

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
April 2, 2018

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

The Secretary Paul Dadak called the roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Tim Doherty, Jim Bergeron, Blake Clark, Selectmen Representative Hal Lynde, Alternate Samuel Thomas, Alternate Richard Olsen, Alternate Bruce Bilapka, Alternate Derek Steele, Planning Director Jeff Gowan

ABSENT: Alternate Paddy Culbert

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

March 19, 2018

MOTION: (Montbleau/Dadak) To approve the March 5, 2018 meeting minutes as amended.

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

ELECTION OF OFFICERS & ALTERNATE (3 YEARS)

MOTION: (Montbleau/Dadak) To keep the same slate of officers. (*Chairman-Peter McNamara, Vice Chairman-Roger Montbleau, Secretary-Paul Dadak*)

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

The Board reviewed the application for re-appointment of Derek Steele as a Planning Board Alternate for a three-year term.

MOTION: (Montbleau/Dadak) To appoint Derek Steele as an Alternate for a three-year term.

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

The Board received an application from John Thompson who was seeking an appointment to the Master Plan subcommittee. Mr. Thompson told the Board he had lived in Pelham two and a half years and was interested in becoming involved and learn about the community.

Mr. McNamara inquired if he owned any real estate, other than his home. Mr. Thompson answered no. Mr. McNamara asked if he had any business interest in Town. Mr. Thompson answered no.

Mr. Montbleau asked Mr. Thompson if he had previously served on the Master Plan Committee. Mr. Thompson answered no. Mr. McNamara questioned if he had any previous planning board or elected office experience. Mr. Thompson answered no.

Mr. Clark asked Mr. Thompson why he moved to Pelham. Mr. Thompson stated he and his wife were starting a family and Pelham was an attractive place to settle down.

MOTION: (Montbleau/Dadak) To appoint John Thompson to the Master Plan Committee.

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

OLD BUSINESS

PB Case #PL2018-00002

Map 22 Lot 7-1

DEBORAH ANN TRUST - 9 Atwood Road - Proposed 13-lot Conservation Subdivision with one open space lot and Seeking a Special Permit for the Conservation Subdivision and Wetland Conservation District impact.

Representing the applicant was Karl Dubay of The Dubay Group, who was joined by the owner, Steve Doherty. Mr. Dubay clarified that the proposal was for eleven home lots with an open space lot. Mr. McNamara replied he had simply read the agenda verbiage.

Mr. Dubay told the Board that Keach Nordstrom (Board's engineering review firm) had issued their review letter/comments on March 28, 2018; the plan was revised accordingly. A copy of the revised plan set (and summary list of revisions) was provided to each Board member. He told the Board that the Conservation Commission held a meeting to review the plan and had provided a positive recommendation.

Mr. McNamara read aloud the letter submitted by the Highway Safety Committee ('HSC') dated March 30, 2018. The committee reached a consensus that the proposed 'hammer head' road design would not be acceptable. The Fire Chief and Highway Road Agent were satisfied by the redesigned plan with a small cul-de-sac and small vegetated island in the middle. The HSC found that the proposed name 'Evergreen' met the Town's road naming guidelines. They also supported the waiver request to reduce the pavement width of Evergreen from 26ft. to 22ft. They were also satisfied sight distance could be attained with the proposed planned improvements. Mr. McNamara then read aloud the letter submitted by the Conservation Commission dated March 28, 2018. The commission voted unanimously (4-0) to recommend the project as described in the current plan. Mr. Dubay noted there was a permit for the Wetland Conservation District ('WCD') and a packet of waivers provided to the Board (on sheet #3 notes).

Mr. Steve Keach of Keach Nordstrom came forward to discuss his latest review letter dated March 30, 2018. He noted that the remainder of his comments were mainly reminders to the Board of items they've spoken about and provided a summary of each.

Mr. McNamara opened the hearing to public input. No one came forward. He then asked the Board to address the waiver requests.

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Appendix I, Paragraph BB.2 – to permit a paved street width of 22ft.

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

MOTION: (Montbleau/Dadak) To approve the waiver to Appendix I, Paragraph BB.2 – to permit a paved street width of 22ft.

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Appendix I, Paragraph BB.11(a) & (b) and Appendix XII (Figure R-02) – permit modification in cul-de-sac geometry.

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

MOTION: (Montbleau/Dadak) To approve the waiver request to Appendix I, Paragraph BB.11(a) & (b) and Appendix XII (Figure R-02) – permit modification in cul-de-sac geometry.

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Appendix I, Paragraph BB.21 to permit a vertical roadway alignment having a slope of 3% within 100 horizontal feet of an intersection.

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

MOTION: (Montbleau/Dadak) To approve the waiver to Appendix I, Paragraph BB.21 to permit a vertical roadway alignment having a slope of 3% within 100 horizontal feet of an intersection.

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 11.11.B(2) – to permit protective well radii to extend onto adjoining properties.

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

Mr. Bergeron wanted to know if there were any well radii that crossed the street (sheet 8 of 26). Mr. Dubay replied the plan didn't show any well radii crossing the street; they were showing existing well radii for abutting homes (on Atwood Road). He said there were some radii that crossed the open space and noted the open space deed would recognize those protective radii. Mr. Bergeron wanted to know what liability they had in the event the wells didn't work out. Mr. Keach stated the only thing that couldn't be done in the well radius was to build a septic system. Mr. Bergeron asked if the water going back into the ground was moving away from the well radii in most cases and questioned if there were any issues. Mr. Keach answered no because they were probably dealing with bedrock wells. Mr. Bergeron inquired if the wells would fall under the new regulations proposed by the New Hampshire Well Board Rules. Mr. Keach replied they would if those rules were promulgated and in place at the time the well is drilled. He said at the time the wells are installed, the licensed well driller will have to meet the current code on that date. Mr. Bergeron stated the rules were adopted March 1, 2017 by the New Hampshire Well Board. Mr. Keach noted there was an adopted date and an effective date. Mr. Bergeron believed that the safety from liability was the fact that the wells are tested, and samples provided to the Town. He wanted to know who provided the samples and how they were witnessed. Mr. Gowan explained that the well samples had to be collected by a licensed New Hampshire lab. He said a chain of custody requires that

they test it and report any levels of contaminants for mitigation. He said the Town wants a record about the method of mitigation; all of which is reviewed prior to a certificate of occupancy being issued.

MOTION: (Montbleau/Dadak) To approve the waiver to Section 11.11.B(2) – to permit protective well radii to extend onto adjoining properties.

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

MOTION: (Lynde/Dadak) To accept for consideration the waiver to Section 12.03.A – to relieve the applicant of the need to prepare and submit a traffic impact analysis.

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

MOTION: (Lynde/Dadak) To approve the waiver to Section 12.03.A – to relieve the applicant of the need to prepare and submit a traffic impact analysis.

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

MOTION: (Doherty/Montbleau) To approve the Special Permit for the wetland crossing.

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

Mr. McNamara read aloud the list of conditions for approval as follows:

- 1) All State permits, other than individual septic permits are to be received and approval numbers noted on the recordable plan;
- 2) Approval for WCD impacts and all approved waivers to be noted on the recordable plan;
- 3) Written memorandum from Keach Nordstrom indicating satisfaction of all final plan details;
- 4) Surety and plan compliance escrow to be provided as estimated by Keach Nordstrom prior to plan recording;
- 5) In the event the developer posts the restoration bond which requires a restriction on sale agreement to be recorded. That restriction shall only apply to the five interior lots serviced by the proposed project road Evergreen;
- 6) No building permits shall be issued for any of the three dwellings along Peaceful Drive until adequate driveway sight distance for the three lots has been achieved and the easement has been recorded to maintain such sight distance;
- 7) The approximately sixteen-acre open space lot to be dedicated to the Town of Pelham, if the Board of Selectmen accepts the land donation. In such instance, no homeowner's documents will be required;
- 8) If the Board of Selectmen does not accept the gift of the open space lot the applicant shall provide draft homeowner's association documents for legal review including easements for the public easements (trail system);
- 9) The final recordable plan to note well radii easement or cross-easement rights as applicable;
- 10) Note on recordable plan referencing motion approved at the March 19, 2018 Planning Board meeting to adjust frontage for lots along Atwood Road and Peaceful Drive;
- 11) All waivers approved by the Planning Board to be noted on the recordable plan;
- 12) Site specific well locations and easements to be shown on the recordable plan;
- 13) All applicable impact fees to be paid at the time of building permit issuance;
- 14) At Keach Nordstrom's recommendation, the addition of additional test pit data.

Mr. Doherty felt the interconnectivity of the trail system needed to be discussed if the Board of Selectmen didn't accept the gift of open space. He wanted to make sure that any homeowner's document included the protection of the trail system in order to follow the language in Zoning (307-103,C,3). Mr. Gowan suggested amending condition #8 accordingly. There was no objection.

MOTION: (Doherty/Montbleau) To approve the Special Permit for Article XV for the subdivision.

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

Mr. McNamara accepted a motion to approve the subdivision with the stated conditions.

MOTION: (Doherty/Montbleau) To approve the subdivision with the stated conditions. (**see below for additional motion to recommend that the Board of Selectmen accept the open space.*)

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

PB Case #PL2018-00003

Map 35 Lot 10-351 & Map 41 Lot 10-312

DHB HOMES, LLC (applicant) / FINEMAN, Neil (owner) - 48 Currier Road & 56 Bridge Street - Special Permit application for yield plan to show a conventional subdivision of 41 lots to determine the base density for a conservation subdivision

Representing the applicant was Joseph Coronati of Jones and Beach Engineers. He noted that during the last Board meeting there were requests for changes. One of the biggest items were test pits, so they have since conducted an additional one hundred test pits on the property. They were able to hit each of the lots contained in the yield plan, except for Lot 32, 33, 34, 35 and 36 that are located at the opposite side of the wetland because they ran out of time with the machine. However, they conducted ledge probes and found each to be greater than thirty-six inches, with the requirement being twenty-four inches; this proved out depth to ledge. He described the other modifications to the plan and stated they had applied for Letter of Map Amendment ('LOMA') from the Federal Emergency Management Agency ('FEMA') for Lot 35. Mr. Coronati informed he had spoken with a spokesman from Kinder Morgan (transmission gas company) who had provided their regulations on how developments occur around their gas line. He understood from the conversation that the spokesman had previously worked in Pelham on other subdivisions. He told the Board some of the actions they would take within the development. He noted once they got to the conservation subdivision portion of review they would provide all the information and include Kinder Morgan as part of the process. Mr. Coronati showed the land area that would be dedicated to the Town (approximately 33 acres) and noted it included the existing Town trail network. They are proposing 36 yield plan lots and 41 open space lots (14% bonus).

Mr. Thomas appreciated the comments regarding the gas line (Tennessee Gas / Kinder Morgan). He said it seemed that the pipeline in proximity to where some of the houses would be built may be to code; however, he wanted additional information regarding the pipeline. He would like a representative from Tennessee Gas come in and discuss with the Board what action they take to ensure the integrity of the pipeline. Mr. Coronati felt it made sense for a representative to meet with the Board when discussing the conservation plan. Mr. Thomas believed they should be prepared to speak about what actions they take to ensure the safety of the pipeline for the future.

Mr. Montbleau commented that he went to the site to review the proposed entrances from Currier Road and Peabody Lane. He happened to speak with an abutter (Ms. Priscilla Church ML 10-349) who lives at the corner of Peabody and Currier. He looked at the layout and believed the proposed development would bring a lot of

traffic past her doorway. He questioned if off-site improvements had been considered. He noted that Ms. Church was very concerned, but shy to public speaking. Mr. Montbleau pointed out how narrow Peabody Lane was and questioned if there was an alternate access that could be used. He felt traffic would be a problem and wanted to know if a traffic study had been done. Mr. McNamara said it hadn't been done yet. Mr. Coronati anticipated work being done on Peabody Lane, similar to the work done on Pasture Lane (Garland Woods development). Mr. Montbleau was concerned that a safety issue would be created for Ms. Church given that her driveway was short, there was a curve in the road, and traffic would increase from the development. Mr. Coronati replied once they got into discussions with the open space design they could discuss options (i.e. limit access to Peabody for emergency only). Mr. Montbleau suggested that Mr. Coronati have a conversation with Ms. Church.

Mr. Lynde saw there were three intersections with Currier Road shown on the yield plan and questioned if they were existing roads. Mr. Coronati answered yes; they have three rights-of-way onto Currier Road and frontage on Peabody Lane. Mr. Lynde asked if they could also be used for the conservation subdivision. Mr. Coronati replied they could be, although they weren't the ideal choice because two of the Currier Road rights-of-way were proposed for the open space. Mr. Lynde questioned if lot 36 met the 200ft. frontage requirement. Mr. Coronati replied the frontage was around the diameter of the cul-de-sac; the total diameter of the cul-de-sac was 140ft. Mr. Lynde spoke about the gas pipeline and wanted to know if houses had to set back more than 50ft. from the gas pipeline right-of-way. Mr. Coronati replied setbacks typically ran from the property lines. He said they removed the easement from the lot areas; it was not included in the usable areas.

Mr. Dadak inquired if the pipeline right-of-way went through lots 35-38. Mr. Coronati answered yes; the gas line easement went through. Mr. Dadak also wanted the Board to have a discussion with Kinder Morgan regarding the development in relation to the pipeline.

Mr. Clark questioned if it was typical for the 4K boxes to be located inside or outside of the 100ftx150ft. building envelope. Mr. Coronati replied it was his experience in Pelham that the 4Ks were for the septic and the 100ftx150ft box was to prove out lot shape and the developable area. He noted that the 4K areas had to meet other setbacks. Mr. Coronati pointed out that all the lots had 4Ks, and all but three had 100ft.x150ft. envelope; however, all the lots had 15,000SF of usable/developable land.

In looking to the future, Mr. Bilapka wanted to know if there was enough usable land (good soils) on the lots in the event a new system had to be installed. Mr. Coronati answered yes, there was plenty of room for all the septs and replacements; a typical septic was approximately 1,000SF and the lots had reserve areas within the 4K area. He noted typically the State allowed failed systems to be replaced in-kind.

Mr. Doherty reference sheet 1 of the yield plan, noting that there were four entrances into the development (3 on Currier Road, 1 onto Peabody Lane). He referenced Zoning, Section 307-103-Standards of Approval, that indicated existing streets shall not be impacted more than what would occur in a conventional subdivision. He commented (between a conventional and conservation development) Currier Road wouldn't change; however, Peabody Lane would be a disaster as far as picking up a burden. He said if the lots on the southerly side of the yield plan were shifted north for a conservation plan it would further exacerbate the problem of eliminating the two access roads (on Currier). He said the suggestion of eliminating access would need to be discussed. Mr. Coronati recalled there were additional access points shown on the yield plan, and later eliminated, in the Garland Woods development (he was the engineer) when it came forward as a conservation subdivision because those accesses weren't the best location. He believed they could review the plan and explain the reasons for the proposed access roads.

Mr. Bergeron confirmed that the Board was only looking at the acceptance of the yield plan. Mr. McNamara answered yes. Mr. Bergeron wanted to know why there couldn't be access onto Route 38. Mr. Coronati replied that property was not part of the proposal. Mr. Bergeron questioned who owned the property. Mr. Coronati replied it was the same owner. Mr. Bergeron wanted to know what would happen to the approximate twenty houses along the gas line when the line has to be dug up; there was no other way out of the development. He

stated he needed information from Kinder Morgan, the Highway Safety Committee, Police etc. before he could accept the yield plan. Also prior to approving the plan, he said they would also need to discuss the municipal expenses that would have to occur if a new gas line, or service to the line was needed.

Mr. McNamara asked Mr. Keach to come forward. Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward. He referenced his review/comment letter dated March 8, 2018 in response to the plan set from March 6, 2018. He didn't want the Board to overlook that one of the lots (at the southerly end of the cul-de-sac) for which Mr. Coronati filed a LOMA for it to be considered a valid yield plan lot. Without the LOMA he believed the Board had a 35-lot yield plan. Mr. Keach summarized the items contained in his letter and the action that would be required.

PUBLIC INPUT

Christine and Al Lemieux, 90 Currier Road (formerly Kirby property ML 35-10-200) came forward. Mr. Lemieux told the Board they had resided in Town for approximately four years. He displayed an aerial photo of their property. Ms. Lemieux stated they weren't aware that their boundary lines were as shown until people started surveying their land. She said when they purchased their property they were told that they never had to worry about the rear tree line being removed. She said they had a six-acre parcel that abutted two sides of the proposed development. They've accepted the fact that a development would be done. She pointed out that it took approximately four acres to reach their residence (from Currier Road); there is a right-of-way at the bottom of their driveway. Ms. Lemieux commented that her house, by default, would become part of the proposed conservation subdivision and believed they would lose their privacy. She said the proposed homes would be extremely close. She said the gas line went through their property. Mr. McNamara noted that the Board would most likely conduct a site walk to understand the development. Ms. Lemieux told the Board that they requested an additional buffer and asked that the tree line remain.

Mr. Bergeron asked for clarification of where their lot was located and asked if the proposed road (on the yield plan) was part of their lot. Ms. Lemieux replied it was currently a right-of-way used only by them and the snowmobilers. Mr. Bergeron questioned if the right-of-way was one of the means of egress to the yield plan. Mr. Lemieux commented it was identified as one. Mr. Gowan pointed out that in the yield plan every possible egress is reviewed; however, he didn't think they were planning on coming through in the conservation plan. Mr. Doherty noted if the yield plan became a development, the right-of-way would become a Town road.

Mr. Clark clarified that the Board was looking at a yield plan, which is a theoretical model of what could be built. He understood it didn't have to be as complete as if it were a plan being submitted. Mr. McNamara said as necessity it didn't have to be as complete, because if that were the case engineers would be asked to engineer two separate plans. He said the purpose of a yield plan was to establish what would be a reasonable number of lots on a conventional subdivision, which established the basis for the number of units allowed under a conservation subdivision. From Mr. McNamara's comments, Mr. Clark understood that the proposed conservation subdivision could be described as a draft. Mr. McNamara felt it was more than a draft, but at the same time it was not a fully engineered plan. Mr. Clark asked if it was open to suggestions and amendments. Mr. McNamara answered yes; but reminded the Board that the focus was on the yield plan. He said if/when the plan goes forward as a conservation subdivision the applicant would then submit a fully engineered plan. Mr. Clark asked if the abutters were sharing concerns based on the conservation plan that was currently drafted. Ms. Lemieux replied their concern was that the yield plan harmed them more because a lot would be close to them, almost in their driveway. She stated they were in favor of the conservation subdivision and hoped the applicant would extend the open space slightly. Mr. McNamara commented that the abutters could have additional input whenever the Board held a public meeting (including site walk). Mr. Gowan stated abutters would receive notification when/if a conservation subdivision was submitted.

Ms. Kim Jewett, 4 Peabody Lane wanted to know how far the access road would be to her house. She also questioned if the access road had to be built off Peabody Lane. She was concerned about its placement and

noted it would have a major impact on the residents. She pointed out that the proposed access road placement (off Peabody) was different in the conventional plan compared to the yield plan. Mr. McNamara replied the yield plan was a representation of the number of lots that could be achieved if a conventional subdivision was built. Ms. Jewett believed if the road was lowered (in the yield plan) to match the location on the conventional plan the applicant would lose a house lot. Mr. Coronati believed they had enough frontage on Peabody to maintain three lots. He stated they weren't intending to build the yield plan, their goal was to build a smaller/compact conservation plan. Ms. Jewett questioned if consideration had been given to building a couple of houses on Peabody Lane and not have a through road. She said if a cul-de-sac was put in for the other houses, the Peabody Lane houses could back up to the other proposed development. Mr. Coronati said he could look at doing so, given the site had three rights-of-way and frontage onto Peabody. He said once the yield plan was approved they could go through another design review with the open space given the questions of layout and access. He said they could potentially meet the access length with one cul-de-sac plus emergency access.

Ms. Priscilla Church, 2 Peabody Lane (at the corner of Currier Road) came forward and told the Board she didn't want any road coming into Peabody Lane. She said she cuts the brush on Peabody because the road is curved making it dangerous and difficult to see traffic. She agreed with Ms. Jewett's idea of having two homes with driveways off Peabody Lane and have the remainder of the development accessed off Currier with a cul-de-sac. She offered to be on a committee to help design something. Ms. Church was also concerned about her well, given its proximity to the road. She felt Mr. Doherty brought up a good point regarding the Zoning language that indicates a development shall not make things worse. She also felt Route 38 access (Mr. Bergeron's question) was a good point to review.

Mr. Bruce Jewett, 4 Peabody Lane thanked the Board for their concerns regarding the gas line, traffic and access from Peabody Lane. He commented that his lot was the only lot that faced the proposed development and asked that the applicant do the best they could to eliminate lights and traffic from coming onto his property.

Mr. Paul Diamantopoulos, 11 Peabody Lane was concerned about the lots abutting the gas lines. He stated that the water runoff from the hill was terrible and created a gully around his back yard. He was concerned about having more of a problem once the homes were built. He said it might be worth looking at maintaining a (10ft-15ft) no cut zone along the backside of lots 13-15 to help with drainage issues.

Mr. Clark noticed that the Board was being asked to approve a 37-lot yield plan. He understood that the business district was not 'technically' a part of the subdivision and questioned if it would also be subdivided. Mr. Coronati replied they were adjusting the lot lines on the commercial portion (along Route 38) as they didn't have any agreement to purchase any of that land (it's not for sale). He said there were two parcels that were partially cut by the zoning line; the owner will retain all the commercial land as one lot. He stated it wasn't part of the residential yield plan for residential development. Mr. Clark questioned how many properties currently make up the plan in front of the Board. Mr. Coronati replied two properties. Mr. Clark wanted to know where the current division was between the two properties. Using displayed plan, Mr. Coronati showed the properties and the separation between the two. Mr. Clark believed they were creating a new lot along Route 38 with the yield plan. Mr. Coronati replied there were two lots, and in the future, there will be one commercial lot and 36 residential lots. The commercial lot would end up becoming one parcel. Mr. Clark understood that a lot line adjustment would be done and questioned if it was necessary for the Board to see the adjustment before the yield plan. Mr. McNamara didn't believe so. Mr. Clark asked if the Board would have to see it if there had been two owners involved. Mr. McNamara said there wasn't a question 'if' it could be done. Mr. Coronati believed the owner would only do the lot line change with the approval of a subdivision. Mr. Clark asked for clarification about the yield plan. He said there were currently two parcels and the yield plan would create 37 lots. Mr. Coronati said it would create one commercial lot and 36 residential lots. Mr. Clark questioned if the yield plan was for 37 lots (one being commercial). He said that could ultimately affect the density offset. Mr. McNamara replied the commercial aspect could not be part of the yield plan. Mr. Doherty added it had to be residential, single family detached. Mr. Clark saw the delineation line on the plan that read 'residential district zone', which

appeared to create an additional lot. Using the displayed plan, Mr. Coronati showed the land that was included in the application (81.3 acres) and under agreement with the owner.

Mr. Bergeron said Mr. Clark's questioned played into his own question about access. He said if a new lot line was going to be created, he wanted to know if there was (existing) accessibility through a commonly-owned piece. He said even though it was a different district didn't stop it from being used for access. Mr. Clark felt the Board was de-facto creating a lot. Mr. Bergeron said the Board needed more information, especially since there was a gas line that split the land.

Mr. Montbleau heard the applicant say they had conducted ledge probes and wanted to know the depth to bedrock. Mr. Coronati replied they didn't hit bedrock with the 36-inch probe. Mr. Montbleau questioned if test pits were also done. Mr. Coronati replied they didn't do test pits on lots 32-36. Mr. Montbleau wanted to know if they anticipated much blasting. Mr. Coronati said not too much with the open space subdivision; they tried to avoid the exposed ledge areas. He noted they didn't find any ledge in the development area when doing test pits. Mr. Montbleau asked if foundations had to go down eight feet. Mr. Coronati said typically within cluster/conservation homes they don't go down that deep, although it varies. Mr. Montbleau questioned how deep a septic system had to be. Mr. Coronati replied they had to be four feet above the water table. Mr. Montbleau inquired if the blasting areas were identified. Mr. Coronati replied they were still on the yield plan; once they were past that point a development design could be done. Mr. Montbleau said his questions were in relation to the concern about the gas line.

Mr. Gowan spoke about the line between the commercial and residential property. He felt it was great having a clean line between the two. Mr. Doherty noted the applicant had discussed (at a previous meeting) keeping a 10-foot separation. Mr. Coronati explained that they are keeping the residential line 10-feet off the zoning line, so the business parcel will remain contiguous.

Mr. Lynde asked how many lots Mr. Coronati was currently working with. Mr. Coronati replied there were two existing parcels. Mr. Lynde then described how the lots would be divided to create the proposed development. Mr. Doherty noted the applicant was keeping the 10ft. so they would have the proper frontage for the business district to be a lot.

Mr. Doherty wanted to know the depth distance to the pipeline from the surface. Mr. Coronati replied he asked Kinder Morgan that question and they didn't know the exact depth along the line. He said Kinder Morgan would come to the site and do test borings before the road is designed. Mr. Thomas commented that pipelines usually had 3ft. of coverage unless there was an existing structure that they had to go underneath.

Mr. McNamara asked the Board how they wanted to proceed. Mr. Lynde asked if the Board was satisfied that the yield plan would be a legitimate subdivision, or if they needed more information. He was unsure if it was. Mr. Bergeron stated at this point he wouldn't be able to accept the yield plan because of unanswered questions and the fact that Mr. Keach hasn't had time to review and the other questions raised.

Mr. Montbleau asked if the Board could have Mr. Keach's opinion regarding the yield plan and how far he had reviewed the conventional aspect. Mr. Keach explained when he reviews a yield plan he reviews it against the Town's Zoning Ordinance and Subdivision Regulations. He said he indicated in his letter (of March 8, 2018) he was comfortable telling the Board there were 35 lots in the proposed plan. He said there were some questions raised by the Board that weren't part of the Zoning Ordinance regarding the gas line and access; however, within the land itself there were clearly 35 lots. He said there could be 36 if the LOMA was accepted, which ultimately, he believed would be approved by FEMA. He said there were questions about access from Peabody Lane, which he wouldn't recommend unless it could be demonstrated that the road could be improved to an appropriate standard. He said he looks at a yield plan as an exhibit, or tool to determine the potential residential density of a parcel. He noted he hadn't done a detailed review of the conservation layout because it would be premature for him to do so. He didn't know how much more the Board could learn about the yield plan that they didn't

already know. Mr. Montbleau questioned if the applicant would have the same amount of lots if the Board indicated they didn't want ingress/egress off Peabody Lane. Mr. Keach believed they would. He noted the yield plan was a different configuration than the conceptual conservation subdivision; there were different access accommodations for each. He commented that when the application first came in he visited Peabody Lane. He said regardless of which subdivision advances, there will be a discussion and he will look for the road to be reconstructed to current Town standard. He believed the applicant had proved there were 35 lots, which could be 36 if the LOMA is approved. Mr. Keach said given the density of the subdivision and the fact that Currier Road is a collector road, he anticipated that the Highway Safety Committee will look for two access points. He strongly encouraged the applicant to review two access points on Currier. He said it might be possible to devise a plan that fits a Town standard road within the existing right-of-way at Peabody, but if it does, he said it would change the character of the neighborhood. There was further discussion about access and traffic flow.

Mr. Lynde stated he preferred the conventional plan because he didn't feel the Town gained much by going with the conservation plan. Mr. Bergeron also felt the area would be best served by a conventional subdivision.

Mr. McNamara said he would accept a motion for a conservation subdivision by approving the yield plan for 35 units with the notation if the LOMA letter comes in then the yield plan base would go to 36 units.

Mr. Doherty asked to hear from the Planning Director. Mr. Gowan said in terms of 'process', if the Board doesn't pass a motion to approve the yield plan, the applicant will know they'll be building a conventional subdivision, which would allow detailed engineering, site walk, etc.

In looking at the plan and consideration of the neighbors, Mr. Montbleau felt the neighborhood would be best served with a conservation subdivision. He said he couldn't support a conventional subdivision; however, all the concerns raised about the pipeline, access, etc. remained paramount to him.

Mr. Doherty said one option that hasn't been discussed is elderly housing, which was theoretically possible. He said the proposal was a unique development and noted the Board could 'barter' with the applicant if they move forward with a conservation development but couldn't if they brought in elderly housing. He didn't want to see the applicant spend a lot of money on engineering for a conservation subdivision that they eventually don't pass. Mr. Coronati stated he didn't go through a lot of the positives and minuses relative to a conservation subdivision because he believed they were still at the point of deciding upon a yield plan count. He noted there were a lot of positives with a conservation subdivision.

Mr. Clark made a motion to approve the 35-unit yield plan with the stipulation if the LOMA letter is approved, the number will go to 36 units. Mr. Montbleau seconded. Mr. Bergeron wanted clarification for the result of a 'no' versus 'yes' vote. Mr. McNamara replied if the vote was 'no', the applicant would not design a conservation subdivision and if the vote is 'yes', the applicant will design a conservation subdivision. Mr. Doherty referenced Section 307-99. He then pointed out that the previous case brought forward a conservation plan without requesting bonus density lots. With regard to the case currently in front of the Board, he said the applicant may ask for bonus density, but end up with less lots than the yield plan is showing. He said that wouldn't be known until the Board gets into that process. Mr. Bergeron asked Mr. Doherty which vote would have less impact on Peabody Lane. Mr. Doherty replied a conservation subdivision would have less impact if the Board could get the applicant to speak with the abutters, possibly widen Peabody Lane, possible cul-de-sac or loop road through an access on the north (Currier Road). Mr. Bergeron understood with a conventional subdivision the Board gets to make decision; whereas in a conventional subdivision the applicant would have to adhere to the standards and the Board would have to accept them. Mr. Lynde commented it was better for the Town to be able to plow a road without having to re-trace the route.

MOTION: (Clark/Montbleau) To approve the yield plan for 35 units with the stipulation if the LOMA letter is approved (by FEMA) the number will go to 36 units.

SHOW OF HAND VOTE: (4-3-0) The motion carried. Mr. McNamara, Mr. Montbleau, Mr. Dadak and Mr. Clark voted in the affirmative. Mr. Doherty, Mr. Bergeron and Mr. Lynde voted in opposition.

Mr. McNamara explained to the public that the applicant would come back at some point in the future with a fully engineered plan; legal abutters will receive registered mail notification.

PB Case #PL2018-00002 - Map 22 Lot 7-1 - DEBORAH ANN TRUST - 9 Atwood Road - Additional Action on Approval

Mr. Montbleau stepped away.

MOTION: (Clark/Bergeron) To recommend that the Board of Selectmen accept the open space.

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

Mr. Montbleau returned.

NEW BUSINESS

PB Case #PL2018-00010

Map 17 Lot 12-227

KEREPKA, Paul & Marc - 21 Ledge Road - Proposed 2-Lot subdivision

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Representing the applicant was Mr. Hugo Findeisen of Findeisen Survey & Design. He explained the applicant owned a large lot and was seeking to subdivide off the existing farmhouse (2.6 acres); the remaining land would be approximately 35.6 acres. He stated that the wetlands that ran along the side of the property line were flagged. They are requesting several waivers. Mr. Findeisen stated they received State Subdivision approval. He noted that the original design showed the driveway coming in perpendicular to Pete's Way; however, it now followed the existing dirt drive. Test pits have been done on both lots and reviewed by the Town's Health Inspector Paul Zarnowski.

Mr. Gowan believed the proposal was a simple subdivision of land; the remaining lot exceeded the requirements for 35,000SF upland soil types. He felt the application was complete for purposes of the Board to accept it for consideration.

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

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

Mr. McNamara then read aloud the waiver requests.

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 10.03, C - Existing Site Conditions – surveyed property lines to be stamped by a licensed New Hampshire land surveyor.

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

MOTION: (Bergeron/Montbleau) To approve the waiver to Section 10.03, C - Existing Site Conditions – surveyed property lines to be stamped by a licensed New Hampshire land surveyor.

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 10.03, D - Existing Site Conditions – ground survey of existing topographical information.

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

MOTION: (Bergeron/Dadak) To the waiver to Section 10.03, D - Existing Site Conditions – ground survey of existing topographical information.

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

MOTION: (Bergeron/Doherty) To accept for consideration the waiver to Section 10.03, F – Existing Site Conditions – location of all existing structures, including well systems (and wells and septic systems within 75ft).

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

MOTION: (Montbleau/Dadak) To approve the waiver to Section 10.03, F – Existing Site Conditions – location of all existing structures, including well systems (and wells and septic systems within 75ft).

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 10.03, G Existing Site Conditions – location of natural features.

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

MOTION: (Bergeron/Montbleau) To approve the waiver to Section 10.03, G Existing Site Conditions – location of natural features.

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

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

Mr. Gowan inquired if the applicant had checked with the Assessor regarding the assigned lot numbers on the plan. Mr. Findeisen stated that he had, and the numbers were approved.

Mr. Clark questioned if the land was in current use. Mr. Kerepka replied he had approximately ten acres, but it wasn't near the location of the proposed house. Mr. Clark understood there was a State rule regarding

subdividing land, and all lots had to be 10-acres or more. He wondered if the proposal would be affected since one of the lots would be less than ten. Mr. Gowan believed there would be a current use penalty when it was taken out. He said it would need to be verified with Assessing. In researching the case, Mr. Clark saw that the property card seemed to indicate that the parcel was fifty-eight acres. Mr. Kerepka replied he had to take that question to the Town because he had been paying for fifty-eight for quite some time. The discrepancy was realized when the property was surveyed.

Mr. Doherty pointed out to the public that the case was moving quickly because the well was approximately 350ft. from the closest property line and the proposed septic was approximately 400ft. They were so far from abutters that there didn't seem to be any issues. Mr. Findeisen told the Board that ahead of the meeting they gave abutters copies of the plans to review.

Mr. Clark asked if the driveway met the Town's specifications for grade. Mr. Gowan replied the applicant would have to demonstrate how the driveway would be compliant with the regulations. He noted that the driveway would need to be accessible for emergency apparatus during construction and in completion.

Mr. Lynde asked if the applicant was proposing to put a house on the remaining lot. Mr. Findeisen replied they had a proposed house, septic and well to show what they could do. Mr. Lynde confirmed that the new building would be on the remaining lot. Mr. Findeisen answered yes.

MOTION: (Clark/Montbleau) To approve the two-lot subdivision.

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

ADMINISTRATIVE

Mr. McNamara asked Mr. Steele to discuss his discussion with the head of the Nashua Regional Planning Commission ('NRPC'). Mr. Steele briefed the Board on the annual session held by NRPC, during which several topics were discussed such as numbering of houses, density, taxes, etc. He posed the question to NRPC if there was a forum or committee comprised of planning board members from around the state that periodically met to discuss common issues. NRPC would like to know if there are members of the Pelham Board that would be interested in attending a forum if it were to be formulated and presented at a later time. Mr. Gowan commented that it could be a brainstorming session between board members in various communities. Mr. Steele added that the goal would be knowledge transfer. There was a brief discussion regarding the suggestion. Mr. McNamara asked Mr. Steele to tell NRPC there was some interest. He said if there is interest from other towns they can see where it goes from there.

Continued discussion of Zoning and Regulation amendment priorities, subcommittees, etc.

Mr. Gowan provided the Board with a copy of the Town's Land Use Regulations that were developed by Steve Keach of Keach Nordstrom (Board's engineering review firm) through a community planning grant. He suggested when the Board had time, they should review and discuss the document at an upcoming meeting. Mr. McNamara asked that an agenda item be added.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 10:07pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary