

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
May 18, 2015

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, Paddy Culbert, Jason Croteau, Mike Sherman, Selectmen Representative William McDevitt, Alternate Tim Doherty, Planning Director Jeff Gowan

ABSENT: Alternate Joseph Passamonte

NEW BUSINESS

PB Case#PL2015-00007

Map 36 Lot 10-358

FICHERA, Frank Jr. & Crooker, Constance - 52 Dutton Road - Special Permit application to approve the Yield Plan for a proposed 8-lot conservation subdivision. Full application for conservation subdivision will follow once Special Permit and density is established.

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 Coronati of Jones & Beach Engineering came forward with Mike Garrepy of Tuck Realty Corp. to discuss the application for Special Permit and the proposed subdivision. Mr. Coronati described the property location as being off Dutton Road and containing 10.3 acres. In the past the existing house was subdivided off the larger parcel. The parcel is basically a wooded lot that is completely surrounded by stone walls. He believed the property may have been considered for development in the past as there is a right-of-way to the neighboring development off Susan Drive, although the proposed development didn't anticipate using the right-of-way. Mr. Coronati explained that the proposal was for an 8-lot subdivision. Two concepts were laid out for the Board, the first being a yield plan and the other was a conservation subdivision. There is a small wetland located on the east side of the property, which has caused the need to request a waiver regarding 4K area not being in the 100ftx150ft rectangle shape. He commented that the entire lot was wooded and sloped upward from Dutton Road.

Mr. Coronati showed the Board a proposed layout for an 8-lot conservation subdivision. The entire subdivision would be ringed with open space; the majority would be in the rear and east side of the site. A couple of the lot lines were not square in shape so as to keep those lots out of the Wetland Conservation District ('WCD'). They also tried to avoid an existing trail that ran along the east side of the property to the back of the parcel; although it didn't appear to connect to any other Town trail system. There were no anticipated wetland impacts. If there were, Mr. Coronati stated they would most likely be solely for storm water areas in the vicinity of lot 1. He pointed out an existing culvert on Dutton Road where water currently drained. Storm water from the development would be directed to that same area.

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

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

Mr. McNamara described the process that would be taken by the Board in reference to the request for Special Permit and how they review a conservation subdivision. He also informed that the Board received review letter from Steve Keach of Keach Nordstrom (Board's engineering review firm), dated May 13, 2015 that provided comment upon initial review of the application. He then read the letter aloud.

In looking at the topographics of the parcel and layout of the lots, Mr. Doherty suggesting moving lot 1 in between lots 3 and 4. Doing so would get lot 1 away from the WCD and allow for a spot to add a retention area. He wasn't sure if the adjustments were possible, but he felt they may clear up some of the issues he saw on the plan. Mr. Coronati replied they would look at the slopes between lots 3 and 4 to determine if lot 1 could be moved. He noted one driving factor for the cul-de-sac location was the well radius of lot 6. He questioned if it would be allowed within the Town road. Mr. Gowan replied to do so would require a waiver. If allowed, Mr. Coronati believed they may be able to shift the cul-de-sac and move lot 1. Mr. Doherty suggested creating a trail loop within the development, if the (50ft) right-of-way to Susan Drive wasn't going to be used. Mr. Coronati understood that the abutters, on either side of the right-of-way, use a portion of it to access their lots. Mr. Gowan recalled when the development was created; the thought was if a road ever went through it would create shorter driveways for the abutters. He questioned if the right-of-way was under Town or private ownership. Mr. Coronati was unsure. Mr. Gowan replied it would be important to resolve the question for the future. He then questioned if a request for a density offset (of an additional lot) would be requested. Mr. Coronati believed they would leave the plan at eight lots; if they were to seek a ninth lot it may take away from the required open space. He noted an additional lot would also create a challenge when laying out septic and wells.

Mr. Gowan recommended that the vegetated island in the cul-de-sac included in the homeowner's documents and maintained by the homeowner's association. He questioned the width of the proposed road. Mr. Coronati believed it was shown to be 22ft. wide based on the number of lots. Mr. Gowan noted when the design was reviewed the Board would make a determination regarding the road width (and waiver for reduction); the Highway Safety Committee would also need to review/comment.

Mr. Culbert questioned what type of trail (i.e. snow mobile, woods) was currently on the parcel. From what Mr. Coronati could determine it was a woods trail used for access to the rear of the parcel since it didn't appear to leave the property. Mr. Gowan offered to reach out to the Conservation Commission and Border Riders to ensure it wasn't a trail that provided interconnectivity.

Mr. Montbleau wanted to know if having a 26ft. road width would reduce the required open space. Mr. Coronati answered no; the road would be located within a 50ft. right-of-way area. They could still fit eight lots onto the parcel. Mr. Doherty noted the Board generally allowed a reduced road width within conservation subdivisions to allow for more open space and reduce water runoff.

MOTION: (Dadak/Montbleau) To accept, for consideration, the waiver to Section 15.03(E) regarding lot shape of lots 1 and 2.

VOTE: (7-0-0) The motion carried.
(Waiver accepted for consideration for lots 1 and 2; later in the hearing the Board also included lot 6)

PUBLIC INPUT

Mr. Scott Riley of 54 Dutton Road, speaking for himself and his father Richard Grieve, voiced concerns regarding water runoff. The development behind his property diverted water during construction making his property flood every time it rains. He felt the depiction of the wetland looked a little thin as the area floods and currently comes onto his property. There is excessive sedimentation entering their ditch and saw channel erosion behind the stone wall along lot 3. He reiterated the concern regarding water runoff and how lots 1, 2, 3 and 4 would affect his property. Mr. McNamara explained that the Keach Nordstrom review only related to

whether or not the proposed lot could meet the requirements for a conventional subdivision. Engineering review for water and drainage would come at a later date. He said the Board may conduct a site walk.

Mr. Habib, 37 Diamond Hill Drive shared his concerns regarding water runoff. He told the Board when the Cara Lane development was done it ruined his driveway and the driveway next to him. He noted that the trail never connected through the right-of-way, it was located on the opposite side of his lot. He believed the water problems occurred when the trail was blocked during the Cara Lane development, which also blocked the water from flowing. Mr. McNamara commented if the development was built as a conventional subdivision water may be more of a problem. He said a conservation subdivision would have smaller lots and more open space, which in terms of water would be better for the neighborhood.

Mr. Doherty asked Mr. Habib for a description of the trail. Mr. Habib replied that the trail didn't connect through the 50ft. right-of-way. He said the trail ran between his home on 37 Diamond Hill Drive and Cara Lane. Mr. Croteau (who is a member of Border Riders) didn't believe the trail on the proposed lot was used for anything. Mr. Gowan questioned Mr. Habib how the trail exacerbated the water problems. Mr. Habib replied a retention pond was installed on the lot behind him (on Cara Lane); that retention pond previously ran from the cul-de-sac to the storm drain on Diamond Hill Drive. He said the developer left big rocks where the trail is making the water fill up and run across the two driveways in the spring.

Mr. Gowan suggested the Board consider doing a site walk. Mr. McNamara said the Board would have a discussion once the formal application was submitted. Mr. Habib told the Board he was in favor of the subdivision. Mr. Gowan inquired if Mr. Habib knew who owned the right-of-way. Mr. Habib believed Town Counsel reviewed ownership when previous application was submitted for a two-lot subdivision. Mr. Gowan replied the Assessor would research.

Mr. Frank Fichera, 50 Dutton Road told the Board the trail was not any kind of legal trail used by the Town or snowmobiles. He explained it was a private trail within the stone wall created by them to drive four-wheelers. The trail has no outlets or connections and no historic value.

Mr. Coronati addressed the waiver request for lot shape. He saw the corner of lot 6 wasn't squared and asked that the Board consider including it with the waiver.

MOTION: (Dadak/McDevitt) To accept, for consideration, an amendment to the waiver (addressed earlier in the meeting) to Section 15.03(E) regarding lot shape of lots 1 and 2; to also include lot 6.

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

Mr. Coronati told the Board that Keach Nordstrom would review storm water and drainage during the application review process. He believed a site walk would be helpful to see the wetland and determine what they could do to not direct water toward any of the abutters.

With the proposed road length being 967ft, Mr. Gowan suggested determining a good location for a fire cistern. Mr. Coronati replied he spoke with the Fire Department and has decided to install sprinklers in the homes and forego the requirement for a cistern.

MOTION: (Culbert/Croteau) To approve the waiver to Section 15.03(E) regarding lot shape of lots 1, 2 and 6.

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

Mr. McNamara questioned if the perimeter stone wall would remain. Mr. Coronati answered yes; the stone wall around the perimeter had to stay.

MOTION: (Culbert/Croteau) To approve the Special Permit application for eight lots.

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

Mr. Coronati told the Board it may be a couple months before they return. Mr. McNamara informed the public that abutters would receive certified mail notification when the plan came back in front of the Board.

Mr. Gowan commented once the plan came in front of the Planning Board if a site walk was scheduled they would invite the Conservation Commission to attend.

ADMINISTRATIVE

Potential appointments to subcommittees

Mr. Gowan included the agenda item in the event someone from the public was interested in being appointed. No one was present. Mr. McNamara noted Board of Adjustment members David Hennessey and Christopher LaFrance were seeking appointment.

MOTION: (Croteau/Dadak) To appoint David Hennessey and Christopher LaFrance to the Zoning Subcommittee.

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

Mr. Doherty stated he had spoken to Conservation Commission members Paul Gagnon and Mike Gendreau, who were also interested in being appointed to the Zoning subcommittee.

MOTION: (Culbert/Dadak) To appoint Paul Gagnon and Mike Gendreau to the Zoning Subcommittee.

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

DISCUSSION

Mr. Sherman told the Board VHB had provided their second flood study information. They found that the flood elevations in the 2008 FEMA maps were incorrect. He noted that the 100-year storm map was as much as one foot low. He wanted to know if the Town would go through FEMA and update the flood maps for Pelham. Mr. Gowan recommended not doing so as it would be perceived as a 'taking' of a lot of land. Instead he recommended that the Planning and Zoning Boards remain vigilant knowing that the flood maps were short of where the 100-year flood elevation was; however, he pointed out that decision to request an updated map would be up to the Selectmen. He stated there would be significant cost to update the maps and it would be no small matter to put people into the flood zone. Mr. McDevitt questioned if it was possible for the Planning Board to adopt a local application, thereby protecting the wetlands as much as possible and at the same time avoiding charging abutting residents FEMA insurance premiums. Mr. Gowan replied the Town had a Flood District Development Ordinance. The voters could be asked if they wanted to increase the requirements within the district rather than changing the 100-year flood. He said the Board could seek the advice of Keach Nordstrom, the Conservation Commission and others. Mr. Sherman felt the Board should look at Zoning changes to stop building in the flood plain.

MINUTES REVIEW

May 4, 2015

MOTION: (Culbert/Dadak) To approve the meeting minutes of May 4, 2015 as amended.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:02 pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary