

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
June 15, 2020

Chairman Tim Doherty called the meeting to order at approximately 7:00pm.

The following notice was read aloud “A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency” (*regarding access to the meeting*)

PLEDGE OF ALLEGIANCE

Acting Secretary Danielle Masse-Quinn called the roll:

PRESENT ROLL CALL: Tim Doherty – present
 Jim Bergeron – present
 Danielle Masse-Quinn – present
 Selectmen Representative Kevin Cote – present
 Alternate Paddy Culbert – present (left the meeting at approximately 9:53pm)
 Alternate Bruce Bilapka – present
 Planning Director Jeff Gowan – present

Via Telecommunication:

Roger Montbleau – present via Zoom; no one in the room
Paul Dadak – present via Zoom; no one in the room
Alternate Selectmen Representative Hal Lynde – present via Zoom; no one in the room
Alternate Sam Thomas – present via Zoom; no one in the room (joined at approximately 7:28pm)
Alternate Richard Olsen – present via telephone; no one in the room
Alternate Mike Sherman – present via telephone

ABSENT/

NOT PARTICIPATING: Cindy Kirkpatrick

Mr. Doherty appointed Mr. Bilapka to vote in Ms. Kirkpatrick’s absence.

ADMINISTRATIVE

Map 39 Lots 1-54-2,3,4,5 & 1-55

RJ McCARTHY DEVELOPMENT - Waterford Estates – Sherburne Road – Request for Bond Reduction

Mr. Doherty read aloud a letter dated April 7, 2020 addressed to Mr. Gowan from Jeff Quirk of Keach Nordstrom Associates recommending a bond reduction in the amount of \$85,876.25. Current (remaining) bond is \$175,133.50. The remaining balance of \$89,257.25 would be to support completion of the project.

Mr. Culbert inquired what the remaining bond would be used for. Steve Keach of Keach Nordstrom (Board’s engineering review firm) joined the discussion via Zoom. He stated the remaining bond would be for

miscellaneous work; they always hold a retainage until a road is delivered to the Selectmen for acceptance; subsequent to acceptance the final retainage is released.

MOTION: (Dadak/Montbleau) To reduce the current bond by \$85,876.25 leaving a remaining balance of \$89,257.25.

ROLL CALL VOTE:

Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – Yes
Mr. Bilapka - Yes

(7-0-0) The motion carried.

MEETING MINUTES

June 1, 2020

MOTION: (Cote/Bergeron) To approve the June 1, 2020 meeting minutes as amended.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – Yes
Mr. Bilapka - Yes

(7-0-0) The motion carried.

OLD BUSINESS

CASE #PL2019-00024

Map 35 Lots 10-200, 10-312 & 10-351

NEIL FINEMAN 2018 TRUST & LEMIEUX, Albert & Christine - Currier Road, Peabody Lane & Bridge Street (Route 38) – Proposed 40-Lot Residential Conservation Subdivision with 3 open space lots

Representing the applicant in person was Peter Zohdi and Shayne Gendron both from Herbert Associates also present was Attorney John Cronin of Cronin, Bisson & Zalinsky who is assisting Herbert Associates with the project. Mr. Zohdi summarized the actions taken subsequent to the Board's last meeting. They met with the Conservation Commission Chairman Paul Gagnon, Town Staff (Mr. Gowan, Steve Keach of Keach Nordstrom) and interested parties (included was Planning Board member Jim Bergeron) to confirm the number of legitimate lots for the proposed site. The plan shows the ability for the site to develop forty conventional lots. He said Mr. Gagnon asked him to meet with the Conservation Commission; Mr. Gendron presented the plan on June 10th to the commission. Mr. Zohdi discussed the dredge and fill area and included a detail sheet within the plan set showing a scale of 1inch = 100SF. Since meeting with the Conservation Commission, he pointed out the plan was amended to eliminate a connection to Peabody Lane and the view shed was shown on the plan. With forty legitimate conventional lots he requested the Board grant two bonus lots (equal to 5% bonus lots where 20% is allowed for consideration). He said if the Board agrees he will then complete a drainage plan. A drainage study has already been completed and sent to the State and the Town's engineer. Mr. Zohdi mentioned Keach

Nordstrom had drafted a memo/report dated May 15, 2020 and told the Board he could not respond until he knew how the Board wanted him to proceed. He noted the plan showed a community well and not individual wells. He is currently in discussions with water companies to take the system over (by deed). He believed they had done everything the Board asked them to do and asked for their consideration so he could work on having the drainage plan done.

Mr. Doherty read aloud the letter (dated June 15th) submitted by the Conservation Commission. The letter indicated the focus of the Commission's meeting was to review the new yield plan that took into consideration the prime wetland and 100ft. buffer impacts. During the Commission's meeting the applicant showed both a conventional layout (40 lots) and conservation layout (42 lots). The Commission spoke about impacts and was pleased the conservation plan would have no wetland impacts and approximately 50 acres of open space (to possibly be given to the Town) that abuts Woven Park and would triple the park's size.

The Conservation Commission voted unanimously (7-0-0) to make the following recommendations to the planning board:

- 1) The revised yield plan looks realistic to us except possibly for the cul du sac and lots 39 and 40 which may not be approved by NH DES given the considerable prime wetland buffer impacts. There is little question to us, considering only wetland issues, that a 38 lot yield plan would work.*
- 2) We strongly recommend the Planning Board move ahead with a conservation subdivision as it will result in no wetland impacts, almost 50 acres of open space, a maintained trail system, and far less impervious surface since the road length will be reduced approximately 1800 linear feet. This should not be misinterpreted as us fully supporting the current conservation subdivision plan. We have yet to review the plan details and may have other suggestions when we do.*
- 3) The Planning Board and Board of Selectmen should accept the open space as Town land thereby tripling the size of Woven Park and providing permanent protection to this prime wetland.*

Mr. Doherty confirmed the Board members connected via telecommunication could hear him read the letter into the record. The members responded in the affirmative.

PUBLIC INPUT

Mr. Doherty asked if there were any abutters waiting to speak to the Board via electronic communication. Cable Coordinator Jim Greenwood advised there were two abutters (Bruce and Kim Jewett) connected to the meeting via Zoom. Mr. Doherty asked if they had any input regarding the new plan.

Mr. Bruce Jewett, 4 Peabody Lane stated he didn't have a copy of the plan in front of him; however, with regard to the proposed cul-de-sac in front of his house he wanted to know if he would be 'staring at the back' of the proposed homes. He said there appeared to be two houses toward the east side that were in question. Mr. Bergeron asked Mr. Jewett to indicate where his property was located. Mr. Jewett replied his house was in the middle of Peabody Lane that currently 'stared out to the field'. He said it appears the cul-de-sac will be directly in front of his home. Mr. Bergeron pointed out the proposed plan showed a 100ft. buffer between Peabody Lane and the back side of the development. A copy of the plan was displayed on television for everyone to view. Mr. Doherty described the area (shaded purple) that would have a protective view shed along Peabody Lane. Mr. Jewett asked if there were two or three proposed houses in that location. Mr. Zohdi scaled the plan and indicated from the cul-de-sac to Mr. Jewett's property line on Peabody Lane was a distance of approximately 200ft. He said if the Board wanted him to move the cul-de-sac back, he would; although he wanted the lots to look good. Mr. Jewett replied he wanted the lots to look good but did not want to look at the back of someone's house. He did not want his quality of life totally destroyed and would like to keep the integrity of his view somewhat intact.

Mr. Thomas joined the meeting via Zoom.

Ms. Kim Jewett, 4 Peabody Lane asked the camera to zoom in on the cul-de-sac area off Peabody Lane. The camera zoomed in. Ms. Jewett asked what would be in the purple shaded area. Mr. Doherty replied that area was a protected view shed and not used. Ms. Jewett believed when/if Peabody Lane was widened it would have to encroach within that (purple-shaded) area, although she felt if the road were widened the 100ft. buffer would be enough of a buffer. Mr. Cote replied the applicant was not widening the road (Peabody Lane). Ms. Jewett understood the applicant would not be widening the road but believed it would be at some point in the future. She said they could not on her side of the road so it would have to be done on the other side of the road. She believed the proposed plan looked good; however, she was concerned about possibly looking at somebody's back yard. Mr. Zohdi noted they set up the area on Peabody Lane to have a 50ft. right of way in addition to a 100ft. setback. He said the cul-de-sac was another 50ft. from the view shed.

Mr. Paul Diamantopoulos, 11 Peabody Lane came forward (in person). He stated he had concerns about his well and hoped it would not have an issue because of the community well. He also voiced concern regarding drainage. He used the displayed plan to show the Board the location of his property and the location of the existing gas line right-of-way. He stated the gas company clear cuts their entire right-of-way and maintains it as such. He told the Board he wanted some type of vegetation along the gas line's right-of-way to 'suck up the water' and along his boundary (abutting the development) to help maintain his privacy. He recalled a previous plan showing his requested vegetation but did not see it on the displayed plan. Mr. Doherty stated the proposed plan showed what the Planning Board members had asked for. Mr. Diamantopoulos stated he brought the problem up at the last meeting and believed one of the Board members (possibly Mr. Bergeron) asked for something to be done to remedy his problem.

Mr. Zohdi referenced the plan set and informed there was a 25-foot buffer (no cut zone) around Mr. Diamantopoulos' property line. He did not know what the gas company did with regard to their gas line and/or easement area. He reiterated he provided a 25ft. no cut buffer on the applicant's property and could not do any more than that. Mr. Diamantopoulos told the Board the offer for a 25ft. buffer would not work because the gas company clear cuts their gas line easement. He was concerned for his quality of life and privacy. He said he could not control what the gas company does and believed the Town had to help him address the situation.

Mr. Zohdi pointed out to the Board the gas line went through Mr. Diamantopoulos' property. Mr. Diamantopoulos replied the gas line went through the corner tip of his property and noted the gas company right-of-way was also located on the applicant's property.

Mr. Culbert inquired how far to the boundary Mr. Diamantopoulos clear-cut his property. Mr. Diamantopoulos replied his property was a clear field when he purchased it; he did not clear cut it. He maintains the property as grass to keep the tick population and poison ivy to a minimum. Mr. Culbert asked Mr. Diamantopoulos if a 25ft no cut could be included on his own property. Mr. Diamantopoulos replied the gas company has a 100ft. right-of-way; approximately 50ft of his property and 50ft. of the applicant's property. He said if the applicant only gave him a 25ft. buffer off his property line, the gas company will come through and clear cut about every two years. He said that will not do anything for vegetation. Mr. Culbert wanted to know from Mr. Diamantopoulos if he could let a vegetative buffer grow on his own property. Mr. Diamantopoulos replied doing so would have him give up his quality of life and pleasure of his own property.

Mr. Doherty halted the discussion so it would not turn into an argument.

Attorney Cronin stated the applicant had no objection to the abutter establishing a buffer on his own land if it would improve their quality of life. He explained the gas lines usually did not 'just appear' and the gas company usually pays people very well for an easement on their property because they recognize it may have a negative impact on their land. Attorney Cronin commented it was not the applicant's fault the gas line was there; it was just a fact that it exists, and people cannot grow on it. He stated the developer had been very responsive to requests to provide ample buffers. He appreciated the abutter's concerns; however, when property is purchased

a person could not expect (abutting) property to never be developed or classify open space on someone else's property as their own 'quality of life'.

Mr. Diamantopoulos said what the applicant was asking him to do was give up 25ft. from the gas line right-of-way which would actually be 75ft. (in total) of his property. Mr. Doherty stated they were not asking him to give up 75ft. of his property. Mr. Diamantopoulos replied if he planted trees and had vegetation on his property, he would not have the freedom of using it and would be giving up his own land. Mr. Doherty replied no one had asked him to give up his property.

Ms. Suzanne Larson, 39 Currier Road came forward in person. She understood Peabody Lane would not be used as an access point but did not see drainage shown on the plan. Mr. Doherty understood the engineer had not worked on the drainage very much because the plan was recently drastically changed to eliminate the use of Peabody Lane. Mr. Zohdi stated that was correct. Mr. Doherty believed the Board would be able to discuss drainage at their next meeting.

Mr. Joe Norkiewicz, 14 Island Pond Road came forward in person. He voiced concern regarding traffic and previously requested a traffic count (at the intersection of Currier Road and Island Pond Road) during peak hours. He recalled ten years ago (during peak) having over one hundred cars per hour. He said it would be nice to know what it is today. Mr. Gowan mentioned Currier Road was currently a cut-through road; the traffic is what it is. He believed the difference in a traffic analysis with 40-42 lots would be such a small number to what was already on Currier Road. In his opinion it would be difficult to make a case that the traffic from the proposed project would exacerbate what already exists. He also noted current commuting patterns were different and would not be accurate based on COVID and the State slowly opening. He said if the Board decides to have the applicant conduct a traffic analysis, there were firms that would conduct them. He said they could do trip counts for the proposed houses within the development. Mr. Norkiewicz told the Board the traffic situation was making it hard for people to exit their driveways and reiterated his feeling they should have an idea of what the area was currently dealing with.

Ms. Priscilla Pike Church, 2 Peabody Lane came forward in person to thank the Board for asking the applicant to come up with a plan to not use Peabody Lane. She also thanked the builder and others involved for listening and caring and coming up with a new plan.

Ms. Jewett (via Zoom) questioned if the Town's Zoning Ordinance stated buffers are to be given to abutters. Mr. Zohdi replied he had not read it in Zoning but would research. He told the Board when he did the subdivision, they wanted to have some of the open space abutting Mr. Diamantopoulos' property but no one on the Board wanted a 'strip' of land. He said the abutter did not want to put a buffer on their own property, they wanted the applicant to have one. Ms. Jewett asked for the Zoning rule on that because she recalled someone speaking about a Zoning requirement to add buffers. Attorney Cronin stated generally in zoning when there is a residential-to-residential property the buffer is defined by the setback; the purpose of side and back yard setbacks is to provide for spacing. Setback requirements are different to wetlands and for commercial properties. Mr. Cote read aloud a section of verbiage pertaining to development setbacks.

Mr. Doherty spoke about the proposed walking trail that connected the development to Wolven Park.

Mr. Keach commented the verbiage read aloud by Mr. Cote was verbatim to the language contained within the Zoning Ordinance and establishes setbacks within a conservation subdivision. He said there were no buffers per se, although the word 'buffer' had been used during prior meetings relative to Peabody Lane. He said the (purple shaded) area on the plan was a purpose-driven buffer to Peabody Lane that was a negotiated outcome and not a direct dimensional requirement of the Zoning Ordinance. In looking at the layout of the amended conservation subdivision it appears to comply as presented with the requirements Mr. Cote read aloud. Mr. Doherty mentioned the purple shaded area was not really a buffer but was a view shed protection area along Peabody Lane. He said the property (Fineman's fields) were mostly open fields and had been for years.

Mr. Diamantopoulos came forward for a second time. He understood Mr. Keach speaking about the term 'buffer' being used loosely. He reiterated his request that something be done (by the applicant) in terms of vegetation. He wanted the Board to understand why he wasn't going to put vegetation on his own property but also wanted the Board to understand the 50ft. of the gas line right-of-way on his property would mean he would have to put 25ft. on his side of the right-of-way. He said that would mean he had to give up 75ft. of his property. He did not feel that was a fair request since he was an abutter and looked to the Board to help maintain his quality of life and help his drainage problems. Mr. Diamantopoulos asked why the lots had to be the size shown. He recalled when the plan originally came forward showing a lot more open space that was now taken away. He asked if they could provide more open space with a no-cut zone on both of his boundaries. He said if the applicant didn't want to give up the land they could plant arbor vitae across the whole back boundary (on both of his boundaries abutting the project) on their own lot on the other side of the gas line. He said this would give new owners privacy from his lot, protection from the gas line and 'suck up' some of the water coming toward his property.

Mr. Cote asked Mr. Diamantopoulos if he had seen the conventional subdivision plan the applicant displayed. He stated that plan showed a road abutting his property and two houses on the west side of his property. The conventional plan was displayed at the meeting for those present and on television; Mr. Cote showed Mr. Diamantopoulos the conventional subdivision plan in relation to his property. Mr. Diamantopoulos said if the Board went with the conventional plan, with a road along one of his boundary lines, he wanted to know what would happen to his other boundary line. He was not happy having a road beside his property. Mr. Doherty stated the Board would take his comments into consideration.

Mr. Doherty brought the discussion back to the Board.

Mr. Gowan inquired if the 100ft. view shed would be given to the Town or stay with a homeowner's association. Mr. Zohdi replied after discussions with the Conservation Commission and others, the feeling was to include the 100ft. area as part of the homeowner's association so they would be responsible for maintenance. Mr. Gowan understood the trail (connecting to Wolven Park) would be located along the gas line easement. He heard a comment that it would not be for snowmobiles; however, typically the snowmobile club was often involved with trail maintenance on Town-owned property for trail connection. Mr. Zohdi replied the 50-acres being deeded to the Town was 'out of their hands'; they would appreciate if the portions between the houses were not used by snowmobiles. Mr. Gowan did not expect Mr. Zohdi to have an answer now but did not want that detail overlooked in final plans.

Mr. Thomas referenced the latest three drawings/documents sent out to the Board ref: sheet 17-54 (conventional plan – 40 lots) and two sheets numbered 1-54 (conservation plans – 40 lots and 42 lots respectively). He said sheet 17-54 showed the gas line crossing within certain property lines and sheet 1-54 showed the gas line outside the property lines. Since they were able to keep properties outside the gas line within the conservation plan, he wanted to know if the same was possible within the conventional plan. Mr. Gowan did not see a significant difference to the proposed lot locations in relation to the gas line. Mr. Doherty stated the Board was having difficulty following Mr. Thomas' question. Mr. Thomas withdrew his question.

Mr. Cote pointed out minor corrections to the plan page headings relating to the map and lot numbers. Mr. Zohdi replied he would check the information and correct the plan. Mr. Cote spoke to the lot shapes he did not like. He then referenced lot 10-351-44 and questioned the reason for the driveway going through the 4K area. Mr. Zohdi replied the 'green' area on the plan was the 4K area. He explained the Department of Environmental Services ('DES'), since the 1960s, wants plans to show 4K areas. He said they were allowed to have driveways through those areas, but he would move it if the Board preferred.

Mr. Bergeron spoke to the abutter's concerns beginning with Mr. Diamantopoulos' comments pertaining to a buffer. He referenced sheet #10 which showed a close-up view of Mr. Diamantopoulos' lot, the gas line and

property bounds. He wanted to know if there was a stone wall located on the east/west property line. Mr. Gendron said areas with small connected circles depicted stone walls. Mr. Bergeron confirmed with Mr. Gendron there was a 25ft. no cut zone to the south of that stone wall. Mr. Gendron said that was correct. Mr. Bergeron thought the open space shown on prior plan sets would be detrimental to the abutters because it would leave an area for everyone to access behind properties. With the elimination of those open space areas he said the Board asked that a 25ft. no cut area remain to buffer the abutter. He saw that Mr. Diamantopoulos' property line (on the east side) extended into the gas line by approximately 29ft. He informed the Board could not do anything about the gas line's easement. He added the 25ft no cut zone shown on the plan would provide Mr. Diamantopoulos a buffer which is the best he felt the Board could do given the situation. He felt a conventional subdivision would have been a worse scenario and surrounded him with homes.

Mr. Bergeron heard an abutter raise concerns regarding drainage. He explained the drainage calculations were not in yet but would come soon. He felt the way the plan was configured the drainage would be held on the property much better than it was before by the retention pond within the 100ft. zone. He believed the existing water going across Currier Road would be diminished and additional piping along road would help return the water back into the wetland. He informed the abutter if/when Currier Road is widened in the future it would be within the existing 50ft. right-of-way not within the 100ft. buffer shown on the conservation plan. Mr. Bergeron commented about the shape of the lot in the top right corner of the submitted yield plan, which he would have been opposed to. However, with that he found that the yield plan met the criteria of a conservation subdivision for deserving a density bonus; it met Section A and D with all homes being provided water through a community well system. He believed the nitrate and sewer loading would be protected into the future.

Mr. Gowan asked the applicant if they needed to know the number of lots the Board would grant in order to do the drainage calculations. Mr. Zohdi replied he had to include everything (i.e. driveway, roof) into the drainage calculation. He said there was a prior drainage study completed, submitted to the Town, and reviewed by Mr. Keach. The drainage study would be revised based on a lot of information. Mr. Gowan asked the Board if they were comfortable bringing closure on what density would be allowed.

Mr. Doherty asked the Board how they wanted to handle density. Mr. Culbert concurred with Mr. Bergeron for allowing forty lots and two bonus lots. Mr. Montbleau also concurred with Mr. Bergeron and Mr. Culbert. He said the applicant had done a great job trying to appease every abutter and make the project right and felt it would be reasonable to allow forty lots plus two bonus lots. Mr. Dadak agreed with the other member's comments. He felt the applicant's engineer had done everything they could to answer the questions from the Town and the abutters. Mr. Doherty also agreed with the proposed (forty lots and two bonus lot) number.

Mr. Bilapka recalled during the site walk there was a question regarding the fill amount for the lots at the end of the development. He asked if those lots had been pulled back from going into the wetlands. Mr. Zohdi answered yes. Mr. Doherty asked Mr. Bilapka if he was in agreement with allowing a total of forty-two lots. Mr. Bilapka answered yes.

Mr. Doherty asked Ms. Masse-Quinn if she agreed with allowing a total of forty-two lots. Ms. Masse-Quinn answered yes. Mr. Doherty asked Mr. Cote if he agreed with allowing a total of forty-two lots. There was no audible response.

Mr. Doherty told Mr. Zohdi to work with a forty-two lot (in total) subdivision plan for drainage. He said all seven members had concurred. He stated his appreciation for what Mr. Zohdi had done for the abutters and Board members. Mr. Zohdi thanked the Board for their direction. He asked that the narrative regarding open space submitted for the meeting be included as part of the record for the case. He said every Board member received a copy. Mr. Doherty asked that it be date stamped for the file. Ms. Masse-Quinn date stamped the document into the file.

The case was date specified to July 20, 2020.

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**

Representing the applicant was Doug MacGuire of The Dubay Group via Zoom. Since the last meeting they conducted a site walk (June 6th) with Board members and abutters to show the lot layout. His office submitted revised plans prior to the meeting; however, it was not done with sufficient time for Keach Nordstrom (Board's engineering review firm) to conduct their review for the Board. He felt it would be most productive to date specify the plan to the Board's next meeting in two weeks to allow for Mr. Keach's review to be completed. Mr. MacGuire stated he would be happy to answer questions from the Board and/or abutters.

Mr. Doherty invited the public to comment either in person or via telecommunication. There was no response from members of the public.

Mr. Dadak stated he was unable to attend the site walk but had seen the plan sent out via email from Mr. Gowan. He saw how the proposed new road would join Bush Hill Road and believed a lot of improvements had been done. Mr. Doherty said it was extremely difficult to look at a 'flat' drawing of the proposal without seeing the site. Mr. Dadak replied he had driven by the site (from Bush Hill Road and from Mammoth Road) but had not walked on it.

Mr. MacGuire provided a brief overview of the improvements. He began by informing they reviewed the grading of two lots and were able to eliminate two driveway curb cuts on Bush Hill Road and having access come from the internal roadway system. Another substantial improvement was to propose a large swale system along Bush Hill Road that would increase sight distance and improve drainage conditions on Bush Hill Road. Water will now be able to come fully off the road and be mitigated from a detention system. The result will be a reduction in runoff from all storm events, both from the applicant's site and from Bush Hill Road itself.

Mr. Culbert asked if they were able to meet AASHTO sight distance regulations. Mr. MacGuire answered yes; they were meeting the intersection sight distance and stopping sight distance (vehicle approaching and turning). He said the modifications enabled this for the main driveway and for the single-family home (proposed on Bush Hill Road).

Mr. Cote spoke to the Board. He said during a prior meeting it was said that the original intent on the property was for a 62+ subdivision which would have required buffers and no-cut zones; however, the site had been cut nearly to the street, which would have been a violation of that ordinance. Mr. Cote then referenced the plan review letter submitted by Steve Keach of Keach Nordstrom (Board's engineering review firm). In reading Mr. Keach's letter, he believed the applicant had violated RSA 485,A-32.

Mr. MacGuire believed two weeks would be a sufficient time for Mr. Keach to review the revised plans and give them an opportunity to respond. Mr. Keach (via Zoom) stated he concurred.

The case was date specified to July 6, 2020.

NEW BUSINESS**CASE #PL2020-00011****Map 36 Lot 11-90****GAGNON, Paul R. & LA-GARDE, Yvonne - 103 Dutton Road - Site Plan Review for proposed ground mounted solar array along west edge of property boundary**

The applicant Paul Gagnon came forward in person. He explained he would like to have a ground-mounted 36-panel solar array. The array would be located in the rear of his property and meet the side setback requirements. He said the array would only be visible to their neighbor to the west who submitted a letter of support to the Town.

Mr. Gowan read the list of abutters aloud. There were no persons present or who had not been notified who asserted standing in the case.

Mr. Gagnon displayed a photograph of an example solar array. He then displayed a plot plan of his property showing the location of Dutton Road, his home, swimming pool, vegetable garden and proposed location of the solar array. There were no homes located in the rear of his property. The abutting property line (on the east) was approximately 175ft. from the proposed solar array. The abutting property (on the west owned by the Major family) would be the only house in view of the array and had submitted a letter to the Board stating this fact. He ended by displaying a photograph of his property with marker flags showing the location of the proposed array and the buffer to the abutter on the west.

Mr. Gowan read aloud the letter submitted by Larry Major, Sr., 101 Dutton Road (received by the Planning Department on June 10, 2020) that indicated their support of the proposal.

Mr. Montbleau questioned how much electric usage the array would accommodate. Mr. Gagnon replied the array would provide for all the needs of their home and an electric car he planned to purchase next year. Mr. Montbleau asked if it would also accommodate air conditioning. Mr. Gagnon replied they did not have air conditioning, although there may be heat pumps the array might be able to support but it was not calculated into the size. Mr. Montbleau inquired what area was needed for the array. Mr. Gagnon stated the array was approximately 50ft. wide (four panels) and approximately 12ft. in height. It has been proposed as far away from his house as possible; beyond the proposed area would be shaded. There will be a 100ft. trench between the array and the meter on the side of the house.

Mr. Cote inquired if it would be a grid-tied system. Mr. Gagnon answered yes; the meter will be changed to measure current going in both directions so the electric company will know how much energy his array provided to the grid and how much energy was taken from the grid.

MOTION: (Cote/Montbleau) To accept the site plan for consideration.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – Yes
Mr. Bilapka - Yes

(7-0-0) The motion carried.

Mr. Doherty invited the public to comment either in person or via telecommunication. There was no response from members of the public.

MOTION: (Cote/Montbleau) To approve the site plan.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes

Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – Yes
Mr. Bilapka - Yes

(7-0-0) The motion carried.

CASE #PL2020-00010

Map 15 Lots 8-62 & 8-86

BROOKWOOD REALTY GROUP - 44 Balcom Road – Proposed lot line adjustment

Ms. Masse-Quinn read the list of abutters aloud. There were no persons present or who had not been notified who asserted standing in the case.

Representing the applicant in person was Tim Peloquin of Promised Land Survey. He told the Board the request was for a small lot line adjustment of two parcels. He displayed a plan sheet showing the detail of the existing condition. He said they are seeking to attach Parcel A containing 1,051SF, that fronts on Balcom Road and then taking 50ft. of frontage to attach it to the rear lot (Map 15 Lot 8-86 containing 36-acres) that has frontage off Tina Avenue. He summarized the notes listed on the plan submitted. He pointed out Parcel A lies within the Residential Zoning District and Map 15 Lot 8-86 lies within the Business District 5. Future access through Parcel A shall be utilized as a right-of-way for residential use or emergency use only. Mr. Peloquin wanted it clear that his client owned both lots (Map 15 Lot 8-62 and Map 15 Lot 8-86); the intent was to have a viable access to the rear land for emergency use that would come forward on a future site plan. He reiterated the present intent was to take a small 1,000SF area off one lot and add it to the rear lot.

Mr. Doherty commented the Board had always given 50ft rights-of-way for rear parcels of land for future development. He questioned the long-term Board members by asking if the parcel did not have that 50ft. right-of-way because the rear parcel was zoned commercial. He was confused why someone would try to get commercial access through a residential property and wanted to know if the Board had done so in the past. Mr. Dadak did not recall anything like the proposed coming forward in the past, a right-of-way from residential into a commercial parcel.

Mr. Gowan informed the Board the whole district was residential when Balcom Road was put in. He pointed out the parcel in question once had a project approved by a past Board for a large residential subdivision that was never built. He believed that answered why Balcom Road did not have a right-of-way. He stated the area was currently zoned commercial and had been the subject of a petition warrant article to allow for an industrial use. He noted there were past efforts and believed there would be others to re-zone portions of the parcel or the whole parcel industrial.

Mr. Bergeron could not speak to the history and understood the logic of not connecting two different zoning areas, but he also called into question the location of the access. He did not see how the Board could ever approve the proposed access on the curve without engineering. He added there was no sight distance on the corner.

Mr. Doherty wanted to know the existing frontage for the property. Mr. Peloquin replied they had over 300ft. (197.76ft plus 106.10ft). Regarding sight distance, he told the Board they were not proposing a roadway or anything at this time. They fully recognized the future was for a potential emergency access, which he felt was good planning for the rear piece. He noted access from residential to commercial happened all the time through arterial roads but that was not the topic for discussion as the applicant was simply asking for the rear lot to be allowed access.

Mr. Culbert noted the key words were ‘at this time’. Mr. Peloquin told the Board neither he nor the owners knew what the future plans were. Mr. Culbert stated if the Board granted the request the owner would be free to then ‘commercialize’ the property. Mr. Peloquin pointed out the request was for a lot line adjustment of two parcels owned by the applicant.

Mr. Lynde asked how much frontage the (commercial) lot had on the other side of the property from Town roads. Mr. Peloquin replied the 36-acre piece has not been surveyed; the only piece surveyed was the smaller piece. Mr. Doherty asked if it had any Town road frontage. Mr. Peloquin said the parcel was listed on the tax cards as off Tina Avenue. He did not know the precise frontage. Mr. Dadak reviewed the plans submitted and did not see any other access. He said the parcel appeared to abut the power line and be land locked without the requested access. Mr. Doherty replied the parcel was not land locked because it had come to the Board in the past for another usage. Mr. Culbert suggested Mr. Peloquin learn what frontage the parcel had from Tina Avenue. He felt the survey was incomplete.

Mr. Gowan did not see that the abutter list included Map 22 Lot 8-88 which was directly to the south. He believed they owned adjacent land in addition to the parcel being shown on the plan. Mr. Peloquin noted they did own adjacent land that they accessed.

Mr. Cote asked if the plan (for lot line adjustment) had to be accepted for consideration. Mr. Doherty asked the Board if they would like to.

MOTION: (Montbleau/Dadak) To accept the plan for consideration.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – No
Mr. Bilapka - Yes

(6-1-0) The motion carried. Mr. Cote voted in opposition.

PUBLIC INPUT

Mr. Doherty invited the public to comment either in person or via telecommunication.

Mr. Scott Bowden, 42 Balcom Road (Lot 8-61) addressed the Board via Zoom. He provided the Board with a brief history of the area and parcel. He was encouraged by the applicant talking about the request as being ‘emergency only’ and believed if that were documented his objections and those from most residents on Balcom Road would be appeased. The residents were not interested in anything other than a gated and locked emergency access. Mr. Bowden pointed out there was a potential for access to be acquired to Route 38. He said they did not want any access for commercial or to Route 38. He noted he forwarded a letter to the Planning Office and asked it to be read into the record.

Mr. Gowan read aloud Mr. Bowden’s email sent Wednesday, June 3, 2020 10:46pm with a subject “(Pelham NH) Brookwood – Lots 15-8-86 and 15-8-62 (Sent by Scott Bowden).”

Mr. Dennis Dias, 20 Balcom Road came forward in person. He believed everyone knew the future intent of the request. He noted (the existing condition of) traffic from Balcom Road out to Route 38 was horrendous. He has seen different proposals for various numbers of lots and had safety concerns about adding traffic to the road. He said the neighbors basically ‘self-police’ their neighborhood and officers are able to apprehend suspects before

they are able to leave the neighborhood. Mr. Dias commented the road had an established cul-de-sac for many years and reiterated everyone knew what the intent was for the future. He believed there was a general consensus of the neighbors that they did not want the proposal to happen. He hoped the Board would fully review the request and make sure they either approve the right thing or deny for the right reasons.

Ms. Susan Hayes, 15 Balcom Road told the Board the situation had been going on for several years; her father (Cliffon Hayes) had originally taken it up. She did not know how the Board would be able to approve something without knowing the intent or the end result. She wanted to know what would potentially come into the neighborhood.

Ms. Jackie Barnes, 14 Balcom Road stated she was new (just under a year) to the area. She moved from a busy street in Wakefield, MA to Balcom Road and was worried about the potential of additional traffic. They purchased their home in Pelham on a cul-de-sac because they loved the quiet community and was frightened about it becoming like the area they had moved from.

Ms. Beverly Grue, 46 Balcom Road told the Board she was an abutter to the right-of-way. She agreed with those who had questioned why a commercial land would be connected land. She did not feel there was a need for the request because the owner had access from the other side (of the property). She reiterated they did not know what was being planned. She pointed out the proposed access was on a curve. She reiterated her three concerns: 1) access is on a curve, 2) joining commercial and residential and 3) the owner has another access into the parcel.

Mr. William Hunter, 13 Balcom Road told the Board his road was approximately a quarter mile and was concerned for increased traffic. He stated they needed to know what would be happening on the parcel and felt connecting commercial to residential was 'insanity'.

Ms. Lynne Miller, 33 Balcom Road stated her property was diagonally across from where the applicant wanted to put the proposed emergency access. She believed having the access at that location would be dangerous for her grandchildren that lived with her. She informed the Board she had to put in a new well because the water direction had changed when the (applicant's) land was cleared. Her driveway had sunk down. She added she lost the entire first floor of her home during the Mother's Day flood (May 2006) because trees were no longer there to hold the water back. Ms. Miller spoke about the neighborhood having problems in the past with renters and police activity. She was not comfortable with whatever the applicant was doing because it had already ruined her house, driveway and well. She added in the 1980s when she moved into her home, she was told by the real estate agent it could never be developed because of the Town's ordinances and the high tension wires, etc. on the (abutting) land.

Ms. Jaime Burgos, 28 Balcom Road told the Board she moved into her home approximately nine years ago. She had young children and loved the safety of the neighborhood and was concerned it would discontinue if the lot were able to either commercialize or have access to commercial property. She said the current traffic out to Route 38 was already an issue and could not see it getting worse than it already was.

Ms. Alicia Theriault, 8 Balcom Road stated she had lived in her home eight years and adored the neighborhood and all the neighbors. She said the neighbors were good and honest people that the Board could trust their statements to be true. She commented that she walks her dogs around the cul-de-sac and because of the road width there was not anywhere for her to go when cars came speeding by. She would be devastated if one of her dogs got hit. Ms. Theriault stated the applicant did not need Balcom Road to do what they wanted to do.

Mr. Doherty spoke to the request for an emergency access and felt it was the job of the Highway Safety Committee ('HSC') to make that determination. He asked the Board if they wanted to send the proposal to the HSC to make a recommendation to the Board. Mr. Bergeron replied the request was not for an emergency access, it was for a 50ft. access that was not properly engineered. He referenced RSA 674-36 and felt the

submission fell under the RSA as a premature and scattered request for development without sufficient information. He was willing to hold with that and not ask the HSC for anything. He was not in favor of the request, the location, how it was designed or the fact that they did not know what it was being designed for. Mr. Doherty agreed the request was premature and added they could not get a traffic count for how Balcom Road would be affected because they did not know what the applicant planned to do.

Mr. Cote didn't know why the proposed access was being called 'emergency access' when it was just an access. He said in order for it to be an 'emergency access' it would need another access. Mr. Peloquin replied it was an access, but he wanted the record clear if the request was 'conditionally approved' that it would be a statement on the plan because that's what was represented to him from the client. He said the parcel had access off Tina Avenue, but he did not have the frontage information. He also knew the applicant owned abutting parcels; however, his focus was the proposal. Mr. Cote mentioned he reviewed the Nashua Regional Planning Commission's map and was having a hard time finding where the access was located. Mr. Peloquin apologized for not knowing the answer and would get it for the Board. Mr. Cote commented the petitioner who owns the property (being discussed) also owned several other properties in the area. He said the proposed property might be referenced as 'off Tina Avenue' but he saw no specific place off Tina Avenue to access it; the only access to the property was through the residential house lot. Mr. Peloquin told Mr. Cote he was not saying that. Mr. Cote stated the applicant was creating an access to get into the property, not an 'emergency' access. Mr. Peloquin replied he would stand by his earlier statement that the proposal would have an emergency access to the rear property for future planning so they could sell the house and be able to retain a right-of-way to Balcom Road for future emergency access. This is what he was informed of by his client. He stated he was not trying to misrepresent anything.

Mr. Doherty confirmed both Mr. Dadak and Mr. Montbleau were still connected to the meeting. Mr. Montbleau and Mr. Dadak answered in the affirmative. Mr. Doherty believed the mood in the room seemed that the Board was leaning toward rejecting the lot line adjustment. He said if that were the case, he would accept a motion to reject the lot line adjustment.

Mr. Cote made a motion to reject the proposal. Ms. Masse-Quinn seconded. Mr. Gowan pointed out the appropriate term would be 'to deny'. Mr. Cote amended his motion: 'To deny the project'. Ms. Masse-Quinn amended her second. Mr. Culbert stated the Board would need to state the reason for denial. Mr. Bergeron wanted to discuss the motion. Mr. Gowan informed Town Counsel has advised when the Board denies a plan the members voting in the majority should state a reason for the record which will give counsel something to work with in the event of an appeal. Mr. Doherty replied the proposed is a premature lot line adjustment to be doing on a commercial property into Balcom Road. He added the Board had 'no clue' what the impact would be on the existing development. He said without knowing what the impacts would be from the proposal the Board was concerned about impacts to the Balcom Road neighborhood. He pointed out the Board heard nothing from any Board member or member of the public on anything other than the fact that no one knew how bad the impact would be but they all knew it would be a bad thing to bring commercial traffic onto a residential road.

Mr. Lynde was curious how there could be an emergency if the land were vacant. Mr. Doherty replied everyone was thinking similar thoughts. He said if it was just an emergency access it should be sent to the HSC but if the request was just a lot line adjustment so the owner could sell a piece of property and have future access it was extremely premature not knowing what the traffic count would do because they didn't know what the development would be. He pointed out there were other parcels all around the proposed parcel that were in the commercial district so traffic could be brought into the commercial district for a commercial development and not sent into a residential neighborhood. He stated the Board was struggling with why they would send commercial traffic into a small residential neighborhood when they didn't have to and they didn't know how much of an impact there would be, and it would be an unnecessary impact.

Mr. Doherty asked the Board if they wanted to approve the plan or to deny the plan with the comments he made. Mr. Gowan noted there was a motion on the table to deny the plan. It was confirmed that Mr. Cote made a

motion to deny the plan and Ms. Masse-Quinn seconded. Mr. Doherty stated the reason for denying the plan was the safety/traffic concerns of the Balcom Road residents from not knowing what the impact would be on that large of a piece of commercial property; knowing that it has access through the commercial district to get out. Mr. Culbert noted another reason for denial was the curve in the road was dangerous. Mr. Doherty agreed it was a bad access point. Mr. Culbert stated it was a premature development.

MOTION: (Cote/Masse-Quinn) To deny the project (with reasons stated). *A vote in the affirmative will deny the plan.*

ROLL CALL VOTE:

Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – Yes
Mr. Bilapka - Yes

(7-0-0) The motion carried. The lot line adjustment was denied.

Mr. Peloquin stated he respected the Board's opinion. He said they would come back when they knew what was happening to the back lot and hoped they could amicably work it out.

Mr. Culbert left the meeting at approximately 9:53pm.

CASE #PL2020-00012

Map 24 Lot 12-204

LOOSIGIAN, Peter & Lisa - 8 Foreman Lane - Proposed 4-Lot Subdivision

Ms. Masse-Quinn read the list of abutters aloud. There were no persons present or who had not been notified who asserted standing in the case.

Mr. Doherty asked if Board members were still connected via telecommunication. Mr. Dadak, Mr. Montbleau and Mr. Thomas confirmed they were connected via Zoom. Cable Coordinator Jim Greenwood (in person) stated he saw that Mr. Lynde, Mr. Sherman, Mr. Olsen were still connected.

Representing the applicant in person was Karl Dubay of the Dubay Group. He came forward with Thomas Loosigian, the applicant's son. Mr. Dubay stated they had met with the Board a few months ago for a design review; the Board and abutters provided ideas and advice. They subsequently revised the design review application and submitted a more final application. He described the proposal as a 4-lot subdivision (one existing and three new lots) of approximately six acres located at the end of Foreman Lane. Foreman Lane currently terminates as a stub. Mr. Dubay stated they would like to improve/reshape Foreman Lane to 20ft wide from its beginning to the end; the end would turn into the applicant's property with a 100ft. wide cul-de-sac with a green center. Mr. Dubay described the development and told the Board they met all criteria for the lot lines except for the frontage (Variances granted Case #ZO2019-00001) and two well radiuses that are internal to the project. He noted the well radiuses were completely on their own lot; however, they were within the 15ft side setback and required a waiver. He also noted they maintained the 50ft. vegetative buffer restriction wrapping around the property on the westerly/southerly side. There is a Town drainage easement along the front where the cul-de-sac will be located; it will be an added provision in the deed for each house lot. Mr. Dubay submitted a drainage study to meet all criteria; the study incorporates all the lots and the cul-de-sac. He understood Keach Nordstrom (Board's engineering review firm) would review all the information. He believed the Board may be interested in conducting a site walk and offered to stake everything out. Mr. Dubay ended by saying the plans had been revised to include everything the Board had asked them to do.

Mr. Dadak asked if the existing road sloped down toward the proposed development. Mr. Dubay replied the road was relatively flat. He said they would put a crown in the middle of the pavement because currently it currently did not exist in all areas. He described the work that would be done to grind the existing roadway and reshaping it; the existing road profile will be maintained so the ambiance will not be disturbed. He pointed out the reconstruction of Foreman Lane would be similar to what the Town would do on their roads in conjunction with the Highway Department.

Mr. Gowan told the Board he felt it was appropriate for them to accept the plan for consideration.

MOTION: (Montbleau/Dadak) To accept the plan for consideration.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – Yes
Mr. Bilapka - Yes

(7-0-0) The motion carried.

Mr. Montbleau asked if it would be appropriate to send the plan to Keach Nordstrom for review. Mr. Bergeron supported Mr. Montbleau's position but wanted to hear the abutter's concerns so they could also be sent to Mr. Keach.

PUBLIC INPUT

Mr. Doherty invited the public to comment either in person or via telecommunication.

Ms. Margery Moore, 5 Foreman Lane came forward in person and she recalled during the previous meeting there was a big discussion about the applicant pushing the cul-de-sac further up their driveway. She said they had moved it to the side only about 10ft. She was very concerned about having the proposed cul-de-sac in front of her house. She spoke about Foreman Lane and commented the road was flat until it reached the applicant's existing driveway and sloped up. Ms. Moore wanted to know the distance of the proposed house on lot 1 to her property lot line. She told the Board she had horses in that location and voiced concern about who would live in that house and if they would have children. She said she did not have the money to install a stockade fence along her property line. She pointed out the proposed buffer along her property line was 15ft. and saw the rear of the property showed a 50ft. buffer. She said she would be most affected by the development. She purchased her home (years ago) because she liked the uniqueness of being in the woods and when the subdivision goes in it will drastically change the character of the whole area. Ms. Moore dreaded having a cul-de-sac in front of her home. She wanted the Board to do a site walk and explained the drainage from the applicant's property flowed onto her land and flooded her horse pasture. She spoke about the water problems that occurred in the area. Ms. Moore spoke about the history of the neighborhood and questioned if Foreman Lane was originally built as a driveway or it was actually a road. She wanted to know when and how it became a Class V road. Ms. Moore ended by saying her biggest concern was her horses and recalled from the last meeting the applicant was going to push their road further into their property.

Mr. Gowan stated Foreman Lane legally became a Class V road the minute the Town started maintaining it. He said however it was in the past did not matter; the moment the Town started to maintain it, it became a Class V.

Ms. Moore wanted to know how close the house (on lot 1) would be to her horse pasture. She said her neighbor wanted the same answer for her lot. Mr. Dubay stated Foreman Lane became a Class V road in 1965/66 per the subdivision plan reference #2 & #3. He said he could tell it was pre-planned for future development by the way the geometry was set for the boundary and right-of-way. He welcomed the Board to walk the site. With regard to the question about the road grade, he said it was relatively flat as it entered onto the property and went up in grade around the cul-de-sac. He pointed out the proposed cul-de-sac had been shifted over 50ft. so Ms. Moore's driveway (portion within the right-of-way) would be rebuilt giving her a bigger front yard. Mr. Dubay noted the proposed house on lot 1 was shown with a setback of approximately 20ft. He said he was not sure what fence the abutter currently had; however, they would be happy to have a dialog with her. He questioned if the horses currently went onto the applicant's property. Ms. Moore stated her biggest concern was children. She said she had a standard horse fence and did not know if she could ask the applicant to install a stockage fence along the property line to keep children out of her yard. She reiterated she was very worried about the situation and had purchased her property in 1992 to keep her horses. It was her dream house and now she felt the subdivision was ruining three sides of her property. Mr. Dubay told the Board the road would be moved over from its existing location and replaced with a green area. He said the road design showed the cul-de-sac being super-elevated, so everything tipped away (2%-3%) from Ms. Moore's property into the applicant's property. He said if Mr. Keach wanted additional design details for it, he would be happy to provide them. He also offered to meet and/or have dialogs with the Highway Safety Committee and the abutters.

Ms. Lisa Gagnon, 6 Foreman Lane said there had been a number of changes to the plan and each affected her property in different ways. She wanted to know how close the nearest house would be to her home and driveway. She shared the same concern with other abutters regarding where the water was going to flow. She wanted to understand the topography and believed a site walk would be helpful. Mr. Dubay said they showed the driveway entrance from Foreman Lane and would like to show more detail about her property on the plan. He said they could view it during the site walk. Ms. Gagnon wanted to be clear about what the markers were at her driveway. She said she did not have an opinion or an objection until she knew what that looked like. Mr. Dubay replied they would show/provide additional information on the plan for her to review.

Mr. Jay Bistany, 3 Foreman Lane told the Board his concerns were regarding water, which he stated during the previous meeting. He has experienced flooding since he moved into his home and at times all of the runoff (and road runoff of oil and gasoline) comes up to his well head. He was concerned with a proposal for a subdivision which would require more trees to be taken down. He wanted to know if the storm solution drainage would be enough. He spoke about a recent rain event that flooded his yard for a few days. To feel comfortable with the proposal he wanted to see the water problem solved. Mr. Doherty inquired if water was currently coming off the applicant's property. Mr. Bistany replied water currently came off the property that would be built, down Foreman Lane and across the road to his property. Using the displayed plan, he showed the Board the area and direction of the existing water flow. He offered to show the Board photographs he had taken through the years of the flooding that had occurred. He inquired if a fire cistern system was being proposed. He then asked if the approved Variance was for the current plan set or a previous plan. He wanted to ensure the character of the neighborhood remained intact.

Ms. Amber Morse, 3 Foreman Lane wanted to know how the houses would be built. She was concerned they would be under construction for a number of years because she had four children and her neighbor also had a young child. Mr. Loosigian informed the intent was to build all three houses relatively at the same time as one cohesive project.

Mr. Doherty inquired how many houses were currently on Foreman Lane. Mr. Loosigian replied there were currently five houses. Mr. Dubay noted they would show information regarding the progression of when houses were built, and clearing was done on Foreman Lane for the Board to review. He told the Board the frontages shown on the plan were the exact same as was approved with the Variances.

Mr. Montbleau suggested sending the plan to Mr. Keach for review and date specifying the case to a subsequent meeting. Mr. Dadak asked that the Board schedule a site so members and abutters could see what was proposed. Mr. Cote agreed a site walk would be good.

Mr. Bergeron wanted to know from an engineering standpoint if it was possible to move the proposed house (on lot 1) back in line with the existing house with a waiver for the well radii. Mr. Dubay answered yes. Mr. Bergeron saw the same concerns for the abutter to the north and questioned if the house was positioned in the best possible location to reduce headlights from showing into abutting properties. Mr. Dubay understood the suggestion for lot 1 was to slide the house back. He said there was plenty of room to do so if the Board would consider swapping the well out. He saw there was a similar situation on lot 3 and indicated they could adjust the plan. Mr. Bergeron commented the proposed plan was a far and above improvement from the first plan and thought they could make it a bit better for the abutters. Mr. Dubay told the Board they would overlay the information and see how it work.

Mr. Doherty understood the Board wanted to send the plan to Mr. Keach for review and schedule a site walk. Mr. Dubay believed they could get the information together quickly.

A site walk was scheduled for July 18, 2020 beginning at 8am.

Mr. Doherty confirmed with Mr. Gowan that he would coordinate having the plan sent to Mr. Keach. Mr. Gowan answered yes.

Mr. Doherty asked the Board if they felt the plan should be reviewed by the Highway Safety Committee. Mr. Bergeron asked if it was required because of being a major subdivision. Mr. Gowan answered yes. Mr. Dubay told the Board their first plan showed a cistern; however, that was changed to show individual fire suppression systems within the three new homes. Mr. Bergeron believed legislature has indicated the Board could not force having a fire suppression system (sprinklers) but they could request cisterns. Mr. Gowan stated the Town could not mandate sprinklers in residential single-family homes; however, the applicant would have to either have sprinklers or a cistern. He had a problem with cisterns because they turn into long-term obligations for the Town and were fairly unsightly. He knew the Fire Department preferred sprinkler systems although they are voluntary. He said that the Fire Chief made those decisions not the Highway Safety Committee.

The case was date specified to July 20, 2020.

Mr. Gowan informed the public the site walk was a public meeting and everyone was welcome to attend.

SITE WALK – July 18, 2020 beginning at 8am

CASE #PL2020-00012 - Map 24 Lot 12-204 - LOOSIGIAN, Peter & Lisa - 8 Foreman Lane

DATE SPECIFIED PLAN(S) –

July 6, 2020:

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

July 20, 2020:

CASE #PL2019-00024- Map 35 Lots 10-200, 10-312 & 10-351- NEIL FINEMAN 2018 TRUST & LEMIEUX, Albert & Christine - Currier Road, Peabody Lane & Bridge Street (Route 38)

CASE #PL2020-00012 - Map 24 Lot 12-204 - LOOSIGIAN, Peter & Lisa - 8 Foreman Lane

ADJOURNMENT

MOTION: (Cote/Montbleau) To adjourn the meeting.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Mr. Montbleau - Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote – Yes
Mr. Bilapka - Yes

(7-0-0) The motion carried.

The meeting was adjourned at 10:52pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary