

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD MEETING**  
**March 17, 2014**

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

The Secretary Paul Dadak called roll:

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

ABSENT: Roger Montbleau, Paddy Culbert, Alternate Mike Sherman

Mr. McNamara appointed Mr. Passamonte to vote.

**OLD BUSINESS**

**PB Case #PL2013-00026**

**Map 14 Lot 3-81 - 61A NASHUA ROAD LANDHOLDINGS, LLC c/o Robert Peterson -  
61A Nashua Road - Applicant is seeking Site Plan Review to permit the construction of a  
proposed 40-unit Senior Housing Development**

Mr. Gowan told the Board he attended a meeting Friday, March 7, 2014 with Mr. Dubay, Mr. Peterson and Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) to receive an update on the project modifications that occurred since the last Board meeting. Prior to the next hearing of the case the applicant will provide an updated plan to Mr. Keach for review.

Mr. Karl Dubay of Dubay Group, representing the applicant, came forward to discuss the proposal. Also present was Bob Peterson property owner of Map 14 Lot 3-81 located at 61A Nashua Road. Mr. Dubay said they had taken the Board's comments and abutter issues to heart and worked with Mr. Gowan and Mr. Keach to integrate those items into the site plan. He noted that the project would be served by Pennichuck Water including full hydrants and sprinkled. The driveways will be pervious brick and have been expanded in depth and be wide enough to fit two cars. A lot of the units have been integrated into a four-car parking format (two inside the garage and two outside). The pavement throughout the project has been widened to allow for full-width walkways and strengthened shoulders to accommodate extra parking. Mr. Dubay told the Board that they were in full design in septic. They have done another round of test pits and percolation tests. The results were very good. He noted that the State allowed for a reduced flow rate for elderly development; however they were designing the project to the full two-bedroom market rate. The septic fields will have fully separated reserve areas to allow for more septic capacity that will meet Town and State criteria. The reserve areas are pre-designed to ensure they fit in with all the design criteria.

In regard to drainage, Mr. Dubay said the pervious driveways and unit recharge would create a low impact development bid package that meets the Agency of Transportation ('AOT') criteria. They will continue to work through those items.

Mr. Doherty questioned if the driveways would be pervious, or impervious. Mr. Dubay said they would be pervious so water could flow in between the bricks. These would be done with the full AOT design package for the materials underneath and separation of those bricks.

Mr. Dubay told the Board they were working on grading so they could provide more privacy to the abutting perimeter. They've eliminated the lower level of the units that had a walk up from the garage. All units, except for two, are at level. He said they wanted the development to look good and feel good. He described the details included in the project that would help accomplish this. A pavilion and pergola have been integrated into the center of the loops to provide pedestrians with destination. Each house provides a porch on the front to encourage the social interaction of residents. Based on phone calls being received, Mr. Dubay felt the project would be a success.

Mr. Croteau arrived.

Mr. Dubay referenced the plan sheet that showed meadow areas ('community greens') being integrated into the amenity loop. He discussed the function of having the pergola and pavilion and how the design was done to invite people to use those amenities for social interaction. Mr. Dubay said they are continuing to work on the plan, which will end up being a large plan set to show all the engineering details. He said Mr. Gowan had been very supportive and Mr. Keach was guiding them to make sure details were done.

Mr. Dadak questioned what type of plantings were proposed for the perimeter buffer. Mr. Dubay said it would be a combination of the natural upper and lower story vegetation along with supplements as needed. They would like a functional buffer and having yet gone to a final landscape design. Mr. Gowan pointed out the land had a natural rise (plateau) behind the units. He said they would cut into the hill to do the development and make it a flat area. Mr. Dubay said the back slope would have a 2:1 cut. The driveways will be flat and the houses will be at grade. With regard to the pervious pavers, Mr. Dadak wanted to know if there was a maintenance system that had to be followed to ensure it would remain functional. Mr. Dubay said they would have an operation maintenance plan. He said they worked hard with Mr. Keach to come up with the design. He explained the function of the brick paver system, which was more expensive than using pervious pavement, but easier to maintain. There is an underdrain system connected to lid dishes throughout the site. Vendors were being sought for the particular brick type to be used.

Mr. Doherty had seen both types of pavement systems. He said the pervious pavement plugged up and wouldn't be nearly as good as pervious pavers. He noted as pervious pavement got old, people had a tendency to go over it with regular pavement. However, the bricks would hold up for years and not require much maintenance and could be reset.

Mr. Gowan asked Mr. Dubay to provide additional information regarding the 'dish' drainage system and how runoff would be captured in multiple locations within the property. He also asked for a brief explanation about the driveway slope into the project would be handled in terms of capturing runoff. Mr. Dubay stated that the site had excellent soils. A standard system would have runoff collect into one spot for holding. With the proposed development the AOT uses low impact regulations to get the rain into the soil as immediately as possible. In between each of the houses and driveways and within the landscaped areas they will use landscaped depressions ('dishes') that have a gradation material underneath to accept water captured from drainage.

Each of the dishes are interconnected with perforated pipe and crushed stone so the whole system will disperse any water that gets into it. They wanted to have as much wooded area as possible to accept rain water.

Mr. Dubay told the Board because the main access road approached the maximum grade of 10% so they will use curbing and catch basins. He commented that they were accepting more water at the top of the site than they had to, but by intercepting the water and getting it into the ground quicker, they made up for the driveway slope. Using the AOT and Town criteria, along with review by Keach Nordstrom, they had to over design at the top of the slope to make sure they had the capacity for the road that lead to the main road.

The hearing was opened for public input. No one stepped forward to offer comment.

Mr. Dubay discussed the time frame for returning in front of the Board.

The plan was date specified to the April 21, 2014 meeting.

## **NEW BUSINESS**

### **PB Case #PL2014-00003**

#### **Map 35 Lot 10-325 - ENB PROPERTY MANAGEMENT, LLC - 96 Bridge Street - Site Plan Review for a Change of Use from a daycare center to two-bedroom residential rental 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.

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the proposed change-of-use. He told the Board the property had a structure that dated back to the late 1960's/early 1970's. The structure was originally constructed as a single-family dwelling, but for approximately thirty years was used as a daycare center. Presently the daycare center has moved on and the owner would like to come up with a use for the building. Mr. Maynard said he previously came in to the Board to discuss the property next door that had a commercial aspect and associated home. During those discussions they asked the Board for the ability to utilize space within the building for a rental. Similar to that case, the applicant would like to re-utilize the existing building for two, 2-bedroom apartments. The property has a septic design that dates back to 1999 that goes along with the installation of the existing system (600 gallons per day). That system went along with the daycare center associated with the building at that time and would be good for the proposed two 2-bedroom units. Mr. Maynard did an inspection of the system, which appeared to be functioning properly and observed no issues. The septic loading would not be expanded. It was noted that the property had been vacant for 1.5 – 2 years.

Mr. Gowan understood the applicant's request and advised Mr. Maynard he had to make sure that the septic capacity had enough to handle the proposed use. He said the use was allowed within the district. The Board would need to decide upon the change-of-use. The application was put in front of the Board to ensure it went through the process to their satisfaction.

Mr. Dadak asked if the proposed units would be for rent or condominium ownership. Mr. Maynard stated the units would be for rent, not condominium.

**MOTION:** (Passamonte/Croteau) To accept the Site Plan for consideration.

**VOTE:** (6-0-0) The motion carried.

The hearing was opened for public input. No one stepped forward to offer comment.

Mr. Doherty understood the proposed use. He stated he wouldn't want to see the building turned into a duplex to be sold later as a condominium. He said it was being retrofitted to be apartments under one ownership. Mr. Gowan noted that the Board stayed out of the ownership aspect. To change the ownership to a condominium the owner would need to come back to the Board. He noted that the building was within the commercial district where multi-family dwellings were allowed; however, the proposed was for two 2-bedroom units. Mr. Maynard said there were no plans to make the building into a condominium.

Mr. McNamara asked for the lot size. Mr. Maynard replied the lot was just under one acre.

**MOTION:** (Croteau/Doherty) To approve the Site Plan (for a change of use).

**VOTE:** (6-0-0) The motion carried.

**PB Case #PL2014-00004**

**Map 30 Lot 11-335 & Map 23 Lot 11-352 - CONSTANT, Daniel & Debra – Springdale Lane - Proposed Lot Line Adjustment between the two subject parcels**

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. Doherty told the Board he was not an abutter, but noticed a lot of his neighbor's names listed. He didn't know the applicant. He asked if anyone on the Board wanted him to step down. Mr. McNamara asked Mr. Doherty if he could render a fair decision. Mr. Doherty stated he could be impartial with any decision. There was no objection raised by Board members to Mr. Doherty remaining seated as a voting member.

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the proposed lot line adjustment. He told the Board approximately one year ago the Constant family purchased a number of lots in the area. Two lots were being brought forward; the first being a vacant lot containing approximately 2.89 acres and the second being approximately .14 acres that had an existing (camp) dwelling. The camp sits close to the water. Mr. Maynard said the owner would like to remove the camp and build a new home on the lake side lot of the property. In order to do so, they would like to take a sliver of their abutting lot and attach it to the house lot. Ultimately, the 2.89 acre lot would reduce to approximately 2.2 acres and the camp lot would increase to approximately .82 acres in size. A survey was done on the property in 2012; no wetlands were identified. There were no concerns regarding wetlands or the Wetland Conservation District.

Mr. McNamara didn't see a formal decision, but understood Mr. Gowan (as Zoning Administrator) made an informal decision that the application didn't need approval from the Zoning Board of Adjustment even though an undersized lot was being used to create another undersized lot. Mr. Gowan replied technically, the non-conforming lot would remain a non-conforming lot. The proposed lot line adjustment wouldn't create a non-conforming lot, instead it would make a non-conforming lot more conforming than it would have been. He said zoning relief may be needed to actually build a structure. He suggested another option may be to make the lot one acre. Mr. Maynard said he spoke with his client about creating a one acre lot; however because of the way the land laid out and the manner in which the owner wanted to situate a home, it didn't equal the full acre. His client was aware that the substandard lot may require zoning relief. He noted that the proposed size of the lot was bigger than others in the area. He further noted it would meet the Town's Article K, the State's rules for the septic system and would meet dimensional relief. He said possibly the only thing they would request was construction on a substandard lot under an acre in size.

Mr. Doherty pointed out even if the lot contained one acre, it would remain non-conforming because it wasn't on a Town road and would never be. Because of this he didn't feel the applicant needed to be encouraged to have a full acre.

**MOTION:** (Dadak/Croteau) To accept the lot line for consideration.

**VOTE:** (6-0-0) The motion carried.

The hearing was opened for public input.

Mr. Eric Tiechert of Tiechert Family Trust questioned why someone would build something non-conforming and what was needed to make it conforming. Mr. McNamara believed variance relief would be needed from the Zoning Board to build since it was an undersized lot and because it wasn't on a Town road. Mr. Gowan said it may not if the structure stayed within the same footprint; however, that didn't sound like what the owner planned. He said the applicant would need to seek a variance to expand the structure on a non-conforming lot. Mr. Tiechert asked if the applicant needed the lot line adjustment prior to applying for a variance. Mr. McNamara understood that the applicant had come to the Board because the building being contemplated wouldn't fit into the existing lot. He told Mr. Tiechert there were two different Town boards that would handle the specific requests.

Mr. Doherty pointed out the lot didn't contain the required 200ft. of frontage and wouldn't ever be a conforming lot.

**MOTION:** (Dadak/Haverty) To approve the lot line adjustment.

**VOTE:** (6-0-0) The motion carried.

**PB Case #PL2014-00005**

**Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street - Proposed 8 Lot Conservation Subdivision and Seeking a Special Permit to construct a road through the Wetland Conservation District**

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. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the proposed conservation subdivision. The lot contains approximately 10.32 acres zoned residential. Currently the land is improved with an older home existing at Bridge Street that is under a number of variances and a three-family component. Mr. Maynard described the topography, which was gentle slopes and had a small, poorly drained soil area located in the middle of the property. The entire wetland complex was approximately 30,000SF in size.

Mr. Maynard told the Board they had submitted a yield plan for a seven lot conventional subdivision containing approximately 1300ft. of road (including the area around the cul-de-sac). To do a conventional subdivision a small dredge and fill would be required to meet the Town's roadway geometry standards; the impact for which would be approximately 37,000SF. Also they would need a Wetland Conservation District ('WCD') permit request to allow the road and right-of-way to cross it. The total impact to the WCD (including the wetland area) would be approximately 19,000SF. A plan was submitted to the Board showing that all the lots meet the one-acre minimum and contain a 150ftx100ft. building block. Each well radius meets the Town's required setbacks. A plan profile was provided to show how the road grades would work in order to come into the land. The road grades for the conventional plan range from 1% - 4%. The caveat would be the need to stagger the road across from St. Margaret's Drive because the lot yield to get to the seven lots doesn't make it feasible to tear down portions of the existing house. The plan shows they've managed to offset the road and maintain the required setback.

Ultimately, Mr. Maynard explained they would like to create an open space subdivision. He said in doing so they are requesting a one lot density bonus. The applicant was willing to make the road within the project a private road with no associated maintenance or ownership by the Town. In doing a private road they would look to reduce pavement width to 14ft and have a turn off at the half way point for emergency responders. A paved center cul-de-sac would be maintained within the property. The dredge and fill request would be eliminated and the WCD impact reduced to approximately 1500SF with a conservation subdivision. All lots within the conservation subdivision would have individual wells; they would request waivers for some of the radiuses going over lot lines. These radiuses will overlap or go into the conservation area associated with the project. By doing the conservation subdivision with the bonus yield for the additional lot, it would make the project more feasible to raze a portion of the old house. The only portion of the house they would look to maintain would be the portion to the rear of the home ('barn'). A variance would still be needed to keep that portion of the house. The open space requirement will be at about 43%.

Mr. Gowan believed the plan was able to be accepted for consideration. He said the applicant would need to meet with the Conservation Commission. Steve Keach of Keach Nordstrom (Board's engineering review firm) needs to confirm that the yield plan was reasonable. He said

the road width will need to be reviewed to meet National Fire Protection Association standards. The Fire Department will need to review the plans and cistern location(s).

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

**VOTE:** (6-0-0) The motion carried.

Mr. McNamara questioned if sight distance calculations had been done for either the conventional or conservation development. Mr. Maynard had done a preliminary evaluation of both locations and felt he met the Department of Transportation ('DOT') standards. Mr. McNamara felt the Town's Highway Safety Committee should respond to the proposed road access location. Mr. Gowan recalled the DOT liked roads to align as long as sight distance and other issues were resolved. Mr. McNamara confirmed that Mr. Maynard said the conventional plan would have a total wetland and WCD impact of 19,000SF. Mr. Maynard answered yes. Mr. McNamara understood the impact would be reduced to 5,500SF under a conservation development. Mr. Maynard said he would no longer need a wetland impact; it would just be a WCD impact.

The hearing was opened for public input. Mr. McNamara informed that the matter would likely go on for several months, given that the proposal was in the preliminary stage. He said there would be other opportunities for people to speak.

Mr. Mark Godin, 5 Wellesley Drive told the Board his lot was adjacent to the wet area that currently drained onto his property. He was concerned of having more of a problem with the addition of pavement and roof runoff. He informed all of Wellesley Drive was very wet. Mr. McNamara said the Board would address the water. Mr. Godin asked that the Board request engineering to ensure his lot wouldn't flood. Mr. McNamara said the Board's engineer was good and they had confidence in him. He believed the engineer was also familiar with the area.

Ms. Brenda Godin, 5 Wellesley Drive came forward to speak on behalf of Donald and Assunta DiFranco of 9 Wellesley Drive who were unable to attend the meeting. They are concerned about their private well being contaminated from the build site. They were also concerned about contamination and an increase in water flow from runoff that goes into a ditch beside their home. The DiFrancos noted concern for the forest land and wanted to know if an environmental assessment had been done by a certified wetland scientist (i.e. Gove Environmental). It was noted there is a lot containing conservation area markers that was in close proximity to the land being discussed. Ms. Godin questioned if the conservation district would apply to the applicant's lot. Mr. McNamara replied they were two separate developments; however, the applicant will need to go in front of the Conservation Commission who will provide comment back to the Planning Board.

Mr. Maynard told the Board that they had Blue Moon Environmental map the wetlands and conduct preliminary soils work on the property. They were working to have the open space in the proposed development match the open space in the development behind them to create an unfragmented block. He said with the size of the development and given the close distance to Route 38 and the fact that there was a good portion of the lot cleared, they didn't feel it was necessary to do an assessment. Mr. McNamara reiterated that the Board would receive comment back from the Conservation Commission. If appropriate, a site walk would be conducted and the

public invited to attend. Ms. Godin felt a site walk in late April might be appropriate so the Board could see the water runoff. She told the Board there was a culvert/ditch along the front of every property lot line that flowed strongly in the Spring until mid-June. Mr. Maynard said they had preliminary ideas for how drainage would be handled, but needed a decision from the Board for which development was preferred.

There was a brief discussion regarding the process going forward. Mr. Maynard would attempt to be on the April 9<sup>th</sup> Conservation Commission agenda.

The plan was date specified to the April 21, 2014 Planning Board meeting.

Mr. Gerard Hyland, 3 Wellesley Drive asked for the difference between a conventional subdivision and conservation subdivision. Mr. McNamara said in a conventional subdivision all 'regular' rules apply for lot size, frontage, setbacks etc. A conservation subdivision relaxes the one acre requirement and calls for open space within the development. In this case, the conventional plan would have a Town road constructed and the conservation plan would have a private road. Mr. Hyland asked which type of development was done at the top of Wellesley Drive. Mr. Gowan replied that area had a conservation subdivision; however, it contained a Town road, not a private road. Mr. Doherty offered that conservation subdivisions are designed to conserve the land. He said when an applicant comes in front of the Board they have the ability not develop a conventional subdivision, and instead put a smaller footprint to conserve the land so there's less impact and wildlife has a place to roam.

**DATE SPECIFIED PLAN(S) – April 21, 2014**

PB Case #PL2013-00026 - Map 14 Lot 3-81 - 61A NASHUA ROAD LANDHOLDINGS, LLC  
c/o Robert Peterson - 61A Nashua Road

PB Case #PL2014-00005 - Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street

**MINUTES**

Modifications brought forward by members were reflected in a red-lined version of the minutes document. Mr. Doherty questioned if the proposed changes reflected what was stated at the meeting or if the modification changed what went on at the meeting. Ms. Landry stated that the verbiage was highlighted for the Board consideration. She offered to review the DVD of the meeting. Mr. Doherty didn't understand why the Board would modify wording for an application that was approved. He said they were potentially changing the wording for what was said. Mr. McNamara, who was not present at the meeting, believed the proposed modifications were minor in nature and for clarification.

**February 20, 2014**

**MOTION:** (Haverty/Croteau) To approve the February 20, 2014 meeting minutes as amended.

**VOTE:** (4-0-2) The motion carried. Mr. Doherty and Mr. Dadak abstained.



**ADJOURNMENT**

**MOTION:** (Haverty/Croteau) To adjourn the meeting.

**VOTE:** (6-0-0) The motion carried.

The meeting was adjourned at approximately 8:30pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary