

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
September 8, 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, Alternate Richard Olsen, Alternate Robert Molloy, Planning Director Jeff Gowan

ABSENT: Jason Croteau, Alternate Mike Sherman, Selectmen Representative William McDevitt

NEW BUSINESS

PB Case #PL2016-00017

Map 22 Lot 8-21

NEW ENGLAND POWER COMPANY d/b/a National Grid - 196 Main Street - Site Plan to upgrade existing Pelham #14 Substation

Mr. McNamara informed that the applicant required a variance before they could proceed; therefore they've requested date specification to September 19th.

The case was continued to September 19, 2016.

ADMINISTRATIVE

Map 42 Lot 10-210

SDK LAND HOLDINGS, LLC - Dancause/Brunswick Meadows - Discussion of Waiver for the new High School Impact Fee

Mr. Culbert was appointed to vote.

Mr. McNamara understood that the project was well under completion prior to the enactment of the impact fee. Mr. Gowan answered yes. He stated it was beyond the general 'active and substantial' threshold that the Planning Board had established. He noted there was a project road within the development that was well beyond subgrade ready for gravel and already had its binder down prior to the impact fee.

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

MOTION: (Doherty/Dadak) To approve the Waiver for the new High School Impact Fee.

VOTE: (6-0-0) The motion carried.

OLD BUSINESS

PB Case #PL2016-00008

Map 39 Lot 1-51-1

CEDAR CREST DEV., LLC - Sherburne Road & Mammoth Road - Proposed 10-Lot Conservation Subdivision

Mr. Culbert was appointed to vote.

Mr. Peter Zohdi of Herbert Associates, representing the applicant, came forward to discuss the proposed subdivision. He noted they had reviewed the plan several times with the Board. During the previous meeting they were waiting for Keach Nordstrom's final report. Also during that meeting the Board asked the applicant to meet with the Conservation Commission to find out if they were interested in taking ownership of the open space lot. He stated Shayne Gendron from his office met with the Conservation Commission and was told they were not interested. Subsequently, Mr. Zohdi was informed by Mr. Gowan that they 'might' be interested. He stated if they wanted the open space land they would deed it to the Town; if they didn't want the land, the owner would make it part of the Homeowner's Association. He noted Attorney David Cronin was currently drafting a covenants for the open space. Mr. Zohdi told the Board he would work with Mr. Gowan and the Conservation Commission until they made a decision regarding such.

Mr. Zohdi stated he would like to go through the plan and receive an approval, subject to a decision by the Conservation Commission.

Mr. Doherty noted that the Board didn't have the opportunity to review the parcel in terms of the broader scale for what the Town owned and how they may want connectivity between the properties. He spoke of the Town acquiring approximately 100 acres across the street on Mammoth Road. After speaking with member of the Conservation Commission and Forestry Committee, Mr. Doherty felt the Town should own the open space within the proposed development, and suggested recommending such to the Selectmen. Mr. McNamara noted it would still be subject to Selectmen approval. Mr. Doherty understood. He spoke about the nearby parcels owned by the Town along Sherburne Road up to Gumpas Pond. He believed there could possibly be two additional conservation subdivisions that would tie all the parcels together. Mr. Gowan told the Board he received a phone call ten minutes prior to the meeting from a member of the Forestry Committee indicating what Mr. Doherty referred to. He said he had nothing in writing, but believed the Conservation Commission and Forestry Committee had interest in the open space. He said if the Board was interested in proceeding with a conditional approval, he would help them draft such.

Mr. Gowan noted there was a cul-de-sac island, which the Town wouldn't maintain and at the same time discouraged having a homeowner's association manage the area. Mr. Zohdi commented they didn't calculate the cul-de-sac island with the open space area. He said the island was part of the road system; if the Town didn't want to take jurisdiction on the island, they would have a homeowner's association maintain the space. Mr. Gowan said typically a cul-de-sac was either paved or included with the open space calculation. He didn't want anyone to have the assumption that the Town would maintain the cul-de-sac. Mr. Zohdi replied he would have discussions and work with Mr. Gowan and the Town's engineer. The applicant didn't have a preference whether the cul-de-sac was deeded open space or maintained by a homeowner's association.

Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to discuss his review letter dated September 2, 2016 in response to receipt of the revised plans (subsequent to review letter of July 15, 2016). He told the Board that the applicant's design engineer accepted his initial recommendation and redesigned the road so once it was curbed, it remained curbed throughout. He said the redesign took care of a majority of the issues; the remaining items were basically a 'laundry list' that could be framed in conditions for approval. He reviewed the remaining items listed in his recent letter of September 2nd.

Mr. Keach spoke to the recommendation for the Board to accept/approve two waivers. 1) Appendix I, Section BB.21-roadway grade not to exceed 3% within 100ft of an intersection. He told the Board the applicant ended up with a waiver request in part because of his request for a better roadway with positive drainage. 2) Appendix I, Section BB.17 – roadway centerline radius for horizontal curves of 200ft. He noted he probably wouldn't support a waiver in an open road conditions; however, he would recommend the waiver given there were so few houses and a short cul-de-sac street. He said the waiver was purpose driven to satisfy a much bigger issue.

Mr. McNamara recalled there being comment regarding a 'fair share' exaction for the intersection of Sherburne and Mammoth Roads. Mr. Gowan told the Board he had five items to be answered:

- 1) Off-site exaction, similar to Sky View Estates project of \$2,250 per lot (at the time of Building Permit), for projects off Sherburne Road that added impact to the Sherburne Road/Mammoth Road intersection;
- 2) Plan to show a compliant road name (approved by the Highway Safety Committee);
- 3) Prior to approval, cistern location (and easement) to be approved by Fire Department and shown on plan or plan to indicate units will be sprinkled. Mr. Zohdi noted they would locate a cistern where the Fire Department designates;
- 4) Resolution of open space ownership;
- 5) Determination of how the existing house/lot relates to the homeowner's association.

Mr. Gowan didn't believe it would be fair to have the existing house encumbered by a homeowner's association if that association was formed solely to maintain the cul-de-sac island. Mr. McNamara recalled the Board discussing the fact that drainage would be better served by having a non-paved island. It was Mr. Keach's opinion, given the cul-de-sac diameter, it would be handy to plow snow storage on the interior of the island during winter months. Mr. McNamara said it seemed 'silly' to create a homeowner's association solely to maintain the cul-de-sac. Mr. Doherty suggested that the island could have pavers with a cape cod berm. This would eliminate the need for an association to maintain the cul-de-sac and the existing house could be sold separately from the development if the Town accepted the open space. Mr. Keach felt the existing lot was part of the open space development and it couldn't stand alone as an out parcel.

Mr. McNamara opened the discussion to public input. No one came forward. He asked Mr. Zohdi if he had anything to add. Mr. Zohdi replied he agreed with Mr. Gowan regarding the exaction, the road name and having Fire Department review regarding the cistern location. Mr. Gowan noted that the Highway Safety Committee didn't make up road names. He said the applicant would need to submit suggested road names for review. Mr. Zohdi told the Board he would work with Mr. Gowan.

Mr. McNamara questioned when there might be an answer from Conservation regarding the land. Mr. Gowan anticipated the soonest it could all come together would be after their next meeting (Sept. 14th) and once the Selectmen could also weigh in. Mr. McNamara asked if there were any objections by the Board to recommend that the Selectmen accepting the land as public land.

Mr. Doherty heard Mr. Keach mention the improvement of a walking trail. He said if the Town was going to take the property he didn't see where they would do anything other than run a single-blade bulldozer to flatten/grass the trail. However, if it was going to be part of a homeowner's association it could be gravel (to road base). Mr. Keach believed the trails were existing (primitive roads). He said he raised the issue because he wasn't certain if there were any expectations regarding the trail and didn't want to do anything retrospectively.

Mr. Passamonte questioned if the yield plan would change if the existing house was extracted from the plan. Mr. Gowan replied the existing house was clearly part of the plan, but not dependent upon the new road.

Given this he said the question was if it could be free from the 'restriction on sale' limitation. Mr. Culbert viewed the existing house as separate from the development because it didn't use the cul-de-sac road.

Mr. Doherty suggested that the Board address the waiver requests. Mr. McNamara felt the Board could address the waivers since they were recommended by Mr. Keach. He was leery about voting at this time given the changes that may have to be made if the land was deeded to the Town or maintained under a homeowner's association. Mr. Zohdi replied they didn't have to deed the land, they could have it maintained by a homeowner's association. He reviewed the history of the plan noting that the Board asked them to meet with the Conservation Commission and the Conservation Commission didn't want the land deeded to the Town. He was now being told that ten minutes prior to the meeting the commission may be interested in the land. Mr. Zohdi told the Board they were willing to either deed the land or have it under a homeowner's association. He hoped to receive final approval subject to the items discussed earlier.

The Board addressed the waivers, which had been accepted for consideration July 18, 2016.

MOTION: (Culbert/Doherty) To approve the waiver request to Appendix I, Section BB.21 – roadway slope not to exceed 3% within 100ft. of an intersection.

VOTE: (6-0-0) The motion carried.

MOTION: (Culbert/Montbleau) To approve the waiver request to Appendix I, Section BB.17 – minimum centerline radius for horizontal curves of 200ft.

VOTE: (6-0-0) The motion carried.

Mr. Culbert wanted to know if the Board could provide a conditional approval. Mr. McNamara replied the Board could; however there were a number of items that needed to be addressed. Mr. Gowan commented if the Board was inclined he had a draft list of conditions. Mr. McNamara read the list aloud:

- 1) Road name to be resolved and accepted by the Highway Safety Committee and shown on the final recordable plan;
- 2) Fire cistern location and placement to be approved by the Planning Director and shown on plan (size, location and grades);
- 3) Offsite exaction of \$2,250 per lot at time of Building Permit;
- 4) Open space to be part of Homeowner's Association unless recommended for ownership by the Conservation Commission and accepted by the Board of Selectmen;
- 5) Letter from Keach Nordstrom indicating their satisfaction with the conditions as stated in their letter dated September 2, 2016;
- 6) Homeowner's Association document review;
- 7) Establish a threshold for 'active and substantial' development;
- 8) Disposition of cul-de-sac island.

Mr. Gowan noted the Board generally described 'active and substantial' development as road through subgrade ready for gravel (with drainage in place). Mr. Keach agreed with Mr. Gowan. The Board also understood. With regard to the cul-de-sac, it was Mr. Zohdi's opinion that the Town should own the island because it went with the road. Mr. Gowan noted the Selectmen have warned that cul-de-sac islands should be paved. He also noted the Selectmen weren't bound to accept roads. Mr. Zohdi replied if the Selectmen didn't want a grass island, they could pave the island. Mr. Gowan asked if there was any drainage in the island associated with the road. Mr. Zohdi answered no. Mr. Gowan questioned if the island would decrease in size if it was paved. Mr. Zohdi replied the radius would be determined by the Road Agent, Planning Director and Mr. Keach. He felt anything in the road should belong to the Town and allow a utility easement.

MOTION: (Culbert/Montbleau) To approve the plan with the stated conditions.

VOTE: (5-1-0) The motion carried. Mr. Passamonte voted no.

DISCUSSION

Review of draft Master Plan Community Survey

The Board was provided with a draft of the Master Plan Community Survey. Mr. McNamara explained the survey was put together to obtain public input. He asked the Board for comment. Mr. Gowan stated he had been working with a subcommittee of the Nashua Regional Planning Commission to update the survey. Residents can fill out the survey either on-line or by hand. The Board discussed the survey and suggested amendments.

DATE SPECIFIED PLAN(S) – September 19, 2016

PB Case #PL2016-00017 - Map 22 Lot 8-21 - NEW ENGLAND POWER COMPANY d/b/a National Grid - 196 Main Street

MINUTES REVIEW

August 15, 2016

MOTION: (Montbleau/Passamonte) To approve the meeting minutes of August 15, 2016 as written.

VOTE: (6-0-0) The motion carried.

ADJOURNMENT

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

VOTE: (6-0-0) The motion carried.

The meeting was adjourned at approximately 8:13pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary