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LITCHFIELD PLANNING BOARD
November 11, 2008
Minutes accepted as amended 1/6/09

Members present:

- Steve Perry, Chairman
- Jayson Brennen, Vice Chairman
- Leon Barry
- Alison Douglas
- Marc Ducharme
- Edward Almeida, Alternate
- Frank A. Byron, Selectmen’s Representative (arrived at 8:30 p.m)

Members not present:

- Carlos Fuertes, Alternate
- Mary Ann Geist

Also present:

- Joan McKibben, Administrative Assistant
- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

Agenda:

- 1. Ben Frost, Director Public Affairs NH Housing to speak about Workforce Housing**
- 2. 2009 Zoning Changes**
- 3. Proposed Regulations Changes**
Appendix F Planning Board Fee Schedule
- 4. Waiver on Escrow Amount (Policy)**
- 5. Any Other Business**
 - **Heritage Park Condominium Association Road Bond (Letter from Association)**
 - **Snowdrop Lane and Lilac Court final pavement completed October 8, 2008**
 - **Correspondence**
 - **Approval of Minutes: 9/16/08; 9/23/08 and 10/7/08**

1
2 Chairman Perry called the meeting to order at 7:06 p.m. Chairman Perry appointed
3 Edward Almeida as a voting member. Also present: Laura Gandi (State Representative
4 and resident), Attorney Andrew Prolman (resident) and Richard Riley (resident and ZBA
5 Chairman).

6
7 **1. Workforce Housing**

8
9 Mr. Ben Frost, Director Public Affairs NH Housing, came before the Board to discuss the
10 Workforce Housing statute. He provided handouts on the subject that was part of the law
11 lecture series. He was told that the Board is looking for clarification as to what it has to
12 do to comply with the statute.

13
14 Mr. Frost went on to talk about what happened in Chester back in 1991 where the NH
15 Supreme Court said that every municipality has an obligation to provide reasonable
16 opportunity for development of affordable housing and every municipality has an
17 obligation to provide its fair share of reasonable need of its fair housing. Chester's zoning
18 ordinance was thrown out as unconstitutional by the court. The Supreme Court viewed it
19 as too extreme. After 1991 the housing market was worse than now and in 1992 not much
20 happened and a lot of communities did nothing in response to the law. So time past, cost
21 of housing went out, the legislature became concerned and did studies and concluded that
22 there is a problem. So, they studied it again year after year. Finally, this year there was a
23 series of legislation SB342 that was passed. It will become effective July 1, 2009. It is
24 important to recognize that it is not just zoning but the entire land use regulations that are
25 adopted using RSA674. He told the Board that it needs to look at zoning, site plan
26 regulations, impact fees, growth management, building codes, all adopted using 674. So,
27 what you do is look at the collective impact of all your land use regulations adopted
28 pursuant to RSA674 and make a good faith assessment and this is your job as a Planning
29 Board.

30
31 Mr. Frost further stated that ownership population and renter population are different and
32 therefore have different needs. So, workforce housing is housing that is affordable for an
33 ownership population, an ownership household of 4 making up to 100% of the area
34 median income. Renters for a household of 3 making up to 60% of the area median
35 income. Renters have smaller families and lower income so looking at two-tier structure.

36
37 Mr. Frost: What is the area we are talking about. It is not the town. You need to look at
38 the HUD fair market rental area of which Litchfield is part and that happens to be the
39 Nashua area. So, look at the income figures for the Nashua area as identified and updated
40 annually by HUD. So, for 2008 Nashua is almost the highest in the State. The median
41 income for a family of 4 in Nashua area is \$87,400; it is the middle value, not the
42 average. What does that mean in terms of purchase price, the statute is fairly limited what
43 we did because we were asked by some Senators, came up with figures for example using
44 a cost burden of 30% and this is identified as a separate definition of what is affordable
45 that no household should spend more than 30% of its income on its housing costs. The

1 30% cost burden with 5% down payment and a 30 year mortgage and we were using
2 6.34% interest rates, 44 points at closing, PMA, hazard insurance, and came up
3 with a house selling at \$262,000 and that according to our estimates is affordable for the
4

5 Nashua region and that would include Litchfield. For renter households looking at 60%
6 of median income for a family of 3, so it is twice reduced, looking at \$47,200, which
7 would yield an affordable rent of \$1,180 rental. This is a number...but there is no single
8 number that is hard or fast; it is a range. There are exclusions from that definition; it does
9 not include elderly housing, age restricted and developments in which a majority of the
10 housing units have fewer than two bedrooms do not count as workforce housing.

11
12 Mr. Frost said where you see the term collective impact, what is your best estimate of the
13 impact of these regulations that you adopted on the ability of a developer to profit in
14 building workforce housing as defined. Can a developer build this kind of housing
15 making a profit that is economically viable under the current regulatory structure? If in
16 your good faith assessment, your answer is yes, you need go no further.

17
18 Another definition is multi-family housing is of particular concern. You have the
19 authority to do site plan review so you are familiar with RSA674:43 which is the statute
20 within that authority is a jurisdictional threshold, so, buildings that have three or more
21 housing units in them are subject to site plan review. It is purely jurisdictional threshold
22 and it has nothing to do with affordability or anything else; it is just your threshold of
23 jurisdiction. This definition that is in the workforce housing statute is five or more units
24 per structure is directly related to the issue of housing affordability. The more units you
25 can put into a building, the lower your cost but also it is linked to RSA204c which is the
26 Affordable Housing Statue that governs everything that NH Housing does so if we are
27 working with multi family funding...it has to be five or more units because that is what
28 the statute told us to do. Also, if you are seeking a mortgage, you can get a single family
29 mortgage on a 4 unit structure but once you go to five units, it is a commercial
30 mortgage...and the underwriting standards are different.

31
32 Talk continued. I want to shift over to natural operative of the statute. If you chose, you
33 have the freedom to do planning and zoning, you are not required to. Within this
34 operative section of the statute, you see the section of rental multi-family. This is a clear
35 obligation of every municipality you have to make some reasonable provisions for the
36 development of multi family housing as defined here which means you are targeting a
37 particular population. Those household making up to 60% of the median income. Also, it
38 highlights the issue of lot size and density and it says that it has to be reasonable. What is
39 reasonable? You have to make some kind of good faith assessment. In making that
40 determination what can a developer build and make a profit under these lot sizes and
41 these densities and if the answer is no, you have work to do.

42
43 Inclusionary is a way to meet the requirements of the statute. If you choose that model,
44 inclusionary zoning is a voluntary measure by which you offer some inducement to a
45 developer in exchange for the builder building affordable housing and voluntary is

1 critical because you cannot make them build affordable housing, you can only induce
2 them. Inclusionary is recognized as a means to meet the terms of the statute. There is
3 also a requirement that you have to allow for a development of workforce housing in a
4
5 majority of your residentially zoned land area not number of districts so the land area in
6 which residential use is permitted...Litchfield is 15 square miles. Let's say it is 4,000
7 acres and 2,000 is commercial and industrial at 10,000 acres in which residential uses are
8 permitted, you might have fifteen different residential districts, different densities,
9 different lot size, but if residential uses are permitted in that district, then you include that
10 in the calculation. So, you have 10,000 acres of the Town in which residential uses are
11 permitted use. The majority of those 10,000 acres, that is 5000.01 has to allow for
12 workforce housing. That might easily be accomplished by an overlay district. That is
13 what Amherst has done for 20 years. They allow affordable housing in any residential
14 zone as an overlay subject to a conditional use permit granted by the Planning Board.
15 That majority standard does not apply to multi family; you do not have to allow multi
16 family workforce housing in a majority of residential zone. You simply need to make
17 some reasonable provision for its development somewhere in Town. Where is up to you,
18 planning board to study and propose to the voters. How much? Do not know - a
19 reasonable area. What is reasonable? I think you need to look at the land, the
20 characteristics of the land, whether it is suitable for development, whether it is available
21 for development. The question is not is it for sale, is it developable land, for sale or not is
22 irrelevant. Mr. Ducharme: What about land already developed? Mr. Frost: If there is
23 potential for redevelopment, you could count that. Also, there is a reference for fair share
24 what is our fair share. What is the number of houses we need to allow that meets
25 affordable?

26
27 So, NRPC did fair share analysis, and most municipalities said stop doing that we do
28 not like these numbers. So, they stopped doing it until now and so the municipalities are
29 asking to do fair share analysis but they are not required to. The regional planning
30 commissions are only required by statute to do a regional housing need for the entire
31 region every five years. There is no obligation for NRPC to take that assessment and need
32 it out to municipalities yet, this is an analysis that has to be done on a regional basis.
33 The statute says if a municipality's existing housing stock is sufficient to accommodate
34 its fair share of the current and reasonably, foreseeable regional need for such housing
35 then you need do nothing else. If you have met your fair share, you are done. So,
36 everyone wants to know what is their fair share. The catch is fair share is both difficult to
37 pin down because there is no specifically identified methodology, there is no number
38 attached unlike Massachusetts where it states every municipality has to have at least 10%
39 of housing stock as affordable or else a developer can effectively bypass local zoning.
40 There is no standard like that in NH. What you have is a good faith estimate. It is up to
41 you to determine what your fair share is but it may be upon the recommendation of for
42 example Regional Planning Commission. I know that NRPC is working on this now.
43 If you are providing opportunity for the development of workforce housing as defined
44 in the statute, then you do not care about fair share.

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1 How do you know when a development is workforce housing? When a developer tells
2 you it is. The applicant has to make a written declaration at the outset of the application
3 process, not half way through. What does that do to you as a planning board? It should
4
5 shift your focus a little bit but procedurally it does nothing until you make a decision on
6 the development. Say you grant approval with conditions, you always make conditions,
7 you sign a plan and there are notes on the plan, those are conditions. If it is a workforce
8 housing development, then the applicant has an opportunity, a minimum of 30 days to go
9 away and do an economic analysis of the conditions you are imposing, then come back in
10 a public forum and present that to you. You can have that analyzed by your own expert,
11 you can repute it, you can accept it, and make your decisions whether you are going to
12 modify the conditions, or not. Why would you modify them? If the applicant is able to
13 demonstrate to your satisfaction that the development could not be done, would be
14 economically unviable, not profitable for the developer, if it could not be done without
15 modifications of the conditions, then you might want to change the conditions but that is
16 entirely your decision. You can stick to your guns and if the developer sues it is the
17 developer's burden to prove in court, to prove the conditions you imposed make the
18 development economically unviable.

19
20 There is one thing in the appeal section and that is the accelerated appeals mechanism.
21 Unlike any other case that goes before Superior Court, a workforce housing development
22 will get a hearing on the merits within six months which is seriously fast. What if the
23 docket is full? The judge is obliged go appoint a qualified referee to hear the case and
24 time being money for a developer, that is important. I am almost certain there will be at
25 least one bill introduce to extend that deadline another year. There are people just
26 becoming aware of this legislation and being a Senate Bill 2 town, the deadline is
27 December 26th to get it ready for ballot.

28
29 Mr. Frost suggested having a developer review the ordinance and recommend what
30 changes are needed to build the standards and then assess what changes you want to
31 make. The simplest thing is to adopt an overlay inclusionary zone to allow for the
32 development of workforce housing in your areas that are already residentially zoned.
33 You can have design standards so it looks good and fits within the characteristic of the
34 Town similarly with multi-family. There is no reason why multi-family should look bad.

35
36 Mr. Ducharme said about a year ago it was mentioned to a developer of possibly doing it
37 on his property and he came back with it can't be done without sewage.

38
39 Mr. Frost: It depends upon the land itself, what the size is and what the cost is too but in
40 the abstract it can be done without sewage. You are familiar with the Housing
41 Conservation Planning Program administered by the Office of Energy and Planning a
42 grant for municipalities to do planning...on the cover of the orange and blue brochure
43 there is a photo of a housing development that happens to be land that was litigated...it
44 has been built on and it is multi family affordable housing on community septic and wells
45 with open space too.

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Another example is in Exeter. Exeter has had an inclusionary zoning provision for eight years. It has been used once by Eric Chambers and he built a 93 unit development, a portion of it was market rate and a portion was affordable and it is all on septic and wells. In Amherst which has no sewage anywhere and no public water anywhere they have had inclusionary zoning provision for 20 years, and the affordable housing are all on community septic and wells. It depends on soils and the capacity to carry community septic and depends on cost of the land. This is recognized in the statute that there are going to be situations beyond your control and essentially you can control only those things you can control. It is the market; there is a market for land that has a direct and overriding impact on the cost of land but there is a degree to which local land use regulations influences that cost and that is what you can control. I do not know how the question was put to this developer, was it using the existing standards, was it density bonus. It might be if it did involve a density bonus then it wasn't enough of a density bonus because there has to be some way in which the developer can make the additional money he needs to make in order to cover the cost to build affordable housing.

Talk ensued. Mr. Frost: It does depend on what the market is. The point of this is not to compel builders to do one thing; it is to allow them to do it if they want to and if the market will drive them to it. That is really the issue because if the market is not there, then the stuff is not going to get built even if you allow it.

Discussions went on regarding deed restrictions. Mr. Frost said to make sure the units that are intended to be affordable, stay affordable. That is your job to impose restrictions and that would be a deed restriction. Mrs. Douglas: How do you monitor this income ratio level; okay, we have this development and you have been able to buy, you met all the requirements and over time you go above those income requirements? Mr. Frost: It depends how you structure your ordinance and restrictions. You can't make people leave because they own the land, they own the home and you would not want to. The issue is what happens when they sell and how do you qualify the next purchaser and so there would be some role there for the municipality to see who is eligible to purchase the unit. Mr. Brennen asked if there are guidelines. Mr. Frost: There are models available and some allow you to eliminate your administrative burden. It is a burden because at the time the unit sells you have to make sure they are income qualified but this is a decision for you, you do not have to impose these limits, it is your choice. I am saying it is your obligation and I am saying that as an advocate for affordable housing I want to see it stay affordable but you might decide we do not want to bother with that, let the stuff get built and see what happens. That is your choice. If you want units that are intended to be affordable at the onset to stay affordable, then you have some long term monitoring. The simply way is to have some administrative fee that attaches to the sale price that accrues to the town and you can use that to pay for the staff or hire someone to do it for you. That is what Exeter does; they hire a management company.

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1 Mr. Brennen: Is our job simply to develop options for affordable housing? Make options
2 available to developers to build affordable housing and whether it is done or not, who
3 cares? Mr. Frost: Exactly.

4
5
6 Mr. Brennen: So, when the fair share is thrown out there, Litchfield cannot get dinged
7 because they do not meet their fair share even though we have some zoning set up that
8 promotes affordable housing and nobody takes advantage of it...

9
10 Mr. Frost: Exactly so.

11
12 Mr. Brennen: As long as we have the options, you said 50% of the residentially zoned
13 areas in town. We could take our zoning map and say okay these are the areas that we
14 want and it makes out 50% put some inclusionary zoning and overlay district on top of
15 that and we are good to go?

16
17 Mr. Frost: Yes.

18
19 Mr. Brennen: Unless we want to enact things after the fact if someone does bring in
20 affordable housing, that we make sure it stays affordable.

21
22 Mr. Frost: There is a provision in the statute that addresses how inclusionary zoning
23 ordinances should be designed. What it says any municipality shall not fulfill the
24 requirements of this section by adopting voluntary inclusionary zoning provisions that
25 rely on inducements that render workforce housing developments economically unviable.
26 Simply adopting an ordinance and calling it inclusionary zoning is not enough; it has to
27 work in the market place.

28
29 Mrs. Douglas asked what about abutters who do not want it next to them and what are
30 their rights. Mr. Frost: They have the same rights that they have always had that is to
31 speak at public hearings, sue the town for its decisions, they do not have any greater
32 rights than they would otherwise. I think what you are getting at is the issue of perception
33 that workforce housing is negative. I think if you were to see some of the pictures of
34 workforce housing that have been built in the State it looks a lot like what has already
35 been built in Litchfield...it is not so much the quality of the construction, it is the design
36 of the economics of the development that allow for targeting to benefit a particular
37 population.

38
39 Talk ensued. Mrs. Douglas asked if there would be restrictions such as additions, the size
40 of the house, etc. Mr. Frost: You could do it that way, Amherst does it that way but that is
41 condo ownership. We are not looking at restrictions on the size; we would want to
42 encourage additions because the greater the investment that the owner has, the better they
43 are going to take care of it.

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1 Mrs. Douglas: But if you are increasing the value, doesn't that pull away from affordable
2 housing?

3
4 Mr. Frost: Yes, it does potentially, in some cases you are going to lose the affordability
5 and the way we structured our model is that the municipality maintains affordability
6
7 through a lien on the property and that gets indexed by the CPI so it is neutral with
8 respect to inflation so the municipality's position is always protected. If a unit for one
9 reason due to market, whatever, becomes unaffordable, then at the time of sale the town
10 can take the value of the lien and extract it, recapture the value of it and reinvest it in
11 some other property that it wants to keep affordable or it can, if it has the resources
12 available, increase the subsidy in the property and drop down the income level. There are
13 different ways of maintaining the affordability of units.

14
15 Talk continued. Mr. Perry: Say someone builds a five family unit, and their projected
16 rental cost is \$1,150 a month, then the houses decline and HUD changes the number and
17 it goes to \$1,100, are they grandfathered in and still be considered affordable because
18 when they started their project they were going to comply, or does that change?

19
20 Mr. Frost: Again, you are focusing on the issue of fair share. If it has already been built
21 then the only thing about that structure is whether or not it configures towards...

22
23 Mr. Perry: No, I am asking if they are in process of building...say you are doing 25
24 family homes, it may take three years to happen and if the housing declines while they
25 are building it, is that projected rental cost was going to fit and then HUD lowers the
26 number and the developer says I can't meet this number, what happens?

27
28 Mr. Frost: HUD has never dropped the income numbers...that is not going to happen.
29 The income is always going to rise.

30
31 Mr. Perry: Even though the average family is losing money?

32
33 Mr. Frost: The income has always gone up. I am trying to think what the actual
34 implications are and does it really matter?

35
36 Mr. Brennen: It would matter because we would have some zoning regulations that they
37 came in for a site plan and take advantage of the program...

38
39 Mr. Perry: Higher densities.

40
41 Mr. Brennen: Because it has affordable attached to it.

42
43 Mr. Perry: The Town is allowing higher density and if they cannot comply now we have
44 a developer that can charge any number he wants.

45

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1 Mr. Frost: No, because you would have imposed conditions that prevent that from
2 happening. Do not focus on the HUD income numbers...if you make a condition of
3 approval that a developer is going to do this, then the developer has to do that or a
4 developer cannot build the project. One of the principles is not to allow all the market
5 rate units to get built first. Now, how affordable are they. Say HUD does drop the

6
7 income, it will not have that much of an impact. Mr. Perry: But will it still comply? Mr.
8 Frost: Comply with the statute? Yes, because you would have provided the opportunity
9 for the development of workforce housing.

10
11 Mr. Brennen: Comply with our zoning?

12
13 Mr. Frost: If it has been approved then, yes, because you already approved it. If it hasn't
14 been approved, then you still have room to negotiate. If you wanted to, you could and this
15 is the way our model is built - we target the affordability of for sale units at 80% median
16 income not 100% median income. This is well below what the statute is calling for so it
17 does not matter from the perspective of the statute. If because of market issues, it is
18 selling at 82% median income, so what. This is the final question, what if you do
19 nothing? Well that is your choice or what if you propose something, you, the planning
20 board exercise due diligence, work really hard over the next month and come up with a
21 proposal and the voters say no. That is the voters' choice and they made their choice not
22 to comply with the statute. No one gets fined, you have the ability for a developer to
23 come in and get the builders remedy and I will tell you that the builders remedy is alive
24 and well in N.H.

25
26 Mr. Perry: It may be impossible to get something in at Town Meeting for the first time,
27 so, if the Planning Board continues to work on it, does that justify not granting builders
28 remedy?

29
30 Mr. Frost: I would say it helps; it is a good faith effort. Is it a guarantee? No.

31
32 Mr. Perry asked about farmland that is residentially zoned, how do you think would be
33 the best way to do anything at all that would not entice that land to change. Mr. Frost:
34 You want to preserve the farmland. Well, the first is to zone it something else; zone it so
35 it cannot be used for residential purposes. What is the owner going to say - you are
36 stripping away my equity, which is true. Is it a taking? No...that is the simplest
37 mechanism. 2. Buy it, Londonderry did that. 3. Transfer development rights. It might be
38 in your Master Plan. Also there is a chapter on transfer of density credits which is a
39 contemporary twist on the traditional transfer of development rights. This was discussed.

40
41 Mr. Frost further stated that workforce housing is 50% of the total residentially zoned
42 land whether it is developed or not. There is no typical size to do a community of single
43 affordable family because effectively the real issue is soil and if you are not on sewage,
44 what can the soil accommodate. Mr. Frost said that the figures for the median household
45 income will be reviewed annually.

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Mr. Frost discussed what is called targeted marketing and said you can ask the developer to do local marketing which would be targeting say municipal employees such as teachers, etc. you can ask a developer to do that but you cannot make them. It was said that lot size, density and frontage are factors to consider in affordable housing

developments.

Mr. Brennen: On that fair share, off the top of your head what is a percentage? Mr. Frost: I have no idea...because the way this is structured, it is not looking at an actual threshold; it is looking at an actual need.

Mr. Perry: The percentage, Litchfield is not a place that employs a lot of people, so does Litchfield have to burden itself as much as say Manchester and Nashua? Mr. Frost: Probably not.

Mr. Perry: RSA 674:59,III says existing housing stock is sufficient to accommodate its fair share of the current and foreseeable, regional need for such housing. With that key word regional does that mean Litchfield can use numbers from Nashua and Manchester and say they have enough for us, or does it mean Litchfield has to accommodate to meet those numbers and the question was it would probably only be determined in a court.

Mr. Frost: I think the answer is somewhere in the middle. It is appropriate to say Nashua and Manchester should have a higher percentage because they have the capacity, they have the infrastructure, they have the history, they have the economy to support that. There are very good reasons why cities and larger communities, Derry, should bear a larger percentage of this share. It is fair share, not equal share and fair means what is appropriate given the circumstances. So, Litchfield being a bedroom community, should have a lower proportion but that does not get you off the hook.

Mr. Perry: The only thing I see as negative about this whole thing is a Town like Litchfield if we happened to have passed a school in the last three years like this town has tried to do, we would have done it on build out studies based on what this town's maximum capacity could have been. This could have blown that out of the water. That is the downfall I see to this.

Mr. Frost: Possibly, if you assume that allowing for workforce housing will have a dramatic impact on development and I think most communities are going to find that it didn't.

Talk continued. Mr. Brennen: Is it subject to the growth ordinance?

Mr. Frost: Yes. Mr. Brennen: So, it can fall under our growth ordinance?

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1 Mr. Frost: No, your growth ordinance falls under this because growth management is
2 adopted under RSA674 and there are definite implications for workforce housing and
3 growth management and it has to be part of your analysis. So, you might want to consider
4 a growth management exemption for workforce housing and bear in mind that the growth
5 management statutes have been revised HB1260 significantly modified on both
6 RSA674:22 and 23, and 22 is the growth management and 23 is the moratorium statute
7
8 and it puts clear limits on what you can do...and puts a definite end period. You have
9 until July 2010 to make changes to it because it is on the books.

10
11 Mr. Frost talked about the subsidy retention model that they developed and is intended as
12 a tool for municipalities to use to maintain the affordability of units that are approved for
13 example an inclusionary zoning ordinance. If you adopt our model as written then we NH
14 Housing will administer it on your behalf if you want us to. It talks about the
15 administrative fees, we do not want the work but we want the ordinance to work. There
16 are other organizations that could do it, too, such as Southern NH Services. We would be
17 willing to do it so that is relieving the municipality's staff of the administrative burden of
18 policing the sales of these units and that model is being revised...the new model will be
19 available on Monday.

20
21 Mrs. McKibben asked if accessory dwelling units fall in that category. Mr. Frost: They
22 could constitute as workforce housing depending on affordability. Mrs. McKibben: We do
23 not have them. Mr. Frost: If you did have them but they are small but how they fit into
24 workforce housing because you are talking about essentially a development that is one
25 house and this statutes talks about workforce housing as developments where the
26 majority of the units have two bedrooms or more, so that does not fit because it is one
27 house...but would it count towards calculating your fair share, sure, as long as it meets
28 the affordability criteria?

29
30 There being no further questions, Mr. Frost left the meeting.

31
32 The Board discussed developing an ordinance for workforce housing.

33
34 Mr. Perry: My view on this is to 100% comply means we are going to be sitting at this
35 table until the end of December or we have to put our best foot forward and open the door
36 allowing a district or an area in Town where we would allow 5 units to be built...and
37 maybe we work on some type of inclusionary zone in some of the Town, not all.

38
39 Mr. Barry will ask Kevin Slattery, a builder, to meet with the Board. Mr. Slattery is also
40 on the Workforce Housing Committee in Nashua. Mr. Wagner to provide a map showing
41 the structures if possible. Also, the Board needs to know the regulations for sewage. Mrs.
42 McKibben to get copies of ordinances from other communities, Amherst and Chester and
43 Mr. Wagner to call other planners.

44
45 **Bonds**

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Mr. Barry read aloud the bond information for Snowdrop Lane and Lilac Court provided by Lou Caron. An inspection in 2009 will have to be done and the as-builts may need to be submitted. Mrs. Douglas **MOTIONED** to accept the bond for Snowdrop Lane and Lilac Court performance maintenance bond which is calculated to be \$56,619. Mr. Barry seconded. Motion carried 7-0-0.

Heritage Park - Mrs. Douglas, Clerk, read a letter aloud from Heritage Park Condo Association dated October 21, 2008, to the Building Department regarding a bond in the amount of \$33,000. The builder is unable to finish the road completion because of bankruptcy and so the Association is requesting calling the bond. Town Counsel was provided a copy of the letter. It was said it is too late to get the work done this year. The letter from Town Counsel was read into the minutes and recommends calling the bond (letter of credit) in the amount of \$50,000 which is due to expire November 22, 2008.

There were a lot of unanswered questions regarding the bond so it was agreed the Board would meet in nonpublic session with Town Counsel next Tuesday evening.

Minutes

Mrs. Douglas **MOTIONED** to accept the minutes of September 16, 2008, as amended. Mr. Barry seconded. Motion carried 6-0-1.

Mrs. Douglas **MOTIONED** to accept the minutes of September 23, 2008, as amended. Mr. Barry seconded. Motion carried 6-0-1.

Economic Development Committee

Mr. Perry **MOTIONED** to place the following members on the Economic Development Subcommittee, Chairman is Ed Almeida, and other members will be Frank Byron, Joan McKibben, Steve Wagner and Kerrie Diers. Mrs. Douglas seconded. Motion carried 5-0-2.

There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. Mrs. Douglas seconded. Motion carried 7-0-0. The meeting adjourned at 10:35 p.m.

Lorraine Dogopoulos
Recording Secretary
(transcribed from tapes)