

APPROVED
TOWN OF PELHAM
PLANNING BOARD WORK SESSION MINUTES
August 20, 2018

Chairman Peter McNamara called the meeting to order at approximately 7:00pm.

The Secretary Paul Dadak called the roll:

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

ABSENT: Alternate Samuel Thomas

MEETING MINUTES

July 2, 2018

MOTION: (Lynde/Dadak) To approve the July 2, 2018 meeting minutes as amended.

VOTE: (5-1-1) The motion carried. Mr. Doherty voted in opposition. Mr. Montbleau abstained.

July 16, 2018

MOTION: (Bergeron/Doherty) To approve the July 16, 2018 meeting minutes as written.

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

August 6, 2018

MOTION: (Montbleau/Clarke) To approve the August 6, 2018 meeting minutes as written.

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

NEW BUSINESS

Case #PL2018-00025

Map 24 Lot 12-215-3

DHB HOMES, LLC – 35 Piper Lane - Seeking a Special Use Permit to allow an existing duplex to be converted to a condominium form of ownership.

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Representing the applicant was Attorney Patricia Panciocco who came forward to discuss ‘duplexing’ the dwelling located at 35 Piper Lane. She said with the collaboration of Edward Herbert Association they had worked through the details of the plan, denoted the limited common area as well as the septic, well and shared improvements. A condominium declaration (following Statute) has been drafted to include By Laws and a budget to ensure it is efficiently managed.

Mr. Gowan spoke about the concerns regarding the type of ownership and explained that the reason the applicant had come in front of the Board was to see that the association documents were properly put together. In the past they have not been sent to Town Counsel for review. Mr. Gowan was familiar with Attorney Panciocco believed she had handled the situation in an appropriate fashion. He believed it required a majority vote of the Board.

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

MOTION: (Montbleau/Dadak) To approve the Special Use Permit.

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

PUBLIC HEARING – Capital Improvements Presentation & Vote

The Board was provided with a copy of the proposed Capital Improvement Plan 2019-2025.

Mr. Lynde thought the prior year project/costs would be included as a benchmark. Mr. Gowan replied the plan never had the prior cost figures included. He said the CIP had always reflected the upcoming budget cycle and projected out seven years. The committee reviewed worksheets that reflected previous items/costs.

Mr. Clarke questioned where the cut-off was in relation to bonds. Mr. Gowan explained that the warrant article contained a 'not to exceed' number, not a bond schedule. Mr. Lynde noted that the intent of the CIP was to spread out the tasks over time, so the tax rate wouldn't be significantly impacted. He said the Town worked in conjunction with the school because they sometimes have big projects as well.

Mr. Doherty had questions regarding the projected school-aged children numbers. Mr. Gowan replied a lot of the data was based off the 2010 census. When the new census is done (2020) he expected the figures and graphs to change. Mr. Lynde felt they should be concerned with the dwindling school-aged population and felt the Town should try to keep the schools full and entice families to move in. He felt it benefitted the Town to have a younger population adding to the base.

Mr. McNamara opened the discussion to public input. No one came forward. He thanked all the department heads, Chiefs of Police and Fire, the School Board and Department. He then thanked Mr. Gowan who coordinates and puts the document together.

Mr. Doherty spoke about the population group of the 19-20 and 20-29. He didn't see the numbers as being realistic. Mr. McNamara felt when the new census was done they would have more accurate data.

MOTION: (Clarke/Montbleau) To approve the Capital Improvement Plan of 2019-2025 and send it to the Board of Selectmen and Budget Committee.

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

OLD BUSINESS

PB Case #PL2018-00001

Map 1 Lot 5-124

HEBERT, Christopher – Mammoth Road - Site Plan Review of Proposed 29 Unit Elderly Housing Community and Seeking a Special Permit for WCD Crossing for Grading and Drainage.

Representing the applicant were Mr. Shayne Gendron and Mike Gospodarek of Herbert Associates. Mr. Gendron stated the parcel contained 12.7 acres and the proposal was for a 29-unit elderly housing project. The project was last brought to the Board at the beginning of the year and a site walk was conducted at the beginning of March. Also, the proposal went to the Highway Safety Committee, who wanted a secondary access out of the property. The plan had been continued for a period of time while they were seeking an easement from abutting properties. They were able to secure a 15-foot fire easement from Lot 5-124-1 that Mr. Gendron suspected would be gated; the Fire Department found it to be acceptable. He then spoke about the latest engineering review letter of Keach Nordstrom (Board's engineering review firm) dated August 8th. He provided the Board with a letter explaining how the project met the Zoning criteria. Architectural plans and photos of the proposed homes and clubhouse were included in the Board's packet for review. Water will be supplied by Pennichuck Water Company; they've received confirmation of capacity and that they are willing to provide water to the project. A waiver was submitted in relation to having a traffic study conducted. Mr. Gendron spoke about the units and how they were configured to have the master bedroom on the first floor and wheelchair accessibility. He stated Attorney Patricia Panciocco will be submitting covenant documents to Town Counsel for review.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward and told the Board that since he wrote his letter report of August 8th, Mr. Gospodarek hand-carried an updated drainage report. He said the most important part was the entrance road passing through the 100-year flood hazard area. He noted calculations were included (on the drainage plan) that demonstrate there would be no net loss of flood storage volume. He was satisfied that the computations on the report had demonstrated that there was a slight gain. He said the calculations don't reflect that there could be another minor impact to the flood area associated with the currently planned secondary access. Mr. Keach described the secondary access, its location and his suggestions for such.

Mr. Doherty saw there was a proposed underground storage area and asked for Mr. Keach's comments. Mr. Keach said the initial proposal called for a storm water management basin that would effectively receive, hold and detain site generated storm water runoff and slowly release it into the brook. Based on comments by the Conservation Commission and a need for a Special Permit the design engineer was asked to come up with a different alternative; that alternative is the proposed underground storage area. Mr. Gospodarek described the system and how drainage would be directed.

Mr. Lynde asked about the sight distance calculation. Mr. Keach replied Mammoth Road was in the State system with a requirement for 400ft. safe sight distance in both directions. Currently vegetation particularly to the north interfered with the sight distance. He said the engineer drafted a profile to show that upon removal of excess vegetation (most of which in the Mammoth Road right-of-way) the sight distance could be attained. He suggested creating an easement (to the extent clearing needed to occur) on the subject property so the area could be maintained properly. One of the plan sheets showed that profile. Mr. Lynde wanted to know the building setbacks from roadway. Mr. Keach noted under the Zoning Ordinance the buildings had to be situated not closer than 30ft. from one another because of the fire rating. Mr. Gendron replied the building setback from the road was 22ft-24ft. on average. Mr. Lynde believed the setback should be greater. Mr. Doherty commented that the road into the development was a 'driveway', not a road. Mr. Gendron didn't feel the setback requirements applied because the houses were located on a private drive. Mr. Doherty read aloud a portion of the setback requirements in Zoning. Mr. Gowan agreed with Mr. Doherty and noted that the 'driveway' road would be built to Town standards; the dwellings (in total) would have a 100ft. setback to the property line of the project.

Mr. Montbleau shared Mr. Lynde's concern for sight distance and asked what type of vegetation would be cleared. Mr. Keach said toward the north there was a mature tree line along with a combination of seasonal vegetation and overhanging tree branches. Mr. Montbleau questioned how much vegetation would need to be maintained. Mr. Keach replied all of it.

Mr. Bergeron asked Mr. Keach if he had seen the presented plans prior to the meeting. Mr. Keach said the latest set he'd seen had a revision date of June 12th. Mr. Doherty noted that the plan set was dated September 2017. Mr. Keach noted that the plan set in front of him contained the sight distance profile on sheet 12. He reviewed the sheet with the Board to discuss the sight distance. He said his concern was during certain times of year the line of sight may not be available either because of vegetation or snowbanks. In reviewing building placement, Mr. Bergeron questioned how close the road was to unit #8. Mr. Gendron replied it was approximately 5ft-6ft to the road, then went on to explain the plan showed pads that could be changed in size to make the distance bigger.

Mr. Keach said when addressing sight distance there were two questions, 1) what needed to be done to attain it and 2) what is needed to be done in a perpetual manner to maintain it. In the proposal the applicant's consultant had gotten half way there, Mr. Keach wanted to make certain that the rights were in place for a public entity (such as the Department of Transportation) to be able, if the need presented itself, to clear sight distance.

Mr. Montbleau understood Pennichuck Water would service the site. He asked where the septic areas were located. Mr. Gendron replied a plan sheet was provide to the Board showing the septic leach areas shaded in green. Mr. Montbleau asked where the calculations had come from. Mr. Gendron replied the State sized the gallons. Mr. Montbleau questioned if the tanks would be able to handle the number of units in the development. Mr. Keach believed the green shaded leach field areas were recently put on the plan in response to one of his comments. He's asked the applicant to demonstrate suitability for on-site sewage. He wasn't comfortable saying that the demonstration had occurred.

Mr. Bergeron spoke to the proposed development as a whole and felt the location was unique as it wouldn't impact any immediate neighborhoods. He believed the project could be greatly improved if the Town didn't have such a draconian setback. He said all the concerns being discussed were a result from having a 100ft. setback and felt the project could be beautiful if it were pushed out 25ft. Mr. Doherty noted that the Zoning couldn't be reduced; the Board could request additional buffering, but not less. He then asked why the applicant was being asked to have an additional access out of the development because they met zoning with one access. Mr. Gendron replied that the secondary access was driven by the Highway Safety Committee ('HSC'). He said it seemed the committee wanted two access points for all projects. Mr. Bergeron believed the secondary access was for the proposed project was requested because the location had gone underwater in the past. Mr. Doherty understood having a secondary access for police and fire based on the first access flooding and no longer being able to be used as an access. Mr. Bergeron recalled there was a long-time resident that spoke about the problems in the area.

Mr. Gowan pointed out that other Boards have advisory roles to the Planning Board and if the Fire Department doesn't sign-off on a plan it couldn't move forward. Knowing this he suggested the applicant not only speak to the Fire Department, but that they also meet with the HSC. There was a significant shared concern about the specific population of the development having only one way into and out of the development in the event of a catastrophe. He noted that the secondary access would be gated. He felt there would be trouble if the Board stopped listening to the Town's emergency responders. Mr. Keach discussed an emergency that occurred in the past on Bowley Lane that was very problematic because the area had only one access in/out. He noted the situation could have been a lot worse if they hadn't been able to stabilize the road.

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

Mr. Lynde wanted to know what a person would be buying when they purchased a unit in the development. Mr. Gendron replied they would be buying a condo unit with a homeowner's association. The land is common property.

Mr. Clarke commented on the 100ft. setback and said as a buyer he would appreciate that setback to the industrial zone. He said the buffer worked two ways, the residents would be buffered to an industrial park, it wasn't just

protecting the neighborhood beyond the development. Mr. Doherty pointed out the limit for the edge of clearing was in places 10ft. to the property line. He said the Board had the right to increase the setback.

Mr. McNamara asked the Board how they wanted to proceed.

Mr. Dadak questioned if there was a design for the secondary access. Mr. Gendron replied they were currently working on a topo.

MOTION: (Montbleau/Dadak) To accept for consideration a waiver to Section 12.03 of the Subdivision Regulations to not provide a traffic impact analysis.

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

Mr. Lynde didn't see the basis to waive the traffic analysis. Mr. Gendron replied the reason they requested the waiver was because Mammoth Road is a State road and didn't see what need the Town had for a traffic analysis. He noted the Department of Transportation hadn't yet asked them for an analysis. Mr. Gospodarek couldn't recall the DOT asking for any traffic studies since he'd been in front of the Boards.

Mr. Dadak asked how difficult it would be to design the secondary access road. Mr. Gospodarek replied they would do it as they would any other road and work with the Fire Department. Mr. Doherty didn't see that a traffic analysis would do anything to change the number of units.

MOTION: (Montbleau/Bergeron) To approve the waiver to Section 12.03 of the Subdivision Regulations to not provide a traffic impact analysis.

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

Mr. Gendron described the request for Special Permit for 723SF of Wetland Conservation District impact. Mr. Gowan questioned if it had gone in front of the Conservation Commission. Mr. Gospodarek answered yes.

MOTION: (Montbleau/Bergeron) To approve the Special Permit for 723SF WCD impact.

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

Mr. Bergeron stated he wasn't in favor of approving the plan without further information regarding sidewalks, phasing and other details. Mr. Doherty read Section 307-53,2,C,8 pertaining to sidewalks. Mr. Bergeron recalled the Board discussing sidewalks. Mr. Doherty stated if they aren't going to have sidewalks the applicant will need to request a variance. Mr. Keach stated the Board discussed sidewalks several months ago. He said the plan in front of the Board showed sidewalks located on the interior of the two road loops and access to each of the homes. Mr. Bergeron asked for information about phasing. Mr. Gendron described splitting the project into three phases. Mr. Bergeron wanted to know if the access road would be functional when the first unit was sold. Mr. Gendron believed it would be a requirement. Mr. Gowan stated an occupancy permit wouldn't be issued without the access.

Mr. Culbert was in favor of a conditional approval.

Mr. McNamara read aloud the proposed conditions:

- 1) All state permits other than individual septic's to be received and noted on recordable plans;
- 2) Letter from Pennichuck verifying their ability and intent to provide water for the development including plans for any required expansion of the Pennichuck system and an estimated time frame for such expansion;
- 3) Submission of architectural plans for the units and clubhouse;

- 4) Evidence of an access easement for the gated emergency access to the property. This must be a detail on recordable plan sheet and also an easement document to be recorded separately from the plan;
- 5) Pads for any future generators to be depicted on the plan at the rear of each unit;
- 6) Compliant road names to be approved by the Highway Safety Committee and depicted on the recordable plan;
- 7) Written memo from Mr. Keach indicating his satisfaction with all final plan details;
- 8) Surety and plan compliance escrow to be provided as estimated by Steve Keach;
- 9) Applicant shall provide Homeowner Association Documents for legal review by Town Counsel at Applicant's expense;
- 10) Department of Transportation be given an easement to maintain the vegetation within (and along) the right-of-way of the subject property (to maintain the sight distance)

Mr. Gowan pointed out that the applicant had submitted architectural plans. Condition #3 has been satisfied.

MOTION: (Bergeron/Montbleau) To approve the plan with the stated conditions.

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

PB Case #PL2018-00018

Map 38 Lot 1-155

MOPAR CONSTRUCTION, INC – Sherburne Road – Proposed 8 Lot Subdivision.

Representing the applicant was Shayne Gendron of Herbert Associates. He explained that the property was approved for a subdivision in 2005 and recorded; however, work never started. He believed the original project was an elderly project, but it hadn't been brought to fruition. The owner would like to pursue an eight-lot subdivision. Mr. Gendron noted in the past they had drilled some exploratory wells and had one that produced. They would like to use that well for the water system. He said they were requesting a re-approval of the 2005 approved subdivision with the addition of the water system. He believed during the last meeting the Board was seeking correspondence from Keach Nordstrom (Board's engineering review firm). That correspondence has been received and Mr. Gendron told the Board they had no issue with any of the comments. He told the Board that there were three waivers being requested, but only one (for well radius – Section 11.11,B,2) was new. The other two waivers, which would stay the same as approved in 2005 were:

- 1) Section 11.04(C) – building envelope not 100ftx150ft, and 2) Appendix I, BB, 17 – centerline radius for 150ft.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) stated the plan being referred to from 2005 had attached conditions that were satisfied because it was recorded at the Registry of Deeds November 14, 2005 #34356. He said he looked at plan because there was an amendment and to see if there had been any substantive changes to the Zoning Ordinance or Subdivision Regulations. He found nothing. It was his opinion that the plan approved in 2005 could be built without further action by the Board. Effectively, the submission in front of the Board was an amendment to that plan; the amendment was how potable water would be provided to each of the eight lots within the subdivision. The 2005 plan contemplated individual water wells on each of the eight lots, but from what he understood the applicant ran into difficulty with doing so because of the vicinity. Mr. Keach said the owner had engaged Lewis Engineering who had designed a community water system. At the time he wrote his letter (dated August 8, 2018), he had received a preliminary water report and since then he's received the final report via email and supplemental construction plans for the system. He noted that the system was set up to be privately owned and managed by a service company (not a larger company similar to Pennichuck Water). Mr. Keach reviewed points listed in his August 8, 2018 letter commenting on the preliminary water design. He believed those points were addressed in the final water plan. With regard to the subdivision itself, he said the plan recorded at the Registry appeared to be valid, despite its lack of vesting. He noted the State Subdivision approval was listed with the Department of Environmental Services ('DES') and would never expire. Mr. Gendron noted that they had submitted with the Department of Transportation ('DOT') for a new driveway permit because the original permit expired. Mr. Keach understood in 2005 the applicant

received a DES site specific permit. He explained that the DES program ended in 2009 and was subsequently replaced with the Alteration of Terrain program. He said if the project disturbed 100,000SF it would require a DES Alteration of Terrain.

Mr. Keach didn't feel the Board needed to approve the subdivision because it was already approved, but he felt it was necessary for them to contemplate approval of the proposed amendment, effectively limited to modifications and the water system. He wanted to make certain that each of the bullets in his August 8th letter pertaining to the water system were satisfied through a condition of approval of the amendment. He added that any State permits (such as DOT driveway and DES AOT) also be in hand or a condition of approval.

Mr. Lynde questioned if the proposed units were subject to the exaction for Sherburne Road. Mr. Gowan felt they should be; it was the Board's decision. He believed the exaction amount was \$2,250 per unit. He stated at the time the plan was approved the Water Well Regulations stated all lots were to be served by individual wells. Since that time community water systems were allowed.

PUBLIC INPUT

Ms. Meg Bressette, Longview Circle inquired where the closest road was in relation to the proposed development. Mr. Gendron replied the development was between Spaulding Hill Road and Scenic View Drive.

Mr. McNamara read aloud the proposed conditions:

- 1) All state permits (DOT driveway and DES Alteration of Terrain) other than individual septs to be received and noted on recordable plans;
- 2) Locations of suitably sized fire cistern(s) to be depicted on the plan or evidence the developer plans to utilize sprinkler systems for fire protection to the satisfaction of the Fire Chief;
- 3) Applicant shall provide HOA docs for legal review by Town Counsel at Applicant's expense that include provisions for shared ownership, management, maintenance and operation of the planned water system and infrastructure in perpetuity;
- 4) A NH licensed water system operator must be engaged to manage the shared water system and that requirement is to be memorialized in HOA documents to be reviewed by Town Counsel at the Applicant's expense;
- 5) Preparation of a recordable easement plan which depicts and defines the location and extent of easement rights over platted lots 1-155-2 through 1-155-4 required for proper installation and maintenance of private water system infrastructure;
- 6) Submission of full and complete design and construction plans and specifications of the construction of all private water system equipment and infrastructure;
- 7) Sleeving of all water system service lines as applicable so the system can be repaired without damage to the roadway;
- 8) Written memo from Mr. Keach indicating his satisfaction with all final plan details;
- 9) Surety and plan compliance escrow to be provided as estimated by Steve Keach
- 10) Exaction for Sherburne Road/Mammoth Road Improvement Fund \$2,250 per unit to be collected at the time of Building Permit issuance.

The Board addressed the waivers. It was noted that any previously approved waivers would remain in place and not need to be addressed. Mr. Gendron said a new waiver was submitted for well radiuses. Mr. Keach had no objection.

MOTION: (Montbleau/Dadak) To accept for consideration the waiver to Section 11.11(B),2 of the Subdivision Regulations – community well radius to be allowed in side and/or rear setbacks of Lots 1-155-2, 3 & 4.

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

MOTION: (Montbleau/Clarke) To approve the waiver request to Section 11.11(B),2 of the Subdivision Regulations – community well radius to be allowed in side and/or rear setbacks of Lots 1-155-2, 3 & 4.

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

MOTION: (Montbleau/Clarke) To approve the subdivision with the stated conditions.

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

PB Case#PL2018-00022

Map 29 Lot 7-95

PELHAM REALTY GROUP, LLC (c/o Rubicon Real Estate, LLC) – 150 Bridge Street - Site Plan Review for the relocation of Dunkin Donuts & the renovation of A.L. Prime Note: Applicant has requested continuance and will not be heard at this meeting

Mr. McNamara informed that the applicant had requested date specification to the September 6, 2018 meeting. There were no objections.

The case was date specified to September 6, 2018.

NEW BUSINESS CONTINUED

PB Case#PL2018-00026

Map 41 Lot 6-142

DAGGETT, Richard – 30 Pulpit Rock Road - Site Plan Review for a proposed change of use for automotive sales, repair & detail.

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Richard Daggett came forward to discuss his proposed change of use. He explained that he had previously come in front of the Board and was approved four years ago for a location 16 Pulpit Rock Road. He had now moved down the street to 30 Pulpit Rock Road which was a bigger facility.

Mr. McNamara asked Mr. Daggett if he would be doing the same business. Mr. Daggett answered yes. Mr. McNamara questioned if he would be having the same volume. Mr. Daggett replied he moved down the street because he needed more space.

Mr. Gowan told the Board the activity was essentially all interior and went on to review the submitted layout of the building and the parking/display area. Mr. Daggett provided the Board with a more detailed rendition of the space he would be utilizing. Mr. Gowan noted the submission was a minor site plan review for a change of use. He commented it was beyond the Planning Department's ability to issue a permit since the proposed type of use hadn't been on the property. He had no concerns. Mr. McNamara inquired what was previously on the property. Mr. Daggett believed it was industrial; Wakefield Manufacturing previously rented space.

Mr. McNamara took a motion to accept the request for consideration.

MOTION: (Montbleau/Dadak) To accept for consideration the requested Change of Use.

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

Mr. Culbert asked for information about the landscaping. Mr. Daggett replied the landscaping was already in existence. He displayed photographs of such.

Mr. McNamara inquired about the hours of operation. Mr. Daggett replied the hours were: Monday through Friday 8am-5pm, Saturday 8am-4pm and Sunday as needed.

Mr. Montbleau told the Board he was in a similar business and had driven by the applicant's location to look at it. He thought the space would work well for the business. On the plan he saw there was an indoor showroom for most of the vehicles to be displayed; however, given the area was so remote it would be hard for customers to find the business. He understood that the applicant used online advertising and asked the Board if they would consider allowing the business to have an outside display of 10-12 vehicles on the edge of the property line (highlighted in yellow on the submitted plan). Having cars displayed outside would help people find the location.

Mr. McNamara questioned if a sign would achieve the same purpose. Mr. Montbleau said a sign would help, but it would be hard (to find the location) if people didn't see any cars. He pointed out that the area was remote and industrial. The configuration of the lot would make it difficult to see the cars. Mr. McNamara felt having the outside display would benefit the applicant. Mr. Daggett stated it would. There were no objections.

Mr. Daggett stated there was existing lighting on the building; it would not be changed. He displayed a photograph of a sign on a neighboring property. Mr. McNamara commented that Mr. Gowan could explain what was allowed. Mr. Gowan said 50SF was allowed in the district. The Zoning Administrator will review the sign application. Mr. Daggett noted the State also had requirements.

Mr. Gowan asked if the Board was considering a motion for an outside display area in the parking lot. Mr. Montbleau suggested allowing no more than twelve vehicles to be displayed outside. Mr. Daggett said the cars wouldn't stay outside at night. Mr. McNamara replied that decision would be up to him (Mr. Daggett).

MOTION: (Montbleau/Lynde) To allow the applicant the ability to display twelve vehicles on the right side of the parking area to allow for a small display.

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

Mr. Dadak saw that the colored plan showed a green area for landscaping. Mr. Daggett replied he was simply showing the area of the existing landscaping. Mr. Montbleau said his observation was that the landscaping was nice.

MOTION: (Montbleau/Clarke) To approve the Site Plan Review for the Change of Use with the stated motion (outside display of 12 vehicles).

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

PB Case#PL2018-00027

Map 38 Lots 1-115 & 1-116

SAURMAN, George – Litchfield Circle, Blackstone Circle & Sherburne Road – Proposed Lot Line Adjustment & 2 Lot Subdivision.

Mr. Dadak stepped down. Mr. Bilapka was appointed to vote.

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.

Mr. Joseph Maynard of Benchmark Engineering and the applicant Mr. George Saurman came forward to discuss the proposed lot line adjustment and 2-lot subdivision. Mr. Maynard stated there were two properties; Lot 1-116 an existing developed property with a single-family home having frontage on Litchfield Circle and Sherburne Road (driveway access off Sherburne), and Lot 1-115 an undeveloped lot having approximately 200ft. frontage on Sherburne Road and additional frontage on Blackstone Circle. Both lots are zoned residential.

They were seeking to subdivide Lot 1-115 into two lots: 1) Lot 1-115 with over 200ft. on Sherburne Road and over 174ft frontage on Blackstone Circle, 2) Lot 1-115-1 to have 200ft. frontage on Blackstone Circle.

The line will be adjusted between the two parent parcels Lot 1-115 and Lot 1-116 by approximately 3,000SF. This is because Lot 1-115 is just shy of being a two-acre lot. The additional square footage from Lot 1-116 will allow it to be subdivided into two 1-acre properties. The remainder of Lot 1-116 (after subdividing) will be approximately 4.22 acres.

Mr. Maynard provided the Board with a colored plan showing the proposed driveway locations. He noted Lot 1-115 had frontage on Blackstone Circle, but it was shy of the 200ft. requirement. He learned from Mr. Gowan that the Zoning Ordinance speaks to where driveway access is allowed to come from and has submitted a variance application. He indicated that he kept the driveway locations on the plan and asked the Board to consider a waiver to the driveway on Blackstone Circle. He said if he received relief from the Zoning Board he wouldn't have to come back in front of the Planning Board; however, if he doesn't receive Zoning relief the driveway will go out to Sherburne Road.

Waivers were submitted for 1) Section 10.04, S of the Subdivision Regulations for site specific soil mapping, and 2) requirement for underground utilities.

MOTION: (Clarke/Montbleau) To accept the plan for consideration.

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

Mr. Bergeron asked for additional explanation of the frontage issues. Mr. Maynard explained per the Subdivision Regulations a driveway is required to be located where a lot has its legal frontage. In this case Lot 1-115 has legal frontage along Sherburne Road because the frontage along Blackstone Circle totals 174ft. Without a waiver from the Planning Board (of the regulations) for driveway location they are required to locate it where the legal frontage is. He also noted that he's followed up with the Zoning Board for a frontage variance. Essentially if Lot 1-115 is granted a variance for frontage (along Blackstone Circle) and the Planning Board approves a waiver for driveway placement, the driveway can be located on Blackstone Circle. Mr. Bergeron asked Mr. Maynard to highlight the lot line adjustment proposal. Mr. Maynard displayed a plan and outlined the proposal.

Mr. Clarke understood why a driveway to Blackstone Circle was preferable. He was curious if there was an investigation of the original subdivision to determine if the parcel was subject to a maximum number of driveways and if it would be eligible. Mr. Maynard replied the proposed lot was separate from the neighboring subdivision. He noted that the lot itself existed in its state prior to 1971 and therefore would be allowed up to three curb cuts. Mr. Clarke inquired about the sight distance to the intersection. Mr. Gowan didn't expect a sight distance issue given the grades and road geometry.

PUBLIC INPUT

Mr. Paul Dadak, 17 Blackstone Circle told the Board he lived directly across from the proposed subdivision. He stated the area of the Town had difficulties with water and went on to discuss his experiences. He was concerned about the addition of wells in the neighborhood. He said while the Department of Environmental Services ('DES') had a very well-defined permitting process for community wells and the effects on existing wells, there is no regulation in the State on how individual wells might affect other individual wells. Mr. Dadak asked the DES if he could put a monitor in his well when pumping is done. He was told yes, but there were no regulations to protect him. He said he didn't want to tell people not to develop their land but wanted to voice the concern about water issues. He said he would prefer that the lot have its driveway onto Sherburne Road and not across the street from his lot.

Mr. Dennis Casavant, 15 Blackstone Circle told the Board he was also located directly across the street from the development. He was concerned with the water situation in the Sherburne Road area. He personally had good water, although he's run the water dry, it recovered the next day. He stated everyone on the street had wells deeper than 400ft. His static line was approximately 50ft-60ft. and regularly monitored. Mr. Casavant was concerned about the impact of additional wells within 200ft-300ft. of his well.

Mr. Bergeron asked Mr. Maynard to outline the lot prior to the subdivision. Mr. Maynard outlined the lot. Mr. Bergeron wanted to know why there was a crescent line in the division line of Lot 1-115. Mr. Maynard said it was to keep the minimum setback of 15ft. off the side lot line because it was in an area of Wetland Conservation District ('WCD') buffer. Mr. Bergeron then confirmed the frontage calculations. Mr. Maynard pointed out each of the subdivided lots shows two driveway locations to give the developer flexibility.

Mr. Clarke proposed straightening the line between the lots and granting a waiver for well radius. Mr. Maynard said they had learned it was better to have less waivers.

Mr. Doherty said in the past when lots where 'threading the needle' the Board has requested site specific. In this case he noted a variance was needed and there were two different driveway locations for each lot. Mr. Maynard replied both lots mathematically closed (in surveying came back to the point of beginning) for both lots and they each met setbacks and usable area. Mr. Doherty questioned if the 4.22 acre lot was under the same ownership. Mr. Maynard answered no; it was a separate owner who had agreed to adjust the lot line. Mr. Culbert said he would ask for site specific on each lot. Mr. Gowan pointed out that the applicant couldn't show the driveways until going to the Zoning Board. He said typically the Board asks for site specific when there are topography issues. Mr. Culbert replied the lot was so close to the wetland he would ask for the house to be site specific.

Mr. Lynde inquired if there were well regulations to verify they would have sufficient water. Mr. Gowan replied the regulation requires they meet the standard for both quantity and quality.

The Board addressed the waiver requests as follows:

MOTION: (Montbleau/Doherty) To accept for consideration the wavier to Section 10.04 of the Subdivision Regulations – Site specific soils mapping.

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

MOTION: (Montbleau/Doherty) To approve the wavier to Section 10.04 of the Subdivision Regulations – Site specific soils mapping.

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

MOTION: (Clarke/Doherty) To accept for consideration the waiver to Section 11.11 A of the Subdivision Regulations– Underground utilities.

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

MOTION: (Montbleau/Doherty) To approve the waiver to Section 11.11 A of the Subdivision Regulations – Underground utilities.

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

MOTION: (Clarke/Doherty) To accept for consideration a waiver to Section 11.05.1.c of the Subdivision Regulations – Driveways – with the understanding if the Planning Board grants the waiver, the applicant would need a variance.

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

MOTION: (Doherty/Clarke) To approve a waiver to Section 11.05.1.c of the Subdivision Regulations – Driveways – with the understanding that the applicant needs a variance.

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

Mr. McNamara stated he understood the abutter's concerns about water, unfortunately those concerns were not sufficient for the Board to deny the case.

MOTION: (Doherty/Clarke) To approve the lot line adjustment with the waivers; subject to action by the Zoning Board of Adjustment.

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

Mr. Dadak returned to the Board.

PB Case#PL2018-00028

Map 15 Lot 8-216

James Petersen Built Homes, LLC – Windham Road - Site Plan Review for Proposed 42 Unit Elderly Housing Community Development and a Special Permit for Wetland & WCD Crossing for Access to Residential Units.

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Representing the applicant was Shayne Gendron of Herbert Associates. Mr. McNamara asked if the plans were different from those date stamped 'received July 9, 2018 - Planning Department'. Mr. Gendron didn't believe so. He described the plan, which was a 42-unit elderly housing development with a club house on a 36.5 acre parcel. He believed a conceptual plan was brought in front of the Board last winter that received a lot of input from abutters. Since that time, they've gone to the Highway Safety Committee ('HSC') and discussed having a secondary egress. They were now proposing a main entrance off Windham Road with a secondary off Claudine. Mr. Gendron described the plan and indicated there were three wetland impact areas; Gove Environmental has

reviewed the soils and wetlands on the project and would work on obtaining permits. All units will be served by individual septic systems. There are two existing wells on the property that will be used for a water system. He said the main goal of coming in front of the Board was, so they could submit plans to Keach Nordstrom (Board's engineering review firm) and be date specified to a later meeting.

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

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

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

Mr. McNamara told the public this was the first step to what would probably be several meetings on the project. He said the Board's engineering firm would review the materials. He said the Board would have a lot more information when the plan comes back in front of them.

Mr. Doherty read a portion of Zoning Section 307-53 – plan approval (pg. 39) that reads an elderly housing complex must respect the integrity of adjacent single-family neighborhoods to the extent feasible and minimize any conflicts with the existing neighborhood. He didn't feel pushing a road from Claudine Drive was respecting the integrity of the neighborhood. That sections speaks to traffic safety and having a minimum impact to the capacity of the existing roads. Mr. Doherty didn't see the road onto Claudine as being 'minimum impact'. He didn't see a problem with traffic exiting onto Windham Road. Mr. Dadak recalled when the initial plan came in the applicant was asked to determine two ways into the development because there was abutter input about the entrance being from Claudine.

Mr. McNamara read aloud a letter submitted by the Highway Safety Committee ('HSC') dated July 30, 2018. The HSC unanimously supports the proposed two-entrance plan with two non-gated entrances, one from Claudine Drive and one from Windham Road.

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

Mr. Gowan stated initially the road was proposed to come into the development off Claudine Drive. He said the applicant reached out to try to obtain a secondary egress in the back of the lot but was unable to do so. He felt Mr. Doherty had a good point about the impact and suggested the HSC could take another look at the Claudine access and consider having it as an emergency access.

Mr. Bergeron pointed out that earlier in the evening there was discussion about Zoning only requiring one access and Mr. Gowan made a point that the HSC won't let a project 'fly' without a secondary access; they had the authority to stop the Board's approval. He said there was an issue with the 'black letter law' of Zoning and felt the Board needed to revisit the language for safety and public welfare. In the proposed plan he saw housing units for elderly people in a long linear distance with no other access except at one end. He felt the discussion should be about the flaws in the ordinance and believed the Board should form a subcommittee and recommend zoning changes for the voters. Mr. Bergeron asked if the project road would be privately owned. Mr. Gendron answered yes. Mr. Bergeron said the Board had to work within the framework of zoning but felt the problem the Board had was the access restrictions. Mr. Dadak understood that the interior road would be constructed to Town standards.

Mr. Gendron asked for date specification to the September 17, 2018 meeting.

Mr. McNamara informed abutters that they wouldn't receive additional notification.

Mr. Gowan asked the Board if they wanted the plan to go back to the HSC for review. There was no objection.

Mr. Doherty questioned what was being proposed under the road at the first wetland crossing. Mr. Gendron replied it would be a box culvert.

The case was date specified to the September 17, 2018 meeting.

PB Case#PL2018-00029

Map 14 Lot 3-88

Philip Currier Revocable Trust, Philip Currier, Trustee -Mammoth Road, Nashua Road & Hancock Lane – Proposed 2 Lot Subdivision.

Mr. McNamara apologized to the public and informed the Board would not hear the case (due to the late hour). The abutter list was not read.

The case was date specified to September 17, 2018. Abutters will not receive additional notification.

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

Not requested.

DATE SPECIFIED CASES

September 6, 2018:

PB Case#PL2018-00022 - Map 29 Lot 7-95 - PELHAM REALTY GROUP, LLC (c/o Rubicon Real Estate, LLC) – 150 Bridge Street

September 17, 2018:

- 1) PB Case#PL2018-00028 - Map 15 Lot 8-216 - James Petersen Built Homes, LLC – Windham Road
- 2) PB Case#PL2018-00029 - Map 14 Lot 3-88 - Philip Currier Revocable Trust, Philip Currier, Trustee - Mammoth Road, Nashua Road & Hancock Lane

ADJOURNMENT

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

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

The meeting was adjourned at approximately 10:16pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary