

NOT APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
September 10, 2015**

The Vice Chairman Roger Montbleau called the meeting to order at approximately 7:05pm.

The Secretary Paul Dadak called roll:

PRESENT: Roger Montbleau, Paul Dadak, Paddy Culbert, Jason Croteau, Alternate Tim Doherty, Planning Director Jeff Gowan

ABSENT: Peter McNamara, Selectmen Representative William McDevitt, Alternate Joseph Passamonte

Mr. Doherty was appointed to vote in Mr. McNamara's absence.

NEW BUSINESS

PB Case #PL2015-00016

Map 22 Lot 8-130

52 WINDHAM ROAD, LLC. - Special Use Permit and Site Plan Review for proposed mixed use development consisting of a 1500SF retail building and 15 townhouse condominium units in the Mixed Use Overlay 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. David Jordan of MHF Design Consultants, representing the applicant, came forward to discuss the submitted plan set. Also present was project proponent Mr. Brian McGowan and the project architect Mr. Barry Ganek. Mr. Jordan provided an overview of the proposed plan. The project site is located at 52 Windham Road and contains 3.2 acres in the Mixed Use Zoning District. The property is bordered by residential properties on the north, the American Legion and two residential properties on the south and borders Beaver Brook on the east. Currently on the property is a single family dwelling with an attached accessory apartment and detached garage. The remainder of the site is vacant; the front portion is open and the rear is wooded. The land slopes toward the north and east (Beaver Brook). There are no wetlands on the property.

Mr. Jordan noted that the proposal was submitted under the Town's Mixed Use Zoning overlay provisions. They are proposing a development consisting of fifteen townhouse units (within six separate buildings). Three buildings will contain three units and three buildings will contain two units. There are eleven two-bedroom units and four three-bedroom units. Each townhouse unit will have its own attached two-car garage along with a private driveway space in front of the garage. The rear of each unit will have a deck/patio. Mr. Jordan commented that the units will have a condominium form of ownership (individually owned-occupied). Access to the units will be through a new private roadway coming in from Windham Road at the same location of the existing driveway. The length of the roadway is approximately 400ft., ending in a 'T' turnaround that conforms with fire department access for emergency vehicles. The roadway will remain private and maintained by the homeowner's (condominium) association. A single story 1500SF retail/commercial building is being proposed at the front of the property with a rear parking lot for eleven vehicles. At the moment there is no specific tenant identified. A sidewalk will be constructed within the development along the south side of the proposed roadway.

Mr. Jordan discussed utilities and told the Board the site would be serviced by Pennichuck Water, by extending an existing water line along Windham Road; each building will have its own individual septic system (tank and leach field). The septic design conforms to both the Town and State requirements. With regard to drainage, they will take advantage of the permeability from the sandy soils. Mr. Jordan explained that the drainage from the parking lot of the commercial building as well as a portion of the private roadway would be picked up by catch basins and recharged by means of an underground infiltration system in front of the retail building. The remainder of the site will flow toward the back of the site to a rain garden bio retention site. All roof runoff will go through the underground recharge process. Mr. Jordan informed that all State permits had been filed. Comments were received from the State in regard to the subdivision permit; those comments will be addressed shortly. The individual septic designs will be submitted to the State. The New Hampshire Department of Transportation driveway permit has been issued. They are required to file a Shoreland permit, which is currently pending, because of the proximity of the development in relation to Beaver Brook. There will be no disturbance within the 50ft. waterfront buffer. The site is subject to an Alteration of Terrain permit; comments have been received on the application and the permit is expected within the next week.

Mr. Ganek stepped forward and explained to the Board that the main intention of the design was to minimize the impact of the units being put on the parcel. They've chosen to access the site and have all vehicular traffic through the center of the parcel. The garages will be facing toward the private access drive. The backside of the buildings would be for pedestrian access only with first floor porches and no upper level decks. The buildings will be slab on grade, one and a half stories (28ft in height); the ability to occupy the second story is by having dormers. The units will each have a 30ft.x40ft. footprint; the difference in square footage for the two-bedroom versus the three-bedroom units is achieved through the size of the dormers on the upper level. Mr. Ganek showed a schematic indicating the design and elevation of the buildings. He noted both the commercial and residential structures would have a classic New England design.

It was Mr. Gowan's opinion that he plan was compete. He recommended accepting it for consideration.

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

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

Mr. Montbleau asked for Mr. Gowan's comments regarding the submitted plan. Mr. Gowan commented this was the first application that addressed the items contained in the Mixed Use Zoning District ('MUZD'). He had challenged the applicant to be sure that this first project would set the bar for others to follow. He felt they achieved a good mix of the residential and commercial components. For inspiration of the architecture, he provided photographs of the Atwood General Store (formerly located at Main Street and Windham Road). He believed the plan had reasonably addressed the buffering of neighboring properties. He noted there was a plan created for the commercial tenant to possibly grow prior to the project being developed out.

Mr. McGowan explained to the Board that the applicant would try to let the market determine who the end use would be for the commercial component. The plan has been designed with flexibility to eliminate some of the residential units to expand the commercial aspect, if needed. Mr. Gowan noted the theory behind the flexibility would be if there was a commercial user who needed additional parking or septic capacity, some of the residential units wouldn't be built. He believed if the plan were approved it would be good to articulate that flexibility in some fashion.

Mr. Dadak questioned if the development was mixed use and mixed age. Mr. Gowan replied the development had no age restriction. He discussed other components of the project, such as the use of low-impact technologies and recharging ground water versus using old style detention ponds.

Mr. Doherty discussed the idea of the mixed use district and the possibility for a business to purchase one of the units for use other than residential purposes, which is allowable on the lot. He suggested that the homeowner/condominium documents be specific regarding the use. Mr. Gowan felt that was an excellent point if someone were to purchase a unit and not use all of it for business. He commented the Town had a lot of home businesses and it would be something to contemplate. Mr. Doherty suggested if a unit was to be used for a business that they have the same appearance as the other townhouses. Mr. Montbleau asked for clarity, he understood the proposal was for fifteen residential units and one commercial unit; businesses would not be run out of the residential units. Mr. McGowan wasn't aware there was flexibility. The anticipation was for fifteen residential units and one commercial unit, not to have businesses run from the residential units. Mr. Montbleau stated his opposition to having the residential units be used for businesses. Mr. McGowan agreed. He reiterated he did not anticipate the residential units being used for business. Mr. Gowan pointed out that to use the residential unit for business would require a change of use to come in front of the Board. Mr. Montbleau questioned if there was a blueprint drafted for the condo docs at this point. Mr. McGowan replied there was a boilerplate they've used in the past. He was open-minded to a professional using one of the units; however, he contemplated the residential units remaining residential and the commercial unit housing a business. Mr. Montbleau found that reasonable. Mr. Gowan pointed out that homeowner's documentation would be reviewed by Town Counsel. Mr. Culbert agreed that the townhouses should only be used for residential. Mr. Montbleau spoke of his experience being the president of the condo association with 105 units, three of which were businesses. Those businesses were specifically identified in the condo documents and could not be anything other than what they were, nor could the residential units be anything different. Once the condo documents for the proposed project were written, he said the fifteen units would remain residential, and nothing else.

Mr. Doherty brought the subject up because under a minor home occupation the Town doesn't allow such businesses under a rental situation. Mr. Gowan added that businesses also could not be run in a multi-family structure; this was prohibited under both the minor home and general home occupation. He believed Mr. Doherty's point spoke to the mixed-use component. Mr. Montbleau reiterated the condo documents had to be specific regarding the commercial unit use and the residential unit use to avoid problems in the future. He said if they tried to cross weave the two uses it would become a nightmare to sort out. Mr. Jordan appreciated the discussion and stated they had never contemplated anything but 15 residential townhouses and a single commercial component. He stated they would address it properly in the condo document; they do not want commercial use in the townhouse units. He understood the potential issues with septic capacity, parking issues and would be likewise concerned with evaluating the other residential townhouses. He told the board they would stick with their original intention of 15 residential townhomes in one commercial unit out front.

Mr. Dadak questioned the drainage plan. Mr. Jordan replied there would be gutters on a portion of the buildings; however, the back of the units would recharge the roof drainage, separate from the rest of the drainage system.

Mr. Doherty confirmed the units would be slab on grade as opposed to having cellars. Mr. Jordan answered yes. Mr. Doherty understood doing so would make recharge systems easier because they could be placed closer to the building.

Mr. Gowan received a memo with questions from Mr. McDevitt who was unable to attend the meeting. One question was about the proximity to Beaver Brook. He noted the Town had a two phase flood study done by VHB. It was VHB's opinion that the 100-year flood indication was not really what the 100-year flood was, although it's still what they had to work with. He believed the question was answered by the 50 foot grade change within the 50ft. buffer; the 100 year flood line was below the grade of the property. Mr. Jordan replied according to the FEMA flood maps, the 100 year flood elevation, was elevation 134 along this section of Beaver Brook. The elevation with the townhouses would be constructed at elevations above 150. Mr. Gowan pointed out any flood impacting the development would also impact most of the Town in a dramatic way. The second question was regarding proposed landscaping. Mr. McDevitt felt at least one of the species may not be

salt tolerant, and asked that any planting within the proximity of plowing and/or salt should be resilient to such. Mr. Gowan confirmed that the line of tree shown on the plan were existing and not part of the new landscaping. Mr. Jordan replied that was correct. Mr. McDevitt wrote he was happy that the stone foundation near the Brook would remain. Mr. Jordan explained to the Board there was some sort of stone foundation approximately 50-feet from the edge of Beaver Brook that was located in an area not being disturbed. The significance of that stone foundation was unknown.

Mr. Culbert questioned the sight distance. Mr. Jordan replied the sight distance in both the north and south direction well exceeded 400 feet. Mr. Culbert asked that the distance be provided at the next hearing. He questioned how the rain gardens would be maintained in the future, and who would be responsible for doing so. Mr. Jordan replied they would be part of the homeowner's association's responsibility. There was a complete storm water operation and management plan submitted to the Town. Mr. Culbert questioned how often it would be maintained. Mr. Jordan believed it was at least every six months. Mr. Culbert wanted to know what the streetscape landscaping would look like. Mr. Jordan noted a landscape plan was submitted as part of the application. He believed there would be sugar and red sunset maples along the road. The heaviest concentration of landscaping would be adjacent to the commercial property. Mr. Culbert requested specific information to be submitted for the next meeting. He asked if there would be trees between the townhouses. Mr. Gowan stated that the Fire Department, per NFPA would not allow it, as they need access between the buildings. Mr. Culbert questioned how many windows were planned between the units that face each other. Mr. Ganek said there were no windows planned for the sides. Mr. Culbert asked that a copy of the inspection and maintenance report book (for drainage system) and copies of inspection reports be submitted to the Planning Department. Mr. Jordan believed the maintenance plan spelled out for reports to be submitted to the Town. Mr. Culbert confirmed that no-cut signs would be posted along the Wetland Conservation District ('WCD'). Mr. Jordan answered yes. Mr. Gowan added he would require WCD signs along the buffer as the regulations specify.

Mr. Culbert asked for more detail regarding the joined septic systems for the residential units. Mr. Jordan explained that the Enviro Septic leach field consists of 12 inch diameter plastic pipes wrapped in fabric. That type of technology has the ability to stack the system. He noted they would meet the groundwater table requirements because of the sandy soil conditions. The system allows treatment of wastewater within a smaller footprint that is prescribed and reviewed by the State.

Mr. Doherty asked for clarification whether or not the residential units would have windows between the buildings. Mr. Ganek noted the rendering showed potential locations, if the Board desired, the buildings could be done without windows between them. Mr. Culbert didn't like the idea of windows, as people could peer in to adjacent structures. Mr. Gowan noted light, and being able to peer into another unit were to different things. He added there were all kinds of technology to let light in while retaining privacy. He cautioned the Board not to push for eliminating windows. Mr. Doherty said his question had more to do with meeting code by the number of windows. Mr. Ganek replied they could meet code with the amount of daylight and ventilation.

Mr. Dadak questioned if the residential units would have internal fire sprinkler systems. Mr. McGowan replied they were open to doing so. He had only spoken to the Fire Department regarding the hydrant. Mr. Jordan noted there was a hydrant proposed at the beginning of the street. Mr. Dadak wanted to know the location for snow storage. Mr. Jordan stated snow would be plowed to the sides of the street and to the rear of the road. It would not end up in Beaver Brook because the end of the road was approximately 100 feet from the brook. Mr. Doherty saw that snow storage locations were noted on the plan (sheet 4 of 19). He saw both sides of the hammerhead and behind the commercial building as being designated. Mr. Montbleau believed those locations may affect the parking area for the commercial building. Mr. McGowan stated the condo docs could include stipulations for snow storage and if necessary, snow removal.

Mr. Montbleau wanted to know the square footage and number of bedrooms for each of the units. Mr. Ganek replied each unit would be approximately 1600 ft. of livable space plus a 480 ft. two-car garage. There would

be four 3-bedroom units and eleven 2-bedroom units. Mr. Montbleau asked if the condo documents would include stipulations regarding pets. Mr. McGowan replied they would create stipulations; possibly a weight restriction and a restriction for the number of pets per unit. Mr. Montbleau commented there would also need to be an area designated for pets to relieve themselves and possibly have receptacles for gloves, bags, waste disposal etc. Mr. McGowan stated those points would be stipulated in the condo docs.

Mr. Montbleau wanted further information regarding the proposed lighting for the site. Mr. Jordan indicated a lighting plan had been submitted with the packet. He reviewed the locations for proposed light poles, wall pack lights, residential scale post lights and the typical lights of a residence and over the garage door. Mr. Montbleau felt the project was small enough to utilize low level lighting rather than poles, so people wouldn't have light shining into their windows. Mr. Doherty saw that the proposed posts were only about 10 feet in height and located along the road that would illuminate the garages. He felt it might be appropriate to have the post lights since it was in the pathway of vehicular traffic accessing the site. He didn't want to create a hazard by not having enough light. Mr. Montbleau was very aware of lighting in high density situations and spoke from his experience. He stated low level lighting was conducive to a relaxed ambience in neighborhoods with high density, and at the same time provided appropriate travel ways for vehicles.

Mr. Culbert asked how many parking spaces were assigned to the commercial building. Mr. Jordan replied there would be eleven spaces. Mr. Culbert questioned if they would be enough in the event there was an expansion of the commercial use. He wanted to know in the event a decision was made to not build the additional residential units, because of enlarging the commercial building, and if the commercial lease ended, if the eliminated units could then be built. Mr. Gowan replied if the commercial building was made larger to accommodate a specific use and they lost residential units, those residential units would not come back. He said a better question would be how much septic and parking could there be if the two residential units weren't built.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward. He referenced his report letter of August 13th, addressed to Mr. Gowan, which was his second review of the project plans. His first review letter was dated May 26th to which the applicant had already responded. He noted most of the comments were dotting 'I's' and crossing 'T's' and believed the advisory items would be addressed if the Board were to make a motion to proceed. Under planning and design comments, Mr. Keach noted there was a waiver request to reduce the width of the paved street from 24 ft. to 22 ft. through the residential portion of the project. He supported that waiver request in great part because the plans called for the prohibition of on-street parking. He noted each unit would have a two-car garage as well as two additional parking spaces in front of the garage; each unit could accommodate up to four vehicles without impeding on anybody else's space. He reiterated his support for the waiver to have reduced pavement width. Mr. Keach also supported the innovative storm water technology incorporated into the design. With regard to maintenance, he said the report specifies periodic reports and includes an attached form that can be used to make it easier for compliance. Copies of the report are to be maintained by the Homeowner's Association but also made available to anyone the Town designates. Mr. Keach summarized the maintenance package as called out in the report. He noted driveway sweeping was to be done every spring and fall. There are a handful of deep sump catch basins that are being called for inspection a minimum of twice per year and cleaned out when they reach 50% capacity. The hydrodynamic separator situated off the corner of the commercial building, collects storm water runoff and removes particulates before they enter the underground system. This separator will be inspected and maintained a minimum of twice per year. With regard to the bio retention area located at the far end of the street, inspection and maintenance is to occur twice per year. Storm water infiltration is also twice annually with regard to inspection and maintenance. Mr. Keach pointed out all of the components within the system appeared to call for inspection and maintenance each spring and each fall. He told the Board the best way to ensure maintenance and inspection was to have an acknowledgment of it in the homeowner's documents. He noted the management plan came to the Board as part of the submission and was included as part of the record for the proceedings. He considered the document an integral part of the plan submitted. He said the recorded site plan would also include acknowledgment of the document.

Mr. Keach stated regardless of the subjective issues discussed at the present hearing, the Board had a very well-engineered plan.

Mr. Doherty stated there had been discussion about the possibility of losing a couple of the residential units and increasing the commercial use. He wanted to know how Mr. Keach felt about this. Mr. Keach believed what the Board heard was a request from the applicant for flexibility from the design perspective in the event they wanted to pursue a site plan amendment at a later time to eliminate two residential units. He didn't feel it should be presumed that the current land use regulation would allow that action to occur without express approval from the Board. He didn't feel they needed to concern themselves at this point with something that somebody 'may' do. At this time there was no proposal submitted to reduce the residential units. Mr. Gowan understood that the project would be built from the back to the front, so if an opportunity presented itself the applicant could come back in front of the Board with a request.

PUBLIC INPUT

Mr. Montbleau read aloud a letter submitted to the Planning Department dated September 3, 2015 from the Kirkpatrick family of 7 Mossey Lane. He suggested they meet with the applicant to discuss their questions and concerns in further detail. In summary the questions and concerns were:

Townhouses: density seems larger than zoning parameters, development seems overcrowded for the property, units will be built directly behind their property, concern of having to septic tanks and leaching fields along their property line close to well water. Question regarding: 1) townhouse dimensions, 2) if the decks will be ground-level or elevated and at what height, 3) will townhouses be rented or owned and the cost for such.

Water: 1) what is the distance between their well water and propose septic tanks and leach field of the development, 2) concern that the project will have a negative impact on their well water, 3) will developer be required to pay to restore the water quality if they are impacted, 4) will applicant agreed to pay for well water test every four months for five years.

Shoreland Permit 1) what impact will project have on wetlands, 2) concern that any disruption to Beaver Brook could impact their home, 3) what assurances are there that project will have zero impact to the flood zone.

Buffering: 1) will be existing tree line be extended for buffering, 2) will the applicants lot be cleared of all trees up to the property line, 3) any plan for interim years from buffering until proposed trees reach full height, 4) request for privacy fence along their property line as well as pine trees on the 52 Windham roadside of property.

Business Space: 1) what type of business will use retail space, 2) are sidewalks part of the development plan, 3) concern raised about the area not being pedestrian friendly and being a dangerous situation for anyone to walk along Windham Road to patron the proposed business.

Mr. Montbleau believed many of the questions and concerns had been brought up during the discussion. He reiterated the suggestion for the Kirkpatrick's to meet with the applicant to seek out preliminary answers. He then opened discussion to allow public question and comments.

Mr. Vinny Fici 58 Windham Road was concerned regarding septic, salts, and water runoff. Mr. Gowan explained all runoff (from roofs, impervious surfaces etc.) would be captured in underground structures, so there would be no runoff from the site. Water would be recharged underground so it wouldn't become a surface water problem. The type of system being described was widely used with more sophisticated engineering projects. Regard to septic, Mr. Gowan noted there were no better soils then that in the immediate area of the project. He said it was really well drained so they have the ability to have a very robust septic system. Mr. Fici was concerned that the leaching water would flow onto his property. Using the plan set, Mr. Jordan showed the location of Mr. Fici's lot. He noted each building would have its own septic system and leach field. He described how effluent was treated before reaching the water table and being transported away from the area. He noted any groundwater flow (of treated water) would be in an easterly direction towards

Beaver Brook. Mr. Fici questioned how deep the ground water was. Mr. Jordan replied they dug down 10 to 11 feet and didn't hit groundwater. Mr. Fici reiterated his concern that leached water would hit his groundwater. Mr. Jordan replied everyone's groundwater flowed towards Beaver Brook. Mr. Gowan added that water was treated before it reached the groundwater. Mr. Fici felt the development would be a bit much for the lot to handle the septic of 15 residential units and a commercial unit. Mr. Gowan noted the State scrutinized the septic plan carefully. Mr. Fici voiced concern for his privacy. Mr. Gowan said there was potential for buffering. Mr. Jordan added that the septic loading was directly related to the density of the property and dictated by the State; the applicant has to prove that the 3.2 acres could handle the proposed septic load. Soil typing has been done along with test pits. The development does not exceed the limits.

Mr. Fici was also concerned regarding snow removal, sand and salt. Mr. Keach came forward to help with the explanation regarding drainage. He stated the explanation provided by Mr. Jordan was directly from code. In this particular situation, because of the soils there is an ability to discharge up to 2000 gallons per day, per acre. He stated the flow of water would clearly be towards the east (Beaver Brook). Mr. Keach explained it was not the soil that treated the effluent, it was the oxygen in the void spaces of the soil. A lot of the effluent would dissipate with the porosity of the soil. He then spoke about the migration of sand, salt etc. he wasn't worried about sand and didn't feel the abutter should be either. He discussed salt, at the point it becomes a solution, it would remain a solution until it was completely dry. Winter salt that may be used on the site would end up in the storm water management systems. Mr. Fici spoke of last year's winter and the amount of snowfall. He wanted to know where snow storage would be located in the event of a repeat winter. Locations for storage were indicated on the plan.

Mr. Doherty reviewed the plan and location of the large rain water garden at the back of the site (southerly corner). He said based on the topographic lines it appeared water would flow across the foundation toward Beaver Brook and not towards Mr. Fici's property. Mr. Jordan stated that the observation was correct.

Mr. Frank Kirkpatrick of 7 Mossey Lane referenced the Town's Master Plan, which was brought up when the medical facility was constructed on Windham Road and held as the standard. He referenced Chapter 4 which addressed soils; the area map within the plan showed the whole area of the proposed project being designated as high limitations. He wondered how it went from severe, to now being the best land to develop. Mr. Montbleau noted a soil scientist took samples of the area and wrote a report for submission to the State for approval. The soil type of the parcel has been certified. Mr. Gowan said he had been the Chair of the Master Plan in 2000. The Master Plan was currently out of date of going through and updating process. He pointed out that the scale of the maps within the plan were not accurate enough to describe specific soil types; they are a generalized sort of map. A soil scientist had to certify actual soil types. He said the Master Plan stressed using caution around water bodies like Beaver Brook, which later became a fourth order stream long after the plan was created. The brook had special protections on its own under control of the Shoreline Protection Act.

Mr. Kirkpatrick felt the property was out of scale. He wanted to know the square footage of the residential units. Mr. Ganek replied with the living space was approximately 1600 feet plus the garage. Mr. Kirkpatrick stated his house was 45 feet in length; which meant he would stare at 210 feet of building. He questioned if there were any other projects in Town that reflected a similar type of situation. Mr. Gowan replied they were many examples, such as the 55+ projects that were approximately the same size scale, density, and contained multiple buildings. He noted the project behind Rite Aid had the same type of soils. Mr. Kirkpatrick didn't feel there was space to store snow on the lot; the previous owner wouldn't have put it near Beaver Brook, which was supposed to be protected. He asked if a site walk had been conducted. Mr. Montbleau replied it had not yet been scheduled. Mr. Kirkpatrick discussed the slope of the property, which dropped down towards the Brook. He said the Master Plan also spoke about not developing areas with more than 15% slope. Mr. Montbleau explained information was collected by the engineers and certified to determine if the development could occur. That information was then forwarded to the Board for review. He noted the plan had only been accepted for consideration at this point, meaning the paperwork was complete to begin the review process. Mr. Gowan discussed the Master Plan, which was a broad document. That plan is used as a foundation, the Town

had developed its Zoning Ordinances, Site Plan Regulations, Planning Regulations and Mixed-use Development Regulations on top of that foundation. Mr. Kirkpatrick wanted to know the setback requirements. Mr. Jordan indicated the closest building on the south side of the project (abutting the Kirkpatrick property) was 25 feet from the covered porch to the property line. Three units would be 30 feet away and two units would be 35 feet away. On the north side of the property (adjacent to the Fici property), there was one unit 23 feet away and the rest ranged from approximately 30 feet and upward to 75-100 feet away. Mr. Gowan checked the setback requirements in Zoning. Front setbacks for new structures shall be a minimum of 10 feet, side and rear setbacks shall be a minimum of 10 feet, except when property abuts the residential zone. He noted the applicant was exceeding what was allowed as they were located in the mixed-use zone.

Ms. Cynthia Kirkpatrick of 7 Mossey Lane spoke of her concern about allowing pets in the new development. She was also concerned about the number of children that may reside within the development. She stated there was no place for children to play on site or walk to on Windham Road. She felt as part of the project the Board should review pedestrian traffic from the roundabout to the development for connection. She noted the development would divide Mossey Lane from the neighbors. She was not opposed to development, it was the size of the project, which she felt may fit on paper but not into the neighborhood. She felt consideration should be given to downsizing the project to make it manageable to those residing around it. The neighborhood would be completely changed if the project went forward as proposed. Ms. Kirkpatrick pointed out they lived in the neighborhood prior to Mixed Zoning being approved and the proposal would impact their lives. She asked that the questions raised in their submitted letter be answered during the review process. She ended by requesting that the Board consider downsizing the project. Mr. Montbleau encouraged Ms. Kirkpatrick to speak with the applicant's representatives to better understand the proposal and obtain answers to her questions. Ms. Kirkpatrick asked the Board to walk the site.

Mr. Joao Fagundes of 9 Mossey Lane moved to the neighborhood of 11 years ago. He noted he had a huge garden and a permit for animals such as pigs, bunnies and chickens. He was concerned that the new neighbors would give him a hard time about his animals and wanted to know what he could do if that occurred. Mr. Montbleau replied during the site walk the Board could view what he described. Mr. Gowan explained as long as the animals were kept in a way that complied with the State's Health Regulations they wouldn't be a problem. He couldn't think of a situation that would make Mr. Fagundes stop having animals, even if the Town's Zoning changed, since the animals were already in existence.

The Board considered the waiver request to reduce the width of the pavement. Mr. Montbleau read the request aloud. Mr. Dadak questioned if the Highway Safety Committee had provided an opinion. Mr. Gowan replied they had reviewed the road name, but had not yet reviewed the road width piece. He suggested the Board accept the waiver for consideration, and at a later date he would have the Highway Safety Committee make a recommendation.

MOTION: (Culbert/Dadak) To accept for consideration, the waiver request to Section 303-1.B.1 – reduction of internal access driveway pavement width from the required 24ft (for two-way traffic) to the requested 22ft (for two-way traffic).

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

Mr. Doherty had some concern about the road width at the commercial building to Windham Road and suggested it remain 24 feet wide in that area. Mr. Gowan will bring that point up to the Highway Safety Committee for an opinion.

Mr. Montbleau asked the applicant if they would like to have a site walk. Mr. Jordan answered yes. A site walk was scheduled for September 26, 2015 beginning at 8 AM. Mr. Dadak asked that the centerline of the

road be staked as well as the house corners closest to abutting property. The public was informed site walks were considered public meetings and they were invited to attend.

The plan was date specified to the October 5, 2015 meeting.

SITE WALK – September 26, 2015 at 8am

PB Case #PL2015-00016 - Map 22 Lot 8-130 - 52 WINDHAM ROAD, LLC.

DATE SPECIFIED PLAN(S) – October 5, 2015:

PB Case #PL2015-00016 - Map 22 Lot 8-130 - 52 WINDHAM ROAD, LLC.

MINUTES REVIEW

August 17, 2015

MOTION: (Croteau/Culbert) To approve the meeting minutes for August 17, 2015 as written.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:23pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary