

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

APPROVED

PLANNING BOARD MINUTES
OF JANUARY 13, 2010

2010 ZONING AMENDMENT PUBLIC HEARING

Meeting called to order at 6:00 p.m. by Chairman Tom Dow.

Attendance:

Planning Board – Chairman Tom Dow, Tom Moore, Stan Prescott, Steve Jackson, Gary Tasker, Alternate Jeff Green, Ex-Officio Steve Ives

Zoning Board – Chairman Dave Powelson, George Saunderson, Ned Lizotte, Alternate Jim Venne

Agricultural Commission – Earl Tuson

Proposed Zoning Ordinance Amendments:

Amendment 2010-1 – Chairman Dow read the proposed amendment and reason for the amendment. Earl Tuson noted that the definition reads ‘for the *sole* purpose of housing seasonal agricultural workers’. He asked if agricultural supplies could be stored in the same building. Chairman Dow said the purpose of the word *sole* was that it would be for seasonal workers only and not necessarily to limit the use of the building. Stan Prescott said that they are trying to define a place to live. Jim Venne said the *sole* purpose is for seasonal agricultural workers, not to be rented to others. ***Gary Tasker made a motion to move Amendment 2010-1 to the ballot as written; seconded by Stan Prescott. All were in favor. PASSED***

Amendment 2010-2 – Chairman Dow read the proposed amendment and reason for the amendment. There was no discussion. ***Gary Tasker made a motion to move Amendment 2010-2 to the ballot as written; seconded by Tom Moore. All were in favor. PASSED***

Amendment 2010-3 – Chairman Dow read the proposed amendment and reason for the amendment. There was no discussion. ***Tom Moore made a motion to move Amendment 2010-3 to the ballot as written; seconded by Gary Tasker. All were in favor. PASSED***

Amendment 2010-4 – Chairman Dow read the proposed amendment and reason for the amendment. Gary Tasker suggested getting this proposed ordinance out to the public prior to town meeting so that residents have time to study it before voting. It was agreed that the information should be in the Ledger, on the town’s website, and available at the library and town office.

There was discussion about the proposed overlay district map. Donna will have the map legend and labeling cleaned up by CNHRPC. Tony Merullo asked why the AFP District was included as part of the overlay area. He said that the Zoning Ordinance asks that it be preserved and including it seems to contradict the purpose of the AFP District. Stan Prescott explained that the main reason that the sub-committee added this was that they did not want to discriminate against any district. He said that the AFP District is part of the community and the community as a whole needs to bear the brunt of the responsibility. Mr. Merullo noted that they left out the

core of the community. Mr. Prescott said that they included Pine Ridge. He said the Scotch Pines and Lazy Pines parks, Shaker Brook Development, and other areas have a good share of workforce housing and the sub-committee felt that section already met the criteria of workforce housing being that of under \$220,000 value. Mr. Merullo asked if this would make those developments non-conforming to workforce housing. Mr. Prescott said they are conforming and would count toward the 'fair share'. Tom Moore explained that they have to include 51% of the residential areas of the town and the proposed map goes out to 66%. He said the AFP District was included, noting that the overlay district creates simpler lines than cutting it to 51%. Mr. Merullo said that it would seem more desirable at the core of the town than to stick it out in the more rural areas. Stan Prescott said that they went up the southeast side of Oak Hill Road. He explained that they had four proposals and the majority of the board felt this was the appropriate choice. Tom Moore said they also have to consider what might be available for parcels for development and that there is not much in the corridor. Tom Dow said that there is not a lot of guidance from the State and there are a lot of open-ended points. He said a lot of questions will be answered if this legislation is challenged; then there would be a better idea if Loudon is already compliant. Mr. Prescott said that the town seems very close to being compliant compared to surrounding communities. Tony Merullo said there is no definition of 'fair share'. He stated that the proposed overlay district takes the workforce housing option out of his grasp which he feels is unfortunate because this would be a good use for the parcel at his disposal that is only two miles out, is close to facilities, and is the perfect location for this type of development. Mr. Prescott said the ordinance is based on fair share, not location. Mr. Merullo said that he has attended two regional seminars on workforce housing and he feels this proposed ordinance is a step in the right direction but he feels it is foolish to stick it out in the rural areas. Mr. Prescott said that the overlay district encompasses some of the Village and he feels they can defend the map. Mr. Merullo asked why the whole town wasn't included. Mr. Prescott said that was one of the proposals that the committee brought to the Planning Board and the map being presented is the one that was voted as most equitable for the town all around.

Mr. Merullo asked about the density bonus section of the proposed ordinance. He asked about the 33% that is listed, stating that he thought workforce housing was supposed to be in better than 50% of the town. Stan Prescott explained that the 50% that Mr. Merullo heard is 51% of the area of the town is to be included in the district. He read about density bonus from page four of the proposed ordinance. Mr. Merullo asked to clarify that this meant 1/3 of lots in a development can be used for workforce housing with a 15% lot size reduction for those lots. Mr. Prescott said that was correct. Mr. Merullo asked where the 33% figure came from. Tom Moore said that the guideline came through as a minimum of 20%. Mr. Merullo said this limit is not very helpful toward the intent of the law. Mr. Prescott said he feels there was a misconception that a development could all be workforce housing. Steve Jackson asked how limiting it is working toward workforce housing and how a fair share is ever reached. Stan Prescott said if the town meets its fair share then this is not an issue. He said the town is encumbered to do an annual assessment of its housing. Mr. Prescott said the ordinance can be challenged by a developer and they can take it to court if they do not like the town's assessment. Discussion continued about how fair share is determined. It was noted that the original recommendation by CNHRPC was no less than 20% would be workforce housing but the committee came up with no more than 33% could be. It was also noted that the fair share is regional based, not just for the town. Stan Prescott said that he feels the town definitely contributes its fair share of workforce housing. Others agreed. Steve Jackson said he does not like the district map either and he read from S 205.1 about the purpose of the AFP District. He said that it is a shame that this will be expanded into more dense lots where five acre lots would only be reduced to 4.25 acre lots. He said this will not make it any more affordable for developers for the purpose of building houses

under \$220,000. Mr. Jackson said the town does not need to be afraid of workforce housing because the median income considered is \$75,000 and the home value is given as \$220,000. He said the current market situation creates workforce housing on its own. Tom Moore said they have to pick a starting point. He said there are a lot of variables and there are no real answers. Ned Lizotte said the town is being pro-active by addressing this now. He said this is a regional issue but the town is only responsible for the town and the region has to be addressed by the State. Steve Ives said the town is being forced to do this but nothing says they have to make it easier for developers to do. Mr. Merullo said that he has learned through the House Bill and seminars how it was determined what it would take to create workforce housing. He said it comes down to lot cost, giving examples of how this would be calculated and affect the profitability and affordability of such development. Mr. Merullo said this proposed ordinance takes that away and does not work with these percentages. Discussion continued about the legislation, the proposed ordinance, and the ambiguity of the law.

Steve Jackson asked if the reason for the amendment should be more detailed. Chairman Dow said that he felt it was enough of an explanation and really did not know how else it could be explained. There was brief discussion of other ways the reason could be worded and the importance of getting the details out to the public. Tony Merullo asked about the aspect of how the town wants to lien this type of property. Steve Jackson said there would be an encumbrance on the title to keep the housing affordable. Stan Prescott said that is not something that they think is best but it is part of the law. ***Stan Prescott made a motion to place Zoning Amendment 2010-4 on the ballot, include the revised map to be part of it, and to include the ordinance in the Overlay District as S 304 in the Zoning Ordinance; seconded by Steve Ives. All were in favor. PASSED***

Amendment 2010-5 – Chairman Dow read the proposed amendment and reason for the amendment. There was discussion of wording with regard to the reference to DES rules. It was agreed to leave it as presented. ***Steve Jackson made a motion to move Amendment 2010-5 to the ballot; seconded by Tom Moore. All were in favor. PASSED***

Amendment 2010-6 – Chairman Dow read the proposed amendment. Dave Powelson explained that the first and second sections of S 301.6 have been left as they currently appear in the Zoning Ordinance. He said the third section has been cut into three sections and he explained the changes. Mr. Powelson pointed out that S 301.4 lists agricultural uses and mentions pesticides in a way that seemed different from S 301.6. He said he thought this could be allowed by special exception in the new #4; then the rest of S 301.6 would remain the same wording as seen in the new #5. Mr. Powelson said that the Zoning Ordinance protects the buffer more than the wetlands and he does not feel that was the intent. He said he spoke with Julie Robinson and she was not pleased about the thought of pesticides near wetlands. Earl Tuson said that the State regulations cover the mixing and loading of pesticides within seventy-five feet of wetlands. There was discussion about the State regulations and the affect of slopes, wind, and other considerations when using pesticides. Steve Jackson asked Mr. Tuson if he was familiar with the Best Management Practices of Agriculture and if they deal with pesticides. Mr. Tuson said there are several different ones that apply to agriculture. Mr. Jackson read S 301.4 B and said that section seems to address the use of pesticides. Chairman Dow asked Mr. Tuson if he agreed with the proposed wording. Mr. Tuson said that he did. Mr. Powelson noted that Julie Robinson does not support the proposed section #4. Discussion continued about the best way to address the inconsistency in the Ordinance language. Chairman Dow suggested that someone gets this on paper and address the matter again the following week, before or after the regular Planning Board meeting. He said he felt this needs a little more work and he recommended tabling 2010-6

until January 21st. Stan Prescott read from the RSA pertaining to Shoreland Protection Act. Steve Jackson said that some areas of wetland do not fall under the Shoreland Protection Act. Mr. Prescott suggested that they look at the Best Management Practices for Agriculture. Tom Dow said they want it clear. ***Stan Prescott made a motion to table proposed Amendment 2010-6 until January 21, 2010 at 7:00 p.m. at the Community Building; seconded by Steve Jackson. All were in favor.*** There will be no further notification.

Gary Tasker made a motion to adjourn at 7:27 p.m.; seconded by Steve Ives.

Respectfully submitted,

**Donna White
Administrative Assistant**