

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
December 15, 2014

The Chairman Peter McNamara called the meeting to order at approximately 7:00pm.

The Secretary Paul Dadak called roll:

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

ABSENT: Jason Croteau

OLD BUSINESS

PB Case #PL2014-00033

Map 1 Lot 5-112

TAG / TACTICAL ARTS GROUP - 41 Industrial Drive – Site Plan Review to permit the expansion of existing uses to include a tactical training facility. The business would utilize the northerly portion of the site within an existing gravel/dirt stockpile area of the site.

Mr. McNamara informed that the case had been withdrawn by the applicant and would not be heard.

PB Case #PL2014-00029

Map 38 Lot 1-118

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

Mr. Passamonte was appointed to vote for Case 29 in Mr. Croteau's absence.

Mr. Shayne Gendron and Mike Gospodarek of Herbert Associates, representing the applicant came forward to discuss the proposal. Also present was the applicant James Petersen. Mr. Gendron provided the Board with a colored plan that illustrated the Wetland Conservation District ('WCD') special permit areas and listed the approved road names by the Highway Safety Committee ('HSC'). He displayed the colored plan and located the special permit areas. A 30ft. no cut buffer had been added and detailed on the plan. He provided the details of the seven WCD/special permit areas. The plan previously had an eighth area of approximately 2,050SF; however at the request of the Conservation Commission they reviewed the calculations and were able to eliminate that area of impact. With that reduction, the total WCD area is now 37,886SF.

Mr. McNamara read aloud the Conservation Commission letter dated December 5, 2014, which indicated they voted unanimously to recommend the plan. He then read aloud an email dated

December 10, 2014 from Bruce Lewis of Lewis Engineering relative to the Town's requirement for a hydrogeological study for a withdrawal of more than 20,000 gallons per day. Mr. Lewis' indicated it would not apply to the community water system at the location. The State regulations for age restricted housing units is 100 gallons per day per bedroom or 200 gallons per day per unit. At a future full build out of 67 units, the withdrawal will be 200gallons x 67 units equal to 13,400 gallons per day.

Mr. Gowan indicated because a sustained yield test had been done a few years ago (by a former owner) the Department of Environmental Services ('DES') was likely to be confident that there would be adequate water in each unit. The 200 gallons per unit cited in the DES regulations is far more than has been used in a similar project done by the applicant (Paradise Estates). They used water meters in that development to demonstrate actual usage; the project in front of the Board would also use water meters. Mr. Petersen told the Board they tested the Paradise Estates project and approximately six other projects within the State and found the units were using under 100 gallons per day; the State requires those numbers to be doubled to 200 gallons. Every house would have a water meter that could be read from the outside of the unit. There will also be a meter going into and out of the pump house that would be read on a weekly basis and provided to the State for review.

Mr. Passamonte questioned if water being used for sprinkler systems (exterior irrigation) would also be metered. Mr. Petersen replied the State didn't allow the house water to be used for irrigation. They planned to water the fronts of the units, not the sides or rear. He explained they needed to drill an additional well for irrigation. The State will then require a 48 hour test to ensure the irrigation well would have no effect on the association's well. The homeowner's documents will indicate no sprinklers are allowed anywhere other than where they are initially laid. Mr. Dadak asked if the language would cover both above and below ground sprinklers. Mr. Petersen believed the documents indicate below ground irrigation is not allowed. Due to a situation that occurred at another development, Mr. Gowan suggested adding language to the homeowner's documents to restrict above ground irrigation. Mr. Petersen replied it wouldn't be a problem to add language.

With regard to fire protection, Mr. Gowan told the Board that Mr. Petersen had received a sign off from the Fire Department; the units will be sprinkled therefore, no cisterns would be required.

Mr. Sherman wanted to know when the original draw down tests were done and questioned if surrounding wells would be surveyed when the irrigation well draw down test was conducted. Mr. Petersen believed the original tests were done in 2006. He explained when the irrigation well is being tested, the State only requires the main well (for the units) be monitored. Mr. Sherman inquired how surrounding wells would be protected given the fact that the Board had received testimony of problems in the past. Mr. McNamara suggested those who had previous problems should determine a baseline of where they were at present so when and if there is further sustained drawdown they will have documentation of any differences. He understood the applicant was complying with State regulations.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to discuss the proposal. He issued a letter report on December 9, 2014 that was in response to plans received December 4 2014. He summarized the comments and confirmed that the information contained in Mr. Lewis' email correctly stated the most recent DES regulation requirements for design flow of 200 gallons per day. Given this information, a hydrogeological study would not be necessary. Mr. Keach indicated from a zoning standpoint the plan was clean. He told the Board subsequent to his

letter, Gospodarek had forwarded plans that disposed of approximately 2/3 of the comments contained in his review letter.

Mr. Keach confirmed each unit would have a two-car garage. Mr. Petersen answered some may have one, others would have two. Mr. Keach understood there were 23 additional parking spots scattered around the site for visitors. Parking was similar to that of the Paradise Estates development, which in his opinion, had adequate parking. With regard to waiver requests the one Mr. Keach didn't feel he could support was to reduce pavement width down to 20ft. around the one-way circle within the development that accessed 35 homes. He believed there could be problems given the curved road and one-way travel if a vehicle parked the wrong way. He would prefer a 22ft wide pavement width for that portion of the road with one-way circulation and would support a waiver request for such, but would leave the decision up to the developer.

Mr. Doherty asked for a description of how water would be put back into the ground. Mr. Keach mentioned the site had two large storm management areas located on the south west and south east, given that water will flow down from the north. Those areas are intended to be dry basins situated in uplands and contain recharge components in the bottom areas. During larger storms the areas will detain water for slow release to the south. Due to the broad/flat nature of the storm areas they are believed to have 100% recharge during smaller storm events. Mr. Gospodarek added that the site specific permit required water to recharge.

Mr. Gowan discussed the known traffic issues/situation in the Sherburne Road area and noted that the previous project had a required contribution of \$2,250 per lot. He recommended that the Board remain consistent and make a similar approach at collecting the exaction at the time of permit issuance. Once sufficient funds are collected from this and other projects, a plan will be designed for a traffic solution; Mr. Gowan will continue to seek State/Federal dollars to complete the project. Mr. Gospodarek questioned if there would be a per unit fee. Mr. Gowan answered yes. Mr. Gospodarek asked if there was any comparison between units, such as a full residential development versus a senior housing development. He noted senior housing generally had 69% less traffic than full residential developments and wanted to know if the Board could provide any leeway on the fee based on traffic numbers.

Mr. Keach replied under the Institute of Transportation Engineers ('ITE') code a single family home would expect to generate 9.57 trips per day; a senior development will generally be 2/3 of the trip number. Under ITE there are a number of codes that deal with elderly and senior housing; he wasn't sure which one of those the proposed development would relate to, but would most likely provide 5-6 trip ends per day.

Mr. Montbleau questioned if they would be using the 13,400 gallons per day as described in the information given to the Board. Mr. Petersen replied 13,400 gallons would be the maximum. Mr. Montbleau asked how many gallons the State listed as the 'not to exceed' usage. Mr. Petersen answered the State lists 13,400 gallons as the not to exceed usage. There will be weekly monitoring. Mr. Montbleau wanted to know the safeguard mechanism if the limit was exceeded. Mr. Petersen was unsure; he believed they would need to show that the well could produce more water. Currently the well was tested for 21,000 gallons per day (so there is an ability for more usage); the State's limit is 13,400 gallons. Mr. Petersen noted that the State was very strict. Mr. Gowan understood that water meter readings would be done continuously as each unit was being built so a 'real time' water usage record would be kept. Mr. Montbleau asked if each unit would be accountable for a certain

amount of usage, or if water usage was determined collectively between all the units. He wanted to know if there was some sort of penalty for using too much water. Mr. Petersen explained the State was requiring the development to have a water bill. Each house will be monitored; if they use too much water they will be billed for doing so. The community (housing association) will own the system. There are two possible water companies that will monitor the development and maintain the system, either Pennichuck Water or Hampstead Area Water Services, Co. ('HAWSCO'). Mr. Keach was familiar with HAWSCO. He said they were an excellent private company that had been in business for over thirty years.

There was further discussion regarding what per unit amount would be reasonable for the exaction in relation to a traffic solution in the Sherburne Road area. Based on 1/3 reduction in traffic for the proposed development (when compared to residential development); 2/3 of the normal exaction would be approximately \$1,500 per unit. Mr. Keach commented there was a family of similar uses under the land use codes. He believed the proposed development would fall under single family detached. Mr. Gowan suggested if the Board decided to grant a conditional approval, they indicated Mr. Keach will determine an appropriate figure based on the type of building, code, etc.

Going forward, Mr. Passamonte wanted to know if the exaction figure would be altered based on house size. Mr. McNamara replied there would have to be a rational connection between the amount of the exaction and the traffic a particular development would generate. Mr. Gowan added the figure would be connected to the type of housing. Mr. Passamonte felt the Board should determine a specific consistent figure rather than fluctuating between developments. Mr. Petersen had no objection to Mr. Keach determining an appropriate figure as described.

Mr. Doherty questioned what tank size would be located within the pump building. Mr. Petersen stated the tanks would be 12,000 gallons. Mr. Doherty was interested in seeing the tanks as they were brought into the building. Mr. Petersen invited Mr. Doherty to see the proposed development as well as the Paradise Estates project he'd done, which was very similar.

PUBLIC INPUT

Mr. David Silva, 400 Sherburne Road wanted to know in relation to the water detention and runoff, if he would see buildup on his property (in a large storm event) given that the 15inch drainage pipe (from the wetlands near Sherburne Road) was located in between his two driveways. Mr. Keach located Mr. Silva's home, which was on the north side of Sherburne Road, across from the development access. He showed that the flow on the site was north to south and didn't believe there would be a backup onto Sherburne Road and the condition on Mr. Silva's property would remain unchanged.

Mr. Silva understood there would be no additional water testing. He reminded the Board his well was greatly affected from the draw down for the previously proposed development. He noted he would have to pay someone to determine the present condition of his well. Mr. Silva was concerned with the addition of an irrigation well drawing down water levels. He told the Board Mr. Petersen agreed to help mitigate the fact that the development access road was directly across from his home and to build a berm. He wanted to know what doing so would entail. Mr. Gowan replied anything would have to be outside the State's right-of-way; the purpose was to help break up oncoming headlights from vehicles exiting the project from Wildflower Drive onto Sherburne Road. He suggested making the berm a condition of approval; he would oversee that it met its purpose. Mr.

Silva was appreciative of having a berm and would also build upon it. Mr. Petersen nodded his head in the affirmative; he contemplated the work on the berm being done near completion of the project (3-4 years from now). That road was part of the second phase of development. Mr. McNamara made note of the points spoken. Mr. Gowan confirmed the development phases were included on the plan. Mr. Petersen said they were.

Mr. McNamara then closed discussion to the public and brought the matter back to the Board. He asked the Board to consider the Special Permit request. Mr. Montbleau made a motion to approve; Mr. Haverty seconded for discussion. He reviewed the Conservation Commission's letter specific to the removal of Lots 38 & 39 to allow the detention area to be pulled out from the WCD to eliminate 25% of the possible impact. He questioned if the Board would entertain their recommendation.

Mr. Gendron pointed out the units on the plan displayed. Mr. Gospodarek, who designed the drainage, spoke to the recommendation. When designing drainage, he noted they would need three feet of cover on the pipes. The area around the units had approximately five feet of cover; as they get closer to the detention area the cover went lower to allow proper flow. Mr. Gospodarek explained if the two units were removed and the detention area shifted further out from the WCD, they would need to bring in a considerable amount of fill into the development area to bury the pipes, which would still have water flow down into the wetland. He believed eliminating the two units would reduce the impact by only 5% at the most. The other detention pond (westerly side) had drains coming in close to the entrance at Sherburne Road. That area would also have a similar issue of having enough cover on the pipes. Mr. Gospodarek further explained they were not just designing drainage per the regulations, they were getting to the lowest points of the project and maintain the proper cover.

Mr. Doherty believed the comments made by the Conservation Commission were speculation. By reviewing the topographical lines, he could see shifting the lots would change the height and road grade and alter the piping throughout the entire project. It's not as simple as just removing two houses and shifting the detention pond. Mr. Dadak agreed with the statements; the project was limited by elevation. He also agreed the matter wasn't simple.

MOTION: (Montbleau/Haverty) To approve the Special Permit.

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

The Board reviewed the waiver requests.

MOTION: (Culbert/Doherty) To approve the waiver request to Section 12.03 – Traffic Impact Analysis.

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

MOTION: (Montbleau/Doherty) To accept, for consideration the waiver request to 307-53-2,C,8 – Sidewalks.

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

MOTION: (Doherty/Montbleau) To approve the waiver request to Appendix I – Roadway Design, BB-25 – Minimum Centerline Offset.

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

MOTION: (Montbleau/Haverty) To accept, for consideration, the waiver request to Appendix I – Roadway Design, BB-2 – Minimum pavement width to 22ft.

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

The Board discussed the request and offered a friendly amendment for roadway width to be 22ft. throughout the project. Mr. Gospodarek didn't object.

MOTION: (Doherty/Culbert) To approve the waiver request to Appendix I – Roadway Design, BB-2 – Minimum pavement width to 22ft throughout the project.

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

The Board reviewed the proposed conditions of approval.

- 1) All required State permits be received, including septic, NH DOT driveway permits with approval numbers added to the recordable plan. Mr. Gendron spoke to the condition. He had no problem with State permits except for the septic permits, which have a four-year approval period. They typically did septic as they constructed buildings. Septics and replacement areas are shown on the plan and would go through the Town inspection process. He requested they be allowed to not do all the septic designs at this time. Mr. McNamara wanted to phrase the condition to ensure that the Town would in fact have them submitted in an orderly fashion. Mr. Gowan replied the Town wouldn't issue a building permit without a State approved septic design. Mr. Keach told the Board that the project was required to have a State Subdivision approval, which made certain that the DES was satisfied. He believed the Board would be safe taking Mr. Gendron's suggestion to set the septic aside. Mr. McNamara stated the condition would be modified to: All required State permits received, including NH DOT driveway permits with approval numbers added to the recordable plan;
- 2) A provision of draft homeowner's association declaration and by-laws to be reviewed and found satisfactory by Town Counsel, at applicant's expense;
- 3) Posting of a restoration bond and plan compliance escrow as estimated by Keach-Nordstrom;
- 4) All items identified in Keach-Nordstrom's December 9, 2014 memorandum to be resolved to Mr. Keach's satisfaction and memorialized in a "happy" letter from Mr. Keach to Mr. Gowan;
- 5) Off-site exaction, in an amount to be determined per unit (pursuant to Mr. Keach's review of applicant guidelines) , to be collected at time of the individual building permit issuance as a fair share assessment to help offset the cost of designing, permitting, and building a traffic solution at the intersection of Sherburne and Mammoth Roads, as mitigation for the additional traffic impacts caused by the proposed 67 units of senior housing. Mr. Gowan suggested not stating a specific intersection. Mr. Haverty felt the language shouldn't specify one intersection, in the event the development caused a problem elsewhere along the roadway.

Mr. McNamara amended the condition to read 'of mitigating impacts caused by the subdivision ;

- 6) Documentation of well testing performed to be sent to Planning Department;
- 7) Consolidation of two parcels shown on subject plan;
- 8) To mitigate (vehicle) headlight impacts to property access from Wildflower Drive, berm to be constructed and planned on Lot 1-120 to Planning Director's satisfaction;
- 9) Posting of restoration bond by phase.

Mr. Culbert didn't see landscaping included on the plan. Mr. McNamara replied landscaping was included and recalled testimony of installing a 30ft. buffer in a specific location. Mr. Gowan added that there were landscaping details within the project. Mr. Culbert was satisfied.

MOTION: (Culbert/Haverty) To approve the plan subject to conditions as outlined above.

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

PB Case #PL2014-00025

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

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

Mr. Sherman was appointed to vote for Case 25 in Mr. Croteau's absence.

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

Mr. Kurt Meisner of Meisner Brem Corporation, representing the applicant, came forward to discuss the request for lot line adjustment. He described the two lots and showed their current configuration on a plan displayed for the public. He then described how the lot lines would be adjusted to 'clean up' the ownership of the separate properties for family members. They are seeking to have an existing three-family dwelling located on its own lot and have an existing machine shop and duplex on its own lot. The applicant applied for and was granted a variance (Case #ZO2014-00025) to allow the 3-family dwelling to remain on a lot of approximately 60,000SF and to allow the existing duplex and machine shop to remain on the newly created parcel of approximately 3 acres (after lot line adjustment). Mr. Meisner told the Board everything currently on site would remain 'as is' after the lot line adjustment. The positive result of the adjustment will eliminate the need for a driveway easement for the duplex and the frontage situation along Route 38/Bridge Street will be 'cleaned up'.

Mr. Gowan told the Board that the version of the plan presently in front of them didn't ensconce the Zoning Board decision; however that would be done on the recordable plan. Mr. Meisner had no objection to having that be a condition of approval.

Mr. Doherty commented that the Board preferred rectangular shaped lots and the proposal would make the lots more conforming.

Mr. Haverty asked for additional information regarding the driveway easement that would be removed. Mr. Meisner explained how the easement came into existence and by allowing the lot line

would eliminate the need for such by having the access to the duplex be on the lot containing the duplex.

Mr. McNamara opened the hearing to public input. No one came forward. Mr. McNamara reiterated that the existing structures would remain as they presently were situated; the only change to the lots was the line adjustment. There will be one variance remaining for the machine shop.

MOTION: (Culbert/Doherty) To approve the lot line adjustment.

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

PB Case #PL2014-00026

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

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

Mr. McNamara informed that the applicant requested date specification to allow for additional time to discuss the trail system. The case was date specified to the January 22, 2015 meeting.

NEW BUSINESS

PB Case #PL2014-00037

Map 25 Lot 12-17

MAKO DEVELOPMENT LLC - 385 Old Gage Hill Road – Special Use Permit to convert an existing duplex into condominium form of ownership

Mr. Passamonte was appointed to vote for Case 37 in Mr. Croteau's absence.

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

Mr. Culbert questioned why the Board was hearing the case. He believed the Board gave Mr. Gowan permission to approve since it was simply a 'paper' approval. Mr. McNamara was unsure if the Board could delegate that authority. Mr. Gowan didn't recall the Board authorizing him to make a decision. He offered to consult with Town Counsel on the matter. Mr. McNamara told him to do so; if it is possible, the Board could then have a discussion.

Mr. Shayne Gendron of Herbert Associates, representing the applicant, discussed the request for Special Use Permit. He explained the parcel contained approximately 21.5 acres. A septic design was done approximately one year ago for a duplex, which has been under construction since the summer. The owners would like to have a condex form of ownership; State and Town approval is required.

Mr. Gowan discussed the fact that certain things associated with the building and the parcel would be joint owned/metered certain things would be separately owned/metered.

Mr. Doherty understood condex ownerships were generally straight forward reviews; however there may be instances or situations for the Board to review. Because of this he felt the applications should continue coming in front of the Board for review.

PUBLIC INPUT

Ms. Lisa Slade, 383 Old Gage Hill Road, wanted to know if abutters should have received notification prior to building construction. Mr. Gowan replied there was no requirement for notification of building permit issuance. Ms. Slade questioned why the owner changed their mind regarding the type of building and inquired if having a condex was easier to have approved. Mr. McNamara explained the applicant came to the Board solely for a change of ownership; the Board's review is limited. The owner is already approved for building. The change of ownership doesn't change the building, just the type of ownership.

Ms. Slade understood the building would have a shared septic and questioned where the leach field would be located. Mr. Gendron reviewed the plan with Ms. Slade and showed the State approved septic design plan. The well is located in the front of the lot. The septic is located in the rear of the lot. Ms. Slade was concerned with located a house on wetlands. She told the Board her back yard was basically wetlands and she had watched the neighbor bring hundreds of yards of fill because they couldn't keep the ground solid enough to stop their machines from sinking. She took a video recording of a truck trying to exit the property whose tires were $\frac{3}{4}$ into the ground. Her concern was what would happen in the future. Her property currently flooded each year and her garage was beginning to sink. Mr. McNamara commented that the present meeting wasn't the forum to address the types of questions regarding building. Mr. Gowan stated when reviewing a building permit he looks at information regarding wetland locations and setbacks. He's required to sign-off if plans meet requirements. Mr. Gendron commented they hire Gove Environmental to review soils. He stated the lot had enough dry land to locate the home. They've received a State approved septic design; the State had 'on the ground' inspectors review the property. The Town has also conducted several inspections during the entire building process. Mr. Gendron added there were several inches of rain fall during the past week and didn't doubt the construction site was probably muddy. They are working on getting the driveway established. He said the point of the meeting was to condex the building. Mr. McNamara reiterated the Board was limited to approving the changing form of ownership.

Mr. Arthur Lacroix, 390 Old Gage Hill Road was concerned with the applicant's building being on the edge of a swamp. He noted they had to drill over 800 feet before hitting solid bedrock. He believed the whole area must be a prehistoric sink hole because the well on his property (directly across the street) was only 190ft. He said the ledge disappeared somewhere. Mr. Lacroix commented if a person was thinking of selling two duplexes knowing the property wasn't stable, it could lead to litigation; however, the liability issue may be changed if the building was a condo association. Mr. McNamara said regardless, the owner was allowed to change the form of ownership, which was the only reason the applicant was in front of the Board. Mr. Lacroix stated he'd seen truckload after truckload haul in stone dust to fill a sink hole in the front of the applicant's property. He witnessed a truck sink into the ground last week while picking up a dumpster. He wanted it on the record that the lot was a problem piece of property and believed the building would sink.

Mr. Gowan noted that the Board had long trusted Gove Environmental. He said pieces of property under development could be wet and messy.

MOTION: (Culbert/Haverty) To approve the Special Use Permit.

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

PB Case #PL2014-00036

Map 28 Lot 2-7-1

COLE CIRCLE LLC - 24 Burns Road – Proposed 9-Lot Conservation Subdivision (Special Permit for Yield Plan was granted on October 20, 2014)

Mr. Sherman was appointed to vote for Case 36 in Mr. Croteau's absence.

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

Mr. Karl Dubay of the Dubay Group, along with the applicant Mr. Bob Peterson came forward to discuss the proposed conservation subdivision. Mr. Dubay told the Board they had followed through and submitted the design for the conservation subdivision. The plans and drainage have been reviewed; Keach Nordstrom (Board's engineering review firm) has submitted an initial review memorandum. Plans have been revised based on Mr. Keach's comments and resubmitted for further review.

Mr. Steve Keach of Keach Nordstrom came forward and discussed his memorandum of December 10, 2014. He told the Board the project was a straight forward small project. The only State approval required is for subdivision, which he recommended receipt as a condition of approval. He recommended a bonding requirement (in an amount acceptable to the Town) for Savannah Drive since it was intended to be a public street. He suggested adding a note to the plan that acknowledged the subdivider's responsibility to maintain the streets until such time as they may be accepted as classified public streets. As a condition of approval, he felt a draft copy of the conveyance deed should be provided to Mr. Gowan.

Under zoning matters, Mr. Keach acknowledged the fact that a special permit was granted in October. He stated a draft of the homeowner's association documents should be submitted to Mr. Gowan. Mr. Gowan believed he received a draft earlier in the day. He noted that there was a strip of contiguous land connecting to open land off the end of the cul-de-sac on Savannah Drive.

With regard to planning and design, Mr. Keach told the Board there wasn't a lot to speak about; it was mostly dotting 'I's' and crossing 'T's' situation. He mentioned that the abutter to the west was present during the site walk; that abutter's existing driveway was in a precarious position. The applicant was prepared to relocate that abutter's driveway to the future street, which would be quite a safety improvement. Presumably, he believed with a newly constructed driveway, the old one would be decommissioned. Existing easements for such would be extinguished. Mr. Keach noted there was a waiver request to Section 10.04, S for site specific soil mapping. He told the Board the site had good soils and the Dubay Group was relying on NRCS mapping. Mr. Dubay interjected that Gove Environmental's office had done the soils. The waiver request will be withdrawn. Mr. Keach spoke about the requirement in the regulations for the Board to contemplate sidewalks (Section 11.06). There are no sidewalks proposed.

With regard to fire protection, the applicant has spoken to the Fire Department relative to a source of water. Mr. Dubay told the Board there would be some sort of cistern and follow the Fire

Department's jurisdictional authority. Mr. Peterson noted he provided the Fire Inspector (John Hodge) with a set of plans and possible location for review. That cistern will meet the Fire Department's specifications. Mr. Gowan suggested a stipulation that the cistern location be resolved and shown on the plan.

Mr. Keach then discussed the issue of intersection sight distance. On the initial submittal, the plan demonstrated there was 400ft or more of sight distance in each direction along Burns Road. He noted the subdivision regulations Appendix I, BB, 30 makes reference to AASHTO policy for that distance. He explained that AASHTO had separate values for right and left turning movements as well as through movement. Under this, the required distance looking left toward the east was 385ft and was 445ft. looking right toward the west. Mr. Keach believed Mr. Dubay had an exhibit to show they had adequate sight distance for all conditions, albeit with some selective pruning. Mr. Dubay displayed and reviewed the sight distance profile for the Board. He told the Board they were building the new driveway for the abutter and would ensure it showed on the plan with the appropriate notes.

Mr. Gowan confirmed that the removal/cutting of vegetation to gain sight distance would be within the applicant's property. Mr. Peterson replied it would be on their property and a small portion in the Town's right-of-way. Mr. Gowan indicated they would need to discuss the cutting with the Highway Road Agent prior to anything being done.

Mr. Culbert complimented the applicant on the proposed landscaping and screening indicated on the plan. He referenced page 6 of the plan submitted and questioned if the intersecting wells (for lots 6 & 7) at the end of the cul-de-sac was allowed. Mr. Dubay answered yes; for an open space subdivision permit in accordance with NHDES regulations. Mr. Gowan agreed that it was allowed. Mr. Keach noted the yield plan indicated the well radii positions in accordance with the subdivision regulation requirements. Mr. Dubay would see if he could adjust those lots to locate the wells toward the rear of the lots. Mr. Passamonte asked if well radii were allowed to cross over property lines into the street. Mr. Gowan answered yes; in conservation subdivisions. He added that he really liked the conservation subdivisions where they could have individual wells, versus having shared wells. Mr. Keach recalled a similar development (consisting of 8 lots) off Jericho Road in which there were well easements; however they didn't extend into the street. Mr. Dubay explained to the Board they had dug several test pits and took the extra time to place every house, driveway and do the grading for each lot. He noted there was room to slide the lots and adjust the wells.

Mr. Doherty stated the way the ordinance was written, the road could have been either public or private, which was why the radii were allowed to cross over into the road. He pointed out another plan sheet that showed the radii were slightly into the 50ft. right-of-way and not onto the pavement.

Mr. Gowan commented the Planning Board had always required sidewalks within one mile of the schools. He stated the location was clearly within that one mile distance. The road across the street (Quail Run) has a sidewalk treatment up one side. Mr. Culbert wanted to see raised sidewalks, not flat sidewalks (level with the road). Mr. Dubay stated the pavement width was 26ft, being a conservation development they could have requested 22ft. pavement with 4ft. area remaining to bring it back to 26ft. He understood there were liability issues with the Town maintaining sidewalks. Mr. Dubay spoke to raised sidewalks, which would require the development to have closed drainage. They were attempting to create a low impact development with water recharge based on the soils being so good. Mr. Culbert stated the Board had always allowed for sidewalks within a mile of the schools.

Mr. Doherty recalled a discussion about the road width during the site walk and the point of having 26ft width to allow room for snow storage and allow people to traverse the road in lieu of sidewalks. Mr. Haverty stated so long as sidewalks would be owned and maintained by the Town of Pelham the Board of Selectmen would not be in favor of sidewalks.

Mr. Keach pointed out that the road had been designed as Mr. Dubay indicated; 26ft. of pavement and 4ft. gravel shoulders that would provide opportunity for pedestrian refuge. He didn't see a safety issue with the road as proposed with no sidewalks.

Mr. Doherty saw on sheet 6 of the plan the right-of-way was shown as 50ft. wide, which would leave additional area on each side of the road.

Mr. McNamara opened the hearing to public input. No one came forward. He then closed the hearing to public input.

Mr. Gowan felt the provision of the wider road width and broader shoulders would accommodate the Highway Department. He mentioned that the extra width along Burns Road was done in a similar fashion, by having a wider pavement area. He recalled part of the Quail Run project was that they had to construct a wider width of pavement from Quail Run along Burns Road to the Marsh Road intersection.

As a courtesy, Mr. McNamara reopened the hearing to public input.

Mr. Bob Marrocco, 7 Stephanie Drive questioned how long the ordinance had been in effect that sidewalks had to be installed within one mile of the school. Mr. McNamara replied it was contained in the subdivision regulations. Mr. Marrocco stated Stephanie Drive (constructed 28 years ago) didn't have sidewalks. He added that Burns Road was just redone with painted sidewalks. Mr. Haverty replied Stephanie Drive was not the purpose of the discussion. Mr. Marrocco questioned why sidewalks weren't put in when Burns Road was redone. Mr. Gowan answered that Burns Road had a wider section of pavement. Without research he couldn't answer as to why 28 years ago Stephanie Drive didn't have sidewalks. He mentioned the Planning Board could waive its own regulations. Mr. Marrocco explained in the trades when alterations are made to an existing structure, it has to be updated to meet existing codes. He said they didn't do that on Burns Road when it was widened. Mr. McNamara replied the Board was reviewing the proposed project. He asked if he had questions pertaining to it. Mr. Marrocco did not.

Mr. McNamara closed public discussion and brought the matter back to the Board. He reviewed the proposed conditions for approval.

- 1) All required State permits received with approval number added to the recordable plan;
- 2) Draft homeowner association declaration and by-laws to be reviewed and found satisfactory by Town Counsel at applicant's expense;
- 3) Posting of the restoration bond and plan compliance escrow as estimated by Keach Nordstrom;
- 4) All items identified in Mr. Keach's December 10, 2014 memorandum to be resolved to Mr. Keach's satisfaction and memorialized in a "happy" letter from Mr. Keach to Mr. Gowan;

- 5) Fire Department approval of the location and size of the cistern to be shown on the recordable plan;
- 6) Relocation of abutter's driveway and easement as discussed.

Mr. McNamara asked the Board if they wanted to include a condition for sight distance or if they were satisfied. The Board was satisfied with the sight distance with cutting as described.

Mr. Passamonte questioned Mr. Haverty why the Town would assume liability on some sidewalks within one mile of the school. Mr. Haverty replied in general where the Town is asked to assume liability and maintenance on a sidewalk the Select Board is routinely opposed. Mr. Gowan believed the areas in the roundabouts may be the exception. Mr. McNamara added any public sidewalk the Town was liable to maintain and clear. Mr. Culbert wanted to make sure the Board wasn't setting a precedent for narrower roads within the one mile distance from the schools. He wanted to ensure the roads had adequate area for pedestrians. Mr. Haverty stated he had numerous discussions with the Board of Selectmen regarding sidewalks. He said anything that the Highway Agent could maintain as he was maintaining the street to limit liability and mitigate additional maintenance would be acceptable to the Selectmen. Mr. McNamara added the Board was not setting any precedents; they were only dealing with the project currently in front of them.

Mr. Gowan suggested adding a provision within the tiered subdivision regulations for areas within the school's radius. The Board will possibly be discussing the regulations in January, 2015.

The Board had a consensus to not require sidewalks within the project currently being reviewed.

MOTION: (Culbert//Doherty) To approve the Subdivision with conditions as outlined above.

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

DATE SPECIFIED PLAN(S) -January 22, 2015

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

DISCUSSION

Mr. Culbert told the Board he would like to reinstitute the sewer and water committee. Mr. McNamara suggested having a discussion at the time the Board discusses the subdivision regulations.

MINUTES REVIEW

MOTION: (Montbleau/Haverty) To approve the meeting minutes of November 17, 2014 as written.

VOTE: (5-0-1) The motion carried. Mr. Culbert abstained as he was not present for the meeting being reviewed.

MOTION: (Montbleau/Haverty) To approve the meeting minutes of October 20, 2014 as written.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:20pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary