

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
January 24, 2019**

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, Blake Clark, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Paddy Culbert, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Tim Doherty, Alternate Richard Olsen, Alternate Samuel Thomas

Mr. Culbert was appointed to vote in Mr. Doherty’s absence.

MEETING MINUTES

January 7, 2019

MOTION: (Lynde/Bergeron) To approve the January 7, 2019 meeting minutes as amended.

VOTE: (6-0-1) The motion carried. Mr. Montbleau abstained.

ADMINISTRATIVE

Map 35 Lot 10-191-1 & 193

GARLAND WOODS - Request for bond reduction for onsite and offsite improvements

Mr. McNamara noted the Board received a recommendation (letter dated January 8, 2019 from Jeff Quirk of Keach Nordstrom) for bond reductions as follows:

Remaining bond for project (onsite): \$505,155.00
Recommended reduction of: \$452,370.00 (reflecting work completed to date)
Leaving a remaining balance of: \$52,785 to support completion of the project.

MOTION: (Culbert/Montbleau) To approve the reduction of the bond by the stated amount (\$452,370.00).

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

Remaining bond for offsite improvements on Fineview Circle and Pasture Lane (formerly Garland Road) total: \$122,988.15
Recommended reduction of: \$114,938.15
Leaving a remaining balance of: \$8,050.00 to support completing any remaining offsite improvements.

MOTION: (Culbert/Montbleau) To approve the reduction of the bond by the stated amount (\$114,938.15).

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

OLD BUSINESS

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

Representing the applicant was Mr. Joe Maynard of Benchmark Engineering. He explained that the last time they were in front of the Board they discussed a lot line adjustment (that was approved) and the second application was for the redevelopment of an existing house in the Mixed Use Development Zone ('MUZD') that requires a Special Permit. Subsequently, the plan was submitted to Keach Nordstrom (Board's Engineering Firm) for review. Mr. Maynard believed the information provided to the Board during the meeting addressed the comments contained in the review response letter from Keach Nordstrom (dated January 16, 2019). He recalled there were several waiver requests read into the record during the last meeting; there are two additional waivers that were picked up during plan review by Keach Nordstrom: 1) site specific soil mapping, and 2) architectural review.

Mr. Steve Keach of Keach Nordstrom came forward to discuss his review letter (dated January 16, 2019). He explained that the General Comments set up proposed conditions for approval for the Board to consider: 1) New Hampshire Department of Environmental Services ('DES') construction approval for planned on-site subsurface sewage disposal (septic) system. Mr. Maynard replied he held off on submitting the permit until they had gotten to the present meeting. He noted that the design had been done and the test pit was witnessed by the Town. 2) Confirmation from Pennichuck Water that they have the ability to provide the necessary volume. 3) Performance guarantee for site restoration of areas disturbed by construction activities. There was also a note in the letter recommending that the Fire Department comment on the proposal.

Under Zoning Matters: 1) reminder that the application requires additional site plan approval through the issuance of a Conditional Use Permit ('CUP'). 2) recommendation that applicant submit detailed architectural design drawings of proposed buildings for consideration and review. Mr. Keach didn't believe the Board could waive the requirement; however, they reach (consensus) finding that it wasn't relevant because the applicant wouldn't be constructing any new buildings. He commented that the applicant had described the exterior changes which basically involved some paint, windows and shingles. There was also a note in the letter recommending signage (detailed rendering) be subject to consideration and review by the Board pursuant to the Ordinance.

With regard to the Planning/Design Matters, Mr. Keach told the Board the comments largely involved fine tuning. One point involved the rear of the building (north side) relating to constructing a parking area. He said they had done a nice job on the plan creating pedestrian access to enter the building. He said there was also a provision made to provide pedestrian access from Main Street to the front entrance of the existing dwelling. It seemed to Mr. Keach that a short segment of walkway on the east side of the building would make sense to connect the walk system. He reiterated that the items in that section of the letter were largely between him and the applicant. He spoke to the requested waivers and said the Board would have to make a finding relative the architectural piece. He supported the waiver regarding the site specific soil survey mapping in this case because it wouldn't be used for anything given that they were only building a parking lot and making aesthetic improvement in and around the building. With the onsite test pits and NSCS mapping, he believed they knew everything they needed to know. Mr. McNamara noted that the other waiver requests (previously accepted for consideration) were in relation to landscaping and parking requirements. Mr. Keach pointed out the westerly

end of the surface parking was a backup stub that came within approximately 1ft. to the property line. Mr. Maynard noted the stub was in the area where the lot line had adjusted during the last meeting.

Mr. Maynard spoke to the waiver request for the parking. He pointed out that the Ordinance wasn't specific; it indicates if there are more than twenty-five spaces a traffic island is required. Mr. Keach wrote that language and explained it referred to having twenty-five spaces in a row; in the applicant's proposal the parking is broken up with twelve spaces on one side of the building and 13 spaces on the other side. He didn't feel the applicant needed a waiver for that section of the Ordinance and found the proposal completely reasonable.

Mr. Gowan questioned if there was a lighting detail. Mr. Maynard replied they had added lighting per Mr. Keach's comments that was included in the information provided to the Board when the hearing commenced. He said the building itself had building faced mounted lights and the parking lot side had been illuminated. Mr. Gowan wanted information regarding the proposed signage. Mr. Maynard replied the proposed sign would be similar to the existing sign they have on the abutting property. He noted they didn't have a tenant idea at this time and if needed would come back in front of the Board. The package provided to the Board included a photo of the sign next door.

Mr. Culbert agreed to the waiver request for a landscape architect but wanted to know if the applicant adhered to everything else in the regulations for landscaping. Mr. Maynard answered yes; the applicant owned the abutting property and was looking to carry the same type of landscaping across the front of the proposed building so it would match. Because the building was so close to the road, they were proposing a lot of shrubbery; as identified on the plan set. Mr. Keach felt it was a well-prepared plan and noted it just wasn't done by a landscape architect. Mr. Culbert agreed.

Mr. Clark wanted to know if there was anything that precluded further development if the Board approved the proposed plan. Mr. Gowan replied the applicant could come back to expand, they would have to submit a plan to do so. Mr. Maynard noted that the pond feature had been sized to accommodate any size future development on the property. He said the only change would be to the existing culvert under the road; with any additional drainage the size would need to be increased to 15inches. He informed there were no plans at present to do anything else with the land. Mr. Clark confirmed nothing in the approval would prevent future development. Mr. Maynard answered no. Mr. Gowan stated the applicant would have to build to whatever plan was approved; any changes or expansion would need to come back in front of the Board.

Mr. Montbleau asked for additional information regarding the proposed landscaping. Mr. Maynard referenced the information submitted, which included details pertaining to the type of plantings that would be done. Mr. Montbleau suggested including flowering shrubs to make the Town center 'pop' and be more desirable for people to walk in, similar to establishments in Newburyport, Portsmouth, etc. Mr. Maynard reviewed the proposed plantings, which included flowering varieties.

Mr. Gowan questioned if there was any outside seating proposed. Mr. Maynard replied there was currently a paved driveway around the front of the site that would be removed and replaced with a small patio area. The patio area was identified but he didn't include the medium for the patio surface on the plan because it hadn't been chosen. He said it could be a brick paver, stamped concrete, etc. Mr. Keach suggesting figuring out what they wanted before submitting plan. The applicant Mr. Prudhomme came forward and told the Board that they owned the property next door as well and planned to extend the same type of plantings along the front of the proposed building.

Mr. Bergeron saw the snow storage area outlined on the plan set and wanted to know if the proposed propane tank was shown to be underground. Mr. Maynard said it was. Mr. Bergeron asked if there was something in place to protect it. Mr. Maynard replied they would install bollards in front of the tank to prevent anyone from going into it. He explained he had spoken to the Fire Inspector who suggested adding the tank to the plan. They

would need a permit for the tank from the Fire Department either way (above or underground). Currently the plan indicates that the tank will be buried underground. Mr. Bergeron was concerned about protecting the tank.

The Board then addressed the waivers as follows:

MOTION: (Montbleau/Dadak) To approve 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 approve 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 approve 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 approve the waiver to Landscape Architect requirement – to allow owner to landscape similar to abutting property (that they also own).

VOTE: (6-1-0) The motion carried. Mr. Clark voted in opposition.

Waiver request submitted to Section 307-25-9 Architectural design since it was an existing building with deed restrictions that don't allow changes to this building's appearance.

Mr. Gowan commented that the waiver wasn't required because the applicant wasn't changing the building. He stated that the Board could reach a consensus that no waiver was required. Mr. Maynard had no objection to the Board doing so. There was a general consensus of the Board that the applicant didn't have to meet the requirement because it was an existing building.

The Board then addressed the final waiver request.

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 302-E(3)(a)(4) - Site specific soil requirements. Based on the fact that it is an existing lot of record located in an area of Town that is sand. This is backed up by on-site test pits conducted for the septic system design.

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

MOTION: (Montbleau/Dadak) To approve the waiver to Section 302-E(3)(a)(4) - Site specific soil requirements.

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

Mr. McNamara opened the discussion to public input. No one came forward. He indicated that the Board would have to consider and vote regarding a Conditional Use Permit ('CUP') in addition to the Site Plan approval.

Mr. Clark asked for an explanation of the CUP. Mr. McNamara explained it was required based on the way the MUZD language was worded; it was an additional approval to the Site Plan approval. Mr. Clark questioned the definition of 'conditional' in this context. Mr. Maynard stated the permit allows the lot to be developed as an MUZD lot. Mr. Clark asked if the word 'conditional' was being used as a term of art and not used in the conventional sense of the word. Mr. Keach noted the CUP was one of the innovative zoning controls that the Board was authorized to dispense; it was a Statutory term. It was a necessary term to allow the mixed use of a property much like the special permits for a buffer encroachment with the Wetland Conservation District. Mr. Clark asked if it was conditional upon the tenants the applicant was postulating about. Mr. McNamara said that's what the applicant was asking for. Mr. Keach commented that the CUP only captured the ability for the owner to do mixed use on the premises; the site plan was for the array of uses requested. Mr. Bergeron explained that the MUZD was an overlay district that represented a Zoning classification that is allowed by a CUP to have residential and business uses in the same building or on the same parcel of land.

MOTION: (Bergeron/Clark) To approve the Conditional Use Permit.

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

The Board was ready to move forward with the application. Mr. McNamara read aloud a list of conditions to be attached to a site plan approval as follows:

- 1) Receipt of State septic permit;
- 2) Signage – Mr. Gowan understood it would emulate the sign on the abutting property;
- 3) Performance guarantee (surety) in place for drainage components and parking lot;
- 4) Letter from Steve Keach that signifies his approval of the conditions laid out in his most recent letter to the Board;
- 5) Fire Department review and approval of building plans (*after discussion this was removed*);
- 6) Note on plan reference to Pennichuck's provision of water;
- 7) Note on plan acknowledging CUP approval (granted by the Board);
- 8) Note on plan acknowledging any waivers that were granted.

Mr. Maynard spoke to the condition regarding the Fire Department review and approval of building plan. He wanted to deal with it separately from the standpoint of his client seeking financing. He said that point was really a building department issue. Mr. McNamara wanted to make sure the applicant was still required to go to the Fire Department if it wasn't listed as a condition for approval. Mr. Maynard answered yes; they needed to go to the Fire Department for a building permit. Mr. Gowan had no objection to removing the condition for approval. Condition #5 'Fire Department review and approval of building plans' was removed.

Mr. McNamara took a motion to approve the Site Plan subject to the stated conditions. Mr. Clark said he would second the motion for discussion. He understood if he voted to approve what was in front of him, it was the approval of a MUZD with a restaurant, coffee shop, outdoor seating, 900SF office space, 2-seat barber shop and three 1-bedroom residential apartments. He also understood if for some reason there was a change, the applicant would need to come back in front of the Board. Mr. Maynard commented that generic office space was specified on the plan and wanted to be clear that it could be any type of (office) business. Mr. Clark agreed that office space was general but wanted to clarify that the proposal was as he stated. If there was a change, he would expect to see the applicant back before the Board to request basically a change-of-use. Mr. McNamara stated if there was anything drastically out of sort with the proposal, he was sure it would be kicked back to the Planning Board.

MOTION: (Culbert/Clark) To approve the Site Plan subject to the stated conditions.

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

Case #PL2018-00040

Map 29 Lot 7-95

PELHAM REALTY GROUP LLC – 150 Bridge Street - Site Plan Review for proposed relocation of Dunkin’ Donuts and A.L. Prime renovation

Mr. McNamara informed that the applicant had requested date specification to February 4, 2019 in order to fully respond to a letter from Steve Keach of Keach Nordstrom (Board’s engineering review firm).

The case was date specified to February 4, 2019.

PB 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

Mr. McNamara informed that the applicant had requested a continuation to February 4, 2019 as they are still working on the water plans discussed at their last meeting with the Planning Board.

The case was date specified to February 4, 2019.

PB Case #PL2018-00033

Map 35 Lot 7-106

McDONALD’S USA LLC - 113 Bridge Street - Site Plan Review for the proposed redevelopment of the McDonald’s Restaurant which includes upgrades to the existing drive-thru features, renovations to the building & minor site improvements (*Applicant has requested a continuance and will not be heard*)

Mr. McNamara informed the applicant had requested a continuance to the February 21, 2019 as there may be a delay in the start date for the project. This will give the applicant additional time to respond to abutter’s concerns.

The case was date specified to the February 21, 2019 meeting.

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

DATE SPECIFIED CASE(S):

February 4, 2019:

Case #PL2018-00040 - Map 29 Lot 7-95 - PELHAM REALTY GROUP LLC – 150 Bridge Street

Case #PL2018-00028 - Map 15 Lot 8-216 - JAMES PETERSEN BUILT HOMES, LLC - Windham Road

February 21, 2019:

Case #PL2018-00033 - Map 35 Lot 7-106 - McDONALD’S USA LLC - 113 Bridge Street

DISCUSSION

Planning Board to provide a recommendation to the Board of Selectmen for the acceptance of Brunswick Circle

Mr. Gowan said the only road that's a candidate for acceptance this year is Brunswick Circle (Mendes project) off Jericho Road. He said it had turned out well and held up beautifully. It was reviewed and everyone was satisfied. The bond has been reduced to the maintenance bond until the Board of Selectmen accept the road. He stated Town Counsel had added a requirement that the Planning Board (if satisfied) would need to forward a recommendation to the Selectmen to accept the road.

Mr. McNamara asked if anyone on the Board had any objection to providing a letter of recommendation to the Board of Selectmen to accept Brunswick Circle. There was no objection – the Board provided a consensus to provide a recommendation to the Selectmen.

As a resident of Brunswick Circle, Mr. Steele confirmed that the Board was recommending that the Town would officially take the road over. Mr. Gowan replied there were several things that needed to occur for that to happen: 1) draft road deed for review by Town Counsel, 2) as-built plan for the road and 3) review by Planning Director, Road Agent and Keach Nordstrom. He noted the Selectmen would need to conduct a public hearing for acceptance. Once all those things occur, it would become a Town road and Mr. Gowan will record the deed.

Member question

Mr. Culbert first apologized for wearing his hat during the Pledge, he did not mean to offend anyone. He then questioned when the Board would discuss workforce housing. Mr. McNamara replied it depended on the Board's agenda in February. Mr. Gowan mentioned that the Selectmen had approved for him to apply, which he did and was approved, for a workforce housing charrette in Pelham. The event will occur in late May to early June and be conducted over 2-3 nights. He said it would be wonderful for a couple Board members to attend as 'stake holders' to be involved in the planning and execution of it. Once the charrette is complete, the information should be folded into the Master Plan chapter on housing.

Mr. Culbert suggested forming a subcommittee for workforce housing because it would be a big change. Mr. McNamara asked that the Board discuss it at their next meeting because at present they had already decided that the whole Board would be involved. Mr. Gowan will add an agenda item.

Mr. Gowan said if any Board member was interested in being a stakeholder during the workforce housing charrette meeting, they should let him know. He said they wouldn't be able to have a quorum of members in that group or on a subcommittee or it would need to be an agenda item. Mr. Bergeron replied in the past every subcommittee meeting had been posted meetings so any number of people from boards could attend. Mr. Gowan said with a quorum it would be considered a Planning Board meeting. Mr. Bergeron said it would be posted so member of the public and other boards would be invited. Mr. McNamara stated the reason they were doing it in conjunction with Planning Board meetings was to avoid having 3-4 Planning Board meetings per month. Mr. Bergeron wasn't concerned with having additional meetings.

Mr. McNamara stated the Board would consider Mr. Culbert's request and decide at the next meeting. Mr. Lynde asked if members of the public could be involved with the discussions about workforce housing. Mr. McNamara replied it would be a public meeting and they would welcome the input from other boards and the public.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:06pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary