

NOT APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
April 5, 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 (arrived after the meeting commenced), Tim Doherty, Jason Croteau, Alternate Joseph Passamonte, Alternate James McManus, Alternate Erin Sullivan, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: None.

Mr. McNamara appointed Mr. McManus to vote, until Mr. Montbleau arrived.

The Board welcomed Selectmen Representative McDevitt.

ELECTION OF OFFICERS

MOTION: (Culbert/Croteau) To elect Mr. Peter McNamara as Chairman.

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

MOTION: (Culbert/Croteau) To elect Mr. Roger Montbleau as Vice Chairman.

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

MOTION: (Culbert/Croteau) To elect Mr. Paul Dadak as Secretary.

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

NEW BUSINESS

Map 3 Lot 5-177 BLACK GRAPE, LLC – 42 Tallant Road – Request for Special Use Permit to convert existing Duplex into Condominium form of Ownership

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.

Attorney Jeffrey Zall, representing the applicant, came forward to discuss the request for a Special Use Permit. He stated that his client had constructed a new duplex on the property and would like to create a two-unit condominium (out of the duplex) and to market each unit separately. Site plans and floor plans were created and submitted to the Board. Attorney Zall stated he prepared the Declaration of Condominium By-Laws for the condex and submitted a copy to the Board. He said the plan showed the name of the condominium as Pond View Condominium but name within the declaration was slightly different; this would be corrected. He ended by requesting that the Board grant the Special Use Permit.

Mr. McNamara asked if the units would have separate septic systems. Attorney Zall referenced the site plan and commented that the only shared utility would be the well.

There was no public input offered.

Mr. Gowan stated that request was for a form of ownership and the Board handled such primarily to ensure that there was an attorney involved to draft condominium documents. He felt the matter was ready for the Board's vote.

MOTION (Culbert/Croteau) To issue a Special Use Permit to convert the existing duplex into condominium ownership.

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

Maps 16 & 23 Lot 12-105 TRUSTEES OF THE GERARD LEMIEUX REVOCABLE TRUST – off Webster Avenue – Proposed 20-Lot Conservation Subdivision & Seeking a Special Permit for Wetland Conservation District Crossing

Mr. Dadak read the list of abutters aloud. Mr. Tim Zelonis told the Board that his property (Map 16, Lot 12-107-1) was listed as Town of Pelham. Mr. McNamara asked Mr. Zelonis if he objected to the Board moving forward with the hearing. Mr. Zelonis did not.

Mr. Jeffrey Brem and Mr. Kurt Meisner with Meisner Brem Corporation met with the Board to discuss the proposed subdivision and special permit. Mr. Brem noted that Mr. Dick Lemieux and his wife were present in the audience. He stated that they had been working on the plan for some time and described the location to the Board. He said the parcel contained an existing home and out buildings. He outlined the topography of the site and the drainage flow. The site is mostly forested with a field section around the front of the lot. The soils are typical of the area, well drained and will support the proposed use. There is a small stream that emanates from Vassar Avenue picks up some flow from the site and traverses down one side of the parcel. A small pond area in the front of the site flows to a culvert that crosses Webster Avenue. Mr. Brem told the Board that they were proposing a conservation subdivision. He showed the Board how the layout would appear if it were set as a conventional subdivision with seventeen lots accessed by a (horseshoe) road that connected on both ends to Webster Avenue. Mr. Brem explained that they had reviewed the creation of a conservation (cluster) subdivision using the Town's regulations. To do so, they have identified certain areas to be retained as open space. Two cul-de-sacs, that would be wider in width than required, were shown on the plan; these cul-de-sacs would have a green area in the middle and have the ability to be treed. The concept was to take seventeen lots and create two hamlets. Mr. Brem outlined some of the Town's open space regulations comparing such to the proposed plan. He described the grading of the parcel and the drainage flow. They would try to retain the look of the parcel and would have one curb cut from Webster Avenue. Each lot will be maintained by the individual homeowner and have its own septic system. A community water supply is being proposed, however there are ongoing conversations with water supply companies about alternatives.

Mr. Brem referred to information provided to the Board and commented that there was information for consideration regarding the offset. He reviewed the criteria for conservation subdivisions and showed how the proposed plan fit within those stipulations. He then provided additional information regarding the layout of the development. He stated that they tried to limit the amount of frontage lots onto Webster Avenue; none of the new lots would come off Webster. In summary, with the information provided to the Board, the applicant was requesting that consideration be given to increased density from seventeen to twenty (including the existing house).

Mr. Brem stated that they were requesting waivers to the following: 1) to reduce pavement from twenty-six feet down to twenty-two feet of pavement; and 2) lot shape.

Mr. Doherty believed the plan was ready for consideration and made the following motion:

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

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

Mr. Gowan questioned if the roadway within the subdivision would be a public or private road. Mr. Brem stated that the roadway would be public. Mr. Gowan asked if the proposed trail system would be open for the general public or only open for the general population of the homeowner's association. Mr. Brem said his first reaction would be through a homeowner's association, but they would have a discussion with the Board regarding alternatives.

Mr. Doherty strongly disagreed with the density offsets and the applicant's eligibility of such. He felt the Board should conduct a site walk. He suggested that the conventional subdivision plans should be submitted to the Board's engineer for review. Mr. McNamara commented that there were some steep slopes toward the back of the lot and the Board would need to walk the site. Mr. Doherty felt it was a lot for the applicant to request the density offset as well as having a Town road. He discussed the layout of the lots and his concerns regarding the density.

Mr. Gowan suggested that a site walk be scheduled fairly quickly and in advance of deciding what design the Board preferred. He said the Conservation Commission should be invited to the site walk.

Mr. Culbert asked for the percentage of steep slopes. Mr. Brem said the slopes were graphically represented on the plan but had not identified it at this time for the whole thirty-five acres. Mr. Meisner noted that the steep slopes were taken out of the calculations for the area of the lot sizes.

Mr. McManus didn't see that septic testing had been on a few of the lots. He said it appeared they had only done testing on the lower half of the parcel. Mr. Gowan explained that in order to do test pits for all the lots proposed in the conventional subdivision a lot of the trees would need to be taken down. He said the applicant had provided test pits in the region they were providing conventional lots. He said the engineer reviewer was experienced and would be able to advise the Board if the plan would pass. Mr. McManus didn't feel the applicant could get the lots (on the top half of the parcel) based on the elevation shown. Mr. Meisner stated that they had some site specific soil mapping done on the entire site. He said they had the county soil maps prepared for the New Hampshire Department of Environmental Services ('DES'). In those maps they had prepared the lot as if it was going to go to DES for septic system and areas for potential houses. He summarized by saying that they had tested the soil, they just hadn't taken a back hoe and dug the holes. The information was backed by the county soils commission and the soil scientist.

Mr. Doherty emphasized that the location was a good spot for a conservation subdivision, but didn't see grounds for the density. He reiterated the importance of the Board walking the site.

Mr. Gowan discussed the items that were considered when drafting the conservation subdivision regulations. Mr. Meisner said the additional open space above and beyond the requirement was in the forested area which would have a better use for conservation.

A site walk was scheduled for April 17, 2010 beginning at 9am.

Mr. McDevitt understood that conservation subdivisions tended to have community wells. Because he was not a huge fan of community wells, he urged the applicant to continue to pursue alternatives if possible. He said community wells seemed to work well for a period of time, until something goes wrong. He said as long as there were alternatives, it would be valuable to pursue them.

The Board decided to act on the requested waivers as follows:

MOTION: (Montbleau/Croteau) To accept, for consideration, the waiver to Appendix I, Section bb.2 (width of pavement)

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

Mr. Doherty requested that the Board wait until after the site walk to consider the waiver in connection with lot shape. There was no objection by the Board.

PUBLIC INPUT

Ms. Linda Rouleau, who owned three properties on Webster Avenue, told the Board that one of her properties abutted the culvert. Recently, she had been made aware that FEMA was changing their flood zone maps and placing a lot of people in the flood zone. She said the banks were now requiring those people to get flood insurance, which could cost approximately \$2000 per year. Ms. Rouleau was concerned about her view being diminished. She questioned if the proposal had to be twenty homes, which she felt was crowded. She didn't believe the argument that building homes would build the Town's tax base; she believed it put burdens on the Town. Ms. Rouleau wanted to see changes made to the plan so she could keep her view and not look at another home.

Mr. Prabhakar Nanavati, 4 and 6 Vassar Drive stated that he had a lot of water problems on his lot. He contacted Mr. Brem regarding the drainage issue and commented that his lots were becoming wetlands because of the water issues. He said having hydrology work done would be a positive. Mr. Nanavati told the Board that he installed a \$20,000 septic system and was now facing an additional \$5000 to do drainage work because of the water from up the hill. He was hoping something could be done. He said the development would be a good opportunity for the Town to have revenue. Mr. McNamara encouraged Mr. Nanavati to attend the site walk with the Board.

Ms. Phyllis McKinnon, 8 Vassar Drive discussed the wildlife that accessed her lot. She said with the proposed development she would now see the backs of houses. She wanted to know how close the proposed houses would be to her boundary. Ms. McKinnon was worried about water seeping into her lot. She questioned if any trees would be left. She said it would be a shame if the forest was cut. She reiterated her question of where the houses would be located. She said she had lived in Pelham for approximately twenty years and would miss her back yard.

Mr. Mike Rulo, 1 Webster Avenue wanted to know if traffic lights would be installed at the end of Webster Avenue. He discussed the current traffic conditions and didn't know how additional homes would impact the situation. Mr. McNamara noted that Route 38 was a state road; therefore any improvements would need to go through the state. Mr. Rulo questioned how the drainage would be handled. Mr. McNamara said the plans would be reviewed by the Board's engineer. He said the applicant had an obligation and the burden to show that the quantity and quality of water off the site would be no greater after construction as it was before. He urged Mr. Rulo to attend the site walk.

Mr. McNamara addressed the question regarding the home locations. He said one reason why the voters were asked to pass regulations for conservation subdivisions was to allow for more conservation of wooded/valuable areas. House placement would be closer together to make this possible. Mr. McNamara commented that the Board had not yet decided if the applicant would be allowed to do a conservation subdivision; the number of lots was still not determined. He encouraged the public to attend the site walk.

Mr. Gowan said the Board should consider traffic and look at Webster Avenue. He noted that the Board generally requested that the center line of the proposed road be staked; this case was different because they would be reviewing two different roads. He suggested thought be given to that aspect because the Board will be trying to determine what the road would mean to the property. He said it would be nice to stake the two vegetated cul-de-sacs to get a better feel for the proposal.

Mr. Culbert asked that the location of the houses (for the conservation subdivision) be staked.

There was a brief discussion regarding when the plan would come back to the Board, after being reviewed by engineering. Mr. McNamara informed the public that no further notice (certified mail) would be sent

regarding meeting dates. He suggested that people contact the Planning Office either day of the scheduled meeting or the day prior to the scheduled meeting to confirm it was still being held.

The plan was date specified to May 3, 2010.

Map 41 Lot 6-139 - 196 MEETING HOUSE ROAD LLC (Owner), Rick Lamarre & Son Inc., Arrow Container Services, Steve Desjardins LLC (Applicants) – 16 Pulpit Rock Road – Site Plan Application seeking a Change of Use to allow the operation of two construction businesses and a disposal container business.

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. Jeff Miller and Mr. Rick Lamarre came forward to discuss the site plan; the application was for a change of ownership and use. Mr. Miller said they developed houses and would like to have office space. He said a local developer would like to have a place to store trucks; there was also Arrow Container Services that would use the site for their containers.

Mr. McNamara asked what type of traffic was anticipated at the site. Mr. Miller said they started at approximately 6am when trucks would leave for the day. The container service had three trucks with only one actively working at present. As for Mr. Miller and Mr. Lamarre it would only be the two of them at the building. Mr. McNamara asked if any materials would be stored on site. Mr. Miller said lumber would be stored inside the building. Mr. McNamara confirmed that there would be no hazardous waste/substances. Mr. Miller answered no.

Mr. Gowan said the proposed uses were allowed within the Industrial Zone. He said the applicants had purchased an unoccupied building and understood the process of coming before the Board. He suggested that there be a discussion regarding the parking and condition of the septic. He didn't believe that there were any proposed changes to the exterior, such as lighting. Mr. Gowan said the business was previously run out of a private residence.

Mr. Doherty felt the proposed was extremely light use for the building. He said it was a case he felt Mr. Gowan could have handled without the Board. He didn't see any problems with the application.

Mr. Dadak asked what type of storage containers were on site. Mr. Miller said the containers would be roll-offs, no front loaders. The empty containers would be stored on site. Mr. Miller said the containers were all fairly new and well kept.

Mr. McNamara asked about the condition of the septic system. Mr. Miller said they had checked the septic system first; information was provided to the Board prior to the meeting. Mr. McNamara asked for a description of the on-site parking. Mr. Miller said the parking would probably be less what was previously on site. He said there were approximately seven to eight people that would be on site and enough room for approximately thirteen cars. Mr. McNamara read aloud a letter dated January 29, 2010 indicating after a visual inspection, the septic system was functioning as designed. The septic was inspected by Brookview Gardens Inc. Mr. Gowan indicated that the building had been constructed for significantly more people than were anticipated to be currently occupying the facility. Mr. McNamara asked what the approximate square footage was for the building. Mr. Miller believed it was approximately 20,000SF. Mr. Gowan commented that the applicant had only made changes to the interior; any changes outside the footprint would need to be brought to the Board.

Mr. Montbleau asked what business had been previously approved for the building. Mr. Miller said Fire Protection Systems was previously in the building.

Mr. Dadak asked for the hours of operation. Mr. Miller said the hours would typically be 6am to 6pm. Mr. Gowan questioned if they would have operations on Sundays. Mr. Miller answered no.

There was no public input.

MOTION: (Culbert/Doherty) To approve the limited site plan change-of-use.

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

OLD BUSINESS

Map 16 Lot 13-85 - JAMES W. PETERSEN BUILT HOMES, LLC – St. Margaret’s Drive – Proposed 30-Unit Senior Housing Complex and Seeking a Special Permit for Wetland Conservation District Crossing – Applicant has requested continuance to May 3, 2010

Mr. McNamara informed that the applicant had requested a continuance to the May 3, 2010 meeting. Mr. Gowan said the applicant needed to complete certain studies.

The plan was date specified to May 3, 2010.

DISCUSSION

MZL REALTY – 10 Bridge Street – water meter types.

Mr. McNamara said the Board had approved businesses going into the development with the stipulation that there be digital water meters installed. Subsequently, it was learned by Mr. Gowan that analog meters had been installed and to change to digital would cost several thousand dollars. Mr. Gowan discussed the importance of having meters so the use could be tracked for when the upstairs units were rented. Mr. McNamara asked if there was any difference between analog and digital meters. Mr. Doherty said the only advantage to having digital was they could be detected and read from phone lines and have data sent back to a computer off-site. He didn’t feel it applied to this situation.

Mr. McNamara asked the Board if they had any difficulty modifying the condition to allow the applicant to have analog water meters on site. There were no objections by the Board.

SITE WALK – April 17, 2010 – 9am

Maps 16 & 23 Lot 12-105 TRUSTEES OF THE GERARD LEMIEUX REVOCABLE TRUST – off Webster Avenue – Proposed 20-Lot Conservation Subdivision & Seeking a Special Permit for Wetland Conservation District Crossing

DATE SPECIFIED PLAN(S) -

May 3, 2010:

Map 16 Lot 13-85 - JAMES W. PETERSEN BUILT HOMES, LLC – St. Margaret’s Drive – Proposed 30-Unit Senior Housing Complex and Seeking a Special Permit for Wetland Conservation District Crossing

Maps 16 & 23 Lot 12-105 TRUSTEES OF THE GERARD LEMIEUX REVOCABLE TRUST – off Webster Avenue – Proposed 20-Lot Conservation Subdivision & Seeking a Special Permit for Wetland Conservation District Crossing

MINUTES REVIEW

MOTION: (Montbleau/Croteau) To approve the March 1, 2010 meeting minutes as written.

VOTE: (4-0-3) The motion carried. Mr. Dadak, Mr. Culbert and Mr. McDevitt abstained.

MOTION: (Croteau/Dadak) To approve the March 15, 2010 meeting minutes as amended.

VOTE: (5-0-2) The motion carried. Mr. Doherty and Mr. McDevitt abstained.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:38 pm.

Respectfully submitted,
Charity A. Landry Willis
Recording Secretary