

1 Planning Board Meeting

2 **PUBLIC HEARING**

3 February 11, 2025, 7PM at the Meeting House

4 Members Present: Greg Meeh (Chair), Rich Marcou, Kent Ruesswick (BOS rep), John Schneider
5 (Vice Chair), Joshua Gordon

6 Members Absent: Hillary Nelson (Alternate), Logan Snyder, Megan Portnoy

7 Alternates Seated: Brendan O' Donnell (Alternate) Seated for Logan Snyder

8 Staff Present: Jan Stout, Land Use Administrator, Michelle Hammond, Planning Board Secretary

9 Others Present: Tim Sheedy, Esq, Kenneth Clinton, LLS/PLS President/Chief of Survey, Samuel
10 R. Foisie, P.E., Tim McGibbon, Erol Duymazlar, Heather Cassavaugh, David Emerson, Beth
11 Blair, Tom Franco, Cheryl Franco, Evan Hauptman, Clifton Matthew, Heidi Chaney

12 Agenda

13 1. Call to Order

14 Greg Meeh (Chair) called the meeting to order at 7:00 PM.

15 2. Approval of Previous Minutes

16 Rich made a motion to approve January 30, 2025, minutes, Joshua seconded, no
17 discussion all voted in favor, aye.

18 3. Continuation of Design Review of 114 West Road

19 Greg opened the design review with a reminder that this is a non-binding
20 discussion for both parties.

21 At the meeting on January 14th, Sam posed some questions which the board
22 wanted to review with the town council, which was passed along to the town council a
23 few days after that meeting. The town council is quite busy at this time of year with
24 preparations for numerous town meetings. Town council responded this morning, so
25 hopefully the board can address some of those questions.

26 The first question concerns baseline density for residential and commercial areas.
27 The ordinance provides guidance on how to determine base density for cluster
28 development.

29 6.4C states: “The density, or maximum number of residential dwelling units
30 permitted in a cluster neighborhood, may not exceed the density allowed under Section
31 5.2 of the Zoning Ordinance, except when a request for a density incentive is approved
32 by the Planning Board under Section 6.6 or Section 6.7.”

33 Similarly for commercial, 6.9 B states; The total number of lots in the commercial
34 cluster development shall not exceed the number of lots that would be allowed if the
35 entire tract were developed consistent with dimensional requirements otherwise
36 applicable to the property, except when a density bonus is granted by the Planning Board,
37 as permitted in Sections 6.6 & 6.7.

38 A straightforward reading of the ordinance tells us that the base density is what
39 would be allowed if it was not a cluster. There is no special formula for this calculation.
40 All properties are different.

41 Another question was percentage of mixed use. The Master Plan prioritizes mixed
42 use at exit eighteen commercial district in multiple sections.

Ordinance 5.3.4 states: District C (Commercial) To permit commercial and retail growth and development in those areas most convenient to residents and to visitors so as to meet the daily needs of the community. The Board would like to see at least 50% commercial.

Wetland, steep slopes, and designated open space: The ordinance and master plan gives us clear direction to protect wetlands and steep slopes. The board would like to see no more than 20% of designated open space, wetland and steep slope combined.

Designated open space acreage requirement: 6.4.1 Fifty (50%) of the total land area of the parcel shall remain undisturbed as Designated Open Space, except for activities and improvements approved by the Planning Board after consultation with the Conservation Commission.

Tim Sheedy asked the board, based on what was presented, if the board viewed this as a residential subdivision or a commercial subdivision? Greg responded that it is up to you as what they are presenting the board with, the application should say what the plan is.

Sam responded that our primary focus was residential development, and the commercial component was put in there as mixed use but not the primary focus. If they go forward with the primary focus being residential, would the board agree with that primary focus?

Greg responded that the board would like to see the base density and the mix of uses you are proposing as though it were not a cluster development and that becomes the base, and we work from there.

65 Joshua requests a spreadsheet that includes detailed calculations, allowing him to
66 understand how the numbers were derived.

67 Sam recognized that one of the statements made was that it would be proved via
68 conventional subdivision prior, and that is what he understood was requested by the town
69 attorney. Sam said it is not perfectly clear and asked when we get to a proposed
70 development, what is the calculation for how many units of residential there are versus
71 how many units of commercial. At the last meeting there was discussion of acreage
72 determining it versus one commercial area being one unit.

73 Greg referenced that 5.2 tells you the regulations to determine baseline if it is not
74 commercial and not a cluster.

75 Sam asked if twenty-eight residential units plus two commercial areas count as
76 thirty total units, or if the commercial area needs to be subtracted. Greg replied that they
77 need to know the baseline first.

78 Sam asked if the commercial area being five acres, is that five units of
79 commercial or is that one unit because it is one commercial area?

80 Greg responded that the board discussed that the dimensional requirement for
81 each lot is based on the actual area of the lot or use.

82 Sam felt his question was not answered, he understood the points made at the last
83 meeting and notes the board is making the same point this meeting. If you have a 5-acre
84 commercial piece you would consider that five units.

85 Greg responded that it would use your dimensional allotment of five acres
86 because it is on five acres, he is not saying it is considered five units but uses up five
87 acres of your dimensional allotment. You have a 35-acre plot, it is thirty-five acres or less

88 if you take out steep slopes and wetlands. If you use five acres for commercial use it is
89 using five acres of your dimensional allotment.

90 Greg asked Sam how he viewed it. Sam said that if you have one commercial lot
91 it is one commercial unit, similar to if there was one commercial lot somewhere in town
92 you would not call those five commercial acres, you will call it one large retail facility
93 there.

94 Greg reiterated that there is a dimensional requirement for this, and we have to
95 determine the base allocation.

96 Tim Sheedy responded that if it were 1 use on 5 acres in the back, he understands
97 that affects the allotment of acres they can use but if there is one 5 acre tract back there
98 with one use, if this were hypothetically to be a storage facility with one use, is that one
99 unit or is that looked at as 5 units because there is 5 buildings.

100 Greg repeated that Tim was saying that they wanted to use the dimensional
101 allotment from those five acres for something else. Tim said that was not what he was
102 saying. Greg asked again if you are using those five acres then you have used them, you
103 cannot use them again. Sam said they do not mean to use them again, just trying to
104 understand how that would be interpreted.

105 Greg asked to be clear about this, you aren't saying that you are going to use
106 them again? He thought the plan was to use the five acres of dimensional allotment for
107 other uses, residential. Joshua clarified that when you say use, you mean as a
108 calculational thing, it sounds like you mean as an actual physical thing. Tim asked again
109 if an actual physical thing, if there is however many acres you put it on, if there are 3

110 self-storage buildings back there are those 3 physical buildings considered 3 different
111 units is what he is asking.

112 Greg said that it is not clear in the ordinance whether a multi-unit storage facility
113 is considered one unit or as many units as there are buildings there. What the board
114 discussed and voted on was that lots or unit/s or acres, whichever is greater is what it is.

115 Joshua said this zone there is a one acre minimum, but if were a different zone,
116 the acreage would be 2-5 and we would not be dividing by 1. He felt that was where
117 some of the confusion was coming from. Five acres takes up five units, Joshua and Greg
118 agreed that it is five acres of your dimensional allotment.

119 Sam moved on to discuss the open space lot, we discussed last time, and it is
120 reiterated tonight that the board would like to see no more than 20% of the designated
121 open space wetlands and steep slopes combined. He clarified that the board does not want
122 more than 20% of the open space lot to have steep slopes and wetlands on it and asked if
123 that is based on a regulation. He said the attorney has referenced other regulations but this
124 one he did not.

125 Greg said that one is currently in a ballot for town meeting. Sam asked if that
126 would apply to this project. Greg said he did not know the answer to that. John said that
127 the planning board has a certain amount of discretion. Greg was not sure if the warrant at
128 this town meeting is applicable to this application. That is a matter of law, not board
129 discretion.

130 Sam did not mean to be argumentative but wanted to make a correction on that,
131 per the zoning ordinance, single family dwellings, two family dwellings cluster

development are approved. Even though it is a commercial zone it does not mean that residential is not permitted within the area.

Greg said it is permitted as part of a cluster ordinance and that is something that we make clear in the current warrant article now and that is a detail we can resolve with the town council. Sam said there is no ruse, these developers want to build the residential component and then hold onto commercial until a viable option. It might make this process easier if this is only a residential application, which he knows the town does not want and why they held off until the Master Plan was amended to include mixed use but a lot of the complexity that has been added to this is by making it residential and commercial.

Tim said if residential is not allowed unless it is a cluster subdivision, if the board deems this a commercial subdivision than the warrant article 5, if that were to pass, how would that apply to this? Does that mean, no more than 50% residential, does that mean if there is going to be ten residents, there must be 10 commercial uses on the property and what does 10 commercial uses mean? He wants to put an application before the board that makes sense.

Greg responded that there is discussion on the ballots on lots, units and acres and that is what you would want to follow, but it is speculation as these haven't passed town meeting and we don't have an application to apply a speculated ordinance to.

Tim would like to have clarity so they can submit an application. Greg said the board needs to know more specifically about what you are looking at is the next step.

153 Sam reiterated that we have been discussing this for a few months. Joshua, can
154 you answer this question by doing a count, right now we do not know how you are
155 counting.

156 Greg asked that you come back and show us more detail on how you are
157 calculating base density, what the 50% designated open space is, what is the common
158 area for residents use, information on slopes, there are many unanswered questions.

159 Tim read what the warrant article said and if the board deems this as a commercial
160 subdivision, the warrant says that no commercial cluster development shall have more
161 than 50% residential units or lots, whichever is greater. Tim referenced the cluster
162 subdivision on the map would not be possible. Greg responded that the board has been
163 telling you from the first time you came in with this plan that it was not what we were
164 looking for, that we want mixed use, we want to know exactly where the 50%
165 undisturbed designated open area is, we want to know detail on steep slopes and
166 wetlands, detail on the common area(s) for residents and we do not agree with your base
167 density calculation.

168 Sam asked if the open area must be all contiguous. Joshua said that there are
169 pieces that should not be counted, the small triangle up at the top left and the triangle at
170 the bottom that seem as a practical matter that they are not really useful. Whether it has
171 to be contiguous the board was not sure, but for it to be open space, walking they ought to
172 be.

173 Greg mentioned the filtration areas, sound suppression berms and sound
174 suppression planting and those areas may be approved by the board as acceptable open

space, but until we see the whole big picture the board is not going to make those kinds of decisions.

Sam asked for 10 minutes to regroup to discuss. The Meridan Group took a break to regroup.

4. 418 Shaker Road Application DADU/Conditional Use Permit

- David and Anne Emerson applied for a conditional use permit to renovate an existing structure to be a detached one-bedroom ADU (600 sq ft), which is under the max (1000 sq ft).
- It is within five hundred feet of the primary residence. There will be no changes to the exterior building. The footprint is the same.
- Tax Card for the primary residence shows a 3 bedroom home, they are doing a new septic in the spring, The septic plan is not complete due to frozen ground. The new septic will be for the primary residence and the detached ADU The current septic is west of the residence; it is on the long side.

Joshua motioned to approve the application, condition precedent that a septic design approved by Department of Environmental Services for the 3 bedroom primary residence and the detached ADU is designed, installed, connected and approved. The building inspector will confirm this prior to the issuance of the certificate of occupancy. John seconded the motion. There was no further discussion, and all voted in favor.

Continuation of Design Review:

Branden asked a clarity question of the document that Greg drafted and stated that portions were included of what the town attorney told him and referencing decisions made by the

196 board in prior meetings, but not a document that the board has approved as a whole. Sam and
197 Greg acknowledged that to be the case.

198 Sam continued by asking when the board decisions happened last month upon review of
199 the minutes, warrant articles were spoken about that were specific to this project, is that when the
200 board came together as a group. Greg responded that the board has been working on updating the
201 ordinances for months and referred him to the town website where the notices are posted.

202 The Chair recognizes that ordinance updates may be applicable or may not, but it is not
203 for him to decide. If the warrant articles are approved at town meeting, then that would be the
204 time to refer to town council. We had two hearings on ballots and voted at both those meetings. It
205 was January 30th when we last discussed this and took the final votes.

206 Sam is taking the standpoint that it is a residential cluster, because of the allowed uses in
207 the table of uses, if it is a residential cluster then it does not apply, and we will move forward as
208 if it does not apply. Backing that up , when you add in the mixed uses that is within the cluster
209 neighborhood not within the commercial cluster neighborhood and therefore those proposed
210 zoning articles would not apply to us.

211 Sam wanted that on record that is how they are going to move forward with this unless
212 the board has a strong opinion and advises us otherwise and that is their viewpoint after hearing
213 the testimony of the board, reading the summary letter, and coming together as a group.

214 Greg asked about the mixed use not applying, Sam said there is a section in article 6.4A
215 cluster neighborhoods zoning ordinance and add in the mixed uses that those zoning articles
216 would not apply, that is the viewpoint after coming together as a group. Even if it is mixed use,
217 it is still a residential cluster.

218 Greg stated that we recognize that there is a discrepancy in the ordinance written
219 description of where residential cluster is permitted and how it is presented in the table of uses.
220 Sam asked how that affects us, Greg replied that what we are pointing out is that the wording in
221 the ordinance does not say you can do it (residential cluster) in the commercial zone, Sam said
222 the table of uses says one thing and the written ordinance says another. Sam asked what the
223 wording says that is different from the table of uses. Sam apologized for being direct but wanted
224 to be wrong sooner than later.

225 Greg referenced 6.4B does not say commercial. Sam asked which one we are supposed to
226 follow. Greg has yet to get an answer to that, he has asked but has not received an answer yet.
227 Sam asked how long this had been known and Greg discovered this in the last couple of weeks.

228 Rich, we spoke at great length at the last meeting when the landowner was present, and
229 we described and went into a lot of different alternatives for the commercial/mixed use. He
230 recalls giving ideas to uses for the commercial portion, such as assisted living center. Greg
231 suggested a garden center. Retail and apartments are mixed use. Rich felt like that was dismissed
232 or forgotten.

233 Erol responded that nothing has been dismissed but they are struggling with how to
234 follow the town ordinance and the direction that we are getting and that they have to ultimately
235 find something that is going to be financially successful and viable and frankly, a 50/50 ratio is
236 not going to be viable, so we are trying to fit what is going to be successful into your ordinance
237 and so far all he is hearing is a lot of questions being asked but they really need an answer to
238 move forward or they are going to make their own interpretation of the ordinance with their legal
239 counsel and move forward and the board will say no and we will go from there.

240 Rich stated that we have limited commercial area, we are a small town and that where we
241 allow the mixed use is in the commercial area and this proposal doesn't adequately address the
242 commercial. Erol responded that the last thing he would want in his small town is a commercial
243 development that fails.

244 Erol's opinion is that a commercial development of the size that the board wants will fail
245 here, it will not get occupancy, if you as the board have uses, they will absolutely consider them,
246 but we have not seen them yet.

247 Rich said that we cannot as a board solicit business into an area, but we can work with
248 you with conditional use permits, cluster development, etc.

249 Greg responded that it is limited as to what we can do for density bonuses, the board
250 recognizes the need for affordable housing but it is expensive for the town to support more
251 residential and the purpose of the commercial zone is to provide services for the local people and
252 that is what is stated in the ordinance, yes residential is needed, but so are garden centers and
253 elder care, child care, etc.

254 Erol said that they are still looking for the formula. Greg reiterated that there is no magic
255 formula but a baseline density number gives us a better foundation. Erol is struggling with
256 commercial uses, most professionals that move here are going to want to have an office in
257 Concord because there are more people there and they will live here and not sure if they could
258 get enough business here in Canterbury for an office space type of thing. John mentioned
259 daycare centers and that for people driving from Canterbury it would be perfect. Rich mentioned
260 a pizza place.

261 Sam had a question regarding the January 3 public notice that does not mention warrant
262 article 5 at all and asked if it was mentioned in a different one. Joshua mentioned that the article
263 was possibly renumbered. Greg stated that he would look into it. Sam said for the record it was
264 not there. Branden said there is no need to answer at this time.

265 Greg asked if it was Article 5.2, they were asking about. Sam referred to 50% open space.
266 Branden said it is not helpful for people to try and guess about what was posted. Sam was asking
267 again why it was not there.

268 Joshua reiterated that the town has an interest in this being a commercial place and he
269 understood their position. Is this a viable commercial place and broader thinking, if we are
270 suggesting by our zoning calling this commercial, there is not a viable commercial use that
271 would work, then we are forcing a square peg into a round hole, then maybe there is a problem
272 with our zoning, it would be useful to hear your opinion whether there is anything viable for a
273 commercial use there.

274 Erol said that is beyond his scope of expertise. He said the town went over
275 comprehensive studies to determine what areas should be what zones when the ordinance was
276 written. From ideas he has heard here, there are things he believes would be commercially
277 viable, tonight he heard garden center, that may or may not be viable, he is data driven but if that
278 is a use they were going to look at they would need to look at the data to see if the traffic was
279 there to support it.

280 His gut feeling about that particular location is that the flow of traffic will not support
281 many commercial activities. You need some residential components to draw people to the
282 commercial. When we proposed this it was as a result of having various meetings with the town,

283 the planning board and also town staff to come up with something that would be appealing, not
284 throwing out commercial completely and landbank the commercial area, there may be a time
285 when a more wide range of commercial uses could be viable, but right now it is pushing that
286 square peg into a round hole and it is premature, but it does not mean there can be no viable
287 commercial business there.

288 One thing he is still confused about is how you are interpreting your own zoning
289 ordinance and unit's size. He does not interpret the zoning ordinance that way, they asked for
290 legal opinion, we asked you to ask for a legal opinion, we still don't have an answer and it is
291 completely unclear. If we had clarity we could work with that, such as leave a piece commercial,
292 maybe we put commercial up front without committing specifically to what it will be. It will be a
293 commercial site and we will come back to you at some point for a site plan review.

294 Joshua said that it could be in 20 years, Erol said yes it could be, but he did not know.
295 That is driven by the market that none of us control.

296 They have tried to be thoughtful and create something that would be welcoming and he
297 thinks he is understanding more and more what the board wants and needs, you raised assisted
298 living and we would love to do that but that is ahead of the curve 5-10 years so they can certainly
299 carve out a space and lay it out if the board approves it but it won't get built tomorrow.

300 In order to make this project viable we need some commercial component and look into
301 fifty-five and older, if you are looking at changing your ordinances in some way, something to
302 consider. He feels it is too late for this round coming up, but we can sort of do that here once we
303 understand how much residential we are going to be allowed. We can design a product that will
304 be attractive to the fifty-five and older that has been very effective in other small towns.

305 If he asks for anything more tonight it would be a better interpretation of the unit count
306 and how you are applying the commercial unit. A commercial lot is one unit in a cluster. It is not
307 five units because it is five acres or 15 acres.

308 Greg said you are skipping the step as to what is the base density. Erol responded again
309 saying that he is asking for that opinion. Greg said to look at the ordinance and Erol said they
310 have done that, and Greg said that he has not seen a new density calculation from them. Erol
311 responded that we did spell out how we arrived at density.

312 Greg said that we did not agree with how you arrived at density, you do not take
313 the acreage and divide by one, every piece of land is different, and you have to apply the
314 ordinance.

315 Sam agreed that every lot is different. He supported Erol and said what he is
316 trying to point out is if hypothetically speaking we agree the boards density calculation
317 and you agree with how we represented and it came up with 20 units, Erol is saying that
318 the one commercial lot should be one unit not 5 because it is 5 acres. That is what they
319 believe the interpretation is.

320 Greg said that if it is not a cluster development that is not how it works. Sam said
321 it is a cluster development. Greg responded that you need your baseline density.

322 Sam and Erol discussed that they do have a baseline density but that the board
323 does not agree with it.

324 Branden apologized for not being here for prior meetings and if he is retreading
325 anything but ultimately this is a non-binding portion of the process and you get an actual
326 application, the board individually will vote and figure out how we are going to apply it.

327 He continued by saying that it sounds like there needs to be an application and
328 that will force the board's hand. At that point, the board will have to apply the ordinance
329 and take a vote, and of course there is the ability to amend those types of things.

330 You have the opportunity to present your legal opinions, which are part of the
331 application. He felt just listening to the back and forth today we are not going to get to a
332 point where the board as a whole as a consensus of exactly how to apply what looks like
333 a pretty difficult ordinance to your proposal and he sympathizes that it is frustrating, and
334 a preferred approach is an easy-to-read ordinance and Sam agreed with him.

335 Greg followed up by asking if they were going to present a baseline density for
336 the board to review so we can move forward. The board has worked on making the
337 ordinance better, but we have to follow what the ordinance says.

338 Branden brought up the past proposal of density calculation. Greg said that the
339 board disagrees with it, Branden said it is a non-binding process.

340 Sam asked if you hypothetically agree with the application, how would you then
341 apply it to the site and that the Chair stated that one residential is one unit and that
342 commercial lot hypothetically being five acres is considered 5.

343 Greg responded that he did not say units. He said it would use five acres of your
344 dimensional allotment. Sam asked the rest of the board if they felt it meant the same
345 thing.

346 If we had a total of thirty-seven units and this was five acres, can he have thirty-
347 two residential lots or if we have thirty-seven units and this is five acres on commercial
348 lot, can I have thirty two residential lots, put simply.

349 Greg said you want to take that dimensional allotment from a 5-acre lot and use it
350 for something else.

351 Branden does not read the ordinance that way. Parts of the cluster neighborhood
352 that talk about once you establish the amounts of units you have all size is out the
353 window.

354 Greg reiterated that calculation of density bonus happens off your baseline
355 density, and your baseline density is calculated off what you could you put there if it was
356 not a cluster.

357 Branden is hearing different opinions of the ordinance and differences in
358 opinions. Joshua thinks that stems from this being a round peg in a square hole.

359 Tim wanted to clarify, talking about density bonuses, if 20 units were allowed,
360 without any density bonus, this is a made-up number, but you have a 5-acre commercial
361 component are you saying that only 15 housing units would be allowed because that 5-
362 acre commercial lot takes up 5 units even though there is no density bonus.

363 Greg stated, if they are saying this is not a cluster development, when you
364 subdivide a 5 acre lot from a larger parcel,, those five acres would be part of that
365 subdivided lot You cannot use the dimensional allotment from one lot on another lot.

366 Tim responded that he is not saying that it is not a cluster, what he is saying is that
367 it might be a cluster that is not asking for any density bonus. Greg said that in that case it
368 would be the baseline density that you would work by which is exactly what he is asking
369 you to do, lay out the lots you want for the types of uses you want and see how you can
370 fit them in.

371 Joshua added that in your (Tim's) example he thought the answer to Greg's
372 question on baseline is exactly what you said, if you have twenty acres and five acres and
373 twenty units allowed and 5-acre commercial that is fifteen units left.

374 Sam's standpoint was that if our five acres of commercial is 1 unit then you have
375 19 residential units. Greg said that this is a subdivision so once you subdivide it off, you
376 cannot use it as part of another subdivision. Sam responded that it is subdivided under the
377 cluster ordinance. Greg again said that we are talking about baseline and what you would
378 do without cluster.

379 Erol said that once you calculate the baseline density for the site the size of the
380 units is irrelevant whether it is commercial, residential or something else.

381 Greg stated that you are calculating the baseline density for specified uses, you
382 cannot say that I am going to calculate my baseline density for one thing and then use
383 that calculation for something else. Erol said that the ordinance does not make a
384 distinction, it just talks about baseline density calculation to determine a total number of
385 units then we are taking that X and we are dividing X over the total acreage we have to
386 take into consideration the open space that we need to allow to make it all work.

387 Greg said that is above his pay grade to decide that. Branden said he thinks what
388 they are saying is one cluster neighborhood of which the units are used some for
389 residential and some for commercial and what he thinks he is hearing is that you're
390 envisioning a subdivision a portion that is used for commercial and a portion that is used
391 for cluster neighborhood that is only residential.

392 Greg said that the baseline is if it is not a cluster, you cannot apply any of the
393 cluster benefits or bonuses to it. To get the baseline you are going to divide into as many
394 lots as you can.

395 Sam responded that based on your interpretation it sounds like you are saying we
396 are doing a two-step subdivision, where you are subdividing the commercial out of it and
397 then doing a residential when we are doing a cluster that is mixed use that one time.

398 Joshua said that the calculation is based on as though you were dividing and Greg
399 added that is what it says in the ordinance and Sam agreed that you have to establish
400 baseline and where he is losing you is applying the established baseline to the
401 commercial component and how it relates to the remainder for the residential component.
402 He said we are going around in circles.

403 Branden said from listening he figured why they were sighting six. 4 A meaning
404 there is a cluster neighborhood, and a portion of that neighborhood can be commercial or
405 mixed uses, but if it is one cluster neighborhood density applies to the entire amount.
406 Regardless of which amounts ultimately become commercial or residential units.

407 Erol interjected that one of the words in that was "may" not shall, that is a
408 significant distinction so they are willing to incorporate commercial to appease the board
409 and it's on the board to allow us to do that, but that doesn't mean that we couldn't do all
410 residential so were are trying to accommodate and leave those future paths available and
411 he thinks it would be dangerous to pigeon hole the development into the specific uses
412 which is why we carved that area out without being particular on what goes there, maybe
413 future questions are what should we restructure so that we have palliative uses but certain

414 uses that we can't ever consider, then we leave the option open for what time and the
415 market may allow.

416 Greg said this sounds like a phased development. Erol said that he thinks they
417 would have to end up asking for phasing. Joshua said it would be multi phased with the
418 4% you would still have some of your residential one year and some residential the
419 following and commercial later.

420 Erol said they could come back, and the board could change that at any point if
421 we found all of a sudden there was a new commercial use ready to break ground on that
422 and maybe we come back and ask to do a site plan for a portion of it and escalate the
423 timing.

424 Greg shared that Central Regional Planning has advised we tie in phases to
425 include the desired split of residential and commercial so that you do not end up with all
426 your residential in there and wait 20 years for commercial.

427 Branden responded that you cannot force someone to actually build or use
428 property for anything. They do not have to follow through with anything. Greg added that
429 they do not get their second phase until they complete the first.

430 Greg continued to recognize that there is difficulty in our ordinances, and we have
431 done quite a bit of work trying to make them work better, but we cannot ignore the
432 ordinances as they are.

433 Questions from the public:

434 Tom Franco wanted to ask about cluster housing in general, not specifically this
435 proposal but wanted to state that he is partial to not having any cookie cutter looks in
436 town, and requests that roof heights be different for whatever you are building.

437 Greg responded that we did talk about this and the characteristics that would
438 make it feel like a small town included variation in size, height, grouping and spacing.

439 Tom voiced his concern for cluster housing and the tax load and impact on fire
440 police and schools and how the ratio is with cluster housing versus regular housing lots.

441 Greg thanked Tom and told him that we are going to be holding a Planning Board
442 session in spring and mid-summer on the ordinances changes and he is welcome to join.

443 Sam asked if the town council will be providing any additional legal opinions or
444 questions that have not been approached. Greg replied that they are free to submit
445 additional questions to town staff but that now we would like to finalize the design
446 review.

447 Joshua, given these two calculation ways of doing this what is the practical effect
448 of them, what is the delta of the number of the residential units, is it 1 or 5 or is it
449 something different.

450 Erol said that if it is applied the way the Chair suggests that the unit count will
451 have to come down by four. Sam added that we disagree with that, but we figure that out
452 as we go through the next step, and it might be more, or the plan might change.

453 Erol voiced that it might be more far reaching if you ask for 50% to be
454 commercial and it is 50% of the acres as opposed to the units, because if it was 50% of
455 the units than that base density calculation was 20 then we would need 10 commercial
456 units but it gets complicated because if the commercial units have to be an acre and a half
457 it affects everything if the size of the commercial unit is larger , what is the formula? or if
458 it is based on acreage and the acres have to (be?) commercial, we have 30 acres
459 commercial then we have 30 units that go to commercial, one commercial unit is 100,000

sq ft, then he goes back to the density calculation is based on the overall site and if it is 38 units we do one commercial as 5 acres, 3 or 10 then we have to figure out the remaining units to get a cluster on the remaining land.

Which then spurs another question which we don't want to go there as a development team, but if we use your formula then we have eaten up 5 units and if we agree on the 38 number which I am not sure we do, now we are down to 33 residential, while we may not be able to fit 33 residential comfortably and meet the criteria of variation of house sizes and roof lines and distances between buildings now maybe we are stuck with doing one building that is 50,000 square feet, we go 3 stories high and make it look like a barn, but that might not be what anyone is looking for or be marketable so we just need the formula.

Greg asked about the cell tower on the map and wanted to make known that cell tower is a primary use not an accessory use to a storage unit and wanted to make you aware of a whole different permitting and application process and pointed out that the need for cell service in town may not be critical in that area, but to do it there is a series of assessments of coverage areas in the permitting process

The board and applicant agreed to close the design review. Our regulations say two design reviews and also CNHRP advises us not to keep continuing.

The chair hoped they would come back with something they could work out for everyone, and Sam responded that they would be as detailed as you need them to be.

5. Training Opportunities:

Several board members have taken training. They are very helpful, especially for those who do not have a lot of experience. The grant we received has a requirement that

some members attend some training courses The Chair asked if there was a way we could make it easier to select training? Rich would like to see the details of the training before he decides.

Greg will try to get a list of training for the next six months. The lunchtime ones are short and easy. They are on line. Joshua tries to include any land use training in his required continuing education yearly.

6. Representative for the Municipal Association: (NHMA)

John has a conflict with scheduling and needs to step down, so the town needs to find a representative. Meetings are held once a month, the second Thursday. Meetings are in Concord in person, you meet with people from other towns. Branden has a conflict with NHMA due to his work relationship, so he is not able. Greg would like to reach out to other parts of town for help with this. Rich suggested the conservation committee. Tom Franco might be able to in a few months if his schedule allows.

7. Other Business:

About a month ago, Rich submitted to Mike Tardif, a Solid Waste Chapter Addendum for the Master Plan, Greg will follow up with Mike.

Kent got an email this morning about a legislative hearing on OHRV on any class 6 legally in five counties including Merrimack County. Rich explained that even if they allow it on the class 6 road as soon as you leave you are on private property they are prohibited. It is an enforcement problem.

Branden shared there are a million bills in the house assuming it is a house bill and not a senate bill, not to stress about it until it makes it to the senate. Rich brought up

the potential ADU legislation, making two by right and up to six per lot, last year it came close.

Greg suggested looking at the workforce housing section, which we will be reviewing this summer with CNHRP. He was surprised to read that it states 750 feet, either side of, class 5 roads which would include many existing residences.. John noted the need to define what workforce housing is.

Action Items:

- Include property card with the staff recommendation.
- Greg to follow up with Mike regarding Solid Waste Chapter in the Master Plan
- List of training options
- Widen search for NHMA representative.

The next meeting will be on February 25, 2025, 7PM at the Meeting House.

Rich motioned to adjourn the meeting, Joshual seconded at 8:49pm.

Respectfully submitted,

Michelle Hammond,
Planning Board Secretary