

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
August 17, 2009**

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

The Secretary, Paul Dadak called roll:

PRESENT: Peter McNamara, Paddy Culbert, Paul Dadak, Roger Montbleau, Tim Doherty, Jason Croteau, Selectmen Representative Robert Haverty, Alternate Joseph Passamonte, Alternate James McManus, Planning Director Jeff Gowan

ABSENT: Alternate Edward McGlynn

ADMINISTRATIVE

Map 9 Lot 9-5 - Planning Board to make recommendation to the Board of Selectmen to accept Tim Zelonis' land donation of a 26 acre parcel off Simpson Mill Road

Mr. McNamara read aloud a letter composed by Conservation Chairman Paul Gagnon sent to Mr. Gowan, dated August 13, 2009, requesting that the Planning Board write a letter of recommendation to the Board of Selectmen to accept the Tim Zelonis land donation of 26 acres. Mr. Gowan reviewed the parcel with the Board. He showed that it abutted other Town owned parcels and if accepted would create a contiguous connection of such. He provided a letter he drafted for Planning Board support and with a consensus the letter would be signed and submitted to the Board of Selectmen.

Mr. Haverty told the Board that the matter had come to the Board of Selectmen through a public hearing. He said it was brought to the Selectmen's attention that the Town adopted a policy (2004 Town Meeting, Article 39) that required the Planning Board to submit a letter of recommendation to the Selectmen, after which the Selectmen would hold two public meetings before accepting a donation of land.

Mr. McNamara read aloud the proposed letter drafted by Mr. Gowan that gave a recommendation to the Selectmen to accept the donation of land by Tim Zelonis.

There was no opposition to sending a letter of recommendation to the Selectmen.

MOTION: To send a recommendation to the Board of Selectmen (to accept the land donation of Tim Zelonis Map 9 Lot 9-5).

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

Mr. McNamara signed the recommendation letter on behalf of the Planning Board.

NEW BUSINESS

Map 4 Lot 9-138 PORTNER (STADTMILLER), Marie – Tallant Road – Request of Extension of Previously Approved 12-Lot Conservation subdivision and Special Permits for Wetland and Wetland Conservation District ('WCD') Crossings (Original Approval Date: 08/04/2008)

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

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the extension request. He said they were requesting a 12-month extension to the existing subdivision that had been approved August 4, 2008. He said the economy had prevented the construction of the project.

Mr. Gowan provided his opinion on the matter in his notes to the Board. He said given the present economy it was not surprising that an approved project of this size would be slow to come to fruition. He stated typically the Board would reference in their motion and vote the Notice of Decision that was in force when the plan was approved. The final review letter by Stantec (dated July 27, 2009) had been included with the Board's information pack. Mr. Gowan reviewed the conditions of approval, which would remain in place with the original approval (and an extension). He commented that the waivers included with the original approval would also stay in place. He suggested any motion should reference the August 4, 2008 Notice of Decision.

There was no public input.

MOTION: (Haverty/Croteau) To grant the requested one-year extension with the proviso that the August 4, 2008 Notice of Planning Board Decision (as amended) be included and applicable.

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

Map 31 Lot 11-86-1 & Map 37 Lot 11-86 - LAMOUREUX, Cecile / BLUEBERRY CIRCLE REALTY TRUST – 115 Dutton Road & 28 Blueberry Circle – Proposed Lot Line Adjustment

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

Mr. Joseph Maynard of Benchmark Engineering and Mr. Bob Lamoureux came forward to discuss the proposed lot line adjustment. Mr. Maynard described the history of the properties; the front parcel (owned by Mr. Lamoureux's Mother) contained approximately 8 acres, the rear parcel contained approximately 6.95 acres. He explained that Mr. Lamoureux had constructed out buildings that were over the property line. The proposed property line was toward the rear of the property line along an existing stone wall. After the lot line adjustment, the front property would consist of approximately 3.91 acres and the rear parcel would contain approximately 11.06 acres. Mr. Maynard stated there were four waivers being requested to satisfy the lot line adjustment: 1) topographical information; 2) wetland mapping and delineation; 3) site specific soil mapping; and 4) monumentation.

Mr. McNamara asked if the lots were part of an approved subdivision plan. Mr. Maynard stated they were approved in the 1980's. Mr. McNamara wanted to know if the purpose of the lot line adjustment was due to the existence of the buildings. Mr. Maynard said that was a portion of the reason. He stated at present it was easy to work with Mr. Lamoureux's Mother (who owned the front parcel), and in the future it may not be easy to work with Mr. Lamoureux's siblings because of the buildings being over the lot line.

Mr. Culbert asked if the lot would be 'non-buildable'. Mr. Maynard stated there were existing homes on both lots and showed the Board their locations as well as the location of the existing out-buildings. Mr. Culbert asked if the new lot would be non-buildable. Mr. Maynard said he wasn't trying to create the lot to be a separate lot. Mr. Culbert asked if there would be any further subdivision. Mr. Maynard said they were only adjusting the lot line.

Mr. Gowan stated that the Board had been advised about requiring 'no further subdivision' in a case where a lot could be legally be subdivided. He said once the lot line adjustment took place the owner would need variance relief for the lot in the middle if they wanted to subdivide.

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

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

There was no public input.

Mr. Montbleau commented that in the past the Board had handled simple lot line adjustments during one meeting. He suggested if a motion were made (during the present meeting) to accept the lot line adjustment, it would alleviate the need to continue the hearing to an additional meeting.

The Board then addressed the waiver requests.

MOTION: (Culbert/Dadak) To accept, for consideration, the waiver request to Section 10.03,D – topographical information.

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

MOTION: (Culbert/Croteau) To accept, for consideration, the waiver request to Section 10.03,G – wetland mapping and delineation.

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

MOTION: (Culbert/Dadak) To accept, for consideration, the waiver request to Section 10.04,S – Site Specific soil mapping.

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

MOTION: (Culbert/Croteau) To accept, for consideration, the waiver request to Section 13.09 – Monuments.

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

Mr. McNamara confirmed if the lot line adjustment were approved that the two lots would be fully in compliance with any matter of Zoning. Mr. Maynard said they would be, other than the original variance granted for frontage reduction. Mr. Gowan concurred.

MOTION: (Culbert/Montbleau) To approve all four waiver requests.

VOTE: (6-1-0) The motion carried. Mr. McNamara voted no.

Mr. McNamara stated he voted no because he felt waivers should be handled during two successive meetings.

MOTION: (Culbert/Croteau) To approve the plan (for the lot line adjustment).

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

DISCUSSION

Potential 2010 Zoning Initiatives

Mr. McNamara told the Board that a subcommittee would be needed for proposed Zoning initiatives. He said there should be representatives from the Planning Board as well as from the public and other boards.

In Mr. Gowan's opinion there were four zoning matters the Board should undertake for the 2010 ballot: 1) Small wind energy system language; 2) Elicit Discharge and Connection Ordinance; 3) Historical District (Town Center); and 4) Site Plan Regulations.

Mr. McNamara asked for volunteers come forward so meetings could begin in September. Mr. Culbert and Mr. Dadak were interested in the committee for Zoning questions. Mr. Doherty was interested in the Site Plan Regulation review committee. Mr. Gowan commented that Mr. Joseph Maynard, who worked on the Conservation Subdivision Regulations, didn't protest to provide input with the Site Plan Regulations. Mr. McNamara asked Mr. Haverty to extend an invitation to the Selectmen to be involved with the committee discussing a historical district.

MINUTES REVIEW

July 20, 2009

MOTION: (Dadak/Croteau) To approve the Planning Board meeting minutes of July 20, 2009 as amended.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 7:50pm.

Respectfully submitted,
Charity A. L. Willis
Recording Secretary