

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
April 4, 2016

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, Joseph Passamonte, Tim Doherty, Alternate Paddy Culbert, Alternate Mike Sherman, Alternate Robert Molloy, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Jason Croteau

Mr. Culbert was appointed to vote in Mr. Croteau's absence.

ELECTION OF OFFICERS

MOTION: (Montbleau/Dadak) To retain the 2015 officer slate for the 2016 year with Peter McNamara as Chairman, Roger Montbleau as Vice Chairman and Paul Dadak as Secretary.

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

OLD BUINSESS

PB Case #2015-00016

Map 22 Lot 8-130

52 WINDHAM ROAD, LLC - 52 Windham Road - 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

Mr. David Jordan of MHF Design Consultants and Mr. Brian McGowan the project applicant came forward for discussion. In response to the Zoning Board of Adjustment's decision (Case #ZO2016-00001), Mr. Jordan provided the Board with a new project layout and asked that they have a conceptual discussion regarding such. He displayed the new design and described the proposed building. He discussed access and parking. The commercial building and parking at the front of the lot remained the same as previously submitted. Mr. Jordan noted that they would still provide the changes made to the original plan with regard to the amenities and changes as previously discussed, such as recreation area (in the rear of the lot), walking trail, gazebo, privacy fences, landscape buffer, community garden, etc. With the plan being in the early stage, he asked for the Board's comments/concerns.

Mr. Gowan understood that the entrance for the units closest to the street would be facing the street. He asked where the garages for those units would be located. Mr. Jordan replied their garage would be located under the roof structure with an entrance from the proposed project driveway.

Mr. Sherman referred to opening language in Zoning that read '...development that is traditionally found in neighborhoods within town centers throughout New England'. He asked to be shown a similar development

within New England. He then referenced the Voter's Guide when the MUZD Zoning was being considered which read "...and that the scale and style of proposed buildings is compatible to traditional neighborhoods'. He didn't believe the proposal was compatible to the surrounding neighborhoods. Mr. McNamara stated the Voter's Guide wasn't relevant, it was the Ordinance itself. He understood Mr. Sherman's position and said the test was what the Ordinance suggested. He didn't see anything on the new plan that was disallowed/prohibited by the Ordinance. Mr. Sherman noted the Voter's Guide also called for a 'properly scaled' development. Mr. McNamara replied the guide's wording didn't take precedence over the wording of the Ordinance.

Mr. Dadak questioned emergency response access. Mr. Gowan said the plan had not yet gone to the Fire Department and Highway Safety Committee ('HSC'). He noted that the buildings would need to follow code for sprinkling. Also, he believed because the project would be serviced by Pennichuck it would also have a hydrant. He stated if the Fire Chief was not comfortable with the access, it wouldn't be difficult to install grass pavers around one side of the building. The grass paver area would need to be marked and plowed in the winter months. Mr. McNamara pointed out that the applicant was doing a conceptual presentation. The applicant indicated their willingness to work with the Board.

Mr. Doherty began addressing Mr. Sherman's comments and said he could show where similar buildings were located near town centers, that didn't look as nice as the applicant's proposal. From his perspective, as a member of the sub-committee that worked on the Ordinance, he felt the proposal met Zoning and the design would be one of the most private developments in Town.

Mr. McDevitt said he liked the previous plan better than the new proposal. He pointed out when standing in front of the Historic Society building (former Town Library) the Beaver Brook Common (senior housing) building and other larger structures were visible. In comparison, the proposal was smaller in size to other structures in the surrounding area. Mr. McDevitt liked the idea of the barn in the front of the new proposal because it concealed the rest of the development from the street. He believed the proposal was headed in the right direction and was the best solution. He would like to see a cupola on top of the barn.

Mr. Montbleau shared Mr. McDevitt's opinion. He acknowledged the applicant was working hard to make the project work. From the start, he was concerned with density. He questioned how snow removal would be handled. Mr. Jordan said they hadn't yet gotten to that level of detail, but believed it would be similar to the previous design. Mr. Montbleau was concerned with snow drifts and heavier than usual snow fall. Mr. McNamara felt when the Fire Department reviewed the proposal they may provide additional comments. Mr. Jordan explained the project would include a Homeowner's Association. Associations typically hired contractors for landscaping and snow removal. Mr. Montbleau felt snow may need to be removed from the site during larger winter events. Mr. Gowan commented that the HSC didn't typically address snow removal as it was a challenge for engineers. He saw there were multiple areas on site for possible snow storage. He encouraged the Board to provide the applicant with comments and guidance, such as with landscaping, building detail, color etc. Mr. Montbleau stated if the Board moved forward with the concept, he would like to see a cupola (lit from within) with a weather vane on top of the barn, and have it be a traditional color and look. He felt if the units were reduced to 14, it would give the building a more balanced appearance and provide additional space for pets and/or snow removal.

Mr. Sherman stated he would be more comfortable with 10-11 units, which would create additional open space. He didn't feel the proposal of 15 units was fair to the abutters.

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

Mr. Culbert offered congratulations to the applicant on having a good looking plan. He acknowledged they had worked very hard. He noted the previous plan showed three-bedroom units. The new plan contained two-bedroom units, therefore he could support it.

Mr. Doherty stated he had no problem with the proposed density of the project given the location being in the Town center and the fact that the project will be serviced by Pennichuck Water.

Mr. Jordan appreciated the Board's feedback. Mr. McGowan told the Board their goal was to collaborate as much as possible. He said if they had any additional input they would work to include it on future plans.

The plan was date specified to May 16, 2016 to allow for preliminary engineering review.

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. Peter Zohdi of Herbert Associates came forward to discuss the proposal. He stated the plan had previously been in front of the Board twice, most recently to review the traffic study. Information for a conventional and a conservation subdivision have been submitted and plans depicting each were displayed. He said the applicant preferred to move forward with a conservation subdivision; they would like to know the Board's preference. Mr. Zohdi approached the plans. In both scenarios the access road off Sherburne Road had been moved to the property line, which was the furthest point from the Mammoth Road intersection. He was informed by the applicant that they would like to preserve the existing house for the time being. There is one small wetland area (near Mammoth Road); however, the remainder of the property is high and dry. Mr. Zohdi noted the conventional plan would require waivers for well radiuses and 15K,SF area.

Mr. McNamara questioned the distance of the proposed access road (on Sherburne Road) to the Mammoth Road intersection. Mr. Zohdi believed the distance to be approximately 610ft.

In hearing the information from traffic study at the last meeting, Mr. McDevitt said he was struck by the fact that it was at great variance from what his own observation had been, which were somewhat anecdotal. He then went to the site with Mr. Gowan and reviewed the traffic during two nights. He referenced Steve Keach's letter of March 1, 2016 that indicated based on queue lengths derived from data presented, it would be reasonable to expect east bound vehicle queues would not extend beyond the currently proposed subdivision road location at the present time. He took a moment to review his observations, which he noted were quite the opposite of the expert opinion. He said there was no dispute that the Sherburne and Mammoth intersection was a failed intersection. There was also no dispute about the amount of traffic generated by the subdivision, whether it's a conventional or conservation development. Mr. McDevitt felt if they reviewed more nights at the intersection they would find that the vehicle queue on a typical night was larger than what was perceived in the traffic impact study.

Mr. McNamara questioned the feasibility of having a through road, as discussed at the previous meeting. Mr. Zohdi replied they felt having a cul-de-sac would be the best use in the area.

Mr. Doherty pointed out there was a park on the south side of the Sherburne/Mammoth intersection. The development will potentially have families with children that may walk or ride bicycles to the park and would have to traverse the traffic. He believed a lot of the traffic was from Massachusetts vehicles coming into New Hampshire. He was concerned about putting families in harm's way.

Mr. McNamara asked Steve Keach of Keach Nordstrom to comment on the information. Mr. Keach believed the Board had a good handle on what the project was. He received a copy of the letter from Mike Gospodarek of Herbert Associates that came earlier in the day. The information provided was exactly what he was looking for. He said the question on the table was in regard to the baseline density for a conservation subdivision. He spoke about drainage and storm water areas and felt the development could work with the nine lot calculation

of a base-line density. Mr. Keach noted in order for the yield plan to have the nine lots, the Board would have to grant two waivers: 1) 15K,SF areas to be other than 100Fx150ft. and 2) 75ft. protective well radius.

Mr. Doherty said prior to the submission of the plan referenced by Mr. Keach, he didn't have a concern about the storm water, but after looking at the plan and noticing where the areas of water concentration may be, he was concerned with possible septic failures. Mr. Keach replied because of State and local requirements the designer was required to show a 4K,SF area suitable for on-site sewage disposal and appropriate soil conditions. He explained as a practical matter, other than the well radii, those things could be slid around.

Mr. McNamara opened discussion for public input. No one came forward. He then asked the Board to discuss and consider what direction to provide the applicant. Mr. Gowan asked for clarification about the number of lots being requested. Mr. Zohdi replied they were requesting ten lots. Mr. McNamara understood that the Board would only consider which type of development, either conservation or conventional. Mr. Culbert suggested a motion to give the applicant direction to move forward with a conservation subdivision. Mr. Doherty stated that the Board was not presented with any information by the applicant to be able to make a decision about bonus density. Mr. McNamara agreed. He said the Board would only be giving the application direction as to the type of development, not density of such.

Mr. Passamonte questioned if the existing house lot would be incorporated into the subdivision or if it would be subdivided off and sold separately. Mr. Gowan stated the existing lot would be part of the density calculation. Mr. Keach said both the yield plan and the conceptual plan of the conservation subdivision treat the existing lot as part of the units to calculate density. He noted it appeared to be an integral part of the development, not a separate parcel.

Mr. Gowan believed the Board needed a consensus for which direction to advise the applicant.

Given the wetland in the area, Mr. Sherman stated he would be more comfortable if there was a drainage plan for the conservation subdivision that was similar to that of the conventional subdivision. Mr. Zohdi replied if they went forward with a conservation development they would develop a full drainage plan to be submitted to the Town and the State.

Mr. Montbleau referred back to Mr. McDevitt's observations about traffic and asked for clarification about his conclusion. Mr. McDevitt replied he might not be part of the consensus so he could give the proposal further thought. At this point, he was unsure if it was premature development. He questioned why it was not a good idea to have an entrance onto Mammoth Road as opposed to Sherburne Road. Mr. Zohdi explained an entrance onto Mammoth Road would require a wetland crossing and close proximity to the challenged intersection of Marsh Road / Mammoth Road. Mr. McDevitt asked that the Highway Safety Committee provide an opinion on the current proposal (onto Sherburne Road). He would also like their opinion for having an exit onto Mammoth Road. He was not in favor of a through road. He was concerned about safety. Mr. Gowan will bring the question to the committee, although he didn't feel the State would approve an exit onto Mammoth Road.

For the record, Mr. Doherty stated he would like to see the access road exit to Mammoth Road. He referenced the topography of the proposed plan and called attention to the open space lot on the corner of Sherburne / Mammoth Roads where he believed water would flow as it was downhill from the development. Although he felt water would be handled better in a conservation development, his concern was about granting a bonus lot, as he didn't see anything in the presented information that would get the applicant to be allowed for bonus density. Mr. Keach believed Mr. Doherty was correct about the location of where the storm water area would be located within a conservation development.

There was a consensus of the Board to give general direction for the plan to be developed as a conservation subdivision. Mr. McDevitt said that direction was subject to Mr. Gowan reviewing with the State if a road

onto Mammoth Road was possible and obtaining the opinion of the Highway Safety Committee regarding the present road onto Sherburne Road. Mr. Gowan suggested Mr. Zohdi wait for the State's opinion before showing a road onto Mammoth Road.

If the applicant is going to seek a bonus lot, Mr. Doherty asked Mr. Zohdi to provide specific information to the Board for such.

The plan was date specified to May 2, 2016.

NEW BUSINESS

PB Case #PL2016-00004

Map 4 Lot 9-144-19

PIERCE, Carolyn - 10 William Drive - Site Plan Review to operate a dog grooming business in the garage.

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. Pierce explained she was seeking to operate a dog grooming business from her existing two-car garage (600SF area). The structure will not change. She will be the only employee. She didn't intend on grooming more than a few dogs per week, therefore traffic and her neighbors wouldn't be impacted. Given that her driveway is approximately 130ft in length, there won't be any street parking. Ms. Pierce told the Board she had her septic tested; there were no problems found. She didn't feel that the business would affect the septic given that no chemicals would go into it.

Mr. Gowan told the Board that the applicant was granted a General Home Occupation from the Zoning Board (Case #ZO2016-00003). That type of approval requires applicants to meet with the Planning Board to explain their business. He noted there was no change to the lot that would necessitate a site plan. The applicant's lot contained approximately 1.5 acres.

Mr. Gowan questioned how many dogs would be groomed each day. Ms. Pierce replied she would be fortunate to groom 2-3 each day. Mr. McNamara asked if anyone would be employed, other than the applicant. Ms. Pierce answered no; she would be the only employee. Mr. McNamara wanted to know the hours of operation. Ms. Pierce replied she would have daytime hours.

Mr. Montbleau asked if there would be any signage or lighting. Ms. Pierce understood there was a limit to the signage and intended to have a small sign near her mailbox and possibly something up near/on her garage. Mr. Gowan added the business was allowed to have a 3SF sign. Mr. Montbleau inquired what days/hours the business would operate. Ms. Pierce after some thought believed the business would operate Monday thru Saturday from 8am to 7pm.

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

Mr. Montbleau questioned the type of noise that would be generated. Ms. Pierce said her business would be all indoors and she wasn't intending to provide boarding.

MOTION: (Montbleau/Culbert) To approve the Site Plan review.

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

PB Case #PL2016-00005

Map 8 Lot 9-85

MENDES, David - Hayden Road - Proposed 7-lot Subdivision.

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. Peter Zohdi of Herbert Associates came forward to discuss the proposed subdivision. He stated each of the lots would have frontage onto Hayden Road; there was no new road being proposed. The back of the lots contained a flood zone. Soils were reviewed and wetland flagged by Jim Gove of Gove Environmental. Mr. Zohdi said each lot was in compliance; however, they would be requesting a couple waivers for well radius and buildable area of 100ftx150ft. He noted they would be preserving the stone walls, except for driveway cuts.

Mr. Culbert asked if the plan was ready to be accepted for consideration. Mr. Gowan answered yes.

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

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

Mr. McNamara understood that Keach Nordstrom had not yet reviewed the plan.

Mr. Gowan pointed out that there was a stone wall bisecting lot 9-85-3, which would be challenging to preserve. Mr. Zohdi replied he was on-site with the applicant and spoke about possibly using the stones along the walls on Hayden and Simpson Roads that needed repair.

Mr. Zohdi told the Board the development was designed to minimize the number of waivers requested. He reviewed the plan and discussed the fact that three of the lots would be better served by having the wells located in the rear and the septic in the front.

Mr. McNamara suggested having Keach Nordstrom providing a limited plan review.

Mr. Doherty noticed the catch basins were located under the road and assumed the water would go into the property. Mr. Zohdi answered yes. Mr. Doherty agreed with a limited review, and asked that Keach Nordstrom review the catch basins. Mr. Zohdi noted the only catch basin that released water to the site that created a wetland was on lot 9-85-6. Mr. Doherty felt it would be a good idea to grant a waiver to swap the well and septic areas on the lots noted on the plan.

The Board addressed the submitted waiver requests as follows:

MOTION: (Culbert/Dadak) To accept for consideration, the waiver to Section 11.04,C,1 – Building envelopes required to be 100ft.X 150ft. , with lots 9-85, 9-85-1and 9-85-6 not conforming.

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

MOTION: (Culbert/Dadak) To accept for consideration, the waiver to Section 11.11,B,2 – Well radius for lots 9-85-4 and 9-85-5 to be within the side building setback.

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

Mr. McNamara commented that the Board could act on those waivers, subject to limited review by Keach Nordstrom.

Mr. McDevitt spoke

The plan was date specified to the April 18, 2016 meeting.

ADMINISTRATIVE

Map 41 Lot 3-81

PETERSON, Robert - Maglio Village - Tanager Circle and Oriole Circle - Discussion of Waiver for the new High School Impact Fee.

Mr. McNamara stated the Board received legal opinion from Town Counsel in regard to Impact Fees/Waivers and the creation of a checklist. Mr. Gowan noted during the Board's previous meeting they essentially used a verbal check list to ensure the projects were approved, recorded, had a bond in place etc. He stated both of Mr. Peterson's projects being considered exceeded the threshold established by the Board for active and substantial development.

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

Mr. Gowan clarified that the Maglio project was a senior development and stood on its own review prong.

MOTION: (Montbleau/Culbert) To approve the waiver for the new High School Impact Fee in connection with Maglio Village – Tanager Circle and Oriole Circle.

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

Map 28 Lot 2-7-1

PETERSON, Robert - Coles Villages - Savannah Drive - Discussion of Waiver for the new High School Impact Fee

(See Board comments above)

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

MOTION: (Montbleau/Dadak) To approve the waiver for the new High School Impact Fee in connection with Coles Villages – Savannah Drive.

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

DATE SPECIFIED PLAN(S)

May 2, 2016:

PB Case #PL2015-00021 - Map 39 Lot 1-51-1 - SESTON, Carolyn-Sherburne Road & Mammoth Road

May 16, 2016:

PB Case #2015-00016 - Map 22 Lot 8-130 - 52 WINDHAM ROAD, LLC - 52 Windham Road

April 18, 2016:

PB Case #PL2016-00005 - Map 8 Lot 9-85 - MENDES, David - Hayden Road

MINUTES REVIEW

MOTION: (McDevitt/Dadak) To approve the March 21, 2016 meeting minutes as amended.

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 8:50pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary