

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
March 15, 2010**

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

Secretary Paul Dadak called roll:

PRESENT: Peter McNamara, Paddy Culbert, Paul Dadak, Roger Montbleau, Jason Croteau, Alternate Joseph Passamonte, Alternate James McManus, Alternate Erin Sullivan, Planning Director Jeff Gowan

ABSENT: Tim Doherty, Selectmen Representative Robert Haverty

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

Mr. McNamara thanked the voters, on behalf of the Board, for supporting the zoning proposals.

Mr. Sullivan was welcomed to the Board.

On behalf of the Board, Mr. McNamara thanked Mr. Haverty for his service and input while being appointed.

PRESENTATION

Presentation of Open Space Plan – Paul Gagnon, Conservation Chairman and Steve Shaffer, Sr. Planner Nashua Regional Planning Commission

Ms. Christine McCarron and Ms. Karen MacKay came forward to discuss the Open Space Plan developed through Community Technical Assistance Program ('CTAP'). Ms. McCarron explained that the CTAP committee had met several times for the purpose of analyzing data layers in measuring the value of, and prioritizing, open space resources. A Geographical Information System ('GIS'), a data mapping tool was used to assist in the project. Six environmental layers were chosen as protection for the Town; each was assigned a value of one point. When these values were added together they created scores between 0-6; the higher the score, the more environmental features were identified and considered important to preserve. Once all the properties were ranked, the committee then prioritized within the green infrastructure for protection by applying scores between 1-3 with 1 being the highest priority.

Ms. Karen MacKay reviewed the process taken to choose the various layers used in determining the high priority parcels and those parcels that could be used for connectivity to conservation lands. When discussing the priority status, Ms. MacKay explained that the study would be used as a tool when parcels are being considered for development; it will assist boards in understanding the value when determining open space and connectivity of parcels.

Mr. McNamara asked what percentage of land within the Town was in a conservation state. Ms. MacKay believed it was approximately 9%. Mr. McNamara questioned how Pelham compared to other similarly situated towns in the area. Conservation Chairman Paul Gagnon (who was seated in the public) came forward. He explained there were many classifications of land based on location and natural features; Pelham has approximately 15%-20% when taking into account protected lands, prime wetlands and pond areas. He stated that the goal was to have 25% of a town protected as open space if a town is to maintain its rural character; Pelham has done a good job of conserving land.

Mr. Gowan said as a member of CTAP, they had spent the better part of two years trying to figure out what programs would benefit towns in the region and open space was high on that list. He was proud of what the Conservation Commission had done. He believed the study would be helpful to the Board when reviewing potential development projects.

The Planning Board appreciated the work done to put the study together and felt it would be a valuable tool.

NEW BUSINES

Map 41 Lot 10-248 MZL REALTY TRUST, LLC (owner) / O'BRIEN, Philip (applicant) – 10 Bridge Street, Unit 2 – Limited Site Plan Review for a Change of Use to operate a 24-hour Fitness Center

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. Peter Zohdi of Herbert Associates, representing the applicant, came forward to present the plan. He stated that the site plan had been approved, but not acted on, and instead they did a septic design plan. He explained they previously told the Board, at the time of the original plan, they didn't know who their tenants would be; once determined they would come back to the Board for a brief presentation. He said because sewage loading was one of the major concerns, he had done some calculations and explained them to the Board. Mr. Zohdi said the proposed tenants were: 1) a hair salon with two chairs, and two employees (370 gallons per day). They would also have three massage beds with two employees (70 gallons per day) and 2) Avon store (100 gallons per day). Mr. Zohdi commented that there was additional space for future dry good store who could not serve food - no proposed tenant at this time (100 gallons per day). He said the second floor (4500SF) could have a maximum of eight employees (120 gallons per day). He said the total gallons per day was calculated at 1390; the total capacity on the existing system was 1395 gallons.

Mr. Zohdi stated that Mr. Gowan was concerned about the hair salon and three massage beds. He said after contacting Deputy Health Officer Paul Zarnowski, he agreed to write a letter to the Board explaining the outcome of the conversation. In summary, Mr. Zarnowski was concerned that numbers from a health club in Windham, NH were being used on the proposed plan for the Pelham health club. Windham is not a 24-hour facility whereas Pelham would be. Because of the difficulty in obtaining membership numbers, Mr. Zohdi agreed to obtain the water readings from the Windham store. The readings will be used in a formula to determine the water usage for a 24-hour facility. Mr. Zohdi told the Board that the owner of the property agreed to put water reading (meter) on every store. Water readings would be done every day and a monthly report will submitted to the Town. These readings will help determining which tenant has the highest water usage as well as determining the peak usage times. If there is not enough capacity the owner will not have use of the offices on the second floor. Mr. Zohdi said the owner was anxious to lease the space within the plaza.

Mr. Gowan explained that the Board had delegated to him and Mr. Zarnowski the authority to determine which businesses would fit within the building. He said he had been educated by Mr. Zarnowski about septic loading and using calculations to determine usage.

Mr. McNamara asked if the proposed tenants were 'firm' in getting a lease and moving in. Mr. Zohdi believed the hair salon was only waiting on their state permit. Mr. McNamara said the Board wasn't approving the hair salon. Mr. Gowan believed the hair salon fell under the 'delegation' given to him by the Board; and not before the Board. In his view, the Board was reviewing the health center which would be the last of the ground floor businesses. Mr. McNamara asked if the hair salon's usage of gallons per day effected what other tenants could be located at the facility. Mr. Gowan said that was the purpose of the discharge permit.

Mr. Zohdi gave the Board a brief description of the fitness center, which was similar to a business in Windham, NH at Cobbett's Pond Plaza. He suggested the owner of the club discuss the business. Health club owner, Mr. Phil O'Brian, came forward and provided a brief overview of the business.

Mr. McNamara questioned how security would be handled. Mr. O'Brian said clients would access the club using a key pass; there would also be a panic button installed. Mr. McNamara asked if the facility would be staffed with employees. Mr. O'Brian said he would periodically be on-site. He said the facility would be cleaned daily. He anticipated three to four clients per hour with an increase during peak hours of six to eight clients.

There was a brief discussion regarding the parking on the site and the spaces available for the tenants. Mr. Zohdi said when there is a potential tenant for the upstairs space, they will do a parking calculation. Mr. Gowan said the plan showed the appropriate parking spaces and he didn't believe that there would be a problem with such. He told the Board as the businesses were built out he would make sure the employees were parking at the furthest end of the building. He said if there were problems, he asked the Board for leeway to work with the applicant in assigning parking spaces to the specific businesses. He reiterated his belief that there was enough parking in total to satisfy the businesses that had been described. He stated if there was a problem, he would be the first one seeking a resolution.

Mr. Passamonte asked if a digital water meter would be used. Mr. Zohdi discussed the process, which would be manual readings. Mr. Passamonte asked if a digital meter could be used so there was no confusion in the numbers. Mr. Zohdi said the readings would be done for six months. Mr. Culbert discussed the benefits of using a digital meter.

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

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

There was no public input.

Mr. McNamara asked if Mr. Gowan was satisfied with the letter submitted by Mr. Zohdi dated March 15, 2010 memorializing his discussion with Mr. Zarnowski. Mr. Gowan felt the letter was a reasonable agreement; any approval of the operation should be contingent upon Mr. Zarnowski sending a letter stating he's satisfied having completed the process. He said he would like to see a caveat in the approval of the business that if there becomes a problem with the unmanned nature (through the eyes of the Pelham Police Department or something of that nature) that would need to be readdressed and possibly manned.

Mr. McNamara saw that the proposal indicated there were three signs. Mr. Gowan said a sign application should come in independently (of the site plan) and be a separate discussion.

Mr. Zohdi told the Board that Mr. Zarnowski indicated he wanted (a maximum) ten days to write his letter because there were inspections that needed to be done. Mr. McNamara said it was understood (by the Board) that there would be a digital water meter installed and with the condition that Mr. Zarnowski submit a letter to the Planning Office that confirms Mr. Zohdi's letter of March 15, 2010 and was in agreement with it.

MOTION: (Montbleau/Passamonte) To approve the site plan with the understanding that there would be a digital water meter installed and with the condition that Mr. Zarnowski submit a letter to the Planning Office that confirms Mr. Zohdi's letter of March 15, 2010 and was in agreement with it.

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

OLD BUSINESS

Map 41 Lot 6-118 PATEL PLAZA, LLC - 59 Bridge Street – Site Plan Review of Proposed New Gas Station / Convenience Store with 8 Filling Locations & Offices for Commercial Use

Mr. McNamara told the Board that the matter had been continued from last month; there had been an exchange of engineering letters and submission by Mr. Zohdi to the Board (dated March 11, 2010) in response (in part) to Keach-Nordstrom.

Mr. Peter Zohdi of Herbert Associates told the Board that he had presented the case during a joint meeting between the Planning Board and Zoning Board of Adjustment. Previous to the joint meeting he appeared in front of the Conservation Commission, who walked the site and in general had approved the proposal. Mr. Zohdi said he had appeared in front of the Zoning Board and gotten the required variances. Since that time he received a report from the Town engineer and believed that they complied with everything that was asked of them. He said a meeting was held last Friday with one of Mr. Zohdi's engineers, Mr. Gowan and Mr. Steve Keach of Keach Nordstrom to discuss concerns and believed everything had been resolved. A traffic study is currently being done; Mr. Zohdi didn't feel there would be any problems and it would be favorably looked at by the state. He said he didn't have any of the (required) state permits because an additional study needed to be done, which was an expensive part of engineering. He explained that the tanks may need to be put into a wall. He believed the Planning Board, Zoning Board and Conservation Commission wanted the site to be cleaned up and they were trying to accomplish just that. Mr. Zohdi stated that they needed waivers from the Site Plan Regulations and noted that those regulations were in conflict with the Town's zoning regulations. He wanted to know if the Board would consider a preliminary approval subject to approval of state permits, and returning to the Board to give a presentation of the traffic study (once the traffic study was reviewed by Keach Nordstrom). He said after that he hoped the Board would grant a final approval. He said the Board could also table the plan and they would come back once they had all their state approvals and satisfied Keach Nordstrom's comments.

Mr. McNamara said he would prefer to have Mr. Zohdi come back to the Board once all aspects were completed, rather than making piece meal approvals. Mr. Zohdi stated to do so, he would need a minimum of 60-days to get everything together. He said he may have the need to ask Mr. Gowan for an additional thirty or sixty day extension.

The requested waivers were reviewed by the Board and acted upon as follows:

MOTION: (Croteau/Montbleau) To accept, for consideration, the waiver to Section 248, 31,A – to permit the construction of the building within 40ft. of the front setback.

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

MOTION: (Culbert/Montbleau) To accept, for consideration, the waiver to Section 248, 31,C – to permit the construction of a building within 50-ft. of a wetland.

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

MOTION: (Culbert/Montbleau) To accept, for consideration, the waiver to Section 248,32,A – to permit the development of a facility with 35 parking spaces when 83 spaces are required.

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

MOTION: (Culbert/Montbleau) To accept, for consideration, the waiver to Section 248, 35,D – to

permit a driveway to be located less than ten feet from the front lot line.

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

Mr. Culbert commented that he felt the landscaping was grossly inadequate and needed work.

MOTION: (Culbert/Montbleau) To accept, for consideration, the waiver request to Section 248, 35,E – to permit landscaping with less than one shrub per 10ft. of lot frontage.

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

Mr. Passamonte asked if the back of the site was currently underwater give the recent rain storm. Mr. Zohdi couldn't answer the question, but in the past thirty years had not seen the site underwater.

MOTION: (Culbert/Montbleau) To accept, for consideration, the waiver request to Section 248, 39, C – to permit site improvements to be constructed within 25ft. of the wetland.

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

MOTION: (Culbert/Montbleau) To accept, for consideration, the wavier to Section 248,41, E – to permit construction of leach bed and septic tank within 50ft. and 20ft. of the lot line.

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

MOTION: (Culbert/Montbleau) To accept, for consideration, the waiver to Section 248, 41,E, 2 – to permit construction of a leach bed within 25ft. of bituminous concrete surface coating.

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

Mr. Zohdi believed they had complied with all of Keach Nordstrom's concerns except traffic. He said the only items left were the state permits and the traffic study. He said when he comes back to the Board those are the items he would be discussing.

Mr. Gowan said another outstanding item was that the Fire Department wanted to have a fire engineer review the site to see what would be recommended. He said that information would be brought to the Board. Mr. Zohdi commented that Mr. Gowan was correct; it was also part of their state permit.

Mr. Steve Keach of Keach Nordstrom came forward and told the Board that he and Mr. Gowan had the opportunity to meet with Chris Nickerson, a design engineer from Herbert Associates. At that time, he received a copy of a letter March 11, 2010 from Herbert Associates. He said he needed to spend some time reviewing/verifying what he had seen. He speculated that 90% of the comments contained in his report from February 15, 2010 had been taken care of. Mr. Keach said the open items as he saw it was traffic. He was not concerned about an increased volume to Bridge Street, but was concerned about the turning movements generated by a gas station. He was delighted at the caliber of the person chosen to conduct the traffic study and looked forward to reviewing it. Mr. Keach told Mr. Zohdi he would like a note on the plan indicating what variances had been granted. Mr. Zohdi stated that he would do so. Mr. Keach noted that the Board had accepted waivers for consideration and said they could contact him for any input needed to help in that consideration. He discussed the proposed landscaping plan reviewed at the meeting with Mr. Nickerson had been embellished since its initial submittal; there had been further discussion regarding plan material substitutions. Mr. Zohdi said it had been incorporated into the plan. Mr. Keach said there were two items that dealt with specialty items on site; one being the fuel dispensers and the other being the underground storage tanks. He said the applicant was more of a slave to state regulations rather than local regulations. He then discussed the retaining wall that ran along the southerly boundary of the

improvements, adjacent to the wetland. There was a discussion with Mr. Nickerson about the expectations regarding the wall. Mr. Keach said either prior to, or as a condition of approval, he would like detailed design drawings of the retaining wall. The last item in his notes was the fire protection component.

Mr. McNamara stated that there had been a lot of talk at the site walk regarding the Aquifer Conservation District ('ACD') being underneath the proposed location; which has since been determined to be outside (or edge of) the proposed location. Mr. Keach said the Town's Master Plan and other mapping derived from the Nashua Regional Planning Commission had an easily identifiable boundary of the district. He said while the southwesterly corner of the site is within the ACD, that portion of the site is several hundred feet from the redevelopment area. Mr. McNamara said there had been discussion regarding the possibility of a culvert under Route 38 and wanted to know if it could be determined whether or not it existed. Mr. Zohdi said he would have a definite answer next time he appeared in front of the Board.

Mr. Montbleau, who was in the business, and had been involved with regulatory issues of sites from the ground up agreed with Mr. Keach that a lot of the items the Board normally reviewed would be regulated through the state. He felt the Board should help the plan along, given what it would do for the Town to bring the site up to date, especially because of its location being on a major artery entering the Town.

Mr. Zohdi discussed the proposed canopy. He said Mr. Nickerson met with Mr. Gowan and Mr. Keach and believed that Mr. Gowan was satisfied with the shape of the canopy. Mr. Gowan said the Board would need to be cognizant of the fact that the plan didn't show branding information and companies would want their product identifiable. Mr. Zohdi stated they would come back to the Board with a plan showing the branding when that name was known.

Mr. Culbert reviewed the plan and asked if it showed all the plantings that were being proposed. Mr. Zohdi stated that they would do a full landscape plan and bring it back to the Board. He asked for date specification for at least 60-days. He asked for latitude (an additional extension) to do additional work if needed. Mr. Culbert stated that the site was going to be the showcase when people came into Pelham and he wanted it to look as such.

Mr. Zohdi said they would be moving forward with the design based on their understanding that the Board, in general, didn't have any major problems with the waivers. Mr. Gowan stated that the waivers being reviewed were what he expected to see largely based on the outdated Site Plan Regulations. He felt having Mr. Keach review them in conjunction with the revised plan would provide confirmation.

There was no public input.

The plan was date specified to May 17, 2010.

Map 20 Lot 3-133 COLEMAN, William & SCIRE, Connie – Mammoth Road / Bearhill Road – Proposed 3-Lot Subdivision

Mr. McNamara informed that the applicant requested the hearing to be date specified to April 19, 2010.

The Plan was date specified to April 19, 2010.

DATE SPECIFIED PLAN(S) -

April 19, 2010

Map 20 Lot 3-133 COLEMAN, William & SCIRE, Connie – Mammoth Road / Bearhill Road – Proposed 3-Lot Subdivision

May 17, 2010

Map 41 Lot 6-118 PATEL PLAZA, LLC - 59 Bridge Street – Site Plan Review of Proposed New Gas Station / Convenience Store with 8 Filling Locations & Offices for Commercial Use

MINUTES REVIEW

March 1, 2010 – deferred to the next meeting.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:04 pm.

Respectfully submitted,
Charity A. Landry Willis
Recording Secretary