

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
November 6, 2017

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, Joseph Passamonte, Tim Doherty, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Derek Steele, Alternate Samuel Thomas, Alternate Richard Olsen, Alternate Bruce Bilapka

ABSENT: Alternate Paddy Culbert, Planning Director Jeff Gowan

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

October 16, 2017

MOTION: (Montbleau/Dadak) To approve the October 16, 2017 meeting minutes as amended.

VOTE: (7-0-0) The motion carried.

OLD BUSINESS

PB Case#PL2017-00012

Map 7 Lots 9-135 & 9-135-1

MENDES, David – Katie Lane & Simpson Road – Review of Yield Plan and possible vote for Special Permit to proceed with formal Conservation Subdivision application of the above referenced lots. Full application for subdivision will follow once Special Permit has been approved and density is established.

Mr. McNamara stated the applicant's representative had requested a continuance. The Case was date specified to the December 4, 2017.

PB Case #PL2017-00021

Map 7 Lots 9-135-1

MENDES, David - Simpson Road - Proposed 4-Lot Subdivision (*Note: This was part of continued case #PL2017-00012 but has been separated out as a stand-alone plan per direction of the Planning Board*)

Mr. McNamara stated the applicant's representative had requested a continuance. The Case was date specified to the December 4, 2017.

NEW BUSINESS

No New Business.

ADMINISTRATIVE

Discussion regarding Salem's Tuscan Village project and its potential traffic impacts on Pelham

Mr. McNamara stated the Board would discuss the project and hoped to reach a consensus about their concerns regarding such. He understood the Selectmen would be addressing the project during their next meeting. Mr. Lynde replied Julie Chizmas, who had worked on a traffic study for the Town, was no longer working with the Nashua Regional Planning Commission ('NRPC'); she's now working for the City of Nashua. He said they had names of traffic engineers and needed to select one. Mr. McNamara believed the Town needed an expert to review and speak to the project.

In briefly reviewing the plan, Mr. Lynde saw that there would be an additional nine signaled intersections without any reference about Route 38. He stated Pelham needed to protect itself.

Mr. Bergeron wanted to know whether or not Pelham statutorily had any say in the process. He said the proposed was a multi-million square foot development that would have severe traffic impact, certainly on the Route 38 corridor in Pelham and surrounding connector roads. He said if Pelham didn't have any statutory standing to seek or make changes to the critical intersections, he didn't see any point in spending a lot of money. He noted Salem had recently announced a 3% tax increase.

Mr. Dadak reviewed and read aloud a portion of a memo from Mr. Pernaw, which made comment about the intersection Route 38 at Policy Street. He recalled the proposal to the intersection at the time the mall project was being reviewed. Mr. Bergeron stated at that time Pelham was supposed to have secure unimpeded access to Interstate 93 when the mall was constructed. He noted there was quite a bit of 'impedance' with a stop sign and traffic signals. He could only imagine with the proposed project that people would seek alternate routes to escape Salem's mess. Mr. Montbleau told the Board there was a guarantee made by the Governor's Council (at the time the mall was built) for Pelham to have guaranteed access to Interstate 93. He said when the mall was designed out, Salem was going to do away with the Route 38 access to Interstate 93 until Pelham got vocal. He attended all the hearings and stood up voicing objection until they finally agreed to a requirement of a 35mph design speed road for I93 access. They couldn't get everything to fit and had to build the 'fly-over' road. He believed the mandate still stands and suggested that the Town check at the State level for the Governor's Council mandate that guarantees Pelham access to I93. If it remains in place Pelham would have a foothold on the project at the State level. Mr. Montbleau briefly discussed the history of the area and the time line of the State mandate. He noted that John Tucker was the Planning Director at the time and CLD was the Town's engineering review firm at the time the mall project was being done (possibly the late 1980s).

Mr. Passamonte questioned where the access was supposed to be located. Mr. Montbleau replied the existing access (to I93) was pretty much where it was prior to the mall being built. He described the area prior to the mall construction and how the road system was designed.

Mr. Lynde believed with a project of regional impact Pelham had a right to appear, give evidence and challenge decisions. This is why he felt it was important for Pelham to have someone who could decide what to challenge and have the professional recognition to do so. Mr. McNamara didn't think the abutter statute gave Pelham a right to challenge/appeal a decision. He believed it gave them a right to notice and have a representative speak. The ordinance says nothing about appellant relief.

Mr. Thomas reviewed the information and found there was an inconsistency between the memo referenced by Mr. Dadak (from Mr. Pernaw) and the data in the table (of information provided to the Board) that related to traffic capacity. In reviewing all the exit points, he felt there would have to be congestion. He suggested the Board obtain data that supports the information for the intersections points listed in the table. Mr. McNamara

replied there had been several iterations of the plan, which had gone through design revisions; however, he agreed that some of the data cited was inconsistent.

Mr. Montbleau stated the Board needed an objective. Mr. McNamara stated the concern was the traffic impact to Pelham. Based on Salem's statistics, he understood on Saturdays there would be an additional 50,000 vehicles in and around the existing mall; some of which would 'bleed' over to Pelham. The question was how to go about quantifying it and proving the impact. Mr. Montbleau questioned if there would be an additional 50,000 vehicles, or if that was the number of vehicles that would be in the vicinity. Mr. Dadak replied the information indicated that was the number of vehicles that would be approaching the area. Mr. Montbleau spoke about the traffic near his business, which is located on a main artery from Chelmsford to Lowell, and has a vehicle count of approximately 17,000. He said that the traffic didn't seem too bad. Taking that into consideration, and the fact that Salem would have a greater road system, he questioned what the anticipated vehicle increase would be. Mr. Dadak commented that the information didn't take into account the psychology of a driver when avoiding congested roads. Mr. Montbleau wanted to know if Salem intended to block off Route 38.

Mr. Doherty spoke about the project. He noted that the development would be mixed use with residential and business. He noted the area of the track was approximately 170 acres and would generate about 50,000 new trips per day. This doesn't include the traffic associated with the new cinema and restaurants at the mall. He said Salem's website had a 3D tutorial of the development. Mr. Doherty explained that Salem created an ordinance years ago preparing for development, which basically states developments need to lessen traffic on Route 28 (North and South Broadway) by pushing everything south and west. By doing so, vehicles would be routed to the areas of the Depot, I93 and Route 38. He said the Board needs to look at the traffic data and look for flaws that could be suggested to Salem. Mr. Montbleau said if traffic was pushed west from Route 97, the whole intersection has expanded to handle more traffic and direct vehicles to the highway system.

Mr. Doherty provided the Board with copies of maps and aerial photographs of the site and the surrounding area and reviewed the information. He spoke about the proposed roads (crossing through the development) and intersections in regard to the direction traffic would flow. He then discussed what could be suggested to redirect traffic. Mr. Montbleau questioned if Mr. Doherty had brought his suggestion to the Salem Planning Board. Mr. Doherty said when he spoke with Salem's engineers (off-record) he was told no one had posed his suggestion to them. He continued to review the information and explain his concerns regarding traffic flow based on the proposed roads and intersections and possible suggestions to redirect and ease those concerns.

Mr. Montbleau stated there was a lot of information being reviewed and believed a lot would change based on as-built plans as the project progressed. He questioned what point the Board wanted to make to Salem. Mr. McNamara felt Mr. Doherty's suggestions were all good and could be proposed to Salem Planning Board as alternatives to what they currently had. Mr. Doherty stated Salem had an innovative use land ordinance and any suggestions should be directed to the Salem Planning Board; they have the ability to vary their own zoning. Mr. Montbleau suggested having Mr. Doherty, based on his study of the project and knowledge, meet with Salem's Planning Director (Ross Moldoff) as an emissary of the Planning Board and Selectmen to discuss concerns. He said after which, Mr. Doherty could meet with Mr. Gowan, Mr. Moldoff and the Salem Planning Board (formally or informally) to make an impact.

Mr. Lynde questioned if the overall Tuscan Village footprint and internal roads were established. Mr. Passamonte said it looked like the underground work was just about complete. Mr. Doherty believed there was still time to suggest alterations. Mr. Dadak understood that studies have been done on the intersections and Mr. Doherty was suggesting alternate configurations. Mr. Doherty discussed the intersections that were reviewed by the traffic engineers. He noted he informally spoke with the traffic engineers because he didn't have the authority to speak with them in an official capacity.

Mr. Montbleau spoke about his experience during the construction of the mall and stated that the road designs were all a science based solely on (trip) numbers and density. He commented sometimes, even with number,

there are better ways to do things. He said Mr. Doherty's comments, observation and common sense were extremely important to the end result of what would happen with the project. He was in favor of Mr. Doherty opening up a dialog with Salem. He said if the Selectmen deem that Pelham would have impedance for its citizens to access the highway, the Town should get engineering support for its emissary. Mr. Dadak also noted Mr. Doherty was raising some good 'what if' questions that should be considered. Mr. Montbleau agreed. He said Mr. Doherty's suggestions may solve huge problems that Salem hasn't yet thought of.

Mr. McNamara understood Mr. Doherty would be presenting the information to the Selectmen. He asked Mr. Lynde to present the Board's consensus to the Selectmen that the ideas brought forward by Mr. Doherty are explored. There was also a consensus of the Board to pursue hiring an expert. Mr. Lynde understood the Selectmen were 'on board' with hiring a traffic engineer. When it comes down to general engineering he assumed they would rely on Keach Nordstrom (Board's engineering review firm). Mr. Doherty stated the traffic study had been done a while ago. He said the assigned numbers were done prior to their intention to have three turn lanes from Route 28 and without the effects of a possible intersection at the Coco-Cola plant. If they get the approval to cross the train tracks for an intersection, traffic would be brought from Route 97 (bypass the depot) enter the site and cut through to mall road. Mr. Doherty commented that type of change isn't included in the traffic study, and wouldn't be because an additional traffic study wouldn't be done. He understood everything was done by the numbers, and pointed out that the numbers being used weren't accurate anymore because of the amount of changes either being made, or proposed. Mr. Doherty stated if there are subtle changes made to the curb cuts to make it so left turns onto Mall Road (out of the new site) happen further down, which could lessen the severity of traffic heading into Pelham. Mr. Montbleau added it was a matter of having support for some of Mr. Doherty's ideas through engineering and then asking them to 'tweak' the plans. He agreed that Salem wouldn't do additional traffic studies.

Mr. McNamara asked Mr. Lynde to present the Board's discussion. Mr. Lynde understood the Board was in support of having Mr. Doherty being involved with communication and supported doing needed engineering. Mr. McNamara said subsequently, it would be a good idea to have Mr. Doherty and Mr. Gowan meet with Salem's Planning Director Mr. Moldoff. Mr. Lynde understood.

Mr. Doherty stated he was not trying to circumvent the Planning Board by meeting with the Selectmen. He intended to speak with them as a private citizen. The Board understood.

ADJOURNMENT

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

VOTE: (7-0-0) The motion carried.

The meeting was adjourned at approximately 8:22pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary