

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
November 17, 2014

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

The Secretary Paul Dadak called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Tim Doherty, Jason Croteau, Alternate Joseph Passamonte, Alternate Mike Sherman, Selectmen Representative Robert Haverty, Planning Director Jeff Gowan

ABSENT: Paddy Culbert

Mr. McNamara appointed Mr. Sherman to vote in Mr. Culbert's absence.

Mr. McNamara then reviewed the agenda for the present meeting and announced the date specified cases.

OLD BUSINESS

PB Case #PL2014-00029

Map 38 Lot 1-118

JAMES W. PETERSEN, LLC - Sherburne Road – Proposed Lot Line Adjustment, Special Permit for Wetland Conservation District Crossing and 67 Unit Senior Housing Development

Mr. Peter Zohdi and Mr. Shayne Gendron of Herbert Associates, representing the applicant came forward to discuss the proposal. Mr. Zohdi told the Board that they received Keach Nordstrom's (Board's engineering review firm) comments and had in turn been addressing the items. A revised plan has been done and four waiver requests have been submitted for consideration. He spoke of their meeting with the Conservation Commission. The pump house will be located in the basement of the club house. He showed the Wetland Conservation District ('WCD') and noted that pipes had been removed from those areas so there would be less impact. The corner of the detention pond was located in the WCD. Mr. Zohdi said he had to get the drainage to the lowest point of the lot, and if he could, he would push the detention pond up. The current total WCD crossing and impact was approximately 10,000SF less than the previously approved plan. There is no dredge and fill being requested. Mr. Zohdi explained that the problem he couldn't resolve was getting the access driveway in line with the street across the road. He noted the Fire Department preferred the access road, versus cutting through WCD to connect to Litchfield Circle.

Mr. Zohdi discussed the waiver requests. The first was to not require a traffic study. He stated a study had been done years ago, and the traffic on Sherburne Road had not changed. He understood there was a voluntary exaction and they were willing to do so. As to the hydrogeological study, the applicant will be working with the New Hampshire Department of Environmental Services ('DES') –

Water Bureau, therefore, a waiver will be requested to the Town's rules. They are also submitting waiver requests for sidewalks and minimum centerline offset (to road across street). He ended by telling the Board they were in agreement with Mr. Keach's comments.

Mr. Dadak questioned if the traffic study done in past was still valid given that the proposed project was larger than the previously approved project. Mr. Gowan replied the proposal contained more units, but not a dramatic increase. He felt it was reasonable to review the previous traffic study and possibly review new trip generations. The voluntary exaction will be a first step in seeking additional funding from the State regarding the traffic situation.

Mr. Patrick Colburn of Keach Nordstrom came forward to discuss the plan comments submitted by Steve Keach dated November 11, 2014. He was provided with a copy of the revised plan during the meeting and had not had an opportunity to review such. He agreed with Mr. Zohdi's comments. He said Mr. Keach was addressing regulation requirements. However, he was unsure if the traffic study performed years ago would be valid today, but at the same time was unsure if it was necessary. The Board will need to make a determination. As to the hydrogeologic study, Mr. Colburn told the Board Mr. Keach's intent was to not require a separate study or additional work and was instead suggesting when the applicant applies to DES those same materials should also be submitted to the Planning Department. Regarding sidewalks, Mr. Colburn was unsure if the Board could waive the requirement since it was contained in Zoning(Section 307:53-2,C, 8), not the Subdivision Regulations. He believed Mr. Zohdi's point about the minimum centerline offset was a point well taken. Mr. Colburn understood why the street ended where it did; there was constriction by a sizable wetland in between the two proposed streets. Prior to the meeting, he reviewed the situation and pointed the Board direction to the fact that there were two residential driveways situated across from the site and in the middle of the property serving lots 120 & 121. If the applicant was required to relocate the street those two driveways would be in conflict. The street located in Hudson serves four residential properties; he felt the Board should consider the waiver request. Mr. Colburn asked if the infrastructure construction would be phased; if so, they would like to review that phasing plan. Mr. Zohdi replied the new plan showed 'phasing'.

Under the evaluation criteria, Mr. Doherty noted that the Board shall take sidewalks under consideration, the regulation doesn't say sidewalks shall be installed. Mr. Gowan agreed that the language gave the Planning Board the authority to consider those items.

Mr. McNamara asked if there was anything going forward that Keach Nordstrom had to do in terms of engineering review. Mr. Colburn said they would need to review the revised plan to make sure it addressed the comments already provided to the applicant. He said there were no concerns regarding storm water calculations. He was sure the applicant would have already addressed the 'nuts and bolts' type comments.

In Mr. Gowan's review of the Keach Nordstrom letter, he believed the items had been clearly addressed. He asked Mr. Zohdi to send a copy of the old traffic analysis report to the Board. He felt they may need to refresh traffic counts. He noted the by-laws would need to be submitted. Mr. Gowan asked that road names be confirmed so if they need reconsideration by the Highway Safety Committee, it could be done prior to the next meeting.

Mr. McNamara questioned if the Conservation Commission had submitted anything to the Board. Mr. Gowan knew they had walked the site. He said the Conservation Chairman didn't relay any

concerns, other than a couple drainage structures in the WCD. Mr. Dadak could only recall the comment about pulling the retention pond out of the WCD, which Mr. Zohdi indicated he would address.

The Board reviewed the waiver requests.

MOTION: (Montbleau/Croteau) To accept, for consideration the waiver request to Section 12.03 – Traffic Impact Analysis.

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

MOTION: (Montbleau/Croteau) To accept, for consideration the waiver request to Section 11.11 – Water, Wells, On-Site Sewage and Hydrogeological Studies.

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

MOTION: (Montbleau/Croteau) To accept, for consideration the waiver request to 307-53-2,C,8 – Sidewalks.

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

MOTION: (Montbleau/Croteau) To accept, for consideration the waiver request to Appendix I – Roadway Design, BB-25 – Minimum Centerline Offset.

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

Mr. McNamara read aloud a portion of the draft Conservation Commission meeting minutes of October 8, 2014 that outlined the concern with WCD impacts.

Mr. Gowan understood Pennichuck Water would manage the water system. He asked if they would also own it. Mr. Zohdi commented that the owner was negotiating with Pennichuck for ownership.

PUBLIC INPUT

Mr. John Clement, 363 Sherburne Road questioned if water testing would be conducted. Mr. Gowan stated a sustained yield test was needed. Mr. Zohdi discussed the State's requirement to have 125 gallons per day for 2-bedroom units. Mr. Clement asked that his concerns/requests be entered on record. He resides on a private lot, which he felt was being threatened by the proposed project. He wanted to somehow maintain privacy through natural means, such as trees or a berm. His home sits approximately 60ft-70ft. from the property. Mr. McNamara recalled Mr. Clement's home being clearly visible during the site walk. Mr. Clement commented since the 1970's he had access to Long Pond through trails that connected to property in Tyngsboro. He wanted to know if that access could be maintained possibly on the easterly side of the property along a stone wall. He asked the Board

what recourse he had in the event his well was drawn down or ran out of water in the future. Mr. McNamara suggested he document his well's production.

When doing the pump tests, Mr. Zohdi added that DES would survey area lots. He said it was done many years ago and they may do the same process again. He told the Board there was a discussion during the Conservation Commission meeting about adding landscaping near Mr. Clement's house. He noted Mr. Petersen would meet with Mr. Clement to discuss what would be done. Mr. McNamara asked Mr. Zohdi to provide landscape screening information to Keach Nordstrom.

Mr. Gowan asked for the status of the DES well testing. Mr. Zohdi believed in the past DES had approved the well and its location. He told the Board Bruce Lewis was working on the proposed project to have it reapproved by DES. Mr. Gowan suggested that process further along prior to granting a conditional approval.

Mr. Antonio Rosa, 390 Sherburne Road reviewed meeting minutes from previous Board meetings. He referenced July 7, 2008 during which it was determined by DES that the 40-unit project was required to run two wells. He saw that the proposed project would increase the number of units by 67%. His house was adversely affected by water testing in the past; his well dropped over 25ft. Knowing that, he was concerned with the proposed 67 units would cause his well to drop over 40ft. He believed his water level would be greatly depleted. Mr. Rosa hoped testing would be done and wanted his house to be one of those that was monitored. His property is located across the street from the proposed development. Mr. Zohdi stated DES would monitor the surrounding area up to 1,000ft. Mr. Rosa was also concerned about his privacy due to the access roads that basically faced his house. He recalled the previous plan in which NH Transportation required a traffic light. He referred to Board meeting minutes of March 8, 2007 where it was noted that the applicant would pay certain amounts (per unit) for traffic improvements and toward the Senior Center. Mr. McNamara said there would be a set amount per unit that would be collected into a fund set up to study the intersection of Sherburne Road and Mammoth Road. Mr. Gowan clarified that the amounts collected were to create engineered plans for a solution at the intersection. He stated the intersection was an ongoing project and each applicant with development in the Sherburne Road area would be asked for a contribution toward that solution. Mr. Rosa believed there was discussion regarding a traffic light at the project entrance. Mr. Gowan believed there had been conversations about a 'street' light, which was different than a 'traffic' light. The 'street' would illuminate the intersection. Mr. Rosa was very concerned with the traffic at the end of Sherburne Road. He called attention to the Nashua Regional Planning Commission's ('NRPC') traffic data bureau and discussed the vehicle counts at the Sherburne / Mammoth Road intersection. Mr. Gowan replied it was well understood as being a defective intersection. The per unit contribution would go toward doing a plan to decide a solution that the State would approved. He said an engineered design would need to be done. The intersection was not currently on the State's 10-year plan. Mr. Rosa reiterated his concerns: water, privacy and the amount of traffic.

Mr. Dave Silva, 400 Sherburne Road told the Board he was located across from the proposed development. He stated his well had been affected by the testing in the past and recalled there were two wells the State wanted monitored for two years after the development was completed. Mr. Silva commented that Mr. Petersen had been good about addressing his privacy issue with a berm. He wanted to know what recourse he had in the event his well dried up. Currently his well was 800ft. deep, but it was unknown how many feet of water it actually contained. Mr. McNamara replied water was an inexact science and difficult to prove a cause and effect. DES will do a survey and

conduct a draw down test to document any problems. If DES is satisfied that the system can function as engineered as proposed for the set number of units, the project will then move forward. Mr. Silva was concerned for what recourse he had in the event his well went dry after the project was allowed to move forward based on DES approval. The recourse would be a civil matter. Mr. McNamara explained that the testing would include a sustained water draw down over a period of time. Mr. Zohdi believed it would be a 72 hour test. Neighboring wells would be monitored throughout the process. If the testing is found to be in accordance with the State's rules and regulations the development receives a permit.

Mr. Gowan questioned if there was a specific time of year DES conducted draw down tests. Mr. Zohdi replied they were done during any time during the year. He added Pennichuck would also do their own testing.

Mr. McNamara believed the plan still needed engineering review of the revised plan. Pending the outcome of that review, he believed the plan would be ready for the Board to take action on an approval at the next meeting. Mr. Gowan added they may need to revisit road names with the Highway Safety Committee. He asked if the plan had been reviewed/signed off by the Fire Department. Mr. Zohdi stated approximately one year ago there was a meeting at the Fire Department with the Chief, Fire Inspector and Mr. Gowan to discuss the plan. A decision was made by Mr. Petersen to sprinkle the units. Mr. Zohdi didn't have any documentation from the Fire Department, but will ensure a plan set is provided to them. Mr. Gowan believed having the units sprinkled would resolve the Fire Department's concerns. Mr. Zohdi recalled concern regarding access that was resolved by Mr. Petersen purchasing additional property and creating a second access to Sherburne Road. It was noted DOT had not yet signed off on the proposed curb cuts. Mr. Zohdi understood that the plan would not be 'signed off' until all local and State permits were in place.

Mr. Gowan asked that a draft of the homeowner's documents be submitted for review/sign off by Town Counsel.

The plan was date specified to the December 15, 2014 meeting.

PB Case #PL2014-00025

Map 16 Lots 8-41 & 8-41-1

ROBERT EDWARDS, SR. TRUSTEE - 703, 713 & 715 Bridge Street – Proposed Lot Line Adjustment

Mr. McNamara informed that the applicant requested date specification to a later meeting as they are seeking zoning relief. The case was date specified to the December 15, 2014 meeting.

PB Case#PL2014-00032

Map 28 Lot 2-12-3

MAMMOTH FIRE ALARMS REALTY TRUST - 112 Marsh Road - Applicant is seeking to make a change to a plan that was approved July 21, 1997 (Recorded Plan #28882). The plan shows the Wetland Conservation District buffer increased from 50ft. to 75ft. The applicant requests that the setback be changed back to 50ft. to enable the owners to construct an addition on an existing garage.

Mr. Shayne Gendron of Herbert Associates, representing the applicant, came forward to discuss the proposed plan. He stated since the site walk was conducted, they met with the Conservation Commission to review any concerns. It was evident that the wetland has beaver activity. Mr. Gendron spent time with Delahunty Nursery to discuss a planting schedule and determine tree and shrub specimens that may not be as attractive to beaver species. A recommended plant listing was created of species that are not preferred food for beavers. A small buffer (mixture of plantings) has been proposed in the area where gravel was located. The gravel area will be taken out and replaced with plantings, loam and seed around the proposed addition, which would be located 58ft. from the edge of wetlands within the zoning setback. Disturbance was obvious, but not ill intended by the owner.

Mr. McNamara questioned how the garage would be accessed and if the Wetland Conservation District ('WCD') would be used to do so. Mr. Gendron answered no; they proposed a garage door (on the northwesterly side) where a driveway was located. They were not proposing going further back toward the WCD. He displayed a plan showing the location of the plantings being discussed and told the Board they would work with them regarding such.

Mr. McNamara read aloud a portion of the Conservation Commission's meeting minutes of November 12, 2014. Mr. Gendron provided the Board with a copy of an easement deed granted to Palmer Gas and believed locating the propane tank was their mistake. Moving the propane tank out of the WCD would create more disturbances. In the event of a propane leak, surface and/or ground water would not be contaminated. Any problem with the tank would be an issue for Palmer Gas, not the owner of the property. Mr. McNamara questioned who used the tank. Mr. Gendron replied the owner used the tank to heat his home, but the tank was installed/owned by Palmer Gas. Mr. Haverty responded by saying it was a homeowner's responsibility to know the location of a WCD and where things could be installed on their property. He felt the argument being made about the tank's location was ridiculous. Mr. Gowan noted the Planning Department didn't issue permits for tank locations; meaning there was no opportunity for either himself or his staff to determine a location. He said the propane permits were signed off by the Fire Department who were not the stewards of the WCD. Mr. Gowan pointed out that the Planning Board couldn't grant relief for any disturbances within 50ft. of the WCD; that type of review/approval would need to come from the Zoning Board.

Mr. Montbleau commented he recently had a propane tank installed at his home and the propane company chose the location. He asked if the propane tank on the applicant's property was installed when the house was constructed. Mr. Dadak didn't feel there was a valid argument about the tank placement given that the owner suggested an increased buffer to WCD when constructing their garage. Mr. Doherty said when conducting the site walk his first thought was there was a pond behind the house. He didn't see any wetland behind the property. He asked where the actual wetland was located on the property. Mr. Zohdi replied it was located at the edge of the pond. Mr. Doherty didn't notice the actual wetland and questioned its size. Mr. Zohdi replied the regulations state hydric A soil is wetland. Mr. Doherty understood this to mean the pond itself was the wetland. Mr. Zohdi commented that most people didn't know about WCD. The applicant became aware of it when speaking to Mr. Gowan about obtaining a certified foundation location. He said there are certain things that were allowed by Special Permit (such as utility and pipelines). He understood from Mr. Gowan that there were some violations that needed to be addressed. Mr. Zohdi told the Board he would first like consideration of the WCD distance and would return to request a Special Permit.

Mr. McNamara heard the different perspectives of how and why the tank was located. He felt the point was the tank was there and had to be remedied either by way of variance request or relocation. Mr. Gowan stated the Board had the authority to grant a Special Permit. However, the Conservation Commission comments were valid. He felt it reasonable to consider resolution of WCD infractions. The question for the Board to address was the WCD buffer of 50ft. or 75ft. He didn't notice the propane tank during the site walk.

Mr. Doherty saw the tank when conducting the site walk, which was not in the location of the proposed addition.

Mr. Haverty noted the house was sold to the applicant in 1997; the tank was installed in 2001. Mr. Montbleau questioned if the tank serviced the house or the garage. Mr. Haverty didn't feel it made a difference. Mr. Gendron was unsure; he knew it serviced the applicant's property. Mr. Sherman felt even if a person didn't know what a WCD was, a reasonable person would have pause to bury a tank so close to a body of water.

Mr. McNamara wanted to know if Mr. Zohdi wanted to continue or withdraw the matter until such time there was resolution from the Conservation Commission. Mr. Zohdi asked for an agreement about the 50ft. WCD; after which, he understood the violation would need resolution. Mr. McNamara saw a problem with the fact there was an existing violation and the Board was being asked to lessen that violation. Mr. Haverty wanted to see the applicant address the existing violations and receive a letter indicating such from the Conservation Commission. He would not vote to approve anything until the existing violations had been remediated.

Mr. Zohdi asked to be continued to the Board's second meeting in January, 2015.

Mr. Montbleau believed the location of the gas tank was a surprise to the Board. He didn't see it during the site walk. Also, he received the Conservation Commission's report during the present meeting that spoke of concerns for chemicals, oil etc. draining into the pond. Having his own automotive facility in Massachusetts, Mr. Montbleau is very sensitive to those issues. He looked carefully but didn't see any stains on the hot top or chemical residue from runoff. He'd be hard pressed to report there had been any negligence behind the garage area. He understood the tank was another topic and asked what other violations were being cited. Mr. McNamara replied there were plantings and storage of a boat in WCD. Mr. Gowan believed the plan showed good beginning to deal with prior infractions. It appeared to him that an effort had started; it needed to be more robust. Mr. Gowan called the Board's attention to the fact that the 75ft. voluntary buffer was along several pieces of property. If the Board grants a reduction, he felt it was likely/reasonable to expect there may be other applications that came forward. He noted having inconsistent buffers creates enforcement challenges.

Mr. Montbleau commented that the regulations call for a 50ft. buffer; everyone in the Town is held at 50ft. Mr. McNamara noted the 75ft. buffer was self-imposed. Mr. Montbleau agreed with Mr. Gowan about the difficulty of having two sets of regulations. Mr. Haverty stated the 75ft. buffer was a condition of approval for the original plan. Mr. Sherman wasn't on the Board at the time of approval, but in speaking with the Conservation Chairman learned in the past the State had a 100ft. protection. Given that the Town was looking at possibly making the area a prime wetland, the owner agreed to a 75ft. buffer not knowing if the wetland would be designated as a prime wetland. Mr. Doherty noted the 75ft. buffer was brought up at the last meeting and with the Conservation

Commission. He felt the buffer should be reduced to 50ft. since the State reduced their requirement for prime wetlands to have a 50ft. buffer. Mr. Gowan stated the area was never recognized as a prime wetland. He pointed out that the State didn't distinguish between prime and regular wetlands. The State doesn't have a buffer to wetlands except for prime wetlands. It was the Town's requirement to have a wetland buffer.

PUBLIC INPUT

Robert Rhoda Cavanaugh, 114 Marsh Road voiced their concerns to the Board. He was opposed to any change to the 75ft. buffer and proposed addition. His wife noticed a discrepancy in the lot number listed on the meeting notification; the applicant's lot is Map 28 Lot 2-12-3. He told the Board there were two propane tanks on the property. There was one tank that serviced the house (located in the front of the lot); the tank within the 50ft. buffer serviced the garage. Mr. Cavanaugh believed any change to the 75ft. setback would move the line on the map and increase the environmental impacts. He noted there was a wildlife corridor located to the rear of his property. He spoke to the asphalt to the rear of the building. Originally there were 5-6 garage doors facing northeast toward the high school. The owner pulled a permit and installed an in-ground swimming pool. In 2004 the garage building underwent a major renovation; all the doors were walled off except for the last one closest to the wetland where Mr. Cavanaugh believed repair work was being done. Doing so negated all access to that side of the building and the access facing Marsh Road was opened to enter the show room. Asphalt (barely a car width wide) ran along the outside of the garage along Mr. Cavanaugh's lot line toward the back of the lot to the wetland area. He witnessed vehicles being pressure washed in the rear of the lot. The asphalt is pitched away from the building making it so any runoff of cleaning products flowed off the asphalt into the ground water. That ground water fed into the aquifer that serviced his home. Mr. Cavanaugh pointed out there were over twenty five vehicles in the fleet, not including the daily drivers. He had a print out from the owner's website listing the vehicles. He stated cars were being shuttled back and forth from the property all the time. The garage already contained a lift, compressor and power washer. He was concerned about the use of the proposed addition and what activity would occur.

Mr. Cavanaugh referenced a document he printed from the NH.gov website and spoke of his concern for a business being conducted within a residential zone. As of December 9, 2011 there was a formation of a limited liability company named RCC Classics at 112 Marsh Road. The nature of the primary business was listed as buying, owning, leasing, selling and trading classic collectible automobiles. Mr. Cavanaugh stated the vehicles could be called anything, they were used cars. The location was in a residential zone. He pointed out that the automotive/used car dealers along Bridge Street had maintenance bays and had to follow strict environmental guidelines set forth by various State and federal agencies along with the EPA and DES. He was very concerned with the activities on the applicant's lot. Mr. Cavanaugh drew attention to a pamphlet available to the public in the Planning Department that lists things not to do in a WCD. He noted each of the items had been violated not only in the 75ft. buffer but also in the 50ft. buffer.

Mr. Gowan wasn't aware that an LLC had been set up. He stated that the applicant owned all the vehicles; there was nothing in the regulations that prohibited a collector of antique automobiles. He believed all the vehicles were registered. He said whether or not there was a business operating on the property would hinge on whether or not cars not owned by the property owner were serviced

The plan was date specified to the Thursday, January 22, 2015 meeting.

PB Case #PL2014-00026

Map 35 Lot 10-193 & Map 36 Lot 10-191-1

GREEN, Richard; GREEN & COMPANY – 1-5 Garland Lane – Proposed 46-Lot Conservation Subdivision (*Special Permit for Yield Plan and 20% Density Offset of 7 lots was granted on July 7, 2014*)

Mr. McNamara informed that the applicant requested date specification to allow for additional preparation time. The case was date specified to the December 15, 2014 meeting.

NEW BUSINESS

PB Case #PL2014-00034

Map 40 Lot 6-185-14

NIETUPSKI, ETAL - 76 Patriot Drive - Applicant seeks to subdivide lot to: A) Create a 1 acre single family house lot; B) Create a right-of-way to lot 39-6-183; C) Establish easements on lot 6-185-16 for the future right-of-way; D) Remaining land area of lot 40-6-185-14 to be combined with lot 39-6-183.

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. For disclosure, Mr. Haverty stated he was a resident of Patriot Drive; however, he wasn't an abutter and didn't know the applicant and had no interest in the case. Mr. McNamara asked Mr. Haverty if he could render an objective opinion. Mr. Haverty answered yes. There were no objections to Mr. Haverty remaining seated and voting regarding the case.

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the proposal. Primarily there is a 1.85 acre lot owned by the Nietupski family that fell near the center of a larger tract owned by the family (known as Map 39 Lot 6-183). The larger tract ran out toward the Marsh Road/Mammoth Road area. There is a wetland area that bisects the front acreage with the rear portion. The family would like to create a right-of-way into the property to have the potential for subdivision (of the rear acreage) in the future and access Patriot Drive. Mr. Maynard said they were taking the lot and creating a street that would not be continued until such time that a future subdivision occurred. The 1.85 acres would be reduced to a one acre building lot with a portion becoming the street right-of-way and the remaining area would be incorporated in the larger tract. A waiver has been requested that would allow the buildable area to be 75ftx200ft.

For clarity, Mr. McNamara confirmed that the waiver for lot shape applied to lot 185-14. Mr. Maynard answered yes.

To better understand how the parcel could be subdivided, Mr. Sherman questioned the size of the back lot and how much was high and dry area. At this point, Mr. Maynard said it would be a guess given that the property hadn't been surveyed and wetlands haven't been formally identified. He believed there may be a twenty acre area between the wetlands and flood plain areas. The guess was a subdivision may accommodate 10-15 lots.

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

Mr. Gowan questioned if the roadway would be constructed. Mr. Maynard replied they were proposing to construct the sliver area of the street. He noted they wouldn't have legal frontage for the proposed lot unless they constructed the frontage of road. The applicant had no objection (through condition of approval) to being responsible for that section of road until such time as it was extended. Mr. Gowan commented that a street couldn't be built without an engineered plan. Mr. Maynard answered that the plans had been engineered for that purpose. They had a preliminary conversation with Steve Keach of Keach Nordstrom (Board's engineering review firm) about the proposal. As an outcome of that discussion a letter regarding drainage was included in the original application package. Mr. Maynard told the Board Mr. Keach had no issue until the road was connected; for practicality, Mr. Keach requested two catch basins be constructed near the front of the lot and tied into the street drainage system. They fully anticipated an inspection process when the road was constructed. Mr. Maynard wanted to know about bonding requirements since the applicants would be constructing the road by themselves.

Mr. Gowan reviewed the proposed plan to understand what the applicant was proposing to build. Mr. Maynard explained they would provide an easement for a road to be constructed to include a turn around. Being that the road would only service one house lot at present, they felt it made sense to construct a hammer head at this point in time not a formal cul-de-sac. Mr. Gowan commented that a detailed plan would need to be reviewed by Mr. Keach in advance of any road construction. Mr. Maynard understood and had included appropriate details on the plan set to indicate the road would be built per Town standards.

Mr. Doherty asked if the future road would have proper sight distance. Mr. Maynard replied they had more sight distance than the Town required in both directions. Mr. Doherty questioned if a waiver was needed for the well radius crossing onto Lot 6-185-14. Mr. Maynard explained that the applicant owned the abutting lot and the radius currently extended over the lot as a pre-existing non-conforming situation. He wasn't thinking he needed a waiver, but would consider one if necessary.

Mr. Gowan recommended any approval be subject to receipt of a letter from Mr. Keach indicating satisfaction that there is sufficient detail for the road design and that it could be built. He noted when roads are built there were typically drainage issues that would need resolution. Mr. Maynard explained it would be a curbed road up to a certain point given that the applicant owned the acreage in the rear of the lot being discussed. The soils in the area are all sand and gravel; for the amount of road that would drain, it would infiltrate within their own property. He didn't feel there was enough road to be built that would be of any issue. Mr. Gowan saw that the proposed road would be 24ft. wide; therefore requiring a waiver from the required 26ft. width.

Mr. Doherty confirmed that the lot pitched away from Patriot Drive. Mr. Maynard noted there was small stretch that drained near Patriot; however, it was a negligible amount so basins would be added to capture any water draining back. A calculation was done for the pipe work to confirm the small amount of drainage would be captured.

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

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

The Board then addressed the waiver requests.

MOTION: (Haverty/Montbleau) To accept, for consideration, the waiver request to Section 11.04,C,1 – lot shape design standards to allow 75ft.x200ft.

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

MOTION: (Dadak/Montbleau) To approve the waiver request to Section 11.04,C,1 – lot shape design standards to allow 75ft.x200ft.

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

Mr. Maynard missed the fact that the road being 24ft wide required a waiver. He commented if the Board preferred to have the road at 26ft. given the possible future connection, he would revise the plan to widen the road. Mr. McNamara believed it made sense to revise the road width to be 26ft.

MOTION: (Doherty/Dadak) To approve the subdivision plan, subject to a letter from Keach Nordstrom indicating their satisfaction with the plan and roadway design.

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

PB Case #PL2014-00035

Map 40 Lots 6-160 & 160-1

LAVOIE, Patricia (owner) / PAQUETTE, Steven (applicant) - end of Hildreth Street, Dracut, MA / Pelham, NH line – Proposed lot line adjustment.

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. Steven Paquette came forward to discuss the proposed lot line adjustment. He discussed the lot location as being at the end of Hildreth Street. The proposed lot was one of many owned by the Lavoie family; most of which was pasture land. He signed an agreement to purchase a portion of that property. Mr. Paquette added for a number of years his daughters had horses on the property. The lot line adjustment would create a lot of land containing approximately three acres. He met with the Highway Safety Committee ('HSC') in April, 2014. The HSC asked Mr. Paquette to acknowledge there would be not school bus transportation in that location. He told the Board he had no objection acknowledging this fact. He stated that the Fire Department wanted to verify a hydrant was within 1,000ft. He told the Board there was a fire hydrant within approximately 300ft.-400ft.

Mr. Paquette stated he had met with the Zoning Board of Adjustment on October 16, 2014 to seek a variance to allow construction of a two-family home within the industrial zone. That variance was granted (Case #ZO2014-00023).

Mr. Doherty questioned if there had been any discussion during the Zoning Board hearing about constructing a residence within an industrial zone. Mr. Paquette displayed an aerial photograph of the location. He pointed

out the surrounding area was overwhelmingly residential; there was no industrial use anywhere near the property. He briefly discussed the history of the area. Mr. Gowan added that no other use of the property made sense, other than residential.

Mr. McNamara read aloud the HSC letter dated April 24, 2014. He then opened the hearing to public input. No one came forward.

Mr. Gowan stated if the lot line adjustment was approved, the applicant would need to meet with the Board of Selectmen prior to construction (at the time building permits were being requested).

MOTION: (Montbleau/Doherty) To approve the proposed lot line adjustment.

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

DATE SPECIFIED PLAN(S) -

December 15, 2014:

PB Case #PL2014-00029 - Map 38 Lot 1-118 - JAMES W. PETERSEN, LLC - Sherburne Road

PB Case #PL2014-00025 - Map 16 Lots 8-41 & 8-41-1 - ROBERT EDWARDS, SR. TRUSTEE - 703, 713 & 715 Bridge Street

PB Case #PL2014-00026 - Map 35 Lot 10-193 & Map 36 Lot 10-191-1 - GREEN, Richard; GREEN & COMPANY – 1-5 Garland Lane

January 22, 2015:

PB Case#PL2014-00032 - Map 28 Lot 2-12-3 - MAMMOTH FIRE ALARMS REALTY TRUST - 112 Marsh Road

MINUTES REVIEW

MOTION: (Montbleau/Doherty) To approve the meeting minutes of November 3, 2014 as written.

VOTE: (4-0-3) The motion carried. Mr. McNamara, Mr. Croteau and Mr. Sherman abstained as they were not present for the meeting being reviewed.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:07pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary