

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD MEETING**  
**May 5, 2014**

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

The acting Secretary Tim Doherty called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paddy Culbert, Tim Doherty, Jason Croteau, Selectmen Representative Robert Haverty, Planning Director Jeff Gowan

ABSENT: Paul Dadak, Alternate Mike Sherman, Alternate Joseph Passamonte

Mr. Gowan told the Board that notification had been received from Mr. Dadak and Mr. Sherman indicating they were unable to attend the meeting.

**NEW BUSINESS**

**PB Case#PL2014-00011**

**Map 32 Lots 1-144, 143, 142 & 139 - RITA MONTBLEAU REVOCABLE TRUST, Rita Montbleau, Trustee; MONTBLEAU, Roger; MONTBLEAU, Dennis & Eileen – Spaulding Hill Road – Proposed Lot Line Adjustment & Boundary Agreement Plan**

Mr. Montbleau 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.

Mr. Shayne Gendron of Herbert Associates, representing the applicants, came forwards to discuss the proposed lot line adjustment and boundary agreement plan. He said they were looking to take a portion of the acreage out of Lot 1-143 and add it into Lot 1-144 (an undeveloped lot). The purpose of the lot line adjustment is for future development purposes; however he noted there was nothing planned at this time. The lot line adjustment will tighten up the lot lines for Lot 1-143 which contains an existing home, shed, tennis court, septic system and wells. Mr. Gendron called the Board's attention to two parcels, shown on the colored plan displayed, that read through the deeds and were presently included with Lot 1-144. The proposal would separate those lots from Lot 1-144 and appropriately divide them for inclusion with their abutting Lots 1-142 and 1-139. There would be approximately 2.58 acres added to the existing Lot 1-142 and approximately 1.05 acres would be added to the existing Lot 1-139. The purpose for those lot line adjustments was to clean up the lot lines for platting purposes.

Mr. Gendron reviewed the waiver requests: 1) Show the plan set at 1inch =100ft scale; 2) Request not to show the boundaries for Lots 1-143 and 1-144; 3) Request to use Natural Resources Conservation Service Soil Mapping rather than site specific.

Mr. Gowan said the proposal wasn't complicated and believed the plan was sufficiently prepared. He recommended that the Board accept the plan for consideration.

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

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

Mr. McNamara asked that the Board consider the waiver requests.

**MOTION:** (Culbert/Croteau) To accept, for consideration, the waiver request to Section 10.03,C -to not show the entire boundary for Lots 1-143 and 1-144.

**VOTE:** (5-0-0) The motion carried.  
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**MOTION:** (Culbert/Croteau) To accept, for consideration, the waiver request to Section 11.04,A – to allow a plan set scale of 1 inch to 100ft.

**VOTE:** (5-0-0) The motion carried.  
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**MOTION:** (Culbert/Croteau) To accept, for consideration, the waiver request to Section 11.04,S – to allow showing Natural Resources Conservation Services soil mapping rather than site specific soil mapping.

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

Mr. McNamara opened the hearing for public input.

#### PUBLIC INPUT

Mr. Roger Montbleau, 44 Spaulding Hill Road came forward and explained to the Board that his parents resided in assisted living facilities and were planning to sell their home. The lot adjustments were for 'housekeeping' purposes. Mr. Montbleau noted that the land was all in current use and there were no plans for development at this time.

Mr. Gowan saw there was a very small part of Lot 1-139 that extended into Hudson, NH. While he didn't feel the applicant needed to go to Hudson for any approval because nothing was being changed in Hudson, he wondered if they would need to file copies of the altered plan in such a way that give Hudson notification. Mr. Gendron said they would get a set of plans to Hudson.

**MOTION:** (Culbert/Croteau) To approve the waiver request to Section 10.03,C -to not show the entire boundary for Lots 1-143 and 1-144.

**VOTE:** (5-0-0) The motion carried.  
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**MOTION:** (Culbert/Croteau) To approve the waiver request to Section 11.04,A – to allow a plan set scale of 1inch to 100ft.

**VOTE:** (5-0-0) The motion carried.  
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**MOTION:** (Culbert/Croteau) To approve the waiver request to Section 11.04,S – to allow showing Natural Resources Conservation Services soil mapping rather than site specific soil mapping.

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

There was no further discussion.

**MOTION:** (Culbert/Croteau) To approve the lot line adjustment and boundary agreement plan.

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

Mr. Montbleau returned to the Board.

**PB Case#PL2014-00013**

**Map 41 Lot 6-139 - PRO-TURF LANDSCAPING, LLC - 16 Pulpit Rock Road, Suite #2  
– Change of Use to allow office use for a landscaping business**

Mr. McNamara commented that Case PL2014-00013 and PL2014-00014 were separate, but related. He said the Board would take each case one at a time for purposes of clarity.

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.

Ms. Andrea Dube, Office Manager of Pro-Turf Landscaping, LLC and Christopher Beaudry, Owner of Pro-Turf Landscaping, LLC. came forward to discuss the requested Change of Use. Ms. Dube explained they were seeking to utilize the office location for office purposes; the attached garage would be used for maintaining small equipment and storing such when not in use.

Mr. McNamara asked how large the present office was. Ms. Dube said the current office was simply a room with a desk. Mr. McNamara questioned the size of the area they were seeking to move into. Mr. Dube believed the combined office and garage space totaled 4800SF.

Mr. Gowan displayed a plan of the existing structure. He said the applicant would like to utilize part of the structure for their office and conduct maintenance/repair work within the associated bay. It was his understanding that the applicant wasn't proposing any work outside or signage. Ms. Dube said nothing would be done outside, except vehicle parking in front of the building during the work day.

Mr. McNamara asked if there would be no change to the exterior of the building. Ms. Dube confirmed there would be no change to the exterior. Mr. McNamara wanted to know the hours of operation. Ms. Dube stated the office typically ran from 7:30am to 4:30pm/5pm. Mr. McNamara questioned if additional exterior lights would be added. Ms. Dube stated they didn't plan any alterations to the building except to add furniture.

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

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

Mr. Culbert questioned if any hazardous chemicals would be stored on site. Ms. Dube replied they didn't work with chemicals. The company didn't work with any fertilization or chemical applications. Mr. Culbert wanted to know where the building was located on Pulpit Rock Road. Mr. Gowan described the location as being close to the convenience store (R&B Superette) on Route 38. Ms. Dube showed a map of Pulpit Rock Road and the location of the building. Mr. Culbert asked if there were any danger of fertilizer leaching into wetlands. Mr. Beaudry said they didn't fertilize. Ms. Dube said they weren't licensed to fertilize. She said they maintain properties and blow bark mulch. Mr. Beaudry added that they did irrigation work.

Mr. McNamara opened the hearing to public input.

#### **PUBLIC INPUT**

Mr. Edward Lynch, Prolyn Corp. (who had property in the area) came forward to ask that the Board take all precautions with regard to the area. He stated he was neither for, nor against the proposal, but wanted the record to indicate he voiced concern regarding the area wells and aquifer. Mr. McNamara believed the concern related more toward the second case (#00014), rather than the office space being discussed. Mr. Lynch understood, but wanted the concerns voiced for both cases.

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

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

#### **PB Case#2014-00014**

**Map 35 Lots 6-116 & 117 - PRO-TURF LANDSCAPING, LLC - 63-65 Bridge Street – Change of Use to allow the storage of trucks, trailers, bark mulch & loam bins associated with a landscaping business**

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.

Ms. Andrea Dube, Office Manager of Pro-Turf Landscaping, LLC and Christopher Beaudry, Owner of Pro-Turf Landscaping, LLC. came forward to discuss the requested Change of Use. Ms. Dube explained they had outgrown the lot they currently stored trucks and it had come under new ownership. In their search for a location to store their vehicles that was close to an office, they found the Pulpit Rock spaces.

Mr. Gowan reminded the Board that the owner of the property (Mr. Wagstaff) had come in front of them late in the fall after acquiring area property to seek approval to revive the car sale component at the front of the lot at Pulpit Rock Road and Route 38. He said the Board granted that approval. After having walked the property with the owner, he saw there was a big space in the back of the lot that had some debris and other items. He felt the applicant's proposal was a reasonable use for the back portion of land. He noted the applicant would use a separate entrance to the portion of the lot they would use.

Mr. McNamara opened the hearing for public input.

#### **PUBLIC INPUT**

Mr. Edward Lynch, Prolyn Corp. (who had property in the area) reiterated his comments/concerns from the previous hearing (#00013) and requested they be incorporated into the present hearing. He asked that the Board take all precautions with regard to the area. He stated he was neither for, nor against the proposal, but wanted the record to indicate he voiced concern regarding the area wells and aquifer.

Mr. McNamara asked for a description of the type of activity that would be conducted on the lot. Ms. Dube said they would store their trucks. She noted the vehicles were very well maintained and wouldn't seep anything into the ground. Aged vehicles are replaced. Mr. McNamara questioned if they did their own maintenance. Ms. Dube replied they had a mechanic that maintained their vehicles off the property. She said they would store mulch in large concrete block bins on a seasonal basis from late March through the end of August. Mr. McNamara wanted to know if any trees or vegetation would be cleared. Ms. Dube said there was some scrub brush and baby trees around the perimeter that would be removed to improve the property's appearance. Mr. McNamara asked what type of fencing would be installed. Ms. Dube replied they had acquired a few quotes for chain link fence with privacy slats that would be installed along the front of the property that faced Bridge Street and the area along Pulpit Rock Road. Both areas would have gated access for the company. Mr. McNamara saw a note that landscaping would be put in along the Bridge Street side of the property. Ms. Dube said they would like to help the owner (Mr. Wagstaff) clean that area up and keep it mowed and freshly mulched.

Mr. McNamara questioned if the hours of operation would be the same as the office hours. Ms. Dube said they typically began at 7am and typically worked as late as 7pm during the landscaping season. In the winter they would only be working when it snows. Mr. McNamara asked if there would be any hazardous materials stored outside. Ms. Dube said they have a bin for loam.

Mr. Doherty saw that the applicant proposed to lay down reprocessed asphalt. He said that type of material came from roads, parking lots, gas stations etc. and could contain gas, oil and antifreeze. He said that material is designed to be put down and paved over. He was concerned that the proposed material could leach contaminants into the ground and aquifer.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to address Mr. Doherty's concern. He said the proposed recycled asphalt pavement was not hazardous as hazardous would be defined by any authority of competent jurisdiction. He said it

was a construction material. Mr. Doherty wanted to know if materials from gas stations were mixed with that type of asphalt. Mr. Keach said materials wouldn't be mixed in if there were contaminants in the asphalt that would cause it to be treated in a different fashion.

Mr. Culbert asked if bark mulch contained any carcinogens or anything dangerous. Mr. Keach replied the common use for mulch was to be on the ground. He said it wasn't a hazardous material.

Mr. Gowan believed the recycled asphalt material to be porous and not close up like asphalt. Mr. Keach said it would behave very similar to crushed gravel. He said the Department of Transportation ("DOT") standards for bridge construction it could be used in lieu of crushed gravel.

Mr. McNamara asked if there were any privacy concerns with neighbors or any issues with noise. Ms. Dube answered no. She said they didn't make a lot of noise or run any heavy machinery. She noted they didn't work on site. Mr. McNamara wanted to know how many vehicles would be stored on site. Mr. Beaudry said they would store approximately 15 vehicles (a combination of trucks, trailers and other equipment).

Mr. Gowan asked about the lighting plan. Ms. Dube said they would like to install between 1-4 lights depending on how the property was configured. She said they realize any lights would need to be Dark Sky compliant. She said they wouldn't know where lighting was needed until they were at the property. Mr. Gowan said if the Board was inclined to approve the proposal, he suggested they have a condition that lighting be reviewed and approved by the Planning Department.

**MOTION:** (Croteau/Culbert) To approve the Change of Use, conditioned upon any proposed lighting be approved by the Planning Director to ensure compliance with Town Standards.

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

## **WORKSHOP**

### **Proposed Land Use Regulations**

Mr. Gowan told the Board that Steve Keach of Keach Nordstrom and Mark Fougere of Fougere Planning and Development had worked on preparing draft regulations/chapters for the Board's review. Copies of the regulations were distributed to the Board along with suggested amendments submitted by Mr. Gowan and Mr. Culbert.

The Board reviewing the section titled "Design and Construction Standards" and considered minor modifications. They were provided with a draft of the "General Provisions", "Performance Guarantee Requirements & Construction Procedures" and "Application Procedures & Requirements". Mr. Keach said once the Board has the opportunity to complete their review, he will go through the documents and highlight every word and term that ought to be defined. He noted if there was a conflict in the provisions, the Zoning Ordinance would prevail over the Regulation.

The Board members were asked to review the proposed language for further discussion at a later meeting. Mr. Gowan will forward electronic copies of all documents. He discussed the timeline for review and public hearings and noted they would need to complete the process for the end of June, which went along with the grant requirements. He suggested having a sub-committee get together to fine tune language. Mr. Culbert and Mr. McNamara volunteered. Mr. Doherty was interested, but needed to know the timeframe before fully committing. Mr. Keach believed the Board was close to completion on most of the language. He noted the Subdivision Regulations would be easier to review.

The Board will conduct another review of the proposed documents at their upcoming meeting.

### **MINUTES**

**April 21, 2014**

**MOTION:** (Montbleau/Doherty) To approve the April 21, 2014 meeting minutes as written.

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

### **ADJOURNMENT**

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

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

The meeting was adjourned at approximately 9:02pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary