

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
July 17, 2017

Chairman Peter McNamara called the meeting to order at approximately 7:00pm.

PLEDGE OF ALLEGIANCE

The acting Secretary Jim Bergeron called roll:

PRESENT: Peter McNamara, Roger Montbleau, Tim Doherty, Joseph Passamonte, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Paddy Culbert, Alternate Richard Olsen, Alternate Samuel Thomas, Alternate Derek Steele, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Paul Dadak

MINUTES REVIEW

June 19, 2017

MOTION: (Passamonte/Montbleau) To approve the June 19, 2017 meeting minutes as written.

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

OLD BUSINESS

PB Case #PL2017-00003

Map 41 Lots 6-125, 126, 127 & 128

P.J. KEATING COMPANY – 1 & 7 Bridge Street - Proposed Asphalt Plant.

Mr. Olsen was appointed to vote.

Representing the applicant was Mr. Jeffrey Brem of Meisner Brem Corp. Also present was Mr. Kevin Younkin, P.J. Keating Operations Manager. Mr. Brem stated during their last hearing Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) provided a report to the Board. At this point, he noted they were essentially done with the site plan component of the project, including drainage. A lighting plan was submitted to the Planning Department earlier in the day. He stated they were currently working with the Department of Environmental Services to obtain an Alteration of Terrain Permit. The plan will be resubmitted and expected to receive the permit in approximately thirty (30) days. Mr. Brem noted the other major component was meeting with the Fire Department, who wanted them to hire a fire service engineer. He stated SFC Engineering had been engaged.

Mr. Younkin told the Board they met with the Fire Department at the end of June and subsequently submitted a design brief showing how the project would comply with National Fire Protection Association standards.

Mr. Gowan told the Board the last he heard from the Fire Chief (who was presently on vacation) was they had some questions that were sent to SFC. Once the Chief returns, reviews the plan and is satisfied, he will ask that a letter be submitted to the Board indicating their satisfaction. He noted Mr. Keach would be in attendance at

the August 21st meeting to provide his comments to the Board. He believed any questions the Fire Department had could be satisfactorily resolved prior to that meeting. Given the length of time the plan had taken for review, if the applicant knows it can't be resolved prior to the August 21st meeting, Mr. McNamara felt abutters should be re-notified of any subsequent meeting. Mr. Brem agreed to do so.

The case was date specified to the August 21, 2017 meeting.

NEW BUSINESS

PB Case #PL2017-00011

Map 29 Lot 7-95

PELHAM REALTY GROUP, LLC – 150 Bridge Street – Proposed Site Plan Review for a Change of Exterior of North Side of South Building of Plaza.

Mr. Thomas was appointed to vote.

Mr. Bergeron 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. Matt Galt of Rubicon Real Estate came forward to discuss the proposed site plan. He read aloud a brief narrative explaining the proposed exterior modifications to the north side of the south building within the Pelham Plaza. He stated Altitude Trampoline Park would occupy Units P & Q, which in size is 17,000+SF.

Mr. Culbert recalled when McDonalds came into Town the Board required them to use gray paint and questioned if the proposed color scheme could be changed. To the best of Mr. Galt's knowledge the proposed color scheme was put in place since the beginning of the project. In regard to Mr. Culbert's comments, Mr. Gowan corrected the record. He stated when McDonald's came in they brought their color scheme, which was a gray-ish color; however, a couple years later they decided they wanted to paint the building red and yellow. He said they were made aware that they couldn't change the look of a non-residential building on a commercial strip without Planning Board approval. He added that McDonald's chose not to come in. He also had to change them from changing the lights on top of the building without coming to the Board. Mr. Gowan pointed out in this area of Town the Site Plan Regulations doesn't speak to a 'colonial look'.

Mr. Doherty stated during the last hearing with the applicant, the Board approved a plan showing the exact same building exterior as was currently being shown on the submitted plan. He said there was a note with the previous plan that indicates the façade would be done as part of the tenant occupancy. Mr. Gowan stated during the last meeting the applicant's notice was for a change of use, not for the architectural component. He said he questioned Mr. Fine (the applicant) if he would come back to the Board for the building treatments, and Mr. Fine had answered yes. He added regardless of what the sheet indicated, there was clarification at the last meeting, which was why the applicant was presently in front of the Board to ensure that the Board was satisfied with the exterior plans. Mr. Culbert stated he missed the last meeting and would be okay with the exterior if the Board had already given an approval. Mr. Doherty read aloud the verbiage on the plan submitted at the previous meeting: *"To be completed as part of Altitude occupancy."* He pointed out that it was a conceptual sketch that showed the exact exterior and colors as was currently in front of the Board.

Mr. McNamara noted that the previous plan was labeled 'conceptual' and Mr. Gowan believes it was not approved. Mr. Gowan assured the Board that the record indicated the notice of the applicant was for change of use. He commented that was the reason the applicant came back and why they would come in at a later date to review Chunky's. Mr. Lynde also recalled that the Board approved the change of use.

Mr. Thomas saw that the proposal would change the existing brick front and questioned what would prevent other businesses from making a similar request that would create an exterior inconsistency. Mr. McNamara

replied it was at the discretion of the Board and believed the owner realized other changes would need to come in front of the Board. Mr. Galt explained that the brick material would remain, they would simply be applying paint.

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

Mr. McNamara stated the applicant was seeking approval for a Site Plan Review for a change of the exterior of the north side (of the south building in the Pelham Plaza).

MOTION: (Passamonte/Doherty) To approve. (the applicant's request).

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

PB Case#PL2017-00012

Map 7 Lots 9-135 & 9135-1

MENDES, David – Katie Lane & Simpson Road – Proposed Special Permit Application to approve the Yield Plan for a proposed Conservation Subdivision of the above referenced lots. Full application for subdivision will follow once Special Permit has been approved and density is established.

Mr. Culbert was appointed to vote.

Mr. Bergeron 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. Lynde questioned if a conceptual plan had already been submitted. To Mr. McNamara's knowledge it had not. In looking at the requirements for Special Permit approval, Mr. Lynde questioned how the Board could proceed without having a conceptual plan. Mr. Gowan replied the applicant was in front on the Board for the yield plan only. He said they could describe the plan, but couldn't move forward with it until Keach Nordstrom (Board's engineering firm) conducts review. Any discussion about the plan would be conceptual until such time as the yield plan is approved. Mr. Lynde asked for clarification of a yield plan proposal. Mr. Gowan explained that a yield plan is when an applicant demonstrates how many conventional subdivision lots could be achieved on a parcel of land. Once the yield is determined, and acceptable to the Board, the applicant could request density offsets or other considerations. He stated the applicant was currently in front of the Board to have their plan accepted for consideration, and to be heard regarding the conceptual approach. He said once Mr. Keach reviews, the plan would come back to the Board to decide whether or not they were satisfied with the yield plan. Mr. Lynde questioned if the current submission qualified as a conceptual plan. Mr. Gowan felt it contained enough information for the Board to understand the applicant's direction and noted that abutter's had been notified. He said the only action the Board could take during the present meeting was to accept the plan for consideration and to defer the yield plan to Mr. Keach.

Mr. Doherty spoke to the questions raised by Mr. Lynde and noted that the section he referred to was a new section in the Conservation Subdivision Ordinance. He said in the past the Board wasn't receiving conceptual plans, therefore a few years ago the subcommittee added the verbiage to the ballot for the voters to approve applicants submitting conceptual plans with yield plans. He explained the importance of the Board reviewing conceptual plans. He stated that the Board needed a conceptual plan and yield plan to follow Zoning. Mr. Gowan replied the applicant was prepared to show conceptual plans and a yield plan. Mr. Doherty read the language aloud, which indicated after a yield plan had been approved the application for a special permit shall be made.

Mr. Peter Zohdi of Herbert Associates, the applicant's representative, came forward and said without Mr. Keach being present, they could call the review 'conceptual'. Mr. McNamara asked if the applicant was also requesting a lot line adjustment. Mr. Zohdi said that was correct. Mr. Lynde wanted clarification about what was being

presented. Mr. Zohdi noted two sets of plans were submitted, one being a conventional subdivision layout, the other being a conservation subdivision layout. Mr. Doherty noted if the hearing was being considered 'conceptual' the Board couldn't accept the plan for consideration; they would have to wait until the next meeting to follow Zoning. He said for conceptual and yield, the Board should only work off the development overview diagrams (conventional and conservation layouts) and not the full sets of plans.

Mr. Zohdi began his presentation of the conventional subdivision layout. He explained they would be combining two parcels of land (29.27 acres) and subdividing thirteen (13) single-family residential homes. All thirteen lots comply with the Town's Zoning and Subdivision requirements. He then reviewed the package submitted to the Board that included information regarding the topography and the soils (site specific), which were mapped by Gove Environmental Services. Information was provided for the 4KS areas, 15KSF area, locations of wells, building setbacks, stationing and profile of the road (existing and proposed), and the test beds (inspected by the Town Health Agent). Mr. Zohdi pointed out that two of the lots (#11 & #13) they would like to maintain as is (in the conservation layout). The applicant's preferred development was the conservation layout. Mr. Zohdi said they would combine the two parcels of land and divide thirteen (13) conservation lots, two (2) conservation lots and two (2) open space lots. Mr. Zohdi reviewed the development calculations and the percentage of high dry and open space. He noted they didn't need an Alteration of Terrain permit and believed after reviewing the plan information Mr. Gowan and Mr. Keach would be able to confirm it was correct. He reviewed the plan sheets in the package provided to the Board. He noted they would be requesting a waiver in the conventional plan that 15KSF not be required to be 100ftx150ft and in the conservation plan: 1) Appendix I, BB.2-pavement width 22ft; 2) Section 11.11,B,2- well radiuses to be within side and rear setback; 3) Section 11.04,C,1- 15KSF area; 4) Section 11.11,C,2- 4KSF for leach bed; and 5) cul-de-sac radius 62.5ft.

Mr. Gowan suggested that the Board accept, for consideration, the yield plan and any waivers necessary for the yield plan of the conventional subdivision.

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

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

PUBLIC INPUT

Mr. Dave Wilson, Carriage Circle was concerned with the additional houses drawing water and increasing vehicle traffic and the safety of children at school bus stops. Mr. Zohdi said he would refer the road safety to Mr. Keach. Mr. McNamara added that the Town's Highway Safety Committee typically reviewed plans with potential safety concerns. In terms of the water concerns, Mr. Keach would review the information and provide an opinion. Mr. Gowan discussed the standard procedure for plan submission, engineering and safety review.

Ms. Teresinha Lameiras, 93 Simpson Road wanted to know which plan was taken into consideration by the Board. Mr. Gowan stated the only thing being taken into consideration was the yield plan, the rest of the information was preliminary at this time. Ms. Lameiras wanted to know if the plan was in accordance to the laws. Mr. McNamara replied that determination was part of the process. At this point the applicant was establishing the number of units that could legally be built as a conventional subdivision. He said once the number of units is established, it becomes the baseline for a conservation subdivision.

Ms. Tamara Wilson, Carriage Circle questioned is water availability considered during review of the plans. Mr. Gowan replied Mr. Keach would look at it in terms of lot sizing, drainage, roadway design, etc. He noted the area was not a part of Pelham that was water starved. He said it was well drained and didn't have a lot of ledge. He understood the concern about wells and noted the Planning Board and Selectmen had a hydraulic engineer give a presentation regarding what is reasonable to expect a well produce. He said the Board thinks about water when granting an approval; however the proposal wasn't in a problematic area of Town. Mr. Gowan said plans weren't reviewed from a well production point of view, unless they were located in a problematic area with

known water issues. Mr. Culbert commented he lived on Simpson Road and had a river running in his well that didn't run dry through last year's drought. Ms. Wilson was hearing that the conditions were favorable for the plot to provide enough water to support what was there and the planned condition. Mr. Gowan said that was generally safe to say; however there was no process that the Planning Board could prove that there was absolutely no impact from wells going in. He reiterated it wasn't one of the areas with known water problems. He said according to the hydraulic engineer (from Sanborn Head), this wasn't a project that would raise red flags. Mr. Gowan added there was no guarantee; therefore the recommendation is to monitor the well yield (and quality) in advance of the project going in. Ms. Wilson asked if water was not considered. Mr. Gowan replied water was a consideration, but it was not a black and white given, like a drainage calculation. He stated the Board had no way of saying that the proposed wells would have no impact on other wells.

Mr. Doherty stated when taking water out of the ground in areas of ledge, it wouldn't necessarily go back into the ground through a leach field or retention pond as it would in the area being reviewed. He said everything taken out of the ground in the proposed area would go back into the ground and not leave the site. Mr. Gowan stated he would make the Sanborn Head presentation available. Mr. McNamara commented it was more theoretical than anything else, but should be reviewed because it would answer some of Ms. Wilson's questions.

Ms. Wilson wanted to know the size of the houses planned for the conservation development. Mr. Zohdi replied that the developer had previously developed land in the Town and was currently building 3,000SF-3,200SF houses on a nearby street. He spoke about the question of water and noted that the biggest water producing well in Town was in the vicinity of the proposal.

Mr. Lynde spoke about the question regarding water and commented that he felt the Town didn't have sufficient regulations on the book to guarantee anyone well water. He said there was a possibility of setting up yield tests that would give people a benchmark to know whether or not wells were sufficient, although doing so was not inexpensive.

Mr. Montbleau spoke about the road connection between the proposed development and Katie Lane. He questioned if it was at a ninety degree angle. Mr. Zohdi replied when the Katie Lane development was done, the proposal was for a 'T' intersection. Because of abutter concerns, they moved it away from Lot 9-96-13. He said the proposed configuration provided for good sight distance and would make the abutter happier. Mr. Montbleau indicated he'd have to see the layout in reality, because roads that weren't at a ninety degree angle had difficult turning radiuses (from the shorter side) and pushed vehicles into the turning lane when entering/exiting the intersection. Mr. Zohdi replied they would stake the intersection and review for concerns. He showed Mr. Montbleau where the road affected the abutter. Mr. Gowan suggested if/when the Board approved the yield plan and Special Permit, it may be appropriate for the Board to conduct a site walk.

Mr. Passamonte wanted to know if the ditch line would be the same for the conventional and conservation developments. Mr. Zohdi answered yes. Mr. Passamonte wanted the plan to indicate what level that would be so homeowners don't fill the ditch lines in at a later date. He also asked that the distance between the well heads be indicated. Mr. Zohdi stated he would do so.

Mr. Lynde discussed the cul-de-sacs and said he had a problem reducing the size from 72ft. to 62ft. He had spoken to the Highway Agent, who preferred cul-de-sacs had an island as a marker for the plow trucks. He wanted to get his opinion about reducing the size. Mr. Lynde referred to 307-102,B&C (density offsets) and didn't see how it would be possible (based on the conceptual plan) to have resident recreation areas. He also didn't see that workforce housing was addressed in the proposal. Mr. Zohdi stated they showed two lots, one was over six (6) acres and the other was over two (2) acres; he would speak with his client and see what they could do for recreation and determine if the Town wanted it. Mr. Gowan explained how the Board had approached that section, and didn't require developers to satisfy each thing listed. He said the applicant would have to hit one or more of the items and make an argument for their requested density. Mr. Lynde stated he

would be bringing up the point about workforce housing more often because he felt it was a State-wide need that should be addressed.

Mr. McNamara noted that the Board had accepted the yield plan for consideration, which would now be sent to Mr. Keach. Mr. Zohdi requested placement on the August 21st agenda. He said if Mr. Keach wasn't finished reviewing the plan at that time, they would request an extension.

The case was date specified to the August 21, 2017 meeting.

PB Case#PL2017-00013

Map 22 Lot 7-1

DOHERTY, Stephen & Debra Ann - 9 Atwood Road – Proposed Special Permit Application to approve the Yield Plan for a proposed Conservation Subdivision of the above referenced lots. Full application for subdivision will follow once Special Permit has been approved and density is established.

Mr. Bilapka was appointed to vote.

Mr. Bergeron read the list of abutters aloud. Mr. John Mackey, Heather Lee Lane came forward and told the Board that he had not been formally notified. He learned of the meeting from his neighbors. Mr. McNamara asked if he was an abutter within 200ft. of the project. Mr. Mackey answered yes; his property touched the proposed land. Mr. Doherty noted the discussion was conceptual and didn't technically need abutter notification. Mr. Dubay noted Mr. Mackey was located at the last house on Heather Lee Lane. He would check the abutter list. Mr. Bergeron reviewed the certified mail receipts. The Board took a brief recess. When they returned, Mr. McNamara asked Mr. Mackey if he objected to the Board moving forward with the hearing. Mr. Mackey had no objection to the Board hearing the case.

Representing the applicant was Mr. Karl Dubay of The Dubay Group. He came forward with the applicant, Mr. Stephen Doherty. Mr. Dubay explained the applicant had a rather large piece of property (24 acres) and had a yield plan for eleven (11) lots which show all the required data, well radii, lot area, frontages etc. that the Board and the Board's engineer (Keach Nordstrom) typically required. He stated they didn't want to build the yield plan and preferred to build an 11-lot conservation development (conceptual was submitted). They did not request a density bonus. Mr. Dubay displayed a conceptual plan sheet for both the conventional and the conservation development. He began by reviewing a conceptual plan showing a conservation development layout, which showed (on the easterly side) one home coming off an extended cul-de-sac from Heather Lee Lane, and the remaining house lots off Briarwood Road and Atwood Road/Peaceful Drive. The existing homestead and barn would be preserved. They will work with abutters to establish a buffer to residents on Gaudet Lane. The plan showed approximately 2/3 open space being preserved. Mr. Dubay reiterated he believed they met the criteria for extra density, but would not be asking for it. He said they had come in front of the Board to start the review process and looked forward to meeting with the Town departments and boards. They were happy to schedule a site walk.

Mr. Dubay reviewed the yield plan with the Board. He highlighted the points that they had met within the requirement criteria. Additional information was provided as to the topography, wetlands, 15KSF areas, 4KSF areas, well radii, cross slopes were proven out in the 15KSF building areas, and potential driveways were shown. He told the Board they didn't want to build that plan, but believed they met the criteria.

Mr. McNamara wanted to know if any waivers would be requested. Mr. Dubay didn't believe they would require any waivers with the yield plan; however if one were required he felt they could argue the viability and reasonableness.

Mr. Doherty spoke about one of the lots off Briarwood Road that appeared to be a 'nothing' (tear-shaped) lot, with no ownership. He said the Board would need an explanation of what would be done with it. Mr. Dubay replied it would be a non-buildable area they could adjoin (and merge) to lot #3.

Mr. Lynde wanted to know the frontage for lot #11 (off Heather Lee Lane). Mr. Dubay stated it would be a theoretical extension off Heather Lee Lane, as it was originally proposed to be laid out in the subdivision. The frontage would be 452ft., where 200ft. is required. Mr. Lynde understood that the existing cul-de-sac would be moved to the back end of lot #11, which would create the frontage for the lot. Mr. Dubay commented they preferred not to extend the cul-de-sac/road at that location. In the conservation development they would create a single-family driveway so there would be little, to no wetland impact, and construct a single-family home. He explained that the Heather Lee Lane right-of-way went all the way to the applicant's property as a future road, but they didn't want to build it.

Mr. Bergeron asked for further information about the applicant's property connecting to Heather Lee Lane. Mr. Dubay stated there was a stone wall demarking the property line, which had been verified. There was also wetlands in the area. He said the single-family home being proposed would be a couple hundred feet away from the house located on lot 8-20-9 (Mackey property). Mr. Bergeron questioned if a contractual arrangement would be needed with the owners of 8-20-9. Mr. Dubay answered no, given that the Heather Lee Lane right-of-way (as recorded at the Registry) extended to their property, and the driveway would be placed on top of that paper right-of-way. Mr. Bergeron inquired about the timeframe of the recording. Mr. Dubay replied it was recorded at the time the Heather Lee Lane development was built. Mr. Bergeron commented that it would drop out of existence after a bit. Mr. Dubay replied there was no drop out clause on the subdivision plan. Mr. Bergeron confirmed it was a deeded way. Mr. Dubay answered yes. With regard to the yield plan, Mr. Bergeron believed there were a lot of very close structures next to Wetland Conservation Districts ('WCD'). When the plan comes back to the Board, he saw a lot of things that would be sent to Keach Nordstrom (Board's engineering review firm) to review for viability.

Mr. Gowan saw there were WCD impacts that would require a Special Permit. He said the Conservation Commission would need to review the plan, and could advise regarding the land to be deeded to the Town. Mr. Dubay pointed out that the conservation plan had very little WCD impacts. He respected the comments of Mr. Bergeron and Mr. Gowan and would be open to discuss the plan with Keach Nordstrom.

Mr. Doherty believed the applicant should review Section 307-100 of the Conservation Ordinance in connection with the proposed 50ft right-of-way. He said they may need a variance, not a waiver, to be able to construct a private driveway as opposed to a right-of-way. Mr. Dubay replied they had identified that point. He said it was recognized that a conservation lot needed to have 50ft. of frontage on a new right-of-way. He noted if Heather Lee Lane was not recognized as a classified right-of-way up to their property, they could extend the property of the lot to the right-of-way. He thought the Town would prefer to see more conservation land deeded to the Town. Mr. Doherty explained that Section 307-100 didn't speak to individual lots, it referred to the frontage of the entire parcel and installing right-of-ways. He said the proposed plan showed frontage in three spots. Mr. Dubay noted that parcel had rights-of-ways on Atwood Road, Peaceful Drive, Briarwood Road, and in totality met the minimum requirements for both the conservation and yield plans. Mr. Gowan commented that a right-of-way for any given parcel of land is the right-of-way that provides access to the lot. He said it was possible that a variance would be required and would seek the opinion of the Zoning Administrator. Mr. Dubay replied they would work with the Planning Board and/or Zoning Board. He said they could configure the lots many different ways, but would like to develop the conservation plan.

Mr. Bergeron referenced sheet two of the plan set under compliance notes, the applicant cited a ten (10) acre requirement; however the requirement was fifteen (15) acres. Mr. Dubay replied it was a typographical error that would be corrected; it didn't affect any of the calculations. He noted there were two (2) additional typographical errors under the density calculations that would also be corrected.

Mr. Passamonte inquired if there was a trail system on the lot. Mr. Dubay replied there were trails in the area that they would connect to.

Mr. Gowan suggested that the Board accept the yield plan for consideration before opening to public input.

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

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

PUBLIC INPUT

Mr. Mike Croatti, 64 Heather Lee Lane told the Board that he and his wife Deborah abutted the applicant's property. He noted he received notice of the meeting, but understood some of the other residents on the street had not. He was against the proposed house being built at the end of the cul-de-sac on Heather Lee Lane. He noted there was a proposal that came in front of the Board in 2008 that was also opposed by abutters. He told the Board there were a lot of wetlands in the area and spoke about the Town's recent purchase of the Pine Valley Golf Course in an effort to make the whole area conservation land. He didn't want to see the area changed by constructing a house behind his and the Mackey's property. Mr. Croatti discussed the analysis done in 2008 where they found an issue with fire suppression apparatus. He said the length of the street was too long and additional hydrants would need to be installed to meet the needs (of the neighborhood). He agreed with Mr. Lynde's comments regarding the cul-de-sac by saying they (previously) wanted a driveway at the end of Heather Lee Lane, which he assumed would require a variance. Mr. Croatti told the Board they were against pushing anything else through from Heather Lee Lane (such as a street).

Mr. Dubay stated they would not be selling the conservation land to the Town, they intended to give it to the Town. He provided the Board with a copy (and displayed for the public) a rendering of the conservation layout.

Mr. Bill Kearney, 36 Gaudet Lane told the Board as a whole he was in favor of conservation projects; however, the project was literally in his backyard. As proposed, there would be a thin 23ft. buffer between his property and the subdivision. He would abut three (3) of the lots and be able to see five (5) of the lots. From the Town standpoint and visual presentation, Mr. Kearney felt the lot sizes were great and the woods in between lots made Pelham a good community. He asked the Board to consider paving the entire cul-de-sac and shifting the entire project south to provide an additional buffer to his property. In addition, he would like the Town to require 'no cut' signage along the property line. Mr. McNamara replied one of the provisions in the conservation subdivision regulations was to try to protect (to the extent possible) the integrity of existing homes. Mr. Dubay said if the Board supported pulling in the cul-de-sac and decreasing the paving footprint, they would be willing to do so. He said they could also provide a bigger buffer.

Mr. Michael Brawn, Atwood Road (at the corner of Briarwood Road) told the Board he was in favor of the conservation subdivision compared to what the owners could develop.

Mr. John Mackey, Heather Lee Lane stated his concern was cutting through the end of Heather Lee Lane and wasn't a fan of doing so. He said the 'less of all evils' would be to have one driveway. He wanted to see a lot more detail of the plan. He asked where he could review right-of-ways and what had been approved in the area. Mr. Gowan replied he could come into the Planning Department and review the Heather Lee development plan. He believed there was a 50ft. right-of-way and stated records were available for the public to review.

Mr. Montbleau believed without the plan being reviewed by Keach Nordstrom it would be difficult for the Board to make decisions regarding the issues with the area (i.e. wetlands, WCD). Rather than 'supposing' things, he felt it would be beneficial for the Board to have their expert's opinion with regard to what could be supported for development. There was no objection. Mr. McNamara explained to the public that the present hearing was

simply the first step in the process. The Board would date specify the plan to a later meeting and have it sent to their engineer for review.

The case was date specified to the August 21, 2017 meeting.

PB Case#PL2017-00014

TOWN OF PELHAM/ LIBERTY UTILITIES - Bridge St. (Rt. 38), Russell Dr., Livingston Rd., Pulpit Rock Rd., Willow St., Marsh Rd. (Rt. 111A) – Proposed Special Permit for Gas Main construction and installation within the 50' Wetland Conservation District buffer to provide for the distribution of natural gas to businesses, town facilities and residential homes in the town of Pelham.

Mr. Steele was appointed to vote.

Mr. Bergeron 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 noted that the Board was provided with three handouts: 1) Liberty Utilities Gas Main Wetland Buffer Areas (listing of wetland buffer impacts), 2) Map of wetland buffer areas, dated July 17, 2017, and 3) Letter from Pelham Conservation Commission, dated July 13, 2017.

Ms. Adele Fiorillo of Normandeau Associates came forward and told the Board her role was to work with the project team and bring the project through the State and local permit process. Mike Licata of Liberty Utilities and Mr. Chris Maskwa of CHI Engineering also came forward to assist with presentation. Seated in the audience was Mr. Ian Crabtree, Construction Supervisor-Liberty Utilities and Mr. Shawn Furey Construction Manager-Liberty Utilities

Ms. Fiorillo provided a general overview of the project. She stated Liberty Utilities was proposing a gas main to serve the Pelham community. Portions of the work were within the Wetland Conservation District ('WCD'), therefore they were requesting a Special Permit to perform work within those areas. Also for consideration was a waiver for the scale of the plan set. They submitted at a forty scale, where the regulations call for 20 scale.

Mr. Licata discussed the background of Liberty Utilities and explained they were two companies in New Hampshire; an electric company serving 43,000 customers throughout the State, in addition they service 90,000 customers, from Hudson to Laconia, with gas service. These customers are serviced through the existing Concord Lateral pipeline. In August of 2015 they filed with the Public Utilities Commission ('PUC') for franchise rights to serve Pelham (and Windham) with natural gas service. On December, 2015 the Board of Selectmen endorsed the franchise proposal and sent a letter of support to the PUC. Final approval was received from the PUC in February, 2017. Mr. Licata spoke about the proposal, which was to create a meter station off the existing Concord Lateral located behind Demetrious Family Restaurant and Dunkin Donuts. From that, they will construct a low-pressure distribution system used to serve residents, businesses and Town municipal buildings. He described the pipe to be used by the system, which would be constructed within the Town and State rights-of-way.

Mr. Maskwa began by formally requesting the waiver for the drawing scale, which was listed in their permit application. Mr. McNamara replied the Board would act on the waiver and believed they described the need pretty well. Mr. Maskwa told the Board his company was contracted by Liberty Utilities to do a route plan and provide engineering details associated with such. Upon receipt of the initial route they hired Normandeau Associates and Doucet Survey to provide a detailed survey of the entire route and delineate the wetlands. The route was then modified to avoid any discovered wetlands, historical monuments, etc. The design criteria was to stay mostly within the Town and State owned right-of-way, although there were some areas they would have to encroach in the WCD. There will be no impact on the wetlands. He spoke about the erosion control devices and methodology they would use to protect the wetlands. Mr. Maskwa told the Board they still needed to meet

with the Department of Environmental Services ('DES'). Mr. McNamara noted the Board was provided with a listing of the eighteen (18) WCD impact areas and a map showing their location.

Mr. McNamara read aloud a letter submitted by the Conservation Commission, dated July 13, 2017 which indicated they voted 5 in favor and 0 opposed, to approve the plan as presented to them.

Ms. Fiorillo referenced handouts provided to the Board and spoke about the WCD impact areas. Mr. Doherty understood pavement wouldn't be dug along Route 38 and saw 'taps' would be installed. He assumed they were for possible future customers who could access the line through underground horizontal drilling. He wanted to know if any of the proposed 'taps' were located in a WCD so the Board would be aware of a possible impact at a later date. Mr. Furey stated the reason for the taps was for possible future customers; they purposely kept those 'taps' in the right-of-way. From what they saw there was no conservation or WCD impacts from such.

Mr. Thomas understood that the entire pipe would be plastic pipe. Mr. Maskwa answered yes; eight inch and six inch. Mr. Thomas commented that horizontal directional drilling wasn't a small operation and questioned how much they would be on, or near the wetlands when doing the HDD application. He also wanted to know what they would do with mud when it came out the other end (when the pipe went through). He stated he had recently put in 2,100ft (12 inch pipe going in a 24inch hole) with Liberty Utilities in Fall River. He noted when they finished they had a thirty-six inch hole, and explained that a typical application can get sloppy. He was concerned how the wetland would be protected. Mr. Crabtree spoke to the concern about process and explained they would have erosion controls (silt fencing, hay bales) to protect the wetlands. He said a small pit would be dug for the mud, although the slurry that comes from the directional drilling is typically sucked into a vacuum truck and disposed off site. Mr. Thomas reiterated his concern for the amount of mud, which could be substantial. Mr. Crabtree stated their longest drill would be across Beaver Brook and through their work with Quantum Engineer understood they would be well above the ledge profile. He said the other drills weren't very long and felt they could control the slurry and keep it out of the impact areas. Mr. Thomas was concerned about the impact to the land due to the equipment. Mr. Crabtree replied there would be some temporary impact, but nothing that would impact the wetlands. Mr. Maskwa noted the equipment would be located outside of the wetlands. They will be applying for a State Shore Land permit for the work being done outside of the 150ft. buffer. He noted they would be outside the 50ft. WCD buffer. Ms. Fiorillo called attention to the site plan that indicated the entry and exit locations for the directional drill (on Willow Street). Mr. Thomas questioned how the integrity of the weld would be monitored after the HDD application. Mr. Crabtree replied there was a breakaway swivel, which would break away once the threshold of the pipe was reached. Mr. Thomas asked if he was sure it worked. Mr. Crabtree answered yes.

Mr. McNamara inquired who had the day-to-day oversight of the operation. Mr. Crabtree replied there would be a State Department of Transportation ('DOT') representative. Ms. Fiorillo reviewed the station drawing map.

Mr. Montbleau questioned if anyone from the DES would be present to supervise the operation. Ms. Fiorillo didn't know, but felt it would be unlikely since an Alteration of Terrain permit wasn't required. Mr. Montbleau understood Mr. Thomas had knowledge of the type of operation, but didn't feel the remainder of the Board did, with regard to the specific terms. He suggested they require (other than the DOT) an engineer, who is familiar with the operations, to be on site and report back to the Board. Mr. Gowan explained that the proposal was for the initial main (5 miles), the first phase of Liberty Utilities expansion to provide the Town and citizens (along the line) with natural gas. He noted they had engaged Normandeau Associates, an environmental consultant who were expert in recommending erosion control measures. He understood it was hard to look at five miles of WCD impacts and review each one individually. In his experience the DOT paid great attention to work done within their right-of-way and was confident they would review work done along Route 38. He felt Normandeau's involvement should give the Board some assurance that the impacts would be handled carefully. Mr. McNamara noted that the Conservation Commission had unanimously approved the plan.

Mr. Gowan told the Board that Town Counsel advised they could make one motion to approve all eighteen (18) impacts and recommended they reference the handouts (impact list and map). Mr. Doherty understood that the Board would need to accept the submission for consideration, although it wasn't a traditional set of plans. Mr. Gowan said the Board could accept the application for multiple WCD impacts for consideration and take the same approach when voting.

MOTION: (Montbleau/Doherty) To accept for consideration the request for Special Permit for multiple Wetland Conservation District crossings.

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

Mr. McNamara opened the discussion to public input.

Given that the Conservation Commission voted unanimously to approve the plan, Mr. Montbleau made the following motion:

MOTION: (Montbleau/Doherty) To approve the application (for Special Permit), subject to the wetland impacts as described on the Liberty Utilities Gas Main Wetland Buffer Areas chart and as further delineated on the Wetland Buffer Areas map.

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

Mr. Montbleau asked that Mr. Gowan perform periodic visits of the project. Mr. Gowan replied that he would. Mr. Lynde felt Liberty Utilities should notify the Planning Department when and where they would be drilling.

Mr. Gowan noted that the same applicant would be coming in front of the Board with a fresh application for the metering station.

DISCUSSION - Proposed changes to the Planning board Bylaws regarding appropriate attire for members and alternates

Mr. Montbleau discussed his suggestion of the proposed changes to the Board's Bylaws regarding attire. He said applicants coming in front of the Board represented projects in the millions of dollars, and fellow citizens had elected members to the Board to represent them. At a minimum he felt the Board's attire should be business casual. At a previous meeting he handed out a rough description of what he felt would be appropriate attire and asked for the Board's consideration.

Mr. Bergeron wanted to know what Mr. Montbleau wanted to do at the present meeting with the proposal. Mr. Montbleau was requesting the Board to add it to their Bylaws. Mr. Bergeron questioned if he wanted it added as written. Mr. Montbleau answered no; he was open to anyone making adjustments. Mr. Bergeron suggested that the Board meet in non-public to discuss the legal aspects. He'd done research and felt there may be some legal fall out that wasn't considered. He wanted to 'dig deeper' into the intent, particularly since there was a clause that asked for the censure of a member for their attire. Mr. Montbleau stated he was not looking to do what Mr. Bergeron suggested. He was looking to have the proposed changes included in the Bylaws as a suggested dress. Mr. Bergeron asked Mr. Montbleau if anyone's present appearance offended him. He wanted to know the purpose of the proposal. Mr. Montbleau replied the purpose was to represent themselves and the community in a business fashion. Mr. Bergeron questioned if he felt members weren't serving in that capacity. Mr. Montbleau replied at times no, therefore he was bringing up the suggestion. Mr. Bergeron expected there would be quite a fight over the suggestion, which is why he felt the Board should meet in non-public session. Mr. Montbleau replied he was only one vote.

Mr. Lynde felt there was too much back and forth. He believed Mr. Montbleau's suggestion was legitimate, but didn't feel anything needed to go into non-public, and the Board should remain open. He also didn't feel the Board needed a Bylaw change and believed the point was made and as he looked around, he said he saw a change. Mr. Lynde believed everyone had been respectful and Mr. Montbleau had made an impact.

Mr. Doherty commented during the last application, the applicant was told by a member of the Board that no one understood what was going on with the plans being discussed. He stated he fully understood everything from the plans. He was offended, not by the way anyone was dressed, but by the applicant leaving thinking that he didn't know what they were talking about, and he did. Mr. Bergeron spoke about his work history and didn't like when people spoke for him in those terms, or how a person was attired. With regard to the previous case, Mr. McNamara commented in general terms he felt the intent was that Mr. Thomas had specialized knowledge in pipe construction. He believed the comment was made in terms that the Board were laymen and not experts.

Mr. Culbert agreed with Mr. Montbleau. He said he was willing to dress and chose his attire for the meeting. He didn't understand why other Board members wouldn't want to dress in business attire. Mr. Bergeron said that wasn't being said. Mr. Doherty didn't feel the Board's attire should affect an applicant coming in front of them. Mr. McNamara felt Mr. Montbleau's point was correct given that the Board members represented the voters in Town. The voters elected them and felt the members should have some honor and respect for that fact.

Mr. Bergeron made a motion to take Mr. Montbleau's suggestion for recommendation. Mr. Lynde understood that the Board was saying it was a reasonable expectation, but it wasn't the time to put it into the Bylaws; however, it would remain as a potential. Mr. Bergeron replied it would be left as a point of guidance and not censure a Board member.

MOTION: (Bergeron/Doherty) To take Mr. Montbleau's suggestion for recommendation, but not do anything with it at this point in time.

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

DISCUSSION

Mr. Gowan passed out information regarding the Town of Salem, NH Tuscan Village project. The Salem Planning Board determined it was a project of regional impact. At present it was conceptual, and the Town will be notified when the project is submitted. As a regional impact project, Mr. Bergeron believed the Town had legal ground to be part of the process. He would like to see Board, Selectmen and Highway Safety Committee representatives be involved with the process. He spoke of some of the concerns and volunteered to be involved. He asked Mr. Gowan to find out from legal what right they had during the negotiation process. Mr. Gowan will obtain information and provide such to the Board. Mr. McNamara suggested the Board revisit the topic during the August 21st meeting.

DATE SPECIFIED CASE(S) – August 21, 2017

PB Case #PL2017-00003 - Map 41 Lots 6-125, 126, 127 & 128 - P.J. KEATING COMPANY

PB Case#PL2017-00012 - Map 7 Lots 9-135 & 9135-1 - MENDES, David – Katie Lane & Simpson Road

PB Case#PL2017-00013 - Map 22 Lot 7-1 - DOHERTY, Stephen & Debra Ann - 9 Atwood Road

ADJOURNMENT

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

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

The meeting was adjourned at approximately 10:25pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary