

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD MEETING**  
**February 6, 2017**

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, Selectmen Representative William McDevitt, Alternate Paddy Culbert, Alternate Mike Sherman, Planning Director Jeff Gowan

**ABSENT:** Joseph Passamonte, Tim Doherty, Jason Croteau, Alternate Richard Olsen, Alternate Robert Molloy

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

**OLD BUSINESS**

**PB Case#PL2016-00027**

**Map 14 Lot 3-90**

**MERRIMACK CONSTRUCTION GROUP, INC. - Mayflower Lane - Proposed 6-Lot subdivision**

Mr. McNamara announced that the applicant requested date specification to the February 23, 2017 meeting.

The application was date specified to the February 23, 2017 meeting.

**PB Case#PL2016-00028**

**Map 39 Lots 1-54-2, 1-54-3, 1-54-4, 1-54-5 & 1-55**

**R.J. MCCARTHY DEVELOPMENT, LLC. – Sherburne Road – Applicant Proposes to Combine Lots 1-54-2 thru 1-54-5 & 1-55 and Re-subdivide as a 21 Lot Conservation Subdivision with 2 Open Space Lots  
(Special Permit for Yield Plan Approved on October 17, 2016)**

Mr. McNamara announced that the applicant requested date specification to the February 23, 2017 meeting.

The application was date specified to the February 23, 2017 meeting.

**NEW BUSINESS**

**PB Case #PL2017-00001**

**Map 33 Lots 2-55-4 & 2-55-5**

**KLN CONSTRUCTION COMPANY, INC & GIOVANNI, Amy & Gensale - 16 & 18 Old County Road  
- Proposed Lot Line Adjustment between lots 33/2-55-4 & 2-55-5**

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.

Representing the applicants was Peter Stoddard of S & H Land Services. He discussed the proposed lot line adjustment and explained the reason for such was to resolve encroachment issues. There was a swimming pool and some patio around the pool that did not meet the setback requirements. Lot 2-55-4 would be giving parcel

A (on the plan) 4,382SF to Lot 2-55-5. Both lots, as they exist, are conforming and remain in conformance after the lot line adjustment.

Mr. McNamara understood that the proposal was being brought forward as a result of a court room proceeding. Mr. Stoddard stated it was a civil matter between parties that had been settled.

Mr. Gowan stated the genesis of the problem began with the property owner with the swimming pool not understanding the lot lines. He believed it had been an innocent mistake. He noted the situation was resolved with the court order and the proposed lot line adjustment.

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

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

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

Mr. Montbleau questioned how long the pool had been in the location. Mr. Gowan believed it was a fairly new development. From what he understood one of the parcels was looking to 'close' on the lot and was seeking resolution. A member in the public stated the swimming pool was installed five years ago. Mr. Gowan noted it had been in its location and no one was aware until fairly recently. He stated the property owner didn't understand where their lot line was located. The plan showed the pool meeting the lot line and setback. He said they didn't verify every property and relied on what a homeowner brought in, which was typically by using a septic approval.

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

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

Mr. Gowan pointed out that there was a 30-day appeal period. Mr. Stoddard questioned if the Planning Chair would sign the mylar prior to the thirty day period. Mr. Gowan believed they had done that in the past, with the applicant's understanding if the plan is recorded and someone appeals it could convolute the resolution. Mr. McNamara stated he could sign the mylar and have the Planning Department hold onto it until the thirty days were up so the plan could be filed on the thirty-first day. He wanted the applicant to understand if they filed the plan earlier, it would be at their peril. Mr. Stoddard replied he would let the property owners make that decision since the property line was only affecting the two property owners. Mr. Gowan wanted to ensure the applicants understood the thirty day period.

Mr. Don Nicolls of KLN Construction came forward. He informed the Board they were due to close on the property in the next week and without the plan recorded it risks the closing. The proposed buyers have been renting. Mr. Gowan didn't feel there was a problem (having the mylar signed/recorded) as long as the parties understood the thirty day appeal time period. He said it would be up to the parties if they wanted to proceed. Mr. Nicolls stated he would like to proceed. Mr. Gowan said if they submitted the mylars to him, he would get them to the people that had to sign them. Having them recorded would be up to the applicants.

**DATE SPECIFIED PLAN(S) – February 23, 2017**

- 1) PB Case#PL2016-00027 - Map 14 Lot 3-90 - MERRIMACK CONSTRUCTION GROUP, INC. - Mayflower Lane
- 2) PB Case#PL2016-00028 - Map 39 Lots 1-54-2, 1-54-3, 1-54-4, 1-54-5 & 1-55 - R.J. MCCARTHY DEVELOPMENT, LLC. – Sherburne Road

**MINUTES REVIEW**

**January 5, 2017**

**MOTION:** (Sherman/Dadak) To approve the January 5, 2017 meeting minutes as amended.

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

**January 23, 2017**

**MOTION:** (Culbert/Montbleau) To approve the January 23, 2017 meeting minutes as amended.

**VOTE:** (5-0-1) The motion carried. Mr. McNamara abstained.

**January 26, 2017**

**MOTION:** (McDevitt/Montbleau) To approved the January 26, 2017 meeting minutes as written.

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

Mr. Gowan reminded the Board that the next meeting would be held Thursday, February 23, 2017 and was expected to be a robust meeting as one of the hearings would be joint with the Zoning Board regarding the Raytheon property.

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 7:25pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary