

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
June 16, 2014

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, Tim Doherty, Jason Croteau (arrived after the meeting commenced), Alternate Joseph Passamonte, Planning Director Jeff Gowan

ABSENT: Selectmen Representative Robert Haverty, Alternate Mike Sherman

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

Mr. McNamara appointed Mr. Passamonte to vote until such time Mr. Croteau arrived.

OLD BUSINESS

PB Case #PL2014-00005

Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street - Proposed 8-Lot Conservation Subdivision and Seeking a Special Permit to construct a road through the Wetland Conservation District

Mr. McNamara told the Board that the applicant requested a continuance to the July 21, 2014 meeting. The continuance was allowed.

The Case was date specified to the July 21, 2014 meeting.

PB Case #PL2014-00009

Map 29 Lot 7-27-1 CROSSROADS BAPTIST CHURCH - 43 Atwood Road – Amend conditions of original approved site plan including: 1) Reducing the parking area; 2) Revising the previously approved drainage; 3) other changes involving the parking area; Also seeking a Special Permit for the construction of a Detention Pond to control site runoff.

Mr. Passamonte stepped down.

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the requested amendments to the site plan. He had come in front of the Board recently with a plan to amend the original site plan approval. He summarized the original plan, which would have been an expansion to the parking lot of approximately 200 parking spaces, drainage

measures to route the water behind the building to a detention pond. He said he was hired to revisit the plan and after speaking with the church and getting a better understanding for what their needs were, a new proposal was created. Mr. Maynard noted they had brought the new proposal to the Conservation Commission for a small 1,000SF impact to the Wetland Conservation District ('WCD') in order to construct a detention pond and an outlet for such. At the previous meeting the Board requested that Steve Keach of Keach Nordstrom (Board's engineering review firm) review the amended plans. The plan was submitted to Mr. Keach and he in turn provided comments. Responses to those comments were submitted back to Mr. Keach, and he has now provided a few last notes to go over with the project. Mr. Maynard reviewed the remaining items contained in Mr. Keach's latest memo dated June 13, 2014. General comments: 1) updated State permits (relating to the septic system) – original records are dated in the 1970's; and 2) posting a performance guarantee in an amount acceptable to the Planning Department for installation/maintenance and proper temporary erosion and sediment control measures and best management practice throughout construction period.

Mr. Culbert asked if Mr. Maynard had any information regarding the septic system. Mr. Maynard replied it was delineated on a number of plans, but he was unable to find the approval number for it. He said the system appeared to be functioning properly there were no signs of effluent leaching.

Mr. Doherty commented that the plan in front of the Board was to revise a plan that the Board had approved. He said they had agreed to a limited review by Keach because the proposal was a better plan that came in front of them. He questioned why they were asking the engineer to search records from the 1970's for a septic system on a plan that had already been approved. Mr. McNamara believed Mr. Culbert was simply responding to Mr. Keach's comments.

Mr. Maynard reviewed Keach's comment with regard to Zoning. Wetland Conservation District ('WCD') impact of 1,000SF. A Special Permit is being requested. If granted, it was recommended that a note be added to the final plan. In reference to planning and design matters: 1) State construction approval number was needed (for the septic); 2) waiver request for a reduction in the number of parking spaces from 127 down to 125; 3) lighting – nothing new is proposed, there will be a note on the plan stating it will be Dark Sky compliant; 4) landscape strips and striped islands in the parking lot; 5) additional spot grades recommended for proper construction of the parking lot; and 6) waiver request for continuous drainage flow over the parking area.

Mr. McNamara invited Mr. Keach forward to speak to the engineering review comments. He asked if the proposed drainage on the revised plan was superior to the first plan. Mr. Keach responded in the affirmative. Mr. McNamara asked if there was a recommended figure for the performance guarantee. Mr. Keach said he was looking for a limited number. He noted that the site was situated adjacent to Tony's Brook and the soon to be paved parking lot drains directly toward the brook and WCD. It would be a limited surety; the cost of erosion/sediment controls installed and maintained appropriately during construction. He suggested Mr. Maynard put together and submit an estimate to Mr. Gowan for review. Mr. Maynard had no objection.

Mr. Keach said most of the items in his memo were acknowledgement of requests made by the applicant; three were responses to waiver requests. He supported the waiver to reduce the number of parking spaces from 127 down to 125 and the waiver to maximum length of overland

flow given the nature of the design being sheet flow. He said he would have a tough time supporting the third waiver request for the islands at the end of the parking lot being striped pavement. He said none of the areas were large by themselves, but if added together would be a few hundred extra square feet, close to 1,000SF of paved surface. He commented that the difficult downstream condition of Tony's Brook, the undersized culvert and Pelham Plaza were known issues. Mr. Keach said an opportunity exists to not only make the site look better, but to also eliminate impervious area from the water shed. He left the decision to the Board.

With regard to lighting, Mr. Keach saw the note on the plan. He said the proposed parking was in a different configuration than the previous plan. The current proposal showed the spaces being parallel to Atwood Road, versus their previous layout which showed the spaces being perpendicular to Atwood Road. He felt within the new proposal there could be fewer lighting fixtures and assumed the applicant may want to revisit the plan. Mr. Maynard said the scope of his involvement was to revise the drainage. He said lighting was out of his purview from what was previously proposed. Mr. Keach said the comment was included because within site plans, lighting is reviewed.

Mr. Keach felt Mr. Maynard had done a good job capturing the comments on the plan. He told the Board the prior consultant may have included the missing State approval number on the previous plan. If he has the number, he will provide it to Mr. Maynard.

Mr. McNamara opened the hearing to public comment. No one came forward. he asked the Board to address the Special Permit and waiver requests.

MOTION: (Dadak/Montbleau) To approve the Special Permit.

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

Mr. Dadak told the Board that the waiver requests had all been accepted for consideration at a previous meeting.

MOTION: (Culbert/Montbleau) To approve the waiver to Section 248:32 – to reduce the number of required spaces from 127 down to 125.

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

MOTION: (Doherty/Dadak) To approve the waiver request to Section 248:34,D surface runoff – to allow an overland surface flow between 210ft-220ft.

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

The Board discussed the waiver request to Section 248:35,D – planting strips. Mr. Culbert was not in favor of striped pavement versus curbing. He said strips may cause potential accidents. He preferred curbed islands.

Mr. Doherty discussed the fact that the project was being redesigned; the catch basins previously within the parking lot were eliminated. The proposal was to sheet flow the drainage. He said if there were curbed islands, the sheet flow would catch against the raised curbs and in the winter would freeze causing ice patches. In response, Mr. Culbert stated he had a concern for Tony's Brook.

Mr. Dadak agreed with Mr. Doherty about not wanting to interrupt the drainage flow by having curbing. Mr. Keach noted that Mr. Maynard was more efficient in terms of his design and getting the ratio of paved area. There was less impervious surface than was contained in the previous proposal. If the Board preferred the landscaped islands, Mr. Keach recommended that the islands have a cut out in the midpoint to allow water to flow through and resume the sheet flow on the other side. Mr. Culbert said he would agree with that recommendation. Mr. McNamara indicated he would typically agree with Mr. Culbert's opinion and follow Mr. Keach's point; however in the case, where there was improved drainage and the Board wanted a limited engineering review, he felt it wouldn't be fair to ask the applicant to change things that were approved during the first time around.

Mr. Culbert saw there were six evergreen plantings indicated on the plan and wanted to know if that's all there were. Mr. Maynard said the plan showed the existing condition. Mr. Culbert asked how many plantings there would be. Mr. Maynard said his purview was to revise the drainage and parking; a lot of the elements from the original site plan remained. He didn't recall what that site plan called out, but offered to take the plantings previously proposed for the islands and put it around the perimeter of the site. Mr. Culbert wanted to dress up the site. He recalled there were to be three trees on the Atwood Road side. Mr. Maynard said there were currently five trees on that side. He noted that the proposed plan called for less cutting of the existing buffer to Dutton Road.

Mr. Montbleau agreed with Mr. Culbert's concern with having as much greenery and landscaping in the area. He felt it would be a good compromise to take the plantings from the islands and move them to the perimeter. He would like to know what plantings were proposed.

Mr. Culbert asked if a landscape architect had done the original plans. Mr. Maynard didn't believe so. Mr. Montbleau suggested that the applicant provide a conceptual planting scheme to the Planning Director. Mr. Culbert said that would be okay if he could see it. Mr. McNamara asked to keep the plan as simple as possible. He believed the Board knew Mr. Maynard well enough, that he would come up with a plan that would be acceptable to Mr. Keach and Mr. Gowan.

Mr. Doherty pointed out that the proposal was not a subdivision that was being put in by a builder. He said the proposal was being done for a church that had been in Town for a long period of time and who was a good neighbor.

Mr. McNamara asked the Board to address the waiver request.

MOTION: (Doherty/Dadak) To approve the waiver request to Section 248:35,D planting strips.

VOTE: (4-1-0) The motion carried. Mr. Culbert voted no.

Mr. McNamara believed the Board had addressed the points they needed to cover, with the exception of the performance guarantee which would be a condition of approval. Mr. Gowan said if Mr. Maynard made a recommendation and Mr. Keach agreed, they could move ahead with that aspect. There was a brief discussion regarding an approximate amount for a performance guarantee. Mr. Keach recalled the original performance guarantee went way beyond erosion control. He felt the new proposal with basic erosion control specified on the plan could range approximately \$3,000-\$5,000. Mr. McNamara said the Board could make that guarantee a condition of approval.

MOTION: (Doherty/Dadak) To approve the amended site plan, conditioned upon a performance guarantee dollar figure being acceptable to Keach Nordstrom and the Planning Director.

VOTE: (4-0-1) The motion carried. Mr. Culbert abstained.

Mr. Gowan noted typically a bond for erosion control would also include minor site plan compliance monitoring fee. Mr. McNamara believed that point was understood.

Mr. Passamonte returned to the Board.

PB Case #PL2013-00026

Map 14 Lot 3-81 - 61A NASHUA ROAD LANDHOLDINGS, LLC c/o Robert Peterson - 61A Nashua Road - Applicant is seeking Site Plan Review to permit the construction of a proposed 40-Unit Senior Housing Development

Mr. McNamara told the Board that the engineer had requested a continuance to the July 7, 2014 meeting. The continuance was allowed.

The Case was date specified to the July 7, 2014 meeting.

NEW BUSINESS

PB Case #PL2014-00016

Map 33 Lot 2-61 - FORTIER, Mark & BOND, Brenda - End of Old County Road – Proposed 2-Lot Subdivision

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. Peter Zohdi of Herbert Associates, representing the applicant came forward to discuss the proposed 2-lot subdivision. One lot will contain 11.463 acres and the second lot will have an area of 1.564 acres. He had appeared in front of the Board at the time the Conservation Commission purchased the abutting 60 acres; at that same time the applicant purchased 14 acres. Mr. Zohdi said the applicant would now like to subdivide one lot for his brother-in-law. There is an existing house, driveway and barn. Mr. Zohdi and Mr. Gowan learned through a conversation with Highway Road Agent Don Foss, that the driveway has been maintained by the Town for approximately 20-30 year and considered a Town approved road. Soils have been reviewed by

Gove Environmental; the wetland area was flagged. A water pollution plan was provided with the plan set which showed the well, 4K area, proposed house and driveway.

Mr. Gowan stated it was a complete application and recommended the Board accept it for consideration.

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

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

Mr. Gowan explained to the Board that what's being called the driveway was actually part of an old Town road. He believed it went behind the existing barn and continued along. At some point a portion of the road was closed; it was unclear whether it was closed to gates and bars or discontinued. There is a delineation of where the Town has a history of maintaining the road, which made it a Town road. Mr. Gowan said given the information, the subdivision as proposed, had legal frontage on a Town road. It was an item he reviewed with Town Counsel for confirmation. The Wetland Conservation District ('WCD') will be required to be appropriately posted prior to a building permit being issued. Mr. Gowan said eventually there may be an effort to discontinue a portion of the road beyond where the gate is presently located. He's spoken with the Highway Agent about building a small gravel turnaround in the very front of what Conservation purchased.

Mr. Gowan told the Board he believed the plan was straight forward with no issues. He felt it could be approved at the present meeting, or in short order.

Mr. Doherty questioned if the Town property could be safely accessed from the driveway access road. Mr. Gowan said parking wasn't allowed on any Town road; however, the gravel turnaround could be used for parking and access to Town property.

Mr. McNamara pointed out that a waiver request was submitted to Section 11.11,B,2 of the Subdivision Regulations regarding the well radius for Lot 2-61-2 to be within the 15ft. building setback.

MOTION: (Montbleau/Dadak) To accept, for consideration, the waiver request to Section 11.11,B,2 – well radius for Lot 2-61-2 to be within the 15ft. building setback.

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

PUBLIC INPUT

Ms. Elaine Hohmann, 17 Old County Road wanted to know the location of the proposed subdivision. Mr. Zohdi indicated the location. Ms. Hohmann wanted to know what the environmental impact would be from the development, given the current flooding situation. She felt consideration should be given to the lake in the area that freezes over in the winter. She was concerned about the 300ft. driveway that would need to be put in place and wanted to know if there would be enough room for it.

Mr. Zohdi responded that the lot was virtually flat with not very much slope; the 1.5 acre parcel only contained two contour lines. There may be some ice buildup, but not much. In the future, the area going up to the wetland would be graded up.

Ms. Hohmann said there were already flooding situations with the new houses and was concerned about the water table if an additional lot was constructed on a very small road. She also noted that the road wasn't designed for increased traffic. Mr. Zohdi told the Board that they complied with the State of New Hampshire water pollution as well as the Town's rules and regulations.

Mr. Doherty asked if he heard correctly, that there was a lake in the area. Ms. Hohmann replied that the house constructed across the street from her (18 Old County Road) was built on a lake and to this day had flooding issues. Mr. Dadak said the locus map noted the road crossed a brook that came from Gumpas Pond. Mr. Gowan said there was no actual lake. He believed Ms. Hohmann was referring to a seasonal wet area. He noted the location of the wet area and saw there was a culvert coming from it that ran under Old County Road to keep the water flowing. He said any filling that took place couldn't encroach into the WCD. Mr. Hohmann understood that there was current work being done to assist water to flow freely. She reiterated her concern for additional traffic.

Mr. McNamara asked Mr. Dadak if the Conservation Commission walked the site when it came before them. Mr. Dadak didn't recall, but knew that he hadn't walked the property.

Mr. Zohdi called the Board's attention to plan set; one of the sheets shows the edge of the Group 5 soils (Hydric B), which at certain times during the year may contain standing water. The buildable area for that lot is being setback a minimum of 50ft. from that soil. He said he had done the 5 or 6 lot subdivision at the beginning of the road and hadn't heard of any problems. He noted that the wetland ran through a cross culvert to an existing brook.

Ms. Hohmann wanted to know if the proposed property would contain 300ft. of frontage. Mr. McNamara said Mr. Gowan explained that the lot would have adequate frontage along a Town road.

Mr. Gowan replied to Mr. Zohdi's comment. He said there were 1 or 2 houses built over the last couple years had some seasonal water because driveways were put in too low. However, he believed those issues had been addressed to the satisfaction of the home owners.

Mr. Croteau arrived. He will not vote regarding this case.

Mr. Doherty questioned if there was any discussion about posting the WCD placards. Mr. Gowan said a building permit wouldn't be issued without having markings every 50ft. as flagged by the surveyor.

Mr. McNamara asked that the Board address the waiver request.

MOTION: (Montbleau/Dadak) To approve , the waiver request to Section 11.11,B,2 – well radius for Lot 2-61-2 to be within the 15ft. building setback.

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

MOTION: (Montbleau/Doherty) To approve the subdivision request.

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

With Mr. Croteau arriving, Mr. Passamonte will no longer be voting.

PB Case #PL2014-00017

**Map 38 Lots 1-118 & 119 - PETERSEN BUILT HOMES, LLC - Sherburne Road –
Conceptual Review of a 67 Unit Senior Housing Active Adult Community**

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. Peter Zohdi of Herbert Associates, representing the applicant, came forward to discuss the proposed conceptual plan for a 67unit adult community. He said the Board had previously approved the site plan, which had been recorded. The applicant purchased the property as well as the abutting property with a total area of 29.128 acres. The well was drilled by the previous owner; however, the applicant will need to go through the State's review process to ensure they're satisfied. Water engineer Bruce Lewis (of Lewis Engineering) is working on the plan. He also noted that the edge of wet was flagged by Gove Environmental last winter and is currently being reviewed; any corrections needed would be made. Mr. Zohdi described the location of the lot noting that it contained 576ft of frontage along Sherburne Road, which is a State road.

Mr. Zohdi told the Board that he had a meeting with Mr. Gowan, and member of the Fire Department to discuss the roads within the development. The two roads coming in from Sherburne Road and the connecting road between the two access roads will be 22ft wide and allow for two-way traffic. The loop road will be 20ft. wide and allow for traffic flow in one direction only. The previous connection to Litchfield Road is not being proposed at this time. The total length of the driveway is 3,462; however there is no location more than 2,400ft in length so as to comply with the road regulation. Mr. Zohdi noted that the previous plan had Wetland Conservation District ('WCD') crossings. He showed the location of two WCD crossings that had been completed. There was one additional crossing required (approximately 4,900SF) located at the second access point from Sherburne Road.

Mr. Zohdi briefly discussed the proposed development. The unit sizes will vary with the largest unit will being no larger than 50ft.x42ft. They will be serviced either by hydrant, or they will be sprinkled. The septic systems will be shared between units, possibly 2-4 units. There will be approximately 32 additional parking spaces in the vicinity of the club house. Currently there are eight parking spaces shown near the entrance from Sherburne Road that will be relocated. The largest slope on the driveway profile is 6.5% for a distance of 250ft. The remaining slopes range from .5% to 3.5%. Mr. Zohdi said he would like the Board's direction so he could move forward with the plan and the drainage.

Mr. McNamara questioned if the Towns of Hudson, NH and Tyngsboro, MA were notified. He felt the plan was of regional significance. Mr. Dadak didn't see that they had been notified. Mr. Gowan said they could be invited to the next meeting. Mr. McNamara asked that Hudson and Tyngsboro be notified when the application is submitted. Mr. Zohdi said he would do so.

Mr. McNamara recalled that the previously approved project was called Virginia Woods, owned by Mr. Magarian and a smaller version from the current proposal. He asked if there had been a problem with the water system for Virginia Woods. Mr. Gowan said there wasn't on that project. He believed Mr. Magarian got the wells in, but things have changed since then. In his view, the proposed plan was far superior to the original (Virginia Woods) plan. He said connecting to Litchfield Circle would have been a nightmare to construct. Mr. Gowan said the Highway Safety Committee ('HSC') was satisfied with the two connections to Sherburne Road; both of which have excellent sight distance. He noted that the unit footprint box shown on the plan were the maximum size; some of the units will be smaller, but will fit within what is being shown. He commented there was more 'breathing' room for the wetlands compared to the previous plan. The applicant will need to submit three road names and a name for the project. Mr. Gowan recommended that the homeowner's documents establish that there's no parking on the street, parking should only be allowed in driveways and designated areas. Mr. Zohdi pointed out the proposed parking areas, which may be adjusted slightly. A majority of the homes will have two-car garages and the ability for parking within the driveways. There was also a hammer head turnaround area within the development for emergency vehicle apparatus.

For the benefit of the public, Mr. McNamara informed that the Board was doing a conceptual review. The plan has not yet been officially submitted. The purpose of the meeting was to provide direction to the applicant. The plan has not been reviewed by the Board's engineer, therefore the Board would not discuss engineering details. He reiterated that the plan had not been formally presented to the Board; the applicant was looking for feedback as to the general nature of the plan.

Mr. Passamonte left the meeting.

Mr. Dadak asked how many lot the original plan contained. Mr. Zohdi believed it was forty units. Mr. Dadak understood that the proposed plan contained 67 units. He questioned if the community well would be located in the same location as the previous plan. Mr. Zohdi informed there was an existing well. He said Mr. Lewis was working with the State's water department to find out what they needed to do. He said the State's rules were different from those at the time that the previous plan was approved. Currently the requirement for two bedrooms is 125gallons per day. At the time the previous plan was approved the requirement for two bedrooms was 300 gallons per day. Mr. Culbert asked how many units the existing well was drilled to service. Mr. Zohdi said he was told by Mr. Lewis that the existing well would be sufficient. They were in the process of speaking with the State and seeking approval.

Mr. Culbert asked if the applicant was willing to donate \$2,500 per unit for the Sherburne Road traffic improvement. Mr. Zohdi said he would discuss that aspect with his client.

Mr. McNamara confirmed that the development would be a 55+ development, not a 62+ development. Mr. Zohdi answered yes. Mr. McNamara asked if the units were all two-bedroom homes. Mr. Zohdi said they were.

Mr. Doherty questioned why a duplex was included in the project. He felt it looked out of place. Mr. Zohdi said they might work on that aspect a bit. Mr. McNamara asked if there would be a 20ft. separation between all the units. Mr. Zohdi answered yes; some had 20ft. some would have more.

Mr. McNamara wanted to know what type of waivers were anticipated. Mr. Zohdi said there may be one or two waivers, but nothing to do with needing a variance. He needed to finish the drainage, but would like feedback from the Board before doing so.

Mr. Dadak was curious why the State reduced their requirements regarding water. Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) knew the State's rules had changed, but he didn't know the genesis for why the Department of Environmental Services had changed them. Mr. McNamara understood that Mr. Keach had not reviewed the plan but wanted to know if he had any preliminary comments. Mr. Keach told the Board he wasn't familiar with the piece. He said the Virginia Woods project was before his time in Town.

Mr. Doherty questioned if individual septic systems were anticipated. Mr. Zohdi answered no; some will have two units per system, some may have four units. He didn't want too many on each system.

Mr. Gowan wanted to know if it was anticipated that Pennichuck would own and operate the water system. Mr. Zohdi replied they would have to. Mr. Gowan told the Board he was increasingly uncomfortable with community water systems that were not owned as well as operated by Pennichuck Water.

Mr. Gowan addressed the topic of an exaction. He said the density was almost the same as Sky View (a development also off Sherburne Road) and should be part of what the Board considers in an equitable fashion. Mr. McNamara noted he wouldn't vote to approve the plan if they did not get the exaction. Mr. Zohdi asked that the Board be reasonable and consider the fact that the proposed units would have two bedrooms, whereas the other development had four bedroom units. He said he would work with Mr. Gowan to determine a formula.

Mr. Doherty asked if the Board had accepted the plan for consideration. Mr. McNamara answered no. He said the plan was conceptual. The applicant hasn't yet made a formal application.

PUBLIC INPUT

Mr. Sam Thomas, Litchfield Circle wanted to know how the existing wells of the residents on Litchfield Circle would be affected by the proposed development. Mr. Gowan responded that the applicant would need to prove that they could get enough water to feed their units. He said people had a right to develop their land if they could prove they could get the water, provide adequate septic and that they met the regulations the Board couldn't deny them. Mr. McNamara asked if there had been a draw down test done on the original development. Mr. Gowan said they would have had to. The proposed development would also need to conduct a sustained yield test. Mr. Zohdi told the Board during the State's approval process they conduct a 48 or 72 hour pump test and also would do draw down tests on other (surrounding) wells. It was his

understanding that the State would be conducting a draw down test for the proposed development. Mr. McNamara explained during the course of the approval process, that abutters (within 1,000ft) would be notified prior to the draw down test so it could be determined if/how neighboring wells would be affected. Mr. Dadak read the original report and saw that monitors were put in the wells within the zone of influence; base line readings were done prior to the pump test being conducted.

Mr. Thomas spoke about the current traffic on Sherburne Road and wanted to know what consideration would be given to the situation. He was concerned about the impact of adding double the vehicles from what was in the original proposal. Mr. McNamara said the Board had a concern for traffic on Sherburne Road for at least ten years. The problem was compounded by it Mammoth Road and Sherburne Roads being State roads, and the State having no money for a long-term fix. He explained the Board set up a voluntary contribution, now referred to as an exaction. For each unit built, the builder contributes a certain amount of money to go toward improvements at the Mammoth Road/Sherburne Road intersection. Mr. Gowan said the Town had a very small collection; it was just starting with the recent Sky View development. Mr. McNamara said it wouldn't solve the problem immediately, but it would work toward a solution. He said they all realized the traffic problem. Mr. Gowan noted there would be some level of traffic analysis done.

Mr. Thomas wanted to know what impacts there would be relative to drainage, particularly during heavy rains and when snow melts. Mr. McNamara replied once the applicant's engineer completed the drainage calculations and the project was formally submitted and then accepted by the Board for consideration, the plan would be sent to the Board's engineer for review and recommendations. He said the end result should indicate there would be no net increase of drainage off the property.

Mr. Ben Raymond, Litchfield Circle shared similar concerns about the wells and drainage. He wanted to know the purpose for the construction occurring at present. Mr. Zohdi said some of the work was part of the plan. He pointed those areas out for Mr. Raymond and reiterated that they would not be connecting to Litchfield Circle; the Fire Department preferred two access roads from Sherburne Road. Mr. Raymond showed the Board the location of his lot. He said there appeared to be an area of clearing, an installation of a large pipe, and gravel pits. He wanted to know if those aspects were part of the previous plan. Mr. Zohdi stated that was part of the old design approved by the Planning Board, Conservation Commission and State wetland board. He reiterated at present, he was not proposing a road connection to Litchfield Circle. Mr. Dadak said the confusion may be that the proposed plan still shows a 50ft. right-of-way to Litchfield Circle, although it wouldn't be used.

Mr. Raymond questioned if the bluish color areas on the plan represented wet areas. Mr. Zohdi said the colored areas represented the wetland areas flagged in the winter. Gove Environmental would be reflagging/confirming wetlands.

Mr. David Silva, 400 Sherburne Road told the Board although he had questions/issues regarding water, he supported the previous plan. However, the proposed plan showed one of the access roads being located across the street from his home. He said his house had all windows along the front with a raised deck. He understood he couldn't protect his view, but now vehicles would be coming directly in front of his home at all hours of the day. Mr. Silva discussed the traffic

along Sherburne Road. He heard that there was sight line along the road, but told the Board that vehicles and motorcycles travelled at a fast rate of speed and some times passed each other. He said his wife just sent a text message saying they were selling their home.

Mr. Silva stated a draw down was done on the wells five years ago, during which his well dropped twenty-five feet. He had the highest drop of everybody in the neighborhood. At that time he spoke with the former owner, Mr. Magarian and Mr. Gowan about the water issues. He informed the Board that Mr. Magarian was concerned enough that he wrote up an agreement that if he (Mr. Silva) lost his water, he would be able to tie into the development's water but pay for his own use. Mr. Silva noted his property was uphill from the development and believed the odds were his water would be drawn down because of the development. He was upset about the access road being proposed across from his home because vehicle headlights would be facing into his home. Mr. Silva believed the development was too large. He didn't know if the previous water draw down was adequate to accommodate 67 units. Mr. McNamara said a new draw down would be conducted.

Mr. Silva questioned if the development would have ambient lightings. Mr. Zohdi said there would be lighting, but at this time the plan was in the preliminary stage. He said they would work with the Town's engineer to have appropriate residential lighting. Mr. Silva wanted to know if a traffic study would be required. Mr. McNamara said when the plan came in there would be a traffic study required. Mr. Silva asked the developer to consider proposing (donating) a vegetation barrier to minimize the impact of the vehicle headlights accessing the development. He reiterated the problems with the safety of Sherburne Road.

Mr. Dadak commented about tying into the water. He understood if a development was shown to affect a well, it was State Law that the owner of the affected well wouldn't pay the developer for water; the developer had to provide water to the owner of the affected well. Mr. Silva was told by the previous owner there was no recourse if his well went dry. Mr. Dadak said the purpose of the well tests and permitting process was to determine who would be affected. If found to be not appropriate, a permit is not issued. Mr. Silva asked if there would be fire cisterns for protection. Mr. McNamara said the applicant indicated there would either be hydrants, or each home will have a sprinkler. Mr. Silva questioned if the Fire Department could use the hydrants for neighbors. Mr. Zohdi said the Fire Department doesn't ask permission to use hydrants. Mr. Gowan commented that the Pelham Fire Department carried a 1,000ft hose; if there is a hydrant within that distance, they'll hook up to it.

Mr. John Clement, 363 Sherburne Road shared the concerns voiced by others regarding the wells. He understood testing would be done but wanted to know what would happen if wells were drawn down. Mr. McNamara said testing would be done through the State permitting process. Mr. Zohdi explained before a building permit is issued a determination had to be done regarding water quality and quantity. He said the development would have a community water system. A water engineer has been hired to work on that system. They are required to comply with the State of New Hampshire Regulations. If they cannot comply the State will not issue a permit. Mr. Clement reiterated his concern for what would happen if all the water was drawn down. Mr. Zohdi understood the concern and restated they would have to comply with the State and Town Regulations. Mr. Clement asked what type of buffer would be between the proposed units and his property. Mr. Zohdi replied there would be a 50ft. buffer.

Mr. Doherty questioned if the original plan showed individual units or multi-units. Mr. Zohdi said the original plan laid out individual 4,000SF-5,000SF units. He said the plan was approved and recorded, but the units couldn't be sold. He said it was preferable to have 1,800SF-2,200SF units within and adult community.

It was noted when the applicant submitted a formal application abutters would be notified of such. Mr. Zohdi understood when a formal plan was submitted they would notify the Towns of Hudson, NH and Tyngsboro, MA.

Mr. Doherty asked if the water usage for the proposed project was similar (more or less) to the original plan. Mr. Zohdi replied he didn't do the previous plan, but understood adult community units were limited to two bedrooms.

Mr. McNamara summarized the concerns discussed (traffic, drainage, water, exaction) and asked if the applicant needed further feedback. Mr. Zohdi said he would diligently work with Mr. Gowan and Mr. Keach to put together a plan for submission. Given the number of units proposed, Mr. McNamara said he was in favor of having the club house shown on the plan.

PB Case #PL2014-00018

Map 35 Lot 10-193 &

Map 35 Lot 10-191-1 - GREEN, Richard, Green & Company - 1-5 Garland Lane - Special Permit Application to approve the Yield Plan for a proposed Conservation Subdivision of the above referenced lots. 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. Michael J. Shaw of 14 Fineview Circle came forward to inquire about the rule for notifying abutters. Mr. McNamara responded per statute, notification is given to abutters within 200ft. of a property. He stated he would allow abutter input once the Board heard from the applicant. Mr. Shaw told the Board only two people from his neighborhood were notified and felt more people could have been informed, regardless of the statute. He didn't feel the Board cared about the abutting neighborhood.

Mr. Joe Coronati of Jones & Beach Engineers, representing Green & Company, came forward to discuss the yield plan for a proposed conservation subdivision off Garland Lane. Owners of Green & Company, Richard Green and Michael Green, also came forward for the discussion. Mr. Coronati told the Board that the applicant had recently received a purchase and sale agreement for the Garland Farm located on Currier Road. Most of the property is accessed off Garland Lane; a narrow paved Town road approximately 18ft wide that provided access to two homes. The property is mostly wooded and contains sixty eight (68) acres; there are a couple fields that are hayed on a regular basis. The back of the property (east side) is mature woods with a large stand of timber. When analyzing the yield plan, Jim Gove of Gove Environmental flagged the wetlands, reviewed the soils and dug test pits to ensure the property could handle the proposed development. Mr. Coronati noted that the wetlands on the property were fairly minor; there were a couple 'fingers' that crossed through the property requiring some wetland / buffering impact. A colored plan was displayed to show the wetlands being referenced. He explained they would like to discuss a special permit; the displayed layout was only the yield

plan for the parcel. He said they would like to review their proposed conservation subdivision and discuss density offsets.

With regard to topography, Mr. Coronati explained the parcel generally sloped from the north (Fineview Circle) down to the south. The soils were mainly classified as newfields series. There were approximately twenty five (25) test pits throughout the property; water tables were approximately 20inch to 28inch for septic systems. All test pits passed.

Using the entire sixty eight (68) acre parcel, Mr. Coronati noted there were thirty nine (39) conventional lots shown on the yield plan. All lots met the requirements to prove they could be built. A waiver request would be needed (in the conventional layout) for rectangular lot shape. There were eleven lots (2, 5, 7, 8, 23, 24, 27, 30, 31, 34 & 39) that contained the required 15,000SF of buildable area, but the shape was not rectangular. Each conventional lot would contain individual wells and septic.

Moving on, Mr. Coronati displayed the conceptual conservation subdivision. He showed there would be two means of access; one through Garland Lane (off Currier Road) and another through a right-of-way that had been created in 2003 when the Fineview Circle development was built. There was an additional right-of-way off Garland Drive (created in the 1970's) that would not be utilized. Access through the development was shown as a continuous road off Garland Lane to Fineview Circle. That roadway contained three cul-de-sacs to break up small housing communities and create open space gaps/breaks in the land.

Mr. Coronati noted by creating the conservation subdivision they would be saving over half the land by placing it in open space, lot sizes would be reduced, and they would be shrinking the length of road by approximately 2,000ft. He pointed out each lot would have its own septic system. A community water system was being reviewed/planned for the conservation subdivision. That water system would be located at the entrance (to the east) of Garland Lane, which was currently an open hay field and would remain open space.

Mr. Coronati wanted to solidify the yield plan layout and discuss the proposed density offset. IN comparing the conventional and conservation layout, along with the proposed amenities, they felt they met the criteria for a density bonus. He asked if the Board had questions.

Mr. Culbert saw on the conventional plan there were certain lots that were 'pizza' shaped not the required rectangle shape. Mr. Coronati explained not all lots would end up being rectangular because of the curvature of the road and shape of the land. Although, all lots met the lot size, frontage and upland area.

Mr. Montbleau confirmed the location of the proposed community well and questioned the size of the open space. Mr. Coronati believed it to be approximately seven (7) acres. There were two existing lots (accessed off Garland Lane) that would remain.

Mr. Croteau confirmed that eleven (11) lots on the yield plan would require waivers. Mr. Coronati answered yes; the waivers were needed for lot shape only.

Mr. Gowan told the Board the Steve Keach of Keach Nordstrom (Board's engineering review firm) had looked at the plan in detail and may be able to offer input or answer questions.

Mr. McNamara asked that the applicant address the density offset of 20% being requested. Mr. Coronati spoke about the density offset criteria contained in the Town's Regulations. Having approximately 1,100 feet of frontage along Currier Road that would be preserved, they felt they met the view shed requirement. There were no historic buildings on the property; however, they felt the view and the farm provided its historic landscape. In speaking with Mr. Gowan they learned there was a trail connecting through the property. He stated they would work with Mr. Gowan and the Board to try to find a way to keep that trail on the property and in use. With regard to innovative storm water and waste water treatment facilities, Mr. Coronati stated they would utilize infiltration of storm water into the ground. He understood they would need innovative treatment systems for all the drainage ponds, which would require an Alteration of Terrain permit from the State. He said they wouldn't have innovative waste water treatment, but felt the community well was considered an innovative water system and a positive for not only the development, but also the Town. Mr. Coronati discussed agricultural land and use offset. He stated they were willing to allow any of the nearby farmers, or anyone who had interest, to continue to hay the front field (approximately 7 acres) where the community water system would be located. They also gave consideration to preserving an area for a neighborhood community garden.

With regard to open space, Mr. Coronati understood the Ordinance required 40% open space for a conservation subdivision. The proposed layout contained approximately 57%. He said even if the layout changed, they would still target staying at 50% open space. The innovative layout was density offset related and he believed by breaking up the development into smaller subsections of housing the requirement was met. As for passive recreation and public access offset, the connecting trail would be continued. Mr. Coronati pointed out that they didn't develop the possible eight (8) frontage lots; and instead would maintain approximately 1,100ft of frontage along Currier and approximately 1,300ft of frontage along the entrance of Garland Lane. Further detail regarding the density offset was contained in Mr. Coronati's letter to the Board. With that information they felt the development deserved the 20% offset. The parcel had the ability to develop thirty nine (39) conventional lots and forty six (46) conservation subdivision lots.

Mr. Doherty felt the proposed plan in front of the Board was the intended use of the conservation subdivision ordinance when it was originally brought to the voters. He preferred the conservation subdivision and believed the applicant was working in the right direction. Mr. Dadak told the audience that the landowner had the right to proceed with a conventional subdivision or leave more open space by requesting a conservation development.

Mr. Montbleau believed everyone in the Town knew the property and people were concerned how it would be developed. The land was sensitive in terms of historic value to the Town. He preferred the conservation layout versus the conventional layout; preserving more land would be the respectable manner to develop the parcel.

Mr. McNamara invited Mr. Keach to come forward and discuss the proposal.

Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to offer comment. He told Board he met with Mr. Gowan and the development team a few times at length. He referred to his memo dated June 11, 2014, which focused on the yield plan as recommended by Mr. Gowan. As was represented by Mr. Coronati the yield plan consisted of

thirty nine (39) lots and of those lots, twenty eight (28) conformed with the requirements. The waiver for the other lots was to Section 15.03,E of the Subdivision Regulation – requiring 15,000SF with a 100ftx150ft building envelope. Mr. Keach discussed the spirit and intent of the regulation. He said while the eleven lots may not have the required building envelope rectangle, they were all reasonably shaped and could easily accommodate and satisfy the spirit and intent of the regulation. In his opinion the applicant and their consultant did a very good job laying out the development and believed thirty nine (39) could be achieved. He said he would support the Board's endorsement of the yield plan presented. At this point, because the submittal stopped at the yield plan, Mr. Keach said he had not contemplated or commented on the density offsets.

Mr. Gowan said there was a previous potential property owner who indicated they were interested in buying the land. He told them it was one of the few remaining scenic vistas and challenged them to apply a similar approach as the applicant. He felt the applicant had taken the approach further by preserving a significant amount of the scenic vista. The proposal reflected the purpose behind the conservation subdivision regulation. He noted that the brown boxes shown on the plan weren't the houses, they were the lots themselves. Mr. Gowan felt the proposal could be shaped into the best outcome given the situation at hand. He commented that the homes proposed were a fresh departure from the typical. He understood that it may be difficult for people to see the land developed, but felt the development would be well buffered from existing neighborhoods. He was grateful that the applicant was willing to come up with something better than the standard 'cookie cutter' approach.

Mr. McNamara informed the public that the only consideration for the Board at this time was to make a decision on the yield plan presented. If the yield plan is approved, the developer can move forward with a conservation subdivision. If the Board has grounds to vote to deny the yield plan, the developer can then submit a conventional subdivision plan.

Mr. McNamara said he would open the hearing to public input, but wanted to be clear that consideration was simply in regard to the yield plan. Per the law, if the proposal complies the applicant is entitled to a specific number of units. Mr. Gowan called attention to the fact in the applicant's reasoning for the density offset, they had nine ways in which they qualified. He said the Board had never seen anything like that and felt the Board could provide guidance to the applicant regarding such. Mr. McNamara said the Board could provide direction as to how they felt about what had been submitted thus far, but he preferred to hear from Mr. Keach before making a final decision.

Mr. Doherty called the Board's attention to the fact that every lot had access to open space.

PUBLIC INPUT

Ms. Haley Longton, 101 Currier Road, who was a member of Future Farmers of America ('FFA') wanted to know the size of the lot being conserved for haying at the entrance of the development from Currier Road. Mr. Coronati indicated the size was approximately seven (7) acres. Ms. Longton stated the size would need to be larger for the area to be useful to anyone. She asked what they planned to do other than haying the field. Mr. Coronati replied the area was currently a hay field. He was unsure how long it had been in existence. They were open to allowing any of the nearby farmers continue the lot as a hay field; or an alternate use could be written into the homeowner's association documents.

Mr. Gowan said he met with Robert Shepard, the owner of the farm house (on Currier Road), who was interested in the lot. He said a good portion of the Shepard property was also hayed. He didn't envision someone coming in and only haying the one lot. Haying may be a continuation of other activity in the area.

Ms. Longton discussed her concerns for wildlife being displaced. In response, Mr. McNamara said the property would be developed one way, or another. He said the Board's decision was how to do it in the best manner possible. He believed wildlife would have an easier time travelling the parcel if it was developed as a conservation subdivision versus being developed in a conventional manner. It was noted of the total sixty eight (68) acres, the conservation subdivision would provide approximately thirty eight (38) acres of open space. A conventional plan would develop all lots.

The applicant, Mr. R. Green told the Board that they had spent quite a bit of time preparing the conservation subdivision. Providing they could move forward with the yield plan, the proposal was close to how it would be submitted.

Mr. Joe Moore, Garland Lane understood the land would be developed in some manner, and leaned in favor of the conservation plan. When looking at how many acres were being traded off, he wanted to know if the ten (10) acres of wetlands, that wouldn't otherwise be developed, were being counted. Mr. McNamara asked Mr. Keach to comment. He said the yield plan was supposed to ascertain how many conventional subdivision lots could be developed. Mr. Keach confirmed Mr. Moore was asking about the southerly appendage. Mr. Moore answered yes. Mr. Keach explained that the basis of the thirty nine (39) lots claimed on the yield plan was zero lots. He said it was basically a non-factor in the outcome. Mr. Doherty said it was also a non-factor in the bonus density.

Mr. John Romano (Jericho Road) felt the applicant had done a fantastic job in doing the conservation subdivision. He wanted to know if that conservation plan was approved, what guarantee there was that the fields couldn't be developed in the future. Mr. McNamara said if the Board approved the conservation subdivision there could be no further subdivision of the land. Mr. Romano confirmed the area would be permanent conservation land. Mr. McNamara answered yes; it would be permanent conservation land. Mr. Gowan clarified it would be privately owned conservation land. The open space (in aggregate) will be owned equally by each of the homeowners. The homeowner's documents will be very clear on what people can/cannot do. Mr. Romano said his only concern with the conservation development was the number of lots being proposed and the associated traffic impact to the area. He understood the balance and tradeoff, but felt the applicant might be getting a little more. Mr. Keach spoke to the question about guarantees. He said Pelham's conservation subdivision ordinance was adopted through authority granted under RSA 674:21 (Innovative Land Use Control) and was paired with the companion, RSA 674:21,A (Development restrictions enforcement). He said by relying upon the creation of open space to satisfy the conservation subdivision ordinance, it has the effect of putting a permanent conservation restriction on the property that is enforceable by many parties, including the Town.

Mr. Andrew Player, 97 Currier Road wanted to know if a well draw down test would be done. Mr. McNamara answered yes; but it wouldn't be done until the plan was formally submitted and

the Board conducts its review process. Mr. Dadak added it was a lengthy process handled by the State. Mr. McNamara commented any approval would be conditioned upon the well system passing the test. Mr. Doherty pointed out if the project was developed in a conventional manner, the lots would have individual wells and draw down tests of the abutters would not occur. Mr. Gowan noted by having a community water system, the individual lots were not allowed to have irrigation systems which had the largest consumption of water.

Mr. Mike Hammar, 65 Garland Drive said the neighbors were really nervous about what would be proposed. He thought the plan looked really good. He told the Board when he moved into his home thirty six years ago there were horses and cows abutting his property. He wanted to know where the houses and roads would be situated in proximity to his house. Mr. McNamara replied a conceptual plan had been done, but the abutters should follow the project through once plans were formally submitted. Mr. Hammar questioned if the club house or other amenities would abut the properties on Garland Drive. Mr. Coronati said there were no community buildings or club houses being proposed. Mr. Gowan told the public if anyone wanted to review the proposal, they could stop by the Planning Department and have the staff show them where their lots were located.

Mr. Joe Taylor, Fineview Circle told the Board his main concern was traffic and wanted to know if vehicle speed entering the proposed development would be buffered. Mr. McNamara replied the Board could refer the plan to the Highway Safety Committee, which was composed of the Police Chief, Fire Chief, Highway Road Agent and Planning Director, Mr. Gowan. The Board typically follows their recommendations. He said the curvature of the proposed road may be a traffic calming measure. He if the Board could possibly push the applicant in the direction of an off-site improvement to the cul-de-sac at the end of Fineview (with Selectmen approval). Mr. Taylor asked if the green areas would remain. Mr. Coronati explained that the green areas would be the open space and remain primarily in their present condition. However, some of those areas are for storm water management.

Ms. Karen Shaw, 14 Fineview Circle heard discussion about 'conservation'. She showed the Board where her lot was located and didn't see the 'conservation' in that area. She said the concern for conservation seemed to be focused around the access area off Garland Lane. She said her home wasn't ten years old and now there was development being proposed almost on top of her and her neighbor. She questioned why the focus of development seemed to be at Fineview. Mr. McNamara believed part of the answer had to do with the view shed and available open land. With regard to the conservation proposal, he asked what distance was between lot 1 and the adjacent property. Mr. Coronati said the green strip was approximately thirty (30) feet; there would also be a further setback from the house. Mr. McNamara asked Ms. Shaw how far away her house was to the lot line. Ms. Shaw believed her home was 20ft-30ft from the lot line. Mr. Coronati noted they provided an aerial photograph in their application packet. He pointed out the location of Ms. Shaw's lot and the fact that a tree buffer would remain on her lot as well as on the proposed development. Mr. McNamara noted there was stipulation in the conservation subdivision regulation that requires adequate buffers to abutters. Ms. Shaw asked if the buffer would remain thirty (30) feet. Mr. Coronati said they would maintain a stand of trees. Ms. Shaw reiterated her concern regarding the development in the Fineview Circle area. She said it had been a dead end and now they would have a congestion of development. Mr. Coronati said they tried to preserve the views along Currier Road. He also explained that the back portion was wooded; it was always better to build homes in the woods

area so mature trees were retained. He stated if trees had to be taken down for safety reasons Mr. Green always did a good job landscaping around the houses. Ms. Shaw asked the applicant to give the surrounding home owners consideration when doing the project. Mr. R. Green stated there was currently a significant buffer to Ms. Shaw's lot and they would have a significant buffer into the property before the first house was built. He didn't believe her privacy wouldn't change. Mr. McNamara added that once the Board had formal plans they could review the question further. Mr. Doherty noted if a conventional subdivision was developed there could be a house within fifteen (15) feet of the lot line.

Mr. Michael Shaw, 14 Fineview Circle said when he saw the plan it was his worst nightmare given that his property abutted the development. He felt the applicant had addressed some issues but believed the Fineview Circle and Garland Drive abutters would also prefer an increased buffer. He said there were only six people that lived on his street. He was concerned about the increased traffic accessing his road; if each unit had two people it could possibly be a minimum of one hundred sixty (160) vehicle trips each day. He pointed out Garland Lane was a narrow, unimproved road and felt everyone would access the development through Fineview Circle. Mr. Shaw stated there was a wildlife conservation area that ran through the back of his property and believed it would now be cut off and end. He said all the conservation area was along Currier Road, which didn't appear to be publically accessible and wouldn't be much use to the abutters along Garland Drive. He told the Board that people along Currier Road had a problem with the water because of the arsenic in the ground; years ago there had been a pig farm in that area. He didn't know how the proposed water system could be developed without contamination. Mr. Shaw said comments were made about preserving open space. It appeared to him that the open space was wetlands, which couldn't otherwise be used. He said the abutters wouldn't have the advantage of the open space. Mr. Shaw thought the Planning Board was supposed to protect the people of Pelham, but didn't feel they were looking out for the existing residents. He said the proposed density would overload the schools. He felt there could be more work done on the plan. He reiterated he didn't like the density or what it did to the neighbors. He didn't feel the applicant considered all the factors. Prior to any approval, Mr. Shaw wanted the Board to consider telling the applicant they had to reduce the number of houses or reconfigure traffic so it vehicles didn't all go down Fineview Circle. He was looking for the Board to protect the residents that had been in Town because they deserved consideration.

Mr. Gowan replied Garland Lane would be improved as part of the project. He couldn't fathom why anyone from the proposed development (other than a couple from the end) would drive all the way through Fineview Circle, Susan Drive and Cara Lane. He said it would be much faster for the residents to access the main road through Garland Lane. He believed the issues raised would be worked through as plans came forward.

Ms. Leslie Kennedy, 109 Garland Drive had known since her house was built over forty years ago that the Garland farm would someday be sold. She appreciated the applicant's effort to preserve some of the land. She noted her back yard and the woods was part of the wildlife corridor and would love to see that continue. Ms. Kennedy questioned if the proposed lots would be kept wooded, or clear cut. Mr. R. Green responded that they didn't clear cut lots. He said they took a lot of care in how many trees were cut. They would cut what was necessary for the house and a reasonable yard. Ms. Kennedy thanked the applicant for the effort they'd put into the proposal.

Ms. Linda Shepard, 83 Currier Road said in looking at the two plans, she liked the conservation proposal. She felt the applicant had done a really good job in trying to preserve the area. She agreed with the concern of the density (discussed by the Shaws) at the top portion of the development. She was also concerned with the drainage and water flow with the development. Mr. McNamara said it would be addressed.

Mr. Doherty commented if a developer was looking for an easy build they would develop the field off Currier Road. However, the applicant was taking an approach that could cost a lot of money before they saw any return. He said they were the first developer to submit that type of plan to the Town.

Mr. McNamara spoke to the public. He said the Board had to balance the applicant's right to develop the land and was thankful that the submitted proposal was better than a conventional plan. On the other hand, the statute requires feasible protection for the abutting neighbors. Once the applicant brings in completed engineering, it will be reviewed by Mr. Keach. They will most likely request a traffic analysis. He was hopeful most of the concerns would come out and be addressed to some extent. Mr. Gowan said the Shepard's home and barn were as much a part of the scenic vista and historic nature of the area as was the land. He believed the goal was to be able to see that set up as unimpeded as possible by the development.

Ms. Shaw hoped the developer would take into consideration the flora and fauna at the end of Fineview Circle; there were rare Lady Slippers in the woods.

Mr. McNamara believed from the testimony that the conservation subdivision was far preferable than a conventional development. He entertained a motion to approve the yield plan conditioned upon the additional density offset being evaluated the next time the applicant came in front of the Board and after the Board heard from Mr. Keach regarding such. Mr. Gowan questioned if the motion contemplated issuance of a Special Permit. He said when a yield plan is approved, it essentially approves the Special Permit to proceed with the conservation subdivision. Mr. McNamara answered yes; that was his intent and believed it was also the intent of the Board.

MOTION: (Doherty/Dadak) To approve the yield plan for thirty nine (39) lots with the conditions: 1) additional density offset be evaluated the next time the applicant came in to the Board; 2) the Board hear from Keach Nordstrom regarding such; and 3) proceed with conservation subdivision.

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

The plan was date specified to the July 7, 2014 meeting.

DATE SPECIFIED PLANS

July 7, 2014:

PB Case #PL2013-00026 - Map 14 Lot 3-81 - 61A NASHUA ROAD LANDHOLDINGS, LLC
c/o Robert Peterson - 61A Nashua Road

PB Case #PL2014-00018 - Map 35 Lot 10-193 & Map 35 Lot 10-191-1 - GREEN, Richard,
Green & Company - 1-5 Garland Lane -

July 21, 2014:

PB Case #PL2014-00005 - Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street

MINUTES

May 19, 2014

MOTION: (Montbleau/Croteau) To approve the May 19, 2014 meeting minutes as written.

VOTE: (5-0-1) The motion carried. Mr. Culbert abstained; he was not present for the meeting.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 10:40pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary