

**APPROVED**

**TOWN OF PELHAM  
PLANNING BOARD MEETING  
June 15, 2015**

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

Acting Secretary Tim Doherty called roll:

**PRESENT:** Peter McNamara, Paddy Culbert, Jason Croteau, Selectmen Representative William McDevitt, Alternate Tim Doherty, Alternate Joseph Passamonte, Planning Director Jeff Gowan

**ABSENT:** Roger Montbleau, Paul Dadak, Mike Sherman

Mr. Passamonte and Mr. Doherty were appointed to vote.

**PUBLIC HEARING**

*Notice is hereby given in accordance with RSA 675:7, the Pelham Planning Board will hold a public hearing to discuss a proposed fee schedule change for the Senior Recreation Impact Fee. This public hearing shall take place on June 15, 2015 at 7:00 pm at the Pelham Municipal Center, 6 Village Green, Pelham, New Hampshire.*

*The proposed fee schedule change (reduction) reflects the appropriate share of the costs for the completed Senior Center expansion project and the rational nexus applied to those costs prepared by the Planning Board's impact fee consultant. If the Planning Board approves the fee schedule change, the Pelham Board of Selectmen will have to hold a public hearing for the same purpose in order for the fee schedule to become effective.*

*The full text of the Senior Recreation impact fee schedule review and recommendation is available from the Planning Department at (the Municipal Center) Town Hall, 6 Village Green during normal business hours or via website link.*

Mr. Gowan stated the matter was previously in front of the Planning Board; they didn't have a quorum and could not take action. He explained the Town had one impact fee – Senior Recreation Impact Fee. A few years ago Mr. Mark Fougere was hired to do an analysis of the impact fees in place. A copy of the impact fee update was provided to the Board for review, which included a new fee structure table. The recommendation was for a reduction of approximately \$100 in what is collected. Fees will be collected up to the allowable amount. Based on the Town's current building rate they are some years away from reaching that set figure. Mr. Gowan told the Board if they were to approve the revised impact fee scheduled, it would then go in front of the Selectmen for review/approval.

Mr. McNamara opened the hearing to public input; no one came forward.

**MOTION:** (Culbert/Passamonte) To approve the fee schedule change for the Senior Recreation Impact fee.

**VOTE:** (5-0-0) The motion carried.

Mr. Croteau arrived.

**OLD BUSINESS**

**PB Case #PL2015-00002**

**Map 41 Lot 10-245**

**PJ KEATING - 2 Bridge Street - Proposed improvements to the site and storm water management facilities (Requested continuance to August 17, 2015)**

Applicant requested date specification to the August 17, 2015 meeting. They need to meet with the Conservation Commission.

Date specified to August 17, 2015.

**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 discussed the status of the plan. He stated they had addressed the previous review comments and updated the plan accordingly. An informal site walk was conducted, which he felt went very well. Another review letter has been issued, which contained very few items that need to be addressed. Off-site plans are being worked through with Keach Nordstrom, the Board's engineering firm.

Mr. McNamara questioned if they were still seeking a special permit. Mr. Dubay didn't believe they would need the special permit based on plan adjustments that have made. Mr. McNamara wanted to know if the questions with the trail system and easement had been resolved. Mr. Dubay answered yes; they were asked to provide additional trail easements to the Town in the far back corner of the property that would tie into an existing pedestrian bridge leading to Town owned property. He said they would be happy to amend the homeowner documents to indicate the easement. Mr. McNamara inquired if any waivers were needed for the project. Mr. Dubay believed there was a waiver for the traffic study that was agreed to be granted if they in turn agreed to widen Gumpas Hill Road, which they would be doing. He believed the waiver may have been submitted with their application.

Mr. Doherty wanted to know if consideration was given to residents within the development taking their personal snowmobiles and connecting to the Town's snowmobile trail system; and at the same time post the easement so the public using the trail system wouldn't access the development. He suggested having the stipulations in writing to avoid future misunderstanding and possible arguments. Mr. Dubay replied they could add language to the homeowner's documentation. He added that the language would need to be carefully written because they didn't want the farmer's field to turn into a track.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to discuss the plan. Since the last hearing, he had lengthy discussions with Mr. Dubay and the Doug McGuire design engineer for the project. He reminded the Board that the Highway Safety Committee convened and recommended that the road from Mammoth Road through the intersection at Tower Hill Road be improved to a paved width of 22ft (approximately 16ft of paved width). He told the Board that The Dubay Group had yet to submit a fully detailed plan, but he was fully confident that they would be able to complete their design as discussed. Mr. Keach learned of the adjustment suggested by the Conservation Commission to avoid the Wetland Conservation District ('WCD') impact at the northerly end of the detention pond. Through discussion with Mr. Dubay he understood the storm water management area would be shortened (approximately 33ft) to avoid the WCD area. Based on revised drainage calculations on the revised design, he would take their word.

Mr. Keach addressed his review letter dated June 11,2015. Most of the comments had been or will be addressed shortly. He recommended a waiver request be granted to the traffic study requirement under Section 12.03,A of the Subdivision Regulations since off-site improvements would be done. Mr. Doherty didn't see a written waiver request in the file. Mr. McNamara asked Mr. Dubay to submit written waiver for the Board to act upon.

Mr. Culbert questioned if the road improvement plans for Gumpas Hill Road were complete. Mr. Keach replied it was works in progress. The design criteria was established during a meeting (May 27<sup>th</sup>) with the Highway Safety Committee. Survey work has been done. Mr. Keach said it was near complete, but not fully complete. Mr. McNamara noted the Board could defer action or take action on the plan with the condition that the plans be finalized and found to be acceptable to Mr. Gowan and Mr. Keach. Mr. Culbert spoke of the cul-de-sac and requested confirmation of its length. Mr. Gowan noted the proposed was a loop road and not really a cul-de-sac. In reviewing the length using the stations it was calculated to be 2,427ft. Mr. Culbert asked that a waiver request be submitted for consideration.

Mr. McDevitt reminded the applicant to ensure that street trees be salt tolerant and not Ash trees. Mr. Dubay reviewed the plan and saw they were proposing Sugar Maple trees. Mr. McDevitt didn't believe Sugar Maple trees were salt tolerant; they were dying all over New Hampshire because of being too close to the road. Mr. Dubay replied they would be happy to change the trees. Mr. Keach suggested using mixture of Little Leaf Lindens and recommended discussing with Keach Nordstrom's landscape architect.

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

Mr. Dubay submitted written waiver requests for:  
Section 12.03, A – traffic study (as recommended by Keach Nordstrom)  
Appendix II, C, I, A.1 – 2,400ft cul-de-sac length due to the extended loop design

**MOTION:** (Culbert/Doherty) To accept, for consideration, the waiver to Section 12.03, A – traffic study.

**VOTE:** (6-0-0) The motion carried.  
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**MOTION:** (Culbert/Doherty) To approve the waiver to Section 12.03, A – traffic study.

**VOTE:** (6-0-0) The motion carried.  
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**MOTION:** (Culbert/Doherty) To accept, for consideration, the waiver to Appendix II, C,I, A.1 – cul-de-sac length

**VOTE:** (6-0-0) The motion carried.  
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**MOTION:** (Culbert/Doherty) To approve the waiver to Appendix II, C,I, A.1 – cul-de-sac length.

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

Mr. Culbert questioned if the applicant was supposed to meet with the Conservation Commission. Mr. McNamara understood that the plan revisions eliminated the WCD impact. Mr. Dubay explained the only

area they would be impacting within 50ft. of wetlands was on the sideline of Gumpas Hill Road that was part of the drainage program.

Mr. McNamara reviewed the conditions for approval as follows:

- 1) All State permits are received and noted on the recordable plan;
- 2) Recording of an easement at Northeast corner of the project for snowmobile connectivity;
- 3) Gumpas Tower Road be widened to 22ft.
- 4) Bond and plan compliance escrow, as estimated by Keach Nordstrom, be provided prior to the plan recording;
- 5) Homeowner Association documents be reviewed and approved by Town Counsel;
- 6) Keach Nordstrom supporting review letter ('happy letter') – including review of detailed plans of Gumpas Hill Road improvements and items detailed in Keach May 28, 2015 letter;
- 7) Fire Department review and comment;
- 8) Cistern plan sufficient to build cistern included in Keach Nordstrom final sign-off package;
- 9) Note of two waivers granted on final plan.

**MOTION:** (Doherty/Passamonte) To approve the Conservation Subdivision plan with the inclusion of the conditions for approval (listed above).

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

### **NEW BUSINESS**

#### **PB Case #PL2015-00010**

#### **Map 41 Lot 6-120**

**HAMMER FIREARMS & TRAINING LLC / Applicant - ADELINE REALTY TRUST / Owner - 47 Bridge Street, Unit 6 – Site Review to allow the operation of a firearms and training facility (There will be no live fire at this facility)**

Mr. McDevitt stepped down.

Mr. Doherty 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.

The applicants came forward to discuss their request to open a training facility and firearm sales. They presently have a successful business in Lowell, MA.; however the location in New Hampshire offers more square footage and better opportunity than in Massachusetts. The representatives have 60-70 cumulative years of experience in the firearms industry. Mr. McNamara questioned if the business would be expanded when moving to Pelham. The applicant indicated the entire business would be moved from MA to NH.

The current hours are approximately 4pm-8pm Monday through Friday; 7:30am-4pm Weekends (no Sunday during the summer). They offer training courses to beginners up to instructors. Sales are geared more to custom firearms. Firearms and ammunition will be stored on premises following the Federal / State / Town guidelines. Mr. Gowan reiterated for the public there would be no live fire at the facility.

Mr. McNamara questioned if the business or client base would be affected by moving from Massachusetts to New Hampshire. The applicant replied it wouldn't be because they were licensed to conduct training throughout the country. 60% of their business came from New Hampshire. The maximum occupancy would be 33; currently they will only be utilizing the front of the store (one classroom and showroom) . They will come back at a later time for a permit to have a second classroom. The applicant submitted a rough artistic rendering of proposed signage, which would be in compliance with Town requirements.

Mr. Culbert believed since the applicant was seeking a change of use if they wanted to expand within the building space they wouldn't need to come back to the Board since the 'use' would already be granted. Mr. Gowan noted traditionally with an expansion the Board is concerned with adequate parking. The owner of the building was present in the public and indicated the original plan for the plaza required 42 spaces (total spaces in front and rear of building); however there are 55 parking spaces available. He explained that most of the businesses within the plaza didn't require much parking and only had one or two employees. Mr. McNamara assumed if the use being made of the premises remained the same they applicant wouldn't need to come back to the Planning Board. He noted if they were to expand to a different kind or additional use it might raise other questions. Mr. Gowan heard from the Board that expansion within the building for the specified use was okay with the Board.

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

**MOTION:** (Culbert/Doherty) To approve the Change of Use

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

Mr. McDevitt returned to the Board.

**PB Case #PL2015-00011**

**Map 41 Lot 6-131**

**MARTIN, Tuyet & Darren / Applicant - DASH PROPERTIES, INC. /Owner - 31 Pulpit Rock Road - Seeking site plan review to operate an egg roll production company.**

Mr. Doherty 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. McNamara explained that Mr. Gowan told the Board of the existing company. The purpose of the review is to better understand the nature of the business and how it will operate in its new location. He understood they currently didn't cook product and would be at the new location.

The applicants Darren & Tuyet Martin came forward for site plan review. Ms. Martin provided the Board with sample product to taste. Mr. Martin discussed the construction, frialator equipment and ventilation at the new facility. By moving and cooking in house, they will be able to expand their market capabilities. Presently they hand roll approximately 5,000-6,000 each day and were looking to cook approximately 3,000 each day. There are currently 12-13 employees, which will increase with the expansion.

Mr. Culbert asked what type of ventilation system would be installed. Mr. Martin replied they had selected the frialator but had not yet installed ventilation. They would follow code and keep in line with the scope of the frialator, which he believed to be pre-defined based on information obtained by the manufacturer. Mr. Culbert indicated he was previously in the ventilation business and stated some exhaust fumes were rather strong. He questions how they planned to keep them to a minimum. Mr. McDevitt noted the concern was a smell drifting to residents and the area it may be present. Mr. McNamara wanted to know the distance between the business and the Prolyn apartments. Mr. Gowan replied they were abutters. Ms. Martin noted the area was zoned industrial and there were other businesses with ventilation.

Mr. Gowan, an abutter to a commercial area, commented there was no special venting required of the businesses such as Dunkin Donuts, sub shops etc. The only time the Board had required something special was for a restaurant that never got built.

Mr. McNamara questioned when cooking would occur. Ms. Martin replied cooking would occur in half-day increments on an every other day basis. Mr. Doherty asked if they did bulk or individual packaging. Ms.

Martin replied they currently did bulk packaging of raw product. Going forward they will do both raw and cooked product.

Knowing the business, Mr. Culbert cautioned that the venting system would be expensive. Mr. Martin understood this fact.

Mr. Passamonte questioned if there would be public sales. Ms. Martin answered no; they were a wholesale business.

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

**MOTION:** (Culbert/Doherty) To approve the Site Plan Review.

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

### **DISCUSSION**

Mr. Gowan spoke of the Tobacco Junction business that put up a restoration bond (approximately \$2,000 being held). He's received a request for that bond to be released as the owner is about to begin the project located at the former R & B Superette. He felt the plantings and natural growth had filled in. He recommended releasing the bond. There was a consensus of the Board to release the bond. Mr. Gowan will direct the bond to be released.

### **DATE SPECIFIED PLAN - August 17, 2015**

PB Case #PL2015-00002 - Map 41 Lot 10-245 - PJ KEATING - 2 Bridge Street

### **MINUTES REVIEW**

**June 1, 2015**

**MOTION:** (Culbert/McDevitt) To approve the meeting minutes of June 1, 2015 as written.

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

### **ADJOURNMENT**

**MOTION:** (Culbert/Passamonte) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:10pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary