

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
February 20, 2020

Chairman Roger Montbleau called the meeting to order at approximately 7:00pm. He appointed Mr. Doherty as acting Secretary. He also appointed Mr. Culbert to vote.

Acting Secretary Tim Doherty called the roll:

PRESENT: Roger Montbleau, Paul Dadak, Jim Bergeron, Tim Doherty, Derek Steele, Alternate Paddy Culbert, Alternate Richard Olsen, Alternate Bruce Bilapka, Selectmen Representative Hal Lynde, Planning Director Jeff Gowan

ABSENT: Cindy Kirkpatrick, Alternate Samuel Thomas, Alternate Selectmen Representative Kevin Cote

PLEDGE OF ALLEGIANCE

MEETING MINUTES

February 3, 2020

MOTION: (Culbert/Lynde) To approve the February 3, 2020 meeting minutes as written.

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

NEW BUSINESS

Case #PL2020-00004

Map 41 Lot 10-280

KALAMARAS, John (Owner) / PERDOMO, Kelvin L. & SALAZAR, Yomar - 30 Bridge Street, Unit 1 - Minor Site Plan Review for a proposed change-of-use to permit the operation of a barber shop

Mr. Doherty read the list of abutters aloud. There were no persons present or who hadn't been notified who asserted standing in the case.

The applicants came forward to discuss their request for a change-of-use at 30 Bridge Street, Unit 1 to permit the operation of a barber shop (Five Star Barber Shop). Mr. Salazar discussed the services provided, which is mainly for men. He told the Board the proposed location would be their third location. The existing locations are: 1) border between Methuen/Lawrence, MA and 2) border between Dracut/Lowell, MA. Given their clients are traveling from Salem, NH, Nashua, NH etc. they would like to open a location (between locations) in Pelham. He explained their services were different from a salon as they didn't wash hair. Mr. Salazar stated they had many years of experience in the barber shop/hair cutting business.

Mr. Gowan told the Board the applicant was seeking a change-of-use; therefore, the proposal was simply a minor site plan review. There would be no changes to the building or the septic as their service didn't include hair washing. The sign would change to reflect the company's name.

Mr. Montbleau asked if all the cutters were licensed in the State of New Hampshire. Mr. Salazar answered yes. He stated they would start with two barbers and in the future would work with the schools to connect with students to implement new barbers.

Mr. Gowan suggested the Board accept the plan for consideration.

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

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

Mr. Bergeron inquired if the owner had given authorization for the change-of-use. Mr. Gowan pointed out the owner was listed on notification. He reviewed the file and confirmed the owner provided signed authorization. Mr. Salazar told the Board they had a good relationship with the owner.

Mr. Culbert saw the plan showed seven barber chairs and asked how many employees they would have. Mr. Salazar replied they would start with two and add more in the future. Mr. Culbert asked where employees would park. Mr. Salazar described the parking and noted they had approximately ten spaces. Mr. Gowan was very familiar with the plaza and told the Board all employee parking was located behind the building; there was plenty of parking to accommodate other vehicles as well. Mr. Doherty was also familiar with the location and concurred there is never a problem with parking.

Mr. Montbleau opened the discussion to public input. No one came forward.

MOTION: (Culbert/Doherty) To approve the change-of-use.

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

OLD BUSINESS

Case #PL2019-00029

Map 31 Lot 11-33 &

Map 31 Lot 11-37 Access Lot

KLECZKOSKI, Charles Jr. (Owner) / AMERICAN TOWERS, LLC (Applicant) – off Spring Street – Site Plan review for a wireless communications facility, pursuant to Section 307-58(B)(3) of the Town of Pelham Zoning Ordinance and Site Plan Regulations & a Special Permit pursuant to Section 307-40(A)(1) of the Ordinance relating to wetlands for the construction, operation and maintenance of a wireless communications facility

Presenting the application and representing American Towers and TMobile was Attorney Edward Pare of Brown Rudnick. Also present was Wetland Scientist Luke Hurley of Gove Environmental Services. Attorney Pare provided the Board with copy of a letter he submitted to the Planning Department earlier in the week based on the proceedings at the most recent public hearing in response to issues raised by some residents in the area. He discussed the amendments made to the plan, such as providing a vegetative screening (planting Arbor Vitae). The proposed fencing was changed from wooden fence (8ft) to chain link with the height being raised to 10ft; this will provide for screening and noise attenuation. He stated they received the report from Keach Nordstrom (Board's peer review consultant) and were in the process of going through the letter and making changes to the plan to address the comments; most were minor. They will provide a final site plan to the Board in due course. Attorney Pare told the Board they were requesting a waiver to Section 302-3.E(3)(a)(23) of the Site Plan Regulations pertaining to site specific soil survey. He informed the results from the balloon test and photo simulation as provided to the Zoning Board were also provided to the Board as he knew there were some concerns from abutters regarding visibility.

Fire Chief James Midgley came forward. He told the Board the tower had been proposed for quite some time as soon as it came up, they had significant interest. They've been working on making a deal with American Tower for the last several months and cleaning up agreement language on other towers owned by them. He spoke about the history of locating on towers in Town and noted there is specific language required. He discussed the Fire Department's communication system and why the proposed site would be good for them. He noted the tower would also assist with mutual aid partners in Dracut, MA with VHF communications and microwave linking. Chief Midgley added they currently have three sites in Town; the proposed site would fill a big gap in their system. He said American Tower was nice enough to allocate 25ft. at the top of the tower specifically for public safety equipment which would suit the Town's needs, Dracut's needs and mutual aid well into the future.

Mr. Bergeron asked Chief Midgley if all his concerns with the applicant had been met. Chief Midgley believed they have gotten themselves in line; the only thing still to be worked through is specific Planning Board approval conditions. He said he would provide a list of recommendations that would safeguard their abilities. He created a draft for consideration. Mr. Montbleau questioned if he would work with the applicant regarding the list of specifications. Mr. Gowan recommended the Board date specify the case once they have discussion and hear public input which will allow time for the applicant to amend the plans and finalize proposed conditions.

Mr. Doherty suggested Chief Midgley add verbiage to the specification conditions to indicate 'at a minimum' to capture future changes in technology. Chief Midgley said they've already provided a full buildout list; he will have a minimum of four antennas and four microwave blades. He said they've taken that point into consideration knowing how technology changes.

Mr. Bergeron assumed the proposed tower was critical to the department's work and questioned if it would provide coverage throughout the Town. Chief Midgley replied there were still weak spots. He said they just received a notice to proceed on another location that would fill in a huge hole after they were evicted from Jeremy Hill. He said they had to take Rocky Hill (AT&T tower). He spoke about the communications during events and noted responders weren't able to talk on their portable radios in the southwest corner of Town.

Conservation Commission Chairman Paul Gagnon came forward. He felt it was important for the Board and public to know they had a signed purchase and sale agreement with the owners of the property to purchase thirty-five out of thirty-six acres. The thirty-sixth acre (not being purchased) is the land on which the cell tower will be located. However, the purchase and sale agreement stated the only thing that could be done with that one acre is put telecommunications equipment. When the day comes that telecommunications equipment is no longer needed, the one acre will become Town land at no additional cost. Mr. Gagnon said they were essentially buying thirty-six acres, but the cell tower would stay in their ownership until the cell tower was no longer needed. He believed this fact would address concerns of further/future development. He said they would eventually come back to the Board with a lot line revision proposal. In conducting research on the parcel, he saw a past plan for five houses that had come in front of the Board in 2007. Mr. Gagnon felt it was significant that they were able to come to an agreement with the landowner given there was a possibility to put five homes on the lot. He added the thirty-five acres would be open space that abutted an existing Town parcel containing twenty acres as well as protected land owned by Dracut, MA. Mr. Montbleau asked if there would be a deed restriction on the one-acre lot so nothing would be built if it was abandoned for cell tower use. Mr. Gagnon replied once the telecommunications were no longer needed, it would become Town owned land; in the interim it could only be used for telecommunications.

Mr. Gowan stated all cell towers were required to establish a bond to remove the tower if/when it became obsolete.

Mr. Bergeron understood the land would essentially stay as open space perpetually. Mr. Gagnon further explained the property would be purchased using current use monies (\$225,000). He said the Conservation

Commission had already held a public hearing regarding the property. The next steps would be to hold a line adjustment hearing and for the Selectmen to conduct two public hearings. Once that process is complete a warrant article would be placed on the ballot (for Town Meeting) for the land to be owned.

Mr. Doherty asked Mr. Gagnon's opinion of a wood fence versus a chain link fence. Mr. Gagnon didn't have an opinion as it would be in the middle of the woods.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward. He spoke about the items contained in his letter to the Board dated February 13, 2020, which was a response after reviewing the technical submittal. In summary he recommended a separate/temporary surety (approximately \$10,000-\$15,000) for erosion control and stabilization of the site in the event it is abandoned before its finished. This is similar to what they do for most site plans. A note is recommended (on the plan) to acknowledge the relief received from Zoning (per Zoning Board case #ZO2018-00015). Mr. Keach recommended any Planning Board approval include a condition upon the applicant's fulfillment of certain bonding, security and insurance requirements specified under Article X-Section 307-61 of the Zoning Ordinance. He saw a waiver request had been submitted to Section 302-3.E(3)(a)(3) of the Site Plan Regulations and suggested the Board take it up for consideration.

Mr. Doherty questioned when the plan was accepted for consideration. Attorney Pare believed the plan was accepted during the December 16, 2019 meeting. He noted the plan currently in front of the Board (dated January 15, 2020) had been revised to reflect the plantings and wooden fence. There will be at least one additional plan coming forward to incorporate Mr. Keach's comments and any additional conditions. Mr. Keach believed Mr. Doherty was looking for the date of the initial plan acceptance. Mr. Gowan retrieved the information from the Planning Department.

PUBLIC INPUT

Mr. Larry Horgan, 32 Blueberry Circle told the Board he had been opposed to the plan since the inception (September 2017). He said the Zoning Board didn't listen to any of the resident's concerns. He explained one of the residents (Mrs. Johnson) had brought up the question of public safety and questioned why the Planning Department hadn't acted on having a private or Town tower on Town property in that location. Why was the Town waiting for a commercial entity to come in. Mr. Horgan pointed out it was a residential neighborhood and the proposed land had deed restrictions. He commended Mr. Gagnon's due diligence to preserve the area. He said in 2003 the Town conducted a National Heritage Bureau inventory; the parcel's radius is a sensitive area where species have been found. He questioned if the Department of Environmental Services should be involved because of the wetland crossing area. He asked if an Alteration of Terrain permit was needed. Mr. Gowan replied the Planning Board didn't build cell towers; the Selectmen would have to act on building one on Town land, although he would be shocked if the Town understood building their own as it was a costly endeavor. To the question regarding an Alteration of Terrain, he said 100,000SF had to be disturbed before a permit was required. With regard to the notice of conditions (mentioned by the Fire Chief) relating to the communications piece, Mr. Gowan stated that was up to the applicant to speak to and resolve. It wasn't the Board's role to review deed restrictions (already on a property). Mr. Horgan said if it wasn't resolved it could end up in court.

Mr. Horgan said if the plan is approved, he would like the tower to look like a tree to blend into the area since it was abutting the Blueberry Woods, swamp and conservation land. He understood TMobile was the applicant; however, there could be up to five carriers on the pole. Mr. Gowan replied the Town's Regulations required co-location up to five carriers. He said the ordinance was written when companies were trying to build a single tower for each carrier. Mr. Horgan said his comment related to maintenance with having multiple carriers access the tower each month. He didn't think the tower belonged in the area and asked the Board to consider having it look like a tree.

Attorney Pare responded by saying the tower was proposed for five carriers but didn't believe there were five carriers that currently operated in New England. He expected further consolidation of the existing carriers. TMobile is the lead carrier and they hoped to have others join, with the understanding Pelham requires co-location. Attorney Pare told the Board they satisfied the condition for the access drive. He heard people reference a deed restriction (from a 1977 Planning Board approval) that indicated 'no additional driveway along Blueberry Circle unless a temporary turnaround is put in place (which was done) and the roadway would continue through Town-owned property which he didn't believe would occur. He said if people had issues, they could assert their rights through the proper forum. In response to the comment regarding public safety, he indicated they had gone to the Conservation Commission and received sign-off from the appropriate authorities. He believed public safety would have an issue with screening the tower to resemble a tree because it would interfere with whip antennas and microwave dishes. In this instance when looking at the visibility of the site (submitted to the Zoning Board) Attorney Pare stated people could only see the top of the tower as it was located in the middle of the woods. He noted the top portion was dedicated to public safety. He said they worked with the Zoning Board to find the best location and moved forward the area that screened the tower to the maximum.

Mr. Hurley spoke to the sensitivity of the area and area rare species. He said as part of the federal process they had to go through the National Heritage Bureau and believed nothing came back on the site. He described the review process by the bureau. With regard to wetland impacts he believed the abutter may have been referencing a wetland buffer impact. He reviewed the flags (done previously) and didn't see the need to change their locations; essentially the wetland delineation on site has been flagged once and delineated once and had no changes to the site. He told the Board that the roadway was as tight as it could be so there are no direct wetland impacts. He stated there were no wetland crossing or need for an Alteration of Terrain. He reviewed the National Heritage data check done in 2018 that showed no rare or endangered species were found on site that would be impacted by the project.

Mr. Ron Hannon, 31 Blueberry Circle stated he moved from Newton MA to Pelham approximately thirty years ago. He didn't believe he would see the tower very much because he lived at the other end of the neighborhood. Although he understood the area would be cut to install the tower and believed it would be visible to the neighbors. He said he would be surprised if they didn't see it. He appreciated what Mr. Gagnon had done with the conservation land around it and what the Fire Department needed. He hoped the tower didn't end up with multiple discs on it similar to what he'd seen throughout the country. He felt bad for his neighbors and was sure they would be able to see the tower.

Mr. Bergeron asked for a description of how a monopole and triangular-frame tower differed. Attorney Pare stated the foundation design was critical and described the various manners it could be laid down pursuant to building code. He went on to describe the tower assembly; the project would take approximately 60-90 days. Mr. Bergeron reviewed the tower rendering and saw it was tempered and not brilliant to cause harsh reflections. Attorney Pare stated the tower would be a dull tempered steel that wouldn't be reflective. Mr. Bergeron asked if there would be any guywires no lighting. Attorney Pare answered no to both.

Mr. Doherty understood they would be including buffering in the form of Arbor Vitae. He said deer often eat Arbor Vitae and suggested planting something different such as Hemlock. Attorney Pare replied if the Board preferred, they would switch plantings to Hemlock.

Mr. Dadak saw the plan set included a rendition of the monopole and questioned how far out the antennae spanned. Attorney Pare noted the plan showed an overhead view of the antennae. He guessed they may be 6ft-8ft. at the furthest. He commented nothing would be located above TMobile except for public safety (top (25ft). Mr. Dadak asked what the height of the balloons represented. Attorney Pare replied the balloon was flown at 150ft. to represent the top of the tower (inclusive of the public safety height).

MOTION: (Culbert/Doherty) To accept the waiver to Section 302-3.E(3)(a)(3) of the Site Plan Regulations for consideration.

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

MOTION: (Culbert/Dadak) To accept the Special Permit (WCD impacts) for consideration.

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

The case was date specified to April 6, 2020.

ADMINISTRATIVE

Map 22 Lot 8-118

PRUDHOMME PROPERTIES LLC - 9 Main Street – Request for bond reduction

Mr. Gowan read aloud a letter from Keach Nordstrom Associates (Board's engineering review firm) that provided the following recommendation:

Bond reduction (release) of : \$51,741.38

Retaining: \$9,890 to support remainder of project.

MOTION: (Lynde/Culbert) To release \$51,741.38 from the existing bond and retain \$9,890.

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

NEW BUSINESS CONTINUED

Case #PL2020-00003

Map 27 Lot 3-125

COREY CONSTRUCTION, LLC - 499 A & B Mammoth Road – Proposed 12 Lot Subdivision consisting of single-family homes

Mr. Doherty read the list of abutters aloud. There were no persons present or who hadn't been notified who asserted standing in the case.

Representing the applicant was Mr. Doug MacGuire of the Dubay Group. He stated the proposal was for a twelve-lot standard subdivision. The property contains approximately fifteen acres and is located off Mammoth Road and Bush Hill Road. The proposal shows a 1250 linear foot cul-de-sac to provide access. Each acre will be a standard one-acre minimum. Mr. MacGuire referenced sheet 5 of the plan set (topographic) that showed all Town requirements regarding 15,000SF building area and 4K area were met. There is an existing two-family home with frontage onto Mammoth Road that had been constructed prior to bringing the full plan set forward; the subdivision plan would be utilized to subdivide the duplex lot.

Mr. Doherty inquired if the duplex lot had the proper frontage to subdivide it from the remaining parcel. Mr. MacGuire believed the applicant had been granted a variance to allow the duplex to be placed on 197ft. of frontage. Mr. Doherty said the variance was granted with the parcel of land behind it; however, if it was now subdivided off it would no longer have the acreage in the parcel. He asked if the applicant would need to go back to the Zoning Board. Mr. Gowan will ask the Zoning Administrator. He said usually lot size isn't germane when determining frontage.

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

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

Mr. Culbert mentioned he didn't like the lot shapes of Lot 6, 11 and 12. Mr. MacGuire replied he was well aware of the Board's preference of lot shape and worked hard to maintain consistent lot shapes. He said the only shapes that didn't meet the exact regular shape were lots fronting on odd portions of the parcel itself, making it impossible to have a standard shaped lot based on the external boundary configurations. He displayed a plan to show the external boundary and reasons for creating the proposed lot shapes. He described how it would be impossible to make the lots look conventional based on the regulations and the shapes of the already existing lots. He didn't feel the applicant should be penalized based on the configuration of the external boundary. He added anywhere they had control to create standardized lots they did so. Mr. Lynde questioned if the lots 10 and 11 were combined if they would look more 'standard'. Mr. MacGuire replied it could be an option to combine the lots and do a duplex lot; although he felt the better layout would be to maintain two single-families. He offered to discuss the prototypical grading of both lots that were very much stand alone lots based on the grade differences and usable back yards. Mr. Montbleau asked if the applicant was considering having a duplex within the single-family home subdivision. Mr. MacGuire replied there was an existing duplex on Mammoth Road that would remain. Everything else is proposed to be single-family. Mr. Montbleau asked if a duplex would be included if lots 10 and 11 were combined. Mr. MacGuire stated in their opinion both lot 10 and 11 were valid lots on their own (containing one acre each). He said if they had a two-acre lot it would make sense to do a duplex.

Mr. Lynde questioned if they would be provided a landscaping plan. Mr. MacGuire understood there were certain requirements to have street trees planted with specific spacing. He said they would be happy to include street trees to their subdivision plan.

Mr. Gowan hoped the Board would schedule a site walk. He said once the developer was finished pulling Bush Hill Road back to obtain sight distance and required slopes, it might be a good opportunity for landscaping for the street scape. Mr. MacGuire replied they would be happy to do so but cautioned they would need to maintain sight distance. Mr. Gowan stated the area needed to look less 'hacked up' than it currently appeared. Mr. MacGuire understood. He believed the Board would see the development would create a large improvement along Bush Hill Road, which currently had vegetation close to the edges of the road. He described the proposal to significantly pull back the sloping along the road which currently went up from the edge of pavement.

Mr. Montbleau believed the proposal warranted a site walk. He was familiar with the site and didn't know how sight distance would be achieved without major excavation based on the existing slopes. He suggested they may want to send the plan to Keach Nordstrom (Board's engineering review firm) and then conduct a site walk. Mr. Doherty agreed the plan should be sent to Keach, especially in seeing the detention pond in the area of lots 8,9 & 12. He wanted to know how it would be maintained with it being over the wetland. He questioned who would maintain the detention area. Mr. MacGuire replied they could discuss that aspect with the Board. He said the proposal was for a public roadway with drainage from the roadway being directed to the pond system. He said if the Town was responsible for maintenance, they could provide sufficient and adequate access. He's also seen towns implementing a simple homeowner's association for the immediate development to maintain a drainage structure. Mr. Doherty wanted Mr. Keach to take a really good look at the area of the plan.

Mr. Bergeron saw two test pits on most of the lots and wanted to review the associated information. Mr. MacGuire replied the test pit lots were written up in the drainage report. Mr. Gowan made a copy of the report information for Mr. Bergeron. Mr. MacGuire described the land as being rocky but not shallow to ledge. He said they were able to get good test pits.

PUBLIC INPUT

Ms. Deborah Festger, 13 Bear Hill Road stated she was new to Pelham. She questioned what impact neighbors would have from blasting. Mr. Montbleau replied there were specific regulations that would have to be followed.

Mr. Gowan explained the Fire Department was in charge of the Blasting Ordinance and noted Pelham had one of the toughest ordinances in the State. He was sure there would be blasting on the property and noted the Fire Department would be present for every single blast. He knew houses within a specific footage had to be surveyed (foundation) and believed well production was also monitored. Ms. Festger asked if vegetation or a fence would be planted/installed. Mr. Montbleau stated they weren't at that stage of the review; the Board would require a planting/landscaping plan to be discussed at a subsequent public meeting. He stated the Board would visit the site and would invite neighbors and public to attend. Once the plan is approved, Ms. Festger wanted to know the timeframe for construction. Mr. MacGuire replied the goal was to start roadway construction in the spring. He didn't have an exact timeframe but would have more specifics at a follow up meeting. Ms. Festger believed once the Board walked the site and they had further discussion some of her questions would be answered. Mr. Doherty noted an example of blasting was occurring in a development on Sherburne Road. Mr. Dadak resides in the area and stated the procedure was very strict and done layer by layer.

Mr. Bergeron reviewed the test pit data and surprised at how good it looked. He said it would be an interesting lot. Mr. MacGuire anticipated there may be blasting in the Bush Hill Road area where they were pulling back the embankment.

Mr. Ken Lefebvre, 8 Bush Hill Road was unhappy about the possibility of having a duplex constructed behind his home (proposed lots 10 and 11). He informed the natural topography of the road was dangerous. He asked the Board to put a lot of thought into the access road as there were currently safety issues.

Mr. Daniel Psoinos, 515 Mammoth Road lives easterly and downhill from the subdivision. He said his cellar was damp when he first moved into his home; however, when the Bear Hill development was done, he started getting a foot of water. He was very concerned about water, drainage and where the detention pond was located. He saw there was a 'flared' in section between lots 7 & 8. Mr. Psoinos described the occurrence of water flowing from the applicant's lot at the time the existing duplex was constructed. He said he had pictures if the Board was interested. He was very interested in having the Board walk the site. He would like to know the proposed size of the homes and their price range but understood the information would be discussed later in the process. He asked if the plans were available. Mr. Gowan answered yes; they were available in the Planning Department.

Mr. Chris Meaney, 513 Mammoth Road told the Board he had water in the back of his yard and saw that the plan showed wetlands behind (and above) his house. He wasn't sure how the wetlands would stay with the proposed development. In seeing the existing water drainage, he was concerned about the proposed drainage. He stated his wife worked from home. The blasting, banging and construction would have a direct impact on her. Mr. Meaney understood noise was part of building but wanted the Board to know they had concerns and would like additional information.

Mr. Lynde wanted to know if Mr. Meaney had problems prior to the lot being cleared. Mr. Meaney replied the water he saw was behind his lot (to the right). Mr. Doherty asked if the proposed lot had been cleared. Mr. Gowan replied the lot was clear cut 2.5-3 years ago. Mr. Doherty was unaware of the lot being cleared. He said there was a proposed development in front of the Board; they usually aren't cleared until the Board gives permission. Mr. Gowan said there was an Intent to Cut signed by the Board of Selectmen; however, the cut seemed extreme to him and the assessor. They went to the site and took photographs, informed the Forester to look at the site. The Forester told them there wasn't a violation as long as the stumps were pulled within a specific amount of time as it would be considered a conversion from a forest to a field. Other than the cut, Mr. Gowan wasn't aware of any wetland impacts or things of that nature. He said the activity took place well before the application came in.

As a point of clarification, Mr. MacGuire told the Board when they do their drainage analysis of the site, they are assuming the pre-development condition which was prior to the cut. They are evaluating the entire subdivision as if it was fully wooded in the pre-development condition and is now fully not wooded in the post-development condition. He said their drainage provisions had to be sized to accommodate the reduction in

trees. He said if there were any abutters that had seen an uptake in drainage flow; upon development of the parcel it may be remedied as they would be going back to the pre-development condition of a wooded area.

Mr. James Young, 497 Mammoth Road stated his home is to the left of the new duplex. In the past they had water in the basement; however, the duplex construction caused water to flow into his basement. They had pictures and put a sump pump in. The situation was brought to the Town's attention and the next day the builder excavated a trench around the duplex. He stated they didn't have water flowing now. Mr. Young told the Board the original plan showed a road accessing the property in the area of the new duplex; however, now that the duplex is built it landlocked the land and access had to come from Bush Hill Road. He reiterated his concern for water flowing into his basement. Mr. Montbleau stated the Board's engineer would review the plan/drainage. He added the Board would walk the site and encouraged the public to attend.

Mr. Young asked where the detention ponds would be located. Mr. MacGuire replied they were able to review a survey of the parcel prior the duplex being constructed. They were aware of where the existing flow patterns go and showed the location of seasonal flow leading into wetlands. Mr. Young described the drainage flow prior to the duplex and how it currently flowed as there was a stockpile of material. Mr. MacGuire replied they could review the area during the site walk with the Board. He added they were going to remedy the condition to better than it was previously when it was wooded. He believed there would be substantial improvements by having the development. He described the area where the detention pond would be located.

Mr. Meaney asked how the public would know about upcoming meetings. Mr. Gowan explained the abutters wouldn't be notified again. Before the hearing ends the Board would establish a subsequent meeting date and discuss setting a date/time for a site walk. Meeting minutes are available to review online or in the Planning Department.

Mr. Gowan suggested Mr. Keach have an opportunity to review the plan prior to the Board conducting a site walk. After a brief discussion the Board decided to date specify the case to April 6th. Site walk will be scheduled at a subsequent meeting.

The case was date specified to April 6, 2020.

NON-PUBLIC SESSION

Request to enter non-public session per RSA 91-A:3 (L)

MOTION: (Doherty/Culbert) To enter into non-public session per RSA 91-A:3(L)

ROLL CALL (7-0-0) The motion carried.

VOTE:
Roger Montbleau-Yes
Paul Dadak – Yes
Jim Bergeron- Yes
Tim Doherty- Yes
Derek Steele - Yes
Paddy Culbert - Yes
Selectmen Representative Hal Lynde-Yes

Joining the Board in non-public were: Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

Public session recessed at approximately 9:15pm

The Board returned from non-public session at approximately 9:52pm

The public meeting was reconvened.

ADMINISTRATIVE CONTINUED

Map 35 Lot 6-105-3 LEONARD, Paul - 7 Hawk's Landing – Request for waiver of impact fees paid

Mr. Leonard came forward. Mr. Montbleau informed the Board had sought legal opinion and had a lot of their questions answered, however, there were still some questions that had not been answered. The Board would like to date specify the matter to their next meeting in order to have an opportunity to clarify remaining questions.

Mr. Leonard asked if the Board needed any additional information. He explained when he originally inquired about the fee, he was told he needed to provide a timeline of the building process and show he had a vested project that began back in 2012. Mr. Gowan stated he advised the applicant to articulate his position in writing.

The Board was provided with the timeline of dates and associated actions taken by Mr. Leonard. Mr. Lynde commented it was new information. Mr. Leonard questioned what additional information should be submitted to provide clarification for Town Counsel to review. The Board reviewed the information as Mr. Leonard described each of the items. Mr. Doherty felt the information changed the situation and suggested the Board re-enter non-public.

MOTION: (Doherty/Bergeron) To re-enter non-public session.

ROLL CALL (7-0-0) The motion carried.

VOTE: Roger Montbleau-Yes
Paul Dadak – Yes
Jim Bergeron- Yes
Tim Doherty- Yes
Derek Steele - Yes
Paddy Culbert - Yes
Selectmen Representative Hal Lynde- No (however, he joined the Board)

Joining the Board in non-public were: Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

The Board re-entered non-public at approximately 9:59pm

The Board returned from non-public session at approximately 10:05pm

The public meeting was reconvened.

Mr. Montbleau stated with the submission of the timeline and list of activities the Board would make a motion.

MOTION: (Doherty/Bergeron) The applicant has met the criteria for active and substantial development on the subdivision and may be refunded the impact fee in the amount of \$2,496.34.

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

DATE SPECIFIED PLAN(S) – April 6, 2020

Case #PL2019-00029 - Map 31 Lot 11-33 & - Map 31 Lot 11-37 Access Lot- KLECZKOSKI, Charles Jr. (Owner) / AMERICAN TOWERS, LLC (Applicant) – off Spring Street

Case #PL2020-00003 - Map 27 Lot 3-125- COREY CONSTRUCTION, LLC - 499 A & B Mammoth Road

ADJOURNMENT

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

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

The meeting was adjourned at 10:07pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary