

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
March 4, 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, Tim Doherty, Jim Bergeron, Blake Clark, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Paddy Culbert, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Alternate Richard Olsen, Alternate Samuel Thomas

The Board recognized Mr. McNamara's service to the Town and volunteerism serving 18 consecutive years on both the Planning Board and Zoning Board of Adjustment. On behalf of the Board, Mr. Montbleau presented Mr. McNamara with a special gift and plaque commemorating his service. Mr. McNamara appreciated the sentiment and reminisced about his first meeting as a Board member. The Board stood and applauded to congratulate him.

MEETING MINUTES

February 4, 2019

MOTION: (Lynde/Dadak) To approve the February 4, 2019 meeting minutes as amended.

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

ADMINISTRATIVE

Map 42 Lot 10-210

SDK Landholdings - Brunswick Meadows – Request for full Bond Release (*Road accepted by Board of Selectmen February 19, 2019*)

Mr. McNamara understood the remaining bond amount was \$5,100.00 and accepted a motion to release the bond in full.

MOTION: (Doherty/Dadak) To approve the full release of the bond (\$5,100.00).

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

NEW BUSINESS

PB Case #PL2019-00001

Map 36 Lot 10-370-3

DALLAIRE, Gerald J. - 92-92 Dutton Road – Special Permit to convert a duplex to condominium form of ownership

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 owner (Gerald Dallaire) was Attorney David Groff. He explained they were requesting to convert the duplex to a condominium form of ownership. Prior to the meeting the Board was provided with a packet of documents that included the request, site plan showing the location of the septic system, septic certification, special use permit and copies of applicable statutes. Mr. McNamara asked if there was anything 'out of the ordinary' with the application. Attorney Groff answered no; it was an existing duplex located on a six-acre lot. He noted the septic system was in good working order and there was plenty of land for a replacement system if the current system failed.

Mr. Lynde questioned if the owners would receive two separate tax bills. Attorney Groff understood two separate tax bills would be sent out once the building was converted.

Mr. Clark wanted to know if the electric meter was already split between the two units. A member of the audience informed there were currently two separate meters.

Mr. McNamara opened the discussion to public input. No one came forward.

MOTION: (Clark/Doherty) To approve the Special Permit.

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

Secretary Dadak and Chairman McNamara signed the Special Permit.

PB Case #PL2019-00002

Map 22 Lot 7-36

CT EQUIPMENT TRADERS (applicant) / DEXTER, Karen (property owner) - 18 Atwood Road – Site Plan Review to allow the parking of construction equipment & trucks on the south side of property for storage only. No sales to be made at this site

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. Tim Beauregard and Mr. Chad Beauregard came forward to discuss the site plan. Mr. T. Beauregard stated they were seeking the Town's permission to park construction equipment and trucks on the south side of 18 Atwood Road, Pelham, NH 03076. He said there would be no sales made at this location; it would be for storage use only.

Mr. McNamara questioned how many vehicles they expected to park at the proposed location. Mr. T. Beauregard replied less than twenty-five.

Mr. Lynde asked if there was previously a machine shop at the location. Mr. T. Beauregard replied there was an auto repair facility and machine shop on the north side. There is a cell phone tower on the south side. They would like to park in the area around the cell tower. He displayed a picture of the lot showing a highlighted area 375ft. long by 175ft. wide, minus the easement for the cell tower, that they would utilize. Mr. Lynde questioned if there were currently buildings on the property. Mr. T. Beauregard stated there were buildings on the north side of the lot. The Board was provided (in their member packet) with an aerial photograph of the lot. Mr. Lynde asked if they had any plans to clear the trees out. Mr. T. Beauregard replied they had no plans of moving any dirt or clearing any trees.

Mr. McNamara wanted to know if there would be any maintenance done on the vehicles. Mr. T. Beauregard replied they didn't plan on doing any repairs; it would be strictly storage. Mr. McNamara questioned if the

equipment/vehicles would contain any engine fluids, such as oil, gas, antifreeze etc. Mr. T. Beauregard replied yes.

Mr. Dadak inquired how many vehicles or pieces of equipment they expected to have. Mr. T. Beauregard replied twenty-five or less.

Mr. Montbleau asked if the applicants were the same company on the corner (of Main Street/Bridge Street) that had the aerial trucks. Mr. T. Beauregard answered yes. Mr. Montbleau stated he sat on the Board when the 91 Main Street location was approved and recalled the applicant had given the Board a number at that time of 25 or less vehicles. Mr. T. Beauregard explained (for the Main Street location) they had proposed two sales areas out front. He noted that the Town had recently measured everything on site and found them to be compliant. Mr. Gowan stated when the Board finishes approving a plan it fell to the Planning Department to deal with afterwards. He said when the (Main Street) site originally came in he urged the Board to set a per piece of equipment limit; however, the Board declined to do so. Instead there were two display areas in front of the fence shown on the submitted plan that was approved and additional items would be behind the fence. He stated the applicant was able to go right up to their property line with equipment storage. Currently the applicant has submitted a plan that offered a not-to-exceed vehicle count. Mr. Montbleau recalled Mr. Culbert (during the Main Street hearings) being adamant about how many pieces and the how big the equipment would be and where they would be located on the lot. At the time he felt Mr. Culbert's questions were 'overkill' based on the applicant's testimony. However, now that he has seen the lot, he believed it had become a huge 'eyesore'. Mr. Montbleau stated the Board had approved a business that was presented 'toned down' compared to what is at the location. He recalled the applicant indicating they wanted to display a few pieces out front with most being behind the building. Mr. Montbleau wanted the opportunity to review the record prior to approving the current application.

Mr. Culbert stated at the time of the hearing for the 91 Main Street location he tried to hold the applicant to a physical vehicle count; however, the Selectmen Representative (at the time Bill McDevitt) talked the Board out of it. Even so, he had remained adamant that the applicant should have no more than twenty-five vehicles. Mr. Montbleau recalled the size of the equipment. He said the density of the heavy-duty equipment wasn't projected in the manner its (currently) being displayed when the plan was brought in front of the Board.

Mr. Culbert asked if there were any (new) compressors on the bottom floor (showroom) at the Main Street location. Mr. C. Beauregard answered no. Mr. Culbert recalled testimony was given that they were going to add a new line for compressors. Mr. C. Beauregard replied they were a young company exploring different avenues and didn't recall stating they would be selling new compressors. He believed they were in front of the Board for the proposal at 18 Atwood Road and felt they were completely in compliance on Main Street.

Mr. Doherty heard a comment that there would be no maintenance of vehicles and wanted to make sure that the Board understood that vehicles could get flat tires, need batteries or need jump starts. He didn't want someone to think that seeing jumper cables or an air compressor wasn't normal. He didn't want the Board to restrict those things and asked what the Board's intention was. Mr. McNamara replied he had asked the question and his intent was to not have any work done that could risk a spillage, such as engine, oil, transmission work or the like. Mr. Culbert added the term 'fluid exchange'. Mr. Doherty confirmed that the applicant would be able to replace a battery or put a tire on a vehicle and that the Board also agreed the vehicles would need to be able to move around on the site. There was no objection.

Mr. McNamara recalled the Board had a back and forth discussion and conducted a site walk (for the Main Street location). He felt they needed to review meeting minutes (associated with the Main Street location). Mr. Gowan stated the meeting minutes, plans submitted, and Notice of Decision is reviewed for Code Enforcement. He said the applicant had been held to that line. The Town's Code Enforcement has been sent out several times because there is a lot of equipment on site (at 91 Main Street).

Being the same business, Mr. Gowan asked the applicant if they proposed to take some of the equipment/inventory off the 91 Main Street site to put onto the proposed 18 Atwood Road site. Mr. C. Beauregard answered no; the current display would remain.

Mr. Montbleau asked if the proposed location would be a holding area for the sales display area (at 91 Main Street). Mr. T. Beauregard answered yes; they were looking for somewhere to put more of their equipment to make more room from where they (currently) are. He said it was so congested (at Main Street). Mr. Montbleau asked if the Atwood Road location would be used to store some of the equipment from the Main Street location or if it would be for more equipment. Mr. T. Beauregard replied it could be used for both, it could be used to free space from the back yard. Mr. Montbleau inquired how many pieces were currently at the Main Street location. Mr. T. Beauregard replied he didn't have an accurate count and guessed seventy-five or under.

Mr. Clark stated he didn't have a chance to research the case before the meeting and asked to clarify that 18 Atwood Road was zoned for the proposed activity. Mr. Gowan answered yes; it was in the business zone.

PUBLIC INPUT

Mr. Michael Brawn 15 Atwood Road told the Board that the applicant had been at the (Atwood Road) location for a couple months. He was concerned with the hours of operation because equipment was being moved between 1am-3am. He said large tow trucks, which were loud, were used to move the equipment. He asked that the hours of operation be restricted for the owners, or their subcontractors.

Mr. McNamara asked for the hours of operation. Mr. Gowan didn't have the information with him for the Main Street site and suggested they contemplate hours of operation for the proposed site. Mr. Montbleau asked the applicant what hours of operation they agreed to when the Main Street location was approved. Mr. T. Beauregard wasn't sure of the exact hours, but believed they were Monday-Friday 7am-10pm, Saturday 7am-7pm and Sunday 8am-4pm. Mr. Montbleau didn't think the Board would have agreed to 10pm in a neighborhood. He wanted to review the information from the Main Street location before making a decision. He commented that he had been in the automotive profession and thought that the applicant's idea, concept and entrepreneurship was great when it was presented, but it had turned out to be a lot more than he thought they were going to do. Mr. T. Beauregard said it turned out to be bigger than they expected. Mr. Montbleau commented that the abutter didn't want to hear heavy equipment. Mr. T. Beauregard replied he wasn't opposed to setting hours.

Mr. Brawn spoke about his concern regarding the state of the equipment to be stored at the location. He told the Board last November the applicant was moving a piece of equipment down the road and it caught fire in front of his house. Mr. Lynde asked if the proposed property was across from his house. Mr. Brawn replied it was diagonally across from him. Mr. Lynde asked if the applicants were already using the property. Mr. Brawn stated they had been using the property since late October; he had to call the Fire Department in early November. Mr. Lynde wanted to know how often trucks were moved. Mr. Brawn replied they usually move trucks late at night (approximately 9pm) and times he has been woken up by trucks pulling into 18 Atwood Road that are hauling large equipment. He has security camera data that could be used as examples to show trucks being moved at 3am.

Mr. Culbert asked how long Mr. Gowan knew about the operation (at 18 Atwood Road). Mr. Gowan replied it came to their attention a couple months ago when the Code Enforcement Officer left the applicant with an agreement that they would have a set amount of time to submit an application to the Planning Board.

Mr. Dadak didn't recall the hours of operation but didn't feel the Board would have agreed to 10pm. Mr. Gowan noted that the hours of operation haven't been the issue at the other (91 Main Street) location from a Code Enforcement point of view. He suggested for the current application (18 Atwood Road) that the Board

set/agree to conditions for the days/hours of operation along with a set number of not more than twenty-five vehicles and no fluid exchange. They should also consider lighting, signage and changes to the property.

Mr. Lynde assumed that the applicant didn't come to the Board seeking permission, but instead they were found to be doing something and told to come to the Board. Mr. Gowan replied they were told to submit an application to the Board to make what they were doing legal, or they would need to remove the items; the applicant chose to bring the application in. They were compliant with Code Enforcement regarding the timeline.

Mr. Lynde asked if the equipment was damaged on the road and hauled to the location. He wanted to know if the equipment was unable to be driven. Mr. C. Beauregard replied it was unsafe, or not running. Mr. Lynde wanted to know what the applicant planned to do with the equipment when it was brought in. Mr. C. Beauregard said they planned to bring the equipment to a shop for repair or prepare them for sale. Mr. Lynde asked if it was necessary for equipment to go to the location at 1am. Mr. T. Beauregard said he only knew about one time and they spoke to the tow truck driver for it not to happen again. Mr. McNamara inquired if the tow truck operator had access to the site without either Mr. T. or Mr. C Beauregard aren't there. Mr. T. Beauregard answered yes.

Mr. Bergeron offered a general comment regarding the hours of operation. He cautioned the Board about setting restrictions that may come back to haunt them. He said there were a couple towing companies that tow in Town for the State and different surrounding towns who operate basically 24 hours per day. He pointed out that both of those businesses were located well within residential areas. He also pointed out that the proposed property was in the business district. He said he wasn't opposed to the theory and thought it was a good thing if the proposed alleviated the loading on the Main Street site. Mr. Bergeron noted that the proposed property was off the road and set back. He said the lot was currently underutilized. It had been the staging area for several months for the public utilities when they were working on the high-tension wires; previous to that it was utilized by a landscaper who ran some serious hours. He understood Mr. Brawn's concerns. Mr. Gowan noted that the proposed location abutted a residential neighborhood. Mr. Bergeron understood but noted there was a big portion of the surrounding area that was business, whereas the other two towing companies were totally within residential districts. He said those companies had come in front of the Board to expand and felt they should apply a 'fairness' across them all.

Mr. Clark heard testimony that there would be non-licensed / non-functioning trucks and questioned if it put the proposal into a wrecking yard and not a storage yard for functioning vehicles. He would like the opportunity to do some more research to understand what regulations would be in play.

Mr. Lynde believed the Board needed a description of what the applicant's business would be doing and what site precautions would be put into place. He felt Mr. Bergeron's comments were appropriate, but at the same time he'd like to see plans that addressed the issues. Mr. C. Beauregard replied the location would be simply to store parked vehicles; there wouldn't be repairs. Mr. T. Beauregard stated there were some trucks that were towed in, but the majority of the vehicles were good running vehicles. None of the trucks were being used for 'parts'. He explained if they weren't running, it was a minor issue and they were sent out to a repair facility. Mr. Lynde wanted to know the applicant's function; why the vehicles were towed to their location. Mr. T. Beauregard stated sometimes it was cheaper to have them towed than to have someone drive the vehicle. Mr. Lynde asked if the proposed location would be temporary storage until a vehicle is picked up. Mr. T. Beauregard said it would be temporary storage. He said if a vehicle is sold, they could take it out of their (Main Street) lot and bring it over to the Atwood Road lot. He said the proposed location could also be for vehicles that were waiting to be tested/inspected instead of being at the Main Street yard.

From what he heard, Mr. McNamara believed the applicant should be able to schedule trucks coming in at times other than at one or two o'clock in the morning and confirmed that it wouldn't be a problem. Mr. T. Beauregard agreed that it wouldn't be a problem.

Mr. Montbleau agreed with Mr. Bergeron about the business being in a business district, but at the same time said if they are backed up to a residential area it wasn't unreasonable to ask them for hours of operation that could be in harmony with the neighborhood. To Mr. Clark's point, Mr. Montbleau said through a series of digressions with most vehicles running, some of them running and then none of them running the area would become a salvage yard without the proper licensing. He explained if a hydraulic line was blown on one of the vehicles there's a potential to have 10-20 gallons of fluid onto the ground. He questioned who would be monitoring the area and was concerned there wouldn't be anyone. He agreed with Mr. Lynde about having the applicant provide the Board with a description of everything they were going to do on site, so they knew what they were deciding on. Mr. Montbleau wanted to know what would be used to clean up an area if a vehicle leaked. He was concerned about protection of the Town's aquifer by having no monitoring or oversight. He asked if they had any problems with a hydraulic line bursting. Mr. T. Beauregard replied they had great luck with it. He said they had a large spill kit ready to be used in the event something occurred so it could be properly taken care of. Mr. Montbleau asked if the area was all soil or if there was any impervious surface. Mr. T. Beauregard replied the majority of the area was pavement. Mr. Montbleau had seen hydraulic leaks on big equipment which he described as messy. He reiterated his concern about the location not having any oversight and vehicles/equipment that didn't move for a while that may have mechanical problems.

Mr. Culbert asked if the storage area would be fenced in. Mr. T. Beauregard answered no; they will not be making any improvements, such as lighting, removing trees or moving any earth. Mr. Culbert said he couldn't think of a worse place for their location because of the aquifer. Mr. C. Beauregard felt the likelihood of a problem with leaks would increase if the equipment was going to be operated on site. He said the proposal was for parking/storing vehicles, not operating or testing function. Mr. Culbert wanted to know if the applicant could guarantee they wouldn't have a hydraulic line burst. Mr. C. Beauregard answered no. Mr. Culbert reiterated that the proposed location was the worst place he could think of to put equipment. Mr. C. Beauregard noted that the north side of the site was already a mechanic facility and machinist shop.

Mr. Dadak asked if the 91 Main Street site was paved in the back and in the front. Mr. C. Beauregard answered no. Mr. T. Beauregard said the site had reprocessed asphalt. Mr. Dadak wanted to know if there was regular inspection of the site. Mr. C. Beauregard answered no. Mr. T. Beauregard stated they were on site every day. He said they were lucky not to have any leaks and watched the site closely.

Mr. Montbleau inquired if they had employees that were trained on how to handle spills (i.e. hydraulic burst). Mr. T. Beauregard didn't believe there was any formal training, but they had watched videos in case the day ever came. He said his son ran the business and was well-versed on what to do. Mr. Montbleau informed there was training for such. He asked for the number of employees. Mr. T. Beauregard replied there were eight (some part-time, some full-time). Mr. Montbleau suggested they put someone in charge of supervising the equipment for leaks and how to conduct immediate cleanups using best practices.

Mr. McNamara asked the Board how they wanted to proceed; earlier he heard members request a breakdown detail regarding the business and responses to the concerns raised. Mr. Montbleau stated he wasn't against the business efforts but would feel more comfortable taking additional time so the applicant could come back with more specific information. He agreed with Mr. Clark's comments and didn't want the proposed location to turn into a salvage yard by default.

MOTION: (Montbleau/Clark) To move the case to the Board's next hearing and ask the applicant to come back with more definitive information for what they would do on the (proposed) site, such as: hours of operation, lighting or no lighting, protection for spills etc.

VOTE: (5-2-0) The motion carried. Mr. Doherty and Mr. Bergeron voted in opposition.

The case was date specified to the March 18, 2019 meeting. Mr. McNamara asked the applicant to provide additional detail information regarding their intentions and how they would proceed. The applicants agreed to do so.

PB Case #PL2019-00003

Map 38 Lot 1-150-6

DEPUTAT, Christopher - 14 Spaulding Hill Road - Proposed 4-Lot Subdivision

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 Doug MacGuire of the Dubay Group. He said they were proposing a four-lot subdivision. The property is located at the corner of Spaulding Hill Road and Nicholas Lane containing 4.3 acres with an existing single-family dwelling. The existing house would be subdivided onto its own lot and create one additional lot with frontage/access onto Spaulding Hill Road and two additional lots with frontage/access on Nicholas Lane. All the lots were designed to contain the required building envelope, well radius, 4K area and meet the requirements of the Town's lot configuration in the Regulations. Mr. MacGuire stated they had also included (with the design plans) prototypical lot grading to prove out they had a viable development opportunity on each lot and give the Board and abutters the 'feel' for how the project would look. He personally felt the configuration blended into the existing neighborhood.

Mr. McNamara asked Mr. Gowan if the plan was sufficiently detailed to accept for consideration. Mr. Gowan answered yes.

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

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

Mr. Clark didn't feel that the proposed plan would meet the criteria without waivers for lot shape and minimum distance that a lot could 'pinch' down to. He felt it was a three-lot subdivision trying hard to be a four-lot subdivision. Mr. MacGuire replied the difficulty with the land was in relation to the location of the existing home; they had to get creative based on the home's location and existing well radius. He noted the lots met the requirements for building envelopes and slopes. He stated they had worked within the regulations to make the lots as conforming as possible.

Mr. Doherty recalled a previous application that came in front of the Board that had a narrow piece similar to a section on the plan in front of them. He said the narrow piece shown on the proposed plan was purposefully made. Mr. MacGuire explained that the reason for that (narrow) piece was because they were forced to hold the lot line of the existing well radius (for the existing house) to be fully on its own lot, and they also needed the required frontage for the newly proposed lot. He didn't see anything in the regulations about not being allowed to have an angle as shown on the plan. He pointed out that the proposed lot (with the narrow angle piece) was one of the most viable to develop. They tried to be reasonable with what they came up with. Mr. Doherty said the regulations designed and written for the ease/recognition of ownership of a parcel of land. He said with the proposed layout (strange shaped lots) there was no way for an owner to have an ease of recognition for ownership. Mr. MacGuire appreciated the comment and reiterated it was a unique property in that there was an existing home on site that was in good condition and occupied by the current owner. He said the intention was to keep the home and added it would be a burden to have to eliminate it to modify the lot lines. He felt when the amount of frontage was reviewed along both Nicholas Lane and Spaulding Hill Road it wasn't unreasonable to see two houses along both roads. He believed it would look very normal and was a standard subdivision that met the requirements, short of a little odd configuration of the lot.

Mr. Bergeron pointed out discrepancies he heard in the testimony. He spoke to Section 203-1 (Lots) of the Regulations (Design and Construction Standards) and read a portion aloud. He said the lot with the 'triangle' with dimensions less than 50ft. wasn't acceptable per the design/construction standards. He called attention to the lot shapes, one that contained 7-sides. He stated the existing lot was not the concern of the Board; the request was for a multiple-lot subdivision; therefore, it was up to the applicant to meet the regulations. Mr. Bergeron saw where the test pits were conducted but noticed that the proposed house locations (4K area) was pushed back. He noted that the well radius for the existing house didn't meet the standard of being 90ft. from the property line. He had a map of the neighborhood showing the lot shapes and pointed out that there weren't any lots with odd geometric shapes. He couldn't accept any subdivision that would create lots (shaped) as proposed. He stated it wasn't the Board's problem that the applicant had an existing house lot and felt they could cut it to create a project that looked well and kept with the standards. He added that a financial hardship for an existing lot wasn't the Board's problem. Mr. Bergeron then spoke about the test pits. He said the first plan sheet showed the houses over the 4K area, then sheet #5 show the test pits where the houses are located. He said the test pits would have to be moved back further before anything could be proven on those lots. He didn't see any depth to bedrock and asked if there was any detail regarding such. He wanted to know how deep the test pits went, who did the loading design and if a certified soil scientist was involved, as required by the Regulations. Mr. MacGuire replied he was a licensed septic designer and had performed the test pits. Mr. Bergeron asked if he was a certified soil scientist. Mr. MacGuire wasn't aware of any such requirement.

Mr. Dadak believed Massachusetts required a certified soil scientist, but not New Hampshire. Mr. Bergeron stated they did and pointed out that the proposal was not a minor subdivision and may actually be a major subdivision (being four lots). He reiterated he couldn't accept the plan as presented with the lot shapes shown because it didn't fit the spirit and intent of Section 203 (in the Regulations).

Mr. Culbert stated the applicant had done a wonderful job of maximizing the (required) minimums. Mr. MacGuire felt that was the intent of the regulations. He said the Town had several requirements on creating a (building) lot and he tried to meet them all. He reiterated that the one odd-shaped lot was due to the hardship with the location of the existing house. He disagreed with Mr. Bergeron on the 'hardship' and stated the location of the house required the oddity of shape. He pointed out that the remainder of the lots were all fairly uniform and didn't think it was unreasonable to have two single-family homes on Nicholas Lane based on the amount of frontage. He also didn't think it was unreasonable to have an additional lot next to the existing home as shown on the plan. He didn't feel they were trying to 'push the envelope'. There were requested waivers to address some of the concerns raised. Mr. Doherty pointed out that two of the lots were 7-sided and one was six-sided.

Mr. McNamara read the requested waiver requests aloud.

1) Section 11.11(B)2 – Waiver of Well Setback.

MOTION: (Clark/Lynde) To accept for consideration the waiver request to Section 11.11(B) 2 – Well Setback.

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

2) Section 11.04(B)3 – Waiver of Lot Shape.

MOTION: (Clark/Dadak) To accept for consideration the waiver request to Section 11.04(B)3 – Waiver of Lot Shape.

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

3) Section 11.04(C) Waiver of Locating Building within the Building Envelope

MOTION: (Clark/Dadak) To accept for consideration the waiver request to Section 11.04(C) Waiver of Locating Building within the Building Envelope

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

Mr. Lynde stated the area of Town being discussed has had problems with sufficient water for wells and asked if the applicant could give assurance the proposed lots would have sufficient water. Mr. MacGuire replied they were aware of the potential issues that some had with water supply in the area. For that reason, they had the existing well (on site) tested (4-hour pump test); the well generated 6.5 gallons per minute. He said the developer recognized the potential need for deeper wells and had budgeted that into the pro forma for the project.

Mr. Culbert recalled at times the Board had required wells to be drilled before the Certificate of Occupancy is issued. He asked if the applicant had any objection to such. Mr. MacGuire replied they understood they needed to have a viable water supply to have the house. He believed the Town's Well Ordinance required each well to be tested. Mr. Gowan added that the applicant wouldn't be issued a building permit until they could demonstrate meeting the Well Water Regulations.

PUBLIC INPUT

Mr. Mike Gorman, 7 Nicholas Lane discussed his personal water situation. He said he had to replace his well pump (\$5,000) because of the Sky View development and was told by the driller it was caused by the sediment from blasting. He noted there was another nearby project that indicated they were finding ledge at 6ft-8ft. He was concerned with blasting/hammering etc. and wanted to know what protection the applicant would put in place to protect the surrounding properties. He didn't like how the proposed project had been done to date. He told the Board he had random vehicles parked outside his house, people on his property marking his pins in three locations. He asked the Board what protection would be put in place for the existing abutters that had already been impacted and what the Town would do to monitor the development. Mr. Gorman said the problem was very serious and they had received no relief. Mr. Gowan stated the drilling/blasting ordinance was the Fire Department's ordinance. He believed residents within 500ft. would be monitored for the sustained yield testing; however, the Town didn't have the expertise or personnel to be present to monitor during well drilling.

Mr. McNamara assumed if the project was approved, the Town's engineer (Keach Nordstrom) would be involved in some stage. Mr. Gowan replied that would be up to the Board; however, he believed the water issues would require engineering review and anything the Board felt appropriate for compliance.

Mr. Gorman said he would like to see the results because he believed the buildout went beyond what the area could sustain. Mr. McNamara noted the Board wouldn't be taking final action on the plan; there would be additional meetings.

Mr. Robert LaRose, 17 Spaulding Hill Road (across the street from the proposed development) told the Board he didn't have a problem with the subdivision but from past experience of nearby development there is never ending sounds. He noted that Spaulding Hill Road was paved prior to construction (in the area) and had since been torn up from traffic. He said vehicles had knocked down mailboxes and dozers were driven on Sundays. Regarding water, he said he had a little silt. Mr. LaRose believed Mr. Bergeron had a good point about the land and felt if the lots were squared up the development would be nice. He spoke about his concern regarding water and felt they needed to have a fair assessment of the area. He said something had to happen so development was fair to everyone and provided existing residents with assurance concerning water. He said

he couldn't afford to have a new well. Mr. LaRose wanted to know what would happen to the road, now that it was torn up from the traffic created by the neighboring development. He said it was great to have development but felt people should leave the areas as good or better than when they started.

Ms. Christina Milward, 20 Nicholas Lane told the Board that one of the proposed lots would be built directly next to her property. She also noted that her property directly abutted the recent 8-lot subdivision, so she was being affected in both areas. She recalled that the 8-lot subdivision had to drill and prove the amount of water they could pull before the plans were approved. Mr. Gowan replied the difference between the two developments was that the 8-lot development had a community well system; however, the Board could require a similar procedure. Mr. Dadak believed the abutters to that project had asked if they could connect to the system and later learned they wouldn't be able to because additional users would have changed the regulation the system was governed under. Mr. Gowan added that the Department of Environmental Services ('DES') wouldn't sanction the water being distributed more widely.

Ms. Milward discussed her concerns with water. She noted her septic and leaching field ran down the front of her lot and asked if there was a regulation to protect her property or her water from becoming contaminated. Mr. McNamara replied there were safeguards in place such as well radii requirements and the fact that septic systems needed to be within its own property. Ms. Milward understood there were certain things that couldn't be done if there was conservation land or certain soil types. She asked if the applicant's property contained any such restrictions. Mr. McNamara said if there was it should show on the plan. Mr. Montbleau asked how her water supply was. Ms. Milward replied it was okay. She had run out of water but had learned what she could/could not do. She was concerned because of the 8-lot development behind her had the potential for additional lots as shown on the submitted plan. She didn't financially have the money if her well went dry and she needed to drill a new well. She said she recently began having water come into her basement. Mr. Montbleau asked if she had a ledge on her property. Ms. Milward answered yes; it was a nightmare to install her inground swimming pool. Mr. Montbleau stated her situation was typical of the whole neighborhood. He said some aren't affected as much as others. He spoke about the hydrology of the hill; in some areas beyond Ms. Milward's property they had plenty of water. Ms. Milward understood. She said the applicant could drill for one house and have an amazing amount of water and drill for the next and not get anything. She told the Board her neighbor (across the street) had five wells on their property with only one pulling water. Ms. Milward said she had nothing against the development and felt it was good for property values but wanted to voice her concerns.

Mr. Michael Dalton, 11 Spaulding Hill Road told the Board water was a huge issue. He said he'd owned his house for a year and a half and had run it dry six times in the previous year and had to replace his well pump. His well is drilled over 550ft. deep. He said to re-drill anything past that depth would be an exorbitant price. He didn't want any additional houses, no matter how nice they are.

Mr. MacGuire heard the concerns about water. He said knowing they had a viable well and noted there may be a potential to do a shared well system via easements. He said there may need to be some tanking/storage for supply but doing so may ease the abutter's concerns.

Ms. Amanda Cerra, 13 Spaulding Hill Road told the Board she purchased her home approximately two years ago and had conducted all necessary inspections; however, needed to replace her well last summer. Because of all the new homes in the neighborhood, the traffic had increased and so did the speed in which the vehicles travel. She said the street no longer accommodated the number of vehicles and voiced concern regarding safety.

Mr. Lynde asked the applicant if they anticipated blasting. Mr. MacGuire replied they had done exploratory pits for the septic design and only had refusal on proposed Lot 1-3; however, they may potentially be able to hammer the area, or possibly move the proposed house uphill and create a garage-under building. He questioned if the Board could restrict the use of blasting if there was an ability to hammer-drill.

Mr. Lynde then addressed the issue with water. As a Selectman, he said he had been involved with it for several years. He thought it was unfortunate the abutter had purchased a home and later found out they had a problem. He stated the Board of Selectmen couldn't solve the problem, but they could try and see what they could do. He said they had gone through a process to determine the cost to bring water into the area and noted it wasn't cheap. They had conducted a survey of the area to see if people were willing to get involved; multiple hearings were conducted but unfortunately, they didn't receive sufficient response to be able to do something viable. If water is brought to the area a water district would need to be set up with the residents paying a certain amount each year (similar to an additional tax). Mr. Lynde stated they had identified some water wells (on Town land) at the bottom of Sherburne Road that were capable, but the remaining question was how to get the water to where it was needed. He reiterated that the Town had tried to address the situation and felt it was important for them to keep on top of all developments. He noted they had another effort to seek partial funding from the State to bring water down from Marsh Road and along Route 38; there's a question on the ballot to address it. The Selectmen are mindful of the issues but limited in what they could do.

Mr. Dadak spoke about his personal experience regarding water, given that he lived in the area.

Mr. Doherty heard testimony that one of the wells was currently giving approximately 6 gallons per minute and asked if it was the one with the septic system within the 75ft. well radius of the existing home. Mr. MacGuire said the septic tank was within the well radius, but the leaching bed was outside of it. Mr. Doherty questioned if the well radius would need to increase if they created a shared well system. Mr. MacGuire said it was possible; they would need to review and create easements for all the lots.

Mr. Culbert commented that the well locations would need to be 'spot on' and not deviate a bit. Mr. MacGuire understood.

Mr. Lynde heard the concern of the abutter who spoke about the increased traffic and noted they had no mechanism to address it.

With regard to the concern about water, Mr. Bergeron stated the New Hampshire Well Water Board (effective March 1, 2017) passed regulations regarding protective well radiuses (State minimum standards). He said anyone could access the information and noted the minimum State standard was 100ft. and the Town only had 75ft. He hoped they weren't about to violate the design and construction standard of the well radius setback or the (geometric) lot shapes. He noted that the proposed plan didn't meet the well radii well standards. He said he was a septic installer and regularly attended seminars. He felt the Town should be proactive and adopt protective measures, so they didn't cause issues in areas that were sensitive. He stated it was extremely important that they proceed with caution regarding the proposed application. He pointed out that some of the Town's best waivers were being asked for and asked Board members to consider such.

Mr. MacGuire wasn't sure what well regulation Mr. Bergeron was referring to. Mr. Bergeron replied it was the New Hampshire State regulation adopted March 1, 2017 (Water Well rules). He summarized the requirement and asked the applicant to be careful what they presented. Mr. MacGuire stated the well radius requirement for a single-family home was 75ft. He noted the Board was not in violation of their regulations.

Mr. McNamara asked the Board if they wanted to get Keach Nordstrom involved with a minor review for drainage purposes. Mr. MacGuire asked that Mr. Keach review all the items, particularly the items that had been brought up by Board members. There was a consensus by the Board to have Mr. Keach involved. Mr. Gowan asked that the applicant follow the procedure of providing a .pdf of the plans along with a hard copy set to Keach Nordstrom who in turn would provide an estimate for the 'light' review. He noted that the Highway Safety Committee and Fire Department would also review the plans.

The case was date specified to April 1, 2019. Mr. McNamara informed the public there would be no additional notification sent out to abutters. The Board spoke about the additional information they would like provided for the next meeting (single/shared well, lot line straightened out, well radiuses, etc.).

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

DATE SPECIFIED CASES

March 18, 2019

PB Case #PL2019-00002 - Map 22 Lot 7-36 - CT EQUIPMENT TRADERS (applicant) / DEXTER, Karen (property owner) - 18 Atwood Road

April 1, 2019

PB Case #PL2019-00003 - Map 38 Lot 1-150-6 - DEPUTAT, Christopher - 14 Spaulding Hill Road

ADJOURNMENT

Mr. Montbleau stepped away from the Board.

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

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

The meeting was adjourned at approximately 9:13pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary