

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD MEETING**  
**May 2, 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, Tim Doherty, Jason Croteau, Alternate Paddy Culbert, Alternate Mike Sherman, Alternate Robert Molloy, Alternate Richard Olsen, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

**ABSENT:** Joseph Passamonte

Mr. Culbert was appointed to vote in Mr. Passamonte's absence during the first Case.  
Mr. Sherman was appointed to vote in Mr. Passamonte's absence during the second Case.

**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. Culbert was appointed to vote in Mr. Passamonte's absence.

Mr. Peter Zohdi of Herbert Associates, representing the applicant, came forward to discuss the proposal and request for a density bonus of 12% (1 lot).

Mr. McNamara read aloud a narrative to support the request to develop a residential conservation subdivision. He then read aloud a letter submitted by the Highway Safety Committee dated April 11, 2016 who reached unanimous consensus to recommend the plan option depicting the cul-de-sac road intersection Sherburne Road at the far western end of the subject property.

Mr. Zohdi told the Board since the last meeting he had a discussion with Mr. Gowan regarding a proposed trail that would be created to connect to Town conservation land. He showed where the trail would be located and the areas of land (totaling approximately 5 acres) that would be deeded to the Town.

With open space being deeded to the Town, Mr. Doherty questioned where the bio-retention / infiltration areas would be located and if the Town would be made responsible for such. Mr. Zohdi replied the Town was usually responsible for maintaining retention/drainage whether it was located in open space or through an easement within a subdivision.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to speak to the proposal and his comments contained in the memo dated March 1, 2016, which mainly dealt with a yield plan. He noted most of the lots closest to Sherburne Road were at or about the minimum lot size, he wanted the project design engineer to conceptually explain the approach to drainage. Mr. Keach felt the letter report that explained the approach was solid and the designs would work. The areas that would need to be dedicated, or encumbered by easement were clear that each of the lots would work. In terms of the conservation

subdivision, he believed the approach would be to use a corner of the open space between the existing house and the easterly lines of the lots fronting on the easterly side of the proposed road for bio-retention and detention (qualitative and quantitative storm water treatment). He said he went on record at the last hearing by indicating his belief that the requested 9-lot yield plan was valid and the applicant had provided a briefing for the request of a tenth lot based on the open space being dedicated to the Town. Mr. Keach said he had a conversation with Mr. Gowan in preparation for the meeting and felt it would be appropriate for him or Paul Gagnon (Conservation Chairman) to speak regarding the open space and the link to Town land. It was his understanding that the location of open space was considered strategic from the Town's perspective to set up a link to conservation land.

Mr. Doherty questioned if the open space remained in the development and maintained by the Homeowner's Association it would mean that the retention areas would also be maintained by the association, unlike a conventional subdivision. He noted per the ordinance, a conservation subdivision couldn't cost more to the Town than a conventional subdivision. Mr. Keach replied in cases where the roads were intended to be Class V public roads, they required the dedication of an easement over storm water easements. The anticipation was for the municipality to watch over them as part of the public infrastructure. He noted it hadn't been disclosed whether the road would be public. He added there wasn't a lot of maintenance to retention areas if they were built properly.

Conservation Chairman Paul Gagnon came forward to offer comments. A few years ago Ms. Seston (a family member to the Merriam-Cutter conservation parcel) spoke to him about possibly buying the parcel; however, he didn't feel it would be the right use for the conservation funds since it didn't connect Town parcels, and wasn't of significant size. Using the displayed plan, Mr. Gagnon showed the Board the connecting properties the Conservation Commission saved its money for. He believed the proposed spur trail coming out from the development would be good, but suspected it would be used more by the residents of the subdivision to gain access to the Town's property.

Mr. McDevitt discussed the land donation offer. He believed in the past the surrounding land to a conservation subdivision was owned by the homeowner's association. He believed if the road was public there would be members of the public that would use the road to park their car and walk across the path to gain access to the land. He anticipated that residents would be uncomfortable with that situation. He didn't see the compelling reason for the land to be in public ownership, versus leaving it with the Homeowner's Association.

Mr. McNamara questioned if it was the developer's intention to make the road public. Mr. Zohdi couldn't recall a private road in a development, other than within an elderly development or condominium. Mr. Gowan knew of a development on the south side of Pelham Veteran's Memorial Park that had a private road because the access to the development was through Dracut, MA. He said the Board corrected Zoning to allow for a private road within a development. Mr. Doherty pointed out that the project fell under the old Zoning and because of which they couldn't have a private road.

Mr. Gowan mentioned that the cul-de-sac island had to either be open space or asphalt. He said the Town didn't maintain cul-de-sac islands on Town roads. Mr. Zohdi replied he would work with Mr. Gowan and Mr. Keach to determine how if it needed to be part of the open space.

Mr. Gagnon told the Board that the proposed trail was valuable, whether or not the road was public or private.

Mr. Gowan inquired if the existing home would remain or be torn down. Mr. Zohdi replied they would like to keep the house as it was. He invited the Town's inspectors to review the house to determine if it was structurally sound. He said if it wasn't, they were unsure what could be done. Mr. Gowan felt that would be a reasonable approach and not difficult to arrange.

Mr. Doherty discussed the cul-de-sac. Mr. Gowan explained open space could be the center of a Town road. He said it would have to be arranged that way in terms of approval. Mr. Doherty commented if the Town owned the open space, they would then own the center of the cul-de-sac and have to maintain the area. Mr. Culbert questioned if the center could be paved. Mr. Zohdi answered yes. He said he would meet with Mr. Gowan to discuss what was preferred.

Mr. Sherman asked that the Town's inspectors review the home sooner rather than later since it was one of the older homes in Town. Mr. McNamara said they could ask that the meeting be expedited. Mr. Gowan will expedite the process.

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

Mr. Doherty reviewed a portion of Section 307:103(E)-Standards of Approval, which indicates streets should not be impacted more than what would occur in a conventional subdivision. By asking for the extra lot, he wanted to hear how the intersection wouldn't be impacted more. Mr. Zohdi replied the traffic engineer spoke to the Board about the fact that a subdivision with either 9 or 10 lots would not impact the intersection (Sherburne – Mammoth). Mr. McDevitt stated although he took exception to things the traffic engineer spoke of, he also didn't feel there would be a difference between 9-10 lots. Mr. McNamara asked Mr. Keach to comment. Mr. Keach came forward and told the Board he would rely on the traffic engineer's study because it contemplated the number of lots requested by the applicant. He said the larger question was if the development would be a conventional or conservation subdivision. He felt it was important to recognize the benefit of the proposed road being located as far west on the property. He noted having larger lots with more frontage would push the development's intersection toward Mammoth Road. From a traffic standpoint Mr. Keach said it didn't matter whether there were 9 or 10 lots.

Mr. Sherman stated the last time the applicant was in front of the Board he asked Mr. Zohdi to present the conventional subdivision with the road in the same location as shown on the conservation plan. He noted that had been done which shows that the type of subdivision has no bearing on the road location.

Mr. McNamara asked for a consensus of the Board that it wouldn't make a difference if the development contained 9 or 10 lots. There was no objection; therefore, he told the applicant they had unanimous consensus.

Mr. Dadak saw a comment in Mr. Keach's memo regarding a possible incremental improvement of the intersection. Mr. Keach understood improvement would need to go through the DOT. With regard to the Sherburne/Mammoth intersection, Mr. Gowan told the Board he was working directly with the State and the Nashua Regional Planning Commission. The next step the Town would be undertaking was to utilize some portion of the funds collected through exactions to do an alternative analysis of whether a signalized intersection or a round-a-bout would be most effective. He would be uncomfortable with the Board contemplating a separate solution. Mr. Gowan said if the applicant was interested in contributing more than typically has been, he hoped the Board would be open to such.

Mr. Doherty questioned if there was anything within the development for the Board to require a Homeowner's Association. Mr. Keach suggested the question of a Homeowner's Association may be better reserved for discussion should the Board vote to grant a permit for conservation subdivision. He said if there was no common infrastructure that needed to be maintained, he couldn't imagine the need for such.

Mr. Gowan commented the applicant may be willing to give land to the Town, but there was a process with the Selectmen for that to be realized. Mr. McDevitt spoke of the land deeded to the Town in the past and pointed out that the way the proposed land was 'carved' it might be better if the owners lived close to it. He was concerned with trails going in between people's houses, which gave the opportunity for friction and misunderstanding. He said if the proposal came to the Selectmen he would argue that it not be accepted unless there was compelling information brought forward. Mr. McNamara said it was something that would be

discussed later in the process. Mr. Doherty pointed out that the bonus density was hanging on whether the space would be open to the public whether dedicated to the Town or through the Homeowner's Association. Mr. Keach replied if it wasn't going to be owned by the public, he would recommend a public easement go over the corridor of the trails. Mr. McDevitt reviewed the minimum open space requirements. He said the land would be protected and didn't believe the question of 'public' or 'private' would impact the yield plan. Mr. Doherty spoke about the bonus density and said the applicant had to provide a reason why they would be granted a bonus lot. He said having the space open to the public would be a reason to grant the bonus. Mr. Keach pointed out that the Conservation Commission didn't value ownership as much as they valued the function of the land. He said the Board had make a decision if dedicating the right-of-way for the trail and dedicating it was sufficient to warrant the requested density offset.

Mr. McNamara questioned if the Board could approve the Special Permit without ruling on the density. Mr. Gowan believed it needed to be one and the same. The applicant needed to know how many lots they were planning for the drainage and septic.

Mr. Doherty noted under Standards of Approval it indicates either protecting existing trail systems or establish new. The language regarding being open to the public was contained in density offsets. Mr. Zohdi understood they would include a public easement.

Mr. Sherman commented he would be willing to allow the bonus lot if the applicant saved the house. Mr. Gowan noted the façade of the house could be saved even if the 'bones' of the house weren't solid. Mr. Zohdi reiterated his proposal to review the house with Mr. Keach, Mr. Gowan and the Building Inspector.

With regard to the trails, Mr. Zohdi said if the Selectmen didn't want to take ownership of the open space, they would include a common easement. Mr. McDevitt didn't believe the Selectmen had to vote on an easement because it wouldn't impose an obligation on the Town.

**MOTION:** (Culbert/Doherty) To approve the yield plan for ten lots.

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

The case was date specified to June 6, 2016.

## **NEW BUSINESS**

PB Case #PL2016-00006

Map 23 Lots 8-18-1 & 8-18

MADDEN, PV LIMITED PARTNERSHIP & PELHAM CONSERVATION COMMISSION –  
240 Main Street - Proposed Lot Line Adjustment

Mr. Sherman was appointed to vote in Mr. Passamonte's absence.

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

Conservation Commission Chairman Paul Gagnon came forward to discuss the proposal. He began by describing the Commission's proposal to acquire the golf course and reviewing a map of the Town to show its location and future benefit to the Town. The golf course is made up of two parcels: the first, which will remain in the ownership of Pine Valley Golf Links, contains 2.3 acres (Zoned Commercial) and houses the club house and parking lot; the second contains 71 acres (Zoned Residential), the land itself is appraised at \$760,000, the improvements (tee boxes, greens, stone markers etc.) are appraised at \$350,000. Mr. Gagnon

explained that the proposal was to spend \$750,000 of Conservation funds from the bond to purchase the land. The land would be rented back to the owner of the golf course for a minimum of ten years during which time the tax burden would be reduced by \$25,000 per year. He noted after the ten year period the Town could review its options.

Mr. Gagnon noted the owner's house lot cut through part of the first tee and fairway. He said it didn't make sense for the Town to own the golf course and have the prior owner own a portion of that land; therefore he proposed a lot line adjustment. He described the existing line and where it would be relocated.

Mr. Culbert asked if the adjustment would affect the road frontage. Mr. Gagnon replied the current frontage was 40.47ft and stated it would not change.

Mr. Gowan stated the Board didn't have the authority to create a non-conforming lot. The Town, being exempt from Zoning, resolved any issues. The adjustment would not make the lot 'more' non-conforming.

M. Gagnon spoke to the value of the open space given that it was an open field area. He discussed the wildlife and wetland areas contained on the parcel.

Mr. Montbleau questioned if the owner would be willing to donate a 'Senior' golf day during the Town's Old Home Day to reinforce Town Center activity. He said it could also be used as a fund raiser. Mr. Gagnon thought it was an excellent idea and would pass along the owner's phone number.

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

Mr. Sherman recalled there was a citizen warrant article to review the elderly exemption and questioned how the purchase would be promoted. He had seniors approach him about their exemption being taken away and now the Town was allowing a business to wipe out \$25,000/yr. for ten years to help the deal make it through. Mr. McDevitt replied the number of seniors eligible for reduced taxes was always a very small group. He said the thing that helped the warrant article pass for the acquisition of open space was that the Town was being hounded by higher and higher school taxes. The passage of the article was to contain the demands of the school system. He said he could argue that while some seniors would say the proposal would cost them money; however, not acting would cost them more money if homes were built there. Mr. McDevitt said a committee was forming to review new senior tax abatements for 'needy' seniors. He didn't feel the proposal would materially affect taxpayers. Mr. McNamara agreed. He felt the benefits clearly outweighed any potential negative effects. He felt the proposed was a great deal for the Town.

Mr. Doherty believed the parcel was located on top of the start of the aquifer. He understood the soil conditions were excellent for development. He commended the Conservation Commission for getting the land off the market. Mr. Gagnon commented that the approved senior project for the parcel, which never came to fruition had drilled well that he heard were sufficient to provide water to the whole Route 38 corridor. He said if the Town ever had to provide water to the businesses along Route 38, they would have the potential to do so and have Pennichuck Water run it.

**MOTION:** (Sherman/Croteau) Recommend to the Board of Selectmen that the purchase of the golf course occur.

**VOTE:** (6-0-1) The motion carried. Mr. McDevitt abstained.

**MOTION:** (Montbleau/Dadak) To approve the lot line adjustment as presented.

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

**DATE SPECIFIED CASE(S) – June 6, 2016**

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

**MINUTES REVIEW**

**MOTION:** (Montbleau/Sherman) To approve the April 18, 2016 meeting minutes as written.

**VOTE:** (5-0-2) The motion carried. Mr. Croteau and Mr. Dadak abstained.

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 8:35pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary