

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
June 1, 2015

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

He then called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paddy Culbert, Mike Sherman, Selectmen
Representative William McDevitt, Alternate Tim Doherty, Alternate Joseph
Passamonte, Planning Director Jeff Gowan

ABSENT: Paul Dadak, Jason Croteau

Mr. McNamara informed that Mr. Dadak would be absent due to medical reasons. The Board extended their wish for a speedy recovery. During the time of his absence Mr. Montbleau volunteered to be acting Secretary until Mr. Dadak's return.

MOTION: (McDevitt/Culbert) To appoint Roger Montbleau as acting Secretary.

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

Mr. Passamonte was appointed to vote in Mr. Dadak's absence. Mr. Doherty was appointed to vote in Mr. Croteau's absence.

NEW BUSINESS

PB Case#PL2015-00008

Map 40 Lot 6-193

FRAIZE, Tim & Patricia - 6 Noela Avenue - Proposed 2-Lot Subdivision

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

Representing the applicant was Mr. Joseph Maynard of Benchmark Engineering. He provided an overview of the proposed 2-lot subdivision. The property is zoned Residential. Currently the tax records indicate the existing dwelling is a duplex. The division of units is as follows, the first floor contains a single family 3-bedroom residence; the other unit (approximately 740SF of living space) is on the second floor. Mr. Maynard stated with approval of the proposed plan, the applicant will then go to the Zoning Board of Adjustment to allow the second floor unit to be an in-law apartment. He noted that the existing house had a new septic system (for 6 bedrooms) installed within the last 5-6 years that met the Town's duplex regulations. That existing septic system will remain with the existing dwelling to serve both the accessory use and primary 3-bedroom. Mr. Maynard explained they were seeking to subdivide the property down the middle making each lot approximately one acre in size. The existing home will remain on one of the lots with frontage onto Noela Avenue. The second lot will have frontage on Honey Lane. State subdivision approval has been granted.

Mr. McNamara asked Mr. Gowan if the plan was ready to be accepted. Mr. Gowan answered in the affirmative.

MOTION: (Culbert/Passamonte) To accept the subdivision plan for consideration.

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

With the exception of the existing dwelling's duplex / in-law question, Mr. Gowan told the Board the proposed subdivision appeared simple. He suggested if the Board were to make a motion for approval that it be subject to either a successful approval for Special Exception by the Zoning Board, or removal of the second unit.

Mr. Culbert asked if a well had been drilled for the second lot. Mr. Maynard answered no; but understood that the well would need to be staked out in order to place it in the appropriate location to meet the Town Ordinance. He wasn't concerned about designing a septic to handle the new home, given that the test pits were good for the area. Mr. Culbert cautioned there was little movement area for the well to shift. Mr. Maynard offered to add a note to the plan indicating that the new well will be staked out prior to drilling.

PUBLIC INPUT

Mr. James Basinas of 167 Marsh Road voiced his opposition to the subdivision. He told the Board the area was a critical habitat corridor that spanned from the wetlands across Honey Lane to a pond located on his property. Certain threatened (rare) species use the corridor, such as the Spotted Turtle and marbled salamander. Mr. Basinas believed it was development, such as the proposed, that caused issues with wildlife being removed from their habitat and causing them to be threatened.

Mr. McNamara inquired if Mr. Basinas had his land surveyed or could provide any documentation to show wildlife migration. Mr. Basinas replied he had watched the wildlife come through the corridor for many years, but had no specific documentation. He was concerned for the wellbeing of the threatened species. He also voiced concern about adding vehicle traffic. He explained that Noela Avenue was never intended to be a through street and was concerned about traffic by opening it up to a new development.

Mr. Culbert questioned if the species noted by Mr. Basinas were endangered or threatened. Mr. Basinas replied they were threatened.

Mr. Gowan didn't see a wetland on either one of the proposed parcels. He commented if there were it might be more of a concern. Mr. Maynard discussed the lot and pointed out that it was pretty well developed; the yard encompassed approximately 2/3 of the new lot with lawn. There is a small treed buffer to Honey Lane, but essentially the parcel was an open yard. He explained typically when there is a migration of species, such as the spotted salamander, they look for vernal pool habitat. He told the Board the applicant's lot didn't have wetlands. He couldn't speak to the area on the other side of Honey Lane. Mr. Maynard told the Board that the Department of Environmental Services data base is logged through all the agencies of the Land Resource Management Bureau and if something were to be of high concern to them he would have been notified. Mr. Basinas commented there was a vernal pool on the other side of Honey Lane, where the wildlife came from. He noted it was known for years as having wetlands. Mr. Maynard replied there were no wetlands on the applicant's property. Mr. Basinas had always been told that development couldn't occur because of the wetlands; however, subsequently it occurred. He understood that the applicants wanted to move forward with a subdivision but wanted the Board to understand the abutter's concerns regarding the corridor used by the threatened species. He questioned the effects on the species if additional homes were added. Mr. McNamara clarified there was an existing home and only one home was proposed to be added.

Mr. Doherty questioned if it were possible to have a hooded system for the gutters since the drainage would flow toward Honey Lane and potentially to the vernal pool. He was suggested infiltrating the water on the property so it wouldn't add more to the drainage line. Mr. Maynard replied he had been to the site several

times and hadn't observed anything that appeared 'vernal' along the edge of Honey Lane. He believed the amount of runoff from one house lot would be negligible and didn't see the need for infiltration.

Mr. Basinas requested clarification for the number of lots being proposed. Mr. McNamara replied there was one existing home on two acres. The proposal was for one additional home placed on a one acre parcel.

Mr. Gowan recalled Mr. Basinas doing a subdivision approximately 10-12 years ago and questioned if it was in the same neighborhood. Mr. Basinas answered no; his subdivision was on Harley Drive.

Mr. Basinas inquired how far down the water level was located. Mr. Maynard replied they observed water approximately three feet down in the test pits.

Mr. McNamara questioned when the applicant would go in front of the Zoning Board. Mr. Maynard submitted a request for the July meeting.

MOTION: (Culbert/Doherty) To approve the subdivision with the understanding that either the Special Exception is granted by the Zoning Board, or the second unit is made part of the existing single family dwelling and not a separate unit.

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

PB Case #PL2015-00009

Map 27 Lot 2-82 & 83

SILVER OAKS REALTY, LLC - 20-24 Gumpas Hill Road - Proposed Conservation Subdivision (16 house lots & 2 open space lots). Special Permit for Yield Plan was approved on March 16, 2015.

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

Representing the applicant was Mr. Karl Dubay of the Dubay Group, Inc.; the applicant Anthony Franciosa joined Mr. Dubay for the discussion with the Board. Mr. Dubay stated a Special Permit was issued in March, 2015. There are approximately twenty acres with approximately 20% open space within a proposed conservation subdivision. Along the right side (east) of the property is an existing brook and old farmer's field, which will be saved. There is an existing 1940's style bungalow on Gumpas Hill Road that will be restored; the balance of the fifteen homes will be on a cul-de-sac. A portion of the Gumpas Hill Road width and the vistas to the farmer's field will be improved. Mr. Dubay commented they had meetings with the Highway Safety Committee. He noted Mr. Gowan and his staff had been helpful in their leadership, as was Mr. Keach in the reviews of the plan. He wanted the Board to know that a review had been issued and the plans were updated in accordance to the review comments. There will be extensive trail throughout the property. The development will be designed around the large glacial erratic boulders and farmer's field. They are planning community gardens. Prototypical renderings of the homes were submitted to the Board for review; they will be a bungalow style dwelling.

Mr. McNamara asked Mr. Gowan if in his opinion the project was ready to be accepted for consideration. Mr. Gowan answered in the affirmative.

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

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

Mr. Culbert questioned if the trails were part of the Town's snowmobile trail system. Mr. Franciosa answered no; they were walking trails for use by the residents within the subdivision. In the past, Mr. Culbert recalled

Peter Fisher doing a subdivision in the area and cautioning the Board to be mindful in the future about not creating land lock situations if additional land was subdivided. He inquired if the subdivision would cause any lots to be land locked. Mr. Franciosa replied there were no land locked situations on the plan. Mr. Dubay called attention to the locus map that showed the location of the undeveloped lands, which had availability of access from Town Hill Road and some portions of Gumpas Hill Road. Mr. Culbert wanted to know the length of the cul-de-sacs. Mr. Dubay stated the length was approximately 1300ft.

Mr. Culbert asked if Tower Hill Road was 22ft wide. Mr. Dubay understood Tower Hill Road was a variable width (gravel) right-of-way for the Town. The project had some frontage along Tower Hill; however all of the proposed lots would be accessed from the new road. Mr. Gowan spoke of the recent E911 project that changed road names; a portion of Gumpas Hill Road was previously Tower Hill Road. He felt it was unlikely for Tower Hill to be improved as it would be a challenge to make it a passable Class V road. He told the Board that the Highway Safety Committee supported the proposed 22ft. road width within the development.

Mr. Doherty wanted to receive clarification from the Conservation Commission and Forestry regarding the recreational trails. Mr. Dubay explained they located a trail off the property that went around the subject site and didn't enter onto it; however they planned to connect the development trail to it. He mentioned a footbridge that went over a brook (on the right of the property); this connected the inter-development trail system to the bridge and across to Town owned land. They showed a new trail that tied Gumpas Hill Road to the farmer's field.

Mr. McNamara invited Steve Keach of Keach Nordstrom (Board's engineering review firm) to come forward and speak to the plan. He referenced his review letter of May 28, 2015 which contained items that were easy to address. He felt the proposed was a well thought out project. The unfinished business was for the applicant to bring forward design plans for Gumpas Hill Road. The need for offsite improvement was founded by the road width and increased traffic from the development. This is the one significant issue Mr. Keach wanted to see brought to fruition prior to approval.

PUBLIC INPUT

Mr. James Fisher of 47 Seavey Road questioned if the entrance to Tower Hill Road would remain wide enough for future development access. Mr. Dubay submitted a widening program (from Mammoth Road to Tower Hill Road) that showed they could maintain a 22ft. width of pavement within the right-of-way. He noted there was an existing drainage easement (with pipes and basins) along the right side of the roadway that would allow them to do a good job and blend the grading. The separation criteria is met between the new road and Tower Hill Road. Mr. Fisher wanted to know if there would be access to trails in the area. Mr. Dubay noted that the New Hampshire Fish and Game ('NHFG') weighed in and signed off on the plan. NHFG believed the highest value and character they wanted to protect was along the east side of the property. With regard to the trails in the development, Mr. Dubay believed the only limitation was for non-motorized vehicles.

Mr. Montbleau confirmed with Mr. Fisher that the proposed road improvements met with his approval. Mr. Fisher understood that the number of homes in the area would be doubled, which would increase traffic; he believed something should be done to improve the road. He didn't mention an objection to the proposed road improvements.

Mr. Charlie Zolkos a direct abutter, told the Board his land was virtually useless off Tower Hill Road given that it was only a two-rod road. He wanted to know how the dedicated road off Tower Hill Road would be accessed. Mr. Dubay replied the existing right-of-way along Tower Hill Road would have a 25ft offset right-of-way from the center line onto their property. The applicant is providing the Town (by deed) with a wider right-of-way through the area. He believed Mr. Zolkos would have full benefit to using the wider right-of-

way. Mr. Gowan pointed out that the right-of-way dedication would need to go in front of the Board of Selectmen for acceptance.

Mr. Bob Lamoureux of Blueberry Circle (member of the Forestry Committee and President of Border Rider Club) requested clarification regarding the trails. He believed the Town's trail system touched the edge of the applicant's property. He requested a meeting with Mr. Gowan and the applicant to better understand the proposed trail and how it would interact with existing trails. He wanted to understand the lot lines. Mr. Dubay replied the area in question was completely bounded by stone walls; it was very easy to see the property line. He offered to take Mr. Lamoureux to the property to view the lot lines. He commented they would have no control over what the abutter would do regarding the existing trail. The applicant would like to provide a walking trail system (not for motorized vehicles). He reiterated they would provide a connection to the existing foot bridge. Mr. Lamoureux suggested that the Conservation Commission and Forestry Committee review the proposal.

Mr. Culbert questioned if the jog in Gumpas Pond Road created a land locked situation or impeded upon Lot 81. Mr. Dubay replied Lot 81 was a very large piece of property; the owner was present for the meeting, seated in the public. Lot 81 had extensive frontage along Tower Hill Road (which could be improved) and some frontage on Gumpas Pond Road and Mammoth Road. He noted wetlands may impede the property. Mr. Culbert understood Tower Hill Road may be expensive and possibly unacceptable for development. Mr. Dubay stated the proposed subdivision didn't create an impediment for Lot 81 to be developed. The proposal would provide Lot 81 with good buffers. The wetland in the area would not be impacted. Mr. Dubay believed there were many options for the owner of Lot 81 to develop their land. Mr. Gowan added that the land Mr. Culbert was referring to was in no way land locked. He pointed out that the proposed development would make future development (past their parcel) far more feasible because of the improvements to Gumpas Hill Road.

Mr. McNamara wanted to see the road engineering resolved prior to the Board taking final action on the project. There was a brief discussion regarding what date the plan would be specified. Mr. Culbert requested a site walk. Mr. Dubay replied everything was staked out for review. There was no official site walk scheduled. Those interested will contact Mr. Gowan with available dates; if a majority of the Board members confirm, the site walk will be noticed as an official meeting. Members of the Conservation Commission and Forestry Committee will be invited.

The plan was date specified to the June 15, 2015 meeting.

DISCUSSION

Mr. Gowan told the Board he had a situation where an existing eggroll manufacturing business in Pelham currently located in Hillside Plaza was seeking to move their location into one of the industrial buildings on Pulpit Rock Road. He said typically the Board has given him leeway when a business wasn't adding septic loading, traffic etc. The proposed location abutted a residential development and he was unsure about giving them the 'green light' without being if the Board wanted them to come in for review of a change of use. He noted the business would need to have the appropriate inspections as well as a certificate of occupancy.

Mr. Culbert questioned why Mr. Gowan wasn't comfortable granting the change of use. Mr. Gowan brought the question forward because there were residential abutters. Mr. Doherty noted the business was presently located in a commercial district and had not received complaints. They were requesting a move to an industrial zone. Mr. Gowan noted the business was a wholesaler and didn't generate traffic. Mr. Doherty had no objection. Mr. Sherman felt the business should come in front of the Board.

Mr. McDevitt wanted to know the purpose for the change of use coming in front of the Board. He didn't want to burden a small business owner but was a bit concerned with setting a precedent. Mr. Gowan described the leeway previously granted to him by the Board. He would go along with the Board's decision.

Mr. Culbert questioned if there was an aroma associated with the business. Mr. Gowan replied the business presently didn't cook the eggrolls, they were prepared and sold frozen. The new operation would involve cooking. The Board briefly discussed how to direct Mr. Gowan. There was a consensus to have the business meet with the Planning Board to discuss their change-of-use.

SUBCOMMITTEE APPOINTMENT

Mr. Bob Lamoureux voiced his interest in being appointed to the subcommittees forming in regard to Zoning and Master Plan.

MOTION: (Sherman/Culbert) To appoint Mr. Bob Lamoureux to the Zoning review and Master Plan review subcommittees.

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

DATE SPECIFIED PLAN – June 15, 2015

PB Case #PL2015-00009 - Map 27 Lot 2-82 & 83 - SILVER OAKS REALTY, LLC - 20-24 Gumpas Hill Road

MINUTES REVIEW

May 18, 2015

MOTION: (Culbert/Montbleau) To approve the meeting minutes of May 18, 2015 as written.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:32pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary