

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD MEETING MINUTES**  
**October 7, 2019**

Secretary Cindy Kirkpatrick called the meeting to order at approximately 7:00pm.

**PLEDGE OF ALLEGIANCE**

Acting Secretary Paul Dadak called the roll:

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

**ABSENT:** Roger Montbleau, Tim Doherty

On September 26, 2019 Blake Clark submitted his letter of resignation to Mr. Gowan.

**Pro tem Chairman**

Using the protocol of seniority, Mr. Bergeron nominated Paul Dadak as pro tem Chairman for the present meeting. Mr. Lynde seconded the motion.

**Vote:** (4-0-0) All in favor. (Mr. Dadak, Ms. Kirkpatrick, Mr. Bergeron, Mr. Lynde)

Mr. Dadak took over as Chairman for the evening's proceedings. He appointed Mr. Culbert, Mr. Thomas and Mr. Steele to vote.

**MEETING MINUTES**

**September 16, 2019**

**MOTION:** (Bergeron/Culbert) To approve the September 16, 2019 meeting minutes as written.

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

**OLD BUSINESS**

**PB Case #PL2019-00020**

**Map 1 Lot 5-107-3**

**MURPHY, Peter – 9 Dick Tracy Drive – Site Plan Review for Proposed six 25' x 50' Commercial Condominiums**

Mr. Gowan informed the applicant requested a continuance to the Board's November 4, 2019 meeting.

The Case was date specified to November 4, 2019.

**PB Case #PL2019-00021**

**Map 41 Lot 10-281**

**GETTY PROPERTIES CORP. (Property owner) & MELHEM, George (Applicant) – 32 Bridge Street – Seeking a Minor Site Plan Review to allow the parking of paving trucks on site.**

The applicant George Melhem and interested party Gus Schmidt came forward to discuss the minor site plan review. Mr. Dadak informed a site walk had been conducted. Mr. Gowan was the only one present who had participated in the site walk. He believed the site walk was somewhat informative and hoped Board members had reviewed the site on their own. From a safety perspective he stated there was adequate space to park vehicles. The Board had to determine if they were satisfied with the existing buffer and whether or not it met Site Plan Regulations. Mr. Dadak understood additional information had been received regarding the current septic status and detail for the back portion of the property. He recalled vehicles would be parked within the southeast corner of the property.

Mr. Culbert stated he would like to see additional buffers. Mr. Melhem described the area as being vegetated for most of the year, except in the winter. He noted during the winter the trucks didn't operate. Mr. Gowan read aloud a portion of Section 303-2,A.2 in the Regulations relative to parking requirements. He stated the site currently had a natural vegetated buffer; the applicant submitted a recent plan (reduced version of the septic plan) showing the rear boundary. He said there was approximately 25ft-40ft naturally occurring trees/vegetation. Mr. Culbert would like an arborvitae/evergreen buffer.

Ms. Kirkpatrick inquired if the trucks were parked on site all year. Mr. Schmidt answered yes. He added they normally shut down in the first two weeks of December and didn't start until the first weeks in April. He ran a paving business that had a 'down' season. Mr. Melhem displayed a plan showing where trucks would be parked. He pointed out the location of the nearest residential home.

Mr. Culbert questioned how the applicant would address 'buffers'. Mr. Melhem and Mr. Schmidt both stated they would do whatever the Board instructed. Ms. Kirkpatrick recalled during the previous meeting the Board discussing operating hours, backing vehicles into their parking spots (to be able to drive forward in the morning), establishing a maximum vehicle count and confirming 'no maintenance' is to be done on site. Mr. Melhem understood.

#### PUBLIC INPUT

Mr. Leo Goyette, Coburn Avenue told the Board that the applicants have been on their best behavior since the previous meeting. He said the lot was now pretty clean and trucks were parked neatly. He was concerned if the applicant was given approval that the site/applicant would revert to their old habits. Mr. Melhem promised that wouldn't happen. Mr. Schmidt added the trucks were in the same location they'd been for the past five years.

Mr. Dadak asked how many trucks would be on the property. Mr. Schmidt replied he would have five trucks and one trailer. Mr. Dadak confirmed the vehicles would be located in the southeast corner of the property. Mr. Schmidt answered yes; they would be there year-round but not active in the winter months.

Mr. Al Spencer, Coburn Avenue told the Board that the trucks kicked up dust that blew in the direction of his home. He said the noise had gotten bad but has since calmed down. He shared Mr. Goyette's concern about the applicant going back to their 'old ways'. Mr. Culbert advised the abutters to notify the Planning Department if the applicant went back to their 'old ways'. Mr. Melhem and Mr. Schmidt felt that was fair. Mr. Schmidt noted he instructed his employees to keep the area clean and be respectful of the neighbors. Mr. Spencer commented the plow truck pushes snow directly across the street onto his land. Mr. Gowan stated if someone plows snow onto someone else's property they should contact the police; if its related to a business they should contact the Planning Department so the code official can review the site. He noted if the Board approved the site plan with conditions the code official will see they are honored. Mr. Lynde questioned who plowed the lot. Mr. Schmidt told the Board he plowed the site for many years, except during the last winter because he had knee surgery. In previous years he never pushed the snow across the street; it was always pushed into the lot and toward the back. He said if it happened, he would address it and ensure it never happened again. Mr. Gowan pointed out the applicant was in front of the Board to discuss the storage of trucks. He said plowing was relevant and important, but a separate matter.

Mr. Goyette pointed out Mrs. Grigas was present for the previous meeting and was against the request.

Mr. Gowan believed planting arborvitae in the area where the trucks were parked may be problematic because it was fairly shaded. He suggested the Board require solid fencing along the area where the trucks and truck driver's cars were parked. He offered to go to the site and offer direction. He felt the Board should restrict the hours of operation, truck idling, specific number of trucks and prohibit the storage of materials related to the paving business. Mr. Culbert stated he would be in favor of fencing. He asked where the truck driver's personal vehicles would be parked. Mr. Schmidt pointed out the areas where personal vehicles were parked. Mr. Gowan suggested the fencing be even for where trucks and truck driver vehicles are parked. There would be a specified location. He said his own home abutted commercial property and understood it was a challenge. He felt it would be unreasonable to expect the site to be as quiet as a residential neighborhood. He assumed the vehicles being discussed were less of a nuisance than the vehicles associated with the fueling operation.

Mr. Gowan began to discuss proposed conditions, such as having a solid fence that covered the area of the trucks and the truck driver's vehicles, specifying the hours of operation and not allowing storage of material associated with the business.

Mr. Dadak asked for the hours of operation of the gas station. Mr. Melhem replied they open at 4:30am and close at 10:30pm. Mr. Schmidt's business starts at 6am and generally ended at 4pm-5pm. Mr. Gowan inquired how long a diesel truck needed to warm up. Mr. Schmidt replied in warmer weather approximately 5 minutes; in colder weather warm up was longer. He noted there was a Federal limit specified for idle times. Mr. Gowan questioned if Mr. Schmidt could abide by the Federal rule. Mr. Schmidt answered yes.

Mr. Culbert asked if the trailer (associated with the business) would also be fenced in. Mr. Schmidt answered yes; the trailer was hooked up to one of the trucks.

Mr. Dadak asked if there was a consensus of the Board to proceed with an approval with conditions. Mr. Lynde felt the Town had sufficient capabilities in place to ensure there weren't violations. He assumed it was in the applicant's best interest to keep the site clean and not cause problems. Mr. Culbert agreed. He had no objections as long as the applicant followed set conditions. Mr. Dadak asked for information regarding the fence. Mr. Gowan replied they set parameters in the field.

Mr. Gowan read aloud the proposed conditions for approval:

- 1) Solid fencing to be erected along the area where vehicles are parked (from corner of property extending along the area where truck driver's personal vehicles are located) to the satisfaction of the Planning Department;
- 2) Limitation to five trucks and one trailer within a designated area;
- 3) Specified hours of operation – 6am to 6pm Monday through Saturday;
- 4) Equipment idling will comply with Federal guideline rules;
- 5) No storage of materials of any kind related to paving business.

There was a discussion regarding the hours of operation and number of days per week. Mr. Schmidt stated they generally worked five days per week and rarely on Saturday. Mr. Culbert asked how often they anticipated ending after 4pm. Mr. Schmidt replied they ended on most days by 5pm. Mr. Melhem noted there were diesel trucks coming to the site all day and night from 4:30am-10pm. Mr. Olsen believed the hours depended on the location of the job. He said if the job was a distance away, they wouldn't arrive back to the site until after 4pm/5pm. Mr. Schmidt said that was correct but reminded the Board they leave the site once in the morning and are gone until they arrive back at night. Generally paving plants close between 3pm-4pm.

Mr. Goyette came forward again and told the Board he understood there were diesel trucks that fueled; however, that was different from Mr. Schmidt's operation which had five trucks starting and idling at the same time. This caused the area to have a diesel smell. Mr. Bergeron asked Mr. Goyette if he felt a solid fence would help

contain the fumes. Mr. Goyette replied it depended on what the wind was doing. The parking area of the trucks was clarified/specified.

Mr. Gowan asked for resolution for stipulated hours of operation. There were no objections to specifying 6am-6pm. Mr. Bergeron reminded the Board that Keating received site plan approval to run their operation 24/7 (for five years). He felt the Board should be careful about setting restrictive business hours given it was a business zone.

Mr. Gowan reiterated the proposed conditions (as listed above).

**MOTION:** (Culbert/Kirkpatrick) To approve the plan with the specified conditions.

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

### **NEW BUSINESS**

#### **PB Case #PL2019-00022**

#### **Map 22 Lots 8-143 & 146**

#### **TOWN OF PELHAM & CARVER, Mary Lou – 8 Nashua Road & 6 Greenwood Terrace – Seeking a Lot Line Adjustment**

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.

Ms. Mary Lou Carver came forward. Mr. Gowan spoke to the lot line request as it was a Town project. Using a displayed plan of the proposed and abutting lots, he pointed out the existing lot lines and the proposed adjustment. Previously, the Selectmen saw good reason to clarify and straighten the lot lines to make a straight lot line for the Hobbs Community Center (Senior Center) and also to allow Ms. Carver the area to replace their leach field (if needed in the future). There was a warrant article placed on last year's ballot giving the Selectmen authority to put forth the lot line adjustment, which was approved by voters. The remaining necessity was the Planning Board's approval of the adjustment.

Mr. Dadak opened discussion to public input. No one came forward.

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

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

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**MOTION:** (Culbert/Thomas) To approve the lot line adjustment.

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

#### **PB Case #PL2019-00023**

#### **Map 18 Lot 12-1 & 13-27-1**

#### **FASSAS HOMESTEAD REAL ESTATE TRUST & GUILBONE, Cynthia & FLYNN, Claudine – Old Gage Hill Road & Koper Lane – Seeking a Lot Line Adjustment & 2 Lot Subdivision**

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.

Representing the applicant was Peter Zohdi and Shayne Gendron of Herbert Associates. Mr. Zohdi provided the Board with a brief history of the land. Many years ago, when Kopers Lane was subdivided there was a sliver of land (ML 13-27-1) that remained. The tax map is incorrect; Mr. Zohdi conducted a title search and found the owner to be Ms. Guilbone and Ms. Flynn. His client (owner of ML 12-1) met with the owner of ML 13-27-1 to purchase that sliver of land. After the lot line adjustment to purchase ML 13-27-1; the applicant would like to subdivide their parcel into two lots. Both new lots will comply with lot sizing; however, they are requesting a waiver for the well radius on ML 12-1. Mr. Zohdi noted the wetlands and soils were reviewed by Gove Environmental Services. The existing house on ML 12-1 included a pre-existing septic easement that will no longer be used. He reviewed the plan set. The applicant will use the existing well located on ML 12-1; however, in the future if a new well is needed, they need a waiver for the setback to the lot line of ML 12-1-1 and the abutting lot ML 12-2. He pointed out the radius would remain within the lot. He stated the test bed was dug and inspected by the Town's Health Agent.

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

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

Although Mr. Gowan knew the lots contained the required contiguous 35,000SF, he requested the 'usable land area' be noted on the plan for both lots. Mr. Zohdi replied he would include the note.

Mr. Lynde asked if there was an existing house on the lot. Mr. Zohdi answered yes. He explained they were adding the piece of land and then subdividing the land into two lots. Mr. Lynde wanted to know the lot areas. Mr. Zohdi replied one lot was 47,547SF (with no wetlands) and the other was 63,809SF (with some wetlands).

Mr. Bergeron asked for clarification as to what lot the sliver of land belonged to. Mr. Zohdi replied when the land was initially subdivided, he saw there was a sliver of land left over; however, from that he did a title/deed/boundary search. Mr. Bergeron confirmed that the proposed well radius would be an improvement over the existing, if needed in the future. Mr. Zohdi said that was correct.

#### PUBLIC INPUT

Mr. John Botty, Old Gage Hill Road told the Board he was familiar with the land and in the spring, there was a complete stream, not just a wetland. He believed the area of the proposed house would be under water a lot of the time. He pointed out three houses had been constructed across from Harris' Pond. He was concerned with developing near the wetlands and wanted to know how many houses would be built. Mr. Zohdi stated there would only be one additional house. He didn't know what the owner would do with the old house.

Mr. Gowan saw that the wetland 'finger' terminated before it reached Koper Lane. Mr. Zohdi said that was correct. He explained there was a cross culvert constructed when the road was built. Mr. Gowan saw that a new home would have to be built on the westerly portion of the lot because there wouldn't be room on the easterly side. He also saw if the existing home was torn down a new one would be built next to the property lines. He noted the setbacks would have to be met. Mr. Bergeron pointed out if the existing house was torn down it could be replaced 'in place' (same footprint).

Mr. Lynde asked if the existing culvert fed into the land. Mr. Zohdi answered yes.

Mr. Bergeron stated he knew the property and made a motion to approve the plan. Mr. Culbert seconded.

**MOTION:** (Bergron/Culbert) To approve the plan.

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

**PB Case #PL2019-00024****Map 35 Lots 10-200, 10-312 & 10-351****NEIL FINEMAN 2018 TRUST & LEMIEUX, Albert III & Christine – Currier Road, Peabody Lane & Bridge Street (Rte. 38) – Proposed 40 Lot Residential Conservation Subdivision with 3 Open Space Lots**

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 stated a yield plan had come in front of the Board late 2017; at that time the Board voted and gave the applicant a 'green light' to proceed with Special Permit for a conservation subdivision. Subsequently, the property has changed hands and was now being brought forward by a different engineer. Mr. Gowan noted a full application (essentially from scratch) has been submitted.

For public information, Mr. Dadak discussed the review procedure.

Mr. Bergeron pointed out that the submission was an Innovative Land Use request for Special Permit. He said the Board hadn't accepted the plan or determined whether or not they would allow the proposed yield, or density offset to go forward; therefore, it may end up being a conventional subdivision.

Mr. Peter Zohdi and Mr. Shayne Gendron of Herbert Associates came forward to represent the applicant and discuss the proposed subdivision. Mr. Zohdi told the Board he had reviewed the previous meeting minutes from the hearings prior to his involvement with the plan. He said they planned to combine two parcels of land (ML 10-312 and 10-351) and re-subdivide into a 41-lot subdivision. One lot will be commercial; the remaining 40 lots will be residential. He noted they would be transferring some land to the abutter (ML 10-200). Using the displayed plan, Mr. Zohdi showed the location of the residential parcel and the separate commercial parcel. He noted there was a 54.335-acre parcel that was proposed to be dedicated to the Town land with a conservation easement; the Town will also be offered the open space land for conservation. If the Town doesn't want the open space the Homeowner's Association will own it. Mr. Zohdi called attention to a colored section of the plan (ML 10-200) which, as part of the plan had two areas dedicated (as a buffer), one containing 27,597SF and the other containing 15,000SF. He described the amendments made to the proposed plan that differed from the previous plan reviewed by the Board. In the proposal they would cross the gas line once and there were no lots with frontage on the gas line. As they started the project they contacted the gas company and dug a test bed with them present; all the information is contained on the plan set. Mr. Zohdi noted they weren't asking for any wetland crossings.

Mr. Zohdi told the Board at the beginning of the process he had a problem with Peabody Lane (leading down to Currier Road) which had a slope of approximately 9%. His client met with an abutter (corner of Currier Road and Peabody Lane) and agreed to redo their driveway so that portion of Peabody Lane could be reduced to approximately 4% slope. The road will move away from the abutter onto land to be deeded to the Town.

Mr. Gowan felt it was important for the Board and public to understand the yield was originally established for 35 lots, unless the Letter of Map Amendment was approved, in which case 36 lots would be allowed. The applicant was currently proposing a total of 40 lots. He wanted to know what else would be done to Peabody Lane. Mr. Zohdi stated they were currently working on the drainage in the area to ensure the drainage stayed the same or was made better both pre-development and post-development. He said the first lot (from Currier at Peabody) was dedicated for drainage; including detention and bio-retention areas. When the drainage is finished the study will be sent to the Town engineer for review and to the State with an Alteration of Terrain Permit application. He believed the proposed plan would make the area better than it currently was. Mr. Dadak recalled there was also a question about the drainage in the area that intersected with Currier Road. Mr. Zohdi replied they were working on that area. He said they were moving the drainage and improving approximately 400ft. of Peabody.

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

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

Mr. Lynde was concerned with the cul-de-sac and preferred a through route in and out of Currier Road. He didn't want to touch Peabody Lane but understood the Town would have to handle it at some point in the future. He said the applicant proposed offsets that he would consider.

Mr. Thomas asked for clarification regarding the well radii that all appeared to overlap. Mr. Zohdi replied an open space conservation subdivision couldn't be done without wells overlapping each other. This was a permitted use by the State of New Hampshire. Mr. Thomas replied doing so would affect the quality and availability of water long-term. Mr. Zohdi believed the New Hampshire Department of Environmental Services wouldn't allow overlapping if it interfered with the quality and/or quantity of water. Mr. Thomas believed Mr. Zohdi had done a good job relative to adjusting the homes but questioned distance of home/lot relative to the pipeline itself and wanted to know if it was within the code. Mr. Zohdi answered yes; they met with the gas company to confirm. He noted even though it was allowed, they tried not to (have lots) touch the gas line. Mr. Thomas wanted to know the distances of the lots closest to the pipeline. Mr. Zohdi estimated the closest lot to be approximately 25ft to the gas line. Mr. Dadak asked if the gas company would have to review the plan and crossing. Mr. Zohdi explained the gas company did the testing with them; however, they would still need to send the plan to them. He read in the previous meeting minutes that a road had to be a minimum of 3ft. above the gas line. The proposed road profile shows the road being approximately 6ft. above the gas line.

Mr. Bergeron stated he had multiple points to address relative to the density of the plan as it conforms to Zoning. He began by pointing out not all conservation subdivisions had overlapping well radii. In his opinion the higher quality developments had well fields or outside water sources that didn't rely on compacted well radii on top of small lots. It was his experience (as an installer) small lots with septic and well were subject to future failure. He wouldn't look favorably on the plan with overlapping well radii on small lots. He commented there was always potential for outside water or a well field to make the septic systems safer and guarantee them into the future. Mr. Bergeron stated conservation subdivisions should be based on common sense. He said forty .5 acre lots with water and septic reminded him of the development around the ponds and lakes previous to Zoning (1950) and the one-acre standard. He said that standard was started to provide adequate land to build on (house, septic and water source). He added there were other issues he would bring forward, but he wanted to hear from other people as well as the abutters.

Mr. Zohdi told the Board he would like to hear Mr. Bergeron's other concerns. Mr. Bergeron replied he would go into as much detail as the Board wanted. He had an issue with the plan because of the water. He recalled the Board not granting density bonuses for some of the other conservation subdivisions. He said the Zoning law looks for the creation of open space and minimize confusion over property owners. In the proposed plan there were isolated parcels of open space that will be dedicated but don't connect. He felt they were being done for the benefit of the plan and not for the Ordinance. He said questions had to be asked that were relevant to the spirit and intent of the Zoning Ordinance dealing with conservation subdivisions. He pointed out another long corridor planned for open space, which he felt would create confusion and issues over ownership. Mr. Bergeron spoke about the impact to the residents on Peabody Lane, which would forever be impacted by the development. It might be better for drainage, but he didn't feel it would be better with the traffic count. He wanted to hear from the Fire and Safety committee regarding the proposed roadway and access. He was concerned there was no way out (for residents) in the event of an emergency. He recalled in previous renditions there was potential for an access onto Currier Road. Mr. Bergeron understood it was a difficult parcel and people had a right to develop; however, he wanted to do it in the best interest of everyone. He said if the development wasn't going to be an asset it would be a liability. He wanted to hear from the other regular Board members that weren't in attendance of the meeting.

Mr. Gowan commented there were some conservation subdivisions that didn't have individual wells and instead had a small community water system. Mr. Bergeron wanted it clear that not all conservation subdivisions had overlapping well radii. Mr. Gowan clarified that conservation subdivisions with individual wells overlapped

but those with a small community water system had no need for overlapping. He felt strongly that the Board needed to walk the site and suggested they set a date and time to do so prior to concluding the hearing.

Mr. Dadak shared Mr. Bergeron's concerns regarding water. He spoke to access and recalled an earlier plan having additional points of access. Since the Board accepted the plan for consideration, Mr. Gowan informed he would take it to the Highway Safety Committee so emergency responders could review and provide opinion. Mr. Bergeron believed the Board needed to hear input from Tennessee Gas as well as the Fire Chief. He spoke about a development he believed Mr. Zohdi had done near the gas line (under power lines) that had two entrances/exits he felt was nicely done.

#### PUBLIC INPUT

Mr. Bruce Jewett, 4 Peabody Lane told the Board his house was in the middle of Peabody Lane and was concerned that the subdivision access was directly in front of his home. He thought it was ridiculous to put an access road in front of his house for a 40-lot subdivision. He heard the applicant mention moving Peabody Lane, which would affect his lot frontage. He said no one had spoken to him about widening the road or adjusting the slope etc. Mr. Jewett believed a site walk would be the best thing the Board could do.

Mr. Joe Norkiewicz, 14 Island Pond Road spoke about the land that abutted Peabody Lane/Currier Road. From what he understood the applicant is proposing a retention pond in that location. He noted there was already a retention pond within 100 yards of the proposed pond. He said the proposed pond would take all the water from the development and believed it would then come across Currier Road and into his land. He explained the Town had tried to address the existing situation by putting in a rip rap swale. However, at times there is an unbelievable amount of water that flows in the area. Mr. Norkiewicz was in favor of the Board coming to the site and speaking with the residents of the area. He added that the existing retention pond, which was supposed to take care of the all the existing houses, allowed water to flow across Currier Road and down Island Pond Road. He said since he built his home in 1996 traffic had increased. During the time of the subdivision (along Currier, over ten years ago) a traffic survey had been done between the hours of 4pm-6pm that showed an excess of 100 vehicles coming through the intersection (Currier Road/Island Pond). He was concerned about the increase in vehicles with an additional 40 houses .

Mr. Gowan noted Currier Road was one of the most heavily traveled routes to access Interstate 93. He said the Board could require a traffic study; however, it was a matter of record how the road was accessed by residential traffic and cut-through traffic.

Ms. Suzanne Larson, 39 Currier Road displayed photographs showing the water conditions (standing and flowing) in the area of Currier Road/Peabody Lane/Island Pond Road. She was concerned with the amount of water that was constantly flowing on (and through) her property, even with the retention pond Mr. Norkiewicz mentioned. She was also concerned with moving and re-sloping Peabody Lane. She spoke about the manner vehicles currently traveled the road and didn't feel there was enough room to make it safe, especially with the proposed increase in traffic from the development. Ms. Larson agreed with Mr. Bergeron that the proposed open space seemed ridiculous because it was land that couldn't have been regardless of the development. Using the displayed plan, she pointed to the strips of land, specifically the area (on the corner of Currier/Peabody) that would be used for the retention area. She didn't see how that piece would solve all the water drainage from the development area. Mr. Gowan asked that Ms. Larson bring her photographs to the site walk. He commented when the houses were developed along Currier Road, the Board required the developer to plant \$80,000 worth of trees to be planted in the area of the proposed green space. He encouraged the Board to ensure the area of those trees remain open space. Those trees weren't required because of being a 'buffer' but rather they were required to take some of the water from the hill. He reiterated the proposed open space would have value in protecting those trees. Mr. Gowan spoke about the configuration of Peabody Lane being full width at the top and narrowing down to one lane with bad sight distance on a steep road. He understood the concerns and suggested the Board review the road when they walk the site.



Ms. Kim Jewett, 4 Peabody Lane understood conservation subdivisions were supposed to have minimal impact on abutters. She said there was no way a road coming at her house would have minimal impact. She noted they currently have traffic on Peabody from people thinking it cuts through to Route 38. She was sorry for the developer that it was difficult land with the pipeline and drainage and suggested they consider building less houses. Ms. Jewett told the Board they wouldn't see the drainage at this time of year; it was at its worst in the spring. She said in the late winter/early spring the drainage froze on the roadway making vehicles slide into Currier Road from Peabody Lane. She stated she spoke to the applicant but hadn't heard about anything regarding their driveway.

Ms. Sarah St. John, 12 Island Pond Road was concerned not only about the access to the development from Peabody Lane, but also with the other exit from the development. She wanted to know where the water would flow in that location because it looked like the elevation lead to Currier Road. She asked the Board to put emphasis on where the water drainage was going. She heard some discussion about drainage flowing into an existing pond located across the street from her house (Cara Land/Island Pond Road). She informed she had enough water already flowing onto her property (as shown in Ms. Larson's photographs). She wanted the engineer and Board to fully understand the elevations and drainage flow for the other exit (onto Currier Road).

Mr. Dadak stated the development wasn't allowed to increase the intensity of runoff; it had to be controlled. He said the Town engineer would review the drainage.

Mr. Bob Montbleau, 9 Peabody Lane said he had concerns with water, specific to drainage. He informed on his lot there were three catch basins within 200ft along Peabody Lane. He raised the concern about water being designed to come onto his property and hoped there wasn't additional flow leading into those catch basins. He discussed his concern regarding the quantity and quality of his well water. He understood water quality wasn't perfect and noted he had a filtration system in his home. His concern was the addition of forty wells within close proximity to his well. He heard one of the lots would be commercial. Mr. Zohdi pointed to the location of the commercial lot. Mr. B. Montbleau discussed traffic and was concerned about the proposed re-work of Peabody Lane. He asked if the developer would be required to make it a 'legal' road for the entire length. Mr. Gowan replied it would be difficult for the Board to require the applicant to improve the road beyond the development access road. He said if they improved the section of road as discussed, the Town's obligation would be lessened to make improvements. He hoped the Board would keep everything in mind, such as safety, water, drainage etc. given it was a complex and challenging piece of property.

Mr. Gowan reiterated the plan would be reviewed by the Highway Safety Committee. He said they would draft an opinion prior to the next hearing.

Ms. Priscilla Church, 2 Peabody Lane thanked Mr. Bergeron for his comments and agreed with everything he said. She stated she's never wanted an access road onto Peabody Lane and felt it would impact all the residents along the road and in the area. She understood moving the road would help her water situation; however, it wouldn't help the other concerns. She didn't know why the development couldn't have two access points on Currier Road or have one access come from Route 38 since the owner also owned that land. She said the proposal would be a big problem for a little dead-end street.

Mr. Paul Diamantopoulos, 11 Peabody Lane (representing Diamantopoulos Family Trust) told the Board he was for conservation developments if they are done properly; however, he saw a lot of problems with the proposal. He agreed wholly with Mr. Bergeron. He felt everyone had a right to develop their property if it was done properly and in the right way. With regard to water, he told the Board a visitor came to his home a number of years ago and comment they didn't know he had a brook running along the road. He said the water along the road was horrible, although some winters/springs weren't as bad as others. Mr. Diamantopoulos explained when he built his home, he first raised his lot to ensure he wouldn't have water in his cellar. He said his home is dry but around his home gets saturated through the winter and spring. He didn't see how a retention pond would cure all the water that came off the hill. He's seen the water run off the hill across Currier Road down the swale and across all the homes (at the bottom of the hill). He told the Board he didn't come forward to speak about

his neighbor's concerns, he was using their issues to emphasize his problem. He agreed with Mr. B. Montbleau that the addition of forty homes would in some way affect his well. He hoped people would be notified about the site walk. Mr. Gowan replied the Board would set the date and time prior to concluding the hearing on the case; there will be no additional notification. Mr. Diamantopoulos saw there was a piece of land near his property designated as open space. Using the displayed plan, he pointed to the area, which he believed has a setback of approximately 15ft. to his property. He told the Board if the plan was to be developed as proposed, he would prefer a yield plan (conventional subdivision with one acre lots) even though it would cost the developer more money. He said if the applicant was going to do a conservation development and save money, he felt they should do more to make the neighbors happy such as increase the buffers add plantings and make it a 'no cut' area. He felt doing so would cost less than having to develop a yield plan. Mr. Diamantopoulos pointed out his lot was mostly barren (open field) and purchased it that way because he liked it open. He appreciated the opportunity to speak and ended by reiterating his concern regarding water and the existing wells. He was also concerned with snow melt drainage mixing with the proposed septic systems which could cause problems. Mr. Dadak replied it would all be taken into consideration.

Mr. Dadak summarized the concerns for drainage, traffic and density.

Ms. Linda Kelley, Currier Road told the Board there were currently a lot of ATVs in the area. She wanted to know how wide the open space areas were and if ATVs would continue to go through the area. In the location of her property there were four proposed houses directly behind her. She was concerned about her well. She didn't understand how the plan was increased from 35 houses to 40 houses. She felt people should be allowed to build, but there should be compromise because it would affect a lot of people. Mr. Dadak replied the Board would plan a site walk and walk the center line of the proposed road. He said during that time people can discuss where houses would be located because they'll be able to physically see it.

Mr. Mike Nolte (didn't specify address) wanted to know the applicant's plans for the land between Loretta Avenue and Route 38. He recalled the last applicant showed an access road that allowed for the land to be commercial. Using the displayed plan, he showed the area he spoke about and questioned if a road would be built to provide access to Route 38. Mr. Zohdi stated for commercial lots usually had a driveway. He didn't know about the future plan for the commercial lot. He wasn't proposing a road to access the commercial lot.

Mr. Bergeron heard mention about the plan's density bonus. He said that was currently just a discussion. He said the Board currently had the option of saying no to having a conservation development and having it go forward as a conventional development. He said they were a long way from that determination. He felt there were certain aspects of the plan that weren't in compliance with Zoning.

Mr. Norkiewicz asked if the public would be notified about a site walk. The Board discussed a date and time.

A Site Walk was scheduled for October 26, 2019 beginning at 8am. Mr. Gowan informed any member of the public could attend the site walk as it was a 'public meeting' of the Planning Board.

Mr. Diamantopoulos asked the Board about the review process. Mr. Dadak explained the Board's review and Town engineer's role in the review process.

The case was date specified to December 2, 2019.

**PB Case #PL2019-00025**

**Map 17 Lot 12-182-1**

**RG LAND HOLDINGS, LLC – 986 Bridge Street – Seeking a Special Use Permit to allow a proposed duplex to be converted and classified from duplex into a condominium form of ownership**

Mr. Bergeron told the Board he was related to one of the principals of the proposal and also owned business property diagonally across the street from the parcel. He understood the case was a simple procedure but would

step down if the Board wished. He stated he would abstain from voting. There was no objection to Mr. Bergeron remained seated.

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. Joseph Maynard of Benchmark Engineering came forward to discuss the request for Special Use Permit. He explained the property had been in front of the Board approximately three months ago as part of a subdivision for an abutting lot (988 Bridge Street). At that time, they had gone to the Zoning Board since there is a shared driveway between the applicant's lot and 988 Bridge Street. He stated they were seeking to convert the duplex into a condominium form of ownership.

Mr. Gowan asked if there were condominium documents prepared for both sides of the structure. Mr. Maynard answered yes; they still have to apply to the State of New Hampshire for subdivision approval of the units. He said everything he'd done so far met the State and Town criteria for condominium conversion.

**MOTION:** (Culbert/Thomas) To accept the proposal for consideration.

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

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**MOTION:** (Culbert/Kirkpatrick) To approve the Special Use Permit.

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

There was no one present in the public to comment.

**PB Case #PL2019-00026**

**Map 3 Lot 5-52**

**MARUSO PROPERTIES – 1109 Mammoth Road - Seeking a Special Use Permit to allow a proposed duplex to be converted and classified from duplex into a condominium form of ownership DISCUSSION**

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.

**MOTION:** (Culbert/Thomas) To accept the proposal for consideration.

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

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

Mr. Joseph Maynard of Benchmark Engineering came forward to discuss the request for Special Use Permit.

Mr. Bergeron questioned if all legal requirements had been turned into Mr. Gowan. Mr. Maynard replied they were still working on them. He said they first came to the Board and would then apply for New Hampshire State subdivision approval. The condominium documents were in the process of being prepared.

Mr. Bergeron suggested the motion be subject to all legal documents being in place prior to any plans being signed. Mr. Maynard explained they would prepare condominium documents that will go to the Registry of Deeds at the time of closing; however, in order for them to get to the point of closing they had to apply to the State of New Hampshire subsurface for subdivision approval. He noted the State would review the condominium documents.

**MOTION:** (Culbert/Thomas) To approve the Special Use Permit.

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

### **DISCUSSION**

#### **Zoning Discussion if requested**

Mr. Bergeron informed the Board that he and Mr. Gowan had done as instructed by the Chairman and drafted an Accessory Dwelling Unit ordinance for the Board's review. He said they were also working on something to help with the intent to cut permit issues that would be provided to the Board for review. Mr. Gowan added the intention was to have draft documents for the Board's review during their workshop meeting October 21<sup>st</sup>.

#### **REQUEST FOR NON-PUBLIC SESSION - if requested in accordance with RSA 91:A:3**

Not requested.

#### **DATE SPECIFIED CASE(S):**

##### **November 4, 2019**

PB Case #PL2019-00020 - Map 1 Lot 5-107-3 - MURPHY, Peter – 9 Dick Tracy Drive

##### **December 2, 2019**

PB Case #PL2019-00024 - Map 35 Lots 10-200, 10-312 & 10-351 -NEIL FINEMAN 2018 TRUST & LEMIEUX, Albert III & Christine – Currier Road, Peabody Lane & Bridge Street (Rte. 38)

#### **SITE WALK(S): - October 26, 2019 beginning at 8am**

PB Case #PL2019-00024 - Map 35 Lots 10-200, 10-312 & 10-351 -NEIL FINEMAN 2018 TRUST & LEMIEUX, Albert III & Christine – Currier Road, Peabody Lane & Bridge Street (Rte. 38)

### **ADJOURNMENT**

**MOTION:** (Kirkpatrick/Culbert) To adjourn the meeting.

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

The meeting was adjourned at 10:09pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary