

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
May 6, 2019**

Chairman Roger Montbleau called the meeting to order at approximately 7:00pm.

PLEDGE OF ALLEGIANCE

Acting Secretary Tim Doherty called the roll:

PRESENT: Roger Montbleau, Tim Doherty, Jim Bergeron, Blake Clark, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Paddy Culbert, Planning Director Jeff Gowan

ABSENT: Paul Dadak, Cindy Kirkpatrick, Alternate Richard Olsen, Alternate Bruce Bilapka, Alternate Samuel Thomas

Mr. Gowan stated he heard from Mr. Dadak, Ms. Kirkpatrick and Mr. Thomas indicated they would not be in attendance for the meeting.

Mr. Montbleau appointed Mr. Steele and Mr. Culbert to vote.

MEETING MINUTES

April 15, 2019

MOTION: (Doherty/Clark) To approve the April 15, 2019 meeting minutes as written.

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

OLD BUSINESS

PB Case #PL2019-00008

Map 17 & 24 Lot 12-223-2

HARRIS, George III & John - 51-55 Ledge Road - Proposed 2-Lot Subdivision

Representing the applicant was Peter Zohdi of Herbert Associates. He stated they had added an additional half acre to the proposed lot from the time the plan was last in front of the Board. One lot will contain 26 acres (+/- due to the edge of the lake) and the other lot will contain 1.5 acres (65,340 SF); both comply with the Subdivision Requirements therefore no waivers will be requested.

Mr. Montbleau questioned why an additional half acre was added. Mr. Zohdi explained a mistake had been made and was now corrected; there was no other change to the plan. Mr. Gowan asked for verification that the 1.5 acre lot met the 35,000SF contiguous non-hydric soils requirement. Mr. Zohdi replied there were no hydric soils. Mr. Gowan asked that a note be added to the plan. He then asked if the sight distance was good. Mr. Zohdi stated they had previously submitted a sight distance profile to the Planning Department. Mr. Gowan wanted to know if the sight distance profile was necessary to make the driveway location exactly as proposed to maintain that sight distance. Mr. Zohdi replied if they want to change the driveway location a new sight distance profile would need to be done. He believed it was currently in the best location (as shown on plan sheet 5 of 5).

Mr. Bergeron wanted to know the total frontage before the subdivision and after the subdivision. Mr. Zohdi replied the total before was approximately 700ft, and the total after (not including the distance on Peter's Way) would be approximately 420ft. Mr. Bergeron asked if it was accurate to say there were good lots on both sides. Mr. Zohdi answered yes. Mr. Lynde saw (on the right side of the plan) there was 89ft. plus 126ft. which totaled 215ft., which was more than adequate.

Mr. Montbleau opened the discussion to public input. No one came forward. He commented that the Board had accepted the plan at their previous meeting. He noted there were no waivers, hydric soil and believed it was a simple subdivision. Mr. Bergeron commented it had straight lines and good angles.

MOTION: (Culbert/Clark) To approve the plan.

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

NEW BUSINESS

Case #PL2019-00009

Map 21 Lot 3-60

EVANS, Maria C., TEIXEIRA, John J., TEIXEIRA, Rosa - 38-40 Nashua Road - Proposed conversion of duplex to condominium form of ownership

Mr. Doherty 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.

Attorney David Groff came forward to represent the applicant. He explained that the applicant would like to change to a condominium form of ownership. He provided the Board with a packet of information containing the written application, a copy of the applicable ordinances and the certification from the septic designer that the lot has sufficient land available to meet the current and future requirements.

Mr. Montbleau questioned if condominium documents were in place. Attorney Groff answered no; the documents come after approval. The process is to first be approved for a Special Use Permit, then the owners sign a declaration of condominium which is recorded with the site plan and floor plan after which it's considered a 'condominium'. Mr. Culbert thought condominium documents had to be in place before anything was done. Attorney Groff replied the Special Use Permit is recorded with the condominium documents, just as he had done with previous cases.

Mr. Culbert inquired if Town Counsel would approve the documents. Mr. Gowan replied it was in the Regulations. He said if the Board was inclined to approve the Special Use Permit, they could make it subject to those documents being submitted for Town Counsel review prior to being recorded. He said the review would be at the applicant's expense. He noted Attorney Groff had created many such documents and didn't recall that Town Counsel had found issue with any of them. Attorney Groff told the Board the only time he had submitted documents to Town Counsel was in relation to a senior housing project; those declarations must contain the exact wording of the Statute. He said for a declaration in relation to the Special Use Permit (for condominium ownership) the only thing needed was a subsurface approval; Town Counsel normally doesn't get involved because there was no regulation that dealt with it other than the septic approval.

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

Mr. Bergeron inquired if either one of the prospective new owners were present. Attorney Groff answered yes and pointed them out in the audience.

Mr. Doherty asked Attorney Groff if he needed the Special Use Permit signed (tonight) by the Chair and Secretary. Attorney Groff answered yes and noted he had a copy that was filled out and ready for signature. Mr. Doherty (who was acting Secretary) suggested he be appointed so the document could be signed.

MOTION: (Culbert/Clark) To appoint Mr. Doherty as Secretary (for the present meeting).

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

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

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

Case #PL2019-00010

(previously known as PL2019-00006)

Map 22 Lot 7-236-1

LIVHOMES REALTY TRUST, George Kenney, Trustee - 1 Nashua Road - Proposed 2-Lot Subdivision

Mr. Doherty 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.

The applicant's representative Peter Zohdi of Herbert Associates came forward to present the proposal.

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

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

Mr. Zohdi described the location of the parcel and told the Board the lot contained over 2.2 acres that they were seeking to subdivide into two single-family lots. He stated the existing home would be taken down and two new homes would be constructed. There was one waiver being requested from Section 11.04(C)(1) of the Subdivision Regulations pertaining to the building envelope on lot 7-236-1 which doesn't have the required 100ftx150ft dimension. Mr. Zohdi noted they had more than 15,000SF, it didn't comply with the dimensions.

Mr. Clark wanted to know the dimension of the narrowest part of the 1.4 acre lot (7-236-1). He saw there was a 'neck' narrowing within the lot. Mr. Zohdi estimated that narrow point to be 60ft. Mr. Clark knew there was a 50ft. minimum. Mr. Zohdi replied he would make sure to comply.

With the parcel being in the Town center, Mr. Montbleau inquired what type of homes would be built. Mr. Zohdi replied they would be single-family homes that possibly had an in-law addition. The applicant George Kenney came forward and told the Board they anticipated two single-family residences (each being approximately 2600SF-2800SF) containing four bedrooms with an attached two-car garage. Mr. Montbleau asked about the style of the homes. Mr. Kenney stated they would be Colonial style, either hip roof or Garrison-type homes. Mr. Montbleau questioned if they were site specific on the lots. Mr. Kenney pointed out the plan gave an indication of where they may be, but the exact location of the footprint had not yet been determined. Mr. Zohdi called attention to page 4 of 4 in the plan set that provided the approximate location of the homes in accordance with the Zoning setbacks. He noted those locations could be adjusted 5ft-10ft front or back.

Mr. Gowan saw that the existing driveway would be abandoned and relocated further up Nashua Road (away from the roundabout). Mr. Zohdi said that was correct. Mr. Gowan also saw a note on the plan for the existing well. Mr. Zohdi stated they were proposing for both lots to connect to Pennichuck Water. Mr. Gowan

understood there was currently a small shed within the setback and wanted to know if it was larger than 100SF. Mr. Doherty pointed out there was a note on the plan that the shed would be removed.

Mr. Doherty called the Board's attention to the fact that the proposal was a subdivision of land not a site plan review of the MUZD Ordinance. He said if the applicant wanted to build it out under the MUZD they would have to come back to the Board for site plan review. Mr. Doherty noted the proposal included an irregularly shaped lot but there was nothing the applicant could do about it because the abutting First Congregational Church lot cut into their lot.

MOTION: (Doherty/Culbert) To accept the waiver to Section 11.04(C),(1) of the Subdivision Regulations – building envelope dimension 100ft x 150ft.

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

Mr. Doherty noted the existing building fit on the lot therefore another single-family would fit. He said they wouldn't have to worry about the septic and well (setbacks) because the water would be connected to Pennichuck Water.

Mr. Gowan saw the existing tree line indicated on plan sheet 4 of 4. He wanted to know if there was any plan to maintain the buffer given the proximity to the little Town park and First Congregational Church's grazing field. Mr. Kenney stated they were going to try to leave a natural buffer (as much as possible) between the park and the property. With the development being so close to the Town center, Mr. Montbleau questioned if they were going to include appropriate landscaping (i.e. flowering shrubs) that would give the center a 'finished' look. Mr. Kenney indicated there would be a landscaping allowance within the property. He said most of the property had an aesthetically pleasing tree line. He felt the area to address would be in front of the homes. Mr. Montbleau said it would be nice if flowering shrubs could be added.

PUBLIC INPUT

Mr. Jim O'Donnell from the Pelham Funeral Home told the Board he had come to the meeting to hear what was being presented. He hadn't heard anything during the meeting that was out of the ordinary or that had upset him. He noted there was a decent tree line between his property and the applicant's property that he hoped would remain. He assumed the process would continue for the development to be the way the Board wants it, which would be fine with them.

Ms. Charlene Takesian, Jeremy Hill Road told the Board she saw the previous plan for the land and thought the proposal was a much better plan. She was concerned with what was being allowed in the MUZD and hoped the Board approved the proposed plan.

Mr. Clark believed the plan scale was mislabeled by the computer. Mr. Zohdi said he would check his work.

Mr. Bergeron questioned who had jurisdiction on Nashua Road. Mr. Gowan replied it was the Town. Mr. Bergeron stated Nashua Road was a busy road and recalled hearing concern (at the previous meeting) about driveway locations. Mr. Lynde stated it related to headlights shining into (abutting) windows. Mr. Bergeron said with it being a Town road they should consider the location of corresponding driveways (across the street). He questioned how they could be best aligned. Mr. Zohdi said he had a plan done by a previous engineer that located the driveways; he showed the plan to Mr. Bergeron and pointed out the driveways across the street. Mr. Doherty noted the proposal was for a single-family house and not the previous proposal with multiple buildings. He said if the Board started picking driveway locations for single-family lots it would set a precedent they've never dealt with. Mr. Bergeron replied the MUZD was an overlay district; the proposed homes would have rights that other homes didn't have and because of this felt the Board should consider driveway locations. He added it was a Town road and not subject to the Department of Transportation ('DOT') approvals. He agreed

with Mr. Doherty that the proposal was a ‘typical’ subdivision but wanted it recognized that the overlying district was the MUZD and the owners could (in the future) add a higher intensity. Mr. Doherty reiterated that the applicant was in front of the Board for a subdivision of land and not site plan review under the MUZD. Mr. Bergeron commented he was asking the applicant if they could help with practical driveway locations given access was onto Nashua Road and the lot’s proximity to the roundabouts. Mr. Doherty pointed out they had enough sight distance to move the driveway in either direction.

Mr. Gowan noted an aerial photo was displayed to show the existing driveway locations for the applicant’s lot and abutting lots. Mr. Zohdi said the driveway for lot 7-236-2 lined up with the driveway across the street. He said he tried to move the second driveway as far away from Meeting House Park as possible. Mr. Bergeron asked if headlights would shine into anyone’s window. Mr. Zohdi answered no.

Mr. Zohdi spoke about the plan scale (as Mr. Clark had raised question earlier). He believed he made a mistake because he was used to working with 50ft. scale and the plan was 30ft scale. There was a question if Mr. Zohdi could achieve the 50ft. (narrow point of the lot) or if he would request a waiver. Mr. Zohdi stated if he created a lot, he understood any new distance that was less than 50ft. would need a waiver. In this case, he stated he wasn’t creating any lot lines that were less than 50ft. Mr. Clark believed the Regulations indicated the narrowest point in any lot had to be at least 50ft. Mr. Zohdi replied if required he would submit a waiver. Mr. Doherty stated they would need to know the Regulation section being referenced for a waiver request to be submitted and properly read into the record.

Mr. Doherty stated when he measured the area being discussed he came out with exactly 50ft. He said if Mr. Zohdi could make that area exactly 50ft. a waiver wouldn’t be needed. Mr. Zohdi said he would keep the lot line and make sure the area was a minimum of fifty feet. Mr. Bergeron felt in the spirit of good planning it might be better to leave the lot sizing as proposed and grant a waiver. Mr. Doherty replied they didn’t know if the requirement was in the new Regulations. Mr. Bergeron reviewed the new Regulations (page 26 – Section 203-1.A – Design & Construction Standards / Lots) and indicated lots platted under the Regulations shall maintain a minimum lot width of 50ft. throughout. Mr. Montbleau asked the applicant to submit a written waiver for consideration.

Mr. Doherty questioned if the previous waiver referenced the section from the old or new Regulations. Mr. Zohdi replied it referenced the old regulations. Mr. Zohdi stated the plan was submitted under the old regulations. Mr. Doherty pointed out that the wavier previously accepted by the Board referenced the old Regulations. He said if it was now a new section, they would need to amend their motion. Mr. Gowan stated Section 203-1.B.2 referred to building envelope requirements.

MOTION: (Doherty/Culbert) To amend the previous waiver consideration (of 11.04.C.1) to reference the new Subdivision Regulation Section 203-1.B.2 (building envelope geometric shape of 100ft x 150ft) and to accept the waiver request for consideration.

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

MOTION: (Doherty/Clark) To accept for consideration the waiver request to Subdivision Regulation Section 203-1.A – Lot width (not less than 50ft).

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

MOTION: (Culbert/Clark) To approve the waiver request to Subdivision Regulation Section 203-1.B.2 – building envelope geometric shape of 100ft x 150ft.

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

MOTION: (Culbert/Clark) To approve the waiver request to Subdivision Regulation Section 203-1.A – Lot width (not less than 50ft).

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

MOTION: (Culbert/Clark) To approve the subdivision plan.

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

DISCUSSION

Zoning Discussion

Mr. Gowan reminded the Board that the housing workshop charrette was coming up in a couple weeks and suggested they schedule their first zoning discussion meeting. Mr. Montbleau stated he would like the agenda for the first meeting in June to have business end by approximately 8:30pm so they could open the meeting and begin their Zoning discussions. At that time, they could set up meetings going forward. There were no objections.

Mr. Doherty asked Board members when they find something in the Regulations, they want discussed to first read it aloud into the record so others can look it up in their books. Mr. Gowan stated if any members needed an additional copy of the Regulations to let him know so he could forward a copy.

The upcoming Housing Workshop dates were announced:

- May 8, 2019 – Showing of ‘Communities & Consequences’ at Chunky’s Cinema 6pm-8pm
- May 13, 2019 - Showing of ‘Communities & Consequences’ at Hobbs Community Center 4pm-6pm
- May 21, 2019 – Site Walk – 9 Main Street 3pm
- May 21, 2019 – Community Listening Session - Hobbs Community Center 4pm-6pm
- May 23, 2019 – Work Session – First Congregational Church 8am-4pm
- May 23, 2019 – Community Reveal – Hobbs Community Center 4pm-6pm

Mr. Montbleau spoke about a newsletter sent out by Gove Environmental Services – ‘In My View’ that spoke about vernal pools. He encouraged the Board to read the article. Mr. Gowan noted they send articles quarterly and will make sure the Board receives a copy each time.

Mr. Doherty spoke about retention/detention areas. He said the Conservation Commission had been trying to push retention/detention areas away from wetlands and into upland areas. He explained retention/detention areas worked much better when pushed up against wetland areas as a vernal pool because they were down low. He said Massachusetts did this and had thriving vernal pools. Mr. Montbleau said that was a good point.

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

Not requested.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:35pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary