

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
September 21, 2015

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, Paddy Culbert, Jason Croteau, Alternate Tim Doherty, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Alternate Joseph Passamonte

Mr. Doherty was appointed to vote in Mr. Croteau's absence, or until he arrived; after which he would vote in place of the vacant position. *(Mr. Croteau arrived at approximately 7:10pm)*

APPOINTMENT OF MEMBERS / ALTERNATES

Mr. McNamara informed there were three applications submitted for Board vacancies; one full-time position, and two alternate positions

Mr. Robert Molloy came forward to discuss his interest in being appointed to the Planning Board. He explained his schedule had changed and was eager to volunteer once again for the Town. Mr. McNamara told the Board he served with Mr. Molloy on the Zoning Board. He asked Mr. Molloy if he owned any property in Town other than his home. Mr. Molloy answered no. Mr. McNamara questioned if he had any interest or connection with developers or real estate property owners that did business in the Town. Mr. Molloy answered no.

Mr. Doherty wanted to know Mr. Molloy's line of work and why he left the Zoning Board but was now able to volunteer again. Mr. Molloy replied he was a police officer at Boston University; Captain of the patrol division. After the Boston Marathon incident there were a lot of security concerns and as a result, scheduling was rearranged to provide additional security during more hours of the day. As part of that he became more present on the college campus during evening hours. Since that time they were able to appoint a couple more lieutenants allowing him to get off the night shift. He's worked for Boston University 29 years, prior to that, he worked in the City of Houston Police Department for seven years. Mr. Montbleau questioned how many years he had been on the Zoning Board. Mr. Molloy replied. He had been on the Zoning Board from 2005 through 2013. Mr. McNamara told the Board Mr. Molloy was diligent about showing up, even with the commute from Boston. He resigned solely because of work commitments. Mr. Gowan added during his time on the Zoning Board Mr. Molloy had also been Vice Chair and had the opportunity to chair some of the meetings.

Mr. Croteau arrived.

MOTION: (Doherty/Dadak) To appoint Robert Molloy to a three-year alternate position on the Planning Board.

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

Mr. McNamara stated Mike Sherman, formally a full-time member who resigned due to health concerns, had applied to be an alternate member.

MOTION: (Doherty/Dadak) To appoint Mike Sherman to a three-year alternate position on the Planning Board

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

One application was received for the full-time member vacancy from Joseph Passamonte, who was currently an alternate member. Mr. Gowan noted the term would be to fill the vacancy until March 2016 (Town Meeting)

MOTION: (Culbert/Croteau) To appoint Joseph Passamonte as a full-time member to fulfill the balance of Mr. Sherman's term on the Board, which expired March 2016.

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

CAPITAL IMPROVEMENT PLAN

Mr. McNamara stated a copy of the most recent Capital Improvement Plan ('CIP') had been provided to the Board for review. He explained that the committee met during the summer; both he and Mr. Culbert were members and Mr. Gowan was present for the meetings. He said there were no new large items submitted.

MOTION: (Doherty/Dadak) To approve the Capital Improvement Plan.

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

Mr. McNamara told the Board the CIP would be presented to the Budget Committee. Mr. McDevitt suggested providing the Board of Selectmen with a copy for review and comment. Mr. McNamara pointed out that, Selectmen Chair Hal Lynde was on the committee and might be able to answer questions raised by the Selectmen.

OLD BUSINESS

PB Case #PL2015-00012

Map 7 Lot 4-182

YELLOW WOOD LAND HOLDING, LLC c/o Blake Clark, Manager - Yellow Wood Drive – Seeking a Special Permit to approve the Yield Plan for proposed Conservation Subdivision of the above referenced lots. Full application for conservation subdivision will follow once Special Permit and density is established.

Mr. McNamara noted the case had previously come in front of the Board with a slightly different format. Mr. Gowan commented the abutter list did not need to be read into the record for a second time since the hearing was a continuation from the joint hearing with the Zoning Board.

Mr. Kevin Anderson of Meridian Land Services (engineer on the project) along with the applicant, Blake Clark came forward to discuss the proposed yield plan for conservation subdivision. Mr. Anderson provided a brief history of the project. He stated they had gone in front of the Zoning Board during a joint meeting with the Planning Board (July 20, 2015) to discuss having a conservation subdivision on 8.3 acres. Variance was denied for additional density bonus lots; therefore, they were coming in front of the Planning Board to discuss a six lot yield plan. Mr. Anderson pointed out they met all the requirements for lot size, frontage, right-of-way and cul-de-sac. They were seeking four waivers:

- 1) *test pit data within the septic areas.* Mr. Anderson explained they had done site specific soil and conducted numerous test pits throughout the site and felt confident in the locations designated for

- septic systems. He noted the Board was currently reviewing the yield plan and indicated with their formal submission they would prove that the septic systems worked.
- 2) *Lots rectangular in nature.* Mr. Anderson believed the proposed lots were rectangular in nature and would let the Board make that decision.
 - 3) *Centerline road grade.* For the approach from Mammoth Road into the lot, the regulations require 3% slope for 100 feet. Mr. Anderson stated they were unable to attain this due to the fact there were existing abutters on either side of the access into the parcel. Those abutters have easement rights and the existing grades needed to be maintained. The transition would be from approximately 3% to 6%; details of which would be included with the final application
 - 4) *20% slopes within building envelopes.* Mr. Anderson pointed out there were spots with 20% slopes throughout the site that made it impossible for him to show building envelopes without including 20% slopes. He believed that fact was common to other developments in the area. They would use the slopes to their benefit within the conservation subdivision. They would also be using southern exposure for solar purposes.

Mr. McNamara noted for the Board and public that the matter being discussed was the yield plan and not the conservation subdivision. He asked that discussion be confined to the yield plan and whether or not the applicant had met the criteria for a six lot subdivision. If the yield plan was approved the applicant would come back to the Board with a full-blown application for subdivision. Mr. Clark added when they come in for the conservation subdivision they would be seeking a 20% density offset; meaning, if the six lot yield plan was approved they would be submitting a seven lot conservation subdivision plan.

Mr. Doherty wanted to know the grade in the area where traffic would access Mammoth Road and if they were implying they could not meet regulation. Mr. Anderson replied they could not meet Subdivision Regulations, and would need to maintain existing grade. Mr. Clark added it was an existing condition due to abutting property. Mr. Doherty wanted to know if they could meet grade requirements if access was created using lot six. Mr. Anderson noted they were able to attain sight distance in both directions. He believed they'd be able to meet subdivision requirements if they went through lot six; however, it would be a substantial cut in the grade and would create the need to reconfigure the cul-de-sac in the six lot yield plan to make it work. If this was done, Mr. Clark added they would need to resolve an existing easement to the abutting properties who currently had legal access to the right-of-way. Mr. Doherty was concerned how they would deal with the water if they couldn't meet grade. Mr. Anderson said they would meet the regulations to the best of their ability. He would like to do a negative grade off Mammoth for reasons of storm water, which would need to transition to a 3% positive grade and further transition into 6% grade which would then meet the requirements. Mr. Doherty wanted to know where water would go since the lot was all downhill to Mammoth Road. Mr. Anderson intended to use infiltration entry box units at the entrance of the subdivision.

Mr. Culbert wanted to know how many slopes at 20% were being proposed. Mr. Anderson replied there were pockets (possibly a couple dozen) throughout the entire site.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to provide comment regarding the yield plan and request for waivers. The Board receive copies of his correspondence dated July 15th and 18th, respectively that specifically spoke to the yield plan. He said the purpose of the follow-up memo July 18 was as a supplement to the first memo because amendments had been made to the plan. In review of the yield plan, he was able to confirm each of the six lots conform to the Zoning Ordinance with one exception. The one exception being the slopes, which the engineer had clearly shown on the plan using blue colored crosshatching. For the purpose of the yield plan he didn't feel it took away from the demonstrated ability to actually build on the lots, if the proposal came through as a conventional subdivision. Mr. Keach was not opposed to the Board granting a waiver to the cited requirement, but in order for the yield plan to ultimately be approved, the waiver would need to be approved. He noted there were three other waiver requirements and called attention to page 2 of the July 18th memo which spoke to the waivers. He pointed out 18 of the 21 test pits met criteria for sewage disposal both at the State and local level; that coupled with the site

specific soil mapping, he didn't think there was any reason to suspect the test pits dug in those areas wouldn't be successful. He supported the Board granting the waiver for such. With regard to the waiver for lot shape, Mr. Keach was unsure if he would have suggested a waiver given that the shapes were a product of the existing shape of the parcel. He felt the lots were reasonably shaped and didn't know how they could be more reasonably configured. He would support the Board if they felt the waiver was needed.

Mr. Keach spoke about the fourth waiver request and the section of the subdivision regulation that required an approach grade of the slope to be not more than 3% for a distance of 100 feet. He understood that the proposed right-of-way was part of the subject premises, it was also a common drive that served the homes to the North and the South. In his memo of July 18 he suggested consideration of that particular waiver request was premature because vertical alignments of roads are not reviewed at the yield plan review level. Discussion about drainage was also premature because the plan had not been fully designed, although there may be a concept of how they would approach the design. The engineer provided a profile that essentially gave the Board advance notice there may be items to address. Mr. Keach didn't see that the technical matter had a relevance when solely reviewing a yield plan. He suggested setting that waiver request aside for now.

Mr. Culbert wanted to know if the waivers would have an effect on the plan or the drainage. Mr. Keach referred to the colored plan with blue crosshatched areas within the 100' x 150' rectangular shapes. He said in most instances they were not more than 15% to 20% of the 15,000SF area; those crosshatched areas were not connected, they were simply micro topography on the site. He didn't feel it would affect the build ability of the lots. He believed the waiver was appropriately requested and noted there was an inclusion in each of the lots. Mr. Culbert questioned if there was something they could do, other than earthwork to reduce the 20%. Mr. Keach replied they would have to grade each lot out because the slopes were natural grade and contoured with the existing land. Mr. Culbert asked where the seventh lot would be located. Mr. Anderson showed the Board a preliminary concept that had been pretty much proven. He explained there was an existing house on the parcel along with the proposal of six additional lots.

Mr. Montbleau understood that the submission to the Board was a conventional subdivision layout used solely as a yield plan design for what could be built on the parcel. Mr. McNamara answered yes, the yield plan was the basis for which a conservation plan could be developed. In this case the plan demonstrated the ability to build six conventional lots. Mr. Montbleau discussed his concern regarding the process of reviewing/approving waivers in conjunction with approving a yield plan. In this case it was his understanding if the lots couldn't be reconfigured and the waivers weren't approved, the yield plan couldn't be approved. In the past he felt the Board had reviewed parcels that were highly questionable whether or not they could be developed conventionally. Going forward, he inquired if the Board would approve all waivers in order to get a yield plan to be approvable so they could move onto the review of a conservation subdivision. Mr. Gowan replied the waivers were not for the conservation subdivision, they were only to the yield plan so an engineer could then design a conservation plan for submission. He noted there was no risk to the Board, because he yield plan simply showed the number of lots that could be built conventionally. He said by approving the waivers and special permit it allowed an engineer to do a final design, the Board was not obligated to approve that final design. He added that the Board could then deny a waiver during review of a conservation subdivision. With regard to the extra lot, Mr. Gowan said it was the conservative legal opinion of the New Hampshire Municipal Association ('NHMA') that Zoning didn't allow for private roads. He said they were able to proceed with a private road within conservation subdivisions. In this case he believed there were compelling unique items to allow for an actual lot that would be realized when the conservation subdivision came forward.

Mr. Doherty spoke of waiving the regulations during review of conservation subdivisions. He said section 11.14 (open space) in the Subdivision Regulations should never be ignored especially in a yield plan. Mr. Keach replied regulations came with an interpretation under New Hampshire law. He said he had yet to see an application that had been advanced before or after his arrival in Pelham, other than a conservation subdivision, that had adhered to section 11.14 in its most conservative fashion. Mr. Gowan said the times it was applied

were terrible mistakes with one example being located west of Mammoth Road. He said in the past the Board would routinely take a lot as part of the review process for a small park/recreation. To date none of those lots were anything except vacant lots. One will be brought in front of the Board in the near future to allow it to be part of an adjacent lot versus being owned by the Town. Mr. Doherty said when there was a tight development there was a question if the number of lots shown on a yield plan could remain if the open space section of the Regulation was followed. Mr. Keach stated the yield plan in front of the Board showed six lots. He said if the Board were to construe the Regulations to imply that one of the lots should be given up, there would be five building lots. Mr. Doherty replied he was not suggesting that scenario. Mr. Gowan suggested allowing the engineer to move forward with their design and demonstrate that they've managed to conserve the appropriate land. Allowing them to proceed would not bind the Board's hands later on.

Mr. McDevitt understood that the proposed yield plan had a life that would expire the day the applicant came in to present a conservation subdivision. Mr. McNamara answered yes; the yield plan was presented for the sole purpose of establishing a baseline of density for the conservation subdivision. Mr. McDevitt also understood that the requested waivers, if granted, would also expire the day the conservation subdivision was presented. Mr. McNamara answered yes given that the conventional subdivision would not be presented. Mr. McDevitt noted that the yield plan was considered a conceptual plan that existed only on paper to demonstrate and applicant could get a certain number of lots on the parcel. Mr. McNamara said the process was in place also because it would be unfair to an applicant to bring in two fully designed plans just to throw one out. The review being done by the Board streamlined the process. Mr. Gowan noted there were components of the project that had yet to be brought forward to the Board that may make it the most unique conservation subdivision to date. He hoped the Board gave the applicant the opportunity to prove such. Mr. McNamara commented if the Board didn't like the plan when it came forward they could deny it.

Mr. Doherty wanted the opportunity to see the type of conservation subdivision the applicant was going to bring forward. He also wanted to be clear his previous comments did not imply he was in favor of individual public parks randomly scattered through the Town. He felt they should be private and maintained by the individual subdivision.

Mr. Montbleau stated his point was to ensure the Board did not 'rubber stamp' conventional subdivisions in order to establish a density for a conservation subdivision, when in fact there were issues for passing waivers. He understood the process of reviewing the yield plan to get to the next point. Mr. McNamara said in this case the Board received testimony from Mr. Keach in support of the waiver requests. Mr. Montbleau understood.

The Board considered the waiver requests

MOTION: (Montbleau/McDevitt) To accept, for consideration, the waiver to Section 15.03, D – 20% slopes within the 100ftx150ft building envelopes.

VOTE: (6-1-0) The motion carried. Mr. Culbert vote no.

MOTION: (Croteau/Doherty) To approve the waiver to Section 15.03, D – 20% slopes within the 100ftx150ft building envelopes.

VOTE: (6-1-0) The motion carried. Mr. Culbert vote no.

MOTION: (Dadak/Montbleau) To accept, for consideration, the waiver to Section 15.03, D – test pits lacking on yield plan Lots 1 and 5.

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

MOTION: (Doherty/Dadak) To approve the waiver to Section 15.03, D – test pits lacking on yield plan Lots 1 and 5.

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

MOTION: (Montbleau/Dadak) To accept, for consideration, the waiver to Section 11.04.A.3- non-rectangular shaped yield plan lots.

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

MOTION: (Dadak/Montbleau) To approve the waiver to Section 11.04.A.3- non-rectangular shaped yield plan lots.

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

Mr. McNamara stated the Board would defer action for the waiver request to appendix I,BB.21.

Mr. McNamara opened discussion for public input. No one came forward.

MOTION: (Montbleau/McDevitt) To approve the yield plan as presented.

VOTE: (6-1-0) The motion carried. Mr. Culbert voted no.

Mr. McNamara informed when a formal plan was submitted abutters would be notified.

PB Case #PL2015-00002

Map 41 Lot 10-245

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

Mr. McNamara recalled the abutter list being read aloud. Mr. Gowan said at the last postponement, Mr. Culbert asked that abutters be notified if an additional continuation was requested and the Board agreed. Mr. Gowan believed the applicant still needed to meet with the Conservation Commission in consideration of the Wetland Conservation District ('WCD') impacts being proposed. He advised the applicant to come in front of the Board to at least provide a status update.

Mr. Steve Benben of Triton Environmental, representing PJ Keating came forward to update the Board. He informed they were last in front of the Board in May. At that point they had done their initial submission and Keach Nordstrom (Board's engineering review firm) had reviewed plans and provided comments. He said they had taken those comments into consideration; one of which was a major implication due to not having an on the ground survey or wetland delineation. The wetland shown on the plans were depicted from national wetland inventory maps. Mr. McNamara recalled walking the site. Mr. Benben said the plan was updated to address some of the comments raised; however, they still needed to meet with the Conservation Commission and hoped to be on the October 7th agenda.

Mr. Benben described the changes made to the plan based on comments derived from the site walk and Mr. Keach's memo. He said there had been a request to add a third hydrodynamic grid separator on one of the lines prior to the discharge location and noted the revised plans showed this. PJ Keating commissioned a

wetland scientist and surveyor to delineate the wetlands on site, the property line and State line, all of which had now been shown on the plan. He summarized the original submission and associated impacts to the wetlands and Wetland Conservation District ('WCD'). He then spoke about the amendments to the plan to minimize impacts to the wetland and WCD that would be presented the Conservation Commission.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) told the Board he didn't think there was much they could discuss at present. He was glad to hear the applicant did the necessary fieldwork. He said it was imperative that the wetland delineation be correct because it defined the Town's zoning district. He believed the site walk had been useful because they came to understand what the applicant was attempting to accomplish. He suggested they meet with the Conservation Commission and go through the normal review channels prior to coming back in front of the Planning Board.

Mr. McNamara opened discussion to public input. No one came forward.

Mr. McNamara asked if the applicant would be ready to come back in front of the Board on October 19th. Mr. Benben answered yes. The plan was date specified to October 19, 2015

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. Joe Coronati of Jones and Beach Engineering, representing the applicant came forward to discuss the proposed subdivision. He informed since they were last in front of the Board, they received comments from Steve Keach of Keach Nordstrom (Board's engineering review firm) and responded to such. He summarized the items that had been addressed and told the Board they received a follow-up letter. Most items had been addressed with the exception of a couple that would need further review. He noted they had met with the Conservation Commission for discussion about the buffer impacts. The commission accepted the buffer impacts as provided stipulations that were agreed to by the applicant. Mr. Coronati stated they had requested a waiver for road width to be reduced from 26ft to 22ft. There was a second waiver that came from Mr. Keach's review which was for the platform length at the entrance of the road; it was approximately 80ft at 3% slope or less, where 100ft was required.

Mr. McNamara recalled most of the items contained in Mr. Keach's original review letter were either addressed or administrative in nature. Mr. Gowan commented that the Highway Safety Committee had reviewed the road name and the waiver request for road width reduction, both of which were supported. Because the applicant was proposing residential sprinklers for the units, there was no need to go to the Fire Department to discuss cisterns.

Mr. Doherty drew attention to the drainage catch basin at the road entrance and asked that Mr. Keach use it as an example when reviewing the previous case.

Mr. Keach told the Board he received a fresh set of plans in response to an earlier letter dated August 12th. He then addressed his memo of September 17th and understood the applicant had applied for the only State project permit needed, which was NHDS subdivision approval for 8 lots. Mr. Gowan noted the homeowners documents were still under review by counsel. Mr. Keach summarized the other comments contained in his letter, which were minor in nature. He referenced one of the plans that was displayed and spoke about the proposed drainage. He felt the applicant's representative had done a good job demonstrating the flow of proposed development conditions, which would become tributary to the pre-development condition. He said he questioned if the existing 12 inch corrugated pipe handled current flow and Mr. Coronati fully addressed

the question and reported in the calculations that it did not. Mr. Keach had asked the applicant to replace the culvert with an appropriate sized culvert so the water doesn't sheet flow across Dutton Road.

Mr. Doherty was concerned with putting more water downstream during a big storm, which would go against the Subdivision Regulations. Before approving, he would like counsel's opinion in this instance regarding sending additional water flow across the street to the neighbor's yard. Mr. Keach replied the volume of water would not increase because of the detention system. The volume was tributary to the culvert at present and simply ran over the road. He said the same volume would get there it was a question as to whether it would run over the road or not. There will be no increase of water runoff from the property. Mr. Doherty asked if the Highway Department informed that water went over the road at that location. Mr. Keach said the calculations showed it was obvious because the culvert was approximately 40% to 50% capacity of what it needed to be. He discussed in detail the proposed drainage detention for both pre-and post-development. From what was said, Mr. Dadak understood if the development was not done the existing culvert would be insufficient and should be replaced. Mr. Doherty questioned how they would achieve the proper grade over a larger culvert, given there was a dip in the road at that location. Mr. Keach responded the outlet at the end would control the flow. He believed the invert at the north end of the pipe would remain unchanged. The pipe did not appear to have a tremendous amount of slope, which was one reason for having constrained capacity. He sensed the applicant would come back with twin 15 inch pipes, or something of that nature.

Mr. McNamara opened discussion for public input. No one came forward.

The Board addressed the Special Permit request to allow 4,670SF of impact to the WCD. Conservation Commission had already voted in favor of the request with conditions, which the applicant has agreed to abide by.

MOTION: (Montbleau/Dadak) To approve the Special Permit

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

The Board then addressed the waiver request that were previously accepted for consideration as follows:

MOTION: (Montbleau/Dadak) To approve the waiver request to Appendix I,BB.21 - platform length.

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

MOTION: (Montbleau/Dadak) To approve the waiver request to Appendix I,BB.2 - to permit 22 feet of pavement on Squire Drive, where 26 feet is required.

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

Mr. McNamara read aloud a proposed list of conditions for approval as follows:

- 1) New Hampshire DES subdivision approval for each of the eight platted lots to be notated on recordable mylar;
- 2) letter to Pelham Fire Department confirming each residential unit will have sprinklers;
- 3) satisfactory review of the Homeowners Documents by Town Counsel, at the applicant's expense;
- 4) provision of a performance guarantee bond and plan compliance escrow as estimated by Keach Nordstrom and signed agreements for each;
- 5) all comments described in Mr. Keach's September 17, 2015 letter be addressed to Mr. Keach's satisfaction with a letter from him indicating same;

- 6) stonewalls are to be protected and rebuilt if possible. Best efforts to realign internal stonewalls used as lot lines for new lots.

MOTION: (Montbleau/Doherty) To approve the Conservation Subdivision subject to stated conditions.

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

NEW BUSINESS

PB Case #PL2015-00017

Map 20 Lots 2-113-1, 2-114-1, 2-115, 2-116 & 2-116-1

CHADWICK, John (Applicant), RICHARD G. CHADWICK REVOCABLE TRUST, Richard G. Chadwick Trustee (Owner) 3 & 5 Hinds Lane and 91 & 93 Bush Hill Road - Proposed:

- A) To adjust the lot line between Lot 2-116 & 2-116-1;**
- B) To consolidate a portion of Lot 2-114-1 where it abuts lot 2-115;**
- C) To consolidate a portion of Lot 2-114-1 where it abuts lot 2-116-14;**
- D) To consolidate Lot 2-113-1 with Lot 2-116-1;**
- E) To depict a portion of Lot 2-114-1**

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. Gowan explained to the Board he had met with the applicant a number of times due to the complexity of what they were seeking to accomplish. The request has been broken out into separate issues. The first component is family owned property with old lot lines that needed to be adjusted. The tricky component was in the area of Hinds Lane, which is a road the Town had maintained, and was considered a prescriptive easement. There was no actual easement and the Town did not own the land under the road. It was noted there were Town drainage structures constructed on private property, part of the lot line adjustment was to let those structures be separated from the private lots. Mr. Gowan believed the result of the effort through the request would “clean up” the situation for both the applicant and the Town. No one had proposed that the right-of-way would become owned by the Town.

Mr. Neil McCarthy of Promised Land Survey and the applicant John Chadwick came forward to discuss the multifaceted request. Mr. McCarthy provided an overview of the lot line adjustments; some of the lots had no existing structures on them. Essentially there were slivers of land that made up an area used as the road, a portion of which by easement. Another difficulty were some of the lots had no road frontage. The proposal was to take the smaller lots, where they abut the dwelling parcels, and consolidate them into the two dwelling lots. Any remaining smaller (open parcel/no structure) lots would also be consolidated with the larger family lot. The individual tax map numbers would then be cleaned up and clearly delineate the actual travel way of the road. Using a plan sheet, Mr. McCarthy highlighted the areas/lots he described for consolidation.

Mr. Montbleau asked Mr. Gowan if he had reviewed the request and understood what was being proposed. Mr. Gowan answered yes; basically there were lots that had a road built across them and because the Town had maintained the road, it was considered a Class V road. The difficulty was the Town did not own the right-of-way. He said by virtue of the proposed lot line adjustment, the slivers of land would be consolidated into the two larger lots adjacent to them. He said there was no motive behind the request other than to clean things up and didn't believe there was any contemplation to develop the land anytime soon. Mr. Montbleau questioned if the Board would be safe in moving forward with an approval of the consolidation portion of the request. Mr. Gowan answered yes; it would be an improvement of the existing situation. He noted there

would still be challenges regarding the definition of the right-of-way, but the situation would be improved overall.

Mr. Doherty saw the problems with the existing condition and understood that the proposal would clear up future questions about the lots. Mr. Chadwick explained the family was cleaning up the lots while his father was still alive.

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

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

Once again, using the plan sheet Mr. McCarthy outlined a small triangular lot that would be consolidated into a larger lot. He highlighted Mr. Chadwick's existing lot line and the proposed adjustment to such. There were wetlands contained on the lots that had not been delineated by a wetland scientist. The FEMA data was provided to geo-reference that wetland area, therefore it was included on the plan provided to the Board. Mr. McCarthy told the Board there was no proposed building; the lots would remain as they existed.

Mr. Gowan stated prior to the final mylar being created the applicant should speak with the Town Assessor to ensure that the assignment of new lot numbers would be clear and not cause confusion. Mr. McCarthy responded he had an initial meeting with the Assessor to review the plan.

MOTION: (Montbleau/Culbert) To approve the lot line adjustments.

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

PB Case #PL2015-00018

Map 3 Lot 5-170

GODBYR, Fred - 64 Tallant Road - Special Use Permit to convert an existing duplex into a condominium form of ownership

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 Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the Special Use permit request. Mr. Maynard told the Board a duplex was permitted on the lot in 2013, with the State approving the septic for a three bedroom per side duplex. The duplex was constructed during the past two years and the owner was in the process of selling one side of it under the condominium form of ownership. He spoke to Department of Environmental Services who would be approving the condominium subdivision; however, he didn't have the number yet. The last step was to receive Planning Board approval to allow the unit to be sold under the condominium form of ownership through Special Use process.

Mr. Gowan stated other than being an approving body, the Planning Board stayed out of 'ownership' for parcels. He said there were a couple issues to be worked out with the applicant prior to a Certificate of Occupancy being signed off on. However, he had no objection to the Special Use for ownership.

MOTION: (Montbleau/Dadak) To accept, for consideration, the request for Special Use permit.

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

MOTION: (Montbleau/Dadak) To approve the Special Use permit.

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

DISCUSSION

Mr. Doherty informed the board that Joseph Maynard of Benchmark Engineering had offered his consulting services, at no cost to the Town. He asked that the Board approve the offer for the Zoning Subcommittee. Mr. McNamara questioned if Mr. Maynard would be a member of the committee. Mr. Doherty answered no, given that Mr. Maynard was not a resident of Pelham. Mr. Maynard would be a consultant to the subcommittee. Mr. Doherty noted Mr. Maynard had provided his services in the past and was a valuable contributor. He hoped the Board would consider the offer again.

There were no objections to Mr. Maynard volunteering services. The Board was grateful for his offer.

DATE SPECIFIED PLAN(S) - October 19, 2015

PB Case #PL2015-00002 - Map 41 Lot 10-245 - PJ KEATING - 2 Bridge Street

MINUTES REVIEW

September 10, 2015

MOTION: (Culbert/Dadak) To approve the meeting minutes for September 10, 2015 as written.

VOTE: (5-0-2) The motion carried. Mr. McNamara and Mr. McDevitt abstained.

ADMINISTRATIVE

Bond Reduction – Tractor Supply Company

Original bond - \$69,450.00 Town Engineer recommended reduction \$50,740.35, retaining \$18,709.65 for screening (plantings) along Livingston Road to be done in the Spring, 2016 and for water connection shown on the plan. If the water connection was not going to be done, the applicant will need to come back in front of the Board with a modification request. Mr. Doherty wanted to know if the Fire Department would be involved. Mr. Gowan replied the Fire Department was very involved. If a modification came forward the Fire Department would submit a letter to the Board for consideration.

MOTION: (Montbleau/Culbert) To release \$50,740.35 of the original Tractor Supply Company bond. The Town will retain \$18,709.65.

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

Planning Board Bylaws

Mr. Gowan provided the Board with a copy of the Planning Board Bylaws and asked members to review and provide comments for a future discussion.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:18pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary