

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
December 4, 2017

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

The Secretary Paul Dadak called roll:

PRESENT: Peter McNamara, Roger Montbleau (left the meeting prior to adjournment, 8:26pm), Paul Dadak, Joseph Passamonte, Tim Doherty, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Samuel Thomas, Alternate Paddy Culbert, Alternate Bruce Bilapka, Alternate Derek Steele, Planning Director Jeff Gowan

ABSENT: Alternate Richard Olsen

Mr. Culbert was appointed to vote until Mr. Doherty arrived (7:05pm)

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

November 20, 2017 – Deferred to the next meeting.

OLD BUSINESS

PB Case #PL2017-00021

Map 7 Lot 9-135-1

DAVID MENDES – 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)

Representing the applicant was Peter Zohdi of Herbert Associates. He described the plan and noted that all the lots had frontage on Simpson Road. Usually subdivision lots have to have underground utilities; however, the utilities along Simpson Road are overhead, therefore he would like the plan to reflect such. All the lots comply with Zoning. He received Keach Nordstrom's (Board's engineering firm) review letter and noted waiver requests had been submitted.

Mr. Doherty arrived.

Mr. McNamara noted that the Board had received updated reports from Keach Nordstrom and asked for a summary. Mr. Steve Keach of Keach Nordstrom came forward to review his letter dated November 29, 2017. He summarized the contents of his letter, which pertained to the case being heard, as well as Case #PL2017-00012. He told the Board that Mr. Zohdi's office had addressed a majority of the earlier comments. The remaining items: 1) acknowledgement/receipt of State Subdivision approval (of two lots SW corner); 2) Fire Department review/comment; 3) any approval be conditioned upon installation of required monuments; 4) Wetland and Soil Scientist stamps on final plan; 5) SW 'tail' on 6.8acre parcel (less than 50ft. width) – requires

('temporary') waiver; however if Case #PL2017-00012 continues, it will be reconsolidated with 12acre parcel to south; and 6) test pits on Lot 9-135-9 not situated in 4K area and should be excavated to show suitability for on-site sewage disposal.

Mr. Lynde questioned why the 'tail' in the 6-acre lot should be included in the parent parcel. Mr. Keach believed it would become obvious when the Board reviews the second item on the agenda. He said basically the parcel including the tail will be consolidated into Lot 9-35 to create the subject parcel in Case #PL2017-00012.

Mr. McNamara opened discussion to public input. No one came forward.

Mr. Doherty noted on the large set of plans he saw a 6.30 acre parcel, and on the small set that parcel was shown as 6.25 acres. He wanted to know if the discrepancy was in the tail. Mr. Keach replied the proper area as shown on sheets 1 & 2 was 6.25, and believed sheet 5 showed a different revision date to the plan. He said there may have been minor changes, which caused a mixed set of plans. He recalled the northerly line of the lot shifted north in order to make certain there was 200ft. of frontage on Simpson Road. He believed the set of plans sent to him for review purposes had the proper numbers. Mr. Doherty asked if Lot 10 was 1.2 acres and not 1.5 acres. Mr. Keach stated the areas that were represented on sheet 1, 2 and 4 were all consistent and believed to be correct. He believed sheet 5 (topographic) was culled from a different set of drawings.

Mr. McNamara questioned if the plan had been accepted for consideration. Mr. Zohdi replied it was a new item.

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

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

Mr. Zohdi spoke to the requested waiver for (Section 11.04.C) the 15K area on Lot 9, which was not 100ft.x150ft. He noted they had the 15,000SF, but the shape was a little skewed. They previously requested a waiver for Lot 11; however, the lot line was changed so they no longer have a need for the waiver.

MOTION: (Montbleau/Passamonte) To accept the waiver request (to Section 11.04.C) for consideration.

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

MOTION: (Montbleau/Doherty) To approve the waiver request to Section 11.04.C.

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

Mr. Bergeron understood that Mr. Keach didn't have a problem with the test pit (on lot 9-135-9) not being within the 4K area. Mr. Keach replied there ultimately had to be two test pits, and felt if the Board moved forward with the application it should be included as a condition. He anticipated favorable results, but wanted the data. He suggested that the matters listed in his review letter be addressed.

Mr. McNamara reviewed possible conditions for approval:

- 1) Approval of State Subdivision for Lots 9 & 10;
- 2) Review and comment by the Fire Department;
- 3) Letter of satisfaction from Keach Nordstrom noting that all concerns (and items in the November 29, 2017 letter) have been addressed;

Mr. Lynde wanted to know the Fire Department's role. Mr. Keach replied the Subdivision Regulations include a requirement for the Fire Department to review and comment on land use applications. Typically they review adequacy of water supply for firefighting.

MOTION: (Montbleau/Dadak) To approve the subdivision with conditions stated.

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

PB Case#PL2017-00012

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

DAVID MENDES – Katie Lane & Simpson Road – Review of Yield Plan & 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.

Representing the applicant was Mr. Peter Zohdi of Herbert Associates. He provide the Board with an up to date plan set for review and explained the purpose of the meeting was to show the two types of possible subdivisions (conventional and conservation). With a conventional subdivision they would obtain eleven lots. With regard to a conservation development, he referred to the Keach Nordstrom (Board's engineering firm) review letter and noted they had more than the required open space; in return they are requesting an 18% density bonus where the regulations allow for up to 20% density bonus. This would allow a 13-lot conservation development. Mr. Zohdi recalled during the Board's last meeting there had been a general consensus for a conservation development and would like the Board to take an official vote so plans could be submitted. Mr. McNamara understood that the applicant would like the Board to act on the request for special permit, with regard to the conservation subdivision.

Mr. Lynde understood that the yield plan was based on a valid subdivision. Mr. McNamara replied the Board hadn't voted on the yield plan yet.

Mr. Steve Keach of Keach Nordstrom came forward to speak to his review letter dated November 30, 2017, limited to the special permit / yield plan. He went through the points listed in his memo (*contained in the file with the Planning Department*). In summary: 1) Each of the 11 (conventional) lots satisfy dimensional requirements of the Zoning Ordinance; 2) Lots 15 & 16 show building envelopes of 15Ksf. are not rectangular in shape – waiver request needed; 3) Note that yield plan (conventional development) several areas with wetland conservation district ('WCD') impacts totaling 11,647sf. ; 4) application for conservation subdivision is for 13 lots – note: there is significant, supplemental (usable) open space, which he understood was the basis for the applicant's request for density offsets. Despite the fact that the applicant has submitted detailed design plans for the 13-lot conservation plan, Mr. Keach told the Board he refrained from reviewing them until such time the Board grants a special permit.

In reference to the conservation subdivision, Mr. Doherty commented that he had never seen such inaccessible open space as the development proposed for people that would reside within the subdivision. Mr. Zohdi understood for lots that didn't have direct access, they included a 10ft. walking easement. They were also including a foot bridge to go over the ditch line so everyone would have access to open space.

Mr. Lynde questioned if the created lots with wetland impacts would be acceptable for approval. Mr. Keach replied the Board was the authority to approve; however, he pointed out that the lot in question was significantly larger and demonstrated it met the qualifying requirements in Zoning.

Mr. McNamara opened discussion to public input. No one came forward.

Mr. Dadak questioned how much wetland and WCD was affected. Mr. Keach pointed out that the totality of the numbers were provided on the color coded sheet of the plan.

Mr. McNamara stated that the applicant was requesting two density lots; the basis for the request was that the usable open space was several times over the requirement. Mr. Doherty felt the proposal was the most unusable open space plan that had ever been in front of the Board. He didn't agree with having an easement across someone's property to access open space. He felt they would be setting a bad precedent if they allowed it to happen.

Mr. Lynde stated he was not supportive of the added lots and thought there were problems with the subdivision, as proposed. He believed the cul-de-sac wasn't to the 75ft. radius specification. He was bothered by the fact that the applicant owned additional land with frontage on Hayden, and felt the Board should know the outlook on it. He understood there were provisions in the regulations that allowed the Board to ask conceptually what would be done to the other lots so they could see how it fit with the proposed plan. Mr. Zohdi pointed out there was 350ft. of high tension wires between the proposed development and the other land owned by the applicant. He couldn't recall the Board ever having a development road under tension lines, other than a portion of Shelley Drive. He noted at present, the applicant didn't have any plans for his other land. He said one parcel had nothing to do with the other. Mr. Lynde felt it was reasonable to have a conceptual of the area. Mr. Zohdi replied if they received approval, he would bring a conceptual plan when he submits an open space plan.

Mr. Doherty commented when zoning was written, part of what they tried to do was look at all surrounding parcels (when they came to the Board) so they could review open space connectivity and establish interconnectivity throughout the Town. He didn't feel the applicant met the criteria of what zoning was trying to accomplish to get bonus density. He suggested the road might be able to be shifted so the open space lots could connect. Mr. Culbert saw there was a lot of open space bordering the high power lines. Mr. Zohdi stated they would take Mr. Doherty's advice and work on the plan. He understood from the Board that the open space was not only for the residents within the development, and it would be deeded to the Town so everyone in Town could use it. He said they would glad to deed it to either the residents of the development or to the Town.

Mr. Bergeron understood that the Board was reviewing a yield plan and waivers and was being asked for direction of which plan to bring forward, either conventional or conservation. Mr. McNamara replied the Board gave direction that they preferred a conservation subdivision, but had not approved that direction. Mr. Bergeron wanted more information regarding the impact of the conventional subdivision, and would like to walk the site. He stated he would oppose every conservation subdivision that came in with overlapping well radiuses and that didn't have an outside water supply. He wanted to know how Mr. Keach felt about the overlapping well radiuses as related to the new rules that came down from the well boards. He said because the Board didn't know the sewage loading, soil types or actual engineering it would be too much to approve right now. Mr. Keach felt his letter of November 30, 2017 answered the question. It indicated that since the Board had yet to act on the special permit for a residential conservation subdivision, he would refrain from offering detailed comment on preliminary design plans until the appropriate time. It was Mr. Bergeron's opinion that the Board didn't have enough information to proceed. Mr. McNamara said it seemed he was asking for a more detailed plan. Mr. Bergeron questioned what the chances of a conventional subdivision getting waivers for the roadway in relation to the WCD. Mr. Keach replied it wasn't a waiver, it was a special permit. He stated that the Conservation Commission hadn't steered the Board wrong. With regard to the Wetlands Bureau, he said they would operate within their code of administrative rules. He stated that a yield plan is meant to be conceptual in nature, but must be realistic. Personally he would look at the area of impact of wetland and WCD to see if it was reasonable. He said by approving a yield plan, the assumption was they would also find themselves in an opinion that it was reasonable to expect if it were the actual application, they would in all probability approve the special permit as well. Mr. Bergeron was weighing in his mind the impact of the conventional subdivision versus the conservation subdivision. He said he was having trouble with the density offset ratios and felt they were very subjective. Mr. Keach said the question was if an application satisfied the companion standards to Section XV of the regulations. Mr. Bergeron felt the Board didn't know enough about how the yield plan would impact the special permitting

portion of the regulations. He said they hadn't had input from the Conservation Commission. He didn't want to move on the plan quickly; he wanted to move on it after much consideration.

Mr. Zohdi stated the Board had a letter from the Conservation Commission. He said the open space conservation subdivision had gone to conservation. Mr. Doherty believed the plan that went to conservation didn't have the 'through' road, access came in from two separate locations. He noted Mr. Lynde wanted to see a 'through' road for both the conventional and conservation plan. He spoke about developments that the Board had granted special permits for wetland crossings and WCD encroachments for putting in a road. He said they do it on a regular basis. Mr. McNamara noted the Board received a letter from the Conservation Commission dated September, 2017. Mr. Bergeron stated the letter from conservation predated the plan, which was dated in November. He said conservation never saw the plan that was currently in front of the Board. His question was how far the Board would go with the yield plan that was presented.

Based on the Board's comments, Mr. McNamara asked Mr. Zohdi if he wanted additional time to work on the plan. Mr. Zohdi replied he needed more time to satisfy Mr. Doherty's comments involving the conservation plan. He pointed out that he was presently in front of the Board with a request for special permit. Mr. McNamara said Mr. Bergeron's comment was that he didn't have enough information to make that decision. Mr. Zohdi suggested the Board give him the list of information they need.

Realistically, Mr. Doherty said if the subdivision was going to be developed as a conventional plan, he didn't believe the Board, or the Conservation Commission would ever want to push the road through. He described what he felt the boards would prefer. He said the applicant drew the plan (with the wetland crossings) because the Board requested to see the development in the proposed configuration. He said if the access came in from two sides, there would only be one wetland crossing. Mr. Zohdi added the reason they proposed a through road was because Mr. Lynde felt the road should be designed in that manner rather than having cul-de-sacs. Regardless of the access road, Mr. Doherty believed the yield plan was valid because the applicant has shown they can achieve the number of lots.

Mr. McNamara proposed the Board vote to approve/disapprove the yield plan of eleven lots. Mr. Gowan believed the request was for the Board to approve the yield plan and then allow the applicant to proceed with a conservation subdivision with some specificity on density. In that process would be the Board's vote on density. Mr. McNamara questioned if the Board had to vote on both matters at the present meeting. Mr. Gowan said without having clarity on the number of lots. He noted the Board had also never asked for conservation's opinion on a yield plan that proposed crossings. He said they comment later in the process on specific crossings and impacts. Mr. McNamara pointed out that Mr. Doherty had asked for additional information and additional work on the open space, which was the basis for the request of the two lots.

Mr. Doherty proposed amending the development to eliminate the open space lot (near the Carriage Circle) and make the other lots bigger so the well radiuses didn't have to overlap as much. He said open space could then be created with the lots against Simpson Road. He felt the yield plan was acceptable and the applicant could get a conventional subdivision with the noted lots. He didn't see that granting additional lots worked in the development based on the 'zig-zag' of the wetlands.

Mr. McNamara asked the Board for a motion to approve the yield plan for eleven lots. He said Mr. Zohdi indicated he would try to resolve some of the items discussed and come back at a later date. He stated the Board would not vote on any additional density at the present meeting.

Mr. Bergeron made a motion to approve the eleven lot yield plan. Mr. Montbleau seconded. Mr. Lynde explained when he reviews the plans he likes to see two egresses in subdivisions because of safety, emergency access and for the Town maintaining the roads. He noted concern about waiving the 75ft. radius to cul-de-sacs.

MOTION: (Bergeron/Montbleau) To approve the eleven lot (conventional subdivision) yield plan.

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

There was a brief discussion regarding when the applicant would come back in front of the Board. Mr. Gowan pointed out that the case was considered 'de novo', therefore full notification was required. Mr. Zohdi said he planned to return during the Board's second meeting in January. The case was not date specified.

NEW BUSINESS

PB Case #PL2017-00022

Map 17 Lot 12-232

CROTEAU REV. TRUST c/o Arthur Croteau -9 Ledge Road – Site Plan Review to permit the construction of an addition to the existing 60'x80' service garage, permit the construction of a 30'x80' pole barn and to re-organize and add some additional parking.

Mr. Montbleau left the meeting. Mr. Bergeron stepped down. Mr. Culbert and Mr. Bilapka were appointed to vote.

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.

Representing the applicant was Mr. Joseph Maynard of Benchmark Engineering. He stated that the property was currently approximately two acres in size and falls under residential zoning. He noted the existing uses were a duplex/residential dwelling and RGA Tire and Towing Services. The existing buildings are serviced by an on-site well and septic system. He told the Board they had gone in front of the Zoning Board and were granted a variance (Case #ZO2017-00022) to expand the pre-existing use for RGA Tire and Towing. Part of the variance was to put the 60ftx80ft addition to the existing building and to construct the 30ftx80ft pole barn. As they came to the Planning Board, Mr. Maynard stated they reconfigured some of the parking to gain an additional area and created a 3,000SF area. He pointed out that the entrance was increased so trucks could get in and out of the lot and avoid going over the neighboring lot.

Mr. Maynard stated they had written a request for a number of Planning Board waivers. He reviewed the waivers and discussed the reason for the request.

Mr. McNamara asked Mr. Gowan if the submittal had sufficient information to accept for consideration. Mr. Gowan answered yes.

MOTION: (Doherty/Passamonte) To accept the proposed site plan for consideration.

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

Mr. McNamara stated the Board would review the waivers, but didn't feel they should vote to approve until Keach Nordstrom (Board's engineering firm) did a preliminary review. Mr. Maynard noted that a number of the waivers dealt with parking and landscaping configurations. Mr. McNamara understood. He just wanted to make sure they don't miss anything.

MOTION: (Culbert/Dadak) To accept the waiver to Section 303-2-a.4 for consideration – interior parking islands.

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

MOTION: (Culbert/Passamonte) To accept the waiver to Section 303-2-a.5 for consideration – exterior parking facilities.

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

MOTION: (Culbert/Passamonte) To accept the waiver to Section 303-2-B.4 for consideration – parking space requirements.

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

MOTION: (Culbert/Dadak) To accept the waiver to Section 303-3.A for consideration – landscape and buffer requirements.

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

MOTION: (Culbert/Dadak) To accept the waiver to Section 303-3.B.1 for consideration – street tree strip.

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

MOTION: (Culbert/Passamonte) To accept the waiver to Section 303-4 for consideration – site drainage.

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

MOTION: (Culbert/Passamonte) To accept the waiver to Section 303-3.5 for consideration – design and construction standards for utilities.

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

MOTION: (Culbert/Passamonte) To accept the waiver to Checklist Item for consideration – site specific soils mapping.

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

MOTION: (Culbert/Dadak) To accept the waiver to Checklist Item for consideration – site datum tied to NGVD.

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

Mr. Maynard reiterated that it was a straight forward application for an expansion of an existing use. They had gone in front of the Zoning Board and took input from abutters and tried to incorporate their comments. Mr.

McNamara recalled a question had been raised about sight distance. Mr. Maynard replied he hadn't shot the road to do a formal sight distance, but knew in the northern direction there was more than ample sight. He said in the southerly direction there was a little bit of a ridge, but felt with the orientation of the property they met the Town's requirement. Mr. Gowan felt having the plan reviewed by Keach Nordstrom would be a benefit.

Mr. Lynde spoke about the parking spaces and asked for further explanation. Mr. Maynard stated they configured parking so the pole barn wasn't blocked.

Mr. McNamara opened discussion to public input. No one came forward.

Mr. Doherty suggested the Board review the waivers and pass as many as possible. Mr. McNamara polled the Board and asked for a show of hands, who wanted the plan reviewed by Keach Nordstrom. A majority of the Board wanted the plan reviewed.

There was a brief discussion regarding what date the plan would be date specified.

The plan was date specified to Thursday, January 4, 2018.

Mr. Bergeron returned to the Board. Mr. Culbert no longer voted. Mr. Bilapka remained appointed to vote (in Mr. Montbleau's absence).

PB Case#PL2017-00023

Map 18 Lot 12-15-1

HARRIS POND LANDHOLDINGS, LLC – 363 Gage Hill Road – Proposed 3 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.

Representing the applicant was Joseph Maynard of Benchmark Engineering. He stated the parcel contained approximately 7.65 acres and was located along Old Gage Hill Road at the intersection of Ledge Road. The property previously had an older home, small barn and number of sheds that have all been razed. Where the property sits, there is a curve in the road and hill that impedes some of the sight visibility along Old Gage Hill Road. He explained they were seeking a three lot subdivision. Two of the lots meet the regulations, the third lot meets the 35,000SF of usable land, but it doesn't meet the 150ft.x100ft. building envelope criteria, and will require a waiver. Mr. Maynard told the Board the applicant was willing to fix some of the sight visibility problem along the Old Gage Hill Road where the house was previously located. By fixing the hill, the proposed house on the middle lot would be pushed back and made it a less desirable property, thereby impacting values. He said by excavating the area back there will be good visibility for traffic traveling along Old Gage Hill Road.

Mr. McNamara asked if there was enough information to accept the plan for consideration. Mr. Gowan answered yes.

Mr. Culbert initially made a motion to accept the plan for consideration with Mr. Dadak seconding; the Board voted unanimously; however, it was pointed out that Mr. Culbert wasn't appointed to vote. Mr. Doherty then made a motion to accept for consideration with Mr. Passamonte seconding for discussion.

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

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

Mr. Culbert asked for clarification if the proposal was to improve sight visibility, or make sight visibility. Mr. Maynard explained if he put an easement across the front of the property (middle lot) and dug the hill back, it

will make sight visibility across the curve. Mr. Culbert wanted to know if there was currently sight visibility. Mr. Maynard answered no. Mr. Culbert confirmed there would be sight visibility when the lot was improved. Mr. Maynard stated it would.

Mr. Bergeron told the Board he was familiar with the site and stated the proposed improvements to the road were critical and urged everyone to understand what the applicant was attempting to do was far better than what was there.

Mr. Doherty stated he used the road all the time and didn't like the intersection. He liked the idea of the proposal, but wanted to hear what the neighbors had to say. Mr. Dadak noted it wasn't often that the Board received an offer to improve sight distance.

Mr. Lynde agreed with the comments regarding the corner. He wanted know where the house would be located on lot 1-2. Mr. Maynard replied it would be located adjacent to the road. He discussed the applicant's options and stated they were trying to obtain three single family lots; however, if he was to reconfigure the lot to make it two duplex lots. If they went forward with duplexes, they wouldn't dig out the embankment along the street, they would put two driveways in. Mr. Lynde asked about sight distance. Mr. Maynard spoke about the work they would do to obtain sight distance along the curb.

Mr. McNamara opened discussion to public input.

Ms. Cynthia Hay, 349 Old Gage Hill Road was concerned with the proposed driveway closest to her driveway. She stated the area was considerable wet and the drainage from the road and her property settled in a swale near where the proposed driveway was located. She assumed the proposed driveway would need to be elevated in some way and was concerned it would disrupt the current drainage. She didn't see a serviceable culvert to service the drainage on either side of the road. Ms. Hay said if the plan was approved, she wanted to make sure that there was some provision to ensure there is sufficient drainage provided and they didn't have more issues with water on the road and icy conditions.

Mr. Doherty questioned where the swale was located. Ms. Hay replied it was on the property identified as Lot 12-15-01. Mr. Doherty asked how far into the property the swale was located. Ms. Hay replied there was a telephone pole in the location and the swale ran on both sides of it. She found it hard to envision where the driveway would be located.

Mr. Maynard spoke about the terrain of the lot and how drainage flowed. He explained he could install a driveway culvert under the driveway and make sure to maintain a nice swale to drain the area. He noted the flows in the area weren't huge.

Mr. Bergeron understood Old Gage Hill Road was a State road and questioned if the Department of Transportation ('DOT') had been involved. Mr. Maynard told the Board he had a conversation with DOT about the property and noted it was allowed up to three curb cuts, providing sight distance was met. Mr. Bergeron asked if he was confident about the drainage. Mr. Maynard answered yes. Mr. Bergeron spoke about the water flow and explained it was part of a watershed that moved toward Methuen, MA., and the Spicket River. He stated he didn't have a problem with the three lot subdivision as long as the concerns of the abutter were alleviated.

Mr. McNamara read aloud the submitted waiver requests.

MOTION: (Passamonte/Dadak) To accept the waiver to Section 11.01c.01 for consideration – building envelope.

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

MOTION: (Passamonte/Dadak) To accept the waiver request to Section 11.11(b) 2 for consideration– well radius outside building setback.

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

Mr. Bergeron spoke about the well radii for the center lot and asked that it be pulled back out of the effluent disposal area. Mr. Maynard replied it would be easier to adjust the 4K area to meet the requirement.

Mr. Doherty stated he would like Keach Nordstrom pay particular attention to where the 15in. culvert would come out given there would be such a large cut for the sight easement. Mr. Maynard replied it would be graded appropriately. Mr. Bergeron noted there was also an issue with winds and snow drifting. He said the proposal would be a vast improvement for them to have a push back area. Mr. Gowan said he would let Mr. Keach know.

Mr. Lynde heard reference that if the applicant was only allowed two lots they wouldn't take care of the curve and wanted to know if there was any reason why the Board couldn't require such as part of the approval. Mr. Maynard replied if that were to occur, the expense to take material out and grade the property would become unfeasible to build it and they could leave it as one lot; there was an existing curb cut for access.

Mr. Doherty stated when it came time to do a final approval, he wanted to make sure that there was a note or something to ensure the work gets completed prior to certificate of occupancy.

Mr. McNamara asked the Board if they wanted to conduct a site walk. Members appeared to be familiar with the site. He told the public that Mr. Keach would review the drainage issues, both on the plans and on site and report his findings to the Board.

There was no further discussion. The case was date specified to the Thursday, January 4, 2018 meeting.

PB Case #PL2017-00024

Map 29 Lot 7-95

BIG LEAGUE ENTERTAINMENT, INC. – 150 Bridge Street – Site Plan Review for Exterior Changes to the Building.

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. Gowan noted his name was called as an abutter; however, the closest portion of his property is 425ft. from the building.

Mr. Jim Nagel of Chunky's Cinema came forward to discuss the site plan proposal for a new front façade. Mr. Gowan displayed an artistic rendition of the proposal, which included a rendition for the façade previously approved for Altitude Trampoline Park.

Mr. J.P. Fine of Pelham Realty Group came forward and explained that the façade for the north side of the building (Altitude Trampoline Park) was previously approved. The proposal in front of the Board depicts the improvement to the façade on the west side of the building (Chunky's Cinema).

Mr. Nagel provided the Board with an exact depiction of the proposed improvement. He also displayed the proposal for the public.

Mr. Lynde questioned if there would be any changes to the building other than the façade. Mr. Nagel answered no. The only other change was the installation of a concrete walkway on the west end of the building.

Mr. McNamara opened discussion to public input. No one came forward.

Mr. Gowan asked if the circular Chunky's sign would remain above the entrance door. Mr. Nagel replied the sign would be replaced with an internally illuminated sign of the same size. The location of the sign would not change.

MOTION: (Passamonte/Dadak) To approve the Site Plan for the exterior changes to the building.

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

PB Case #PL2015-00016

Map 22 Lot 8-130

52 Windham Road, LLC – 52 Windham Road - Seeking a 1 year extension of the previously approved Special Use Permit and Site Plan Review for proposed mixed use development consisting of a 1500sf retail building and 15 townhouse condominium units in the Mixed Use Overlay District (Originally approved 2/8/2016)

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. Dave Jordan of MHF Design Consultants came forward with the project applicant Brian McGowan. Mr. Jordan told the Board they were seeking a one year extension on their approval for a mixed-use development on Windham Road. The purpose of the extension was to conduct additional planning. They were looking at a Spring, 2018 construction start. Final plans had been submitted to the Planning Department for signature. They've received final sign off from Keach Nordstrom and have all State permits in place.

Mr. Bergeron asked if there was an amortization clause that caused the time clock to run out. Mr. Gowan replied any plan that wasn't recorded within a year of approval was null and void unless a re-approval or extension is requested. He told the Board the applicant was moving along with the project, they just needed more time.

Mr. McNamara opened discussion to public input.

Mr. Frank Kirkpatrick, 7 Mosey Lane saw on the notification that the original approval was February 8, 2016 and commented that was the original date of his appeal; however, that meeting was canceled and the appeal was heard on February 29, 2016 and the Administrative Decision was overturned. Mr. McNamara stated the date being referred to was the Planning Board approval date of December 5, 2016. He explained because the plans had not been formally signed, the applicant had to come back in for an extension of time. Mr. Gowan added that the appeal process had ran its course and after which, the Board approved the plan with a list of conditions. He stated that the extension of the approval would include the list of conditions that went along with the original approval (December 5, 2016). Mr. Kirkpatrick was confused about the dates. Mr. McNamara stated the Board was not addressing prior proceedings. He said the plan was approved by the Planning Board (December 5, 2016) and the applicant was seeking an extension of that approval. The plan was not being changed. Mr. Kirkpatrick wanted to know what rules would apply to the project. Mr. McNamara replied the plan would follow the same rules that were in effect at the time of approval.

Mr. Kirkpatrick asked if there were any rules in Town regarding building next to farms. He noted since the plan was approved his neighbor had over 10+ cows and bulls and farmed their land. Mr. McNamara wasn't familiar with any, and noted at this point the plan had already been approved.

MOTION: (Doherty/Passamonte) To approve the requested one-year extension.

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

Mr. McGowan saw that the notice indicated there were 15 units and wanted the Board to recognize there were 16 units. Mr. McNamara replied the number of units would as the approved plan indicated.

DATE SPECIFIED CASE(S) – January 4, 2018 (Thursday)

PB Case #PL2017-00022 - Map 17 Lot 12-232 CROTEAU REV. TRUST c/o Arthur Croteau -9 Ledge Road
PB Case#PL2017-00023-Map 18 Lot 12-15-1-HARRIS POND LANDHOLDINGS, LLC-363 Gage Hill Road

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:30pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary