

APPROVED

TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
June 17, 2019

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

PLEDGE OF ALLEGIANCE

Secretary Cindy Kirkpatrick called the roll:

PRESENT: Roger Montbleau, Blake Clark, Cindy Kirkpatrick, Tim Doherty, Paul Dadak, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Paddy Culbert, Alternate Samuel Thomas, Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: None

MEETING MINUTES

June 3, 2019

MOTION: (Lynde/Doherty) To approve the June 3, 2019 meeting minutes as amended.

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

NEW BUSINESS

PB Case #PL2019-00013

Map 22 Lot 8-140

HUARD, Alfred (Property Owner) - ROSSI, Charles & Doreen and NICKERSON, Gail (Applicants) - 15-17 Windham Road - Proposed Minor Site Plan Review for a Change of Use from the prior non-conforming Automotive-related Use to a Medical Use as a Wellness Center in the existing garage.

Representing the applicants was Attorney Paul DeCarolis of Gottesman & Hollis. He told the Board that Doreen Rossi had been a licensed massage therapist (through New Hampshire) for the past twenty-nine years and was proposing to relocate her business to 15-17 Windham Road. The other proposed use of the property would be a yoga studio. There wouldn't be any changes to the exterior of the buildings on the property (single-family home and detached two-story garage), other than the architectural design required under the mixed-use overlay district. Attorney DeCarolis believed the proposed use was ideal and fit squarely within the overlay district. The first floor of the garage will be converted for the business. He noted if the Town wanted to install sidewalks there was significant green area between the property line and the pavement to do so. He noted that health/fitness clubs and spas were permitted in the district; although the proposed business wasn't 'medical', it was a licensed massage therapy and fell under the category of health/fitness and/or spa.

Attorney DeCarolis told the Board that the Conditional Use Permit listed conditions for it to be granted. A letter (dated May 16, 2019) was submitted by Shayne Gendron of Herbert Associates to the Planning Department describing that the existing septic system was adequate for the proposed use; the applicants will be connected to the Pennichuck Water system. There will be no additional paved areas; the driveway/parking areas will be gravel in order to accommodate storm water. The plan shows adequate area for sidewalks and landscaping and other required design elements. The applicants have spoken with the neighbors. Looking at the property (on

the right) is an existing stockade fence that will be extended to the rear of the property line. The abutter Paul Stanic would like a row of evergreens as a buffer for light from the parking lot. Attorney DeCarolis stated they weren't proposing any changes to the dimension, width or height of the building. The proposed business will primarily be occupied on the first floor; however, it's possible if things go well for them to expand to the existing second floor. They understood the Planning Board would determine the parking. Attorney DeCarolis noted between the house and garage was a parking area that may accommodate 9-10 vehicles. There was room for an additional six vehicles in the area of the stockade fence. The applicants are proposing parking for twenty-two vehicles, which they think will be adequate for the business. An architectural design of the building's façade was submitted for consideration. There will be no illuminated signs. Attorney DeCarolis believed the proposal fit perfectly with the spirit and intent of the mixed-use overlay district.

Ms. Kirkpatrick 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. Gowan said it appeared that the Hazelwoods were missed on the second mailing but were present for the meeting. Kelly and David Hazelwood, 23 Windham Road came forward. They told the Board they were not originally notified and spoke to Mr. Gowan regarding such. Ms. Hazelwood stated they received notification of the current meeting; the post office didn't return the certified mail receipt to the Planning Department. With regard to the proposal, Ms. Hazelwood told the Board they were 'fine with everything'. They just wanted to make sure there was a buffer between their property and the proposed business.

Mr. Gowan stated the building (for the proposed use) had been existing for quite some time and previously had a non-compliant transmission shop. When comparing a picture of what's there versus the proposal, he felt it would be an improvement. It appeared to him and the Zoning Administrator to be amongst the allowed uses. He felt it was a positive proposal. Mr. Gowan understood the septic was functioning; should there be an issue a new system would need to be designed and installed. He felt the proposal would be attractive and a benefit to the Town center.

Mr. Clark asked if Steve Keach of Keach Nordstrom (Board's engineering review firm) was available to comment on the application. From what he understood a gravel driveway/parking area was not in and of itself a permeable surface unless designed to be such. Ms. Kirkpatrick noted she lived nearby and stated the driveway filled with water during heavy rain and didn't 'runoff'. Mr. Clark was concerned about site contamination with the previous business being a non-conforming transmission operation.

Attorney DeCarolis commented in 1996 the State of New Hampshire had done some testing at the site and reported after two consecutive ground water tests determined there was no need for further testing for contamination.

Mr. Keach came forward and told the Board he had not been asked to review the application. Mr. Clark said his question was 'general design'. He understood a gravel parking lot just being gravel didn't guarantee that it would infiltrate water. He's spoken to engineers who had done runoff calculations and was told if a gravel surface wasn't properly prepared it would be calculated with the same runoff potential as a paved surface. He was concerned that the proposal cited a gravel driveway and parking lot in an attempt to make engineering for the site easier. Mr. Keach replied a gravel surface is going to be prepared the same whether its going to be used for travel/parking in an unpaved manner or subsequently paved by having a certain compaction. It also gains compaction once it's in place. He noted the term 'gravel' was a specified term. Regardless of whether it has some permeability, it will continue to lose permeability over time and become impermeable during (frozen) winter conditions. For purposes of design, Mr. Keach said he uses the same practices for paved and gravel surfaces. Mr. Clark stated he was concerned they were adding impervious surface regardless of whether it was labeled 'gravel' or 'asphalt/concrete' and drainage on the site as proposed. He saw they were proposing an additional parking area. Mr. Montbleau was familiar with the site and noted there were some low areas on site but didn't see runoff. He didn't feel there would be runoff if the new owners repair the gravel driveway and compact it to make a nice entry. Mr. Clark felt the Board should look at it as though it was paved or at one point

would be paved. He understood Mr. Keach treats pavement and gravel with the same calculations. Mr. Montbleau didn't feel there was a problem with water shed. Mr. Keach reiterated he hadn't previously reviewed the plan but knew the area of the site and what was under it for soils. Because it is so flat, he said anything that ran off a surface (paved or compacted gravel) wouldn't travel very far before it went into the underlying aquifer.

Attorney DeCarolis indicated the current plan showed access around all four sides of the building and would agree (if approved) to a condition to eliminate the access drive on the south side of the property to create additional green area. Additionally, on the right side of the building they propose to turn the parking area into a green area. He pointed out because of these things the incremental additional parking area wasn't that much.

Mr. Culbert questioned where handicap parking was located. Attorney DeCarolis indicated it would be on the right side of the property. Mr. Keach noted it would have to be paved/striped to comply with the ADA. Attorney DeCarolis stated they would pave it if it was required.

Mr. Bergeron saw that the engineering survey was done in 2008 and asked if the paved locations were existing. Attorney DeCarolis replied the parking area to the right of the existing house was paved; the new areas (side and rear of garage) were proposed to be gravel. The only pavement currently on the property was from the street to the garage as shown on the plan labeled 'existing asphalt area'. Ms. Nickerson explained there was pavement; however, it was broken up. Mr. Bergeron asked if it would be taken out. Ms. Nickerson answered yes.

Mr. Culbert confirmed the handicap parking would be ADA compliant. Attorney DeCarolis answered yes.

PUBLIC INPUT

Mr. David Hazelwood, 23 Windham Road told the Board he met with Chuck and Doreen Rossi (applicant) to review the proposed plan. He was a little concerned about the gravel driveway because it was very loud (echo noise), especially because there were no trees between his property and the applicant's lot. He wanted to know the hours of operation. Ms. Kirkpatrick stated the applicant noted in their letter (to the Board) classes would be at 6:30am five days per week. Mr. Hazelwood didn't want to see the applicant's property become all gravel because there would be a lot of noise early in the morning. He noted during winter plowing gravel would be ripped up. Mr. Hazelwood told the Board the water problem on the lot started after the State raised Windham road by one foot. He commented that his house also had water problems. He believed it didn't matter what material was laid down (asphalt or gravel) because it would have the same effect in the long run. He pointed out there was a storm drain on the outside of the applicant's driveway and believed if the drainage was angled correctly, water would run into the storm drain. Mr. Hazelwood said he would like the proposal done so it wouldn't have noise. He wasn't opposed to the proposal or business but didn't want to be bothered by noise. He wanted to make sure the buffer would be installed. He wished the applicant the best and reiterated his feeling that asphalt would be a better solution.

Mr. Bergeron asked if there was currently a fence between the applicant's lot and Mr. Hazelwood. Attorney DeCarolis stated there was an existing fence. They proposed extending the fence to the end of the parking area. He said it would be a solid fence. He displayed a plan that showed the existing fence and where it would be extended to help alleviate noise issues. He pointed out that the area was basically business with residential components; there would be noise with any business. The proposed use was permitted in the zone. Mr. Montbleau felt the proposed business would be a passive/quiet business.

Mr. Culbert questioned if the south end of the driveway would be eliminated. Attorney DeCarolis replied he suggested that the area labeled 'proposed emergency access' on the church side be eliminated if the Fire Department agrees to such. This would increase the green area to reduce the water flow generated by impervious surface.

Mr. Doherty asked what the label 'easement for Town pound' meant. Ms. Nickerson believed it was an area where livestock was brought in the 1800s if they became loose from their property. Mr. Gowan stated it was a historical artifact protected by covenant.

Mr. Gowan said if in the future there was a problem with runoff there may be room in the rear of the parcel or between the structures to possibly have water detention. He pointed out if there was any runoff from the site it would be required to be dealt with under the MS4 obligations. He agreed with Mr. Hazelwood that the road had been raised so much that runoff (from the road) flowed into the properties. He felt the State's runoff should be captured. He believed good points had been made regarding pavement versus gravel.

Mr. Bergeron asked if they were the State's catch basins. Mr. Gowan answered yes. Mr. Bergeron questioned if the State allowed private properties to tie-in. Mr. Gowan didn't believe they would. His point was the water coming from the road should be caught by the drainage structures.

Mr. Montbleau stated the request is a simple (passive) change-of-use that was permitted in the Mixed-Use Zoning District. Mr. Dadak said it would be an improvement.

Mr. Bergeron commented that crushed stone was extremely loud and suggested a condition of approval for the use of natural gravel. He also wanted a condition for no additional paving and noted it would be a good thing to remove some. Mr. Lynde was familiar with a ¾ mix that hardens to (almost) cement (and would not be noisy).

Mr. Gowan told the Board he had kept track of conditions offered by the applicant in the event there was a motion. He listed them as follows: 1) move fence to improve buffer to Hazelwood property, 2) row of evergreens to improve buffer to Staniac property, 3) Fire Department approval of access, and 4) one parking space to be paved for ADA compliance. Mr. Doherty asked that a condition be included for Dark Sky compliant lighting. Mr. Gowan noted that any sign couldn't be internally illuminated; however, they would be allowed to have 'gooseneck' or other external lighting.

Mr. Bergeron made a motion to approve the change-of-use including the conditions stated. Mr. Dadak seconded the motion. The Board began to approve the motion. Mr. Clark interjected and questioned if the Board should have accepted the change of use for consideration prior to approval. Mr. Gowan didn't believe the ByLaws specified doing so. He noted the Board usually made a motion on the side of caution. Mr. Clark made a motion to accept the plan for consideration.

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

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

The Board's previous action to approve the plan stood as follows.

MOTION: (Bergeron/Dadak) To approve the Change of Use with the stated conditions.

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

Mr. Doherty questioned if the Board should grant a Conditional Use Permit. Mr. Gowan replied the Board was technically approving a Conditional Use Permit and felt it might be a good idea of formally calling it such. He said the Board could confirm their understanding that the motion was for the Conditional Use and he will write the Notice of Decision reflecting it, or they could restate the motion. There was no objection to having the previous motion stand with the understanding that Mr. Gowan would write the Notice of Decision to reflect that the Board approved the Conditional Use Permit.

Map 35 Lots 10-200, 10-312 & 10-351

NEIL FINEMAN 2018 TRUST, Neil Fineman, Trustee & LEMIEUX, Albert III & Christine - Currier Road, Peabody Lane & Bridge Street/ Rt. 38 – Preliminary Discussion to discuss proposed Lot consolidation, 2 Lot Subdivision, Land Transfer and Residential Conservation Subdivision resulting in 40 Single-Family Lots and 3 Open Space Lots

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present or who hadn't been notified who asserted standing in the case. Ms. Donna Pitts, 100 Currier Road came forward and told the Board that the abutter's list contained the name Andy Player; however, there were new owners that had already moved in. Mr. Gowan stated the obligation was to notify the owners of record; the change may not have caught up with the Assessing Department. Mr. Doherty believed abutter notification isn't legally required for a 'preliminary' review. He said it shouldn't affect the case.

Mr. Montbleau explained for the public that the Board would have a preliminary discussion. Once a plan is submitted abutters will receive notification.

Representing the applicant was Peter Zohdi and Shayne Gendron of Herbert Associates. Mr. Zohdi provided the Board with plans to review. He explained they were proposing to combine the proposed lots and re-subdivide. The total area of the parcels was 130.67 acres which will be subdivided into two lots: commercial lot (with frontage onto Route 38) containing 44.17 acres, the residential lot containing 86.50 acres. Out of the residential parcel 24.5 acres will be used for the road and lots with the remaining 61 acres to be open space. Currently there are three open space lots; the largest being 59.479 acres should be deeded to the Town given that the abutting lot (Lot 10-264) is currently a Town-owned parcel (with conservation easement). Using a displayed plan, Mr. Zohdi pointed out the location of the proposed open space lots. He said if the Town didn't want the smaller open space parcels they could be added to the Homeowner's Association.

Mr. Zohdi understood that the plan had previously been in front of the Board under a different engineering firm. The Board was provided with a copy of subsequent plans (41 lots and 36 lots respectively). He said by having 20% open space they could possibly achieve 41-43 lots in total; however, the proposal showed 40 lots. Mr. Zohdi believed in the past the Board was concerned about the gas line crossings. He noted the presented plan shows one crossing. He then discussed the access road (from Peabody Lane) as it was previously presented. He saw the beginning of Peabody Lane had a 9.6% grade. On the proposal he curved the access road and realigned it to reduce the slope to approximately 6.9% so the abutting lot (across the street) will continue to function properly.

Mr. Zohdi spoke with the owner of 10-200 (former Kirby parcel) who were concerned about privacy, therefore 27,597SF will be added to their lot. Mr. Gowan recalled the prior engineer had some lots tucked in the back of the parcel that concerned the Board because of the nature of the land being ledge. Mr. Zohdi replied he wasn't proposing lots in that area. He said he watched the recording of the previous meetings to understand the concerns and amend the plan to have one road and connect to Currier Road through a 50ft. right-of-way.

Mr. Montbleau read into the record a letter (dated June 17, 2019) submitted from Priscilla Pike Church who lived at the corner of Peabody Lane and Currier Road. She had hoped there would be no access onto Peabody Lane and asked the Board to consider her concerns: 1) safety of children in the area, and 2) water problem from drainage flow during heavy rains that floods her basement. Mr. Zohdi called attention to the new road design that slopes away from Ms. Church's driveway. He said in preparation for the meeting he located the abutting homes, driveways and grading. Mr. Montbleau understood that the design would eliminate Ms. Church's concerns and water flow into her basement. Mr. Zohdi hoped it would.

Mr. Doherty inquired if a lot would be sacrificed to pitch the road away from the abutter (Ms. Church). Mr. Zohdi replied they would have a bioretention pond and provide the Board with the design of such for engineering review.

Mr. Thomas understood the design was relocated to be a distance from the pipeline and wanted to know if it was in accordance with code (distance between the pipeline and housing). Mr. Zohdi answered yes and reiterated they weren't crossing the gas line as was shown on previous plans. He had the gas company come to the site to locate the gas line and review the grade; the design shows 5.5ft-6ft. above the line. Mr. Thomas reiterated his question of the plan being with the code. Mr. Zohdi answered yes. Relative to the entire subdivision and sourcing water, Mr. Thomas asked for comment about the availability of water for the homes. Mr. Zohdi replied he couldn't speak about the quality/quantity of water. He noted if they couldn't achieve quality/quantity the lot wouldn't be allowed a building permit. Mr. Gowan said a building lot needed to have adequate quantity. Quality is dealt with on a house by house basis to obtain a Certificate of Occupancy. Mr. Thomas asked if the lot was an open field or a wooded lot. Mr. Zohdi replied there was an open field in the front and the remainder is wooded. He said he tried to avoid going through the steep slope areas that were on the previous plan.

Mr. Clark understood the plan in front of them was new and being presented by a new (different) developer and engineering firm. He questioned if they were being asked to consider the new plan based off the yield plan submitted by the previous applicant/owner/engineer. He wanted to know if the Board needed to go back in the process and re-approve the yield plan. In Mr. Gowan's opinion the Board wouldn't have to re-approve the yield plan given it was the same piece of land thoroughly reviewed by Keach Nordstrom (Board's engineering review firm) and the Board had already established the yield. He stated there was a different engineer and different client, but it was the same piece of land. He had suggested Mr. Zohdi bring the previous plan to refresh the Board's memory. Mr. Steve Keach of Keach Nordstrom came forward and stated when the current conceptual application advances, he felt it would be appropriate to acknowledge the yield plan so there wasn't a hole in the record (for the baseline density). He believed the letter of map amendment (required in the prior plan) was issued after the prior plan became redundant. He noted there was a lot of effort, discussion, test pits etc. about the adequacy of the land during review of the previous plan. Mr. Gowan suggested the Board reaffirm it's finding of the yield when the application was officially submitted, assuming the Board didn't have any objections to such.

Mr. Bergeron asked how many lots were contained on the yield plan. In the member preparation packet Mr. Gowan included the previous Notice of Decision, which he read aloud. Mr. Bergeron wanted to know the number of lots the Board approved in the original yield plan. Mr. Keach stated the Board approved thirty-six with the issuance of the letter of map amendment. The thirty-six lots was the base line for a conventional yield plan.

Mr. Doherty didn't feel the applicant needed to do a new yield plan because one had already been done and accepted by the Board. He mentioned a previous case (that had gone to the Zoning Board) in which the new owner used a yield plan prepared by a former owner. Mr. Clark agreed.

Mr. Montbleau reiterated that the plan/discussion was preliminary and not in front of the Board for consideration or approval.

Mr. Lynde questioned if lot 10-200 was included in the application or a separate lot. Mr. Zohdi replied they were adding approximately 27,000SF to that lot.

Mr. Clark told Mr. Zohdi when reviewing a plan, he likes to see the breakdown of open space, lots, road and unbuildable areas. Mr. Zohdi called attention to page one of the plan that listed all the calculations including wetland, flood zone, slopes over 20% etc. Mr. Clark confirmed that twenty-seven acres of the open space area wouldn't be considered 'buildable'. Mr. Zohdi answered yes. He referenced the displayed plan and pointed out the FEMA flood zone area. He said the wetland was in the flood zone.

PUBLIC INPUT

Mr. Montbleau asked that people coming forward remember that the plan was 'conceptual/informational' and not being accepted for consideration at this time. He said they would take comments on concerns/issues but wouldn't have resolutions until a formal plan was submitted and the Board's engineer has an opportunity to review.

Ms. Sarah St. John, 12 Island Pond Road was concerned with the water issues. She provided reference information to the Board specifically relating to the area of Currier Road, Cara Lane and Island Pond Road. She displayed a photo of the intersection dated March 12, 2019 showing water flowing from Currier Road into Island Pond Road and lead into her driveway and becomes an ice problem. She displayed a photo of the ice build-up along the road and in her driveway that occurs in the winter. Ms. St. John was concerned about the water drainage/flow off Peabody Lane and the auxiliary roads within the development adding to the existing problem. She showed a photo of her driveway (taken earlier in the day) and the erosion caused by the water drainage from the road. Ms. St. John told the Board there had been a lot of surveying in front of her property. Mr. Gowan commented that there is a detention pond (associated with Cara Estates) in front of her property. Ms. St. John showed a tax map and pointed to the area of the catch basin (on the corner of Island Pond Road and Currier Road). She spoke with the surveyors and learned there may be an additional catch basin installed on Cara Lane (corner of Currier Road) that would feed into the basin in front of her property that feeds onto her property. She asked the Board to take a good look at the water drainage off Peabody Lane and the proposed auxiliary roads from the development. Mr. Montbleau suggested providing Mr. Keach a copy of the information. Mr. Gowan replied when the applicant finishes their drainage it would be included in the review discussion. He noted when the frontage lots (on Currier Road) was built the Board insisted on the addition of trees (approximately \$80,000) to help absorb some of the water, which was now a well-established buffer. He said once the application is submitted it will be reviewed by Mr. Keach and the Highway Safety Committee.

Mr. Joe Norkiewicz, 14 Island Pond Road agreed with Ms. St. John's testimony regarding the water coming off the road. He was concerned with the configuration change of the area and wanted to know where the additional water would flow. Mr. Zohdi replied they owned the lot at the corner. He said the current plan was to improve the intersection and make the whole area a detention pond. Mr. Norkiewicz questioned if the water would be exposed or within a container. Mr. Zohdi explained the Town regulations prohibit additional water flow (above existing drainage) pre- and post-development from a subject lot. They are required by the State's Alteration of Terrain to have a detention pond, bio-retention etc. that will be reviewed by Mr. Gowan, the Highway Safety Committee and the Town's engineer. Mr. Norkiewicz asked if the proposal would be similar to the area used by the Fire Department. Mr. Zohdi couldn't answer because he didn't know what the Fire Department used. Mr. Norkiewicz wanted to know if the water would be exposed in a retention pond. Mr. Zohdi answered yes. Mr. Norkiewicz voiced concern about having a water quagmire that would be a breeding area for mosquitos etc. Mr. Montbleau noted the discussion was preliminary and the Board understood issues with water was of great concern. He said those issues would be thoroughly vetted during the review process by the Board and the engineering firms. He believed the water problems should lessen or go away and noted water from the (subject) property wasn't allowed to move off that property. Mr. Norkiewicz told the Board a swale was installed several years ago (9-14 years) and whenever it rains, he had a river flow of water. Mr. Montbleau couldn't speak to an existing problem. He said anything within the project (relating to water) would be addressed so it wouldn't increase or create further problems. Once the plan is formalized it will be sent to the Town's engineer for review. Mr. Norkiewicz told the Board although the area was on a hill if they went down 4ft-5ft they would hit surface water. He reiterated his concern for where water would flow. Mr. Gowan believed the Board should conduct a site walk when the plan is submitted so they can understand the water issues. Mr. Montbleau understood the plan was complex and stated there would be a lot of review steps conducted. Mr. Norkiewicz wanted to know if there could be something in place to hold the builder responsible for things they promise and construct.

Mr. Paul Diamantopoulos (resident of Peabody Lane) spoke about the existing condition of water flowing off Peabody Lane during the spring. He said it was difficult to express the amount of water that was in the location and felt the site walk shouldn't be done in the dry months (July/August). He questioned if Peabody Lane would be widened. Mr. Zohdi said it would be at their intersection. Mr. Diamantopoulos was concerned with additional

traffic and the narrow road width. He felt if the development was allowed Peabody Lane should be addressed. He understood there may be a retention pond and was concerned it would be a breeding ground for mosquitos and other insects. He asked if anyone would be responsible for spraying those insects. He knew the plan was preliminary but didn't want it to get too far along without addressing the issues. Mr. Montbleau stated the applicant was listening to all the concerns.

Mr. Diamantopoulos spoke about test pits and commented if they were done during reasonably dry times, they wouldn't have an accurate reading. He spoke about his concerns regarding drainage flow from the homes. He questioned if raised septs were being proposed to help with the water concerns, although he didn't believe they would alleviate the problems. He asked about the requirements for well water. Mr. Gowan replied there were certain requirements that would need to be met and demonstrated. Mr. Diamantopoulos told the Board he wasn't trying to stop anyone from using their property as long as it's done properly. He questioned what recourse the existing residents had if an issue arose after the homes were constructed (i.e. water in his basement, well running dry). He wanted to know if there would be additional water flow measures other than the retention pond because he didn't feel one pond could handle the flow from the hill. Mr. Montbleau commented that the applicant would have to meet the regulations and required calculations. Mr. Diamantopoulos asked at what point tests would be done and if the Board could specify it be done during the wet season. Mr. Montbleau replied there were standard/established calculations that had to be used. Mr. Diamantopoulos then spoke about the buffer on his southern boundary (lot 10-350-2) and believed there was an ability to expand that buffer by moving the cul-de-sac further south. Mr. Montbleau said the plan couldn't be designed at this point. Mr. Diamantopoulos simply wanted the engineer to hear his concern and possibly amend the design prior to the formal submission.

Mr. Montbleau stated everyone understood there was a serious concern regarding water in the area. He asked that people discuss any other issue they may have.

A gentleman came forward and told the Board he was the president of the Garland Woods Homeowner Association and in charge of the entire well structure (drinking water/well field/community well system). He said the proposal abutted the Garland Woods property and stated they pulled the minimum amount of water from the ground (for drinking not irrigation) for the homes that were built in their development. He understood the proposed lots were half-acre in size and possibly allowed to have individual wells. He noted his development was only allowed shared wells for irrigation because they had 24,000SF properties. Mr. Gowan stated the Garland Wood development could have gone either way (individual or community wells); the developer chose to have a community water system. The gentleman's concern was the concentration of the proposed homes and the potential water usage (drinking/irrigation) for the area. He wanted to make sure a study was done to ensure the water (water table) in the area wasn't affected by the proposed development.

Mr. Bruce Jewett, 4 Peabody Lane told the Board the majority of the proposed houses would be in his front yard. He was concerned with the traffic entering and existing the development being directed straight at him. He noted Peabody Lane wasn't a road, it was a lane that lead to the old farmhouse. He believed it would need to be widened. He wanted the ability to maintain his quality of life.

Ms. Kim Jewett, 4 Peabody Lane told the Board she didn't have a water issue and didn't want one after the development was done. She said her daughter lived in the basement and it was currently completely dry. Based on the proposed configuration of the access road, she was concerned with vehicles existing the development and headlights shining directly into her house (and bedroom). She hoped the Board would review the site because the development would be a huge impact to the existing quiet neighborhood. She was concerned with an increase in traffic and disruption to the quiet road. She asked the Board to consider having the access road be a cul-de-sac, so it didn't connect through to Peabody Lane. She said she moved to New Hampshire (over 30 years ago) for peace and quiet and hoped to keep it that way.

Mr. Eric Larson, 39 Currier Road echoed the concerns discussed by others regarding water. He said he would bring documentation (and video) to the next meeting in support of such. He was concerned about traffic patterns

and the impact of having additional volume at Peabody Lane onto Currier Road. Peabody Lane curves at the entrance to Currier Road and he believed there would be additional hazards in the area. He noted the volume of traffic on Currier Road had incrementally increased since 2000. The speed of vehicles has also increased regardless of what's posted. Mr. Larson encouraged the committees to analyze the traffic patterns and ensure they are creating a safe and proper intersection. Mr. Gowan commented the Board would have the decision whether a traffic study would be done. He said the plan would be reviewed by the Highway Safety Committee for their opinion. He believed most of the traffic volume would likely use the Currier Road access. Mr. Larson suggested the Board review the volume of water flowing into the drain versus what flowed across the drain and into the area of Currier Road.

Mr. Lowell Spillman, 82 Currier Road believed the citizens of Pelham had voted to have one-acre lot sizing and saw the proposed lots were considerably smaller. Mr. Montbleau explained the proposed development was a conservation plan. He explained the process of reviewing a yield plan. Mr. Clark stated the proposal would have approximately sixty-acres of open land. Mr. Gowan noted that the voters had voted to have conservation subdivisions. He discussed the benefits to the Town by having open space for buffering and wildlife habitat.

Mr. Montbleau told the public when the Board accepts a plan for consideration, they schedule a site walk and have engineering review conducted. He encouraged the public to stay involved in the process. Mr. Gowan noted when a plan is submitted the direct abutters will be notified. He said first there was a lot of engineering to be done.

With regard to the business zoned lots, Mr. Clark asked if there would be one or two lots. Mr. Zohdi showed there was a strip of land that connected the lot to remain as one. Mr. Clark believed there were two lots, not one contiguous lot. He wanted to ensure both (business) lots were conforming. He said it was a major flaw in the concept.

Mr. Bergeron said the plan was preliminary based on an old yield plan that established a base line of thirty-six units. He said the Board hadn't approved anything with the proposed street configuration within the base yield plan. They hadn't established thirty-six homes with the road configuration. He said not every conservation subdivision had a given right to a reduction in lot size; it was up to the Board to decide based on the spirit of the ordinance. He felt the open space in the proposed development was (virtually) useless. He said he had questions about the spirit and intent of the ordinance. Mr. Bergeron spoke about the impact to Peabody Lane and stated the ordinance was clear that existing homes aren't to be impacted by a conservation development. He had big concerns relative to the whole concept of 'conservation' subdivisions and had questions if 'conventional' development may be better. He was bothered by the assumption that thirty-six lots would be granted and felt the dedicated open space areas were useless because they didn't preserve scenic vistas or cause wildlife corridors to occur. He said there was no mathematics to set the standard for what is considered 'yield'. Mr. Bergeron reiterated his concern that the Board never established a baseline for the number of houses that could be established. He felt the Board was missing that point.

Mr. Lynde didn't like the cul-de-sac and felt the road should continue back to Currier Road and create additional egress. He was concerned with the intersection at Peabody Lane and felt the road may need to be widened. Mr. Bergeron stated he's been adamant (during past discussions) about community wells and secondary access from Route 38. He believed having two accesses (one from Peabody Lane and one onto Currier Road) was contrary to the spirit of the ordinance. He said they can't say the open space is 'preservation' of land because it can't be built. He spoke about the proposed lots and felt there would be problems because of overlapping well radii. He said half acre lots on shallow to bedrock ground were a bad idea. Mr. Culbert stated the proposal offered a wildlife corridor. Mr. Bergeron replied .5 acre lots weren't in the zoning ordinance; sizing was up to the Board. He said lots of that size are unheard of with regard to wells and septic systems. He said it would be a big difference if there was outside water or a community well.

Mr. Lynde commended the applicant for setting aside the pipeline crossings.

Mr. Montbleau didn't believe there would be conservation land without a conservation subdivision. He said the applicant came in with a conceptual for a conservation subdivision that met the requirements of zoning. Mr. Bergeron questioned the benefit of taking the land off the tax rolls and giving it back to the Town. His constituents question why tax dollar land is taken away to create real estate that has less worth. Mr. Lynde replied there are advantages to having Town land preserved. Mr. Montbleau believed the owner would do something with the land. He said if a conventional subdivision was done the lots would each have one acre and there would be no open land; there would be additional roads and infrastructure. He said conservation subdivisions reduces the area of development to maintain open land. He said open land supports wildlife. Mr. Montbleau stated the area would change and it was the Board's job to ensure it had the least impact possible. The applicant had to proceed with a development based on the regulations.

Mr. Doherty stated he reserved the right to discuss the plan at a future meeting. Mr. Montbleau reiterated the current discussion was preliminary in nature to hear from the applicant.

PB Case #PL2019-00016

Map 39 Lot 1-49

WILLIAMS, Bruce & Rhonda – 157 Mammoth Road – Proposed 4 Lot Subdivision and Special Permit for Wetland and WCD Crossing for Access to Proposed Homes

Representing the applicant was Peter Zohdi and Shayne Gendron of Herbert Associates. Mr. Zohdi told the Board there had been a mistake on the abutter list. He said lot 1-24 (corner of Marsh Road and Mammoth Road) wasn't properly notified. His office made contact with the owner (Masterson) but didn't receive an answer as to whether they objected to the hearing or plan. Ms. Kirkpatrick stated the abutter Masterson was listed but had the incorrect address; the certified mailing had been returned.

With the defect in notification, Mr. Gowan felt it was problematic for the Board to proceed absent an indication from the abutter, either in person or in writing, of having no objection to the Board hearing the case.

Mr. Zohdi suggested that the Board proceed as a preliminary discussion, which didn't require abutter notification.

Mr. Bergeron asked for clarification of the defect in notification. Mr. Gowan replied a direct abutter wasn't properly noticed; notification went to the wrong address. Mr. Bergeron asked if notification was sent to the address on record. Mr. Gowan answered no. He said the Town and abutter had just become aware of the situation. He said the agenda advertised the hearing as a full application.

Mr. Montbleau felt the Board should not hear the case until everyone was properly notified.

DISCUSSION - Zoning

Mr. Montbleau stated the Board would work on zoning during their next meeting. He told the Board that the key experts who were involved with the workforce housing workshop (charrette) would attend the July 1st meeting to present the information.

Mr. Lynde questioned if the water problem on Peabody Lane had been 'picked up' prior to the subdivision being approved in the area. Mr. Gowan recalled the development was done during 2005/06. He didn't recall all the details except that water was very much part of the discussion. Mr. Lynde wanted to know if they could have predicted the water flow causing the problems in the area. Mr. Gowan couldn't recall all the discussions and felt the Highway Agent could add his comments. He noted that the slope was the natural lay of the land and how the water flowed prior to development. He said developments are designed as best as they could be and engineered, especially road drainage to not exacerbate (difficulties) with existing roadways and properties.

Mr. Keach commented that the Board had reviewed a plan (for the Peabody Lane/Currier Road area) that never got past the yield plan stage or full application. He looked at Peabody Lane and felt the geometry of the road needed to be reconstructed. He said the water flow from the crest of the hill toward Currier Road was following a path that ended with no place to go; it finds its way through area properties. He believed it was a situation where a lot of the problems could be corrected. Mr. Doherty interrupted the discussion. He was uncomfortable speaking about the situation without anyone involved in the case being present. Mr. Keach stated he would speak with Mr. Lynde off-line.

The Board discussed their upcoming meeting schedule. The Board will meet July 1st and August 5th.

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

Not requested.

ADJOURNMENT

MOTION: (Doherty/Kirkpatrick) To adjourn the meeting.

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

The meeting was adjourned at approximately 10:00 pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary