

**APPROVED**

**TOWN OF PELHAM  
PLANNING BOARD MEETING  
December 21, 2015**

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

The Vice Chairman Roger Montbleau called roll:

**PRESENT:** Peter McNamara, Roger Montbleau, Paddy Culbert, Joseph Passamonte, Alternate Tim Doherty, Alternate Mike Sherman, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

**ABSENT:** Paul Dadak, Jason Croteau, Alternate Robert Molloy

Mr. McNamara appointed Mr. Sherman to vote in Mr. Dadak's absence and appointed Mr. Doherty to vote in Mr. Croteau's absence.

**OLD BUSINESS**

**PB Case #PL2015-00021**

**Map 39 Lot 1-51-1**

**SESTON, Carolyn - Sherburne Road & Mammoth Road - Seeking a Special Permit to approve yield plan for proposed conservation subdivision (*Note: full application for Conservation Subdivision will follow once Special Permit and density is established*)**

Mr. McNamara informed that Peter Zohdi of Herbert Associates, representing the applicant, requested the case be date specified to the January 21, 2016 meeting. The Board was informed that the traffic report was still in the process of being finalized.

The case was date specified to January 21, 2016.

**NEW BUSINESS**

**PB Case #PL2015-00022**

**Map 24 Lots 12-215-2, 12-221-6, 12-221-7, 12-221-8 & Map 24 Lot 12-216**

**DHB HOMES, LLC / TOWN OF PELHAM - Proposed Land Transfer deeding the following to the Town of Pelham: .951 acres from Lot 12-215-2; .052 acres from Lot 12-221-8; .157 acres from Lot 12-221-7; .109 acres from Lot 12-221-6**

Mr. Montbleau 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.

Conservation Chairman Paul Gagnon came forward to speak to the case. He described the location of the four parcels noting that the land was being donated by the developer, DHB Homes (Ralph Meisner) at no cost to the Town. Engineering has been done pro bono by Peter Zohdi of Herbert Associates. The only cost was to record the changes through the State of New Hampshire, and administration of the case through the Planning Department, which would be done through the current use fund. Mr. Gagnon showed the Board the location of the Town's multi-use trail system that was located in the area prior to development, which ran through the main parcel to Gumpas Pond. At the time of the development the owner donated an acre to the Town for connectivity. Mr. Gagnon then showed the Board an updated plan for connectivity which allowed the trail

system to remain on Town land, except for a small portion, for which the Town was granted an easement by the owner. He showed how the land transfer would allow connectivity of the existing trail system.

**PUBLIC INPUT**

Mr. Bob Lamoureux, Blueberry Circle, (Forestry Committee and Border Riders) spoke in favor of the land transfer. He thanked everyone involved with putting the plans together.

Mr. Gowan pointed out that the road names on the plan needed to be changed.

**MOTION:** (Culbert/Passamonte) To accept the Land Transfer for consideration.

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

Mr. McNamara read aloud a waiver request to the Pelham Subdivision checklist to allow the plan to have a scale of one inch to sixty feet, as opposed to one inch to fifty feet, in order to show total land transfer in one view.

**MOTION:** (Culbert/Passamonte) To accept, for consideration, the waiver request for the plan scale size.

**VOTE:** (7-0-0) The motion carried.  
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**MOTION:** (Culbert/Montbleau) To approve the waiver request for the plan scale size.

**VOTE:** (7-0-0) The motion carried.  
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**MOTION:** (Culbert/Passamonte) To approve the Land Transfer as proposed.

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

**ADMINISTRATIVE**

**Map 16 Lot 13-85**

**PETERSEN BUILT HOMES – Paradise Estates - Request for bond reduction**

Mr. Gowan stated that the developer had requested a release of the final bond amount. A portion of the amount being held was for road items not previously completed and landscaping.

Mr. McNamara read aloud a letter submitted by Linda McCarthy, President of the Paradise Estates Homeowner's Association. The letter informed the Planning Board that the Paradise Estates Homeowner's Association was not satisfied with the landscaping completed by the developer James Petersen. They requested site visit by the Town to review the areas in question.

\$85,250 - Original Bond amount

\$14,244 - Current Bond being held

Request by Mr. Petersen for release of \$9,444 with \$4,800 to be reset for future Board meeting

Mr. Gowan noted he had the approved/signed plans for the project that showed the landscaping details, but not specific for the 'yard' areas. There is specific vegetation shown in the bio-retention area and along the road

(side slopes). He felt the matter needed to come in front of the Board because there were aspects (from the owners and Mr. Petersen) that weren't reflected in the plan that should be heard, so a determination could be made. Mr. McNamara confirmed with Mr. Gowan that the Board received a letter from Jeff Quirk of Keach Nordstrom (Board's engineering review firm) indicating that the work on the road had been completed. Mr. Gowan answered yes.

Mr. McNamara read aloud a letter from Mr. Quirk of Keach Nordstrom, dated December 16, 2015, noting that he and Pelham's Acting Highway Road Agent Frank Ferreira performed a final inspection of the project (condition of both roads and drainage system) on August 8, 2015 and agreed that both roads were in satisfactory condition and the drainage system was functioning as designed. Mr. Quirk recommended that the full surety amount of \$14,244 currently being held by the Town for the remaining improvements be released. Mr. McNamara noted Mr. Petersen sent in a request (earlier in the day) for a partial reduction of \$9,444 with the remaining amount of \$4,800 to be reset for a future meeting.

#### **PUBLIC INPUT**

Mr. Arthur Oxner, 22 Whispering Oaks Road (within Paradise Estates development) told the Board the situation had a history of approximately 26 months. He explained when looking at the bare lot he asked the builder (Mr. Petersen) about the drainage and was assured there would be no problem. His second question was how the back lot (back of the property/common area where wetlands meet) would be completed. He said he was told anything disturbed would be landscaped. He told the Board there were wood chips up to the wetland. Mr. Oxner stated in October, 2013 the builder started trucking out approximately 1,000 cubic yards of top soil. He said he asked the builder about completing the back of units and was told the plan had changed. He believed it wasn't going to be done because the top soil had value to the builder for other projects. Although Mr. Oxner knew he didn't have standing regarding the common area, told the Board he had taken Mr. Petersen to court. The case was 'kicked back' to the Town and homeowner's association. He believed Mr. Petersen had lied/misrepresented what was going to be done. He noted Mr. Gowan and Paul Gagnon (Conservation Commission Chairman) had both reviewed the site. Mr. Oxner commented that once the builder was paid, if there were any issues he referred them to the subcontractors doing the work. He submitted photographs of the site and specific areas to the Board.

Mr. McNamara felt the Board should consider a site walk. He asked how the Board wanted to handle the bond reduction request; the builder indicated he would accept a partial release and leave \$4,800 in place.

Mr. Passamonte asked Mr. Oxner if he knew the cost to address the areas he spoke of. Mr. Oxner replied he received estimates that varied because of the scope of the work. He felt a fair estimate would be \$5,000 per unit. He was concerned about the erosion around the boulders in the area and believed the back areas would have problems.

Mr. Sherman didn't feel any bond amount should be released until the Board walked the site.

Mr. Jim Petersen, project developer, came forward and told the Board he had gone over and above with the project landscaping and felt the Board would confirm the same during a site walk. He noted there were two houses at the low end of the project with slopes going into the wetlands. The plan was reviewed and the landscaping adjusted to the best way possible due to the slopes. He stated he never removed loam from the project behind Mr. Oxner's house. Mr. Petersen said the only reason they had to redo the property was because there were approximately twenty, 60ft. pine trees removed. The stumps were approximately 10ft. wide; the holes were filled with rocks and covered over with the mulch from the trees. There was a 12ft area behind the home that was loamed, but the area with the pine trees wasn't touched. He believed the neighbor had more of a grievance and agreed that it was difficult because of the steep slope. Mr. Peterson said it was too steep to plant grass, so they put the mulch down to allow for the area to naturally blend in with the existing

wetland setback. The stump grinding were put down three years ago and weren't washing away. He stood behind his work and welcomed a site walk.

Mr. Gowan asked if the Wetland Consecration District ('WCD') stakes still in place. Mr. Petersen replied the WCD signs and stakes were in place the last time he was at the site approximately 6-8 months ago.

Mr. Doherty inquired if any work had been done in the WCD. Mr. Petersen replied no work was done in the WCD, except for a couple trees being cut. The stumps for those trees remained in the WCD because he was informed they couldn't be removed.

Mr. Al Gillis, 23 Whispering Oaks, presented a photographs of the property. Prior to buying he said he was told grass would be planted behind the unit; however, instead of grass, there were wood chips placed down. He noted that the rocks located behind the units were coming down and felt the area was a mess. He wanted the builder to take care of the mess left behind the units.

A site walk was scheduled for January 2, 2016 beginning at 9AM.

Mr. Doherty asked if the Board had permission to enter the property to conduct a site walk.

Ms. Linda McCarthy, 13 Whispering Oaks, President of the Homeowner's Association told the Board they had permission to enter and review the land.

The matter was date specified to the January 21, 2016 meeting.

#### **Map 21 Lot 3-102**

#### **PETERSEN BUILT HOMES – Goldfinch Road – Request for bond reduction**

Mr. McNamara read aloud a letter submitted by Keach Nordstrom (Board's engineering review firm) indicating that Jeff Quirk (of Keach Nordstrom) and Pelham's Acting Highway Road Agent Frank Ferreira conducted a final inspection of Goldfinch Road who shared the opinion that construction of the street was fully complete and satisfactory. Without reservation they recommended that the Selectmen accept Goldfinch as a Class V pubic highway and subject to that acceptance, they recommend the release of the full surety being held by the Town.

For clarification, Mr. Gowan indicated since the road was not yet an accepted public road, it was the Planning Board who would vote to reduce/release the bond. Therefore, he understood the recommendation to be the bond release should be subject to the Selectmen accepting he road.

\$211,854.50 - Original Bond

\$ 25,250.40 - Current Bond being retained

Request for full release as recommended by Keach Nordstrom.

Mr. Sherman saw that the October 21, 2015 letter from Keach Nordstrom to the builder indicated there was one item to be completed. He wanted to know if that item had been taken care of. Mr. Gowan believed the item was road striping, which had been taken care of. He noted the as-built plan had been received.

**MOTION:** (Culbert/Montbleau) To release the full remaining bond amount of \$24,250.40, subject to the Board of Selectmen acceptance of the roadway.

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

## **DISCUSSION**

### **Discussion of roads to be recommended to the Selectmen for acceptance**

The roads for consideration of acceptance were Goldfinch Road and Ballard Road; both were reviewed and deemed completed and satisfactory for acceptance by Jeff Quirk of Keach Nordstrom (Board's engineering review firm) and acting Highway Road Agent Frank Ferreira. It was also recommended by Mr. Quirk and Mr. Ferreira to release the full surety amount being held by the Town for Ballard Road.

Ballard Road:

\$209,000 - Original Bond

\$ 89,857 - Current Bond

Recommendation for full release, subject to Board of Selectmen acceptance.

**MOTION:** (Culbert/Passamonte) To release the full bond of \$89,857 for Ballard Road.

**VOTE:** (7-0-0) The motion carried.  
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**MOTION:** (Culbert/Passamonte) To recommend that the Board of Selectmen accept Goldfinch Road and Ballard Road.

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

### **Presentation and discussion of the draft High School Impact Fee Study / Schedule**

#### **Discussion of Public Hearing Scheduled for proposed Zoning and High School Impact Fee**

Board members were provided with a final draft of the High School Impact Fee Analysis. Mr. Gowan noted if the Board was ready to accept the document, Legal Counsel recommended one public hearing be conducted by the Planning Board prior to going to the Board of Selectmen. Once the Board of Selectmen approve it, the impact fee would be effective. Mr. Gowan commented it was a very in depth study. He said the fee schedule would cover the high school addition and renovation up to approximately \$7 million and would be collected until that figure was reached.

Mr. McDevitt noted that the proposal was different than other proposals because the project was already complete. He questioned if money collected would immediately be used without having a waiting period. Mr. Gowan replied the fee would be a direct reimbursement to the tax payers.

The matter will be included with the public hearing scheduled for January 4, 2016.

### **Presentation and Discussion of proposed draft zoning changes by the Zoning Subcommittee**

Subcommittee members Paul Gagnon, Bob Lamoureux, Mike Gendreau and David Hennessey came forward for the discussion. The Board began by reviewing the amendments to Article XV - Residential Conservation Subdivision by Special Permit; after which they reviewed Article V – I – Mixed-Use Zoning Overlay District amendments. The subcommittee spoke to the proposed amendments. Mr. Gowan provided his comments and noted that the final wording would be reviewed by the Nashua Regional Planning Commission and Town Counsel. He will adjust the language in each article so it may be posted for public hearing.

The first public hearing will be scheduled for January 4, 2016; the second public hearing will be scheduled for January 21, 2016.

**Discussion of Planning Director's early engagement with applicants-** Deferred.

**SITE WALK – January 2, 2016 beginning at 9AM**

Map 16 Lot 13-85 - PETERSEN BUILT HOMES – Paradise Estates

**DATE SPECIFIED CASE(S) – January 21, 2016:**

- 1) PB Case #PL2015-00021 - Map 39 Lot 1-51-1 - SESTON, Carolyn - Sherburne Road & Mammoth Road
- 2) Map 16 Lot 13-85 - PETERSEN BUILT HOMES – Paradise Estates

**MINUTES REVIEW**

**December 7, 2015**

**MOTION:** (Culbert/Montbleau) To approve the meeting minutes for December 7, 2015 as written.

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

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 10:09pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary