1,000 without...something to that effect, I read today.
553
554 NEIL DUNN: Right, and based on the numbers of...however we just did add firemen.
555
556 DAVID PAQUETTE: So I guess if you say...we're at 100% capacity of 288 units and there's three kids per
557 unit...God bless their soul.
558
559 [Laughing]
560
561 JAMES SMITH: I don't think that works out...
562
563 NEIL DUNN: It's more the phasing...
564
565 [Overlapping comments]
566
567 NEIL DUNN:phasing it over six years would give us more time to adjust...
568
569 JAMES SMITH: Adjust.
570
571 NEIL DUNN: ...or prepare or adapt...
572
573 DAVID PAQUETTE: Adapt to the...
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575 NEIL DUNN: ...to adapt...
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577 DAVID PAQUETTE: But...

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NEIL DUNN: Whereas over three years, it wouldn't, however the State statute saying you can't have ordinances that, you know, make it financially unviable is where I think we...

JAMES SMITH: Yeah.

DAVID PAQUETTE: By...yeah. "A municipality shall not fulfill the requirements of this section by adopting voluntary inclusionary zoning provisions that rely on inducements that render workforce housing developments economically unviable." So...

NEIL DUNN: So...

DAVID PAQUETTE: Is this a...?

NEIL DUNN: It really is, it...

DAVID PAQUETTE: ...a voluntary inclusionary...

[New CD inserted by technician]

JIM TIRABASSI: ...it's just the loss to stay on track financially to be able to be completed.

[Pause]

NEIL DUNN: Wouldn't that also apply to nine?

DAVID PAQUETTE: I'm not sure that where that was read from, so...

JAMES SMITH: Neil?

NEIL DUNN: The inclusionary...

DAVID PAQUETTE: Yeah, yeah. Yup.

JAMES SMITH: In our ordinance...

DAVID PAQUETTE: 674:59.

JAMES SMITH: It says, again, "the limitation of 48 units per year is arbitrary. And it appears to lack any legitimate purpose, considering the town's growth rate has slowed sufficiently during the last five years that the town's Growth Ordinance has expired."

DAVID PAQUETTE: Oh, the...

622 NEIL DUNN: But what happens in...
623
624 JAMES SMITH: Well, we're talking about [indistinct]...
625
626 NEIL DUNN: Yeah, no...
627
628 JAMES SMITH: ...at the moment, not...
629
630 NEIL DUNN: No, absolutely, but we also, I think, do have to look at what's possible in three years. And that's
631 the trouble. We could approve variances and the Planning Board can approve stuff and if it never gets built,
632 then it really is no impact and how do you put a number on, okay, historically, 80% of the projects go through.
633 We have plenty of projects that never...they go to the Planning Board, they get approved, and they're still not
634 being built. I mean, it happens all the time, so...I think the bigger thing is, you know, the spirit of the
635 workforce housing ordinance was to provide inclusionary housing and to comply with the state mandate and I
636 don't necessarily like it, but that's what we have codified and...
637
638 JAMES SMITH: Okay. So, who...
639
640 NEIL DUNN: I don't know how to put that, I guess, or if anybody else has thoughts on that?
641
642 JAMES SMITH: Which one are we on? Spirit of the ordinance?
643
644 NEIL DUNN: Yeah, it allows financial viability of the project pursuant to the town inclusionary...
645
646 JAMES SMITH: Yeah.
647
648 DAVID PAQUETTE: And I'm just reading this now, that...
649
650 NEIL DUNN: [Indistinct] housing...what was the word I'm after? Town inclusionary...
651
652 DAVID PAQUETTE: Zoning provisions? Voluntary inclusionary...
653
654 NEIL DUNN: Not the zoning...zoning...
655
656 DAVID PAQUETTE: ...and zoning provisions...
657
658 NEIL DUNN: ...and state statute.
659
660 DAVID PAQUETTE: And that the Growth Management and Innovative Land Use Control...
661
662 NEIL DUNN: Well, no, they scratched that...
663
664 DAVID PAQUETTE: ...was allowed to sunset?
665

666 NEIL DUNN: ...from the application.
667
668 JAMES SMITH: Yeah, that's...
669
670 DAVID PAQUETTE: Well, that's I'm saying, it's...
671
672 JAMES SMITH: Yeah.
673
674 NEIL DUNN: Yeah.
675
676 JAMES SMITH: We don't even have to think about that one.
677
678 DAVID PAQUETTE: Okay.
679
680 JAMES SMITH: Granting the variance would or would not do substantial justice? Again, it comes back to the
681 overriding viable...financial viability of the project.
682
683 NEIL DUNN: And at this point in time, at the application, we don't have any concerns over the...
684
685 DAVID PAQUETTE: The speed...?
686
687 NEIL DUNN: Phasing. I mean, there's concerns over noise and sound and traffic, which can be handled by the
688 Planning Board. There were concerns over financial viability, building it out that quick, maybe not having
689 enough people to fill it, but that can be handled by a surety bond, so...
690
691 JAMES SMITH: Yeah.
692
693 NEIL DUNN: So I guess I would say yeah. Granting the variance would do substantial justice because, again, it
694 allows the project to go forward in compliance with the town and state regs.
695
696 JAMES SMITH: In a financially viable manner.
697
698 NEIL DUNN: In a financial manner.
699
700 JAMES SMITH: Are you done with that one?
701
702 NEIL DUNN: Mmm.
703
704 JAMES SMITH: For the following reason, the values of surrounding properties would or would not be
705 diminished.
706
707 JIM TIRABASSI: Would not be. Would not be.
708
709 JAMES SMITH: Would not be diminished.

710
711 JIM TIRABASSI: Yeah. It would allow the project to be expediated and get the neighborhood back to its new
712 normal in a shorter period of time.
713
714 JAMES SMITH: Mmm.
715
716 DAVID PAQUETTE: I agree.
717
718 NEIL DUNN: So would you rather it over three or six years, though? I agree, I think I'd rather get it over with.
719
720 JIM TIRABASSI: Yeah.
721
722 JAMES SMITH: Yeah.
723
724 JIM TIRABASSI: The new normal would...
725
726 NEIL DUNN: I mean, it's gonna be built either way, theoretically...
727
728 JIM TIRABASSI: Right, the new normal would be...would be in place much sooner.
729
730 NEIL DUNN: We're only talking the phasing on the values.
731
732 JAMES SMITH: Yeah.
733
734 DAVID PAQUETTE: Agree.
735
736 JAMES SMITH: And owing to special conditions of the property that distinguish it from other properties in the
737 area, denial of the variance will result in an unnecessary hardship because...and again, we're faced with the
738 overriding workforce housing rules.
739
740 DAVID PAQUETTE: And economic feasibility.
741
742 JAMES SMITH: Right.
743
744 DAVID PAQUETTE: The limitation of the 48 units per year is arbitrary. It makes the development of a
745 workforce housing project economically unfeasible.
746
747 NEIL DUNN: Yeah, I...I don't know how arbitrary it is, I mean, I think it was pre-GMO, was the growth...not the
748 modified organisms, the Growth Management Ordinance...
749
750 [Laughter]
751
752 DAVID PAQUETTE: GMI? Growth Management and Innovative Land [indistinct].
753

754 NEIL DUNN: So I think that was probably a way to help put a throttle on things, and then the GMOs came
755 about.

756
757 DAVID PAQUETTE: Yeah.

758
759 NEIL DUNN: So I guess where that's out now because it hasn't been triggered and we had to have a mandate
760 and I guess maybe it was arbitrary. I don't know. What do you think on that?

761
762 JAMES SMITH: Well, I took a look at that whole section. If you look at some of the other numbers, I mean, like
763 if you have a regular housing development, they limit it to 15 houses in a year. It seems like a relatively small
764 number by my...

765
766 NEIL DUNN: Mmm.

767
768 JAMES SMITH: Some of the others were similar. And again, what was the rationale to come up with 48?

769
770 NEIL DUNN: I think at the time it was because of your concern about growth. I've been here 34 years and, I
771 mean, it's the last five years that we've seen, really, anything dip.

772
773 JAMES SMITH: [Indistinct].

774
775 NEIL DUNN: Well, maybe a few years longer, but I mean...

776
777 JAMES SMITH: Yeah. Yeah.

778
779 NEIL DUNN: ...there was a huge period where we just...So I think that was before the Growth Management
780 Ordinances were either popular or thought of or allowed or whatever, so there's a way to put throttle on it.

781
782 JAMES SMITH: Again, it's...I think it was a number just...Okay. And one of the things that bothered me about
783 it was when you look at that section, if this had been a project where they could have had 20 units per
784 building and dropped to 40...

785
786 NEIL DUNN: They'd build less.

787
788 JAMES SMITH: It was 40...

789
790 NEIL DUNN: They could build less.

791
792 JAMES SMITH: ...which didn't make...basically, they were saying two buildings, whether it had...well, no...no..

793
794 NEIL DUNN: Right. Yeah...

795
796 JAMES SMITH: Not even two buildings. It was three buildings one way, two buildings the other way.

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NEIL DUNN: And you get less out of it, yes.

JAMES SMITH: Yeah, you get less out of the [indistinct].

NEIL DUNN: Per year.

JAMES SMITH: But anyways, so the bottom line...

NEIL DUNN: Alright, so...

JAMES SMITH: ...is the economic impact of this. They're saying it would cost another \$3 million to build it over six years versus three years.

NEIL DUNN: So there is not a fair and substantial relationship between the general purpose of the ordinance...

JAMES SMITH: Do you have any comments?

JIM TIRABASSI: Nope. No.

BILL BERARDINO: I don't want to [indistinct], so...

JIM TIRABASSI: I'm just sitting down here in the quiet end.

JAMES SMITH: Okay.

NEIL DUNN: Well, essentially, the economic impact would hinder it, which was not allowed with the state statute.

JAMES SMITH: Yeah. It just doesn't comply with it.

DAVID PAQUETTE: I don't even know where this 48 units per year came from 'cause the ordinance because the ordinance actually says 40 units per year.

NEIL DUNN: That's if you do a different size building, 20.

JAMES SMITH: [Indistinct to JIM Tirabassi]

JIM TIRABASSI: They were on when I came in at [indistinct].

DAVID PAQUETTE: In the event...if it's workforce housing as defined by...

JAMES SMITH: Oh.

841 DAVID PAQUETTE: ...and approved by the Planning Board per the procedures outlined, then “such
842 developments shall be permitted two multi-family buildings, the total number of dwelling units not to exceed
843 40 units per year from the date of final approval” [Section 1.3.3.B].
844
845 NEIL DUNN: Well, that’s the new one...ordinance. As opposed to what was submitted under. However...
846
847 DAVID PAQUETTE: Right.
848
849 NEIL DUNN: Right up here.
850
851 DAVID PAQUETTE: Oh, there it is. Okay.
852
853 NEIL DUNN: And then it’s the [indistinct]...if the Planning Board grants it, then it’s kicked there, so...
854
855 DAVID PAQUETTE: Oh, okay. Gotcha. Two and forty, but three and 48. I don't understand those...that math.
856 It’s a little...okay, I think those are arbitrary numbers, because this one says two buildings with 40 units.
857
858 NEIL DUNN: Mmm.
859
860 DAVID PAQUETTE: This one says three and 48.
861
862 NEIL DUNN: And we voted [indistinct].
863
864 DAVID PAQUETTE: Yeah. Yes we did.
865
866 NEIL DUNN: And the use is reasonable. [Indistinct].
867
868 DAVID PAQUETTE: I do.
869
870 NEIL DUNN: It has multi-family is allowed...
871
872 DAVID PAQUETTE: It meets the requirements of the state housing statute and the purpose of our inclusionary
873 housing provisions.
874
875 NEIL DUNN: One thing that we haven't put on there is the caveat of approval by the Planning Board. Is that
876 something we want to tie to one of them or...? I guess...
877
878 JAMES SMITH: Well, wait, no...
879
880 NEIL DUNN: ...technically...
881
882 JAMES SMITH: No, no, no. No, because in the first two variances, what we’ve done is given a change to the
883 criteria that the Planning Board has to use to grant conditional use.
884

885 NEIL DUNN: Well they have to provide conditional use anyway, so if they don't, then does the variance stay
886 with it? And then some other day they come back? I mean, I don't know. There's an a natural two year
887 limit...
888
889 JAMES SMITH: No, no, no. No, I think...no. See, what happens is when you look at this ordinance, what has to
890 happen after they get through this, if they get them, well, appear to be getting them, then they have to go to
891 the Planning Board and go through the procedure to apply for the Conditional Use Permit. And that point, the
892 Planning Board has to make a decision on whether or not to grant that. But what we've done, by the first two
893 variances, we've changed two of the criteria that they have to use to...
894
895 NEIL DUNN: On the conditional use section.
896
897 JAMES SMITH: Right.
898
899 NEIL DUNN: Yup.
900
901 JAMES SMITH: Right.
902
903 DAVID PAQUETTE: This particular piece of property now has a new ordinance...
904
905 JAMES SMITH: For that...
906
907 DAVID PAQUETTE: ...based on those particular items.
908
909 JAMES SMITH: Right. That's all they've done. So until they get the Conditional Use Permit, then they...from
910 that point, then they go to the next step of presenting the plan and doing all the rest of it.
911
912 DAVID PAQUETTE: Well, I think the question is, is do these variances that we've granted, or the first two that
913 were granted, stick with this piece of property at one...?
914
915 JAMES SMITH: They do, but they'd have to...still have to go back to the Planning Board. They have to get
916 through the Planning Board.
917
918 [Overlapping comments]
919
920 DAVID PAQUETTE: That's true.
921
922 JAMES SMITH: There's no question about it. They have to get through the Planning Board.
923
924 NEIL DUNN: And if I may ask Richard a question for clarity...?
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926 JAMES SMITH: Sure.
927
928 NEIL DUNN: If there's no progress on a variance in two years, does the variance die?

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RICHARD CANUEL: The way our ordinance is written, when a building permit is required, if there is no building permit applied for within 12 months, the granting of the variance sunsets. It becomes null and void.

NEIL DUNN: And so they apply for the building permit, but there's no progress. Is there a sunset?

RICHARD CANUEL: By the ordinance, the way the ordinance is written, yes. But I know the issue that the Board is struggling with and as with any variance that would require subsequent approval from the Planning Board, I would always recommend that the Board make the variance conditional upon Planning Board approval.

DAVID PAQUETTE: Well that should be added to this one then, 'cause that will slow the rest of it, right? That's a suggestion.

NEIL DUNN: Well, that was my thought. I mean, if...if...

JAMES SMITH: Okay, I mean...

NEIL DUNN: I don't know.

JAMES SMITH: ...to some extent, it makes a certain amount of sense just to attach it to this one. Because the other two are tied to the Conditional Use Permit. So if they don't get it...

NEIL DUNN: They die.

JAMES SMITH: ...they die because there is...they would...even if they stayed on the books forever, it would still have to go back to the Planning Board to get a Conditional Use Permit.

RICHARD CANUEL: That's correct.

NEIL DUNN: Well, except for if they don't pull the permit, it dies after 12 months.

JAMES SMITH: No, no, no, no. This is a Conditional Use Permit. This allows them to then go forward with going to the...with a site plan and all rest of it.

NEIL DUNN: Right.

JAMES SMITH: Until they get that Conditional Use Permit, they can't do that. This is not a building permit.

NEIL DUNN: Right. No. No, absolutely.

DAVID PAQUETTE: Right.

NEIL DUNN: And this...so...tying it to this one is not part of the conditional use and it...

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JAMES SMITH: This one, if we tied it to this one, that would make some sense because this is not in the workforce housing section of the ordinance, it's in the...

NEIL DUNN: Phasing.

JAMES SMITH: ...phasing section of the ordinance.

NEIL DUNN: Well, that's my point and that's why...

JAMES SMITH: Okay, you can do that.

NEIL DUNN: What's the word I want now?

DAVID PAQUETTE: Barring Planning Board approval?

NEIL DUNN: What do we usually put? Barring...

DAVID PAQUETTE: I mean, that's what we've used in the past. At least that's what I've used in the past.

NICOLE DOOLAN: Subject to.

DAVID PAQUETTE: Or subject.

NEIL DUNN: Subject. Thank you.

JAMES SMITH: Subject to Planning Board approval.

DAVID PAQUETTE: Subject to Planning Board...

JAMES SMITH: You want to pass this down? This was...

NEIL DUNN: Jackie's?

JAMES SMITH: Jackie's.

NEIL DUNN: Any other discussion? I'm sorry, Mr. Chairman, that's your line.

JAMES SMITH: I'll entertain a motion at this point.

NEIL DUNN: Mr. Chairman, I'd like to make a motion to grant case 11/19/2014-6 as granting the variance would not be contrary to the public interest because it provides our obligatory workforce housing per 674:59, if needed to meet the town's regional requirements; the spirit of the ordinance would be observed because this allows for the financial viability of a project pursuant to the Town inclusionary zoning and state statute;

017 that granting the variance would do substantial justice as it allows the project to be completed in a financial
018 viable manner, again, while complying with the town and state requirements and statutes; the values of
019 surrounding properties would not be diminished, it may actually, in the long term, have less of an impact on
020 the neighborhood with increased phasing; and that there is not a substantial relationship between the general
021 public purpose of the ordinance as the economic impact would not allow for a viable project per state statute
022 674:5 [sic] and the town's recommended workforce housing...

023
024 DAVID PAQUETTE: Housing task force?

025
026 NEIL DUNN: ...task force, and, thank you very much, and the proposed use is reasonable as multi-family
027 housing is allowed in the area and is encouraged by our town inclusionary ordinance; and that the condition of
028 the variance is subject to Planning Board approval.

029
030 JAMES SMITH: Okay. Second?

031
032 DAVID PAQUETTE: I'll second it.

033
034 JAMES SMITH: Okay. All those in favor?

035
036 ALL: Aye.

037
038 RESULT: CASE NO. 11/19/2014-6: THE MOTION TO GRANT CASE NO. 11/19/2014-6 WITH CONDITIONS WAS
039 APPROVED, 5-0-0.

040
041 RESPECTFULLY SUBMITTED,

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043
044
045 DAVE PAQUETTE, CLERK

046
047 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
048 SECRETARY

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050 **APPROVED APRIL 15, 2015** WITH A MOTION MADE BY NEIL DUNN, SECONDED BY JACKIE BENARD AND
051 APPROVED, 5-0-0.