

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
December 3, 2018

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

Secretary Paul Dadak called the roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Paddy Culbert, Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Tim Doherty, Blake Clark, Alternate Samuel Thomas

Mr. McNamara appointed Mr. Culbert to vote in Mr. Clark's absence. He then appointed Mr. Steele to vote in Mr. Doherty's absence.

MEETING MINUTES

November 19, 2018

MOTION: (Montbleau/Lynde) To approve the November 19, 2018 meeting minutes as amended.

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

OLD BUSINESS

Case #PL2018-00028

Map 15 Lot 8-216

JAMES PETERSEN BUILT HOMES, LLC - Windham Road - Site Plan Review for proposed 42-Unit Elderly Housing Community Development and a Special Permit for Wetland & WCD Crossing for access to Residential Units

Representing the applicant was Shayne Gendron of Herbert Associates. He stated a site walk had been conducted since the last hearing. At that time, they walked the centerline of the road, location of drainage (bio-retention areas) and had told the Board they were working on some of the comments from the first Keach Nordstrom review (Board's engineering review firm). One was the alignment of the road to get rid of curves and straighten the road. Mr. Gendron provided the Board with a revised plan set and pointed out the changes that had been made, such as re-aligning the road that resulted in minimizing the wetland impact. They changed the entrance off Claudine Drive to be a 15ft. emergency access only; plans have been submitted to the Fire Department for review. The Wetland Conservation District ('WCD') impacts were reduced by approximately 962SF. It was noted that sidewalks were added along the main road to the parking area and club house. The sidewalk won't be run along the side of any units except at the very end, so it won't create a 'roller coaster' effect. Mr. Gendron pointed out the parking areas that were added and disbursed around the project. Septic locations were added to the plan and highlighted in a green color.

Mr. Gendron told the Board they had worked hard and felt the Board had a good plan set in front of them. They submitted a letter (in the information packet to the Board) that spoke to how why they felt the project met the

requirements of Section 307-53 of the Regulations. Also included was a list of requested waivers and architectural renditions of the project.

Mr. Steve Keach of Keach Nordstrom came forward and told the Board he believed that the information provided to the Board (aside from the architecture drawings) was the same that he reviewed and discussed in his latest letter dated November 28, 2018. He said there were several fine-tuning items. He spoke about the geometry of the entrance from the original submission and how it had been modified. He continued to recommend that the Fire Department provide comment regarding the secondary access and turn-around geometry. He was satisfied those areas would accommodate day-to-day users. Under Zoning matters, Mr. Keach noted he didn't have the architectural drawings when he drafted his letter but had subsequently received them. He was familiar with the proposed design because the applicant had used it elsewhere and suspected the Board would find the units suitable for senior occupancy. He spoke about the proposed sidewalks and believed it satisfied the percentage required in the Zoning Ordinance (for the units being reviewed). He stated the Board would need to make the determination regarding the sidewalks. The final comment dealt with the measure of WCD impacts; with the changes in design the plan had diminished the impacts, although they were still significant. He suggested the Board ask for the Conservation Commission to provide comment before they act on the Special Permit request. Mr. Keach then reviewed the planning/design comments contained in his letter. He believed the Town would want some assurance that there was water to accommodate the proposed 42-units. He was unsure what stage the applicant was currently in regarding drilling/testing for water. In his experience with the Town, the Board wanted to have some indication that there was sufficient quality/quantity of water to sustain the proposed density of a project. Mr. Keach then discussed the proposed clearing and landscape proposal and what his suggestions are regarding such. He understood Mr. Gendron provided the Board with a letter listing the waiver requests to be considered and spoke about each: 1) pavement width reduction from 26ft to 22ft – he wasn't opposed to such as long as there was a commitment to 'no on-street parking'; 2)-4) dealing with turn-around geometry – he recommended receiving input from the Fire Department prior to acting on these waivers; the balance of the waiver requests dealt with landscaping – he didn't feel he could comment regarding these because the plan was not clear about the intentions and no separate landscape plan was presented. The last waivers pertained to soil cover over storm drain. Mr. Keach indicated he had a conversation with the project Soil Scientist and felt they would be able to resolve a number of the requests but couldn't provide a recommendation until he saw more information.

Regarding the suggestion for berms, Mr. Lynde wanted to know if they would only be in the location of the houses and what happened next to the wetlands. The areas that concerned Mr. Keach were near the home envelope boxes; specifically, the short distance on the northerly cul-de-sac and the longer distance running parallel to the left edge of pavement. He wasn't concerned with screening the area of the development where there weren't homes. He said there didn't appear to be wetlands in the area where homes were situated. Mr. Gowan pointed out that the Board didn't have authority to allow impacts to the WCD for screening; they could only do so for driveway access and utilities. Mr. Keach didn't believe there needed to be any WCD impacts. Mr. Lynde questioned if there was a recommended height. Mr. Keach assumed for landscaping purposes they would want random height of evergreens to the berm. They may want something higher in the area of the high-tension wires.

Mr. Montbleau questioned if there was enough room for each unit to have guest parking. Mr. Gendron answered yes; each unit had guest parking and some also had garage space. Mr. Keach noted there was 20ft. of depth between the travel way and the garage doors. Mr. Bergeron asked if there was a plan detail with specific information. Mr. Keach referred to plan sheet 5 of 6 that showed the envelopes to the edge of street. Mr. Gendron called attention to the driveway detail on sheet 14; length is typically 22ft-24ft. from curb line. Mr. Keach suggested the plans indicate a 20ft. minimum length. Mr. Gendron had no objection.

Mr. Gowan inquired if the plans had been reviewed to ensure they were 100% ADA compliant. Mr. Gendron understood the requirements and noted they had been reviewed by Mr. Keach. He believed the units met the minimum requirement. Mr. Keach stated he didn't check those details. Mr. Bergeron felt review of ADA

compliance should be part of the Building Inspector's review of the plans, so the applicant isn't caught with a surprise element. Mr. Gendron had no objection. Mr. Culbert noted there had to be a thirty-six-inch turn-around in the bathroom. Mr. Gendron understood that point and other aspects for wheelchair accessibility. Mr. Dadak noted the importance of complying. In looking at the plan he saw what appeared to be a trail. Mr. Gendron didn't know the status of the trail; however, he commented that it would be encumbered since it closely followed the centerline. He understood the Conservation Commission wanted an easement leading out to the powerlines and stated they had no objection to such.

Mr. McNamara asked if there was anything in writing from the Conservation Commission. Mr. Gendron noted they had met with the commission. Mr. Dadak didn't see anything in the file.

Mr. Gowan indicated the road name of 'Cypress' conflicted with an existing private driveway name and asked that alternate tree names be considered. He spoke about the emergency access gate with the Fire Chief and understood that only Police and Fire Departments could have access to Knox box keys. In this instance the Fire Chief's preference is to reduce the pavement width and add signage to indicate 'emergency vehicles only'. He will request the Chief submit his opinion in writing. Mr. Bergeron recalled the designation of 'emergency access' was to allay the neighbor's fears that the access off Claudine Drive wouldn't be used by regular traffic. He understood it was not practical to have a Knox box at the location but wanted some type of restriction in place. Mr. Gowan noted that the two access into the development weren't far apart from each other and didn't see that people would use Claudine as a short cut. He noted that the Homeowner's documents would have a restriction, so the association could take action if it's ignored. He reiterated he wanted the Fire Chief's opinion to be specific and in writing. Mr. McNamara asked that the Chief also comment regarding the geometry of the road design and turn-arounds. Mr. Bergeron wanted to attend the meeting with the Fire Chief and asked for notification of such. Mr. Gowan commented any Board member could attend; he didn't have a specific date at this time.

Mr. Dadak inquired how plowing and snow storage would be addressed. Mr. Gendron responded to the Board's conversation. He told the Board they had met with the Highway Safety Committee ('HSC') twice with the project. Because the Fire Chief didn't want a gate, the plans had been updated to show signage on both sides of the 15ft emergency access. He believed the average resident of the development would abide by the regulation. He didn't think the residents would see much benefit in using the emergency access on Claudine given that the sight distance of the main entrance was excellent. Regarding snow storage, Mr. Gendron pointed out that the plan showed areas throughout the development, so it wouldn't be concentrated in one area. He stated the association would be responsible for plowing; therefore, when the interior roadway was plowed the emergency access would also be plowed. In Mr. Gowan's opinion it may be advisable to include signage for snow storage areas, so it didn't end up in the WCD. Mr. Gendron replied he had never seen signage for such.

Mr. Bergeron asked for the proposed sidewalk width. Mr. Gendron replied 5ft. Mr. Bergeron recalled during the site walk discussing screening for the closest abutter as well as the culvert design. Mr. Gendron didn't believe there was currently very much of a natural buffer; they had no issues working with the abutter as they had already been working with them on the front end of the project.

PUBLIC INPUT

Mr. McNamara opened the discussion to public input with the understanding that the Board would not be making a final decision at this time; there were still several items that needed to be done and reviewed.

No one came forward.

Mr. Montbleau asked for comments regarding water supply. Mr. Petersen replied the application was brought to the State 3-4 weeks ago. He was waiting for approval; once approved he would notify abutters and see which of them want to be tested. The State will choose who to test. He hoped to have the process completed by

Christmas. He said they were looking for 20-gallons per minute for the entire project; with 10-gallons per minute out of each well. Mr. Montbleau questioned if a pump-down test had been done. Mr. Petersen replied answered no; they had only done it with the drillers (one well appears to have 10-gallons per minute, the other appears to have 15-gallons per minute). He felt they had plenty of supply. Mr. Montbleau asked if a quality test had been done. Mr. Petersen replied once the 72hour test is complete the samples are sent out for extensive testing.

Mr. Dadak inquired what would be used for fire protection. Mr. Petersen replied the units would have sprinkler systems.

Mr. McNamara reviewed the list of items he believed the applicant would need when they returned to the Board:

- 1) response from the Fire Department – various criteria,
- 2) response from the Conservation Commission re: WCD, Special Permit;
- 3) results from quantity/quality of water;
- 4) design of water system – review by Bruce Lewis;
- 5) landscape plan on easterly side of development, shielding of homes;
- 6) ensure architectural drawings in compliance with ADA.

Mr. Gowan suggested indicting the areas for snow storage and revising the road name.

Mr. Lynde asked for the dimensions of the club house and if there was a design for it. Mr. Gendron replied they had a set of plans for it. Mr. Petersen noted they submitted the plan to Mr. Keach.

Mr. Culbert wanted to see the workings for a full landscaping plan. Mr. Gendron believed they could put something together and felt it made sense to add buffering to the closest abutter.

Mr. Gendron asked that the case be date specified for 30-days.

The Board addressed the waiver requests to Site Plan and Subdivision Regulations as follows:

- 1) Request for waiver to Appendix I-Paragraph BB.2 – to allow pavement width of 22ft. where 26ft. is required.

MOTION: (Culbert/Dadak) To accept for consideration, the waiver to Appendix I-Paragraph BB.2 – to allow pavement width of 22ft. where 26ft. is required.

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

- 2) Request for waiver to Appendix I-Paragraph BB.11.a – to allow a radius of 50ft. where a minimum cul-de-sac radius of 75ft. is required.

MOTION: (Culbert/Montbleau) To accept for consideration, the waiver to Appendix I-Paragraph BB.11.a – to allow a radius of 50ft. where a minimum cul-de-sac radius of 75ft. is required.

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

- 3) Request for waiver from cul-de-sac detail to allow the radius coming into cul-de-sac to have a 50ft. radius opposed to the required 100ft. and allow the cul-de-sac to be paved instead of required loam and seed.

MOTION: (Culbert/Montbleau) To accept for consideration, the waiver from cul-de-sac detail to allow the radius coming into cul-de-sac to have a 50ft. radius opposed to the required 100ft. and allow the cul-de-sac to be paved instead of required loam and seed.

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

- 4) Request for waiver to Appendix I-Paragraph BB.11 to allow a hammerhead as opposed to a required cul-de-sac.

MOTION: (Culbert/Montbleau) To accept for consideration, the waiver to Appendix I-Paragraph BB.11 to allow a hammerhead as opposed to a required cul-de-sac.

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

The case was date specified to January 7, 2019.

NEW BUSINESS

Case #PL2018-00033

Map 35 Lot 7-106

McDONALD'S USA LLC - 113 Bridge Street - Site Plan Review for the proposed re-development of the McDonald's Restaurant which includes upgrades to the existing drive-thru features, renovations to the building and minor site improvements

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. Eric Dubrule of Bohler Engineering came forward to discuss the proposal on behalf of the applicant. He told the Board McDonald's was proposing interior renovations, exterior renovations as well as some site improvements. Relative to site improvements, the exterior will be brought into ADA compliance, replace the drive-thru structures (menu boards). As to the building, the lobby, bathrooms and exterior will be remodeled. Mr. Dubrule noted that the sign package would be reduced in area to a single arch logo. The white vertical roof beams will be removed. The building color will remain gray to keep with neutral tones.

Mr. McNamara asked if the plan was ready for acceptance. Mr. Gowan answered yes.

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

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

Mr. McNamara confirmed there would be no expansion of the exterior building footprint. Mr. Dubrule stated that was correct.

In looking at the plot plan, Mr. Dadak questioned if the proposal was for a double drive-thru. Mr. Dubrule answered no; there would be a small menu board for a preview, people will place their order at the second menu board.

Mr. Culbert asked what colors would be used on the building. Mr. Dubrule replied they would use a gray color scheme. Mr. Culbert asked if the color yellow would be used. Mr. Dubrule replied the only yellow color would be on the wall sign for the arch logo at approximately 14SF. Mr. Culbert asked if the name McDonald's would be on the building. Mr. Dubrule answered no; their original submission showed the arch logo and name 'McDonald's'; however, they subsequently learned they were allowed to have only one building sign and removed the words 'McDonald's'. They are proposing one wall sign with the arch logo at 14SF.

Mr. McNamara confirmed there would be no drainage alterations. Mr. Dubrule answered no. Mr. Montbleau questioned if there would be any lighting alterations. Mr. Dubrule replied the exterior light poles would remain. The building would have some small changes, such as the removal of the illuminated roof beam. There won't be any projecting light. Mr. Gowan told the Board he really liked the changes to the existing building, especially the florescent lights being removed from the roof. He confirmed there would be no additional impervious surface. Mr. Dubrule stated they would just be replacing what was currently on site. With no additional impervious surface, it was Mr. Gowan's opinion that Mr. Keach didn't need to review the plan; however, he left that decision to the Board. Mr. McNamara felt the plan was straight forward.

Mr. Bergeron inquired if the building would need to be closed during renovation. Mr. Dubrule replied McDonald's would work with the Town's Health and Building departments. He said the typically would like to keep the drive-thru open during the interior renovation and then shut down the drive-thru during exterior renovation. He stated they had been extremely successful doing such. Mr. Bergeron suggested determining if renovations could be made without having negative effects on the health and safety of the public. Mr. Gowan felt it was a good point and believed McDonald's would want to have clean renovations. He felt more comfortable leaving certain aspects to the Building Inspector. Mr. Lynde questioned if the Health Officer should be involved. Mr. Dubrule stated the project would require a building permit review, therefore they would be speaking with the building and health departments. He said during that review its determined how/if the building would remain open. He asked the Board to be cognizant of closing the building which may affect the employees.

Mr. Gowan felt it would be wise to put together an implementation plan for the project that could be reviewed by the Health Officer and Building Inspector. He questioned if the entire parking lot would be paved. Mr. Dubrule answered no. Mr. Gowan said if there would be an impact to traffic on Route 38 the Town was adamant about requiring a Police detail.

PUBLIC INPUT

Mr. Gerard Boucher, 8 Willow Street told the Board his property abutted the McDonald's property. He stated they had no problem with McDonald's over the years as they had been a good neighbor, except for people leaving the McDonald's property and crossing through his property to access Willow Street and beyond. He said people left trash, disturbed things and burglarized his property and the neighbor's property. He asked that the situation be addressed and suggested installing a fence.

Mr. Bergeron asked if Mr. Boucher was referring to pedestrian traffic. Mr. Boucher answered yes and felt a fence would remedy the situation. Mr. Gowan recalled there had been a (cedar) fence on the McDonald's property along the Boutwell property line. He believed it fell into disrepair and was removed. He felt that fence should be replaced and suggested additional fencing along the other side (near the Boucher property). He felt it may cut down on pedestrian traffic.

Hearing there were pedestrians leaving a commercial site and crossing private property, Mr. Bergeron inquired if the Board had the authority to ask for a fence and/or reconstruction of the prior fence. Mr. Gowan stated the Board absolutely had authority. Mr. McNamara asked if McDonald's would have any objection to putting a fence up. Mr. Dubrule asked for clarification where Mr. Boucher was referring to. Using the displayed plan, Mr. Boucher showed the Board the location of his property and house being within 100ft. of the property line. He then showed where he felt a fence could be located to stop pedestrian traffic from cutting leaving the

McDonald's property and cutting through his property to Willow Street. Mr. McNamara asked if there was a trail or worn path through the trees. Mr. Boucher answered no; but it was an easy access. He felt a fence should be installed all around the McDonald's property. Mr. Gowan noted that a fence couldn't extend into the State's right-of-way or impede sight distance. He said if a fence is required around the paved area, McDonald's would need a gate to access their septic area. He believed a 6ft. fence would help to negate pedestrian traffic. Mr. Dubrule pointed out that they were discussing hundreds of feet of fencing. He said if someone wanted to get from point A to point B they would go along the backside of the fence. He understood if there was a previously approved fence that had come down, McDonald's would need to adhere to putting it back up. He was concerned with putting a fence around the entire building.

Mr. Bergeron wanted to see McDonald's work with Mr. Boucher to come up with a satisfactory resolution to protect the abutter's property. He felt McDonald's should be willing to do so and bring a plan to the Board that could be accepted. Mr. McNamara agreed that there should be some sort of buffer but asking to circle the entire property was problematic and asking a lot of McDonald's. At the least there should be something to impede and discourage people from taking the short cut. He asked the applicant to see what could be arranged; the plan would be scheduled to come back to the Board.

Mr. Culbert would like to see a chain link fence. Mr. McNamara suggested seeing what McDonald's could come up with.

Mr. Montbleau felt McDonald's had been a good neighbor and the proposed changes would enhance the look and keep the Town looking modernized. He wanted the Town to work with them to keep the restaurant open, so employees don't lose their income. He also felt Mr. Boucher had a valid point and reasonable request.

Mr. McNamara reiterated the Board's request for McDonald's to come up with a compromise with the abutter.

The case was date specified to January 7, 2019.

Case#PL2018-00034 & Case #PL2018-00035

Map 22 Lot 8-118 & Lot 8-119

PRUDHOMME PROPERTIES LLC & MSA REALTY TRUST - 7 & 9 Main Street - Proposed Lot Line Adjustment and Site Plan Review to re-develop the existing building at 9 Main Street in the Mixed-Use Zoning District with a Restaurant/Coffee Shop with some outdoor seating, 900SF Office Space, 2-seat Barber Shop & three 1-bedroom residential apartments

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. Joseph Maynard of Benchmark Engineering. He explained that 7 and 9 Main Street were both owned by the applicant (applicant resides at 7 Main Street) He noted 7 Main was occupied by a hair salon and apartments. The applicant is requesting a lot line adjustment to take a 15ft. wide strip of land from 9 Main Street to 7 Main Street to provide more privacy. The lot known as 9 Main currently contains approximately two acres and with the lot line adjustment will be reduced to approximately 1.93 acres. Mr. Maynard said the second request is to convert the existing building on 9 Main Street into a restaurant with a coffee shop, some office space, a barber shop and three 1-bedroom residential apartments. They would like to do so under the Town's Mixed-Use Zoning District ('MUZD').

Mr. McNamara asked Mr. Gowan if the plan was sufficiently detailed to accept for consideration. Mr. Gowan believed it was.

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

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

Mr. Maynard reviewed the criteria under the MUZD Ordinance. He stated that the lot could support approximately 4,000 gallons per day for sewer loading capacity; within the current proposal a new septic system capable of 1,499 gallons per day would be installed. He noted as part of the application they would be tying into Pennichuck Water. He recalled the property had an old dug well that was dry. Mr. Maynard stated they had completed a drainage report and improvements for the project. He noted there was a driveway easement and paved driveway on the property which was used to access the senior housing at the rear of the (9 Main Street) property. There's a culvert that goes under the driveway; to the east there's a small finger of property associated with 100-year flood area. He told the Board they had considered the potential full-buildout of the lot in the event the owner considered developing the rear of the lot and sized the detention pond for a full-buildout. The proposed pond will be bigger than needed for the current proposal. It was noted that all work would be done outside of the 100-year flood zone. Mr. Maynard pointed out there was an existing 'loop' driveway at the front of the building that will be removed as it will be replaced by the proposed patio.

A waiver request has been submitted for one area of the parking lot primarily where the turn-around is proposed which falls within one foot of the new lot line. For the structure itself, all work will be within the existing building. The building has two floors and attic space; they won't be changing any ridge lines. The parking calculation shows the need for approximately twenty-two spaces to meet the Ordinance; the plan shows twenty-five spaces. The building will maintain its existing appearance. A sign location was designated on the plan; additional details regarding such will be submitted at a later date.

Mr. Maynard stated they were requesting four waivers:

- 1) Section 303-2.A.2 - Parking requirements-to allow parking to be less than 10ft. from lot line;
- 2) Section 303-2.A.4 - Parking requirements - to allow parking lot to not include 'islands';
- 3) Section 307-25-6 - Parking requirements – to allow parking lot turn-around to be 1ft. from property line;
- 4) Landscape Architect – to allow owner to landscape similar to abutting property (that they also own).

Mr. McNamara understood Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) was seeing the plan for the first time and asked if he had any initial first impressions. Mr. Keach came forward and stated he had no comment at this time.

Mr. Gowan agreed anytime there is drainage, the Board's engineering firm should review a plan. He understood there were specific covenants that didn't allow for changes to the exterior of the building. Mr. Gene Prudhomme (7C Main Street) told the Board he wanted to scrape and repaint the building. Mr. Gowan suggested including a little more detail in the landscaping would be helpful. He asked if there would be any signage on the building itself. Mr. Prudhomme replied there wouldn't be anything on the building. To be consistent with the other approved building in the MUZD, Mr. Gowan recommended adding a bike rack to create a more inviting environment. He ended by saying he was excited to see the plan come in.

Mr. Culbert inquired if the handicap ramp was approved. Mr. Maynard replied it would meet the standards and the ADA compliance.

Mr. Montbleau asked where the one-bedroom apartments would be located. Mr. Maynard replied they would be within the upper levels of the structure; the full walk-up attic will be converted into one of the units, the second floor above the old post office will be converted into apartment space. Mr. Montbleau questioned if the apartments would have a kitchen area. Mr. Prudhomme replied they would have kitchenettes, a bathroom and bedroom. Mr. Gowan asked if the apartments would have condominium ownership or remain rentals. Mr. Prudhomme replied they would be rentals.

Going forward, Mr. McNamara said the proximity to the churches and the Historical Society building, he believed there would be heightened concern with noise, buffering, lighting, hours of operation, etc. Mr.

Maynard commented they had a lighting detail done for the plan that met the standards for the parking lot side of the structure. He was looking for the Board's input regarding buffering, given that the house sits 10ft. off the right-of-way. Mr. McNamara felt there would be more clarity once the plans are submitted for review by Keach Nordstrom.

Mr. Lynde confirmed that the driveway easement was on the applicant's property. Mr. Maynard answered yes. Mr. Lynde they were proposing to tie into the existing driveway to access the proposed parking. Mr. Maynard answered yes.

Mr. Gowan understood the applicant was proposing to connect to Pennichuck Water and asked if they would obtain a letter from them indicating such. Mr. Maynard answered yes.

PUBLIC INPUT

Mr. Dave Hennessey, 71 Dutton Road told the Board he was a member of the VFW and First Congregational Church but was speaking for himself as a committee member who worked on the MUZD. He stated the proposed project had been the vision of that committee with increased density, diversity, housing stock, mixed-use in the center of Town. He was enthusiastic about the project and wished the applicant well moving forward.

Mr. Lynde questioned if the Board could act on the requested lot line adjustment. Mr. McNamara confirmed that the applicant would remain in compliance with the Zoning Ordinance. Mr. Maynard answered yes. Mr. Gowan stated they would need to record the lot line adjustment.

MOTION: (Lynde/Montbleau) To approve the lot line adjustment.

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

The Board then addressed the waiver requests as follows:

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 303-2.A.2 - Parking requirements-to allow parking to be less than 10ft. from lot line.

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 303-2.A.4 - Parking requirements - to allow parking lot to not include 'islands'.

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 307-25-6 - Parking requirements - to allow parking lot turn-around to be 1ft. from property line;

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

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Landscape Architect - to allow owner to landscape similar to abutting property (that they also own).

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

Mr. Bergeron questioned if the request fell under the broader category of 'land use' that the Planning Board could waive given that it was a waiver to zoning language or if approving the waivers fell under the category for the Board of Adjustment. Mr. Gowan replied there was language in the MUZD that specified any conflict between the underlying zoning and the MUZD was controlled by the Planning Board. He said he would be happy to ask the legal question on behalf of the Board but noted the proposed was not unlike the other MUZD project that had already been approved. Mr. Bergeron wanted to be sure that the Board was acting within its bounds to waive the requirements of the Zoning regulation. Mr. Gowan answered yes. Mr. Keach pointed out that the waiver requests all fell under Site Plan Regulations. Mr. Maynard also recalled the waiver requests were the purview of the Planning Board.

Mr. Hennessey clarified that the request fell under the purview of the Planning Board as it was included in the MUZD and it was also Innovative Land Control.

The plan was date specified to the Thursday January 24, 2019 meeting.

Case #PL2018-00036

Map 28 Lots 3-115-10 & 2-2

N & C REVOCABLE TRUST - 12 Luann Lane - 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.

Representing the applicant was Joseph Maynard of Benchmark Engineering. He explained that they were seeking a lot-line adjustment; the lots received a variance from the Zoning Board of Adjustment (Case ZO2015-00022) with a condition that the lot is only to be for a single-family house with an accessory dwelling unit. Currently Lot 3-115-10 is developed with a single-family dwelling and contains approximately 2.15 acres. Lot 2-2 (undeveloped and landlocked) is located to the rear of that lot and contains approximately 4.7 acres. The variance allowed the applicant to make the adjustment between the two properties and give the rear lot 50ft. of frontage on Luann Lane.

The applicant requested two waiver requests:

- 1) Section 302-3 – Site specific soils mapping – test pits were conducted on the back lot and witnessed by the Board of Health that show on-site soils are more than adequate to support a septic system;
- 2) Section 203-1.B.4 – Wells within 90ft of a lot line – with the lot line adjustment, the well that services 12 Luann Lane will encroach over the lot line; however, the encroachment is in an area of the proposed driveway to the back lot and would preclude this area for development.

Mr. Culbert asked if the 50ft. right-of-way would go into the landlocked lot. Mr. Maynard answered yes; the lot would no longer be landlocked.

Mr. Lynde wanted to know how much of the lot was wet. Mr. Maynard replied they surveyed up to the edge of wet and believed there was upland. Both lots will meet the Town's requirements after the lot line adjustment. Mr. Lynde reviewed the plan and saw that Lot 2-2 was mostly wet. Mr. Maynard replied a good portion of it was wet but had buildable area. He explained there were currently two lots; one of the lots was landlocked and a good portion was wetland. He stated they were adjusting the lot lines between the properties and making the back lot developable by giving it access to a Town road. Mr. Lynde questioned if the back lot could be built without having additional land from the front lot. Mr. Maynard believed he would need additional variances to do so and believed there was enough area and soils to build a home. He pointed out that they already received a variance for the proposed use.

Mr. McNamara opened the hearing to public input. No one came forward. Mr. Dadak questioned if the Board needed to accept the plan for consideration. Mr. McNamara didn't feel the Board needed to as it wasn't a subdivision or site plan.

MOTION: (Bergeron/Dadak) To accept for consideration, the waiver to Section 302-3 – Site specific soils mapping.

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

MOTION: (Culbert/Dadak) To approve the waiver to Section 302-3 – Site specific soils mapping.

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

MOTION: (Bergeron/Dadak) To accept for consideration, the waiver to Section 203-1.B.4 – Wells within 90ft of a lot line

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

MOTION: (Bergeron/Dadak) To approve the waiver to Section 203-1.B.4 – Wells within 90ft of a lot line

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

The Board considered the request and made the following motion:

MOTION: (Dadak/Bergeron) To approve the lot line adjustment.

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

Case #PL2018-00037

Map 22 Lot 8-130

52 WINDHAM LLC - 52 Windham Road - Seeking a 1-year extension of the previously approved Special Use Permit and Site Plan Review for proposed mixed-use development consisting of 1500SF retail building and 15 townhouse condominium units in the Mixed-Use Overlay District (originally approved 2/8/16 and extended to 12/4/18)

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. Dave Jordan of MHF Design Consultants came forward to request a one-year extension. He explained that the site plan for a 16-unit garden-style apartment building with 2800SF commercial building within the MUZD had been approved approximately two years ago. They are requesting a one-year extension to the approval. Mr. Jordan stated the applicant was continuing to watch and evaluate market conditions and deciding how to best proceed to move the project forward. All State permits are valid and remain in place.

Mr. Lynde asked if the delay was so the applicant could determine if the project was worthwhile to do. Mr. Jordan replied a project of this size needs some assurance from a financing standpoint before a decision could

be made. Mr. Lynde asked if there was any way for the Planning Board to change the situation for the applicant. Mr. Jordan didn't believe so. Mr. McNamara stated the application had gone through a long review process; the applicant was simply seeking an extension of the approval. Mr. Gowan explained until a plan is recorded the approval expires after one year.

PUBLIC INPUT

Mr. Frank Kirkpatrick, 7 Mossey Lane told the Board that the meeting minutes from last year had Mr. Jordan on file saying that things were signed-off, approved and ready to go for breaking ground in Spring 2018. He said Mr. Gowan had seconded that by also indicating everything was in place and ready to go. He said the Board, applicant and applicant's representative were experienced in these matters; he didn't understand why it was taking so long. Mr. McNamara replied the applicant had gone to considerable expense to get this far and sometimes delays happen. Mr. Jordan added there were some interested parties about a year ago that had backed away. Mr. Kirkpatrick was concerned about his neighbor having cows and the possibility of the water source coming from wells. Mr. McNamara stated the plans couldn't change unless the applicant went through a process of coming back in front of the Planning Board and notifying abutters. Mr. Kirkpatrick asked if there was an ordinance for how close livestock could be to a well. Mr. Gowan said interestingly there was a petition warrant article coming forward regarding distances from property lines; however, it doesn't currently exist in Pelham. He said there were State regulations regarding such. He stated the applicant's plan indicated water would be through Pennichuck.

Ms. Brenda Hobbs, 108 Windham Road was concerned about a second letter received from the Town with the changes. She said the new changes from what was approved were an extra townhouse and the retail space went from 1500 to 2800. She asked if the process had to begin all over again. Mr. Gowan explained there was confusion when the application came in that used prior information and not the final approval (16 units and smaller business space). He stated the new letter sent out via First Class Mail from the Town reflected the actual approval. He reiterated that the request was simply for the re-approval of the plan.

MOTION: (Culbert/Montbleau) To extend the approval date for one year.

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

ADMINISTRATIVE INFORMATION

Mr. Gowan told the Board he had done a draft warrant article based on the advice the Board gave (at their previous meeting) to undo age-restricted housing; the language was sent to Town Counsel who signed-off on such. He noted they had received two citizen petition articles (copies provided to Board) and expected a third citizen petition article to be submitted. He discussed the upcoming dates for Board review and conduct public hearing(s) regarding warrant articles. He also provided information regarding the State deadline dates for articles to be included on the ballot (March 2019).

NON-PUBLIC SESSION - If requested in accordance with RSA 91:A:3

DATE SPECIFIED CASE(S) –

January 7, 2019 (Monday)

- 1) Case #PL2018-00028 - Map 15 Lot 8-216 - JAMES PETERSEN BUILT HOMES, LLC - Windham Road
- 2) Case #PL2018-00033 - Map 35 Lot 7-106 - McDONALD'S USA LLC - 113 Bridge Street

January 24, 2019 (Thursday)

Case#PL2018-00034 & Case #PL2018-00035 - Map 22 Lot 8-118 & Lot 8-119 - PRUDHOMME
PROPERTIES LLC & MSA REALTY TRUST - 7 & 9 Main Street

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:20pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary