

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
June 5, 2017

Vice Chairman Roger Montbleau called the meeting to order at approximately 7:00pm.

The acting Secretary Tim Doherty called roll:

PRESENT: Roger Montbleau, Tim Doherty, Joseph Passamonte, Jim Bergeron, Selectmen
Representative Hal Lynde, Alternate Paddy Culbert, Planning Director Jeff Gowan

ABSENT: Peter McNamara, Paul Dadak, Alternate Richard Olsen

Mr. Montbleau appointed Mr. Culbert to vote.

On behalf of the Planning Board, Mr. Montbleau extended sincere condolences to Mr. McNamara for his mother's passing.

MINUTES REVIEW

May 15, 2017

MOTION: (Culbert/Passamonte) To approve the May 15, 2017 meeting minutes as amended.

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

May 22, 2017

MOTION: (Doherty/Bergeron) To approve the May 22, 2017 meeting minutes as amended.

VOTE: (4-0-2) The motion carried. Mr. Lynde and Mr. Culbert abstained.

Mr. Montbleau read aloud a letter sent by Mr. McNamara to Mr. Gowan. Mr. McNamara felt the Board should act on the pending alternate applications and also vote to accept Mr. Sherman's resignation with regret. Mr. Montbleau stated Mr. Sherman had resigned from the Board. On behalf of the Board, Mr. Montbleau thanked Mr. Sherman for his loyal service to the Board. In his letter, Mr. McNamara indicated his preference would be to appoint two alternates to replace Mr. Sherman and Mr. Molloy.

Mr. Montbleau then read aloud a letter sent by J.P. Fine of Pelham Realty Group to Mr. Gowan indicating he would need to leave the meeting no later than 7:45pm. Mr. Fine had a family commitment to attend.

Mr. Montbleau provided notification relative to the Special Town Meeting being held June 24, 2017, and read aloud the press release signed by the Board of Selectmen.

Mr. Montbleau ended by reading aloud Mike Sherman's letter of resignation as a Planning Board alternate.

MOTION: (Doherty/Culbert) To regretfully accept the resignation of Mike Sherman.

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

NEW BUSINESS

PB Case#PL2017-00009

Map 29 Lot 7-955

PELHAM REALTY GROUP, LLC - 150 Bridge Street, Units P & Q – Site Plan Review for a Change of Use to operate a Trampoline Park.

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. J.P. Fine of Pelham Realty Group came forward with a representative from Altitude Trampoline Park. Mr. Fine thanked the Board for their accommodation of allowing him to be first on the agenda. He explained they were seeking a change-of-use for the space previously occupied by Pinball Wizard, and the adjacent vacant space behind Chunky's Cinema (totaling approximately 22,000SF). The Board was provided with a narrative describing the intended use of the vacant space by Altitude Trampoline Park. Mr. Fine summarized the narrative for the Board.

Mr. Gowan noted that the Board was reviewing the site plan for a change-of-use. He saw they were provided with a drawing (conceptual exterior sketch) that had not yet been vetted by Zoning Administrator Jenn Hovey, in terms of signage and exterior treatment. Those components would fall under a separate site plan review for the exterior of the building that would be brought back to the Board at a later time. Mr. Fine confirmed that the exterior sketch was submitted for conversation purposes. They weren't seeking approval of such at the present time and would come back in front of the Board with a formal plan when appropriate. He stated they were in front of the Board solely for a change-of-use.

Mr. Doherty read aloud the hours of operation as contained in the narrative submitted to the Board:

Monday – Thursday: 10AM – 8PM

Friday: 10AM – 10PM

Saturday: 9AM-10PM (*We open one hour early for children with special needs. They have the entire park to themselves*)

Sunday: 10AM-8PM

Altitude is closed only two days per year (Christmas and Thanksgiving). All other holidays they are open with flexible hours; usually open noon to 5PM on Easter, July 4th, Labor Day, etc.

Mr. Fine told the Board that owners of Pelham Plaza felt Altitude fit perfectly with the tenant mix and amenity for the Town. They were excited to have them interested in the space. He said they would feel fortunate to consummate the deal and have them occupy the space within the building. Altitude has a similar operation in Billerica. Mr. Fine told the Board that they felt it would be a viable and good business opportunity for the plaza and the Town and because of such they were willing to spend money to renovate the building.

Mr. Doherty spoke in favor of the proposal and felt it was a great fit with the proximity to the theater.

Mr. Montbleau commented if everything worked out with the building compliance, fire department and other regulatory issues it would be a home run for Pelham. He felt the conceptual of the building was an exciting new look for the corner. He noted Pelham residents and parents of children liked to do activities within the Town. He said he would be voting in favor of the change-of-use.

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

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

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

PB Case #PL2017-00007

Map 41 Lots 10-208 & 10-264

TOWN OF PELHAM - Jericho Road & 104 Currier Road – Proposed Lot Line Adjustment between lots 41/10-208 & 10-264

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. *(See later in discussion – an abutter came forward and stated they hadn't received notification)*

Representing the Conservation Commission was the commission Chair, Mr. Paul Gagnon of Dutton Road. He came forward to discuss the proposed lot line adjustment and explained they were seeking approval for a quarter acre land swap. They would like to swap a quarter acre of the Wolven Conservation Area with an abutter's quarter acre. Mr. Gagnon provided the Board with a brief history. He explained that the Wolven Conservation Area was purchased by the Conservation Commission in 2002. They have never given the public access for the simple reason that there was no place to gain access. The parcel is approximately 23 acres and abuts Jericho Road on a curve where the land drops steeply into a wet area. The commission had spoken about having a small parking area in that area; however, it was very undesirable. Last year the commission approached an abutter who owned approximately 400ft. of frontage on Currier Road and asked if they would be willing to sell a quarter acre of their lot to the Town for access to the Wolven property off Currier Road. The problem with the proposal was the abutter's lot would have been left with less than one acre, and therefore become non-conforming. The commission came up with an alternate plan to give the abutter a quarter acre of the Wolven property in exchange for a quarter acre of their property. Mr. Gagnon told the Board the homeowner was happy to do the land swap without involving money. He noted conservation land could not be given away without going through a number of steps. He explained the process and procedure, which involved Town vote (that was approved in March, 2017) and seeking Cy-pres relief from the NH Court (to amend an original intention as close as possible). In this case the Town was seeking to trade 1% of the property for 1% of property that abuts the land. Mr. Gagnon stated he was seeking a lot line revision that would allow the commission to do the land swap, although per Town Counsel, the Board's vote would be contingent upon Cy-pres relief.

Mr. Gagnon discussed the vision for the property. He said the parcel contained twenty-three acres. The goal was to open it up mostly to seniors who wanted relatively gentle trails to walk. There would be a small gravel parking area for possibly three or four cars. He noted that the land they would receive was high and dry with gentle slopes. The sight distance along Currier Road was excellent. Mr. Gagnon displayed a plan showing the abutter's property and the associated frontage along Currier Road. The plan outlined the two areas that would be evenly swapped. He noted that the survey cost and other associated costs were being covered by the Forestry Committee and not tax revenues.

Mr. Lynde inquired if the land had been 'logged' (timber harvest) yet. Mr. Gagnon replied they hadn't and probably wouldn't because it was a small parcel with a fair amount of wetland in the middle. He stated the only thing they did was reclaim a field (approximately two acres) and put in some trails.

Mr. Montbleau opened the hearing to public input.

Abutters Donna Pitts, Scott Landry and Chris Cote came forward to address the Board. Ms. Pitts heard the Board call names of people that were not abutters who lived across the street. Mr. Gowan explained that an 'abutter' was anyone within 200ft. of the subject property. It was noted that Mr. Cote, who lived directly across the street, was not notified or called. Mr. Gowan asked Mr. Cote if he was within 200ft. of the property. Mr. Cote answered yes. He believed he was within less than 200ft. Using the displayed map, Mr. Cote pointed to his property. Mr. Gowan left the room to obtain a tax map and verify Mr. Cote's property.

Mr. Montbleau asked Mr. Cote if he had received notification. Mr. Cote stated he had not. Ms. Pitts and Mr. Landry confirmed they had both received notification. Ms. Pitts heard that Carol Gillis Hayes, 103 Currier was an abutter. Mr. Doherty answered yes and noted she was sent notification according to Town records. Ms. Pitts stepped out momentarily to contact Ms. Hayes and ask if she received notification. The Board briefly discussed notification procedure. Ms. Pitts returned and told the Board Ms. Hayes did receive a letter.

Mr. Gowan returned with a tax map and asked Mr. Gagnon's to assist in locating the parcel being discussed. Mr. Cote's parcel was found to be located at Map 42 Lot 10-185 across the street and within 200ft. from the subject parcel.

Mr. Gowan asked Mr. Cote if he had an issue with the hearing moving forward. Mr. Cote answered yes. Mr. Gowan stated the whole notification process would have to be redone. Mr. Montbleau confirmed Mr. Cote's decision. Mr. Cote stated he disagreed with the proposal. Mr. Gowan asked Mr. Cote if he was the owner of record. Mr. Cote replied yes; he owned the house. Mr. Gowan wanted it understood that declining the hearing at this time would start the process over. New notification would be sent to abutters for when the case would come in front of the Board.

The case was not continued (date specified) due to improper notification. Abutters will be notified when a new hearing is scheduled.

PB Case #PL2017-00008

Map 6 Lot 5-72-1

REMEIS, Peter - 48 Gibson Road – Proposed Residential Solar Array System

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. Remeis came forward to discuss the proposed ground mount array system. He noted it was not a tracking system as listed on the agenda; it was a fixed array. The system consisted of twenty-four panels, consistent with a residential house. He displayed a plot plan showing an area of 100ftx150ft where the system (two panels) would be located. Each panel is approximately 12ftx17ft. He also displayed an aerial view of the property with the proposed location highlighted.

Mr. Gowan commented that roof mounted solar arrays don't need to come to the Board because they were allowed in all districts. However, ground mounted require Planning Board approval. He questioned the location of the proposed arrays. Mr. Remeis explained that the aerial photo showed the proposed area (100ftx150ft) of the arrays, although the exact location within that area hadn't been finalized. He noted they would be spaced approximately 20ft. apart.

Mr. Montbleau questioned how the house would receive the power. Mr. Remeis replied there would be an underground conduit.

Mr. Bergeron asked Mr. Gowan for the appropriate section in regulations so he could review the criteria. Mr. Gowan replied he would get the information. (*see below*)

Mr. Passamonte wanted to know the distance between the property line and the array. Mr. Remeis replied he drew the box approximately 15ft from the line, but expected to be further away.

Mr. Culbert asked if there was any reason why Mr. Remeis chose a fixed array rather than a tracking system. Mr. Remeis replied a tracker would cost more money per watt. He noted his property had enough solar exposure for a fixed array to work. Mr. Culbert asked Mr. Remeis if he would consider changing from a fixed array to a tracking system at a later time. Mr. Remeis answered no.

Mr. Montbleau questioned if there were any ramifications for wildlife, children etc. Mr. Remeis didn't believe so. Mr. Montbleau wanted to know if surface of the array was hot enough to burn someone or something. Mr. Remeis was not aware of any temperature issues. He reviewed other systems and saw that people had installed them in their immediate yard. Mr. Montbleau wanted to know if there were any hazards by having a ground mount. Mr. Remeis wasn't aware of any. He noted they wouldn't get any hotter than pavement.

In response to Mr. Bergeron's earlier question, Mr. Gowan stated free standing solar collectors were listed in Zoning under Article V – 307-18, Table of Uses. He noted they were allowed in all districts with Planning Board site plan approval. He noted when the language was written solar collectors were new. There have since been a number of various types approved. Mr. Montbleau asked for clarification of the Board's role with the approval. Mr. Gowan replied the applicant would have to pull a permit, which would involve the Building Inspector and the Electrical Inspector. Mr. Doherty noted that the new Code hadn't been implemented in New Hampshire yet, but it had been in a few other states. He explained that it had changed tremendously because of the amount of solar panels being used. It's become incredibly strict as far as what was allowed because they've found people love the new systems and they are starting to work. Mr. Montbleau understood that the Board's oversight was to ensure the array was in a place that abutters wouldn't object to. Mr. Gowan recalled a case of a tracking array that was more visible in the person's yard and the Board required sight buffering. Mr. Culbert recalled that the case was located on May Lane.

Mr. Montbleau opened the hearing to public input.

Mr. Walter Remeis, an abutter told the Board that solar arrays were being used all over the country to cut the use of fossil fuels down. He started a system a couple weeks ago and found it worked well, even with the recent rainy weather. He commented that the system is monitored well by the State, Federal Government and the insurance company. He wasn't aware of any hazards.

Mr. Montbleau said in the past he heard opposition to certain systems because of 'glare' coming off the array. He questioned if that would be a concern. Mr. P. Remeis described the site and pointed out that his neighbor's front windows mostly faced west, and their rear windows faced east. The array would be located directly south, which was on the garage side of his neighbor's property. He didn't believe they would have any issues with 'glare'.

Mr. Lynde questioned the watts. Mr. Remeis replied it was just under 7kw.

MOTION: (Culbert/Passamonte) To approve the residential solar array system.

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

PB Case #PL2017-00010

Map 1 Lot 5-127-1

BOUTWELL, Nathan - 1406 Mammoth Road - Special Permit for Water Line Installation

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. Boutwell came forward to discuss the request for Special Permit for Industrial Drive. He explained that the proposed water line would be an addition to the existing Pennichuck Water line and service two homes on Mammoth Road. He told the Board that his property and the abutting property had a heavy concentration of road salt in their wells, which deem them contaminated. He worked with the State to remedy the problem. The only fix they were able to come to was tying the two homes into the Pennichuck Water line by continuing it

from Industrial Drive to Mammoth Road. He noted they tried installing a new well at his home (1406 Mammoth). They drilled 1,200 feet and came up dry. They've exhausted all other options to remedy the problem. Mr. Boutwell told the Board that the proposed line would need to be brought through an area where the Wetland Conservation District ('WCD') went near the road. They need the Special Permit to install the line and remedy the well contamination situation at the two homes.

Mr. Culbert wanted to know if there were any other homes with a similar problem. Mr. Boutwell did not know. Mr. Culbert asked if the line would be large enough to service other homes. Mr. Boutwell replied they would be hooking onto an existing twelve inch main. He provided a brief explanation of how the main line would connect to the homes.

Mr. Lynde asked for the location of the wetlands they were dealing with. Mr. Boutwell referenced a map of the immediate area that highlighted the wetland and WCD buffer. He noted they would be working in the buffer area, not the wetland. Mr. Lynde questioned if Pennichuck was doing the installation. Mr. Boutwell replied he had a contractor from Dracut, MA doing the installation. He showed a photograph of Industrial Drive and WCD area where the line would be installed.

Mr. Doherty read aloud a letter dated May 13, 2017 from Paul Gagnon, Chairman of the Conservation Commission to the Planning Board. The commission voted unanimously (5-0-0) to recommend the plan with the understanding that the work would take place during a dry stretch of weather and best management practices would be followed.

Mr. Gowan pointed out that the authority for the Board to act on a Special Permit (with comment from the Conservation Commission) could be found in Zoning. He commented that he had seen the contractor's work before and noted he understood appropriate erosion controls. He stated with the Board's approval of the Special Permit, the applicant would still need to meet with and work with the Road Agent.

Mr. Bergeron asked for an explanation of how the line would run from the connection point to the houses. Mr. Boutwell replied the Pennichuck Water line came down from Industrial Park and be 600ft-700ft of getting to Mammoth Road. He explained how the pipe would then be drilled to the two properties.

Mr. Doherty called attention to the fact that the file didn't contain a copy of the letter from the Conservation Commission (dated May 13, 2017). He indicated he would submit his copy of the letter for the record.

Mr. Bergeron inquired if the project was at Mr. Boutwell's cost. Mr. Boutwell answered yes; they had worked with the State of New Hampshire. He said there had been damage awards that would be used to complete the project. Mr. Montbleau asked how many feet of pipe would need to be done. Mr. Boutwell replied there would be approximately 700ft.

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

MOTION: (Doherty/Passamonte) To approve the Special Permit.

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

ADMINISTRATIVE

Discussion and Vote on Alternate Candidates

Mr. Montbleau read aloud a letter submitted by Derek Steele who indicated he was unable to attend the meeting and hoped to still be considered for an alternate position in his absence.

The Board discussed the number of available positions, the appropriate terms, and how they would proceed with the appointments.

There were three candidates for three alternate positions. The Board accepted all three candidates and decided to vote by secret ballot to determine the term for each. Two candidates were to be appointed to three year terms ending in 2020. One candidate would fill Mr. Sherman's term ending in 2018. (Terms expire March 31st in the appropriate year)

APPOINTMENT: (Culbert/Bergeron) To appoint the following candidates as Planning Board Alternates: Mr. Samuel Thomas-three year term expiring in 2020; Mr. Bruce Bilapka-three year term expiring in 2020; Mr. Derek Steele-one year term expiring in 2018.

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

Discussion – Proposed “Meeting Attire” amendment to the Planning Board Bylaws.

Deferred.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:56pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary