

**APPROVED**  
**TOWN OF PELHAM**  
**PLANNING BOARD / ZONING BOARD OF ADJUSTMENT**  
**JOINT MEETING**  
**July 7, 2014**  
**APPROVED BY ZONING – August 11, 2014**  
**APPROVED BY PLANNING BOARD – August 18, 2014**

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

The acting Planning Board Secretary Tim Doherty called roll:

**PRESENT:** Peter McNamara, Roger Montbleau, Tim Doherty, Jason Croteau, Selectmen Representative Robert Haverty (left the meeting prior to adjournment), Alternate Joseph Passamonte, Alternate Mike Sherman, Planning Director Jeff Gowan

**ABSENT:** Paddy Culbert, Paul Dadak

Mr. McNamara appointed Mr. Passamonte and Mr. Sherman to vote.

**JOINT CASE:**

**Map 29 Lot 7-95 - PELHAM REALTY GROUP LLC C/O RUBICON REAL ESTATES, LLC  
150 Bridge Street (Route 38)**

Mr. McNamara called the joint hearing to order. *(The abutter's list and meeting notes would be cross-incorporated into a complete record)*

**PB Case #PL2014-00020 & PL2014-00021**

**Applicant is seeking approval of a proposed 2-lot subdivision (#PL2014-00020) and Site Plan review for the construction of a proposed 19,024SF retail building (#PL2014-00021)**

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.

Although not a direct abutter, Mr. Gowan informed that he lived close the project and stated if the applicant, or members of the Planning or Zoning Boards would like him to step away during deliberation, he would be happy to do so. There was no objection to Mr. Gowan remaining seated. *(At the August 11, 2014 meeting Mr. Gowan clarified at the time of the hearing he didn't believe he was an abutter, but had since learned he was a direct abutter)*

Mr. McNamara explained how the joint hearing would be conducted.

Present for the applicant was Mr. J.P. Fine representing Pelham Realty Group, LLC (owner of shopping center). Mr. Bob Clarke of Allen & Major Assoc., Inc., Attorney Philip Hastings of Cleveland, Waters and Bass, Mr. Kevin Reilly of Benchmark Construction and Mr. Dave Baxter of Tractor Supply Company. Mr. Fine thanked the members of the Planning Board and Zoning Board for conducting a joint hearing. He said they were excited for the potential opportunity to have Tractor Supply as a part of the shopping center and hoped the Town was also excited. Mr. Reilly described the Tractor Supply Co. who's slogan is "*The stuff you need out here*". The store offers products for the 'gentleman farmer' which includes a number of products for home improvement, clothing, agriculture, lawn and garden supplies, animal and pet care products/food. Mr. Fine noted that Tractor Supply would attract other retailers to the site, which would make the center become more vibrant and occupied. They have had good success not only as a tenant, but also as a co-tenant. Each store generates approximately fifteen jobs for the local economy. Mr. Fine was looking to improve the shopping center and protect its value.

Mr. McNamara understood that the applicant was proposing a subdivision of land. Mr. Fine told the Board one of Tractor Supply's requirements is to have a separate tax parcel so as to not co-mingle with other tenants in the shopping center. Traditionally they have a free standing building and often self-perform and develop their own stores.

Mr. McNamara saw from Mr. Gowan's notes that both the Site Plan and Subdivision Plan were ready to be accepted for consideration. Mr. Gowan stated they were.

**MOTION:** (Montbleau/Croteau) To accept the Site Plan and Subdivision Plan for consideration.

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

Mr. Montbleau asked for further explanation of what would be sold at the store. Mr. Reilly stated they sold some lawn equipment such as riding lawn mowers. As for tractor supplies, it was usually items such as the hydraulic oils, repair parts, etc. Mr. Montbleau questioned if the store sold a particular brand of tractor. Mr. Reilly knew they were a dealer for Cub Cadet, and other brands. Mr. Baxter said despite the company name, tractors weren't a big part of their business. He said they sold a large array items that were useful for everyone. Tractor Supply Co. is a Fortune 500 company with well over 1,000 stores, who keep going through the recession. Mr. Baxter said the stores were popular in every town they'd gone into; the reception had been great.

The Planning Board deferred further action to allow the Zoning Board to conduct their portion of the meeting.

**ZBA Case #ZO2014-00013**

**Applicant is seeking a Variance concerning Article XI Section 307-69(AA) of the Zoning Ordinance to permit an off premise sign and a Variance concerning Article XI Section 307-69(OO) of the Zoning Ordinance to permit a wall sign at 96SF (16ftx16ft) where no larger than 50SF is allowed.**

Chairman David Hennessey called the meeting of the Zoning Board of Adjustment to order.

The acting Secretary Chris LaFrance called roll:

PRESENT: David Hennessey, Svetlana Paliy, Bill Kearney (arrived after the hearing began), Chris LaFrance, Peter McNamara, Alternate Pauline Guay, Alternate Lance Ouellette, Planning Director/Zoning Administrator Jeff Gowan

ABSENT: Alternate Darlene Culbert (excused), Alternate Kevin O'Sullivan

Mr. Ouellette stated he would be stepping down from the hearing because he had a direct relationship with the owner of the plaza.

It was noted that Mr. Kearney had called in; he was delayed by traffic in the Cape, but would arrive shortly. Mr. Hennessey appointed Mr. Guay to vote in Mr. Kearney's absence.

Mr. Hennessey explained how the hearing would be conducted. He thanked the Board members for attending the meeting. He informed that his company had a relationship with Tractor Supply regarding a relocation, but saw no conflict between that and the Board's case. He said the proposed case didn't involve a relocation, even if it did he wouldn't have received a benefit from it.

Mr. Clarke explained where the lot was located and provided an overview of the site to the Board. The existing lot is 16.92 acres, from which there was a proposed subdivision of 4.72 acres. The proposed retail store will be 19,097SF with an outdoor display area. As required by the Town's, the lot will have 200ft. frontage. Two variances are being requested: 1) to allow an off premise sign (32SF); and 2) to allow a wall sign to be 96SF, where 50SF is allowed. A photograph of a store with the proposed sign was displayed for the Board.

Attorney Hastings discussed the variance requests. Because of the unique features of the property, he felt it would be helpful to consider both signs as a package. The design of the signs was intended to get drivers/customers safely to and from the store given the fact that it was positioned approximately 300ft. from the public right-of-way with an elevation of approximately 25ft. above that grade. He noted the rationale for both signs was the same. Attorney Hastings referred to a photograph of the prototypical wall sign for the Tractor Supply Company that was on the building of the Plaistow store. He reviewed the proposed pylon sign details that were outlined (as contained in the plan set on page 5 and 6).

Mr. Hennessey asked the Board if there were any objections to combining the two variance requests. No objections were voiced.

Attorney Hastings reviewed the variance criteria as submitted with the application.

Mr. McNamara asked if the sign would be lit at night. Mr. Clarke answered yes. Mr. Reilly believed it would be lit during business hours and noted it could be on a time clock. Mr. Fine said the sign was internally lit; the unit contained a sophisticated efficiency system. Mr. McNamara asked for the business hours. Mr. Fine believed the hours were 8am to 9pm. The store is open seven days; Sunday has a shorter schedule. Mr. McNamara wanted to know where the off-premises sign would be located. Mr. Fine stated the proposed sign would be located on the left side (north side) of the proposed curb cut onto Route 38. Mr. McNamara questioned if that location would be the only access to the property. Mr. Fine responded there are multiple accesses to the entire property. He said

if the proposed subdivision was approved as shown the curb cut would be on Lot 1 and grant an easement to the main entrance of the Tractor Supply lot.

Mr. Guay questioned who owned the property where the off premises sign would be located. Mr. Fine said both parcels would have the same owner. The current property was owned by Pelham Realty Group, LLC. if subdivided the lot would remain under the same management group, but there may be a separate LLC that owns the new lot. There will be a reciprocal easement agreement between the two entities for the placement of the sign.

Mr. Kearney arrived. Mr. Hennessey asked that Mr. LaFrance continue as secretary and that Ms. Guay remain as a voting member.

Mr. McNamara asked if there was any particular reason the sign was designed for the size being proposed. Mr. Fine responded that Tractor Supply had a strict universal sign criteria. Mr. McNamara wanted to know if the sign would be visible from Route 38 throughout the various seasons. Mr. Fine knew it would be visible from the drive up, which they felt was an important aspect.

Mr. Hennessey opened the hearing to public input.

#### **PUBLIC INPUT**

Mr. Jim Scanlon owner of Reno-James Realty, LLC, 122 Bridge Street (abutting plaza on the south) questioned if Tractor Supply would have a separate entrance off Route 38 or if they would use the existing entrances. Mr. Fine said they were proposing a new entrance. Mr. Scanlon told the Board there were currently traffic issues coming into his plaza and going into Pelham Plaza. He confirmed the new entrance would be south of Chunky's Movie Theater. Mr. Fine answered yes. Mr. Scanlon questioned where the propose sign would be located. Mr. Fine said the sign would be north of the new entrance. Mr. Hennessey thanked Mr. Scanlon for coming forward. He said his question addressed both a planning issue as well as what was in front of the Zoning Board.

Mr. Gowan commented that the Dunkin Donuts sign (further south on Route 38) was approximately the same size as the proposed Tractor Supply sign and would be approximately the same distance away from Route 38. He discussed the fact that although the sign was nearly twice the size as what was allowed, it would be set further back making it seem appropriate to scale. He understood precedent wasn't an issue for the Board, but he was simply providing a good example for how the proposed sign would appear.

Mr. Hennessey stated the Board reviews the surrounding area of an applicant's property. They wanted to make sure that a variance wouldn't disrupt the existing area be it residential or commercial. He felt it was germane to discuss the Dunkin Donuts sign since it was part of the street scape in the immediate vicinity and set the scale from which the Board could judge the proposal against.

Mr. Hennessey closed the public hearing. There was no objection by the Board to combine the two variances.

**BALLOT VOTE**  
**#ZO2014-00013:**

Mr. Hennessey – Yes to all criteria  
Ms. Paliy – Yes to all criteria

Mr. LaFrance – Yes to all criteria  
Mr. McNamara – Yes to all criteria  
Ms. Guay – Yes to all criteria

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

**VARIANCE GRANTED**

**The Zoning Board of Adjustment meeting Adjourned.**

**PB Case #PL2014-00020 & PL2014-00021**

**Applicant is seeking approval of a proposed 2-lot subdivision (#PL2014-00020) and Site Plan review for the construction of a proposed 19,024SF retail building (#PL2014-00021)**

Mr. McNamara asked the applicant to address the subdivision request and wanted to know what feedback they were seeking.

Mr. Clarke stated they had an existing 16.92 acre site. One of Tractor Supply's requirements is to carve out their own piece, therefore they proposed a 4.72acre subdivision. 12.22 acres will remain on the existing premises. The subdivision conforms and meets the Town's requirements. The lot will have 200ft. of frontage along Bridge Street (Route 38). Mr. Clarke informed there would be cross-easements for the existing plaza and proposed Tractor Supply. He noted they met all the new Town regulations. They've conducted two meetings with Steve Keach of Keach Nordstrom (Board's engineering review firm) and Mr. Gowan. Peer review has been received on the project; they were looking to turn that around when the Site Plan came in for review.

Mr. Doherty confirmed that a variance ran with the life of a parcel. Mr. McNamara answered yes; a variance ran with the land. Mr. Doherty asked if both of the parcels received the variance because the proposed sign would be located on the other (parent) parcel. It was the expectation of Attorney Hastings that an easement plan would go along with the recorded subdivision. One of the easements would be for access to the new parcel and the other would be for the sign location. He said there would also be a reciprocal easement agreement that would get recorded. Mr. McNamara believed the Zoning Board's intent was clear with regard to one sign being for the smaller parcel and the other sign being off premises. Mr. Doherty believed the intention was also that the signs would be associated with the proposed business and there wouldn't be signs for other plaza tenants. Attorney Hastings said the intent was clear that the sign would benefit the subdivided parcel, and not existing uses of the original lot.

Mr. McNamara opened the hearing to public comment. No one came forward.

Mr. McNamara asked Mr. Gowan if any zoning irregularities would be created by the subdivision. Mr. Gowan responded that the subdivision complied with zoning. He wanted the Board to recognize that the applicant would build their own parking; the parking spaces lost by adding the curb cut would be made up on the south end of the parcel. He said part of the conversation with the applicant and Mr. Keach would be to explore if there was a reason to close the southernmost access. Mr. Fine believed closing the access would be at the abutter's detriment because they used some of the parking spaces at that end of the plaza. He said that was part of an agreement when the connection was made. He said they would be amenable to replacing the speed bump and properly striping the area. Mr. Haverly asked if there was an easement for the connection to the abutting plaza. Mr. Clarke stated

there was an easement as well as twenty parking spaces for the neighbor. Attorney Hastings explained there was a cross easement for access. Mr. Fine added that the easement would remain going forward. Mr. Gowan told the Board that the entire parking strip was required when the Chunky's expansion occurred.

Mr. McNamara asked Mr. Keach to address the Board. He wanted to know if there were any problems that the Board would need to give the applicant direction. He asked if the drainage, steepness of the lot, traffic etc. were of concern.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to discuss the proposal and review his memorandum dated July 3, 2014. He told the Board he reviewed the drainage analysis carefully because of the topography and terrain. He said Allen and Major had done a very good job and designed to the Town's new standards. It also appeared to comply with the Alteration of Terrain permit program requirements of the Department of Environmental Services ('DES'). He had the opportunity to review the drawings submittal; while they were technically complete, there were possibly three or four items for the Board. One item was the pedestrian linkage between the plazas, which he felt was a matter of convenience and safety. A drawing depicting the access/circulation was included in the plan set. Mr. Keach didn't feel the outbound movement would present a problem; however, he believed the inbound truck movement (making a left turn into the site from Rt. 38 southbound) could encroach on the traffic movement exiting the plaza. He's recommended that the applicant review the area and possibly widen the geometry of the 'throat' for added safety.

Mr. McNamara wanted to know the day to day truck (delivery) volume. Mr. Reilly believed there were roughly two per week. There will be more when the store is initially being stocked.

Mr. Keach told the Board that the part of the plan he picked on the most was the area toward the rear. A plateau will be carved onto the slope with a grade difference of approximately 20ft. He said the project approximated a zoning district boundary along Livingston Road and because of the depth of the slope, he would like to see a safety fence (i.e. cattle fence) in that area. He'd also like to see a piece of guard rail in the front portion of the lot between the upper and lower parking areas.

Mr. Keach commented that the majority of the comments within his memo were essentially dotting 'I's' and crossing 'T's'. The last comments referred to the rear portion of the lot. With regard to the lighting plan, he would like the proposing light fixtures of +30ft reduced by approximately 10ft. in the rear of the building. He noted there was an approximate 20ft. differential between the paved area and the Livingston Road elevation. During the winter months he didn't want a resident to be looking at a lighting fixture or to have a nuisance situation because of a glare. Mr. Keach discussed the landscape plan and understood that there would be evergreen plantings in the rear that would strategically 'plug holes' for area visibility. He suggested including a note on the plan reserving the right of the Planning Director to do an inspection of the area subsequent to the completion of construction, and having the right (if necessary) to order a few more plantings to plug holes in a similar way that the plan has been designed. Mr. Keach felt the plan was designed well.

Mr. Gowan stated he had some questions because the project bordered on a residential district. He wanted to share those questions with the public even though they had been resolved. He confirmed that deliveries would not occur after hours. Mr. Fine responded deliveries were made during the hours of operation. Mr. Gowan understood there was no planned or emergency access to Livingston

Road, with the exception of access to the pump house. Mr. Fine explained that the structure adjacent to the existing propane tank was a cistern for the sprinkler system. Mr. Gowan told the Board that the Fire Chief was ecstatic about the cistern. Mr. Fine noted it was currently sized to also accommodate the service to the Chunky's building.

Mr. Doherty questioned if the Board needed to address the four waivers listed in the plan set. Mr. Keach replied that the waivers weren't needed upon adoption of the new Site Plan Regulations. The waivers corresponded with the former regulations. Mr. Clarke said the note for waivers would be removed.

Mr. McNamara wanted to know if there were any plans for outdoor display or storage. Mr. Clarke showed the proposed locations and dimensions. Mr. McNamara asked how far the display area was to Bridge Street (Rt.38). Mr. Clarke said the front display was approximately 200ft. back from Bridge Street. Mr. McNamara asked if the applicant had any objections to Mr. Keach's comments. Mr. Clarke answered no; except they would need to discuss pedestrian access. Mr. Fine told the Board they would consider all the comments. He said they would discuss the pedestrian access. He understood the need for a fence in the back of the lot. He was concerned that the tenant may have an issue with the guard rail in the front and may potentially need to find a different resolution. Mr. Fine noted the tenant was very adamant about their outdoor display area and were seeking certification from him regarding such. He said they wanted as much visibility as possible and was worried that they would view a guardrail as an impediment to that visibility.

Mr. Montbleau questioned if there would be outside storage of items such as fertilizer, insect control, chemicals, etc. that may cause leeching problems. Mr. Fine didn't believe anything hazardous would be stored on the site. He said they may have items in the display areas that remain overnight. Mr. Reilly believed they may store bales of hay outside for quick sale. Mr. Montbleau asked if chemicals would be kept indoors or outside. Mr. Reilly said the feeds were kept inside. Mr. Fine said they didn't know exactly what items would be kept outside, but they would provide the Board with a list of the items that would be stored outside.

Mr. Passamonte wanted to know the slope along the access driveway. Mr. Clarke stated the slope was 2% at the bottom increasing to 7.5% and then flattening out again to 2% at the top. He noted that Tractor Supply required that the slope not exceed 8%; the Town allows a 10% slope. The length of the driveway was approximately 220ft.

**MOTION:** (Passamonte/Doherty) To approve the subdivision (Case #PL2014-00020)

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

The Site Plan review (Case #PL2014-00021) was date specified to the July 21, 2014 meeting.

***(JOINT HEARING ADJOURNED)***

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## **PLANNING BOARD HEARINGS**

### **OLD BUSINESS**

Mr. Haverty left the meeting.

**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. McNamara commented that the Board took initial action at the previous hearing and pending further information, reserved comment on the density bonus sought by the applicant. Subsequently, information was received and the Board would now discuss the density bonus. He told the public they would have the opportunity to speak but asked that comment be limited to the subject matter. He reiterated that the plan had not yet been engineered or reviewed by the Board's engineering firm. He said the concerns raised by abutters at the previous meeting were not yet addressed because the Board was not yet at that stage in the process.

Mr. Joe Coronati of Jones & Beach Engineers, representing Green & Company, came forward to discuss the yield plan. Mr. Richard Green of Green & Company joined Mr. Coronati. Since discussing density bonuses at the previous meeting, Mr. Coronati told the Board he was able to complete the open space layout. He provided the members with a copy of such. He noted that Steve Keach of Keach Nordstrom (Board's engineering firm) had the opportunity to review the plan and address the items.

Mr. McNamara invited Mr. Keach forward to discuss the comments contained in his memorandum.

Mr. Keach told the Board that he and Mr. Gowan were asked to consider density offsets that were available to applicants. He stated that the Board had the authority under the ordinance to grant density offsets up to 20% of the baseline density. The proposed plan had a baseline of thirty nine lots, which equated to seven density offset lots (18% of the baseline density). After consideration, Mr. Keach saw no basis to express concern or voice objection to any future motion on the part of the Planning Board for the award of seven units of supplemental density based on the applicability of the density offset criteria. He noted that the applicant was endeavoring to protect the view shed corridor of Currier Road and the former Garland Farm property. They were also not developing the frontage lots along Currier Road or Garland Lane. In an effort to preserve the wildlife habitat and environmentally sensitive land areas, the applicant would be leaving an area in the southern portion of the parcel in its natural state. Other perimeter areas would be retained as open space. The matter of trail layout would be brought up at a future date. At the last hearing, Mr. Gowan pointed out there was a critical linkage in the Town's snowmobile network that was also used for general recreation purposes. The applicant has consented to rework the trail where necessary so it could continue to pass through the premises from one end to the other. The opportunity to continue as agricultural land will happen through covenant. Mr. Keach noted that the plan in front of the Board had an additional 10%-15% above the minimum open space. He said the Board had the opportunity to dispense density offsets for innovative design, which felt had been met.



Mr. Gowan concurred with Mr. Keach's opinion. He said the proposed plan was literally what was envisioned when the ordinance was crafted. He said the plan met the 20% density offset (totaling seven units) in a multitude of ways.

#### **PUBLIC INPUT**

Mr. Michael Shaw, 14 Fineview Circle wasn't clear regarding what aspect the Board was deciding. Mr. McNamara said the Board had previously decided that the proposal qualified as a conservation subdivision. At the present meeting, the Board was considering if the plan qualified for an additional density bonus (as described in zoning) for seven units beyond the proposed thirty nine units. Mr. Shaw confirmed the applicant wasn't requesting a variance. Mr. McNamara said the qualification was written into the Zoning Ordinance as a Planning Board decision, as opposed to a variance request that would need to be decided by the Zoning Board. The applicant was not requesting a variance.

Mr. Shaw confirmed that the Board had made the decision for a conservation plan rather than a conventional plan. Mr. McNamara said the Board certified the plan at their last meeting and had a consensus that a conservation plan would be far superior to a conventional subdivision plan. Mr. Shaw was concerned that the Board was allowing a conservation plan with seven additional units. He said Pelham was authorizing over two hundred housing units. He suggested that the conservation plan might not be such a good plan since it wouldn't be publically accessed. He said it might be a better deal to hold the thirty nine units. Mr. McNamara replied it was a judgment call. He said one of the reasons for the offer of density bonuses was so an applicant would be encouraged to preserve some land, keep view sheds, maintain wildlife corridors, etc. rather than submit traditional 'cookie cutter' developments. In this instance a conventional plan would result in the complete development of the lower parcel on Garland Lane. He said whichever decision was made by the Board, the plan would be reviewed by the Board's engineer. They would review drainage and ways to best protect abutting parcels.

Mr. Shaw asked if the Town would have more control over a conservation development. Mr. McNamara believed they had about the same control over both types of development. Mr. Gowan said the approval controls were basically the same between a conventional and conservation subdivision. With conservation subdivision there had to be a mandatory homeowner's association because of the open space parcels. The same level of scrutiny is given to the manner the road is bonded and built. Mr. Gowan said he and Mr. Keach encourage the Board to require that the applicant make improvements to Garland Lane (coming in from Currier Road).

Mr. Doherty believed the applicant more than qualified for the 20% density bonus. He asked if there would be a way of getting a sliver of open space to lot 2, which was the only lot in the entire development that didn't touch the open space. Mr. Keach asked Mr. Coronati to note the comment.

Mr. Doherty made a motion to grant the applicant an additional seven units, which represented the full density bonus offset. He felt they had done a great job with their plan to protect the Town.

**MOTION:** (Doherty/Croteau) To give the applicant seven additional units.

**VOTE:** (6-0-0) The motion carried. (Mr. Haverty left the meeting)

Mr. McNamara encouraged the applicant to pay particular attention to the abutter's concerns.

Mr. Doherty believed there was a large Hemlock grove in the vicinity of Lot 1 and 46. He asked that they keep as much of the Hemlock as possible. Mr. Green said the area was fairly thick and they would try to preserve it completely. He said if need be, they would 'beef' up the area.

Mr. Gowan said it may be beneficial to show the approximate location of the houses on the abutting parcels on Fairview. He suggested overlaying an aerial onto the plan. Mr. Green agreed it would be a good idea to do so.

The plan was date specified to the August 18, 2014.

**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. Karl Dubay of The Dubay Group and Mr. Robert Peterson came forward to discuss the proposed senior housing development. Mr. Dubay said they had worked closely with Town staff and Steve Keach of Keach Nordstrom (Board's engineering review firm). He said the latest Keach memo, dated June 24, 2014 provided a very clean list of punch items that needed to be addressed. He will take the review letter as a punch list to finalize the plan and move forward with the project. He thanked the Board for working with them.

Mr. McNamara read aloud e-mail correspondence from Fire Inspector John Hodge dated July 7, 2014. Mr. Hodge indicated that the Fire Department had signed off on the revised submitted plan dated June 9, 2014. Mr. McNamara then read aloud correspondence received July 3, 2014 Pennichuck Water. Pennichuck indicated water service for the development would be available when the applicant completed the necessary financial arrangements and main extension agreement and service application in accordance with their tariff. Pennichuck also determined that individual pressure reducing valves will be required to service any house with a basement floor elevation of approximately 193USGS or less. Pressure reducing valves are a requirement for water service, but remain the responsibility of the owner.

Mr. McNamara asked if the financial considerations required by Pennichuck had been addressed. Mr. Dubay replied they fully intended to move forward with them. They've had conversations with their engineering about wrapping up final detailing.

Mr. Gowan summarized Mr. Keach's review comments. Mr. Keach came forward. Mr. McNamara asked if Mr. Keach had any concerns or objections to the traffic study. Mr. Keach answered no; the study was based on institutional and locally collected data. Other than review of minor qualitative development standards and project evaluation criteria, he believed the plan was at a point the Board could take action.

Mr. McNamara opened the hearing to public comment. No one came forward.

Mr. McNamara then read aloud the proposed motion for approval as follows:  
*To approve the plan conditioned upon:*

- 1) All State permits are received, including septic, with approval numbers added to the recordable plan;*
- 2) Provision of the draft homeowner association declaration by-laws including maintenance schedule for low-impact storm water systems, (which includes the pressure reducing valves) Storm water systems to be reviewed and found satisfactory by Town Counsel at applicant's expense;*
- 3) Posting of a restoration bond and plan compliance escrow as estimated by Keach Nordstrom;*
- 4) All items identified in Steve Keach's June 24, 2014 memorandum/letter to be resolved to Mr. Keach's satisfaction and memorialized in a "happy" letter from Mr. Keach to Mr. Gowan.*

Mr. Dubay told the Board that the approval conditions were acceptable.

Mr. McNamara asked if the individual homeowner would be responsible for maintaining the pressure reducing valves. Mr. Dubay said Pennichuck would be responsible. He noted that the floor elevations listed Pennichuck would require only two of the units to have the valves; however, because the water pressure was 80psi, most of the units may have the valves installed.

**MOTION:** (Doherty/Croteau) To approve the plan conditioned on the four items listed above.

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

### **NEW BUSINESS**

#### **PB Case #PL2014-00019**

##### **Map 32 Lot 1-146-24**

**SKYVIEW ESTATES, LLC - Skyview Estates Phase II - Majestic Avenue – proposed Conservation Subdivision (19 residential lots and 2 open space lots)**

Mr. McNamara informed that the applicant made a request to be date specified to the July 21, 2014 meeting. The applicant was concerned that they wouldn't be heard based on the Board's full agenda.

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

Ms. Holly Saurman, 6 Scenic View Drive asked the Board if an applicant was allowed to cancel at the last minute. Mr. McNamara replied an applicant can make a request. Typically the Board didn't begin new cases after 10pm. Mr. McNamara said with the four cases in front of the applicant, they wanted to make sure they had a full and fair hearing. Ms. Saurman said she understood.

### **DATE SPECIFIED PLAN(S)**

#### **July 21, 2014:**

PB Case#PL2014-00021 - Map 29 Lot 7-95 - PELHAM REALTY GROUP LLC C/O RUBICON REAL ESTATES, LLC - 150 Bridge Street (Route 38)

PB Case #PL2014-00019 - Map 32 Lot 1-146-24 - SKYVIEW ESTATES, LLC - Skyview Estates Phase II - Majestic Avenue

**August 18, 2014:**

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

**MINUTES**

**June 16, 2014**

**MOTION:** (Montbleau/Doherty) To approve the June 16, 2014 meeting minutes as written.

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

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 8:55pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary