

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
August 3, 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*)

Mr. Doherty asked Ms. Masse-Quinn to call roll. Ms. Masse-Quinn called roll:

PRESENT ROLL CALL: Tim Doherty – present
 Jim Bergeron – present
 Danielle Masse-Quinn – present
 Selectmen Representative Kevin Cote – present
 Alternate Bruce Bilapka – present
 Alternate Sam Thomas - present
 Planning Director Jeff Gowan – present

Via Telecommunication:

Roger Montbleau – present via telephone; no one in the room

Paul Dadak – present via Zoom; no one in the room

Alternate Richard Olsen – present via telephone

ABSENT/

NOT PARTICIPATING: Cindy Kirkpatrick, Alternate Selectmen Representative Hal Lynde,
 Alternate Paddy Culbert, Alternate Mike Sherman

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

PLEDGE OF ALLEGIANCE

MEETING MINUTES

July 20, 2020

MOTION: (Cote/Dadak) To approve the July 20, 2020 meeting minutes as written.

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 #PL2020-00003**Map 27 Lot 3-125****COREY CONSTRUCTION, LLC - 499 A & B Mammoth Road – Proposed 12-Lot Subdivision consisting of single-family homes**

The applicant, Mr. Bob Peterson, came forward with his representative Doug MacGuire of The Dubay Group. Mr. Gowan noted the Board had received a copy of a letter dated July 22, 2020 from Mr. MacGuire, updated plans (dated July 24th) from the applicant, a letter from Steve Keach of Keach Nordstrom (Board's engineering review firm) dated July 30, 2020 and a letter from the Highway Safety Committee ('HSC') (from their meeting earlier in the day). He read aloud the letter from the HSC.

Mr. MacGuire spoke about the current plan set in front of the Board and noted Mr. Keach had conducted review and submitted his letter of July 30th for review. He summarized the remaining items. He had no objection to including a full 5-foot wide shoulder consisting of a gavel/crushed gravel base; the plan detail will be updated. He noted Mr. Keach suggested providing erosion stone within the swale line to help with ongoing maintenance, which he had no objection to doing so. Mr. MacGuire believed from a 'technical' standpoint they had a clean plan set. During the last hearing, the need for a potential waiver was brought up for the last lot in the subdivision based on its width being not quite 50ft. at the end of the cul-de-sac. He said that had now been addressed to achieve a full 50ft. and didn't feel a waiver would be necessary. He said they also conducted additional test pits to confirm the 4K location was acceptable for the lot at the end of the cul-de-sac. At the beginning of the road they performed a couple ledge probes where the cut was intended to be the largest. They dug at station 100 and 200 along the center of the roadway and in both test, pits exceeded 16ft. to no refusal. He said this would suggest blasting wouldn't be necessary to excavate the front end of the road. Mr. MacGuire told the Board they were able to address all of Mr. Keach's technical comments and take care of the waiver concern. He believed the proposal would fall under the Residential 1 category that had an average daily traffic volume of zero to 200 vehicles; therefore, the minimum pavement width is allowed to be 22ft. and no waiver would be required.

Mr. Gowan believed Mr. MacGuire was correct regarding the pavement width. He said the Board could confirm with Mr. Keach. Mr. Keach stated Mr. MacGuire and Mr. Gowan were correct regarding the pavement width for the Residential 1 with volume of zero to 200 vehicles per day was 22ft. as specified in 203-40 of the current Subdivision Regulations.

Mr. Doherty asked for the location of the additional ledge holes that were dug. Mr. MacGuire referenced the plan (sheet 6) and showed the locations. He specified the data collected and felt they were good representations. He believed the slopes would be similar to their prototypical grading plan (sheet P1). Mr. Doherty asked if the first house on the right (at the entrance) was proposed to be a single-family or duplex. Mr. MacGuire replied it would be a duplex.

Mr. Gowan asked Mr. MacGuire to speak about the steps they would take to construct the road. He said he was now convinced it could be done safely.

Mr. Doherty asked the Board members connected via telecommunication to acknowledge they were still connected. The members answered in the affirmative.

Mr. MacGuire described the proposal and explained construction would start interior to the site. He explained it would not be a heavy export site as part of the construction effort. The applicant planned to shape the roadway and the lots with the grades and balancing the cuts and fills. He discussed the safety precautions that would be taken during initial construction; sight distance will be achieved as they work from within the site toward the road. The only time they will work on Bush Hill Road (in accordance with their traffic management plan) is when they will shape the proposed shoulder and swale way along the edge of the road. He felt the HSC agreed with their approach to the project.

Mr. Doherty spoke about the proposed driveway on Bush Hill Road and questioned if there was any way to have that lot access off the proposed access road. Mr. MacGuire replied the location (of the driveway) was engineered out and the subject of several comments from Keach Nordstrom. He pointed out they were hitting a higher than required sight distance numbers relating to sight distance and intersection distance for the driveway. He explained they would be opening up so much of the roadway, it would feel a lot different. The slope will be pulled back at least 15ft. going away from the road and have a gradual 3 to 1 slope. He said it would have 325ft of sight distance. Mr. Doherty asked if the shoulder would be extended past the lot so a delivery vehicle could get off the road in that location. Mr. MacGuire answered yes; the shoulder would be extended through the frontage of the lot.

Mr. Bergeron referenced plan sheet 13 (sight distance) and asked if the proposed situation required 400ft. sight distance. Mr. MacGuire answered yes. Mr. Bergeron wanted to know if the angle of the sight distance line (toward the north) was over 100 degrees. Mr. Keach informed it was approximately 102 degrees. Mr. Bergeron spoke about the sight distance, turning angle and topography. Based on scaling, Mr. Keach noted the line of sight was approximately 50ft. right of center line. The existing paved road (at that location) is approximately 21ft. Based on this, Mr. Bergeron stated a person would have to look over 40ft. off the edge of pavement (at 102 degrees) across a property to see 400ft of sight distance. He wanted to know what would happen (to the sight distance) if there was a high snowbank. Mr. Keach referenced plan sheet S3 that showed the sight distance profile for the driveway. Mr. Bergeron clarified he was referencing the sight distance from the main road and wanted to know how the view would remain unobstructed and how the Board could pass down that guarantee.

Mr. Keach stated when Mr. MacGuire first submitted the first set of drawings, he made certain that a minimum of a foot of vertical clearance was maintained from the ground surface and the actual line of sight. For the reasons of accumulated snow, vegetation etc. he had him double that clearance. During the construction period the grades will be checked. Mr. Keach told the Board he was comfortable with two vertical feet as long as they don't intercept a snowbank, etc. He felt the final plan should have a sight line maintenance easement from the outside of the sight triangle moving forward to the edge of right-of-way and Bush Hill Road so a future homeowner doesn't plant in that area. Mr. Keach stated he was skeptical that Mr. MacGuire was going to be able to make it work and concerned more about stopping sight distance. He told the Board the plans show significantly more excavation than was originally planned based on his request for not less than two vertical feet of separation from ground surface to theoretical line of sight. He said the amount of material coming out of the embankment would be dramatic and well over 10,000 yards of material.

Mr. Bergeron asked the Board how often a plan was approved with a sight distance that swept back 40ft. over private property and how they ensure the safe sight distance is kept and maintained into the future. He didn't like the site plan without knowing how it would be maintained. He wanted to know the realistic sight distance. Mr. MacGuire replied the area would be required to be kept clean. He said the sight distance was being protected by including a sight easement over the area, which would show up on the subdivision plan and deed. The plan can include an explanation of what the easement is and its limits (no planting or regrading). He explained the area would be part of the homeowner's yard area and most likely maintained by the homeowner. Mr. MacGuire agreed the area of roadway (Bush Hill Road) had some odd curves; however, when he was performing the safe stopping sight distances, the 325ft (Town default number) is more than what AASHTO would require.

Mr. Cote asked what 'stop sight distance' meant. Mr. MacGuire replied 'stop sight distance' is when a vehicle is within the path of travel; the distance that a driver would be able to safely acknowledge an obstruction in a road and come to a stop without having an accident. Mr. Cote asked for clarification regarding the sight distance for a vehicle existing the proposed access road. Mr. MacGuire replied the intersection sight distance had nothing to do with an approaching driver. Mr. Cote commented he had driven the road during the last couple weeks to understand the 400ft. sight line. He said driving on Bush Hill Road (sight distance) seemed closer than it was being portrayed as. He wanted to know the distance between the driveway and the edge of property line (heading north) and what would stop an abutting owner from planting something that would obstruct the view. He also

wanted to know who would enforce 'no planting' and how it would be enforced. Mr. Gowan informed projects contained different kinds of easements (i.e. sight distance, drainage, construction). In this case, once the road is built to Town road standards and the Selectmen accept the road, the Town would have the responsibility for maintenance of the sight distance. Mr. Cote asked if the Highway Department knew all the easements in Town. Mr. Gowan answered no unless they regularly maintained a particular piece of property. Mr. Dadak noted AASHTO was a guidance that had been used for approximately 50-60 years for designing roads for safety. Mr. MacGuire told the Board the roadway would look drastically different from its current configuration. He said when a vehicle comes around the bend, they will be able to see to the top of the hill. Mr. Cote was concerned about the sight distance coming down from the top of the hill. Mr. MacGuire said to ensure there is no vegetation, the area could have fabric rip rap, although he felt doing so would be unsightly. Mr. Cote took his experience driving on the road and said going between S2 and sheet 13 the angles of the road were different and 'painted a different picture' of what they are looking at and thought it might make sense for the engineer to take another look at moving the driveway north. Mr. MacGuire replied he looked at moving the driveway to the apex of the curve; however, the right-of-way is close to the road and there was a small sliver (of land) they didn't own to make it viable.

Mr. Doherty referenced sheet 13. He wanted to know how many vehicles could queue if they were traveling north and stopped to turn into the development before the safe stopping distance/sight distance was blocked for a vehicle exiting the development. Mr. MacGuire believed the more vehicles that stop would extend the ability for other vehicles to see them up the hill. He pointed out the 10-home development wouldn't create a significant number of vehicle trips; the trips from the driveway of the single lot would be even lower.

Mr. Bergeron wanted to know how they could guarantee safe stopping distance. Mr. MacGuire replied the easement would be an official document recorded as part of the house deeds. He agreed that the line could be extended further and felt an additional 5ft-10ft. seemed reasonable and was open to the Board making that request. He stated all work would be coordinated with the Road Agent and bonded with the Town.

Mr. Thomas stated the Board had voiced their concern regarding the safety of the road. He inquired if Mr. MacGuire had thought about having the driveway (for lot 3 – the single lot) connect to the access road (Oakland Ridge) between lots 4 and 2. Mr. MacGuire noted doing so wouldn't 'technically' meet the Town's Regulations because a driveway is required to have access through its legal frontage. He felt the proposed layout was conducive to a well-laid out development and felt it made sense to keep the access for lot 3 onto Bush Hill Road. Mr. Gowan noted a variance would be needed for a property not to be accessed through its legal frontage.

Mr. MacGuire believed the current plan was substantially improved from previous submissions. He believed it was natural to have lot 3 (as shown) based on the shape of the parent parcel.

PUBLIC INPUT

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

Mr. Daniel Psoinos, 515 Mammoth Road came forward in person. He asked how many duplexes were being proposed. Mr. MacGuire replied the development contained a total of 11 lots. Originally, they had 12 lots but had since consolidated lots. There was an existing duplex (with access onto Mammoth Road) on one of the lots and there was a proposed duplex with access from within the proposed subdivision. Mr. Psoinos confirmed lot 10 would not be a duplex. Mr. MacGuire said lot 10 would not be and added it couldn't be based on lot size. Mr. Psoinos was concerned about drainage and wanted to know how lot 12 was approved without the plans being submitted. Mr. Doherty replied currently the existing duplex was located on a large parcel of land (16 acres). He said it would be lot 12 of the subdivision if the development is approved. Mr. Psoinos spoke about his concern regarding drainage and wanted to know what would happen to the detention ponds if the developer sold the existing duplex. Mr. MacGuire replied all proposed drainage was under a Town easement with access rights. He has spoken with the Road Agent who is comfortable with the proposed approach that includes an

access path. The drainage features follow the natural flow patterns of the pre-development condition. Access is located between lots 9 and 10. Mr. Psoinos inquired about the Town's blasting regulations. Mr. Doherty mentioned the applicant had informed they had an excavator on site and dug down 16ft without hitting ledge. Mr. MacGuire informed they had done two test pits per lots plus an additional six because of lot adjustments. They didn't hit refusal in any pit. He noted the lot behind Mr. Psoinos would be a fill site and not a cut site. Mr. Psoinos asked what was planned for all the rock on site. Mr. MacGuire said they would most likely process the material on site. The goal was to not move anything off site. Mr. Gowan commented the Fire Department was the 'keeper' of the Blasting Ordinance. He added the Town's ordinance was one of the toughest in the State. With regard to blasting, Mr. Bergeron noted any lot within 500ft. received a registered letter, pre-blast survey, water sample, etc. He said the Town had succeeded in making blasting a difficult operation near existing homes.

Mr. Bergeron assumed with breaking and crushing being done on site there would be dust and erosion control. Mr. Gowan replied in this project the plan compliance monitoring would include watering. Mr. Peterson summarized the measures they would take to ensure they didn't have dust. Mr. Bergeron said he would be looking for the legal aspect of the easement along the sight line. He liked the 10ft. additional buffer offered by Mr. MacGuire.

Mr. Bergeron asked for Mr. Keach's input regarding having a sight line easement and deeded restrictive easement for maintenance and/or rip rapping the area. He wanted the Town to have the least amount of cost to maintain the area. Mr. Steve Keach of Keach Nordstrom joined the discussion via Zoom. He informed the Department of Transportation ('DOT') had a slope mix they use for situations like this; the plan material was finer grasses that didn't grow as high and create ground cover when they fall over. He said he usually looks for 15ft. beyond a sight line easement. Mr. Bergeron reiterated he wanted to protect the Town with legal conditions for everyone to agree with before voting in the affirmative regarding the proposal. He reiterated his concern regarding the sight distance.

At the beginning of the meeting Mr. Cote heard the applicant discuss excavation from the hill area first and would like to see it done first to ensure it was done in a manner it is supposed to be done. Mr. Peterson explained they would be cutting the area approximately 16ft. down before touching the slope on Bush Hill Road; then they will pull a little at a time to the area they are working until they reach the elevation of Bush Hill Road. As a proposed condition (for approval) Mr. Gowan had a note to ensure subcontractors can safely access the site, no foundation or building permit shall be issued until full sight distance is achieved at the Bush Hill Road entrance. Mr. Doherty asked if that condition included lot 3. Mr. Peterson stated he would agree to work with Mr. Gowan not to pull a permit for that lot (lot 3) until they achieved sight distance to the corner. Mr. Gowan said lot 3 shared the concerns regarding sight distance; until the hill is gone, lot 3 wouldn't be able to safely see. Mr. Keach believed as a practical matter, once work starts it would have to finish the bulk excavation which would take care of the other lot (lot 3).

Mr. Cote mentioned for Mr. Gowan's list the drainage easement for lots 9, 10 and 12. Mr. Gowan felt it was reasonable to consider. Mr. MacGuire noted it was already shown on the plan. Mr. Cote was concerned about noise during the weekend and suggested a limitation of work hours. Mr. Peterson said they worked between 8am-3pm and possible a few hours on Saturday and no work on Sunday. He said they were always courteous.

Mr. Bergeron asked Mr. Keach to speak to the section in the regulations that speaks to 4K areas. Mr. Keach explained how a 4K area and flow is determined. Based on test pit data, he said the soils on the property were some of the better soils he's seen in his eleven years in Pelham. Mr. MacGuire noted they had deep water tables and no ledge.

Mr. Doherty confirmed the Board members were still connected via telecommunication. Mr. Montbleau, Mr. Olsen answered in the affirmative. Mr. Dadak had momentarily stepped away.

Mr. Doherty inquired if any waivers would be requested. Mr. MacGuire replied they weren't requesting any waivers. Mr. Gowan read aloud his draft conditions for approval.

- 1) To provide adequate time for State permitting, the Planning Board has waived Land Use Regulation 202-7,B and has extended the approval of the project two years from the date of approval, rather than 6 months called for in the Regulations.
- 2) All State permits, other than individual septic permits, shall be received and approved with numbers noted on the recordable plan.
- 3) Approval of all required waivers to be noted on recordable plan.
- 4) Written memorandum from Steve Keach indicating his satisfaction with final recordable plan set that have addressed all items identified in his most recent review letter dated July 30, 2020.
- 5) Surety for both interior road improvements and improvements to Bush Hill Road in addition to plan compliance escrow to be provided as estimated by Keach Nordstrom prior to plan recording.
- 6) The required 10,000 fire gallon cistern to be depicted on the recordable plan with enough information to demonstrate it is buildable in that location, alternatively the developer can voluntarily opt to utilize sprinklers for fire suppression in the dwellings.
- 7) All applicable impact fees to be paid at the time of building permit issuance.
- 8) To ensure subcontractors can safely access the site, no foundation or building permit shall be issued until full sight distance along Bush Hill Road is achieved.
- 9) Sight distance easement along Bush Hill Road to be added to the plan to ensure Town's ability to control future vegetation growth, vehicle parking, etc. so continued sight distance can be maintained into the future. Easement to be increased by an extra 15ft. beyond the sight line design. All easements to be reviewed and found acceptable by Town Counsel.
- 10) Drainage easement for lots 8, 9, 10, 11 and 12.
- 11) No road work to occur on Sundays.

Mr. Cote noted lot 8 might be included in the drainage easement. Mr. MacGuire noted lot 11 had a small easement for the pond at the bottom of the hill. He said lots 9 and 10 only had pipe easements. The corner of lot 8 has a bisecting swale. Mr. Gowan updated condition #10 to include lots 8 and 11.

Mr. Bergeron asked if a waiver was needed for the pavement width. Mr. MacGuire didn't believe they did because they were proposing 22ft-wide roadway and the Regulations allows for 22ft. with under 200 daily vehicle trips. Mr. Bergeron questioned if the HSC agreed. Mr. Gowan replied a waiver for 22ft. pavement width was no longer needed because 22ft. was allowed for the proposed road design.

With regard to proposed condition #1, Mr. Cote made a motion to accept for consideration to extend an approval from 6 months to two years under Section 202-7,B of the Land Use Regulations. Mr. Montbleau seconded.

MOTION: (Cote/Montbleau) To accept for consideration a waiver to extend an approval from 6 months to two years under Section 202-7, B of the Land Use Regulations.

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 felt it would be a good idea to approve the waiver since the applicant had a lot of work to get the project moving forward.

MOTION: (Cote/Dadak) To approve a waiver of the Land Use Regulations – Section 202-7, B to extend an approval from 6 months to two years.

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 asked the Board how they would like to proceed. Mr. Cote felt based on the conditions Mr. Gowan read and the Board discussed, he would be willing to move forward with the plan. Mr. Montbleau shared the concerns previously voiced by Mr. Bergeron and would like to think about those items. Mr. Dadak stated he would go along with Mr. Cote to approve the plan with the conditions stated. Mr. Gowan noted it wouldn't be as hard for the Highway Department to maintain the easements as it would be for them to maintain the detention swales. He appreciated the concern for maintaining the sight distance easement but didn't feel with the additional 15ft. buffer he was confident the Highway Department would be able to handle it.

Mr. Doherty asked Mr. Keach if he felt the plan was ready for a conditional approval. Mr. Keach said other than 'thinking through things' or contemplating what the Board had learned during the meeting, he didn't know what benefit would come from having additional time. He thought Mr. Gowan had recommended good conditions. He wasn't opposed to the Board advancing the plan and was fairly familiar with the proposal.

Mr. Bergeron said if Mr. Gowan assured him that they could have an additional 15ft. of public easement right for the Town he would be comfortable going ahead with a conditional approval. Mr. Montbleau said after listening to Mr. Keach and hearing Mr. Bergeron, he was leaning toward moving forward with a conditional approval.

Mr. Gowan noted the easements would also have to be found suitable by Town Counsel. Mr. Doherty asked Mr. Gowan to again read aloud the proposed conditions (*minus the waiver regarding the time limit that was approved*)

MOTION: (Cote/Dadak) To approve the plan with the conditions read aloud by Mr. Gowan (*see above*)

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 #PL2020-00016**Map 40 Lots 6-183 & 6-184-1****NIETUPSKI ET-AL(owner) / CMK EQUIPMENT LLC (applicant)–Cornstalk Lane off Patriot Drive – Discussion of Proposed 7 Lot Conventional Subdivision**

Mr. Doherty 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 was Joseph Maynard of Benchmark Engineering who joined the meeting via Zoom. He stated the land began at the Marsh Road/Mammoth Road intersection and ran to Beaver Brook at the other side of the property. He said last year they came in front of the Board to request developing the property as a conservation subdivision; however, the conservation subdivision ordinance was no longer in existence. His client had recently purchased the property from the Nietupski family and would like to move forward with the back side of the parcel as a residential subdivision off a new street (extension of Cornstalk Lane). They would like to subdivide off the pre-existing uses along with the residences at Mammoth Road/Marsh Road side of the site; that area will maintain approximately 18-acres of the 35-acres. Mr. Maynard noted the first few hundred feet of Cornstalk Lane was permitted approximately 3-years ago and was constructed and left as a stub into the tract of land. He said they were looking to extend the road approximately 750ft. to terminate at a cul-de-sac. The proposal is to construct seven conventional home lots, with a couple meeting the Town's duplex standards. Primarily the road has a gradual pitch (4%-5%) from the crest of Corn Stalk Road (easterly) to the cul-de-sac. At the bottom of the road they will construct a detention pond. The lots will each be one acre with the exception of two lots being over two acres in size. Mr. Maynard commented he was coming in front of the Board for input.

Mr. Gowan referenced lot 4 and questioned if it would be a duplex. Mr. Maynard replied the lot would be a duplex as it contained more than two acres and had 200ft. of frontage. Mr. Gowan saw the Shore Land indicator and also saw the building box in that location. Mr. Maynard explained there was a substantial wetland on the lot, which he believed in the past was mined out when product was removed (for a previous business). He mentioned he would need a State permit to place the house in that building envelope. Mr. Doherty noted there was a typo on the plan; the building envelope would actually be outside the flood area.

Mr. Bergeron saw there were waivers that would be required. At this time, Mr. Maynard wasn't sure if there were any waivers associated with, he proposal. He wasn't worried about maintaining the Department of Environmental Services ('DES') or 4K rules. He said they tried to maintain the building boxes for each lot. At this time, he couldn't say he wouldn't need a waiver when he got into the drainage aspects (velocity flow). Mr. Bergeron confirmed the plan showed 90ft. well radii. Mr. Maynard answered yes. The other circle shown on lot 1 was for a temporary turn-around easement that was granted in case they wanted to build on the first lot. He said they had decided against doing so and have waited for the road to be extended.

Mr. Doherty asked for the existing width of Corn Stalk Lane. Mr. Maynard replied it was 24ft. wide; that width would continue to be brought into the development. Mr. Gowan asked if the cul-de-sac would have an island. Mr. Maynard answered yes.

Mr. Doherty confirmed Board members were still connected via telecommunication. Mr. Dadak, Mr. Montbleau and Mr. Olsen answered in the affirmative. Mr. Keach was also still connected. Mr. Bergeron asked if he had reviewed the plan. Mr. Keach answered no. It was noted the plan was conceptual. Mr. Bergeron said if a plan came back, he would want input from the Conservation Commission regarding the wetlands and their setbacks. Mr. Maynard said he spent a lot of time with the commission when he was looking to make the development a conservation subdivision. At that time, he was able to give them some land in the location of lot 4 but now that he was stuck doing a conventional subdivision, to get the yield he's using that area. Mr. Bergeron asked how many lots were proposed for the prior conservation subdivision. Mr. Maynard replied there were nine lots and the road configuration extended further; however, his client was choosing to keep land associated with the property in the front.

Mr. Thomas inquired about the condition of the soil relative to where the asphalt plant/operation was located. Mr. Maynard stated during review of the prior plan his client hired an environmental consultant to review the property especially in the area of the old asphalt plant. They ended up with 'a clean bill of health'. The maintenance garage is still in existence and being used. Mr. Thomas asked about the environment around the garage. Mr. Maynard replied the environmental assessment was for the entire property and came back clean.

Mr. Montbleau recalled the applicant had done a lot of work on the plan when it came forward as a conservation subdivision and the Conservation Commission had given them a 'thumbs up' under the rules of the time. He felt at this point there wasn't anything that would put up a 'red flag' for him as he remembered they received a clean review (from the environmental consultant). He said if they meet the regulations for a conventional subdivision the applicant should be sent out to do a plan.

Mr. Gowan asked Mr. Maynard if there were any aspects of the plan, he had particular concerns about. Mr. Maynard answered no; he tried to have the plan meet all the Town's rules because his client had been in limbo for the last year.

PUBLIC INPUT

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

Mr. Daniel Colpa, 76 Patriot Drive came forward in person. He told the Board he had spoken about his concerns in January regarding the previous plan. His lot is directly beside the proposed access road for the subdivision which would have him lose privacy and allow headlights to shine directly into his home. Through prior discussions (with Mr. Maynard) he felt the applicant should put up a fence at his property. Mr. Colpa voiced concern regarding the distance to the proposed well would be directly behind his house. He asked that the trees abutting his home remain for his privacy. Mr. Maynard recalled previously speaking with Mr. Colpa. He said he had talked to his client and indicated to the Board as the plan progressed, they planned to work something out with Mr. Colpa. Mr. Colpa asked if the Board had walked the site. Mr. Doherty answered no and explained the submission was 'conceptual' to provide the applicant with comment so they could engineer a detailed plan for formal submission. Once it's submitted abutters will receive notification.

Mr. Doherty said the plan looked like a good start. Mr. Maynard stated he would work on getting it done and submitted back to the Board.

Case #PL2020-00015

Map 30 Lot 11-102

MCARTHUR, Joseph H. & Johnna-61 Dutton Road -Proposed 2 Lot Subdivision for construction of duplexes on both lots and requesting to convert these structures into Condexes

Mr. Doherty 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 was Joseph Maynard of Benchmark Engineering who joined the meeting via Zoom. He explained the property was zoned residential and the lot contained approximately 10.4 acres with over 300ft. of frontage. Power lines encumber the eastern side of the lot. The land is already developed and contains a single-family home along the street; as the plan progresses, that existing home will turn into a duplex. The proposal is to subdivide the parcel into two lots. The first lot will be where the existing single-family home is located. This lot contains approximately two acres, of which 72,518SF is located outside of the Wetland Conservation District ('WCD') buffer and there is 89,892SF of contiguous uplands associated with that lot. The second lot will have a driveway come in along the lot line and retain 8.73 acres in size; 173,214SF of land outside the powerline easement. Where the house will sit there is 78,976SF of contiguous upland with 59,150SF outside

of the WCD buffer. There are no flood plain soils on the property and the onsite slopes are under 25%. There is a small wetland crossing on the second lot. They have applied for a State wetland crossing permit and (900SF) dredge and fill impact. That location was chosen primarily by the applicant's soil scientist. As part of the permit process they have worked with New Hampshire Fish and Game to have an oversized (36inch) pipe cross the driveway to allow for (small sized) wildlife access. Also, there are a couple plant species on the State's list on the lot, but they haven't been found to be within the proposed work area. The driveway to the rear lot is longer than a typical driveway, as part of such it's required to have a bypass or turnoff, which is shown on the plan.

Mr. Maynard told the Board there were three waivers associated with the plan and went on to discuss the submitted requests to: 1) Section 202-3(b)4 – Site Specific Soils mapping, 2) Section 203-7(A) – Underground utility requirement and 3) Section 203-1(B)4 – Well requirements.

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

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

(6-1-0) The motion carried.

Mr. Doherty spoke about the curved lot line. Mr. Maynard explained they were trying to maintain the driveway without grading into the WCD. Mr. Doherty said the lot appeared to be less than 50ft. in width at the back of the lot. He asked if the primary utilities would be overhead to the rear house. Mr. Maynard believed they would end up dropping at some point up the driveway and go underground; the powerlines are currently on their side of the road. He believed the owner wanted to go one pole in before dropping the lines underground to go out back. With regard to the question about the lot width, Mr. Maynard mentioned the width in the back was approximately 45ft-46ft. wide.

Mr. Cote wanted to know what kind of material the driveway would be made of. Mr. Maynard replied the driveway would be a paved surface to the rear lot and approximately 14ft. wide for a length of 750ft. The house hasn't yet been designed for the rear lot.

Included with the Board member information packet, Mr. Dadak saw the Conservation Commission had been questions regarding the wetland crossing. Mr. Maynard stated initially he tried to subdivide the lot into three single-family house lots; however, the Conservation Commission came out against doing so and they didn't receive a variance. Subsequently, they moved forward with the dredge and fill application and believed the commission was okay with the proposal.

Mr. Bergeron noted he had voted against accepting the plan for consideration. He was concerned with the lot not maintaining 50ft. throughout and concerned the lot shape contained a curved edge. Mr. Maynard replied they would need to monument the turns in the lot line; although if the Board would prefer, he could take the curves out and make straight lot lines. He also offered to pull the back-lot line forward and adjust it to be 50ft. Mr. Bergeron asked if the Conservation Commission had input regarding the proposal. Mr. Maynard replied the commission wrote a letter on June 23, 2020. He read the letter aloud. Mr. Bergeron wanted the Board member's opinion regarding the applicant saying they don't need a waiver from the design and construction standards (Section 201-1 lots).

Although Mr. Dadak agreed there were standards for lot lines, he felt this might be a unique case and the engineer was trying to work with what they had. Mr. Montbleau agreed with Mr. Dadak. He felt in the past if everything fit properly on a lot the Board would have entertained allowing the lot. Mr. Bergeron asked if they had seen 750ft. curved driveways in the past. Other Board members had no recollection of a similar lot being approved. Mr. Bergeron asked for what length the lot didn't meet the 50ft. requirement. Mr. Maynard noted where it went into the WCD it was more than 50ft. at that location. He said the portion that's less than 50ft. is non-buildable. Mr. Maynard explained the dredge and fill location was chosen because it was the best place to cross the wetland. Mr. Bergeron inquired how many months during the year had active water in that location. Mr. Maynard believed springtime but by May it would be dry. Mr. Dadak recalled someone came in for an approval on West Shore Drive, which was not a Town road or a driveway. In his opinion the people living on the access responsible for maintaining it. In this case the duplex would be located on a 'private road'. He said the owner would have to make sure it was open for emergency responders. Mr. Bergeron agreed there were places in Town that have difficult access and pointed out those areas were created prior to zoning and land use regulations.

Mr. Gowan didn't believe anyone could make an argument against the need for waiver relief. He said curved lot lines are seen when they follow a water body. He suggested marking the lot line with granite monuments, so the line isn't lost with iron pipes. He believed the plan should go to the Highway Safety Committee for opinion. He felt Mr. Bergeron made good points regarding the need for waiver relief. He commented it was a challenging 2-lot subdivision. Mr. Bergeron wanted the Conservation Commission to review the reverse curve (at the midway). He said if the road could move slightly to the east and have a minimal effect on the WCD it would remove some of the driveway aspects he was concerned with. Mr. Doherty said he didn't want to see curved lot lines if they weren't following a pond, river, or cul-de-sac. He felt it would be a bad precedent to set. He asked Mr. Maynard to try to straighten the line and to have the lot not be under 50ft. wide.

Mr. Doherty said he would like to see the plan be date specified out to another meeting to allow the engineer to come back with a better plan after hearing input from the Board.

Mr. Dadak believed with the information and direction the applicant had received, he agreed the plan should be date specified so the applicant could come back with a better plan. Mr. Montbleau agreed it would be helpful to the applicant to date specify the plan so they could have an ability to make changes to the plan. The other members of the Board were in agreement.

Mr. Doherty invited the public to comment either in person or via telecommunication. No one voiced a desire to speak with the Board in person or via telecommunication. Discussion was closed to the public.

The case was date specified to September 21, 2020.

Mr. Dadak and Mr. Olsen left the meeting. Mr. Doherty appointed Mr. Thomas to vote in Mr. Dadak's absence.

ADMINISTRATIVE

Presentation of Capital Improvement Plan ('CIP') –Seeking Planning Board Approval

Mr. Thomas, Chairman of the Capital Improvement Plan Committee presented the updated CIP to the Board for review. He said the department heads submitted the projects they would like to have included in the 2021-2027 plan. Each of the Board members received a hard copy of the CIP. He summarized the projects identified within the plan and the priority assigned to each.

Mr. Gowan noted the CIP was advisory and only contained projects of \$75,000 or more. He said there were a lot of items that the Selectmen and Budget Committee would look at that fell under that threshold.

Mr. Doherty told Mr. Thomas the CIP presentation was the best that the Board had received, and he had done an outstanding job.

MOTION: (Montbleau/Bilapka) To approve the Capital Improvement Plan (2021-2027) and forward it to the Selectmen.

ROLL CALL VOTE:

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

(7-0-0) The motion carried.

DISCUSSION

Discussion of Master Plan

Mr. Doherty asked Mr. Thomas if he would consider being involved with a Master Plan update. Mr. Thomas answered yes. He said during CIP discussion there were areas of the Master Plan identified as needing to be updated. Mr. Gowan noted the last complete update was done in 2002; although several chapters were updated in 2007 but hadn't been officially approved. Mr. Thomas read the chapter headings contained in the plan. He would like the formation of a subcommittee to begin working on sections.

Mr. Doherty felt a subcommittee should be set up. He said they could follow the same process as was done to review the CIP. Mr. Gowan commented if a subcommittee were formed it would be respectful to ask prior members if they were interested in serving. He noted the Master Plan was the foundation document for everything the Board did. He said it have a consultant do the plan would cost approximately \$40,000 - \$100,000. He felt working with the Nashua Regional Planning Commission ("NRPC") (for facts, figures, and census data) and using his budget line (\$5,000) they could be ready in 2021 with a substantial update. He noted some of the chapters would be really easy to complete. He offered to work with the subcommittee.

Mr. Montbleau spoke about how the plan had been updated in the past by a consultant. He highly recommended working with a consultant and ask the Town for a budget to do so given they had not done an update in a number of years. He explained consultants can assist the Town with updating the plan correctly as it was a lot of work to complete. Mr. Gowan said he did not want to give the impression that the plan was 'a wreck'; there were parts that were still relevant. He believed it was too late this year to request more than the \$5,000 already in the Planning budget but felt if they got started, they would be able to identify a reasonable cost for the extra assistance. He agreed they would need it but could begin by relying on information obtained from NRPC. Mr. Montbleau wanted to check the price to get a consultant to do a master plan because it would not be an easy task to do a plan correctly. He believed they needed a consultant's expertise to guide the committee through the process.

Mr. Doherty asked if any other Board member had an opinion. There were no additional comments. Mr. Doherty felt they should get started and recognized Mr. Thomas had volunteered to do so. He asked Mr. Gowan to look into getting initial funding and believed Mr. Montbleau's recommendation would go a long way and suggested possibly having a line in the CIP to do so. Mr. Gowan stated the first step would be to invite members of the public to get involved.

Mr. Gowan told the Board he was contacted earlier in the day by Heath Norman of JCR Construction regarding a Liberty Utility project. He read aloud correspondence that informed JCR was performing a re-conductor reliability project on behalf of Liberty Utilities and were seeking permission to utilize property belonging to Pelham Lumber for a staging area of a few trucks and materials pertaining to the project. The project was expected to last 2-3 months (weather permitting). He described the area requested for the temporary staging area.

There was a consensus of the Board to allow the request. Mr. Gowan will contact the appropriate parties to inform them of the Board's decision.

DATE SPECIFIED CASE(S) – September 21, 2020

Case #PL2020-00015 - Map 30 Lot 11-102 - MCARTHUR, Joseph H. & Johnna–61 Dutton Road

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

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

(7-0-0) The motion carried.

The meeting was adjourned at 11:23pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary