

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
August 17, 2015

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

Acting Secretary Tim Doherty called roll:

PRESENT: Peter McNamara, Paul Dadak, Paddy Culbert, Selectmen Representative William McDevitt, Alternate Tim Doherty, Alternate Joseph Passamonte, Planning Director Jeff Gowan

ABSENT: Roger Montbleau, Jason Croteau, Mike Sherman

Mr. Passamonte and Mr. Doherty were appointed to vote.

Mr. McNamara informed Mike Sherman had submitted his letter of resignation from the Board due to health issues.

MOTION: (Culbert/Passamonte) To accept, with regret, Mike Sherman's resignation from the Planning Board.

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

The vacant position will be advertised. The Planning Board will accept applications through the Planning Department by September 16, 2015. During the September 21, 2015 meeting the Board will consider applications and make an appointment. The vacant position will be filled until the next Town Meeting, March, 2016.

Mr. McNamara noted Mr. Sherman requested consideration for him remaining as an alternate member. He also asked that the vacant alternate positions be advertised.

OLD BUSINESS

PB Case #PL2015-00002

Map 41 Lot 10-245

PJ KEATING - 2 Bridge Street - Proposed improvements to the site and storm water management facilities

Applicant requested date specification to the September 21, 2015 meeting. The applicant hasn't finished survey work, or received opinion from the Conservation Commission.

Mr. Culbert asked that the continuance be the last one allowed. Mr. McNamara suggested allowing the applicant to continue to the September 21st meeting; if they are not ready to proceed on that date they can withdraw without prejudice and submit at a later date.

Date specified to September 21, 2015.

PB Case #PL2015-00013

Maps 15 & 22 Lots 8-86, 88 & 89

BROOKWOOD REALTY GROUP, LLC - off Tina Avenue, 10 Tina Avenue and 15 Tina Avenue - Seeking a Site Plan review for a change of use to permit the temporary use of a property to store non-hazardous materials such as steel and other construction materials and to re-grade an area less than 2 acres. The closest of the stored materials is 500ft.+ from the end of Tina Avenue.

Applicant has requested a continuance because of a legal opinion received by the Zoning Board as a result of the recent joint Planning Board and Zoning Board hearing (July 20, 2015). Legal opinion was that the applicant's application was subject to the junkyard statute. Applicant's representative Peter Zohdi of Herbert Associates requested date specification to the October 19th meeting to provide the opportunity for their own legal review of the matter.

Given that the continuance was a 60-day request, Mr. McNamara felt it was reasonable to ask that the applicant to re-notify abutters.

The case was date specified to October 19, 2015.

NEW BUSINESS

PB Case #PL2015-00014

Map 36 Lot 10-358

GARREPY, Mike, Tuck Realty Corp. (applicant) / FICHERA, Frank, Jr. & CROOKER, Constance (owners) - 52 Dutton Road - Proposed 8-Lot Conservation Subdivision and seeking a Special Permit for impacts to the Wetland Conservation District ('WCD'). No direct wetland impacts are proposed.

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. Joseph Coronati of Jones & Beach Engineers, Inc., representing the applicant, came forward to discuss the proposed development. Also present was the applicant Mike Garrepy. Mr. Coronati stated subsequent to their last hearing in front of the Board (for a yield plan) they submitted a full plan set for consideration. The proposal is an 8-lot conservation subdivision; applicant not seeking bonus lots. He pointed out the adjustments made to the plan since its conceptual review. The road was slightly lengthened and lot lines were realigned to move the frontage lot (along Dutton Road) further into the site. The cul-de-sac length is 1,062 feet, which includes the stationing around the cul-de-sac. The right-of-way near Dutton Road is wider than 50ft. and the paved portion of the road was moved away from Mr. Fichera's home. Mr. Coronati noted each lot had an individual septic and well. No cistern is being proposed as the homes will have (fire) sprinkler systems. Review letter from Steve Keach of Keach Nordstrom (Board's engineering review firm) received; however, they have not yet responded. It was noted that a Special Permit application was submitted due to the required grading for detention pond that fell into the Wetland Conservation District ('WCD') buffer. They are scheduled to meet with the Conservation Commission on September 12, 2015. A waiver has been submitted for road width; requesting 22ft., where 26ft. is required. The second waiver request was previously anticipate for cross-sections; however at Mr. Keach's request, Mr. Coronati would be showing the cross-sections and hoped to withdraw the waiver.

Mr. McNamara asked if the plan was sufficiently complete to be accepted for consideration. Mr. Gowan answered yes.

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

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

Mr. Culbert wanted to know if during a power outage sprinklers automatically came on if there was a fire. Mr. Coronati explained each unit would have a small pressurized tank in the basement that would turn on, but with no electricity there would be no way to refill it.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward. He stated the system would be per the National Fire Protection Association ('NFPA') code and based on the size of the home, the tank would hold approximately 100-125 gallons. Mr. Gowan stated he would speak to the Fire Department. Mr. Dadak noted sprinklers didn't all come on at the same time; they sprinkler head would target a specific area. He said they wouldn't put a fire out, but they would subdue to allow emergency responders to arrive. There was further discussion regarding the advantage of having sprinkler systems. Mr. Gowan noted for commercial buildings, the Fire Department requires substantial back-up systems to run the sprinklers. He noted the Fire Department would have to stamp the plan prior to final approval and sign-off.

Mr. McNamara asked Mr. Keach to speak to his review letter. Mr. Keach told the Board he had an opportunity to speak with Mr. Coronati and believed they were both 'on the same page' with the items contained in his letter. He spoke of the waiver request for the detention basin on the south side of the property. He noted the waiver wasn't for the basin itself, it was for the slope grading around it. There would be no direct wetland impact. The review letter contained several comments relative to storm water drainage, Mr. Keach commented that the water table was lower than the detention basin, so he suggested perimeter drainage so the area didn't become a wet pond. In reviewing the meeting minutes from the last hearing, he identified each of the abutters that spoke. He commented that the abutter's lot on the south west side sat higher than the applicant's property and didn't envision any opportunity for negative water impact. He then spoke of the drainage in the area on the east that flowed toward Dutton Road underneath an existing culvert (at the northeast corner of the property). He said the flow of water went away from that abutter's built environment and coincident with a portion of the wetland. Being so, he felt there was little opportunity for an adverse drainage condition. With regard to storm water, Mr. Keach asked Mr. Coronati to check the capacity of the 12in pipe under the road on the northeast corner. He noted that the case was proven that there would not be increased flow to that area, but at the same time he wanted to ensure the pipe was adequate.

Mr. Keach appreciated that the waiver request for cross-sections would be withdrawn. He would support the waiver request for reducing pavement width to 22ft, providing the Highway Safety Committee approved.

Mr. Gowan saw that the geometry of the right-of-way was unusually wide and believed it preserved the sight distance onto Dutton Road. Mr. Coronati replied they shifted the road over to get the road a little longer and keep it at existing grade. In doing so, it left a 'pie' shaped piece of land they left in with the right-of-way that could be dedicated to the abutter or part of the right-of-way. Mr. Gowan replied the Board of Selectmen would ultimately make the decision. Mr. Culbert wanted to know the sight distance. Mr. Coronati replied Dutton Road was quite straight and flat in the area of the entrance to the development. Mr. Keach stated he was confident the applicant met the sight distance in both directions.

Mr. Gowan addressed the question regarding the trail shown on the plan. He wanted to ensure there was no interruption to an existing Town trail system. Mr. Coronati replied that the owner testified the trail was built by his family for recreational activities. The trail did not lead offsite. He told the Board that the open space behind Mr. Fichera's property would remain a 'no-cut' area.

Mr. Gowan asked Mr. Coronati to submit proposed road names. Mr. Coronati stated he would submit names in writing for Highway Safety Committee consideration.

With regard to the additional 'pie shaped' piece beside the right-of-way, Mr. Doherty pointed out that the property contained 10.32 acres. He suggested watching the engineering if that small sliver was going to be left to the owner. He warned about going less than 10 acres because they would then need a variance. Mr. Gowan noted Mr. Doherty's point raised an interesting question. He said a property needed 10 acres to be considered

for a conservation subdivision; however, he questioned if it would become non-conforming if through the process the roadway became a Town road which then took away from the calculation.

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

MOTION: (Passamonte/Doherty) To accept for consideration, the waiver request to Appendix I,BB – minimum roadway width; 22 feet being requested where 26 feet is required.

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

The case was date specified to September 21, 2015.

PB Case #PL2015-00015

Map 7 Lot 9-136-48

TARIS, Kathleen & CASTRUCCI, Eric - 19 May Lane - Proposed residential solar tracking system.

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.

Ms. Kathleen Taris (applicant) along with Mr. Ben LeFebvre of Granite State Solar came forward to discuss the site plan for a residential solar tracking system. Ms. Taris told the Board they had investigated adding a solar system to their home since last fall. Initially they were looking at a roof mount system, but found it would not provide the capability or capacity to be fiscally responsible. Recently they had done landscaping and realized the best location for a ground solar unit. She spoke of the increasing cost for electricity and how having a solar system would contribute to the environment. She suggested the Town may want to research going solar in the municipal buildings given increase of electricity.

Mr. Gowan explained to the Board that per the Zoning Table of Uses rooftop systems only needed a building permit and inspections, whereas a free-standing system required site plan approval. In this case, he felt only a minor site plan approval was needed.

Mr. McNamara's main concern was the visual appearance, where the system would be located on the lot and if it would be visible to neighbors. . He also wanted to know if the unit would make any noise. Ms. Taris replied the unit would extend to 18ft-20ft. She discussed the grading of her lot and the fact that the proposed area was six feet lower than the road. Mr. McNamara questioned what plantings were located between the proposed location and the road. Using photographs, Ms. Taris explained where the system would be located. She pointed out that the unit would be located further than 30ft. from the road and not be in the Town drainage easement. The system has a tracking system that turned the unit with the sun. It generates less noise than the air conditioning systems used in the neighborhood.

Mr. McNamara asked if the unit would be at full height while tracking the sun during the day. Mr. LeFebvre explained the unit was a dual access tracker; based on the season it tracked the sun throughout the day. In the summer the unit would be at a flatter angle. Mr. McNamara asked for the dimension of the display. Mr. LeFebvre replied the unit was 423SF (approximately 20ftx30ft) attached to a single post (pre-cast concrete ballast).

Mr. Passamonte wanted to know if there was any glare when the sun hit the unit. Mr. LeFebvre replied each panel was coated with an anti-reflective coating and designed to absorb as much sunlight as possible. The design is done to track the sun (face directly at the sun) so the rays don't bounce off at an angle.

Mr. Doherty questioned what the winter mode consisted of. Mr. LeFebvre described the self-shedding feature. The unit has a built in sensor to sense snow load; it rises, tilts and dumps the snow load.

Mr. McNamara asked if there was any other location the unit could be placed. Ms. Taris answered no. She passed around a copy of her plot plan calling attention to the wetlands/conservation land and trees on her property. She stated her lot contained 2.75 acres, most of which wasn't inhabitable.

Mr. Culbert wanted to know what happened on cloudy days. Mr. LeFebvre replied the system would continue to generate energy, but it would be a lesser amount. He explained it was a grid tied system, not a battery storage system. It's designed to create the bulk of its energy during the summer months (March – October). Anything not used goes out the transmission lines and provides a kilowatt credit.

Mr. McNamara felt it was a great idea, but was concerned how it would look if everyone had units in their front yards. As the fiscal cost comes down, Mr. Gowan felt it was a matter of time before every house had system. Mr. McNamara felt the Board had the responsibility to maintain the character and aesthetics of neighborhoods. Mr. Doherty spoke about California, specifically Beverly Hills and the many houses that had systems in their front yards. His concern was wind and not wanting the unit to end up in the neighbor's yard. Mr. LeFebvre replied the ballast had a 120degree (miles per hour) wind rating. Mr. McNamara asked how deep the concrete base went underground. Mr. LeFebvre believed it sat 4ft. underground. Mr. McNamara wanted to know if the system generated any noise. Mr. LeFebvre stated it used a quarter horse power motor and moved so slowly throughout the day. Mr. McNamara asked what would happen if a future owner let the system go. Mr. LeFebvre believed the same concern would come from people building any structure in their yard. Mr. Culbert commented that New England occasionally had Category 5 hurricanes with winds higher than 120 degrees. Mr. LeFebvre felt in that situation the community as a whole would have a lot of problems. He noted every town had building codes relating to wind and snow. He believed Pelham's code for roofing material was less than 120 miles per hour. The system's wind rating exceeded many of the building codes in New Hampshire.

Mr. McNamara confirmed that the total weight of the unit (including the concrete bed) is approximately 3,100 pounds. Mr. LeFebvre answered yes. Mr. Culbert asked for the weight of each panel. Mr. LeFebvre replied each panel weighed approximately 45 pounds.

Mr. Doherty wanted to know the type of noise that would be generated. Ms. Taris stated it was difficult to hear the unit when standing next to it. The air conditioning units in the neighborhood made far more noise.

Mr. McDevitt asked for clarification regarding glare from the unit. He recalled a situation at Manchester Airport in which a portion of the roof unit was draped off because it was reflecting on the people in the tower. He was concerned with glare shining up and down the road and at the neighbors. He asked that 'unqualified assurances' be given to the municipality that there will be no glare problems up and down the road or to the neighbors. Ms. Taris explained that the system was run with GPS to track the sun. It always faces perpendicular to the sun to absorb light energy; any amount that is not absorbed will be emitted back up directly toward the sun. Mr. LeFebvre was comfortable as a contractor giving the Town assurance that glare would not be an issue. He noted they recently installed a nearly identical system in the Town of Chester, if the Board wanted to view the unit.

In terms of the assurance regarding glare and overall aesthetic quality, Mr. Gowan said the Board could require some kind of landscaping along the road as a visual buffer that wouldn't block the structure's ability to capture the sun. He said another option would be to require a landscaping buffer if glare was an issue. Mr. McNamara pointed out that there was nothing in Zoning or the Subdivision Regulations that addressed the concerns. Mr. LeFebvre stated he and Ms. Taris were open to working with the Board to come up with a solution. Mr. Doherty reviewed an aerial map of the property and noted that the unit would tip toward the road in the morning and for the remainder of the day would point toward the sky and away from the road.

Mr. Culbert stated he was not comfortable voting and wanted the opportunity to obtain additional technical information. The other Board members discussed their thoughts about the proposal and voting. Mr. McNamara asked Mr. LeFebvre if he knew of any town ordinances or regulations that dealt with solar tracking systems. Mr. LeFebvre answered no. He was only aware of towns that had tax breaks for people investing in solar energy. There was consensus to vote. Mr. McNamara shared Mr. Culbert's concerns and concern for potential glare, property value and aesthetics. He stated the Board would vote on the proposal in front of them.

MOTION: (Doherty/Culbert) To approve the residential solar tracking system.

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

PB Case #PL2015-00016

Map 22 Lot 8-130

52 WINDHAM ROAD, LLC - Special Use Permit and Site Plan Review for proposed mixed use development consisting of a 1500SF retail building and 15 townhouse condominium units in the Mixed Use Overlay District

Applicant's engineer was unable to attend the meeting and requested date specification to September 10, 2015. Mr. McNamara felt it was appropriate to open the case, read abutters and then date specify to September. There was a brief discussion regarding the applicant's time schedule. Mr. Gowan explained that if the applicant needed an extension of their time schedule, it would be up to them to extend it.

Mr. McNamara explained to the public that the Board would read the list of abutters aloud but not take further action, other than to date specify the case.

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case or who had difficulty with notification. Ms. Brenda Hobbs, 108 Windham Road came forward to confirm her name was read. Mr. Dadak confirmed Hobbs Family Revocable Trust was read aloud.

The case was date specified to Thursday, September 10, 2015.

DATE SPECIFIED PLAN(S):

Thursday, September 10, 2015:

PB Case #PL2015-00016 - Map 22 Lot 8-130 - 52 WINDHAM ROAD, LLC

Monday, September 21, 2015:

- 1) PB Case #PL2015-00002 - Map 41 Lot 10-245 - PJ KEATING - 2 Bridge Street
- 2) PB Case #PL2015-00014 - Map 36 Lot 10-358 - GARREPY, Mike, Tuck Realty Corp. (applicant) / FICHERA, Frank, Jr. & CROOKER, Constance (owners) - 52 Dutton Road

Monday October 19, 2015:

PB Case #PL2015-00013 - Maps 15 & 22 Lots 8-86, 88 & 89- BROOKWOOD REALTY GROUP, LLC - off Tina Avenue, 10 Tina Avenue and 15 Tina Avenue

MINUTES REVIEW

July 20, 2015

MOTION: (Culbert/Doherty) To approve the Planning Board portion of the joint meeting minutes for July 20, 2015 as written.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:30pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary