

APPROVED

TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
September 5, 2019

Chairman Roger Montbleau called the meeting to order at approximately 7:00pm.

PLEDGE OF ALLEGIANCE

Secretary Cindy Kirkpatrick called the roll:

PRESENT: Roger Montbleau, Blake Clark, Cindy Kirkpatrick, Paul Dadak, Tim Doherty, Alternate Paddy Culbert, Alternate Samuel Thomas, Alternate Richard Olsen, Planning Director Jeff Gowan

ABSENT: Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Bruce Bilapka

Mr. Montbleau appointed Mr. Culbert to vote.

MEETING MINUTES

August 5, 2019 – deferred to next meeting.

NEW BUSINESS

PB Case #PL2019-00021

Map 41 Lot 10-281

GETTY PROPERTIES CORP. (Property Owner) & MELHEM, George (Applicant) – 32 Bridge Street – Seeking a Minor Site Plan Review to allow the parking of paving trucks on site

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

The applicant George Melhem and interested party Gus Schmidt came forward to discuss the minor site plan submitted. Mr. Melhem told the Board he owned the BP gas station for the last fourteen months. He said the paving company had been at the location for the last six years. He understood a noise complaint was submitted to the Town; however, that person was no longer there. He spoke with the neighbors and asked if it had been quieter this year and told him yes. He stated he was willing to work with the neighbors. Mr. Melhem displayed a plan depiction of the site that showed the location of customer, truck and employee parking. He explained there were delivery trucks that accessed the site everyday and circled around the building. He stated the paving trucks that parked in the rear of the property filled their diesel tanks in the morning (6am-6:30am) and left the site. The trucks are parked for seven months and didn't run during the winter. Mr. Melhem noted he spoke to the closest neighbor (owner of Pelham House of Pizza) who indicated they didn't hear the trucks in the morning. He then displayed an aerial photograph from the Nashua Regional Planning Commission ('NRPC'). He reiterated he was open to working with the neighbors regarding their concerns.

Mr. Gowan stated the Planning Department was unaware that trucks were being parked on site. A complaint came in and the Code Compliance Official reviewed the situation. The Code Official explained to the owner that the Planning Board would need to approve the second business being on site. Mr. Gowan indicated he personally didn't see a problem with the trucks being on site; however, until the Board granted an approval they

couldn't continue to be located there. He didn't see any problems regarding 'safety' from the trucks being located on site.

Mr. Doherty pointed out that the trucks were backed in when parking so when they leave the site they pull directly out; so, there's no backup beacons heard. He noted he went to the location to get gas and observed there was always trucks in the parking lot and fueling up because they sell diesel. Mr. Doherty noted the trucks were parked under a large tree canopy and no one has ever noticed them. He said in the winter they were tucked away neatly.

Ms. Kirkpatrick asked how many trucks there were. Mr. Melhem replied there were six trucks.

Mr. Clark saw from the aerial photo that the location where the trucks parked appeared to overlap with an adjacent parcel. He questioned if they were dealing with two separate parcels for the application. Mr. Gowan explained the aerial photograph was taken from NRPC's live maps. He's noticed that they tend to be a bit inaccurate regarding property lines. He said the Board may want to consider as condition of approval that the applicant demonstrate that the business is entirely within the subject parcel. Mr. Clark questioned if the paving company owned property elsewhere. Mr. Schmidt stated it was his sole location. He informed that he had a problem with one employee last year who would drive fast and blast music; however, he was fired and there haven't been any issues since that time. He's told his employees to be respectful of the neighbors. There are 2-3 employees that begin at 6am the remaining crew members start at 6:30am.

Mr. Culbert inquired where the employees (who drive the trucks) park. Mr. Melhem pointed out a location at the rear of the lot. Mr. Culbert asked if the applicant would come back to the Board if they increased the number of trucks. Mr. Schmidt replied he didn't plan to expand. Mr. Gowan informed if the Board established a maximum number of vehicles associated with the use the applicant would have to come back to the Board. He preferred the Board establish an actual vehicle count versus defining an area.

Mr. Clark felt the application wasn't complete. He understood there was an equation used for the minimum number of parking spaces for retail/commercial properties. He wanted to know for certain the establishment complied prior to allowing other elements of their business plan. Mr. Doherty pointed out that the business had been on site for six years without any problems with customer parking. He reiterated that he fuels his truck at the location and never saw more than three vehicles in the customer parking area. Mr. Montbleau agreed with Mr. Doherty. He didn't see the business creating an intense situation or back up onto Route 38. He's been at the location a number of times and never seen the trucks or problems with parking.

Mr. Olsen suggested a solution of having the truck drivers park their personal cars in the location where the business trucks are parked (once the trucks have pulled out). Mr. Schmidt noted he had never seen customers park in the rear of the building to access the store.

PUBLIC INPUT

Leo Goyette, 3 Colburn Avenue told the Board the paving company had been at the location for approximately 3-4 years. He said as the weather gets colder, they start the trucks in the morning, and he could hear the drivers yelling and smell the diesel fuel. He noted the company also had a trailer with equipment and left material on site. Mr. Schmidt replied they spoke with the Code Officer who informed they weren't allowed to have material left on site; therefore, they removed everything immediately. He added he'd been on site at least five years. He stated they didn't generally access the location during the day; they went out to a job in the morning and came back at the end of the day to park the trucks. Mr. Goyette commented he could hear the tailgates clang on the trucks when they're emptied. Mr. Schmidt reiterated they addressed having material on site and corrected the situation by removing everything that was previously there. They found alternatives and didn't do it anymore. Mr. Goyette was concerned the situation would reoccur if the Board granted approval of the site plan. Mr. Schmidt guaranteed it wouldn't happen because he found alternatives. He understood the only thing they may

be allowed to do is park the vehicles. Mr. Montbleau asked Mr. Goyette if that would be agreeable to him. Mr. Goyette replied he didn't like smelling diesel fuel.

Al Spencer, 1 Colburn Avenue agreed with the concerns raised by Mr. Goyette. He stated his additional concerns with the trucks kicking up dust clouds, which were a problem for those with allergies. He told the Board that the trucks came back and forth all day long. He added that there was also a (20ft.) trailer on site used to haul equipment. Mr. Spencer stated noise was a problem and recalled (prior to Mr. Melhem's ownership) someone was on site prior to 6am banging a hammer on something, possibly the trailer. He added he didn't want to look out his window see dump trucks.

Mr. Melhem told the Board it was the nature of his business to have trucks coming in and out of the location all day since he sold diesel fuel. He said he also received deliveries to the rear of the store. Mr. Montbleau understood Mr. Melhem was speaking of trucks that were unrelated to the paving business. Mr. Melhem noted even if the paving company trucks didn't pull into the back of the lot there would be other trucks accessing the area for deliveries or traveling around the building to access the gas/diesel pumps. Mr. Montbleau inquired the zoning for the area. Mr. Gowan replied it was zoned business but noted there were sections of the Site Plan Regulations that applied to the business.

There were no other members of the public who wanted to speak. Mr. Montbleau closed public input and brought the matter back to the Board.

Mr. Gowan read aloud the Site Plan rules pertaining to parking requirements for gasoline motor fuel sales. He then read information from the design and construction standards (page 74 of Site Plan Regulations). He advised if the Board were to permit the request, the applicant would need a waiver to the fencing/buffer requirements.

Mr. Clark reiterated it was not a complete enough application to be satisfied that conditions have been met. His advice to the applicants was to hire help to create a more formal application. He felt there were too many elements the application didn't cover.

Ms. Kirkpatrick was curious about the existing buffer between the closest abutters and the parking area. Mr. Melhem replied the area was wooded; there wasn't a fence. He told the Board he was open to working with the abutters. Mr. Gowan believed a natural buffer could potentially resolve the matter and suggested the Board consider conducting a site walk. Mr. Montbleau believed a row of arborvitae would help eliminate noise from the location and the diminish the smell of the fuel. The Board considered a site walk.

Mr. Olsen told the applicant that the drivers making commercial deliveries should be aware of the federal law prohibiting trucks from idling more than five minutes. Mr. Melhem replied he advises drivers. Mr. Schmidt noted there were in and out of the site all day long not associated with his business.

Mr. Culbert wanted to limit the business to five trucks and four cars. Mr. Montbleau suggested the Board conduct a site walk prior to placing stipulations.

Mr. Thomas understood Mr. Clark had concerns regarding the application being sufficient. In fairness to the applicant he felt the Board should provide guidance as to what they were looking for. Mr. Clark stated a site walk would be sufficient.

MOTION: (Culbert/Doherty) To accept the plan for consideration.

VOTE: (6-0-0) The motion carried.

A site walk was scheduled for September 21, 2019 beginning at 8am. The plan was date specified to October 7, 2019.

ADMINISTRATIVE

Map 27 Lots 2-82 & 2-83 – SILVER OAKS REALTY LLC – Sweet Birch Place (Rolling Ridge Lane) – Request for bond reduction

Mr. Gowan informed that they had received a recommendation by Keach Nordstrom (Board's engineering review firm) to reduce the current bonds as follows:

Off-site improvements to Gumpas Hill Road:

Original bond: \$176,866.30

Current bond: \$45,902.25

Recommended reduction: \$37,852.25

Recommended retention amount: \$8,050.00

MOTION: (Doherty/Dadak) To reduce the bond as read into the record by Mr. Gowan.

VOTE: (6-0-0) The motion carried.

Project road – Rolling Ridge Lane:

Original bond: \$132,334.75

Current bond: \$40,238.50

Recommended reduction: \$33,338.50

Recommended retention amount: \$6,900.00

MOTION: (Doherty/Kirkpatrick) To accept the bond reduction as read into the record by Mr. Gowan.

VOTE: (6-0-0) The motion carried.

Map 28 Lot 2-7-1 – COLE CIRCLE LLC – Cole's Village (Savannah Drive) – Request for bond reduction

Mr. Gowan informed that they had received a recommendation by Keach Nordstrom (Board's engineering review firm) to reduce the current bond as follows.

Original bond: \$15,930.45

Current bond: same as original – no reductions previously made

Recommended reduction: \$9,372.50

Recommended retention amount: \$6,557.95

MOTION: (Doherty/Dadak) To reduce the bond as submitted by Mr. Gowan and read into the record.

VOTE: (6-0-0) The motion carried.

DISCUSSION

Zoning Discussion if requested

Mr. Montbleau informed the Board's next meeting (September 16, 2019) would be to discuss Zoning issues. He asked if members had comments on the items they had previously discussed. He recalled Mr. Bergeron had concerns; however, he was not present for the meeting. Mr. Clark wanted to know the Board's timeline and if they had created a pathway forward for decision making. Mr. Montbleau referenced the Board's April 15, 2019 meeting during which they decided their priorities, the first being workforce housing. He commented at present there was no concept, outline or language drafted. Mr. Clark wanted to know the deadline to have language crafted. Mr. Gowan told the Board during their next meeting he would provide the public hearing date deadlines (for warrant articles) which were typically in January. He spoke about the working sessions and commented that the accessory dwelling unit regulations wouldn't be 'tricky' to draft changes to. He recalled the Board discussing different ways to go regarding workforce housing and felt they needed to pick a direction and start to draft language.

Mr. Doherty discussed a possible approach to workforce housing. He wondered if there was a way to potentially ask voters if they would be willing to appropriate money to buy smaller homes that occasionally come up for sale. He said the Town could change the deed and resell them with a deed restriction of workforce housing. Mr. Gowan felt it was an interesting idea and could ask for legal opinion.

Ms. Kirkpatrick questioned if they had information regarding the current number of rental units in Town. Mr. Gowan replied he could find the information and speak with the Assessor. Ms. Kirkpatrick understood workforce housing was brought on by the State's requirements in 2010. She said they needed to comply and know the number of existing rental units that may fall under the definition of workforce housing. Mr. Gowan replied they could gather their local statistics and also go to the local planning commission who did a workforce housing assessment when the law first came in. He's heard the law is going to change and the Board had a lot to learn about it. He will provide statistics to the Board prior to the next meeting.

SITE WALK – September 21, 2019 beginning at 8am

PB Case #PL2019-00021 - Map 41 Lot 10-281 - GETTY PROPERTIES CORP. (Property Owner) & MELHEM, George (Applicant) – 32 Bridge Street

DATE SPECIFIED CASE(S) – October 7, 2019

PB Case #PL2019-00021 - Map 41 Lot 10-281 - GETTY PROPERTIES CORP. (Property Owner) & MELHEM, George (Applicant) – 32 Bridge Street

REQUEST FOR NON-PUBLIC SESSION - if requested in accordance with RSA 91:A:3

Not requested.

ADJOURNMENT

MOTION: (Culbert/Kirkpatrick) To adjourn the meeting.

VOTE: (6-0-0) The motion carried.

The meeting was adjourned at 8:02pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary