

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
February 23, 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, Alternate Richard Olsen, Planning Director Jeff Gowan

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

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

JOINT HEARING OF PLANNING BOARD and ZONING BOARD OF ADJUSTMENT

PB Case # PL2017-00002

ZBA Case # ZO2017-00002

Map 20 Lot 3-137

RAYTHEON COMPANY – 50 Bush Hill Road - Applicant is seeking from the Board of Adjustment a Variance concerning Article III Section 307-8 (C) (BOA Case #ZO2017-00002) of the Zoning Ordinance to permit removal of several temporary office trailers, a new 3800 sq. ft. office/test building and a new 3800 sq. ft. office building to replace them; install a 6500 sq. ft. paved parking area and access to serve the building; construct two additions to an existing one story building, one a 2800 sq. ft. office addition and the other a 2000 sq.ft. equipment storage shed and test support structure; an additional enclosure devise, called a clamshell, over one of the existing test pads, a proposed 6000 sq. ft. low bay section of an existing building and it's replacement with a 5000 sq. ft. building addition, primarily for consolidation of office space; a 27 ft. high fire storage tank; landscaping improvements on driveway entrance; and upgrades to existing utilities, roads and test pads.

Applicant is also seeking from the Planning Board a Site Plan Review of Phase 1 Master Development Plan which includes the following: proposed 62'x62' (3800sf) test / office building, septic system and well, site lighting replacement, emergency generator replacement (PB Case #PL2017-00002)

Mr. McNamara opened the joint meeting.

It was announced, and the applicant had no objection, that the reading of the abutter's list and meeting minutes for both the Planning Board and Zoning Board of Adjustment would be incorporated into both hearings.

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 asked that the applicant give a brief overview of their request, as he understood they were requesting a variance from the Zoning Board to cover all the items in their master plan; however the request in front of the Planning Board would only cover some of the items.

Mr. Dan Thompson, Civil Engineer-Raytheon and Mr. Michael Phillips of GMA Architects (Engineer of Record for project) came forward to discuss the proposed plan. Mr. Thompson thanked the Planning and Zoning Boards

for conducting a joint hearing. He also thanked Mr. Gowan and Ms. Hovey for assisting in the process. He then explained that their Master Development Plan was really a modernization plan for the facility. They were replacing outdated trailers, test pads and crushed stone parking areas with more permanent office buildings with an architectural style that would blend naturally with the culture in Pelham. They were also creating safe accessible roadways for employees and first responders. Mr. Thompson noted most of their infrastructure dated back to the late 1970's/early 1980's and they were reaching a critical point of needing to upgrade existing infrastructure and provide modern water power, sanitary and fire protection. He displayed a plan sheet and provided an overview of the existing site. He explained the goal of the modernization was to eliminate temporary trailers and storage containers by consolidating them into modern office facilities that have proper lighting, power, sanitary and water facilities. In addition, it will allow them to modernize their testing capabilities, although most testing is at a limited (sporadic) nature. The three main goals in all of the designs is: 1) no additional noise (mitigated to the neighbors), 2) no additional light to be emitted to neighbors, and 3) no additional traffic.

Mr. Thompson then reviewed a plan depicting the proposed modernization being requested at the present hearing. Mr. McNamara understood that the master plan proposal of later phases would occur in the next 3-5 years. He confirmed that once phase I was completed that the applicant would come back to the Board. Mr. Thompson stated that was correct.

The Planning Board stepped down to allow the Zoning Board members to come forward.

Zoning Board of Adjustment Chairman David Hennessey called the meeting to Zoning Board meeting to order at approximately 7:22 pm.

The Vice Chairwoman Svetlana Paliy called roll:

PRESENT: David Hennessey, Svetlana Paliy, Peter McNamara, Chris LaFrance,
Alternate Darlene Culbert, Alternate Lance Ouellette, Planner/Zoning
Administrator Jennifer Hovey

ABSENT:
Bill Kearney, Alternate Thomas Kenney, Alternate Pauline Guay,
Alternate Kevin O'Sullivan

Mr. Hennessey appointed Mr. Ouellette to vote.

Mr. Hennessey stated the Board would take the abutter's list as read. He then explained the Zoning Board's role and how the hearing would be conducted.

Attorney Jonathan Boutin of Boutin Altieri, PLLC, representing Raytheon Company, came forward along with Mr. Dan Thompson, Civil Engineer-Raytheon and Mr. Michael Phillips of GMA Architects (Engineer of Record for project). Attorney Boutin explained part of the reason for doing a master plan was to be completely transparent and offer an explanation for why they were making such changes. He noted they felt the site plan required more detail to do this far in advance and believed it made more sense to come back each year for that review and discussion. He stated Raytheon was presenting the information to continue the cooperation they've had with the Town, dating back to 1968 when they first obtained a variance. He commented that the site conditions have not changed since that time. Attorney Boutin told the Board Raytheon had come in for a variance at least five times, each variance was anticipated because of the nature of their work and the site. Raytheon and the Town has always worked together. He stated the current master plan would eliminate the temporary structures. A critical element for the Board to consider was the size of the site being 50 acres with a 20 acre buffer on the northern side. None of the buffer would be affected. The site would not be expanding

closer to setbacks or neighbors. Work would be done on sites that have already been given variances and permeated.

Attorney Boutin told the Board that the variance granted in 2013 was appealed and went to Superior Court. He entered the finding into the Board's record, as he felt the court went through a very good analysis of why the Board acted reasonably and lawfully in approving the variance. He stated they would follow the same 'roadmap' in the present hearing to why the requested variance should be granted. Attorney Boutin reviewed information contained in a memo to the Board that provided a summary of the prior variances granted to Raytheon:

- 1) December, 1968 – original variance for the site that included two buildings, two test pads and associated roadways;
- 2) August, 1980 – additional structures, building construction;
- 3) March, 2001 – 20ftx25ft building and 40ftx85ft. concrete pad, each located on Hawk Hill;
- 4) November, 2007 – construction of a new radar program, concrete pads and additional electrical infrastructure on Hawk Hill;
- 5) February, 2013 – new mechanical and electrical buildings, retaining wall, concrete pads, additional underground power service and paved/unpaved roads.

Attorney Boutin reviewed the responses to the variance criteria as submitted with the application for variance (*Complete application can be reviewed by contacting Planning Department*). He called attention to the fact that the proposed lighting would be Dark Sky compliant. Mr. Thompson stated that the lighting in the area of the Merrimack Building has been replaced with Dark Sky compliant motion sensor LED 'down' lighting. This was done as a gesture to the neighbors. He noted as each site is improved, the lighting will be upgraded to the latest technology to make sure there isn't an impact to the neighbors. Attorney Boutin completed his review of the variance criteria.

Attorney Boutin displayed and reviewed the plan set with the Board and provided an overview of the existing site conditions. Along the rear property line there are eight separate storage sheds that will be removed and consolidated into the proposed new 3800SF array/test building in phase I, and second building contained in phase II. Additional parking will be included. Also the roadway between Hawk Hill and the rest of the site will be widened for safe access. The 'clamshell' (existing radar site) on Merrimack Hill will be enclosed and two other buildings on the same hill will be enclosed to reduce/mitigate noise. Mr. Thompson discussed the Hillsborough site and showed there were eight storage containers; five would be eliminated and three would remain. A fire suppression tank and electrical enclosure will be added when the power on-site is upgraded. There will be an additional landscape screen and retaining wall will be installed to shield the new improvements from Bush Hill Road. Also, a lot of the overhead electrical services will be removed and buried underground; some located on steep slopes will remain since it wouldn't be safe to do so and it would cause a lot of site work to be performed.

Mr. Hennessey questioned if the new paved parking area would increase runoff off the site. Mr. Thompson replied they submitted a Storm Drainage Report with the Planning Board application that showed there would be no net increase off the Hillsborough site. The Hawk Hill site would have a minor increase (1/2 CFS in a 100 year storm) which would discharge into the existing Town wetland system and would not cross Bush Hill Road.

Mr. Ouellette asked for clarification for the site's total number of acres. Attorney Boutin stated 47.960 (listed on the plan) was accurate. Mr. Ouellette wanted it to be clear if a variance was granted it would be for 47.960 acres.

Mr. McNamara understood the test results for the radio frequency was based on the existing facility and its uses. He assumed one of the reason for the upgrade was to incorporate new technologies and be more efficient. He questioned if at the end of the process the intensity would be increased from the present. Mr. Thompson replied there would be no increase. He stated there would be several different programs operating at the site; however,

there was no benefit for them to have two operating at the same time because they would interfere with each other. Mr. McNamara asked if testing was required to be performed yearly or periodically. Mr. Thompson replied they tested specific systems for set intervals after which the units generally left the site. Mr. McNamara noticed in the submitted that there had been noise complaints back in the 1990's and asked if Raytheon had received recent complaints regarding noise or light. Mr. Thompson stated they hadn't received complaints but understood it had been in issue in the past. He said they wanted to be good neighbors and understood they had to be extremely sensitive with anything they did, so noise levels weren't increased. He believed they had done a tremendous amount of work to get them to this point and didn't want to move backwards.

Mr. McNamara believed that the proposed buildings would increase the height of the existing facilities. Mr. Thompson stated that was correct; there was one in particular that would be increased from a one-story to a two-story building. He noted it wouldn't be any higher than the existing structures currently on-site. Mr. McNamara wanted to know if it would be visible to Bush Hill Road or any of the abutters. Mr. Thompson replied based on their analysis, it would not be visible directly from Bush Hill Road. He pointed out if there was a site with a higher elevation/vantage point, they would be able to look down and see the buildings. Mr. McNamara asked if the Dark Sky compliant lighting replacement would be done for the whole facility. Mr. Thompson replied yes, it would be for the entire facility. He said they had already begun making upgrades and would continue doing so during the various phases of site upgrading. Mr. McNamara inquired if they anticipated any increase in noise levels after everything was completed. Mr. Thompson answered no; their key design was to make sure everything they did would mitigate any noise heard by neighbors. The site has been designed for no increase/impact in noise, light or traffic. Mr. McNamara heard mention about an air conditioning unit that would be self-contained in the attic space of one of the buildings. Mr. Thompson displayed the architectural renderings. He showed that the upper attic space of one of the 'barn' structures would contain mechanical equipment. He explained the setup of the new array building to be constructed on Hawk Hill.

Mr. Hennessey read aloud an email sent to Ms. Hovey by Bill and Connie Coleman, 51 Bear Hill Road dated February 23, 2017 expressing concern about noise and light pollution. Based on their concerns, Mr. Hennessey asked if the operation would increase in size. Mr. Thompson stated their plan was for a modernization so new technology could be brought to the site. There will be an additional 10-15 people on site, which would be sporadic in nature and generally for short duration given the units were transient. He said there would be an increase in activity but strongly felt that it would not impact, or be noticeable to the neighbors. Mr. Hennessey questioned if there were any plans to abate increased noise during construction. Mr. Thompson answered yes. Construction would not occur 24/7; most of the construction hours would be between 8am-5pm. With regard to construction noise, he believed the only part that would cause noise was hammering of bedrock when foundations were put in. During the previous construction, they selected a quieter (than normal) unit. He couldn't hear it when he stood on Bush Hill Road. He believed the other noise from construction would be mitigated by the 20+ acre natural vegetation buffer and given that work would be done in the Summer with full foliage on the leaves.

Mr. Hennessey asked if they were comfortable stipulating that construction would only take place during specific working hours. Mr. Thompson answered yes; 8am-5pm. Mr. Ouellette questioned if they would work Monday-Friday, or Monday- Sunday. Mr. Thompson replied Monday thru Saturday. Mr. Ouellette was concerned that the project would last 3-5 years and suggested reducing the hours on Saturday to be 8am-2pm. Mr. Thompson felt 8am-2pm was acceptable. Attorney Boutin pointed out that each phase of the site plan would come back in front of the Board. From a contractor's point of view, Mr. LaFrance was hesitant to limit the Saturday hours as doing so may prolong the project.

Mr. Hennessey addressed the abutter's concern regarding light pollution. Mr. Thompson replied they had recently completed upgrades at the Merrimack facility. He said when the project was completed, there would be no increase in any light. Mr. Phillips spoke relative to noise and told the Board that the 'barn' structure would have the greatest amount of rock excavation (done with a ram hoe) and the period of time was estimated to be a

maximum of three months. He noted phase III (2019) would also have some rock excavation, phase IV is the Merrimack building/road construction, with no rock excavation planned, and phase V was the roadway expansion. With regard to the equipment, Mr. Phillips told the Board that every effort had been made to enclose, limit, shield and shelter any noise producing equipment to the best that they could. Mr. Hennessey questioned if any rock/granite removal was necessary for the septic system construction in phase I. Mr. Phillips answered no, it was a buildup process. They specifically located it so they wouldn't do it on top of ledge outcroppings, in accordance with NH Department of Environmental Services requirements. Mr. Thompson displayed a typical cross-section showing they would be filling above the existing grade and not excavating the area.

Mr. McNamara questioned if the array building would contain the testing and radar equipment. Mr. Thompson answered yes; everything would be contained inside the facility. Mr. Phillips described the building construction and how it would have a rolling door that would open during testing. Mr. Thompson stated another reason for constructing the buildings was so they could put a mechanical and electrical system in the basement level. The units wouldn't have noisy components or sound generators.

PUBLIC INPUT

Mr. Gary Ross, 24 Tenney Road came forward and spoke in favor of the proposal. He's resided in Town 34 years and told the Board he was a principal fellow engineer at Raytheon Company (for 40 years). He said he could bear personal witness to the light pollution of the 1990's and believed they had come a long way. He was confident with the presented proposal. He's looked at the plans, noise, RF studies and was very confident that there was no expense being spared to make the project the best it possibly could and for Raytheon to continue being good neighbors with the Town.

Mr. Paul DeCarolis of 148 Bush Hill Road told the Board he was opposed to the project. He provided a summary description of the site. He referred to meeting minutes and began by saying that the project was initially proposed in 1968; at that time it was basically a small electrical building. In 1980 the site was expanded. At that time the applicant was represented by Attorney Ed Boutin and requested two test pads (a total of two buildings) and considered to be a passive radar facility (receiving station with no transmissions). There was testimony by the representative that the land had been in low density industrial use as an electronic test site and that fact alone made the land unsuitable for development. Mr. DeCarolis said that argument was made over and over again in the minutes. He said they (Raytheon) consistently argue that because the Town let them develop the property as an industrial site, a hardship had been created and therefore they ought to be able to expand. He said they've also used the same argument that they would like to expand the site because it's not much more than they already had. Many years ago testimony was also given by the applicant that public policy of the Town was served because property in the area was low density; however, that factor no longer applied. Mr. DeCarolis pointed out that the property was surrounded by residential structures. In 1980 the applicant reiterated that there would be no transmission and it was a passive antennae facility and not visible from the surrounding property. He said the applicant had made that representation nearly every time they've been in front of the Board and Raytheon lies. In 2013 the Board members asked the same question as Mr. McNamara asked this evening: "Will the new project be visible from Bush Hill Road?" and the answer by the Raytheon representative was, no. Shortly after permits were issued/approved and construction began. In addition to what was visible near their entrance (big green clamshells), further north on Bush Hill Road (beyond the Hinds Road intersection) as a result of the 2013 proposal the buildings from that project are visible (clear as day), which directly contradicts what they said at that 2013 hearing. In the meeting minutes from 1980, the applicant represented there would be 15 employees and no further plan for expansion.

Mr. DeCarolis felt in 1968 and 1980 it was reasonable for the Zoning Board to approve the variance being that the proposal was for a passive, quiet operation with only 15 employees. In the minutes, they reiterate that the property, due to the topography and heavy forestation would not be visible for any surrounding property, which has not turned out to be the case. In 2001, the applicant came in for a variance for a low level use of the property.

Then in 2007 they came in for another application. Mr. DeCarolis noted the minutes indicate the representative saying that the construction was relatively minor and consisted mainly of electrical work. The application in 2013 was substantial and didn't represent that they would be back a few years later for an additional substantial increase for additional buildings. Mr. DeCarolis stated the applicant indicated this evening that they were not substantially increasing the property because they were taking temporary trailers and converting them into permanent space. He noted after 2013 the Town issued permits for temporary trailers. Now those trailers are being used to support the argument that the applicant isn't expanding the project greatly because they are converting temporary trailers to permanent space. In reference to the 2001 application, the minutes indicate it was for a (25ftx50ft) storage building, which he said at the time was a small increase and granting the variance was probably reasonable based upon the representations. He said the justification used was that they needed a variance because they had been granted variances in the past; it's a circuitous route with no end.

With respect to the variance criteria and if granting the variance would change the character of the locality, Mr. DeCarolis said he'd have to admit that the present request was the most substantial change in all the years, including 2013. He said when viewing the change in the locality/location, he felt the Board should look at everything that had been approved over the years. What they had in time was a site that substantially changed the character of the neighborhood, which is what he felt they had with the new substantial condition. With respect to health, safety and welfare, Raytheon indicated they had radio frequency studies. Mr. DeCarolis said the Town had no way of confirming it, although the Planning Board could consider hiring (at the developer's cost) an engineer to review the data. He pointed out the evolution of the site and discussed the changes that had occurred in the past and questioned what systems they would have on site in ten years. He didn't feel the spirit of the Ordinance was being followed. He reviewed the general purposes of the Zoning Ordinance as identified in Section 307-16, and noted the applicant was proposing an industrial use, which was completely different. He felt there was nothing in the applicant's argument that the spirit and intent would be preserved. Mr. DeCarolis understood the applicant saying the property was unique. They were arguing that their use and needs of the property were unique. He agreed their use was unique, but that's not the criteria for a zoning variance. He stated they had to prove all five criteria, which included how the property is unique and that uniqueness prevents them from using their property in a reasonable way. One significant change from the 1968, 1980, 2001 and 2007 variances was that the Town adopted the Conservation Subdivision Ordinance, which doesn't require a variance. One thing the Conservation Ordinance specifically looked for was a way a site could be consolidated on parcels that were otherwise tough to develop; the Ordinance specifically speaks to steep slopes and outcrops. He believed the parcel could be used to build single-family homes under a residential subdivision. He stated the applicant had not introduced any evidence that their property was unique, or a uniqueness that prevented compliance with the Zoning Ordinance. Mr. DeCarolis felt the Board could take judicial notice of what the surrounding area was by looking at Jeremy Hill Road, Bear Hill Road, and new development (steep and rocky) Longview Circle. He pointed out that the applicant hadn't offered any discussion regarding surrounding property.

Mr. DeCarolis reiterated unless the applicant satisfied all five criteria the case was not a Telecommunications Act Ordinance, or Cell Phone Ordinance; the Board is not obligated to grant the variance. He noted if the Board was to grant the variance they were entitled to say 'No further Expansion', and felt at some point that would have to occur. He stated the request was not for a minor expansion. There are more homes in the area since Raytheon first came to the site. For the record, he submitted copies of the meeting minutes he referenced. Mr. DeCarolis told the Board he didn't think the applicant satisfied the criteria and the request was not within the Spirit and Intent of the Ordinance. He said the applicant had not proven any uniqueness of the site. Because they haven't satisfied the criteria, he felt the Board should deny the variance.

Mr. Hennessey heard Mr. DeCarolis' point about the visibility of the applicant's site. He questioned if Mr. DeCarolis felt the visibility would diminish values. Mr. DeCarolis felt the particular proposed expansion would diminish values and also the Spirit and Intent of the Ordinance; the intent was to preserve residential neighborhoods. He said a visible industrial use and buildings within a residential neighborhood didn't satisfy

the criteria and would affect property values. Mr. Hennessey was not sure that he'd seen a diminution of home values in the general area.

Ms. Paliy understood the facility had been on the site for over forty years and over the forty years there have been variances given to the property to be industrial. She asked what law would allow the Board to turn the property residential. Mr. DeCarolis replied he wasn't suggesting the property be turned to residential. He stated the Board had the authority to deny the variance. They could vote no; the applicant didn't meet the criteria and didn't prove hardship, show uniqueness, spirit and intent, or that property values wouldn't be affected. He wasn't asking to shut Raytheon down. He didn't feel they should expand in a residential neighborhood.

Mr. Ouellette said for nearly fifty years the Town had granted a variance for the site to be industrial/commercial. There had been multiple variances granted for improvements. He noted that the improvement was a 3-5 year plan. They were taking 40+ years of temporary structures and turning them into permanent structures. Mr. Ouellette felt if the variance was granted it would behoove Planning to look at the site and consider additional buffering. He wanted to know from Mr. DeCarolis if there was additional buffering or different positioning if it would change his mindset. Mr. DeCarolis replied it would help. From what he understood in the hearing of 2013, one of the problems they had was needed to crop down and reduce the height of some of the trees for the radar. He said there continue to be representations that the site won't be seen from Bush Hill Road, and felt if there was a way for the applicant to guarantee it, it would help.

Attorney Boutin spoke to the special characteristics of the land and felt they pointed out in the application and testimony that there was granite, ledge and drainage problems that made the site not suitable for residential development. In addition he said they focused on the topography and a number of site conditions that made it difficult to turn the site into a residential development. He stated the Board found the same fact patterns in 2013 and the court found the Board was lawful and reasonable. With regard to hardship, Attorney Boutin believed they had established such. He said he read the Spirit and Intent of the Ordinance from the General Purpose. He noted that the General Purpose framed the Town's Zoning Ordinance, not the specific purpose of the residential zone. He stated they were keeping a nearly seventy acre lot, wooded by almost 90%. They were taking substantial steps to make any visible buildings have a rural appearance and be more consistent with an agricultural neighborhood.

Mr. Thompson told the Board they took inspiration for the array building from one of the buildings on Mammoth Road. They weren't proposing industrial style or big warehouse buildings. He spoke to the notion about being visible from Bush Hill Road, which extended into Hudson. He said if someone was in an increased elevation, they would be able to see the structures. The intention was not to be seen along their boundary that abuts Bush Hill Road or by any of the abutters. In addition, the new structure would be at the tallest part of the site and they have taken additional measures, so if it was noticeable from points down Bush Hill Road (or otherwise), that it would look as if it was a barn. Attorney Boutin addressed Mr. Ouellette's point about landscaping and noted during phase V or VI there was a substantial landscape buffer that would go on the front of the site for mitigation. Mr. Ouellette was concerned with an abutter saying there were pockets of the site that could be seen. He hoped if the variance was approved that the Planning Board would address it. Mr. Thompson replied it would be. He explained one of the problems in Pelham was the natural occurrence of bedrock which stunts tree growth. Any landscaping requires them to import additional soil and have additional disturbance area in order to create a buffer. He noted they were adding a retaining wall so they could add additional soil and construct the landscape buffer. Mr. Hennessey stated he heard testimony from Mr. DeCarolis that the site had gone through a transformation over a number of years. He understood each increment had not changed much from the previous one; however, in a series, it was hard to see that the site had not changed the nature of the locality. Attorney Boutin felt the best argument was to point out that the parcel was a 47.96 acre lot that is 93% wooded. He pointed out that the lot had not been clear cut and the nature of the location has not been changed. He also noted that there was a 20 acre wooded buffer Raytheon leased on the back of the lot. Attorney Boutin stated that the footprint areas where development already existed were not expanding further into the wooded buffer zone. Mr.

Hennessey questioned if the buffer was under Raytheon's control for the foreseeable future. Mr. Thompson answered yes and believed they had at least a ten year lease. Attorney Boutin believed in 2013, they had a twenty year lease. Mr. Thompson stated they leased the property with the Hirsch family and had a great relationship with them. He didn't see any reason why the lease wouldn't be renewed.

Attorney Boutin wanted to be clear that the site was a radar testing facility and was not a missile silo or anything of that nature.

Mr. Hennessey left the public input portion open, but brought discussion back to the Board to review the variance criteria. He began with public interest, which he felt was the crux of the discussion. He found it hard to see how a residential use (i.e. senior housing) wouldn't alter the nature of the locality more than what they were seeing on the site given that over 90% has remained untouched. He said the Town had seen intensive development on large sites, which he felt altered the nature of the Town more than the Raytheon facility. Mr. LaFrance and Ms. Paliy voiced agreement. Mr. McNamara was sympathetic to Mr. DeCarolis' argument because of the 'creeping' expansion. However, he said they couldn't go back to the property that existed twenty years ago, the Board had to review what was currently on site. He believed the counter argument was that they weren't expanding beyond the existing developed footprint. Mr. LaFrance stated that was the point he had studied the most while reviewing the plans. He pointed out it was consistent that any further development done to the parcel has always remained in the existing developed areas. He said he would be concerned if the applicant was requesting to clear additional areas. In looking at elevations, he understood they would only be able to work within the limits they had.

In review of if the proposal would threaten the public health, safety or welfare, Mr. Hennessey believed the public benefit would be to keep vehicles/traffic off the road. Mr. McNamara called attention to the physical characteristics of the proposed buildings would make the site more in tune with the surrounding area. Mr. Hennessey would be interested in hearing what the increase in traffic would be for the anticipated employees. Mr. Thompson said over the net average of the construction there would be no noticeable traffic or demand on the Town's services, given the manner of the testing. Employee hours are spread sporadically throughout the day.

With regard to substantial justice, Mr. Hennessey believed the proposal didn't have a lot of negative impact to the public. Ms. Paliy added that the applicant had come in front of the Board over the years, but there had been quite a bit of time between each hearing. She said it was normal for any lot to change over the years and grow with a project. She didn't see the request as an expansion of use, but rather they were coming in with changing projects and changing times. She felt substantial justice had been done. Where the proposal stayed within the footprint of what already existed, Ms. Culbert felt new buildings would be much more aesthetically pleasing than the existing storage containers or temporary trailers. Mr. Ouellette heard the term 'unique' used and felt given the company the uniqueness was technology and the fact that technology changes daily. He saw in the plans that the upgrades were technology based. Mr. McNamara stated at some point there would come a 'tipping point', but didn't think that time was now based on the limitations discussed. Mr. Hennessey felt it was a good argument; however, he agreed with Mr. McNamara and didn't think it had yet reached that point. Mr. LaFrance agreed.

Mr. Hennessey spoke to the value of surrounding properties and based on what had been built in the general area the last few years he didn't see a diminution of value and didn't feel the proposal would change that fact. Mr. McNamara said the Board didn't have evidence that property values were decreasing or that people were leaving because of Raytheon. Mr. Hennessey said the applicant had attempted to diminish their impacts on noise, lighting etc.

As to hardship, Mr. Hennessey knew the land and the area and felt it would be a tremendous hardship (for the land) to deny the variance. He believed the applicant addressed the unique setting. Mr. McNamara said the

Board heard testimony that there was no other suitable location. Mr. Hennessey noted the testimony was to the land, granite and topography.

Mr. Hennessey reviewed the final criteria and stated the purpose of the Zoning Ordinance was for the general welfare of the community, to have proper spacing with property, preserve the rural nature of the community, etc. It was hard for him to see how denying the application would enhance the general purpose of the Zoning Ordinance. Mr. McNamara agreed.

Mr. Hennessey asked the applicant if they anything else to add. They did not. He then closed the public hearing.

Mr. Ouellette spoke about stipulating specific construction months and hours. Mr. Thompson said the intention was that the noisiest part of construction (rock hammering) would most likely occur during summer months. Mr. Hennessey was reluctant to place a restriction for when a project can be finished. He felt stipulating days and times would address abutter concerns.

Mr. Ouellette made a motion to stipulate construction hours as Monday through Friday 8am to 5pm, Saturday 8am to 2pm and no work on Sunday. Mr. Thompson confirmed the stipulation would be for construction hours. Mr. Hennessey answered yes. Mr. LaFrance felt the hours were fair and just, but was hesitant.

MOTION: (Ouellette/LaFrance) To stipulate construction hours as Monday through Friday 8am to 5pm, Saturday 8am to 2pm and no work on Sunday.

VOTE: (5-0-0) The motion carried.

BALLOT VOTE Mr. Hennessey – Yes to all criteria with stipulation
#ZO2017-00002: Mr. McNamara – Yes to all criteria with stipulation
Mr. LaFrance – Yes to all criteria with stipulation
Ms. Paliy - Yes to all criteria
Mr. Ouellette- Yes to all criteria

(5-0-0) The motion carried.

VARIANCE GRANTED

Mr. Hennessey informed the applicant that there was a thirty day appeal time period.

MOTION: (LaFrance/Paliy) To adjourn the Zoning Board portion of the joint meeting.

VOTE: (5-0-0) The motion carried.

Zoning Board adjourned at approximately 9pm.

The Planning Board resumed their portion of the hearing. Mr. McNamara asked the applicant to specifically discuss their request.

Mr. Thompson displayed plan set sheet C1.2 and spoke to the specifics of the first phase at Hawk Hill and how it would integrate with future phases. The first major component was the septic system, which required fill and grading. The sanitary main will meet a manhole and connect into the array building with a future stub out to connect at a later date to the future control building. The second major component is the electrical switch gear enclosure with two spare conduits that will terminate in a new switch gear enclosure to be located on an existing

concrete pad. There will be a stub out for connection into the future control building. The third component is a new drilled well with a water line into the array building and storage tank beneath. Mr. Thompson then discussed the proposed two-story building, with the first story being completely depressed into the hill. Immediately behind the building (for shielding) is a chiller, which is noise generating with sound attenuation and therefore quieter than most in the industry. There will be some additional pavement and road reconfiguration for access. A retaining wall will be constructed, which in phase III will be extended. There's another small expansion/civil site work improvement at the Merrimack building. They are proposing to construct a sound wall on the Bush Hill Road side of the building.

Mr. McNamara asked where employees would park for the array building. Mr. Thompson showed the existing parking spaces and stated they would be reutilizing the area. There is currently one handicap accessible space in the front and one additional handicap space for the lower level.

Mr. Steve Keach of Keach Nordstrom, Board's engineering review firm, referenced his memorandum dated February 16, 2017. He told the Board that the plans had been well thought out and well designed. He summarized his remaining comments and noted that there was more information on the plan than what the applicant was requesting at present. The additional information was useful during the discussion with the Zoning Board application as it would pertain to all future phases; however he suggested clarifying (possibly by color coding) what has been approved versus what would be done in the future. The only outstanding permit is the DES septic permit. He suggested the Board stipulate the receipt of such as a condition for approval. Mr. Keach didn't see the need for a large performance guarantee other than erosion control. He said in terms of the remaining design matters, there was a waiver request submitted for site specific soil survey mapping. He noted this requirement was not required at the time of earlier site plan approval, and saw no real reason for it with the present application. The applicant wouldn't be breaking ground that isn't already broken and felt the soil conditions were already well known. He recommended approval of the waiver. Mr. Keach reiterated the plan was well thought out.

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

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

The Board then reviewed the waiver request.

MOTION: (Culbert/Dadak) To accept, for consideration, a waiver to the Site Specific Soil Mapping requirement, Section 302-3.E.3,A:23.

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

MOTION: (Culbert/Dadak) To approve the waiver to the Site Specific Soil Mapping requirement, Section 302-3.E.3,A:23.

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

With regard to the waiver request for lighting improvements, Mr. Gowan understood they would be phased beyond phase I. Mr. Phillips explained that Mr. Keach raised a comment about the ordinance that states site photometrics be provided in a full design of a lighting system. He said they were currently only looking at phase I lighting and a full design is typically done in full design documents submitted through a building permit application with the Town. This was similar to what had been done at the Merrimack site. He stated they would have the calculations for the entirety of the Hawk Hill site when they submit their plans for final building approval. Mr. Gowan pointed out that Mr. Keach would review the final submission and draft his 'happy' letter

of satisfaction. He said he would prefer to have Mr. Keach's comment on the plan than have it wait to the building permit phase.

Mr. Thompson read aloud the waiver request to provide a full exterior lighting plan Section 303-6.A and 302-3.E.3, b:8. Mr. Gowan questioned if the lighting plan could be prepared on the final plan set submitted to the Town. Mr. Phillips answered yes. Mr. Gowan suggested they don't submit the waiver and submit the information along with the final plan set for signature. Mr. Phillips agreed. Mr. Thompson clarified that the plan would be for the lighting level specifically for what they were requesting approval for in phase I, not for the entire site. Mr. Gowan felt that made sense, since phase I was currently before the Board.

Mr. McNamara opened the discussion to public input.

Mr. Gowan spoke about the artist rendering/architectural plans of the proposed buildings. He said once the Board approves them, that's what the buildings would be held to in the field. He noted if the rendering was a general idea it would need to be vetted further. Mr. Thompson stated they were open for discussion. They chose red for the color because barns were typically red. There were no questions or comments by the Board regarding the buildings. Mr. Gowan commented that he had not received a letter from the Fire Department indicating their satisfaction with the plan. Mr. Thompson replied they would be glad to review the plan with the Fire Department.

Mr. McNamara questioned if the array building would become operational when completed. Mr. Thompson answered yes; the building would become immediately occupied once it was completed. Mr. McNamara asked if it would be occupied with any different equipment than they currently had. Mr. Thompson answered no; it was new/next generation technology, but within the same framework that had always been on the site. Mr. McNamara inquired if the RF survey could/should be reviewed by an independent consultant. Mr. Thompson replied Raytheon had solicited an industry expert in RF technology who was a third party independent testing company. Before any system is turned on they had their own internal procedure conducted.

Mr. Montbleau understood there were confidential aspects of the site; however he questioned if with the new technology there was any possibility that the radio frequencies or beams would have unintended ricochet affects to the neighborhood. Mr. Gary Ross, 24 Tenney Road, resident and engineer at Raytheon came forward. He explained they had safety procedures, a rigorous design process and conducted their own RF surveys. He stated they were very diligent in what they do to predict and measure where energy goes. The design precludes 'ricochet'. Mr. Thompson noted that Raytheon had been developing radar technology since the 1940's. They've been a leader in the industry since that time. Mr. Thompson stated Raytheon's engineers were world class. He added it was extremely important for radar to perform as it was told to do. Also, most of the radar systems undergo six months of greater testing before being brought to the far field environment. He stated it was the next generation of proven technology. Mr. Montbleau inquired what type of symptom was associated with a person taking a strike. Mr. Ross replied generally a person would need to see an ophthalmologist and possibly have premature cataracts. In his forty year experience, he didn't personally know anyone who had that happen. With regard to health effects of radar energy, Mr. Thompson stated it was a non-ionizing radiation, different from ionizing bands, which generally cause concern such as x-ray, ultraviolet and gamma rays. The spectrum they operate in is the microwave spectrum, the same as a cell phone, wifi and microwave ovens. Generally the 'health' associated with it is heat, a warming sensation.

Mr. Dadak understood testimony speak to the need for rock hammering and wanted to know if there would be any blasting. Mr. Thompson stated they had committed to 'no blasting'. They didn't want to disturb the neighbors, disruption caused by noise, or disrupt the water supply. The duration of the rock hammering would be approximately two months and possibly additional sporadic hammering to allow utilities to be installed.

Mr. McNamara reviewed the approval conditions as follow:

- 1) Final plan to address Keach Nordstrom comments including lighting details as submitted in letters February 10th and February 22nd;
- 2) Fire Department approval;
- 3) Surety bond with the estimate from Keach Nordstrom regarding erosion control;
- 4) Final letter from Keach Nordstrom indicating satisfaction with final plan including stipulation that there be no blasting during construction of the array building;
- 5) Construction hours: Monday through Friday 8am-5pm and Saturday 8am-2pm;

Mr. Montbleau heard concern during the Zoning hearing regarding buffering for visual sight lines. He felt there should be a stipulation for the applicant to try to satisfy the abutter's concern. Mr. McNamara stated Raytheon would be coming back in front of the Board for subsequent phases. He assumed the array building would be constructed at that point and the Board would be able to see whether or not it was visible and needed addressing. Mr. Montbleau wanted this point noted so the Board didn't forget to address it.

Mr. McDevitt agreed and noted not everything had to be trees as there were a lot of natural woodland plants that grow tall and maintain their leaves through winter. Mr. Phillips told the Board as part of phase VI of the program (Hillsborough building) they were going to construct a landscaped wall with trees and foliage. He noted it was probably the only sight a person has when driving by on Bush Hill Road. There were no other areas along Bush Hill Road that were visible to vehicles driving by. Mr. McNamara believed the testimony was in reference to the Bush Hill Road, Hinds Lane intersection where Mr. DeCarolis (during the Zoning hearing) stated the site could be seen. As previously indicated, Mr. Thompson said if someone was at a higher elevation they would be able to look down onto the site as they were developing the highest portion of the property. He noted this was the reason they were proposing a barn structure and asked the Board if they felt it would have a negative impact to the community for people to see a barn on top of a hill. Mr. McNamara answered no.

MOTION: (Olsen/Culbert) To approve the Site Plan as described by the applicant with the conditions that were previously listed.

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

The joint hearing of the Zoning Board of Adjustment and Planning Board was adjourned at approximately 9:37pm.

OLD BUSINESS

PB Case#PL2016-00027

Map 14 Lot 3-90

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

Representing the applicant was Mr. Peter Zohdi of Herbert Associates who came forward to discuss the proposed subdivision. Having previously been in front of the Board a few times, he provided a brief summary of the project. He stated the applicant was seeking a six lot subdivision. There is a gas line on the property and some wetlands. The Conservation Commission conducted a site walk and offered suggestions, such as to pull the drainage away from the Wetland Conservation District ('WCD'). Mr. Zohdi said they had followed the suggestion and submitted a plan to Keach Nordstrom (Board's engineering review firm). To the best of his knowledge, the plans were satisfactory and he would like feedback from Mr. Keach. He noted there were a few waivers for the Board to consider.

Mr. McNamara read aloud the Conservation Commission letter dated February 1, 2017. They recommended the plan (5-0-0) with the understanding that the engineering firm will make every effort to move the detention pond to the relatively level area in the north-east to minimize the WCD impacts and move the outlet and the

edge of the pond farther to the wetland. Mr. McNamara confirmed that the new plan was submitted. Mr. Zohdi stated it had been.

Mr. Steve Keach of Keach Nordstrom referenced his memorandum dated February 15, 2017, which was his initial review of the application. He's received a drawing a couple days ago that showed the relocation of the storm water management area requested by the Conservation Commission as well as a slight change in vertical geometry at the point the road crossed the high pressure gas main.

Mr. Keach spoke to the planned extension of Mayflower Lane crossing the existing Tennessee Gas main easement. The plan he recently received was expanded to show the vertical location of the two gas mains on site and show they had the required vertical separation. He recommends that the applicant have a Joint Use Agreement in place and submitted to the Town prior to, or condition of approval. Due to the project having a WCD impact, the Board will have to act on a Special Use Permit at the appropriate time. Mr. Keach pointed out Lot 3-90-5 failed to conform with Section 11.04(B) as it had a width of less than 50ft. He felt it was a simple adjustment. Given the residential density around the peripheral of the parcel, he wanted to confirm that the requirements of Section 10.03(F) were satisfied by recommending sheet 3 be expanded to identify the location of any structures on or within 75ft of the boundary. He suggested a waiver be sought for Section 11.11(B)(2) regarding the protective well radii for three lots extending closer than 15ft to their boundaries. In regard to Section 11.04(C)(1), Lot 3-90-5 is configured other than 100 by 150 and assumed a waiver request would be submitted. In reviewing the cul-de-sac, it appears the outer design radius is than the required minimum dimension. Mr. Keach believed the remaining comments in his memorandum would likely disappear once the plans were revised and he had the opportunity to review a second submittal.

Mr. McDevitt spoke about Lot 3-90-5 and questioned if the base of the lot could be increased to comply rather than give a waiver. Mr. Zohdi replied it would be fixed. Mr. McDevitt asked for an explanation of the cul-de-sac dimension. Mr. Zohdi explained that the proposed cul-de-sac didn't have the middle grass area, and normally a full pavement cul-de-sac has a 50ft. dimension; therefore a waiver is being requested.

Mr. Sherman referred to Mr. Gowan's comments indicating that it was the Zoning Administrator's opinion that the land on both sides of a gas line easement is considered contiguous. He questioned if that had been done before in New Hampshire. Mr. Gowan stated the contents of the Town's Zoning was relevant. During a meeting he discussed the topic with Mr. Zohdi and Mr. Keach and explained gas easements are typically not as wide as an electric easement; there is specific language in the ordinance (Section 11.04,C or Zoning 307-13). He read a portion aloud and stated when they looked at the language it was realized there was a distinction between and electric easement and gas easement.

The Board addressed the waiver requests as follows:

MOTION: (Culbert/Dadak) To accept for consideration the waiver request to Section 11.04(C)(1) to allow Lot 3-90-5 to not have the required building envelope dimension of 100 by 150.

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

MOTION: (Culbert/Olsen) To approve the waiver request to Section 11.04(C)(1) to allow Lot 3-90-5 to not have the required building envelope dimension of 100 by 150.

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

With regard to cul-de-sac, Mr. Sherman questioned if the Board received anything from the Fire Department. Mr. Gowan answered no. He pointed out that the Ordinance call for a vegetated cul-de-sac but the Town doesn't have a budget to maintain those islands and preferred they not be approved. Mr. McDevitt stated the Selectmen haven't discussed cul-de-sacs in a long time, but had received complaints over the years from people asking what the Town would do; however the Town doesn't have a plan for maintaining cul-de-sacs.

MOTION: (Culbert/Montbleau) To accept for consideration the waiver request to Figure R-02 to allow a cul-de-sac pavement dimension of 50ft. rather than the required 63ft.

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

MOTION: (Culbert/Montbleau) To approve the waiver request to Figure R-02 to allow a cul-de-sac pavement dimension of 50ft. rather than the required 63ft.

VOTE: (6-1-0) The motion carried. Mr. Sherman voted in opposition.

MOTION: (Culbert/Montbleau) To accept for consideration the waiver request to Section 11.11(B)2 to allow the well radii on Lots 3-90, 3-90-1, 3-90-3, 3-90-4 and 3-90-5 to be within the side building setback.

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

Mr. Keach spoke to the waiver request and stated it was an unusual regulation. He felt that the 75ft. protective well radius was sort of a State standard. He felt it would be very rare circumstances that he would be opposed to granting the waiver. He said they were essentially creating a 90ft. protective radius. Mr. Gowan explained the regulation had been amended because there had been situations where a well was shown on a lot but when it was built it was in a different location. He said wells needed to stay within their own lot and not go outside the project area. Mr. Sherman questioned if the waiver would be needed if the project was a conservation subdivision. Mr. Gowan said it wouldn't be needed, but the project didn't receive a variance for a conservation subdivision. (Zoning Board Case #ZO2016-00017).

PUBLIC INPUT

Mr. John Bilsky (Megan Circle), direct abutter to Lot 3-90-2. He told the Board he brought up the question regarding 'contiguous parcel' and the division between the gas / electric lines as contained in the Ordinance. He was concerned about his well and the proximity of the proposed house behind his lot. He spoke of the reasons he moved to Pelham, which was for the opportunity to have land around him. He chose his lot because of the gas line location so there would be a buffer and prevent houses from being on top of them. He said they could have moved anywhere, but chose Pelham because of the Zoning, the buffers and it was the setting they wanted. Mr. Bilsky pointed out that the proposed design put two cul-de-sacs back to back and questioned where else that situation existed in Pelham. He noted houses were essentially being put on a gas line. He said the proposal was taking away from the reasons they moved to Pelham. Neighbor's lot would end on top of the proposed cul-de-sac. Mr. Bilsky heard what the Town's engineer was saying and wanted the Board to consider his concerns. He noted it was his fourth time attending a board meeting to discuss the proposal and had brought up all the issues. He stated it wasn't an issue with houses behind them. He wanted consideration for the houses and cul-de-sac 'sitting' on top of them to be moved/altered. Mr. Bilsky stated the abutters had brought up what they felt were discrepancies with Zoning and wanted the Board to take the planning into consideration. He referenced a displayed plan and pointed out the distance between (approximately 75ft) the proposed cul-de-sac and the existing cul-de-sac on Megan Circle. Mr. Bilsky also wanted the Board to consider the wood line, gas line,

wetland/lake, and proposed receptive pond. He apologized for being kind of mad and reiterated he had attended four meetings and had been expressing the same issues. He said it was frustrating.

Mr. McNamara understood. He believed there had been an explanation given regarding the cul-de-sacs. He said when the Megan Circle development came to the Board there apparently was a push to have a paper street extend into the applicant's parcel and for whatever reason, the Planning Board had the cul-de-sac end. He noted the applicant originally went in front of the Zoning Board to construct a conservation subdivision, which would have moved the development away from Megan Circle; however, the Zoning Board voted against the application for a conservation subdivision. The applicant was left with constructing a conventional development. Mr. McNamara stated they couldn't connect the cul-de-sacs. Mr. Bilsky reiterated his concerns and voiced additional concern about the possibility of blasting, which he felt would affect his well.

Mr. Zohdi referenced the road profile (sheet 5 of 14). He showed that the first 300ft. they remained on existing grade, further toward the cul-de-sac was a fill section because they had to be a specific height above the gas line. He stated they didn't want to blast, therefore they would not be doing any blasting by the cul-de-sac or near the gas line. Mr. Bilsky told the Board that there had been a hill on the lot beside his and it was blasted because of ledge. He didn't understand how the house behind his wouldn't have any blasting. Mr. McNamara replied the Board could make a stipulation for no blasting in an approval based on Mr. Zohdi's assertion. Mr. Bilsky stated his concern was that the proposed house behind his lot would be sitting on top of him and that the cul-de-sac would be on top of another cul-de-sac. Mr. Gowan said this was a teachable moment; the cul-de-sac Mr. Bilsky lived on should have been a cul-de-sac with a 50ft. right-of-way. He pointed out that the owner of the land had a right to develop, and absent the variance to do a conservation subdivision, their only option is to do a conventional subdivision. He stated there weren't a lot of options for the Board given the lack of foresight in the past. Mr. Bilsky believed there were a lot of options for the back side of the parcel, although it may cut the number of lots.

Mr. David Wing, 20 Megan Circle owned the lot on the opposite side of the proposed cul-de-sac and told the Board he was concerned about the proximity of the proposed home to their home. He understood the applicant wouldn't be blasting, but heard they would be raising the property. Mr. Zohdi explained they were raising the property because they had to be a certain footage above the gas line. He told the Board they had notified the gas company and had been on site twice. They've located the pipe and designed the plan according to the gas company's requirement. Mr. Wing was concerned with runoff to his property. He also wanted to know what would be done to protect the trees within the wetland and the trees on the neighboring property. Mr. McNamara understood that the Conservation Commission was trying to protect the wetland by pulling out the drainage facility.

Mr. Keach referenced sheet 6 of the project plan and noted where Mr. Wing's property was located. By the grade and contour of the street, the cul-de-sac was at the lowest point in the road. There are two catch basins located at or about the low point of the road so the water will flow to those basins. From that point it would be piped to a manhole on lot 3-90-4 and turn (parallel) between lot 3-90-4 and Mr. Wing's home to a flared end section leading into a detention pond. Essentially the drainage will prevent any incremental runoff that would be from the street area to be caught by catch basins. The swale at the low point of lot 3-90-4 and a little of lot 3-90-5, would essentially intercept any surface water from those lots and deflect it toward the detention pond. Mr. Keach stated that the system was forming a curtain to Mr. Wing's property. He reviewed the drainage calculations and the system quantitatively satisfied the requirements of 'no net increase' of discharge to adjoining properties. He hasn't revisited the calculations due to the relocation of the pond, but would be doing so.

Ms. Beth Tshudy, 57 Priscilla Way told the Board she shared similar concerns to what had been previously raised. She was also concerned with runoff from lot 3-90-2 as her lot was downgrade from the proposed lots. As of right now, all the water drained toward her lot, so additional hot top was very concerning. She questioned

to what extent the tree line shielding her property from the development would remain. Mr. Keach said to the extent the topography is provided on the plan and recollection of the site, he felt the topographical survey data accurately represents the land. He said while Ms. Tshudy's property may be lower, there was a rise in between her lot and the applicant's lot. He stated the draining from that portion of the lot, southwest of the gas main, will drain toward the system he spoke about when answering Mr. Wing's question. Ms. Tshudy was interested in preserving as many trees as possible during the development to maintain as much buffer zone as possible. Mr. Zohdi offered to include a 15f. no-cut setback at the back of the lot. Mr. Dadak referred to the plan and said it appeared the only cutting would be to construct the home and install the septic and driveway. He said the plan didn't show that the lots would be clear cut.

Mr. McNamara asked Mr. Keach if he needed to do more calculations before he was assured of the drainage. Mr. Keach believed based on what was remaining, Mr. Zohdi would return to the Board with a short letter from him. Mr. Gowan wanted the opportunity to obtain the Fire Department's comment.

MOTION: (Culbert/Sherman) To approve the waiver request to Section 11.11(B)2 to allow the well radii on Lots 3-90, 3-90-1, 3-90-3, 3-90-4 and 3-90-5 to be within the side building setback.

VOTE: (6-1-0) The motion carried. Mr. McDevitt voted in opposition.

The Case was date specified to the March 6, 2017 meeting.

PB Case#PL2016-00028

Map 39 Lots 1-54-2, 1-54-3, 1-54-4, 1-5; 4-5 & 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*) and seeking Special Permit for WCD Crossing for Proposed Drainage.

Mr. McNamara announced (due to the late hour of the meeting) the case would be date specified to the next meeting on March 6, 2017.

ADMINISTRATIVE

Request for Bond Reduction – Map 32 Lot146, 148 & 149 - SKYVIEW ESTATES Phase I

Mr. McNamara read aloud a recommendation from Keach Nordstrom date January 23, 2017 relative to a bond reduction in the amount of \$234,510.10 for the Sky View Estates – Phase I project on Spaulding Hill Road. There is a remaining balance of \$387,941.20 to support the completion of the project.

MOTION: (McDevitt/Culbert) To approve a bond reduction of \$234,510.10 to retain \$387,941.20 to support the completion of the project.

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

DATE SPECIFIED CASES – March 6, 2017

PB Case#PL2016-00027-Map 14 Lot3-90-MERRIMACK CONSTRUCTION GROUP, INC.-Mayflower Lane

PB Case#PL2016-00028 - Map 39 Lots 1-54-2, 1-54-3, 1-54-4, 1-5; 4-5 & 1-55 - R.J. MCCARTHY DEVELOPMENT, LLC. – Sherburne Road –

MINUTES REVIEW

February 6, 2017

MOTION: (Culbert/Montbleau) To approve the February 6, 2017 meeting minutes as written.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 10:35pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary