

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
September 15, 2014**

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

The Secretary Paul Dadak called roll:

PRESENT: Roger Montbleau, Paul Dadak, Tim Doherty, Paddy Culbert, Jason Croteau, Selectmen Representative Robert Haverty, Alternate Joseph Passamonte, Alternate Mike Sherman, Planning Director Jeff Gowan

ABSENT: Peter McNamara

Mr. Passamonte was appointed to vote in Mr. McNamara's absence.

OLD BUSINESS

PB Case #PL2013-00019

Map 41 Lot 6-118

PATEL PLAZA, LLC - R&B SUPERETTE - 59 Bridge Street – Renewal of Approved Site Plan for the remodel of an existing variety store and the construction of a new 7,000SF gas station / convenience store with eight (8) filling stations and offices for commercial use (originally approved September 16, 2013)

Mr. Dadak 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.

Mr. Peter Zohdi and Mr. Shayne Gendron of Edward Herbert Associates, representing the applicant, came forward to discuss the request. Mr. Zohdi indicated he had done the site plan for Patel Plaza, which had been fully approved by both the Town and the State of New Hampshire.. Since that time the applicant had been trying to get financing and was therefore requesting a one year extension.

Mr. Gowan explained to the Board that the store had been closed by the Fire Department after finding the alarm systems woefully inadequate. He said at the time it didn't make sense for the owner to invest in a new alarm system for a building that would be replaced. He met with the owner and learned they had not torn down the buildings because they represented some value with the property. The owner didn't want to take that action until financing was secured. It was Mr. Zohdi's understanding that the owner couldn't knock the building down because they still had a mortgage. Currently they're working with two local banks so they can move the project forward; therefore a request for extension was submitted. Mr. Gowan told the Board he supported the extension. He suggested that the Board place a condition on the extension that the two buildings be removed once financing is secured.

Mr. Doherty wondered if placing one additional year would be good enough and felt granting a two-year extension might be more practical. Mr. Culbert agreed; he would like to grant a two-year extension. Mr. Gowan stated plans expire one year from approval. He noted that the applicant hadn't placed a bond and felt any incentive the Board could give the applicant to move the process along would be in the best interest of the community given the appearance of the dilapidated structures. He added that the applicant could always come back in a year if they still didn't have their financing. He didn't feel allowing a two year latitude was a good idea. Mr. Culbert didn't feel one year was enough time if the applicant was having a hard time with financing. He felt two years was adequate.

Mr. Montbleau responded that the applicant could still come back in front of the Board in another year, which would allow the Board to have a 'snap shot' of what was occurring with the site. Although he agreed it may take closer to two years for financing, he was concerned with providing too much latitude and having the project fall behind. Mr. Doherty noted the expense to the applicant by having them come back in if they weren't ready to proceed.

Mr. Zohdi agreed with the Board's discussion and commented to date, the applicant had already spent in excess of a couple million dollars on the property and were anxious to construct a building as soon as possible.

Mr. Culbert said he would like to provide a two year extension given the fact that the applicant had two million invested into the project. He felt they would seek financing as soon as possible.

MOTION: (Croteau/Haverty) To extend the approval of the plan for one year.

VOTE: (7-0-0) The motion carried.

Mr. Passamonte questioned if Keach Nordstrom (Board's engineering review firm) would review the new plans to ensure they were up to code. Mr. Gowan said the plan would fall under the code based on the date it was submitted. He said the plan would not fall under the new Site Plan Regulations. Mr. Passamonte asked in the event the applicant came back in front of the Board for an additional extension, if the Board could then place a condition for the plan to follow the new Regulations. Mr. Gowan replied the Board could deny the extension request and have the applicant reapply. Plans fall under the regulations in effect at the time of public notice.

NEW BUSINESS

PB Case #PL2014-00025

Map 16 Lots 8-41 & 8-41-1

ROBERT EDWARDS, SR. TRUSTEE - 703, 713 & 715 Bridge Street – Proposed Lot Line Adjustment

The case was date specified to October 20, 2014.

PB Case #PL2014-00029

Map 38 Lot 1-118

JAMES W. PETERSEN, LLC - Sherburne Road – Proposed Lot Line Adjustment, Special Permit for Wetland Conservation District Crossing and 67 Unit Senior Housing Development

Mr. Dadak 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.

Mr. Gowan explained that the project had come in front of the Board a few years ago in a different form (formerly Virginia Woods). The project was never built. He said Mr. Petersen purchased the land and an abutting piece, which made it possible for him to create a plan with a little more density than was approved with the previous project. He believed the proposed plan was ready for consideration so the Board could begin the review process. He noted there were two Wetland Conservation District ('WCD') crossings proposed; therefore the applicant would need to meet with the Conservation Commission prior to receiving a special permit.

Mr. Culbert made a motion to accept the plan for consideration. Mr. Croteau seconded. Roll was not taken. Mr. Montbleau asked the applicant to present their information. Mr. Zohdi asked if the Board would be voting on the motion to accept. Mr. Montbleau called for the motion to be put back 'on the floor' for consideration only.

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

VOTE: (7-0-0) The motion carried.

With the plan being accepted for consideration discussion continued.

Mr. Peter Zohdi and Mr. Shayne Gendron of Edward Herbert Associates, representing the applicant, came forward to discuss the proposal. Mr. Zohdi commented that the prior plan only contained one lot (lot 1-118); the new plan would combine two lots (lot 1-118 and 1-119 / both zoned residential) to create approximately twenty-nine (29) acres, which would then be broken into a 67 unit senior housing active adult community. All the units will be serviced by septic systems. There will be a community water system that will eventually be deeded to a water company. Each unit will have a maximum of two bedrooms and have fire sprinklers. The Wetland Conservation District ('WCD') no cut area is shown on the plan. There is an area of the WCD (not included in the no cut area) that will have some disturbance to be able to install the water line and put the road in. WCD signs will be installed prior to construction. Neither lot is within the 100-year flood plain. Stumps will either be removed from site or ground down for use as erosion control. Mr. Zohdi stated although the existing wells had been tested in the past, the State of New Hampshire wanted testing to be done again. He pointed out that the housing age restrictions were listed on the first page of the plan. Mailboxes will be in the vicinity of the club house, or within the clubhouse. There will be curbside trash removal. Water and utilities will be underground.

With regard to building placement, the applicant would like to have some latitude, but will ensure the units are at least 20ft. from each other. Mr. Zohdi continued to review the plan set submitted for review, which also included the proposed site plan. He noted they were proposing to dedicate 76.7% open space. Based on the soils calculation the applicant could achieve 111 units; however the submitted request is 67 units. Landscaping has been designed by a landscape architect. A drainage design was included within the plan set. The driveway profile up to station +750 will be 22ft. after

which the driveway width will be reduced to 20ft. During their meeting with the Fire Department and Mr. Gowan, and through the Board's discussion, it was requested that the applicant create an additional access in and out of the site and to Sherburne Road. An additional driveway has been designed. The sight distances for both driveways onto Sherburne Road is contained on the plan.

Mr. Zohdi reviewed the remaining pages of the submitted plan. He said the water design was done by Bruce Lewis. He discussed the leaching fields. He said they were proving they had plenty of room for the systems; however, during construction of the project, they would like to have the ability to combine some units onto the same system. He said they would comply with the rules and regulations as the applicant had done when doing the Paradise Estates development. Mr. Zohdi stated they would need a State condominium approval. He didn't want to submit the application until having an initial meeting with the Board.

Mr. Gowan made reference to and read a portion aloud from RSA 672:2 – with regard to projects having a potential of regional impact. He said given the proposal would contain 67 units that borders Hudson and Tyngsboro, the Board should put on record whether or not it believed the project met the threshold for regional impact. He said if the proposed project had been on Pelham's border, he would have been in attendance of the meeting. He noted if there was any doubt, the matter would go to the Regional Planning Commission. He suggested it may be reasonable to ask Keach Nordstrom (Board's engineering firm) to make a determination if the project had regional impact as they conducted their review. If was determined to be a regional impact, the Board would need to make that fact clear for the record and notify those abutting communities. Doing so wouldn't raise the threshold for the applicant, it was just a matter of being a good neighbor.

Mr. Doherty said given that the units would only have two bedrooms, the development had the equivalent of having approximately 32-33 houses, which he wouldn't consider as being regional impact. Mr. Dadak felt the project should be considered a regional impact based on the traffic it would generate. He said being a 55+ development the residents would be active and may still be working. Mr. Montbleau added that the Board should pay attention to the traffic issue in the area. He said during certain rush hour times Sherburne Road/Mammoth Road intersection was extremely backed up. He reminded the Board that Skyview Estates would add 60 units and the proposal in front of them would add another 67 units.

Mr. Doherty didn't recall Skyview Estates being considered as having regional impact. He said that development had a lot more bedrooms and higher potential for additional vehicles. He didn't feel the proposed development would have the same impact being that it was a 55+ development. He said the two projects couldn't be combined to create regional impact. Mr. Montbleau's point was Sherburne Road would become more congested than it presently was. He said the Board should ask for Keach Nordstrom's opinion and what would create a regional impact. Mr. Zohdi said they notified the surrounding towns of the Planning Board's meeting. Mr. Montbleau believed due diligence had been done for the present meeting. He said it would be important to receive input from the review firm. Mr. Zohdi had no objection. He was confident there would be a meeting with Mr. Gowan, Keach Nordstrom and the Highway Safety Committee ('HSC'). Mr. Gowan said some towns make a determination about every project. After reading the regulation, he didn't believe the Board could defer the question. He felt a simple consensus for the record would satisfy the requirement of the statute.

Mr. Haverty understood that the Southern New Hampshire Planning Commission released guidelines (in 2002) as to when they thought projects raised to the level of becoming regional impacts. He said the document was several pages in length, but in trying to arrive at a decision, he reviewed the standards section that lays out some criteria to use for evaluation. He read aloud a portion of the document. His opinion was that one or two of the listed criteria were met, a vast majority were not; the project was not of regional impact. Mr. Culbert, Mr. Culbert and Mr. Montbleau agreed.

There was a consensus of the Board that the proposed project was not of regional impact.

Mr. Dadak questioned if the applicant would need to reapply to the State for the water system given there were more units being proposed than in the previous plan. Mr. Zohdi answered yes. He said Bruce Lewis (responsible party for creating the water system) was working to do the required tests and submit the necessary information to the State. Mr. Montbleau noted if the water tests didn't pass, the plan would either go away or be amended for less units. Mr. Zohdi said if he couldn't get a State water system approval, State subdivision approval or condominium approval, the plan would be no good.

With the plan being accepted for consideration by the Board, Mr. Zohdi asked for the opportunity to meet with Keach Nordstrom and Mr. Gowan for discussions and submit the plan to the State agencies. He was confident they would receive the State's approval, but would like the Board's opinion regarding the development before spending money on those permits.

Given the layout of the density, Mr. Doherty asked if the units would be heated using oil or gas. Mr. Zohdi replied they were going to use propane.

Mr. Culbert asked for clarification of the lot line adjustment. Mr. Zohdi explained they were eliminating one of the lot lines so the two parcels could be combined. It was a simple adjustment that could be done through the Planning Department.

Mr. Zohdi told the Board that there were no waivers being requested at this time. At a future meeting there will possibly be a request to eliminate the sidewalk requirement.

PUBLIC INPUT

Mr. Sam Thomas, Litchfield Circle told the Board he attended the previous meeting June 16, 2014. He said the abutters were concerned about the water supply in the area and the impact of bringing in a large development. Another concern was the septic and the drainage impacts onto surrounding properties. Living off Sherburne Road, he was concerned about the impact of the additional traffic generated by the proposed development. Mr. Thomas told the Board that wildlife had been moved into his development (such as Coyotes) and was concerned for the residents and small children. He wanted to know how residents would find out about other meetings related to the project. Mr. Montbleau stated the Board would determine the next meeting date at the conclusion of the hearing.

Ms. Sandra Nolin, 374 Sherburne Road understood the proposal was probably the best use for the property; however, if additional family members and caretakers were allowed, each unit could possibly have three cars associated with them. Having three cars per unit would add 201 additional vehicles accessing Sherburne Road during rush hours. She discussed the current vehicle backups during rush hour and was very concerned about having additional impacts. Ms. Nolin asked if it was

possible to require a traffic light (funded by the developer), to be located at either end of Sherburne Road. Mr. Montbleau explained that a traffic study would be completed, which would include recommendations. That traffic study would weigh heavy on how the Board viewed and judged the plan.

Mr. Gowan commented for several years, all the projects along Sherburne Road (including the former version of the proposed project) had made a contribution toward creating a solution at the Sherburne Road/Mammoth Road intersection. He said although it was a State intersection, the Board had the right by Statute to exact a contribution. He didn't know what the Board would do, but would argue that it made sense (to request a contribution). He believed the applicant was already contemplating doing so. Mr. Gowan said he had already worked with the State. They would like to see a roundabout at the location as a solution. He said an exaction could be used for either a light or a roundabout project.

Mr. Doherty said when the Board was discussing 'regional impact', they spoke specifically about regional impact, which had nothing to do with the fact that the project would put traffic out on the road. He said they already knew that fact and would address it with the involvement of the Town's engineer.

Mr. David Silva, 400 Sherburne Road (located directly across from the new road accessing the development) discussed the concern regarding water in the area. He heard the applicant say if the water needs were met the project would move forward and if the needs weren't met the project would be a dead issue. He was concerned with the applicant being able to meet their water needs at the expense of other people's wells. He told the Board he discussed the topic at the previous meeting and also seven years ago (during the previous project). His well dropped the most of everyone's; it dropped 25ft the weekend the test was done. He reiterated water was his biggest concern and wanted to know what would happen if his well dropped during the upcoming water tests. During the first tests (during the former project) he was told 'too bad' if his well dropped. However, the previous owner (Mr. Magerian) wrote an agreement with Mr. Silva and some of the other abutters who had impacts. Mr. Silva wanted to make sure that his well was protected if it dried up. He commented that having the street constructed across the street was effecting his quality of life. He spoke about the traffic and the high volume of speed at which vehicles and motorcycles travelled. He said he was a former EMT and knew he would be the first on scene when an accident occurred. Mr. Montbleau understood and said the Board shared the concerns.

Mr. Montbleau brought the discussion back to the Board.

The plan was date specified to the October 20, 2014.

PB Case #PL2014-00030

Map 28 Lot 2-7

COLE CIRCLE, LLC – PETERSON, Robert – 24 Burns Road – Special Permit Application to approve the Yield Plan for a proposed Conservation Subdivision of the above referenced lots. (Full application for conservation subdivision will follow once Special Permit and density is established)

Mr. Dadak 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.

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

VOTE: (7-0-0) The motion carried.

Mr. Karl Dubay of Dubay Group and the applicant Robert Peterson came forward to discuss the request. Mr. Dubay told the Board that they had met with staff and the (10 acre) subject parcel was under design. A full survey and test pits have been done. They were looking to do a conservation subdivision in accordance with the Town's Ordinance and Subdivision criteria. Mr. Dubay reviewed the project. There is an existing house on the lot. The proposal shows eight additional homes being situated on a 600ft. cul-de-sac. There will be 50% open space provided. He believed the plan included enough information to have the Planning Board review the project. There is a substantial amount of woods leading into the project. They will follow low-impact storm water standards. Each lot will have its own septic and well.

Mr. Dubay reviewed the density offset criteria. He reiterated that 50% of the parcel would be open space and trails. The only substantial wetland is in the rear corner of the lot. The applicant requested a 12% density offset, which was equal to one lot. The open space will provide buffering around the perimeter of the property. Also, access to the open space will be direct off the back of the cul-de-sac. Mr. Dubay noted that the project sight distance was good; the project intersection would be lined up directly across from Quail. The proposed road will be 26ft. wide to allow for an extra 4ft wide delineated walking area. They will work with the Town to make it easily maintainable. Mr. Dubay said they would like the Board's feedback prior to compiling a full submission.

Mr. Gowan felt the applicant had made some fairly compelling arguments for the Board to make a determination on the yield plan. He suggested that the Board seek Keach Nordstrom's opinion (Board's engineering firm) on the yield plan before approving the yield plan/density through the special permit process. He felt date specifying the plan to the next meeting should give Keach enough time to make comment.

Mr. Doherty reviewed the memo submitted by the applicant and questioned what they felt was unique about the land they were trying to preserve. Mr. Dubay felt it was unique because the land was uniquely buildable. They had done test pits and found the soil to be gravel and have a deep water table. The manner in which the flanking lots came together in the rear of the property would create a larger natural preserve. Mr. Doherty questioned if there was something unique about the land the applicant was trying to preserve. Mr. Dubay responded that the density offset criteria was discussed in two locations; the first was in Section 307-102 and again further in the regulations Section 15.04 where more detail is discussed. He said they weren't saying it was solely unique land, but it should be recognized as a large piece of property that would be preserved. He believed they met the specific criteria for the offset; they were requesting a 12% offset. Mr. Doherty commented that the Board wasn't used to the manner that Mr. Dubay submitted materials. Mr. Dubay said they usually go through the ordinance and regulations and then provide a summary of what they're requesting. Mr. Doherty said most people come before the Board to ask what information the Board wants to see versus submit reading material on the night of a meeting. Mr. Dubay said the information was intended for review at the next meeting.

Mr. Culbert wanted to know how much one house would add to the requested 12%. Mr. Dubay said they couldn't ask for any more because then they would be above the maximum of 20%. Mr. Culbert

asked if the areas of Economou Drive and Theodore Drive were wet. Mr. Dubay understood there were some wetland areas and some dry areas toward the back next to the applicant's lot. Mr. Gowan referenced the locus and noted that Economou and Theodore don't connect as shown. He believed they didn't connect because of the wet area.

Mr. Passamonte asked if conservation subdivisions allowed well radiuses to overlap each other and a roadway. Mr. Gowan was unsure and would review the regulation. He commented he would rather see individual wells than a small community water system. Mr. Dubay believed under the open space regulations and within the ordinance, well radii were allowed to overlap. He said they were also allowed to overlap per the State criteria. In addition, he said wells and septics were allowed in the open space; however, they weren't proposing to do so.

Mr. Doherty questioned if the applicant was proposing a Town or private road. Mr. Dubay said it would be a Town road with a 50ft. right-of-way. Mr. Doherty saw that some of the radii were not only crossing the lot line into the road but going onto the other side of the road. Mr. Dubay replied there was room to spread the area and not have the radii going across easements. Mr. Culbert said work would need to be done on the well radii. Mr. Gowan reviewed the regulation and didn't see any language indicating well radii are allowed to overlap in the fashion shown on the proposed plan. He said they could work the issue with Keach Nordstrom. Mr. Doherty said the reason well radii is allowed in the open space was because they didn't want to see situations of radii crossing onto neighbor's properties. Mr. Dubay heard the Board's concern and would review further.

PUBLIC INPUT

Ms. Christine Levesque, 28 Burns Road (Lot 2-7) told the Board she opposed the subdivision. She felt the development was dangerous because of the bend, which blocked vehicles heading east on Burns Road. She lived on the road for 4.5 years and witnessed several accidents in the bend in the road. She commented that the road was heavily traveled and pointed out that the high school was located at the end of the road. Burns Road is used as a cut through road between Mammoth and Marsh Roads. Ms. Levesque said there was inadequate sight line for vehicles to pull out of the proposed road. There are significant blind spots and posted signs warning that driveways are 'blind driveways'. She would like the Town to review the area and determine if there is a safety factor with the proposal. The additional homes will create additional traffic. Ms. Levesque told the Board that Burns Road was used by students for running. There are several homes with children that should be of concern. Being a direct abutter she felt her home would be the most greatly impacted by the subdivision. Her driveway was within 5ft. of the proposed 26ft. access road to the development. She asked that the Town consider reducing the road width given the proximity of her driveway and her home. Her main concern is the sight line of the proposed road.

Ms. Cheryl Bond, Burns Road (Lot 208) shared the concerns that had already been voiced. She reiterated Burns Road was very busy and used as a cut through to the high school. She said there was a lot of pedestrian traffic. She commented about the road having a visibility problem. Since moving into Town in 1995 there have been multiple accidents in front of her home because of the curve in the road and limited visibility. Ms. Bond wanted to know if a well draw down test would be done. Mr. Montbleau didn't believe a draw down test would be done since the units would each have individual wells. Mr. Gowan explained there were different requirements for individual wells than there were for community water systems. He welcomed Ms. Bond to contact the Planning Department with any further questions regarding the wells. Ms. Bond stated she wasn't aware of the trail system on the

property and questioned if there was another way the road could go into the development rather than widening the existing driveway.

Mr. Dubay called attention to the plan set (page 3) that showed the existing paved driveway and the extent it accessed the lot to where there was previously a business. He explained they would be removing the existing pavement and putting the new road (meeting Town road standards) opposite Quail Run Lane approximately equal distance from the two front flanking lots. He said they would like to work with the Town regarding the road width. Mr. Dubay stated they would be clearing vegetation within the right-of-way that would be cleared to make the sight lines work within the criteria for sight distance.

Mr. Montbleau told Ms. Bond that the plan would go to the engineering company for review. He said information would surface during their next meeting. Ms. Bond requested a copy of the hand out given to the Board. Mr. Dubay provided her with a copy, which was a breakdown of the zoning and regulation criteria.

Mr. Culbert wanted to know what sight distance there was. Mr. Dubay believed it was approximately 400ft. based on AASHTO standards. They proposed to remove vegetation to improve the AASHTO criteria. He believed there would be a tremendous safety improvement when the area was cleared out.

Ms. Bond was concerned with people accessing the new development to use the hiking trail. Mr. Dubay said they would like to speak to the Board about not having the trail used freely. The open space allows the formulation of a homeowner's association to manage the open space. He said the intent of the trail was for use by the residents of the cul-de-sac. They didn't plan to provide any additional parking. Mr. Peterson explained that the previous owner had used the trails for personal recreation. When meeting with Mr. Gowan, it was suggested to incorporate the existing trails as part of the subdivision, which they had done. Mr. Gowan said the decision would come from how the plan is approved and how the homeowner's association documents are drafted. He said typically the open space is reserved for those residing in the development.

Mr. Peterson discussed the uniqueness of the property. He said the land was dry and all gravel. They would preserve huge pine trees. He said they could make the road longer and access the rear portion, but he preferred to leave the back portion.

Ms. Judy Wheeler, 24 Burns Road came forward to provide a brief history regarding the property. She said she and her husband (who has passed) made the trails. She said he grew up on the property. She noted that the trails went over the property line into the farm area and out to Economou. She said the reference to the four-wheeler would be her taking the grandchildren for a ride. She said there was some wetland behind the building that seems to get wet after winter, but she's been able to access the area and pick berries and such. It wasn't as wet as was being said. With regard to the blind driveway and street light on the corner, Ms. Wheeler said her husband installed the light for his mother when she was in her eighties; she's now ninety one. She had the impression that the curve would be cleared out. Ms. Wheeler wanted to be clear that the property is private. People don't access the land; it was her family and children that enjoyed the land. Mr. Montbleau explained that the information would be forwarded to the Board's engineer who in turn would ferret out what was submitted. Mr. Gowan said the Board may also conduct a site walk to review the property in person.

Ms. Levesque wanted to know how the vegetation would be cleared for sight distance. Mr. Montbleau replied information would need to be submitted to the engineer, who would then describe how it could be done. Ms. Levesque asked if it would require an easement. Mr. Montbleau explained that the developer was required to have proper sight distance as spelled out in the regulations. The engineer will review all aspects of the applicant's request. Mr. Dubay stated they would be happy to stake out the right-of-way in that location so the Town, reviewing engineers and property owners could see where it was located. Ms. Levesque understood she had an easement from the time her property was subdivided off the Wheeler property because of frontage requirements. Mr. Peterson said he had met with Ms. Wheeler and would continue to have open discussion.

The discussion was brought back to the Board.

Mr. Doherty referred to the plan set (sheet 7 of 9) which showed the topographical information and pitch of the road. He said the road appeared to pitch toward Burns Roar, but didn't see drainage or catch basins. He was concerned that sheet flow would cause a potential icing problem. Mr. Dubay said they hadn't finished the plans yet. He indicated page 9 contained a road profile that had a low point prior to meeting the Burns Road intersection. They planned to do an infiltration system, basically the lid package that the State would like to see on conservation subdivisions. The overall grading and profile are shown so the Board could get the idea of how they could blend the topography. Mr. Dubay said they fully intent to provide more detail once receiving input from the Board and engineering review. Mr. Peterson said he dug approximately 40 test pits and believed the flow would run through the soils. Mr. Doherty stated he wanted to make sure the applicant would do something about the sheet flow water to get it into the ground,, opposed to having it flow into the road.

Mr. Gowan asked the applicant to suggest new name ideas for Highway Safety Committee; the name 'Cole' wouldn't work. He said the naming guidelines don't allow for naming after individuals. He commented that the Board had been more/less anti-sidewalk; however, within one mile of a school, they had been very pro-sidewalk. He said the sidewalk built across the street was a pseudo-sidewalk that lead all the way down Burns Road to the high school. He said it was wider pavement that could be plowed. He felt it might be interesting to entertain a similar approach as was done by Mr. Dubay and Mr. Peterson with Maglio Village (on Nashua Road). Mr. Dubay welcomed the Board's input. He will come up with alternatives for Mr. Gowan and Keach Nordstrom to review. Mr. Culbert said he wanted sidewalks.

The plan was date specified to the October 6, 2014 meeting. Mr. Gowan noted that the plan would be coming back to the Board to review the yield plan and answer the density question of whether they will get an extra lot. He said the plan will not have undergone a full review by October 6th.

Mr. Croteau believed a site walk would be appropriate to conduct prior to the October 6th meeting.

Mr. Doherty saw that one of the lots contained a swimming pool. He felt the applicant should make sure that there was enough 'lot' on the other lots to make sure they could all have pools. Mr. Peterson replied the lot with the pool was an existing lot (Judy Wheeler's lot). Mr. Doherty recalled there have been problems in the past with people clearing areas they weren't supposed to because they wanted pools. Mr. Montbleau confirmed that there would be a homeowner's covenant. Mr. Peterson indicated there would be. Mr. Montbleau said the covenant would outline what was allowed on which lots. Mr. Dubay said they wanted to get to 50% open space and still provide a treed buffer

around the perimeter especially between the abutting lots. He said they didn't plan for the lots to have pools, but some may be able to accommodate pools and still meet the criteria for Department of Environmental Services setback.

The Board scheduled a site walk for October 4, 2014. Mr. Gowan told the Board he would not be available; however, he would inform Keach Nordstrom of the site walk date. It was noted that members of the public are invited to attend the site walk.

PB Case #PL2014-00026

Map 35 Lot 10-193 & Map 36 Lot 10-191-1

GREEN, Richard; GREEN & COMPANY – 1-5 Garland Lane – Proposed 46-Lot Conservation Subdivision (*Special Permit for Yield Plan and 20% Density Offset of 7 lots was granted on July 7, 2014*)

Mr. Dadak 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.

Mr. Joe Coronati of Jones & Beach Engineers, representing Green & Company, came forward with Mr. Michael Green to discuss the proposed conservation subdivision.

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

VOTE: (7-0-0) The motion carried.

Mr. Haverty pointed out that the locus maps were missing two streets, one of which was Appleleaf (that connected off Garland Drive). Mr. Doherty said the electric and cable company information will need to be updated.

Mr. Coronati stated since the last meeting they had been busy surveying and designing the road layout for the subdivision. He said it was very similar to the previous version reviewed by the Board for the yield plan and density bonus acceptance. He indicated they had done all the survey work and topography to determine how the plan integrated with the land. They also dug approximately 120 test pits on the property. Mr. Coronati discussed the modifications to the proposed road and cul-de-sacs within the development. The total road length (main road in addition to cul-de-sacs) is approximately 4,600 linear feet. There is a 550ft. upgrade that will take place to (the former) Garland Lane. The applicant worked with traffic engineer Stephan Pernaw to determine the approximate traffic trips; a memo was included with the application. In summary, Mr. Pernaw's memo anticipates the peak/overall traffic would be 500 trips per day, with the highest PM peak hour generating 52 trips. It was believed the traffic trips would be split since the development had two access points (Garland Lane and Fineview Circle). The data showed the development as having a fairly low (per hour) rate of traffic flow. In reviewing the traffic information Mr. Coronati then reviewed the road widths. The main road cutting through the subdivision connecting to Garland Lane was proposed at 26ft. They were also looking to widen Garland Lane to 26ft for consistency throughout the development. The three cul-de-sacs were proposed at 22ft.

Mr. Coronati told the Board that the lot sizes varied; the smallest will be approximately 18,000SF. Most were between 20,000SF-25,000SF. One lot was shown at 42,000 because of its shape. The

entire property is approximately sixty eight (68) acres in size, of which thirty eight (38) acres will be open space (56% of land will be preserved). Of the open space twenty five (25) acres is uplands. Roadways are proposed with Cape Cod curbing with closed drainage, catch basins and pipe systems. Doing so will allow storm water to be directed into detention ponds. The detention pond areas were pointed out to the Board. The development is large enough to meet the State Alteration of Terrain ('AOT') requirements and will be designed as such. The property slopes toward the south allowing drainage to flow into the existing wetlands.

Mr. Coronati told the Board they reviewed the inner road connection with Fineview Circle. In the middle of the existing paved cul-de-sac (at Fineview) they propose to cut the middle and create a landscaped island, which will act as a traffic calming measure.

Mr. Haverty commented regarding the cul-de-sac. He said given the fact that Fineview only had a couple houses he questioned why traffic calming was being proposed. He suggested taking the center of the cul-de-sac out and re-grassing the sides to make a through road. From a maintenance perspective (plowing and mowing), he said it didn't make sense to have a grass island. Mr. Coronati said he would discuss the area with the Board; the cul-de-sac appeared to have side 'wings' that could be converted to grass. Mr. Gowan recalled Keach Nordstrom (Board's engineering review firm) suggested traffic calming existing the project. Mr. Culbert agreed with Mr. Haverty's comment to remove the cul-de-sac.

Mr. Coronati told the Board they proposed a community water system. The hayfield located on the north side of Garland Lane was being considered for the well fields. Currently there are four wells going through the pump test and qualification. There will be a gravel road leading to the pump house.

Mr. Montbleau questioned if the four wells were required to be separated by certain distances. Mr. Coronati replied each of the wells was required to have a 200ft. radius with nothing contained on it, but the wells themselves could be 10ft. apart. He briefly explained how the wells were tested. At this point, only preliminary pump tests have been done to determine quantity. Additional work was required to develop the wells and come up with a final yield and water quality test. Mr. Montbleau asked how many bedrooms the units would contain. Mr. Coronati replied they were targeting four-bedroom homes. He added they were still working on fire protection and reviewing the two 30,000 gallon cisterns.

Mr. Coronati ended his plan overview by letting the Board know that every lot had direct access to open space.

Mr. Culbert asked if any thought was given to having sprinklers within the homes. Mr. Coronati said they had reviewed sprinklers and cisterns. They were leaning toward cisterns given they provided more of a 'global' use by the homes (inside and out). He said they would have further discussion with the Fire Department. Mr. Gowan noted that the State Statute didn't allow the Town to require sprinklers.

Mr. Croteau stated there was an active recreation trail system on the property that wasn't shown on the proposed plan. Mr. Coronati said they were still in the process of determining the final location. Mr. Croteau said they had done 10ft. easements within other developments. Mr. Gowan said they briefly discussed how to accommodate the trails and would continue to have discussions.

Mr. Passamonte questioned if the units would be allowed to have irrigation. Mr. Coronati believed it was important for the proposed homes to have some type irrigation (possibly cycled). He said the wells were being sized to handle irrigation.

PUBLIC INPUT

Ms. Karen Shaw, 14 Fineview Circle recalled during the previous conversations with the Board that the proposed homes would be smaller and now they were being brought forward with a possibility of having four bedrooms. She was concerned about a 'conservation' development that had no concern for the abutters. Because of this, she said Keach suggested an island so the abutters, who were presently looking at woods, wouldn't have to look at homes. Ms. Shaw approached the displayed plan and showed the Board where her lot was located. She asked how many feet separated her property from the closest proposed home. Mr. Coronati gave a rough measurement of 50ft of land from the setback to Ms. Shaw's property and approximately 150ft. from the setback to her house. It was noted that Ms. Shaw's home was not located on the property line, therefore the closest house could be approximately 120ft. away. A wooded buffer of 25ft would remain in place. Mr. Coronati said they would provide an aerial photograph at the next meeting to better determine house locations.

Mr. Haverty didn't understand how the island would shield the Shaw's property, but would wait for further discussion with Keach.

Mr. Montbleau asked if they had a conceptual of what the houses would look like. Mr. Green said they would provide a depiction at the next meeting.

Mr. Michael Shaw, 14 Fineview Circle said he would like to know when detailed information will be discussed regarding the homes, septic systems, the cul-de-sac island (on Fineview), vehicle traffic etc. He was concerned with an increase in traffic flow on Fineview in front of his home. He was disappointed that the size of the homes had increased to four bedrooms. Mr. Shaw felt the proposal was a very dense development with the 'conservation' occurring within versus protecting the neighbors. He noted there was a right-of-way to Garland Drive that could possibly be a third access into the development. He ended by saying he felt allowing larger homes would overdevelop the parcel.

Mr. Charlie Mooskian, 111 Currier Road discussed drainage in the neighboring areas. He said water flow changed when the apple orchard (off Garland Drive/Dutton Road) was developed and when the Mendes property off Jericho Road was filled in. He was concerned the proposed development would affect him further. He confirmed that abutting wells would be monitored when the development was conducting their well tests. Mr. Gowan said properties within a certain distance from the development would be notified. Mr. Mooskian showed the Board where his property was located.

Mr. Mike Hammar, Garland Drive was curious who would own the green area (open space) between the development and abutting lots. Mr. Montbleau replied the open space would be owned and controlled by a homeowner's association. Mr. Hammar confirmed the owners of the lots within the development would need to work through an association in the event any concerns came up regarding an abutting lot outside of the development (such as on Garland Drive). Mr. Gowan stated that the homeowner document would prevent clearing of the open space buffer; on bigger spaces they will have the ability to have other activity. Mr. Hammar commented it seemed like a better thing to have the buffer rather than abutting a person's property. He asked if there would be a main septic system.

Mr. Coronati responded that the units would have individual septic and leach fields. Mr. Hammar discussed the existing drainage and questioned if there would be any changes because of the development that would adversely affect the residents along the length Garland Drive. Mr. Montbleau explained that the Board would conduct site walks and all concerns and development information, including drainage calculations, would be reviewed by the engineering firm. Mr. Hammar felt it was important for abutters to be assured that drainage wouldn't affect them in the future.

Mr. Shaw wanted to know at what point in the process the Board approved the house size, height, square footage and number of bedrooms. Mr. Gowan explained that the applicant provided and would bring back additional information. He said although they contained four bedrooms, they were not massive homes. Renderings of the structures would be submitted for the next meeting. Mr. Gowan noted each structure was required to have a State approved septic design.

Mr. Haverty asked for the average square footage of the proposed bungalow structure. Mr. Green said there were approximately 2,300SF-2,400SF. Mr. Haverty said the homes on Fineview Circle were much larger and varied in size upward of 2,900SF. Mr. Green indicated the structure was similar to a Cape style home versus a Colonial.

Mr. Doherty said most towns went with traditional one acre lots to be able to gain an appropriate distance between wells and septic. He noted the proposed development had in essence a municipal well system and could easily obtain appropriate distances.

Mr. Gowan suggested having the well house be of similar design to integrate with the development since it would be located within the view shed. Mr. Culbert asked if the well house would have any means of noise abatement. Mr. Coronati wasn't anticipating a lot of noise within the well house.

The plan was date specified to the October 20, 2014 meeting.

SITE WALK – October 4, 2014

PB Case #PL2014-00030 - Map 28 Lot 2-7 - COLE CIRCLE, LLC – PETERSON, Robert – 24 Burns Road

DATE SPECIFIED PLAN(S) -

October 6, 2014

PB Case #PL2014-00030 - Map 28 Lot 2-7 - COLE CIRCLE, LLC – PETERSON, Robert – 24 Burns Road

October 20, 2014

PB Case #PL2014-00025 - Map 16 Lots 8-41 & 8-41-1 ROBERT EDWARDS, SR. TRUSTEE - 703, 713 & 715 Bridge Street

PB Case #PL2014-00029 - Map 38 Lot 1-118 - JAMES W. PETERSEN, LLC - Sherburne Road

PB Case #PL2014-00026 - Map 35 Lot 10-193 & Map 36 Lot 10-191-1 - GREEN, Richard; GREEN & COMPANY – 1-5 Garland Lane

MINUTES

September 4, 2014 – deferred to the next meeting.

ADJOURNMENT

MOTION: (Croteau/Haverty) To adjourn the meeting.

VOTE: (7-0-0) The motion carried.

The meeting was adjourned at approximately 10:15pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary