

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
November 7, 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, Alternate Paddy Culbert, Alternate Richard Olsen, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Jason Croteau, Joseph Passamonte, Alternate Robert Molloy, Alternate Mike Sherman

Mr. Culbert and Mr. Olsen were appointed to vote.

NEW BUSINESS

PB Case #PL2016-00022

Map 3 Lots 5-31 & 5-32

PROMISED LAND SURVEY, LLC – 1&3 Mercury Lane – Proposed 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. Tim Peloquin of Promised Land came forward to discuss the proposed lot line adjustment. He told the Board the proposal was for a simple lot line adjustment between properties. The properties had been landscaped for approximately thirty years although the exact property lines were unknown. He displayed a plan for the Board and discussed the history of the parcels. He showed the proposed lot lines and described the history of the parcels. If the lot line adjustment is approved, it will allow the homeowners to maintain their lots and outbuildings as they had for decades. Mr. Peloquin stated there was a 50ft. setback along Beaver Brook; the plan included a note (#5) to place 'No Cut / No Disturb' placards along the buffer at 50ft. intervals to protect the brook.

Mr. Gowan noted that the Wetland Conservation District ('WCD') area was in place for protection. He said there were certain exceptions to that rule when needed. Mr. Peloquin wanted to know what action could be taken in the event a tree fell near the brook. Mr. McNamara didn't believe correcting that type of situation would be a problem.

Mr. Gowan felt the proposal was straight forward and resolved some issues of prior placement of structures that crossed the property line. He recommended that the plan was complete and should be accepted for consideration.

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

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

Mr. Doherty questioned if the applicant should submit a waiver to the Subdivision Regulation due to the lot shape being irregular. Mr. Gowan said he contemplated that question when writing his notes and didn't see

any harm having the applicant submit a waiver. Mr. Peloquin hand wrote a waiver request and submitted such to the Board.

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

Mr. McNamara accepted a motion to approve the lot line adjustment and stated once the waiver request for lot shape was received they would act on such.

MOTION: (Doherty/Dadak) To accept for consideration the waiver request to Subdivision Regulation - Section 11.04,B,3 – Lot shape.

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

MOTION: (Montbleau/Dadak) To approve the waiver request to Subdivision Regulation - Section 11.04,B,3 – Lot shape.

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

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

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

PB Case #PL2016-00023

Map 41 Lot 10-246

MZL REALTY LLC - 10 Bridge Street Unit #2 - Proposed Change of Use from a fitness center to a food establishment in Unit 2. Will be taking over the kitchen space from Unit 1 (First Chance Convenience Store

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. Leo Zissis, property owner, came forward to discuss the proposed Change of Use. He told the Board Express Pizza would be taking the space that was previously a fitness gym. He noted Express Pizza was an existing business in Pelham.

Mr. McNamara understood that there would be some modification of interior walls to accommodate the new use. Mr. Zissis answered yes. He said First Chance Convenience previously had a deli, grill and all the kitchen equipment; the pizza restaurant would use the existing equipment and bring some additional equipment into the unit. Mr. McNamara wanted to know the square footage of the unit. Mr. Zissis replied the fitness gym was approximately 1500S. He said the section of the deli that would be added was approximately 300SF. Mr. McNamara asked if there would be any modification to the existing signage or lighting. Mr. Zissis answered no. Mr. McNamara questioned how many employees would work at the pizza restaurant and the expected hours of operation. Mr. Zissis believed there would be 4-5 people and they would operate from 11am-10pm seven days per week.

Mr. Montbleau questioned if there would be seating. Mr. Zissis answered yes; they will accommodate approximately twenty people. Mr. Montbleau asked if there was enough parking available. Mr. Zissis answered yes.

Mr. McNamara noted prior to issuing a Certificate of Occupancy the premises would go through all appropriate inspections. Mr. Gowan suggested that any approval be subject to the Health Officer's satisfaction and State approval with the final septic design. He discussed parking and didn't foresee a problem.

Mr. Culbert wanted to know if the planting schedule shown at the top of the plans was new. Mr. Gowan replied the purpose of using the old plan was to show the portion of the building that would be used. Mr. Zissis added that they wouldn't be adding or changing plantings.

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

MOTION: (Montbleau/Dadak) To approve the Change of Use, subject to the Health Officer's resolution of any issues regarding septic loading and approval by the State.

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

ADMINISTRATIVE

Map 33 Lot 1-161-10 & 1-161-11

MERRIMACK VALLY HOMES, INC. – Wyndridge Circle – Discussion of Waiver for the new High School Impact Fee

Mr. understood the waiver request was different from previous requests submitted to the Board. Initially Mr. Gowan didn't feel the project qualified for the waiver, but after consulting Keach Nordstrom (Board's engineering review firm), was of the opinion that it did. Mr. McNamara confirmed that they were existing lots of record. Mr. Gowan answered yes; as of 2013 (approved by the Planning Board). He added that the road had been in place at least a dozen years. Mr. McNamara felt the applicant had a good claim for a waiver, although it didn't precisely conform to what the Board established as active and substantial development.

MOTION: (McDevitt/Doherty) To approve the waiver for the New High School Impact Fee for Map 33 Lots 1-161-10 and 1-161-11.

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

MINUTES REVIEW

September 19, 2016

MOTION: (Culbert/Doherty) To approve the September 19, 2016 meeting minutes as amended.

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

October 17, 2016

MOTION: (Dadak/Doherty) To approve the October 17, 2016 meeting minutes as amended.

VOTE: (5-0-2) The motion carried. Mr. Montbleau and Mr. Culbert abstained.

ADJOURNMENT

MOTION: (Olsen/Culbert) To adjourn the meeting.

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

The meeting was adjourned at approximately 7:30pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary