

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
August 15, 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, Joseph Passamonte, Alternate Paddy Culbert, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Jason Croteau, Alternate Mike Sherman, Alternate Richard Olsen, Alternate Robert Molloy

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

OLD BUSINESS

PB Case #PL2015-00016

Map 22 Lot 8-130

52 WINDHAM ROAD - 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, Mr. Barry Ganek, project architect and Mr. Brian McGowan the project applicant came forward to review the Special Use Permit and discuss the site plan. Mr. Jordan told the Board they had created a new layout for the development, which included a 16-unit building (garden style); each unit would have two-bedrooms and lower level garage parking. Similar to the previous plan, there would be a 1500SF commercial building. He summarized the previous plan, which was determined not to comply with the MUZD district. He then posted the proposed plan and pointed out the new design had a reduction of building and pavement coverage which allowed for more active/passive recreation space. They will include the same types of amenities included in the previous plan, such as walking trails and a dog park area plus other site amenities. Storm water management will be similar to the previous plan. Mr. Jordan stated the intention of the meeting was to provide the Board with the first look at the plan. They will proceed with site engineering and present fully engineered plans to the Board's consultant. He would like feedback prior to engaging full engineering.

Mr. Ganek spoke to the building architecture and how it fit into the Town's zoning. In regard to imagery and keeping with New England design aesthetic, the proposal will have the appearance of a farm house and barn behind it. Images of the building proposal were provided to the Board. The idea was to present as much of the barn concept as possible. Mr. Ganek said they worked to comply with all the requirements of the MUZD district. Mr. McNamara asked for the height of the residential building. Mr. Ganek replied it will be 40ft. in height.

Mr. Gowan commented he would like the Highway Safety Committee to review the plan for any open items. Mr. Jordan understood one of the next steps would be to receive their input. Mr. Gowan questioned if bedrooms would be located in the upper story. Mr. Jordan answered yes and noted he building would be fully sprinkled.

Mr. Montbleau reviewed the proposal and wanted additional information regarding the parking. Mr. Jordan explained that the parking would be underneath the residential building and additional parking would be to the north and south of the building. Mr. Montbleau questioned how many units would have decks. Mr. McGowan believed each of the units would have either a walk out deck (at grade) or a recessed (pocket) deck. They were avoiding having projections from the building that would detract from the 'barn' aesthetic. The exact measurements haven't been determined at this time.

In reviewing the submitted plans, Mr. McDevitt felt a bit better than he did with previous plans; however, he felt they were still 'off base' from what they told people would be done in the MUZD. He believed the proposal was the best they could get at this time. Mr. McDevitt didn't like the overall size of the building, but appreciated the smaller footprint on the land. He wished they could pull the development further away from the abutters.

Mr. Doherty questioned if a comparison had been done between the plans for the amount of impervious surfaces. Mr. Jordan said they hadn't done that exercise, but would have the information next time they met with the Board.

PUBLIC INPUT

Mr. Frank Kirkpatrick, 7 Mosey Lane noted that the 'prohibited uses' in MUZD speaks to no multiple detached dwelling structures and the proposal shows two structures. Mr. Gowan noted that the business is not a dwelling structure. Mr. Kirkpatrick recalled that the spirit of the plan was not to grow the residential portion by having apartments and condominiums. He believed the spirit was to incorporate small businesses into housing. He wanted to know if the landscape buffers and fence would still be mandatory in the new proposal. Mr. McNamara believed all the things spoken about previously were still 'in play'. Mr. Jordan stated that was correct.

Mr. Doherty pointed out that the development was in the residential district. The MUZD didn't change the district. He felt the proposal was appropriate for the area.

Mr. Dadak understood the dark colored portion of the plan was wooded. He questioned if the lighter areas would have additional landscaping. Mr. Jordan pointed out the area that had an existing fence and the area they would add fencing to extend to Windham Road (toward the American Legion). They also proposed plantings in the same area.

Mr. Culbert commended the applicants for being flexible with their proposals.

Mr. McNamara told the applicant that the majority of the Board felt they were going in the right direction with the plan. He asked if they needed any additional direction. Mr. McGowan replied they would move forward to engineer the site working with Mr. Gowan, the Board's Engineer and the Fire Department. He wanted to know if the Board had any additional direction. Mr. Montbleau agreed with Mr. McDevitt that the proposal was a better use of the footprint of the property. He had seen a similar building set up and parking configuration in a resort community that worked well. He said with the right buffering (trees/shrubs) the proposal could work.

The plan was date specified to the October 17, 2016 meeting.

PB Case #PL2016-00010

Map 22 Lot 8-31

BEAUREGARD, Timothy - 91 Main Street - Proposed Site Plan Review for Construction Equipment Sales (Variance granted June 13, 2016 – Zoning Board Case #ZO2016-00012)

Timothy Beauregard and Chad Beauregard came forward to discuss the proposed site plan.

Mr. McNamara stated since the last hearing the Board conducted a site walk. He believed they were left with the understanding that the Fire Department would inspect the building for the Certificate of Occupancy. He recalled Mr. Culbert suggesting there be a limit in the number of items stored. Mr. Gowan encouraged the Board to determine reasonable conditions in the event of a code violation situation. Mr. T. Beauregard told the Board they were limited in the area they could have equipment. He gave the Board a colored plan showed the display areas and the areas that would remain open space. There was a discussion regarding what stipulation could be added to limit the equipment on the parcel. Mr. Gowan suggested the following: *Twenty-five pieces of equipment that could be driven or towed*. He said everything else would be considered 'tools'. He felt stipulating the number of pieces in conjunction with specifying a percentage of the parcel that could be used may satisfy the Board. There was a consensus that equipment would be limited to the area shown as the two gray shaded 'display' areas. The Board was not concerned with the rear portion of the parcel (colored in yellow) since it was screened/buffered from view. They were also not concerned with the display space within the building structure.

Mr. McDevitt believed the lot itself was self-limiting in regard to the number and type of equipment that could be displayed. He felt there should be a stipulation that indicates the items for sale are new or used construction equipment, which could include excavators, bulldozers, road raiders, front end loaders, construction trailers and the like; there should be no junk (i.e. unusable vehicles, vehicles sold a part at a time, vehicles not for sale remaining more than 30 days). He would like the Board to impose a restriction of vehicles with any approval. The applicant was in agreement with the stipulation.

Mr. Gowan will work with the applicant to demark the area in field so it didn't expand in the future. The applicant agreed.

Mr. McNamara opened discussion to public input. No one came forward. He noted any motion to approve would be conditioned upon Fire Department inspection of the suitability of the rental apartment and access to the building for the business. Mr. Gowan clarified that the business would not be selling cars and/or trucks (not commonly related to construction).

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

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

NEW BUSINESS

PB Case #2016-00015

Map 22 Lot 8-143

TOWN OF PELHAM c/o Town Administrator Brian McCarthy – 8 Nashua Road - Senior Center Parking Lot Expansion

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. McNamara pointed out that the Board received a letter from Keach Nordstrom (Board's engineering review firm) indicating that the proposal would be a substantial improvement over present condition. The size of the parking spaces will increase, the number of parking spaces will double and the site access will be improved. It was understood that the discussion/presentation was non-binding and more of an opportunity for public input.

Town Administrator Brian McCarthy came forward to speak to the proposal. He said in addition to the improvements noted by Mr. McNamara, the drainage would also be significantly improved.

Mr. McNamara questioned if the lack of additional lighting would pose a problem. Mr. McCarthy replied they were considering installing lighting in the rear that could be illuminated when the facility was being utilized. Mr. McDevitt asked for comment regarding the buffering to abutting properties. Mr. McCarthy stated their goal was to leave as much of the woods as possible to maintain a strong buffer. He said the project wouldn't impact their view. They would leave as many trees in place as possible. Mr. Steve Keach (of Keach Nordstrom) pointed out that the plan indicated the limits of clearing.

PUBLIC INPUT

Mr. Peter Taylor told the Board his property abutted the Senior Center property and he had no objection to the proposal. He said the Senior Center was a great neighbor and needed additional parking.

The Board thanked Mr. McCarthy and Mr. Keach for reviewing the proposal.

PB Case #2016-00016

Map 15 Lot 8-212

TOWN OF PELHAM c/o Town Administrator Brian McCarthy -31 Newcomb Field Parkway –Transfer Station – Site Plan review of proposed 25ftx50ft building, concrete pad for trailer and site improvements

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.

Town Administrator Brian McCarthy and Transfer Station Director Stan Walczak came forward to review the site plan for the Transfer Station project. Mr. McCarthy stated that the proposal would add another layer of efficiency that would translate into cost savings for the citizens. Mr. Walczak highlighted the site plan map to show the area they would be working in. He explained they would be improving the site by adding a 25ftx50ft building that would house a compactor. They were also adding a 12ftx60ft concrete pad for the trailer that would house compacted material. He noted they had experienced issues with water drainage, therefore they would slope the area for a natural flow into a culvert pipe and drainage swale (that would be improved). The project includes hydro-seeding the swale area.

Mr. McNamara noted the reason the CIP was enthusiastic about the project because it would offer substantial cost savings. Mr. Walczak replied they would have a savings of \$54,000 based upon having the new facility. The payback of the project will be realized in approximately 4.5 years.

Mr. McNamara opened the discussion to public input. No one came forward. He felt the benefits of the project spoke for itself with the cost savings. He thanked Mr. McCarthy and Mr. Walczak for presenting the project to the Board.

PB Case#PL2016-00012

Map 28 Lot 7-139

NESKEY, Annie, George & Kathleen - Willow Street - Proposed 2-Lot Subdivision with lot line adjustment.

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. Shayne Gendron of Herbert Associates, representing the applicants, came forward to discuss the proposed subdivision and lot line adjustment. He provided the Board with a revised plan showing the 'actual' frontage. He also provided the Board with a copy of the tax card of the property. He discussed the history of the property. Mr. Gendron explained the applicants would like to subdivide the property into two lots of record; one lot would keep the existing structures the remainder of the lot would contain approximately four acres (and an existing man-made pond). The soils were flagged by Gove Environmental and found to be sufficient.

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

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

Mr. McNamara questioned if the existing buildings would remain on the lot. Mr. Gendron replied nothing was proposed to change. Mr. Gowan noted if the Board approved the plan, he would need a plan showing the new configuration and the entire lot.

Mr. Doherty asked for clarification of where the new lot line would be located. He wanted to ensure both lots would be conforming lots. Mr. Gendron discussed the proposal and highlighted the two lots; both of which will be conforming lots.

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

MOTION: (Montbleau/Culbert) To approve the lot line adjustment and subdivision plan.

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

PB Case #2016-00013

Map 23 Lot 8-17

GIRL SCOUTS OF EASTERN MASSACHUSETTS, c/o Barbara Fournier - 702 Bridge Street - Seeking Special Permit to improve an existing wetlands crossing by installing two retaining walls and guardrail along an existing gravel path.

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. Jennifer Johnson of Nitsch Engineering, representing the applicant, came forward to discuss the special permit request.

Mr. McNamara read aloud a letter submitted to the Board from the Conservation Commission dated July 29, 2016. The letter explained that the current driveway crossing (gravel drive 16ft wide) has been compromised and is a public safety issue. The edges have begun to soften and give way at the stream crossing. The proposed upgrades include increasing the width of the driveway, replacing the current culvert with a 6ft. wide by 4ft. deep arched culvert. There will be 70SF of permanent wetland impacts and 1300SF of temporary wetlands associated with the project. Retaining walls will minimize wetland impacts by negating the need for stabilizing the road with slopes. The Conservation Commission agreed that the proposed changes were necessary and voted five in favor of the project as presented.

Ms. Johnson discussed the existing conditions, which had become an urgent safety matter. She displayed a side-by-side rendition of the existing crossing and the proposed crossing (with culvert).

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

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

Mr. Doherty was familiar with the road and told the Board the proposed site work was necessary. He commented that the Girl Scouts were very good stewards to the land and felt the Board should approve the plan.

Mr. McNamara inquired when the work would begin. Ms. Johnson replied the plan was to start the plan as soon as all permits were received. They were still awaiting the New Hampshire Department of Environmental Services permit.

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

Mr. Gowan stated people should be encouraged that the Girl Scouts were recognizing the property as a 'gem' and investing in its maintenance.

MOTION: (Doherty/Dadak) To approve the Special Permit.

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

PB Case #2016-00014

Map 2 Lots 5-71 & 5-72 and Map 6 Lot 5-72-1

TOWN OF PELHAM, HEIMBACK, Gail, HEIMBACK, James, REMEIS, Peter & Kristie (*owners*) / PELHAM CONSERVATION COMMISSION (*applicants*) - Gibson Road & Baldwin Hill Road - Proposed 2-Lot Subdivision and Lot Line Revision

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 proposed 2-lot subdivision and lot line adjustment. He told the Board they were proposing to acquire thirty-three acres off Gibson Road (which is accessed through Hudson, NH). He displayed a map of the area to show the location of the parcel. He then showed a plan of the parcel and the portion the Conservation Commission was interested in acquiring. The 33 acre parcel will be broke into four pieces: 1.42 acres goes with the existing house, 2.6 acres (lot line adjustment) goes to the neighbor to the south, 17 acre wooded section acquired by the Town (fee simple), 11 acres continues to be farmed (Town will sell the agricultural rights for \$1 and own developing rights). He noted that the 17acre wooded section would become part of Raymond Park and would have a 50ft right-of-way to access Gibson Road.

Mr. Passamonte questioned what would occur if the farmland ceased to become farmland. Mr. Gagnon replied the owner had the right to sell the agricultural rights; the underlying development rights were owned by the Town.

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

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

Mr. McNamara believed the proposal would be a good deal for everyone involved. Mr. Gagnon said with the purchase of the golf course, the Conservation Commission had protected 914 acres since 2002 (not including the proposed parcel) with an average cost of 6,200 per acre.

PUBLIC INPUT

Mr. Orlando Goes, 39 Countryside Drive wanted to understand what impact the proposal would have on his property. Mr. Gagnon understood Mr. Orlando abutted the wooded section and would have no change since his property would now abut a 300 acre conservation parcel. He said the only activity would be a timber harvest; a selective cut process.

Mr. Daniel Cordaro, Countryside Drive felt the proposal sounded great. He questioned if there would be anything done on the property other than the timber harvest, such as lighting, trails, plantings etc. Mr. Gagnon wasn't aware of any present plans. He noted the park was known as the Scout Park and overseen mostly by the Parks and Recreation Department. He anticipated they might want to extend trails, but because of the wet area didn't feel they would construct a ball field. Mr. Gowan believed because the property would be purchased with conservation funds any activity would fall under that category.

There were a number of waivers requested. The Board voted to collectively to accept them all for consideration.

MOTION: (Doherty/McDevitt) To accept the 10 waivers for consideration.

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

The Board then reviewed and took actions on the following waivers:

MOTION: (McDevitt/Montbleau) To approve the waiver to Section 10.03(C) – Surveyed property lines – Tax Map 2 Lot 5-72 has been surveyed in its entirety. This waiver applies only to Tax Map 2 Lot 5-71 (Town of Pelham land) and Tax Map 6 Lot 5-72-1 (Remeis property)

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

MOTION: (Dadak/Montbleau) To approve the waiver to Section 10.03(D) – Topography. Topography has been provided for the 1.42 acre portion of Tax Map 2 Lot 5-72 that will include the existing house. This waiver applies only to the remainder of Tax Map 2 Lot 5-72, Tax Map 2 Lot 5-71 (Town of Pelham land) and Tax Map 6 Lot 5-72-1 (Remeis property)

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

MOTION: (Dadak/Montbleau) To approve the waiver to Section 10.03(G) – Natural Features. Natural Features have been identified for the 1.42 acre portion of Tax Map 2 Lot 5-72 that will include the existing house. This waiver applies only to the remainder of Tax Map 2 Lot 5-72, Tax Map 2 Lot 5-71 (Town of Pelham land) and Tax Map 6 Lot 5-72-1 (Remeis property)

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

MOTION: (Montbleau/Dadak) To approve the waiver to Section 10.03(H) – Man-made features. Man-made features have been identified for the 1.42 acre portion of Tax Map 2 Lot 5-72 that will include the existing house. This waiver applies only to the remainder of Tax Map 2 Lot 5-72, Tax Map 2 Lot 5-71 (Town of Pelham land) and Tax Map 6 Lot 5-72-1 (Remeis property)

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

MOTION: (Montbleau/Passamonte) To approve the waiver to Section 10.03(M) – Man-made Structures. Man-made structures have been identified for the 1.42 acre portion of Tax Map 2 Lot 5-72 that will include the existing house, as well as those along the perimeter of the existing Tax Map 2 Lot 5-72. This waiver applies only to the remainder of Tax Map 2 Lot 5-72, Tax Map 2 Lot 5-71 (Town of Pelham land) and Tax Map 6 Lot 5-72-1 (Remeis property)

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

MOTION: (Culbert/Passamonte) To approve the waiver to Section 10.03(O) – Existing Trails. Trails have been identified for the 1.42 acre portion of Tax Map 2 Lot 5-72 that will include the existing house. This waiver applies only to the remainder of Tax Map 2 Lot 5-72, Tax Map 2 Lot 5-71 (Town of Pelham land) and Tax Map 6 Lot 5-72-1 (Remeis property)

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

MOTION: (Montbleau/Culbert) To approve the waiver to Section 10.03(A) – Plan Scale. The main body of the plan is drawn at 1"=200ft in order to depict the Heimback/Whittemore & Remeis properties in their entirety on a single sheet rather than breaking it up into several sheets at a larger scale.

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

MOTION: (Dadak/Montbleau) To approve the waiver to Section 10.04(P) – Deeds. Deeds for property to be conveyed to the Town can be provided at a later date.

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

MOTION: (Montbleau/Dadak) To approve the waiver to Section 10.04(S) – Site Specific Soils Map. The application consists of the creation of only one new building lot (1.42 acres). The remaining property is either being conveyed to abutting property owners for inclusion in their existing lots, or parcels that will be controlled by the Town either by fee or easement. Since the 1.42 acre lot already contains an existing house and septic system, we request that NRCS Soils data be allowed instead of Site Specific Soils.

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

MOTION: (Montbleau/McDevitt) To approve the waiver to Section 10.04(C)(2) – Test Pits. The application consists of the creation of only one new building lot (1.42 acres). The remaining property is either being conveyed to abutting property owners for inclusion in their existing lots, or parcels that will be controlled by the Town either by fee or easement. Since the 1.42 acre lot already contains an existing house and septic system, the applicant requests one test pit be allowed versus two as required. The applicant will apply to the NH Department of Environmental Services with the goal of meeting all their requirements and obtaining Subdivision Approval for that lot

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

Mr. Gowan believed the Board needed to take action regarding: 1) approval of the plan (lot line adjustments and subdivision as depicted on the plan) is subject to subsequent Board of Selectmen approval of the Conservation Commission acquisition; and 2) Planning Board to send support of the acquisition to the Board of Selectmen.

There was a consensus by the Planning Board to send support to the Board of Selectmen for the acquisition of the parcel.

MOTION: (Culbert/Passamonte) To approve the two (2) lot line adjustments with the subdivision, conditioned upon subsequent approval by the Board of Selectmen.

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

ADMINISTRATIVE

Capital Improvement Plan Request for Approval

The Board was provided with a copy of the recently reviewed/updated CIP for approval.

MOTION: (Culbert/McDevitt) To approve the 2017-2023 Capital Improvement Plan.

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

Discussion of recent court decision (H. Boone Porter, III vs. Town of Sandwich) and what that decision means

Mr. McNamara discussed a recent Superior Court decision relative to violations of the Right-to-Know Law.

DATE SPECIFIED PLAN(S) – October 17, 2016

PB Case #PL2015-00016 - Map 22 Lot 8-130 - 52 WINDHAM ROAD - 52 Windham Road

MINUTES REVIEW

July 18, 2016

MOTION: (Montbleau/Culbert) To approve the meeting minutes of July 18, 2016 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 9:07pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary