

PLANNING BOARD WORK SESSION
DECEMBER 3, 2014

PRESENT: Ed Dekker, Chairman, Woody Meiszner, Tim Jones, Bert Hamill, Paul Termin, Ned Nichols, Joanne Meshna

The meeting was called to order at 7:00 p.m. at the Town Office. Joanne was appointed to fill Liz's vacancy.

The minutes of the October 15, 2014 meeting were reviewed and the following correction made: page 1, second to the last paragraph, second sentence should read "The consensus of the public statements was it was not..." Bert made a motion to approve the minutes as amended. Woody seconded the motion and it passed unanimously.

The minutes of the November 5, 2014 meeting were reviewed and the following corrections made: page 1, second paragraph under Sterrett, last sentence should read "Ms. Hughes introduced their attorney Andrew Piela."; third paragraph under Sterrett, , fifth sentence should read "The Attorney General's office was contacted by Attorney Piela and would..."; page 4, second paragraph, delete the sentence "This is a repeat." Bert made a motion to approve the minutes as amended. Tim seconded the motion and it passed Ed, Tim, Bert, Paul and Ned in favor and Woody abstaining.

The minutes of the November 19, 2014 meeting were reviewed and the following corrections made: page 2, under USA, fifth paragraph, first sentence should read "Liz stated that she had reviewed all the..."; page 5, under 12), first sentence should read "The issue of off-site improvements to Stowell Road has been raised but not full discussed." Woody made a motion to approve the minutes as amended. Bert seconded the motion and it passed unanimously.

Ned asked that the when voting the names of the members and how they vote should be in the minutes. The Board agreed.

7:20 p.m.:

Ed asked Bert to give the subcommittee report on the proposed cluster ordinance amendment. Paul asked for a point of discussion and stated a subcommittee of the Board is subject to the open meeting rules and the subcommittee meetings were held without notice and without invitation to any of the other Board members so in fact they were private discussions with the objective that appears to be to limit the discussion to certain people and exclude others. Ed responded there were three members on the subcommittee and the open meeting rules do not apply. Paul stated that was not true, that only applies for the Board as a whole. It does not apply to a subcommittee. The subcommittee has three members and a quorum would be two. Paul stated the subcommittee was a method to exclude and prevent open discussion and is at odds with the open meeting rules. Paul did not know when the subcommittee was meeting.

Members discussed past practices. Ned noted that with the subcommittee for the commercial zone he had not noticed the meeting which he thought was ok. One of the purposes was to exclude certain people.

Paul stated he was offended he was excluded and did not have a chance to go to the meeting and listen and asked why he was precluded from attending. Bert responded that if Paul had been present that would have constituted a quorum of the Board. Joanne noted the Board decided for the commercial district and the cluster to form subcommittees and report back to the Board. Paul responded he did not know what happened, they had people that presented to the subcommittee and questioned why there was an effort to keep people from attending. He wanted to have the information the subcommittee worked with. Ned stated it would not matter if the issue was not being pushed through as it is and he did not think the amendment had been thoroughly done. Joanne responded that was the reason for this evening's meeting. Paul questioned how that would be done in one meeting and Joanne responded the Board had four meetings for the discussions. Ed added more meetings could be scheduled. Paul asked what the objective was for doing the amendment. Woody responded over the years only a few clusters were done and not very good ones so the Board has kept tinkering with it to try to get something that developers want to use and set aside some good land. This is the latest attempt to change the cluster. Bert stated the subcommittee had tried to provide guidelines, incentives, and make it as viable as possible. There is still work to be done. Ned summarized that the objective is to make cluster development more attractive to developers so the Board can judge every change against that standard. Ed added another purpose was to preserve open space.

Paul asked that the issue of open meeting rules be referred to town counsel. Ed will ask Attorney Kinyon for a written legal opinion.

The Board discussed the proposed cluster development ordinance as presented by Bert. He noted the purpose is to provide incentives and clarify the existing ordinance. He explained that the amendment offers developers an alternative to a conventional subdivision, gives back to the developer percentages on what they can give to the conservation community, makes allowances for multi-family housing, makes recommendations on frontage requirements, and tries to define everything. The subcommittee wanted to give the Board some flexibility. Incentives are offered to the developer. Some of the points made were as follows:

- There is a problem that the developer can only sell half of what he started with.
- Bonuses are meager.
- Base number of lots would be what the developer gets with a conventional development and then with incentives he may get more lots; when calculating, the developer can reduce the size of the roadways, lots sizes and frontages requirements.
- Clusters are allowed in all districts subject to the conditional use permit.
- Under conditional permits what is reasonable reduction in allowed density? There is a problem with "reasonable"; a developer needs to know what he is faced with.

- With so many "ifs" in the writing of the document, a developer would feel uncertain about doing a cluster development; however, allows flexibility by the Board.
- Regarding the incentives, a developer would state what incentives he meets, provide justification, and ask for the Board to grant them.
- There is a need for a conceptual review before the developer gets too far into the proposal.
- Could write into the conditional use permit a section allowing for conditional use hearings to start with a conceptual plan or full plan.
- 50% of the total tract is to be set aside for open space; however, the Board can authorize a reduction to 40%.
- Conservation subdivision approach - if the open space land is reduced to 40%, the reason would be to obtain more valuable high priority lands according to the New Ipswich NRI overlay map; if not in the overlay, then not a high priority; high value would be deer yards, productive wetlands, etc.
- The cluster ordinance needs to work economically as well as physically.
- Referring to page 1, 2.a., members discussed the minimum lot area on which cluster development may be considered which now states ten contiguous acres; it was agreed that figure should be more around 25 contiguous acres.
- Frontage reduced to 100' is an incentive.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Joanne Meshna, Land Use Manager