

**APPROVED**

**TOWN OF PELHAM PLANNING BOARD  
MEETING MINUTES  
August 17, 2020**

Chairman Tim Doherty called the meeting to order at approximately 7:00pm.

The following notice was read aloud “A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency” (*regarding access to the meeting*)

Secretary Cindy Kirkpatrick called roll:

**PRESENT ROLL CALL:** Tim Doherty – present  
Jim Bergeron – present  
Cindy Kirkpatrick - present  
Danielle Masse-Quinn – present  
Alternate Bruce Bilapka – present  
Alternate Paddy Culbert - present  
Planning Director Jeff Gowan – present

Via Telecommunication:  
Alternate Sam Thomas – Zoom; no one in the room  
Alternate Mike Sherman – present via telephone  
Alternate Richard Olsen – present via telephone

**ABSENT/**

**NOT PARTICIPATING:** Roger Montbleau  
Paul Dadak  
Selectmen Representative Kevin Cote  
Alternate Selectmen Representative Hal Lynde

Mr. Doherty appointed Mr. Thomas and Mr. Culbert to vote in the absence of Mr. Montbleau and Mr. Dadak.

**PLEDGE OF ALLEGIANCE**

**MEETING MINUTES**

**August 3, 2020**

**MOTION:** (Masse-Quinn/Kirkpatrick) To approve the August 3, 2020 meeting minutes as written.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Culbert - Yes

(6-0-0) The motion carried.

**OLD BUSINESS****CASE #PL2020-00002****PAWTUCKET ROAD LANDHOLDINGS, LLC - 32 A & B Valley Hill Road – Proposed 3-Lot Subdivision consisting of duplex style units**

*(Requested continuance to the September 21, 2020 meeting to allow for presentation to the Conservation Commission seeking their layout)*

The applicant requested a continuance to the September 21, 2020 meeting. The case was continued as requested.

**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**

Representing the applicant in person were Peter Zohdi and Shayne Gendron of Herbert Associates along with Attorney John Bisson of Cronin, Bisson & Zalinsky. Mr. Zohdi stated they had gone through the plan many times with the Board. They've received a report from Steve Keach of Keach Nordstrom and had no objection to any comment. He noted there were waivers submitted and asked the Board to confirm acceptance and grant a final subdivision approval.

Mr. Gowan read aloud the waivers pending Board approval: 1) Section 203-5,B (2) – to allow 12inch diameter pipe for 198 linear feet, and 2) Section 203-5,B (3) to allow 1.2 ft of cover on a drain line for 198 linear feet.

Mr. Gendron noted the waiver dealt with the drainage coming off Clover Lane where it ties into the existing drainage on Currier Road. The existing basin is shallow for the invert coming in; therefore, they requested a waiver for coverage as referenced in the Keach Nordstrom letter (comment 36) dated August 12, 2020. They proposed to use concrete pipe instead of high-density plastic pipe. He believed Mr. Keach was in support of the waiver based on those comments.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) spoke about his comments in his recent review letter. He said Mr. Gendron was correct regarding where Clover Lane intersects with Currier Road to connect (drainage) to the existing municipal system. Because the existing system does not enjoy 3-feet of soil cover, the run of pipe that connects the new construction to the existing makes it impossible for that to also enjoy 3-feet of cover. He supported the waiver for the reduced cover to the extent that it's absolutely necessary; there were a couple runs above it that could be made deeper. He will support the waiver with the understanding the drains up slope will have more cover and was confident they could gain more. Regarding the pipe diameter going from a minimum of 15-inch to 12-inch, Mr. Keach supported the waiver because of their choice to use RCP and the fact that the 12-inch has adequate capacity for the situation. By going to a smaller diameter pipe, it will allow for additional cover. Mr. Keach noted both waivers were from the same section (Section 203-5,B); one was for the diameter and one was for the cover.

Mr. Gowan provided the Board with a copy of the waiver request letter.

Mr. Bergeron wanted to know the location and slope percent (pertaining to the waiver request). Mr. Zohdi referenced page 25 of 58 of the plan set. He said they were requesting a waiver for the pipe from the proposed catch basin to the existing catch basin. Using a displayed plan, Mr. Gendron showed the location of the proposed pipe. Mr. Bergeron asked for the length of the pipe referenced in the waiver request. Mr. Gendron replied 198 linear feet (length of the street). Mr. Keach referenced the catch basin segments seeking relief from the waiver. He said the relief was necessary. It was unavoidable because of the existing storm system on the Currier Road

right-of-way didn't have sufficient cover. Ideally, he would like to gain several inches of additional cover so the crown of each segment of pipe would be at or below the sub-grade line of the street prior to the addition of gravel. He was concerned about having them above subgrade during the compaction effort (gravel/crushed gravel) that they won't be able to achieve the compaction. He 'played' with the elevations, so he knew it would work. He reiterated the waiver being requested was unavoidable. Mr. Keach noted the pipes would be a better material because of the lack of cover. Mr. Zohdi told the Board they had no objection to using Class V pipe. Mr. Bergeron asked Mr. Keach if he preferred the use of that specific pipe. Mr. Keach replied when they don't have cover the high-density polyethylene pipe can experience deflection (according to the manufacturer and testing) unless it has 2-feet of cover.

Mr. Doherty accepted motions to accept the waivers for consideration.

**MOTION:** (Culbert/Masse-Quinn) To accept for consideration the waiver to Section 203-5,B,2 – design and construction standards for storm management improvements – decrease from a 15-inch culvert to a 12-in culvert and using concrete not high-density polyethylene pipe.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Culbert – Yes

(6-0-0) The motion carried.

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**MOTION:** (Culbert/Masse-Quinn) To accept for consideration the waiver to Section 203-5,B,3 – design and construction standards for storm management improvements - to have less than the minimum of 3-feet soil cover.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Culbert – Yes

(6-0-0) The motion carried.

Mr. Keach spoke about his recent review letter dated August 12, 2020. He asked if there was a phased construction plan. Mr. Zohdi answered yes. Mr. Keach asked that the phase limits be identified on the final plan, although it could be adjusted in the field. Mr. Zohdi noted because of the water system requested by the Board, phase one would be from the culvert (traveling left) to exit the subdivision and phase two would be in the direction of the cul-de-sac by Peabody Lane. Mr. Bergeron confirmed the primary entrance would be through Clover Lane. Mr. Zohdi answered yes.

Mr. Keach summarized the remaining items contained in his recent letter. Mr. Bergeron asked how he felt about the Wetland Conservation District ('WCD') impact (est. 16,412SF). Mr. Keach believed the impact represented a negotiated outcome with dialog between the applicant and the Conservation Commission. Essentially all the impact was associated with construction of a large storm water management facility at the southerly end of the site. Part of it was a direct result of the applicant staying out of having a direct impact to the wetland (prime

wetland). In order to have that outcome (as endorsed by the Conservation Commission) it forced the applicant to do a lot of storm water management construction on an area that slopes upward from the wetland proper. By building storm water with flat bottoms on sloping land, they ended with ‘sprawl of slopes’. Mr. Keach felt the estimated impact of 16,412SF was properly characterized as the outcome of a productive conversation between the applicant’s consultant and the Conservation Commission. Mr. Gowan stated the correspondence with the Conservation Commission was in the file. Ms. Kirkpatrick noted the Commission’s letter was dated July 20<sup>th</sup>. Mr. Bergeron confirmed the Commission was okay with the proposal. Mr. Keach answered yes, and added he was also good with it.

#### PUBLIC INPUT

Mr. Doherty invited the public to comment either in person or via telecommunication.

Mr. Bruce Jewett, 4 Peabody Lane verified there would be no construction vehicles or entrance off Peabody Lane going into the development. Mr. Zohdi stated they had no proposed construction from Peabody Lane.

Ms. Sara St. John, Island Pond Road commented regarding the pipe waiver and tying into the existing catch basin. She wanted to know if the water impacts going across Currier Road had been calculated. Mr. Keach replied prior to doing the detailed design, an existing conditions survey was done on the Currier Road side. The portion of the system they are tying into flows toward the south and stays away from the sensitive areas. He said it should have a negligible impact (in totality) with the project. There may be a slight diminution in drainage to the area because of the manner in which the design engineer has captured the water.

The project plans show a storm water conveyance channel running parallel with the interior of the property boundary. Some of the water will be carried to the infiltration basin across from Mr. Norkiewicz’s property. He believes the outcome (from a drainage perspective) ended up achieving what he hoped it would. Since the last meeting in July, he had an opportunity to receive a fully detailed storm water management report that was well done. Ms. St. John asked if any of the Clover Lane water would be on the surface street going onto Currier Road or if it would all be within the catch basin. Mr. Keach described the proposed water flow, the existing and proposed drainage systems and where that flow would be directed. Ms. St. John was worried about drainage flowing down Clover Lane and heading north. Mr. Keach replied it wouldn’t be able to; the invert leading out of the basin to the southwest of the proposed intersection had an invert of 245.46 flowing to the south and the invert coming in from the north was almost a foot higher (246.40). He didn’t see the system at Cara Lane being measurably impacted by the proposal; if anything, it will take a little water away from it (referenced on plan sheet 17). Ms. St. John mentioned the drainage in the area of Currier Road, Cara Lane and Island Pond Road had a tendency to flow across Mr. Norkiewicz’s property and travel to her driveway and freeze in the winter. Mr. Keach believed the proposal should alleviate a lot of the surcharge that can happen. He said by having the interceptor swale across the rear of the lots (on Thistlewood) would keep flow on the subject property and any residual would have a point of confluence with a similar swale within the open space across from Ms. Pike-Church’s house (first house on Peabody Lane) and take it to the rain garden. He said it may not have a significant improvement to roadside drainage on the piece of Currier Road to the south of Cara Land and Island Pond Road but he felt it would have a large and measurable effect on drainage that had plagued Mr. Norkiewicz to a significant extent (during heavy events). Mr. Keach didn’t believe it would do a lot to benefit the water that comes down the east side of Currier Road (flowing to the north) that goes under Cara Lane and continues north crossing Island Pond Road; however, he said it wouldn’t exacerbate that existing problem.

Mr. Paul Diamantopoulos, 11 Peabody Lane didn’t see a no cut zone specified for the development side of the gas line right-of-way that was supposed to be put on the plan. Mr. Bergeron noted it appeared to be on sheet 5 of the plan set. Mr. Keach confirmed that was correct.

Ms. Suzanne Larson, 39 Currier Road asked Mr. Keach to clarify the drainpipe under the rain garden at the intersection of Peabody Lane and Currier Road. She said her property received water that flowed from Mr.

Norkiewicz's property into a drain. Mr. Keach asked Mr. Gendron to display sheet 17. He then had Mr. Gendron highlight the outlet structure (overflow) exiting rain garden. He described how the rain garden (#1) accumulated water and flowed into the swale system behind the lots on the east side of Thistlewood (terminating in the cul-de-sac). He understood there was another segment of existing drainage (on Currier Road); the proposed drainage would not affect that existing structure or flow. Mr. Keach thought the reason Ms. Larson got 'ponding' to the right of her driveway was due to a grading issue on her lawn because there was a lower point where water accumulated. He stated the proposal won't do anything for that existing condition. To correct the situation, he suggested there needed to be some re-grading of her lawn. He said the project would cut some of the water flow off, but it would not cut all of it off since most of the water was not coming from the applicant's property it was coming from elsewhere. Ms. Larson understood there was drain/culvert to the right of the driveway and questioned how it would be connected. Mr. Keach had Mr. Gendron point out the existing culvert at the end of Peabody Lane that went diagonally across Currier Road and discharged in the embankment where Mr. Norkiewicz's wall land trees end. He informed that was an existing condition that would not be touched because the applicant was no longer to do work on Peabody Lane. He added when the improvements to Peabody Lane went away, the drainage improvements also went away.

Mr. Joe Norkiewicz, 14 Island Pond Road was concerned about the drain coming directly from Peabody Lane and heard through discussion that nothing would be done with that drain. Mr. Keach replied it was beyond the project limits. He said when the applicant was directed to forego the previously proposed improvements to Peabody Lane the drainage improvements also went away. Mr. Norkiewicz questioned if there would be some relief from the water flow. Mr. Keach answered yes. He asked Mr. Gendron to point out the location of rain garden #1 that they looked at during the site walk. He said it would function virtually the same except it wouldn't pick up drainage from a 'newly constructed' Peabody Lane because of the option for the development staying off Peabody Lane. He noted the rain garden would create a 'curtain' for the flow. Mr. Keach invited Mr. Norkiewicz to contact him with questions as the development proceeded.

Mr. Culbert left the meeting. Mr. Doherty appointed Mr. Bilapka to vote.

Mr. Bergeron asked if the Board had determined how the area along the south of Peabody Lane would be handled for maintenance. Mr. Gowan replied the area along Peabody Lane was open space; the homeowner's association would be the stewards. He said there was a large parcel containing 38.329 acres (adjacent to Wolven Park) that would be presented to the Selectmen at their next meeting. Mr. Bergeron asked for a description of the future maintenance for the rain garden. Mr. Keach said the area tributary to the rain garden had to be totally stabilized before water was allowed to flow to it, so the basin does not become plugged with sediment. He stated the maintenance was fairly simple; it had to be kept clean of woody stem vegetation. He noted there was an outlet control that formed the basis that would periodically need to be inspected so it doesn't become plugged with leaves and other debris and compromise its ability to function as intended. He understood because the develop roads would be public streets, the maintenance responsibility for the drainage system (ancillary to the drainage system within the right-of-way) would be the Town's responsibility. Mr. Gowan concurred and added as part of the MS4 program entails regular/routine evaluation of the function of all detention ponds within the Town. Mr. Bergeron understood the Town would need an access easement and confirmed the language for such would be a legal condition. Mr. Gowan explained the easements would be depicted on the plan (as-built and individual deeds) for counsel to review. He said that would be part of the process when the road acceptance takes place. Mr. Zohdi noted the area by Peabody Lane was all a drainage easement for the Town.

**MOTION:** (Bergeron/Masse-Quinn) To approve the waiver to Section 203-5,B,2 – design and construction standards for storm water improvements – decrease from a 15-inch culvert to a 12-in culvert and using concrete not high-density polyethylene pipe.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes

Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka – Yes

(6-0-0) The motion carried.

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**MOTION:** (Bergeron/Masse-Quinn) To approve the waiver to Section 203-5,B,3 – design and construction standards for storm management improvements - to have less than the minimum of 3-feet soil cover.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka – Yes

(6-0-0) The motion carried

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Mr. Bergeron made a motion to approve the Special Permit based on input from the Conservation Commission which will authorize the disturbance of up to an estimated 16,412SF of land situated in the Wetland Conservation District. Ms. Kirkpatrick seconded.

**MOTION:** (Bergeron/Kirkpatrick) To approve the Special Permit based on input from the Conservation Commission which will authorize the disturbance of up to an estimated 16,412SF of land situated in the Wetland Conservation District.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka – Yes

(6-0-0) The motion carried

Mr. Gowan read aloud a list of proposed conditions:

- 1) To provide adequate time for State permitting the Planning Board has waived Land Development Regulation 202-7,B and has extended the approval of the project to two years from the date of approval;
- 2) All State permits, other than individual septic permits, to be received and approved with numbers noted on the recordable plan;
- 3) Approval of Special Permit for a conservation subdivision to be noted on recordable plans;
- 4) Approval of Special Permit for Wetland Conservation District impacts to be noted on recordable plans;
- 5) Approval of all required waivers to be noted on recordable plans;
- 6) All easements to be depicted on recordable plans;
- 7) Written memorandum from Steve Keach (of Keach Nordstrom) indicating his satisfaction that all the items identified in his August 12, 2020 review letter have been resolved and captured in the final recordable plan set;

- 8) Placement of Wetland Conservation District signs every 50ft. accurately depicting the 100ft. prime wetland setback from prime wetlands under State authority; with the understanding the Wetland Conservation District signs are only used to memorialize prime wetland setbacks, rather than just the typical Wetland Conservation District setback under Town authority;
- 9) Surety and plan compliance escrow to be provided as estimated by Keach Nordstrom prior to plan recording;
- 10) The approximately 38.329 acre open space lot (identified as Lot 1-351-63) to be dedicated to the Town of Pelham, if the Board of Selectmen accepts the land donation; if the Board of Selectmen does not accept this lot, it will be added to the other open space parcels under Homeowner Association stewardship;
- 11) Applicant shall provide draft Homeowner Association documents for legal review and approval by Town Counsel, including easements for trails within the open space;
- 12) The Homeowner Association documents shall include the requirement of a licensed New Hampshire water company to manage and/or own the development's community wells and water system;
- 13) All applicable impact fees to be paid at the time of Building Permit issuance;
- 14) Project phasing to be clearly depicted on recordable plan.

Mr. Doherty inquired if there was any mention of the existing trail being moved so it will remain of use to the Town. Mr. Zohdi replied it was contained in the plan set. Mr. Doherty asked Board members if they had any additional conditions or amendments to the draft list (read aloud by Mr. Gowan).

Mr. Bergeron believed the only subjective condition was the timeframe the Board would approve per Section 202-7,B. In fairness to the applicant, given the number of conditions and the present situation with COVID-19, he felt the Board should allow two years. Mr. Doherty agreed. There was a consensus of the Board to allow two years.

**MOTION:** (Bergeron/Masse/Quinn) To approve the plan with the conditions of approval (outlined by Mr. Gowan) being satisfied.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

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**MOTION:** (Bilapka/Bergeron) To approve the Special Permit for a Conservation Subdivision.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka – Yes

(6-0-0) The motion carried

**Case #PL2020-00012****Map 24 Lot 12-204****LOOSIGIAN, Peter & Lisa –8 Foreman Lane –Proposed 4 Lot Subdivision**

The applicant requested a continuance to the September 21, 2020 meeting. The case was continued as requested.

**Case #PL2020-00013****Map 20 Lot 3-137****RAYTHEON COMPANY–50 Bush Hill Road –Site Plan Review for Hillsborough Expansion (Phase VI)**

Dan Thompson, Manager of Facilities Engineering for Raytheon, and Melissa Flynn of SMRT Architects and Engineers came forward to discuss the proposed site plan. Mr. Thompson informed the proposal was the last phase of their five-year master plan previously approved through the Zoning Board of Adjustment in February 2017. He noted this phase involved the Hillsborough Building; the structure closest to Bush Hill Road. The building was originally constructed in 1970 and continuously occupied since that time. Mr. Thompson informed the final phase consisted of consolidating all existing trailers and other structures into a 5,000SF addition. They proposed a fire protection storage tank to provide sprinkler coverage for the Hillsborough and Merrimack buildings. A new parking area is proposed for site circulation and access, including fire department access to all sides of the building. He stated they had taken a lot of strides to maintain the forest buffer to minimize any impact. In addition, they've tried to make improvements to lighting by having Dark Sky compliant fixtures. Mr. Thompson noted any equipment that was a noise source is proposed to be relocated, screened, or replaced in kind with equipment of less noise. They've included additional landscaping and planting materials to provide additional visual screening from Bush Hill Road.

Ms. Flynn stated they were making the access from Bush Hill Road wider for emergency vehicle access and consolidating parking to a formalized area. She described the proposed new plantings that would enhance the existing vegetation. Regarding disturbance, they were doing their best to keep the footprint as small as possible so as to not trigger significant changes to the drainage patterns. Everything remained in line with the plan approved in 2017. Drainage outlets will be enhanced with a rip rap scour pad to dissipate flow and allow enough space/time before it enters the downstream water shed.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) referenced his letter dated August 13, 2020. He noted there were two waivers concerning parking that need to be considered: 1) Section 303-2,A,(4) of the Regulations – an excess of 20 parking spaces is required to have a minimum of 5% interior green space and 2) Section 303-2,B of the Regulations pertaining to the number of parking spaces (47 on-site spaces required; applicant proposes 37 spaces). He didn't have a problem with the Board granting either of the waivers given the proposal was for a special use building and believed Raytheon knew it's needs for parking. Mr. Keach said there were three other minor comments he was certain could be addressed as a condition for approval.

Mr. Thompson told the Board when they reviewed the parking density, they didn't want to increase the impervious area beyond their needs. The building would be a mixture of offices and lab space. Currently the building is served by ten parking spaces and 'improvised' gravel parking. The proposed 37 parking spaces will formalize the parking area. Mr. Thompson stated they had no issue with having the raised green space planting beds; however, from a snow removal standpoint it would be easier not to have the additional islands and allow for snow storage on the pavement. They've tried to make up for that shortfall by having additional landscaping and trees on both sides of the driveway and in front of the retaining wall. If the Board feels strongly, they will revise the plans accordingly.

**MOTION:** (Bergeron/Masse-Quinn) To accept for consideration the waiver to Section 303-2 A,(4) of the Land Use Regulations – interior green space.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

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**MOTION:** (Bergeron/Masse-Quinn) To accept for consideration the waiver to Section 303-2,B - reduce the number of required parking spaces from 47 to allow 37 parking spaces.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

Mr. Doherty invited the public to comment either in person or via telecommunication. No one came forward. He brought the discussion back to the Board.

**MOTION:** (Bergeron/Masse-Quinn) To approve the waiver to Section 303-2,A,(4) of the Land Use Regulations – interior green space.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

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**MOTION:** (Bergeron/Masse-Quinn) To approve the waiver to Section 303-2,B - reduce the number of required parking spaces from 47 to allow 37 parking spaces.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

Mr. Bergeron referenced Mr. Keach's letter and confirmed the applicant would adhere to the remaining items. Ms. Flynn stated they would. Mr. Bergeron asked which plan sheet showed 'finished' conditions. Ms. Flynn referenced CI101. Mr. Bergeron stated he was 'good' with the information.

Mr. Gowan read aloud a draft list of approval conditions:

- 1) Written memorandum from Steve Keach (of Keach Nordstrom) indicting all items identified in his August 13, 2020 review letter have been resolved and captured in the final plan set;
- 2) To provide adequate time for State permitting, the Planning Board has waived Land Development Regulation 202-7,B and extended the approval of the project for two years from the date of approval;
- 3) New Hampshire Department of Environmental Services construction for approval of a new on-site sewage disposal system or modification of existing sewage disposal system to be notated on the final plan;
- 4) Variance approval Pelham Zoning Board Case #ZO2017-0002 and all conditions of Planning Board approval to be noted on the final plan set;
- 5) Note to be added to the final plan advising the contractor of the need for a building permit from the Pelham Planning Department to construct the planned retaining wall segments in addition to all other proposed buildings and structures;
- 6) Approval of any required waivers to be notated on final plan set;
- 7) Surety and plan compliance escrow to be provided as estimated by Keach Nordstrom prior to plan recording;
- 8) Pre-construction meeting is required as arranged by the Planning Director.

Mr. Doherty asked the Board if they would like to extend the approval for one or two years. There was no objection from the Board to allow two years.

Building permit for building and wall one permit or He wanted to ensure there was no negative feedback from the blasting program they had been using during the last two years.

Mr. Thompson asked if a separate building permit would be required for the building as well as the retaining wall. Mr. Gowan replied they would need two permits. Mr. Thompson noted they had a limited blasting program with the previous phased and asked if there was any objection with continuing. He had not received negative feedback regarding the blasting program and confirmed there were no developments that would preclude them from continuing with it. Mr. Gowan replied blasting fell under the authority of the Fire Department; however, he was not aware of any (previous) complaints.

**MOTION:** (Bergeron/Kirkpatrick) To approve the plan with the conditions Mr. Gowan read into the record.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

## **NEW BUSINESS**

**Case #PL2020-00017****Map 13 Lot 4-139-26****BILLINGS, Donovan T. - 9 Collins Way - Requesting a Conditional Use Permit for a detached Accessory Dwelling Unit**

Representing the applicant was Attorney David Groff. He stated this was the second in a two-part process to get an illegally constructed accessory dwelling unit legalized. His client purchased the property several years ago. The previous owner obtained a permit to construct a detached two-stall garage.

Mr. Bergeron raised a point of order and understood Mr. Gowan wanted to make the Board aware of legal action involving the case. Mr. Gowan informed during the last day of the case being open for appeal (to the Zoning Board's approval) the Planning Department received a request to rehear Zoning Board Case #ZO2020-00018. He said the request to rehear was done within the appropriate appeal timeframe. He did not have a legal opinion as to whether or not the Planning Board could take action.

Mr. Gowan read the list of abutters aloud. There were no persons present or who had not been notified who asserted standing in the case.

Mr. Bergeron stated he was a member of the Zoning Board and understood Mr. Gowan was informing a request for rehearing had been submitted for the Zoning Board and questioned if the Planning Board should stop their action.

Attorney Groff indicated he had been informed regarding the request for rehearing submitted by one of the abutters. He understood the Planning Board could continue with the application. One of two things could happen: 1) Planning Board grants the application, subject to the Zoning Board decision becoming final, or 2) Planning Board could deny the application. He saw no reason to wait for the Zoning Board process to move forward as they had paid the fees and notified the abutters of the hearing. He said if the Planning Board's decision is favorable but for some reason the Zoning Board decision was reversed, they would not have an approval.

Mr. Gowan had no disagreement with Attorney Groff. At minimum, he felt the Board should accept the permit for consideration, after which they could decide whether or not to move ahead.

The Board discussed whether or not they would proceed. They will accept the plan for consideration and date specify to a subsequent meeting.

**MOTION:** (Kirkpatrick/Bilapka) To accept the plan for consideration. (*see below for amended motion*)

**ROLL CALL VOTE:**

Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

Attorney Groff questioned what 'plan' the Board was 'accepting for consideration'. Mr. Doherty believed the Board made a mistake (with the wording of the motion). Attorney Groff stated according to the Ordinance if an applicant meets the criteria the conditional use permit had to be granted for an accessory dwelling unit.

He believed they could accept the application for consideration and then continue the case to a date after the Zoning Board considers the appeal.

Mr. Doherty said the motion should be amended. Mr. Gowan suggested the Board could accept the ‘application’ for consideration.

**MOTION:** (Kirkpatrick/Bilapka) To amend the previous motion to read ‘To accept the application for consideration’.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

The case was date specified to the September 28, 2020.

#### **ADMINISTRATIVE**

**Seeking bond reduction for Skyview Estates. Planning Director Jeff Gowan will present the recommended reduction from Keach Nordstrom**

Mr. Gowan read aloud the recommendation from Keach Nordstrom – dated August 13, 2020.  
Currently holding bond across all phases. \$450,156.18  
Recommended reduction of \$319,857.20  
To retain \$130,299.00

Mr. Bergeron confirmed the letter was received by Keach Nordstrom. Mr. Gowan stated he had the worksheet from Keach Nordstrom if the Board wanted to review.

**MOTION:** (Bergeron/Kirkpatrick) To reduce the existing bond of \$450,156.18 by \$319,857.20 and retain \$130,299.00.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

#### **DISCUSSION**

**Planning Director Gowan seeks recommendation from the Planning Board to the Board of Selectmen for acceptance of the following roads as Town-owned Class V public roads: Rolling Ridge Lane (Sweet Birch Estates off Gumpas Hill Rd), Chestnut Lane (Sherburne Woods off Sherburne Rd.), Aspen Drive, Powderhorn Circle and Majestic Avenue to its intersection with Aspen and Powderhorn (Skyview Estates**

**off Spaulding Hill Rd). Note that Majestic Avenue continues into Skyview Phase II and will be a candidate for acceptance in the future.**

Mr. Gowan stated he would soon be meeting with the Town Administrator to set public hearings for project roads (listed above) to be accepted as Town roads. He said in order for the Selectmen to take action they need a letter of recommendation from the Planning Board. He informed the Road Agent and Keach Nordstrom were happy with the project roads. He asked permission from the Board to draft a letter to the Selectmen voicing their support for the roads to be accepted.

Ms. Masse-Quinn inquired how a road became a candidate for acceptance. Mr. Gowan explained when the Planning Board approved a project containing ‘platted’ roads the Town makes the developer build those roads to the plan with strict oversight from the Town’s engineer. They are built in a certain sequence and have to ‘winter over’ before the top can be laid down; once construction is completed and the top has also ‘wintered over’, if the road is found to be free from defects (and the Town has appropriate documentation of various items) the Planning Board makes a recommendation to the Selectmen. The Selectmen schedule public hearings and then vote whether or not to accept the road. Mr. Gowan said there were certain roads in Town that were private either because they were in existence prior to the current review/approval process or they have not been maintained by the Town. He noted if the roads he was bringing forward were accepted by the Town they would become Class V roads.

The Board had no objection to Mr. Gowan drafting a letter of support by the Planning Board for the Selectmen to accept the roads (listed above).

**NON-PUBLIC SESSION** – If requested in accordance with RSA91-A:3

**DATE SPECIFIED CASE(S)**

**September 21, 2020**

- 1) CASE #PL2020-00002 - PAWTUCKET ROAD LANDHOLDINGS, LLC - 32 A & B Valley Hill Road
- 2) Case #PL2020-00012 - Map 24 Lot 12-204 - LOOSIGIAN, Peter& Lisa –8 Foreman Lane

**September 28, 2020**

Case #PL2020-00017 - Map 13 Lot 4-139-26 - BILLINGS, Donovan T. - 9 Collins Way

**ADJOURN**

**MOTION:** (Masse-Quinn/Bilapka) To adjourn the meeting.

**ROLL CALL VOTE:** Mr. Doherty – Yes  
Mr. Bergeron – Yes  
Ms. Kirkpatrick - Yes  
Ms. Masse-Quinn – Yes  
Mr. Thomas – Yes  
Mr. Bilapka - Yes

(6-0-0) The motion carried.

The meeting was adjourned at 9:52pm.

Respectfully submitted,  
Charity A. Landry, Recording Secretary