

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
July 21, 2014

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

The Secretary Paul Dadak called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Tim Doherty, Paddy Culbert (due to a medical emergency left at approximately 8:50pm), Alternate Joseph Passamonte, Planning Director Jeff Gowan

ABSENT: Jason Croteau, Selectmen Representative Robert Haverty, Alternate Mike Sherman

Mr. McNamara appointed Mr. Passamonte to vote in Mr. Croteau's absence.

NEW BUSINESS

PB Case #PL2014-00022

Map 36 Lots 4-171 & 4-172

MERULLO, Tony - Valley Hill Road – Proposed Lot Line Adjustment

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

Mr. Jeff Green, representing the applicant, came forward to discuss the proposed lot line that would be in the location of Valley Hill Road (Class V road) and Baldwin Hill Road (Class VI road). Both lots were existing; currently Lot 172 contained 504.14ft. of existing road frontage with 7.62 acres and Lot 171 contained 1,074ft. of road frontage with 7.99 acres. The proposal was to swap 6.2 acres and 254ft. of frontage from Lot 172 to Lot 171. Mr. Green stated Lot 172, which contained an existing house, well, leach field, driveway would be reduced down to 2acres. The lot line will move closer to Valley Hill Road to make the remaining lot more usable although it would remain on a Class VI road.

Mr. McNamara wanted to know the purpose for the lot line adjustment. Mr. Green believed the purpose was to get the lot closer to the Class V road to make that lot either buildable, or more feasible to build.

From a Zoning standpoint, Mr. Gowan commented that the lot would not become 'more' non-conforming with the proposed adjustment. He didn't feel Zoning relief was needed in advance of his opinion. He noted that the applicant had submitted two waivers: 1) boundary lot lines, and 2) for the 2ft. contours. He felt they would also need a waiver for the well radius because with the lot line adjustment the well radius would be outside the lot. He provided the applicant advanced notification that the additional waiver request would need to be submitted.

Mr. McNamara read the waiver requests aloud.

1. The scale of the drawings to be one inch to one hundred feet (1":100ft) so the entirety of the lots can be shown on one plan.

MOTION: (Montbleau/Culbert) To accept, for consideration, the waiver request for the scale to be one inch to one hundred feet.

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

2. Waiver to the requirement for 2ft. topographical contour survey data. Request to waive the requirement over the rear portion of Lots 4-172 and 4-171. Contours are shown around the existing structures, well and 4K area.

MOTION: (Montbleau/Dadak) To accept, for consideration, the waiver request to the requirement of showing 2ft. topographical contour survey data.

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

3. Waiver to Section 11.11,B,2 – Well radius required to be located outside the 15ft. building setback. Lot 4-172 has an existing well and house; there is plenty of space for a future replacement well/septic if needed in the future.

MOTION: (Montbleau/Dadak) To accept, for consideration, the waiver request to Section 11.11,B,2 – well radius.

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

Mr. McNamara asked for a motion to accept the plan for consideration.

MOTION: (Montbleau/Passamonte) To accept the lot line adjustment for consideration.

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

Mr. Montbleau understood the applicant was seeking to reduce the size of the existing lot to two acres, which would leave approximately thirteen acres for the remaining lot. Assuming that the remaining lot would be developed in the future, he wanted to know if there would be a problem at that point with the well radius. Mr. Green said it was an oversight on his part when reviewing the regulations to move the lot line. He said the existing well was approximately 50ft. from the new boundary line; however, they would be able to put another well on the lot if needed in the future. He noted a well easement (note on the plan that carried with the deed) could be done to ensure there was no development within the radius.

Mr. Gowan offered another consideration for the Board. He said the Board could approve the lot line adjustment subject to the lot line changing so the setback was met and the radius was inside the new lot. Mr. Montbleau requested clarification of the options Mr. Gowan proposed. Mr. Gowan said

possible options were: 1) Sign off on the waiver and approve the lot line adjustment as presented; and 2) Approve the lot line adjustment with a condition that the lot line be re-struck so the well radius is within the lot. Either way, he suggested taking care of the well radius prior to the plan being signed/recorded.

Mr. Culbert asked if the applicant would draw a new well. Mr. Green said they didn't intend to draw a new well. They were proving that the lot was buildable and showing an alternate location for a well and leach field that would meet Town requirements in the event the existing well failed. Mr. Culbert felt the lot line should be moved prior to the plan being signed.

Mr. McNamara asked the other Board members how they felt. There was a general consensus if an approval was granted that the lot line would be moved such that the well radius would be enclosed on the lot. Mr. Gowan said it made no difference to the 'buildability' of either lot to make the line change prior to plan signature.

Mr. Green said they were trying to maintain the approximate 249ft of road frontage they currently had for the two acre lot, which would allow them to put a driveway in for the other lot. He was hoping the well radius wouldn't be an issue. Mr. Gowan pointed out even with Planning Board approval of the lot line adjustment, the applicant would need to seek zoning relief for the parent parcel because it had no access on a Class V road and follow it with Selectmen approval prior to a building permit being issued. Mr. Green understood. Mr. Gowan said a well radius easement could be created so that no septic system would be put in the 25ft. that went over the lot line. Essentially they would still need permission to build a driveway on a Class VI road.

Mr. Culbert reiterated he wanted to see the lot line changed to encompass the well radius. Mr. Montbleau wasn't comfortable having a well radius easement when they didn't know what type of development would be done in the future. Mr. Green said there was no specific development planned. They were simply trying to get everything closer to the Class V road.

Mr. Doherty asked Mr. Montbleau if he would have a problem with having a note added to the plan indicating the portion of the well radius in the abutting lot would have an easement. Mr. Montbleau responded he was trying to protect the well radius and felt the plan would be cleaner if the well radius was kept within the confines of the lot.

The applicant, Tony Merullo came forward. He explained that the State had a well radius release form that would be recorded at the registry. He said they would be willing to complete the form if it would resolve the Board's issue.

Mr. Gowan said there had been quite a few instances of well radiuses being over boundaries. He said any of the suggestions described would solve the problem. Mr. Culbert recalled well radiuses overlapping onto a road, not onto another lot. Mr. McNamara said when the radius overlaps, they've been done by having easements.

Mr. McNamara opened the hearing to public input.

PUBLIC INPUT

Mr. Ed Stanley, 73 Valley Hill Road saw the proposal and questioned if Valley Hill Road would be extended. Mr. McNamara explained the applicant was requesting a lot line adjustment. The Board was discussing how to resolve the issue of the well radius being outside the proposed lot's boundary. Mr. Stanley asked if a variance would be needed. Mr. McNamara replied a variance wasn't needed, but a waiver may be. Mr. Gowan added if the owner ever wanted to build a road to construct a subdivision, there would be additional requirements, including notification to abutters within 200ft. Mr. Stanley questioned if the septic design shown on the plan was existing. Mr. Green said the septic was a proposal.

Ms. Jamie Maren Boyd, Valley Hill Road (Map 6 Lot 4-172-1) wanted to know if the well being discussed was residential or commercial grade. Mr. Green replied it was a residential well. Mr. McNamara added that it serviced the existing home. Ms. Maren Boyd asked if the radius was calculated based on all the abutters or just the immediate. Mr. McNamara said the well had a 75ft. radius that extended over a proposed new lot line.

Mr. Montbleau told the Board he would be willing to relax his position, contingent upon the applicant filing a well release waiver with the State and the final plan including a condition for that adjustment. He based his opinion on the fact that the applicant had enough room to put another well should there be a problem in the future.

Mr. Culbert said he wouldn't support the well radius going over the lot line.

MOTION: (Culbert/Montbleau) To change the lot line so the well radius is contained on its own lot.

VOTE: (3-3-0) The motion failed.

MOTION: (Montbleau/Dadak) To approve the waiver request for the scale to be one inch to one hundred feet.

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

MOTION: (Montbleau/Doherty) To approve the waiver to the requirement for 2ft. topographical contour survey data over the rear portion of Lots 4-172 and 4-171.

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

MOTION: (Doherty/Culbert) To deny the waiver to Section 11.11,B,2.

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

Mr. McNamara then asked the Board to discuss the issue of the applicant filing a well release waiver with the State. Mr. Culbert asked for an explanation of the waiver parameters. Mr. Merullo explained it was a standard form provided by the Department of Environmental Services ('DES'). The form would be signed by the owner and recorded at the Registry of Deeds. He suggested adding the waiver referenced as a note to the plan specific to the well radius. Mr. Culbert questioned if there was a problem with changing the lot line. He understood the applicant wanted to develop the land and the engineer made a mistake. Mr. Gowan noted that well release forms were fairly standard practice.

MOTION: (Dadak/Passamonte) To approve the lot line adjustment conditioned upon the well release waiver be signed, filed with the State and recorded on the plan.

VOTE: (3-3-0) The motion failed. Mr. Culbert, Mr. Doherty and Mr. Passamonte voted no.

Mr. Gowan stated that the Board's vote would essentially make the applicant readjust the lot line. He said they could grant a conditional approval. Mr. Merullo told the Board they would move the lot line.

MOTION: (Culbert/Doherty) To approve the lot line adjustment, subject to moving the lot line to conform with the Town's Regulations pertaining to well radius.

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

Mr. Gowan wanted to be clear that the well radius would need to be with the lot line and within the setback requirements. Mr. Green understood the Board's intent.

OLD BUSINESS

PB Case #PL2014-00005

Map 17 Lot 12-180

EAH REALTY TRUST - 956 Bridge Street - Proposed 8-Lot Conservation Subdivision and Seeking a Special Permit to construct a road through the Wetland Conservation District

Mr. McNamara informed that the case has gone in front of the Zoning Board who determined they would like to hear comment from the Planning Board in terms of their preferences and concerns. The Planning Board and Zoning Board will conduct a joint hearing on August 18, 2014.

The Case was date specified to the August 18, 2014 meeting.

PB Case #PL2014-00021

Map 29 Lot 7-95

PELHAM REALTY GROUP LLC c/o RUBICON REAL ESTATES, LLC - 150 Bridge Street (Route 38) - Site Plan review for the construction of a proposed 19,024SF Retail Building

Mr. Gowan told the Board that the applicant had done a lot of work on the plan and made revisions, those revisions had gone through review by Steve Keach of Keach Nordstrom (Board's engineering review firm). He said the Fire Department were pleased with what they've seen.

Mr. McNamara read aloud a letter dated July 4, 2014 from the Deputy Health Officer Paul Zarnowski informing that the previous issues with the sewage disposal system had been discussed and resolved. Mr. Zarnowski has approved the plans and believed they should now be with the Department of Environmental Services ('DES') for approval. Mr. McNamara then read aloud an email dated July 15, 2014 from Joe Maynard of Benchmark Engineering that informed the DES approved the system.

Mr. Bob Clarke of Allen & Major Associates and Mr. J.P. Fine representing Pelham Realty Group, LLC. came forward to discuss the plan. Mr. Clarke told the Board that they had responded to all of Mr. Keach's comments. They have submitted their Alteration of Terrain permit and Curb Cut permit to the State. They've had a follow up meeting with the Department of Transportation ('DOT') to discuss the traffic report, which has now been finalized and submitted. The subsurface septic permit has been received. Mr. Clarke noted there were additional comments that Mr. Keach mentioned: 1) bituminous walkway from the site to the Chunky's parking area (to tie into other walkway system); 2) curb/guardrail at the top of the display area – an 8inch curb has been added; 3) entrance increased to 40ft. wide to allow tractor trailer to sweep both north and south into the site; and 4) construction fence added to the rear of the parcel (above the slope).

Mr. McNamara recalled receiving an e-mail that indicated construction of the project would be limited to daytime hours. Mr. Clarke said that was correct. He said the hours of operation had also been added to the plan. Mr. McNamara asked Mr. Clarke to comment how the applicant addressed the Site Plan rules regarding the landscaping for the project. Mr. Clarke replied all the new landscaping regulations have been met. Mr. McNamara also recalled seeing an e-mail response to the question about hazardous material storage. He confirmed anything of that nature would be located inside the store. Mr. Clarke said that was correct.

Mr. Keach came forward to discuss his comment letter dated July 16, 2014. He said Fire Department sign-off should be a condition of approval. Given the extent of excavation required to build the site, he recommended receiving a performance guarantee for erosion and sediment control to be held throughout the course of construction. This guarantee would have a component for site restoration. Mr. Keach said most of the comments under the section planning/design matters were dotting 'T's and crossing 'T's. He discussed the widening of the turning radius at the site entrance. Previously there was a partial encroachment of the left turn (southbound) lane, which had been amended to widen the inbound lane and achieve the desired outcome and satisfy the requirement. He felt the Board should discuss the hours of construction and include it as a condition for approval. Mr. Keach believed the Board had a good plan that conformed with the recently adopted site plan regulations. He said it was another good job by Allen & Major.

Mr. Doherty didn't recall the Board limiting hours of construction. Mr. Gowan believed the Board had done so as a courtesy to nearby residents. He felt the hours for construction listed on the plan

(7am-5pm Monday-Friday and possibly some Saturday hours) were reasonable. Mr. Fine said the proposed hours worked for the site contractor. He said it was a tight schedule and they wanted to get the work done before asphalt plants closed in the fall. It was noted that the hours of operation for the store were 8am-8pm. Mr. Montbleau felt it was reasonable for the hours of construction to be 7am-7pm (Monday-Saturday). Mr. Doherty agreed. Mr. Fine said any additional hours would be helpful if they were needed. Mr. Culbert was amenable to 7am-7pm if they excluded the weekend. Mr. Fine said they would be amenable to reduced hours on Saturday, but would appreciate the leeway. They would like to decrease the time period of disruption and get the work done as quickly as possible. Mr. Doherty said having construction shut down at 5pm could cause delays and add time to the project length. He was in favor of allowing construction 7am-7pm Monday through Saturday.

Mr. Gowan asked that Mr. Clarke provide a brief overview of the drainage study and traffic analysis. Mr. Clarke showed how the drainage flow would be captured into a water quality unit and underground infiltration system. Test pits have been done and percolation rates were calculated. There are two overflow areas that run into swales (closed drainage systems). They are meeting all the pre- and post-storm event data as well as the Town's new drainage regulations. In addition, the DOT had requested a copy of the drainage report and the applicant will be filing an Alteration of Terrain permit, so the information will be further reviewed by the State. Mr. Clarke told the Board after meeting with DOT District 5 it was decided to shut down the (right turn) curb cut closest to the intersection. This was basically a trade for the new curb cut. The applicant was asked to do a traffic study and analyze all entrance points to the plaza. Mr. Clarke summarized the information contained in the traffic report. Mr. Keach said the information provided by Mr. Clarke was accurate in presentation. He believed the traffic analysis was useful and there would be an equalization of traffic volumes between the sites. He said his biggest issue had been the geometry of the curb cut, which has now been resolved.

Mr. Culbert wanted to know the speed limit on Route 38. Mr. Keach believed the speed limit in that section was 35mph. Mr. Culbert believed the speed limit was 40mph. He asked how much sight distance there was. Mr. Keach said there was an excess of 500ft. He noted that the DOT policy required 400ft.

Mr. Doherty asked if the increased curb cut affected the sign at Route 38. Mr. Fine said the sign easement was on the other side (of the access).

Mr. Jim Scanlon and Mr. Bill Reno of Reno James Realty (owners of the abutting Hillside Plaza) came forward. Mr. Scanlon questioned if the traffic study took into consideration the entrance between Hillside Plaza and Pelham Plaza. Mr. Clarke reviewed the information that was requested by DOT and listed the entrances that were reviewed. The study didn't take into account the entrance furthest south that abuts Mr. Scanlon's property. Mr. Scanlon commented that the parking lot was a cut through and there were a lot of issues pulling out onto Route 38 because of the number of businesses in the area. He asked that the Board give consideration to those issues. Mr. Scanlon questioned if Tractor Supply had an estimated daily customer count. Mr. Fine didn't have the number in front of him, but believed it was used for the trip calculation. Mr. Clarke believed the average trip numbers were used for the calculations; he was unsure if they had the customer numbers. Mr. Scanlon told the Board the customer count for the hardware store only was approximately 150 weekdays and increased on weekends and during busy spring and fall seasons. He then asked what buffer was being considered for the area between the plazas. Mr. Clarke said there was an existing 40ft. buffer that would be maintained. Plants will be added at the end of the slope as required by the

Town. There will also be rip rap (gravel material) to stabilize the areas of slope. Mr. Scanlon asked what buffer would be along the back portion of the lot abutting the Hillside Plaza. Mr. Clarke said that portion of the buffer would be maintained at the property line.

Mr. Scanlon questioned if the grade at the front of the property (from Chunky's parking lot to the proposed parking area) would remain at 20ft. as discussed at the previous meeting. Mr. Clarke replied they would maintain the existing slope in front of the driveway and would basically meet grade at the parking lot. Mr. Scanlon asked if there would be any blasting. Mr. Fine said they were hoping not to blast. They've reviewed the area and believe they may be able to backhoe/excavate the area instead of blasting, given that the first five feet was loose stone ; however, there could be blasting. Mr. Scanlon was concerned about disturbance as a result from blasting effecting their retaining walls and water wells. Mr. McNamara said if the applicant needed to blast, they would have to comply with the new regulations. Mr. Clarke understood. He said they would conduct the standard pre-blast survey following the Town and State requirements.

Mr. Clarke discussed the additional curb cut. He was not in favor of having a long dead end parking lot. He understood there was a parking agreement between the owners of the Pelham Plaza and Hillside Plaza. He suggested possibly having a gated access for snowplowing and maintenance. Mr. Scanlon said they would be opposed to having a gate as long as they were able to keep the parking spots included in the original agreement. He noted the reason they had access in that location was to open the parking lot to Chunky's. He was open to having a discussion. Mr. Gowan recalled when Chunky's moved into the plaza, a speed bump was required, which evolved into a temporary speed bump to making winter plowing easier. In his opinion, he would require a permanent paved speed bump. Mr. Scanlon felt a speed bump would be worthwhile, but it wouldn't address traffic entering/exiting from Hillside Plaza onto Route 38. Mr. McNamara felt the gated access would solve the concern for traffic, as long as they parties could address the parking.

Mr. Scanlon said they had no problem with hours for construction, however, they were concerned with the timeframe for completion of work and questioned when the store planned to open. Mr. Fine said the current schedule was to start at the beginning of September in order to have the site work complete, and binder pavement down prior to Thanksgiving. He's been told once the foundation goes in the prefabricated building would go up quickly. He believed the goal was to have the building closed in by January, 2015 so the interior work could be done. They hoped to deliver the site to Tractor Supply by April 1, 2015.

Mr. Scanlon discussed his concern about taxes. He explained that his assessed value increased considerably with the sale of the Pelham Plaza and R&B Superette and was concerned about another increase with Tractor Supply going in. Mr. McNamara understood the concern and responded that taxes weren't in the Planning Board's purview.

Mr. Reno wanted to better understand the proposed access to Tractor Supply. He noted there were approximately fifteen existing access/entrance points between Willow Street and Atwood Road. He asked if all the traffic was considered and if the applicant knew how many additional vehicle trips the store would generate. Mr. Reno told the Board of a situation that occurred at their Dracut location at the time a CVS was added and one of the access points was closed down. He asked that the extra consideration be given to the traffic lanes to ensure vehicle access in and out of other locations wasn't hindered by the increase in trips. Mr. Reno said they were all neighbors and would work together. He simply wanted to maintain safety with the nature of access into their plaza being children and

families. Mr. McNamara believed the purpose of the traffic study was to ensure there was safe access in and out of the plaza. They didn't want the trip generation to add a significant burden onto Route 38. Mr. Gowan said he had discussions with DOT when new businesses were proposed. He said it was clear the DOT was in favor of the new curb cut because the curb cut on the northern end of the parking lot was being sacrificed. He pointed out there was no additional curb cut; the existing cut was being relocated. Mr. Fine added that the DOT felt the proposed curb cut would improve conditions because it removed a cut that was close to an intersection and improved sight lines.

Mr. Culbert asked if there was any discussion about traffic signals. Mr. Clarke replied there were no requests for traffic lights or signals. Mr. Culbert was in favor of having a discussion regarding signalization. Mr. Gowan said the Board had no authority over traffic signals in that location. He said in order for a signal to be put in a traffic signal warrant analysis would be needed. Mr. Culbert said he'd be happier with the plan if the State decided to install a traffic signal. Mr. Clarke noted that one of Mr. Keach's comments was the requirement for them to obtain a State DOT curb cut permit. He said if a signal was needed, the State would make the request for one at the developer's expense.

Mr. Fine responded to the comment regarding the installation of a permanent speed bump. He said they would be amenable to having one installed. He will also discuss the logistics of having a gate and maintenance with the abutting plaza owner. Mr. Doherty commented about using the parking lot for going from one store to another. He frequents both plazas and at times uses the parking area to cut through between them. He felt additional traffic would be created by forcing vehicles out onto Route 38 versus leaving the connection open and adding the speed bump.

There were no waivers for the Board to address.

Mr. McNamara reviewed a list of proposed conditions that would be attached to any approval.

- 1) NH Department of Transportation permit and construction approval and on-site septic approval must be received with approval numbers noted on the plan;
- 2) Written evidence that the Pelham Fire Department was satisfied with the fire protection plan;
- 3) The provision of surety (LOC or cash) for erosion and sedimentation controls and restoration along with plan compliance escrow in an amount recommended by Keach Nordstrom;
- 4) Placement of a speed bump at the southern end of the Chunky's parking lot;
- 5) Prior to plan signature a written letter to Planning Director from Keach Nordstrom indicating their satisfaction with the final plan set having resolved all items identified in the July 16' 2014 review letter;
- 6) Hours of exterior construction (7am-7pm / Monday through Saturday) to be noted on the plan;
- 7) Hours of operation (8am-8pm / seven days a week) to be noted on the plan;
- 8) Deliveries limited to hours of operation.

Mr. Fine noted Tractor Supply receives 2-3 deliveries per week.

Mr. Gowan said he added the condition #4 regarding the speed bump, but had no strong feelings about it. He felt Mr. Doherty brought up a good point.

Mr. Doherty wanted to be clear that condition #6 hours for construction pertained to exterior work. He said interior work could be done at all hours. With regard to access between plazas, he used the parking area in Salem, NH between Home Depot and BJ's as an example of traffic being kept off Route 28 by allowing the connectivity between plazas and stores. He noted a lot of towns required

connectivity to keep traffic off main roads. Mr. McNamara said a speed bump would slow traffic. Mr. Doherty was not in favor of closing off the access between plazas.

Mr. Culbert questioned if anyone else on the Board was concerned about signalization. Mr. McNamara understood the concern, but noted it was outside the Board's purview. Mr. Gowan said signalization was also based on traffic counts. The vehicle count didn't justify signalization. Mr./ Fine told the Board that the State didn't feel it was necessary. Mr. Keach told the Board that a standard warrant analysis was done. He said when looking at the proposed intersection being un-signalized data showed it had a volume capacity ratio of approximately 15%, which meant it would use only 15% of its maximum volume and not create traffic cues. That information stopped further conversation by the DOT. Mr. Culbert asked if Hillside Plaza was taken into consideration of the traffic count. Mr. Keach said Hillside Plaza and all other businesses made up the background traffic volume that was counted. He said they used real vehicle counts.

MOTION: (Montbleau/Dadak) To approve the plan with the stated conditions.

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

NEW BUSINESS (additional)

PB Case #PL2014-00019

Map 32 Lot 1-146-24

SKYVIEW ESTATES, LLC - Skyview Estates Phase II - Majestic Avenue – proposed Conservation Subdivision (19 residential lots and 2 open space lots)

Mr. Montbleau stepped down.

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

Mr. Peter Zohdi of Herbert Associates, representing the applicant, came forward to discuss the proposal, which was the second phase of Skyview Estates. He said all the second phase lots were shown to the Board during the initial review of the project. In summary, phase II would consist of nineteen buildable lots and two open space lots. Previously right-of-ways to Town land were dedicated to Lots 1-161 and Lot 1-145. A new right-of-way will be dedicated within phase II, to Lot 1-156 (Burton property). Gove Environmental reviewed the wetlands and soils. The applicant is proposing two fire retention areas and two treatment swales. Mr. Zohdi discussed the open space calculations. The total acreage is 89.380 (phase I= 67.738 acres and phase II=26.642 acres). Phase I consisted of 26.094 acres of open space (41.4%) and Phase II will consist of 13.220 acres of open space (49.6%). Of the total acreage, 43.5% will be open space. Mr. Zohdi received a report from Keach Nordstrom (Board's engineering review firm). In reference to the report, he provided the Board with a copy of the plan that highlighted the detention pond within the phase I development that would need to be tied in with phase II. He believed they could comply with the remaining items in the Keach review letter.

Mr. Gowan told the Board in his opinion the plan was ready to be accepted for consideration.

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

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

Mr. Steve Keach of Keach Nordstrom came forward to discuss the items contained in his letter of July 18, 2014. He told the Board that the substantive comment pertained to the expansion of the detention pond and had no doubt that the remaining items could be taken care of.

Mr. Culbert left the meeting.

Mr. Keach was concerned about the expansion of the basin because it currently had a substantial amount of water going to it. He said Aspen Drive had been extended up the hill to the pump house. The closed drainage system that drained to the hill was directed to the basin. The basin is constructed, fully stable and operational. He was concerned about (temporarily) destabilizing the basin to increase its capacity. Mr. Keach said he was reacting to the drawings, as presented. He had a conversation with Mike Gospodarek of Herbert Associates to request that any special means and methods be put on paper. Essentially the existing basin will have to remain functional (and not breeched) while the expansion is being built and stabilized. To that regard, he believed the design engineer was prepared to take some extra direction; it would also take cooperation from the contractor. Mr. Keach was certain that he and Mr. Gospodarek could come up with a design that everyone would be happy with. In turn he'll be looking for language on the plan that gave the Town some ability to have work scheduled around weather and the time of year so it could become fully stabilized before water was directed to it. He said the other comments were peripheral to the application. There will need to be discussion regarding the viability of the 50ft. right-of-way extending to the Burton property (Lot 1-156) because slope easements will be needed. Mr. Keach was fairly certain that Herbert Associates could easily address the remaining comments.

Mr. Zohdi agreed with Mr. Keach about providing a profile of the right-of-way to the Burton property and see what is needed for a slope easement.

Mr. McNamara noted there was one waiver request to Section 11.04 A&B, lot shape for Lots 1-146-61 & 1-146-64. Mr. Zohdi said their reason for the waiver was to get better buildable lots

PUBLIC INPUT

Mr. McNamara explained to the public that the Board would not be able to make any decisions on the matter given there were only four seated members. (Mr. Montbleau stepped down at the beginning of the hearing and Mr. Culbert left for medical reasons). The Board date specified the matter to Thursday, September 4, 2014.

Ted and Cecilia McGlynn, 9 Scenic View Drive came forward to discuss their concerns. Ms. McGlynn told the Board she had major concerns regarding one specific blast that occurred June 24, 2014 at 11:49am. She said her husband was working from home and there was an enormous shake of the house. Her husband immediately got up and checked the time because it was such a blast. He then checked utilities and found their well had no water. She said at that point he called her and she came home immediately (from work as a teacher in Salem, NH). Ms. McGlynn went directly to the Planning office and was told to go to the Fire Department. She spoke with Fire Inspector John Hodge, who she felt was very helpful. She was told the name of the blaster and informed they had

insurance. She contacted the blaster and was told there was no way they could have caused damage, it was in her head and nothing would be done. Upon pushing for information she got the name of the insurance company and made contact. The insurance company told her, given thirty years of experience, there was no way damage would have been done and she should contact her homeowner's insurance. Ms. McGlynn contacted her insurance because she had no water. They had to leave their home for 3-4 days. The well company came out July 1st and using their static measure couldn't find any water. Because the pump had been turned off for four days the well company noted water should have come back. The well company deemed that a new well (estimated at \$15,000) would need to be drilled. At that point Ms. McGlynn contacted the blaster's insurance with the well company's results and estimate; she was told to speak to the blaster. She said the blaster wouldn't move forward so in the end they contacted their homeowner's insurance. Ms. McGlynn said in order to live in the house they've had a water delivery. Their well was supposed to hold 1,100 gallons and at 2,200 gallons the water company needed to stop filling the well and noted there was gurgling and bubbling while they were filling, which lead them to believe there was a crack in the well. She said Skillings and Sons had since written a report stating their feeling that the blasting had caused damage to the well.

Ms. McGlynn understood that the Planning Board wanted development, but at the same time felt the Board had a duty to protect the citizens of the Town. She requested that no further action be taken on the development until the Board had received word that the damages had been remedied. She reiterated there was a \$15,000 estimate for the well, which didn't include the damage to her home.

Mr. McNamara asked Mr. Zohdi if he was aware of the situation. Mr. Zohdi answered no. Mr. McNamara asked Ms. McGlynn if she'd tried to contact the project developer. Ms. McGlynn said she had spoken to Gary Mosher (GM Drilling & Blasting), Bill Shields, Tom Ireland (developer). Mr. Gowan believed the developer was John Gargas. He didn't know who Mr. Ireland was. Ms. McGlynn said the Fire Inspector gave her Mr. Ireland's contact, therefore she believed he was the developer. She said she contacted everyone she could.

Mr. Zohdi stated he didn't know about the situation and sympathized with Ms. McGlynn. Prior to the next meeting he would like Ms. McGlynn to meet with the developer. He noted whenever a situation came up the developer had taken care of it. He didn't have an answer for what may have happened with the McGlynn's home.

Ms. McGlynn said she had spoken to the geologist who informed a report was needed because a claim was made. She said the geologist had come to her home early in the day and gathered information and taken photos of her home.

Mr. Gowan asked if the McGlynn's knew their well production prior to the current situation. Mr. McGlynn said the original well was 4.5 gallon per minute. Ms. McGlynn said the well was fine, until instantly after the blast. She said they had no water when the well company came to review. She noted they had a trickle, but needed a water delivery to be able to stay at the home.

Mr. McNamara said the Board sympathized with the situation and hoped there would be a resolution.

Mr. Doherty asked for clarification regarding the McGlynn's well. Mr. McGlynn said their well was 700ft. deep and were informed that it could hold approximately 1.5 gallons per foot. Mr. Doherty asked if the water left the well right after the blast. Ms. McGlynn answered yes; nothing would come

out of their tap. She said when the water company used the static measure they were unable to find any water. They turned the pump off, and still nothing came back. She stated a pebble test was done and counted to thirty eight before losing track of the rock, which hit no water. The water company told them it was a bad situation. Ms. McGlynn said to further complicate the situation the family had two birthday parties planned for the same weekend. When the water delivery arrived, it not only took an extra-long time to fill a well. She said because they had bubbling and gurgling while filling the water company thought the water may be rushing out of a new crack that had been created. The company stopped filling at 2,200 gallons. Ms. Glynn said for now she was able to live in her home with the water that was pumped in, but as it decreased would be without water again.

Mr. McGlynn asked that the results of the situation be addressed prior to phase II commencing. He would like the Town to expand the radius of notification, pre-surveys and instrumentation contained in the blasting ordinance.

Mr. McNamara noted that the Board couldn't make any decisions because they only had four seated members.

Ms. McGlynn said she needed a 'fix' to the situation. She wanted to know if she needed to pursue her insurance and have another well drilled. Mr. McNamara suggested they contact a lawyer. Ms. McGlynn said it was already in process. Mr. Zohdi wanted the opportunity to set up a meeting with Mr. Gargas and Mr. & Mrs. McGlynn. He will be in contact Tuesday morning.

Mr. Gowan asked the people in the audience if anyone else had experienced a similar water loss.

Mr. Brian McCormack, Scenic View Drive, told the Board they put a new well in two years ago due to a similar situation as experienced by the McGlynnns. He said a water company put 3,000 gallons of water into his well and in two months the well went dry. He said the situation started when the blasting started. Mr. McCormack recently noticed that the hydraulic packing around the sewage pipe had become loose and was wet. His home had a foundation drain system, so there was no reason for water to be in his basement. He said the packing was cracked and had been damaged from the blasting. He told the Board he had three foundation cracks that were getting bigger. Mr. McCormack said there was a problem in the area and nothing was being done about it. He said there are probably more families involved, than had come forward to speak.

Mr. McNamara suggested that people write a letter to Mr. Gowan indicating their problems/concerns so they can be relayed to the developer.

It was reiterated that the case was date specified to Thursday, September 4, 2014.

Mr. Montbleau rejoined the Board.

DATE SPECIFIED PLAN(S)

Monday, August 18, 2014

PB Case #PL2014-00005 - Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street

Thursday, September 4, 2014

PB Case #PL2014-00019 - Map 32 Lot 1-146-24 - SKYVIEW ESTATES, LLC - Skyview Estates Phase II - Majestic Avenue

MINUTES

June 23, 2014 – Deferred due to lack of quorum.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:28pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary