

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
February 5, 2018

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

The Secretary Paul Dadak called the roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Joseph Passamonte, Tim Doherty, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Samuel Thomas, Alternate Richard Olsen, Alternate Bruce Bilapka, Alternate Derek Steele, Planning Director Jeff Gowan

ABSENT: Alternate Paddy Culbert

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

January 22, 2018

MOTION: (Montbleau/Lynde) To approve the January 22, 2018 minutes as amended.

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

NEW BUSINESS

PB Case #PL2018-00007

Map 29 Lots 7-14 & 7-13

NASCIMENTO, Mark F. & THE TOWN OF PELHAM – Clark Circle - Proposed Lot Line Adjustment

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 Conservation Commission was Chairman Paul Gagnon. He explained that the commission was proposing to take a 30-acre lot and subdivide off approximately three acres, which contains an existing house and driveway (accessible off Clark Circle). The remaining twenty-seven acres would be left as open space, which the Town would then acquire. Mr. Gagnon explained that the 27-acre parcel abutted Peabody Town Forest; the proposed lot line adjustment would essentially enlarge the forest. Using a displayed Town map, he showed the location of the proposed parcel and how it would connect other Town-owned parcels. He then displayed a plan set to describe the proposed parcel's current configuration and which portion would become Town land if the lot line request was granted. Mr. Gagnon requested that the Board grant approval for the lot line adjustment and to also provide a recommendation to the Board of Selectmen that the parcel be acquired. He pointed out that there were two waivers being requested: 1) 1"=50ft scale, and 2) boundary of the entire parcel.

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

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

The Board then addressed the waiver requests as follows:

MOTION: (Montbleau/Doherty) To accept, for consideration, the waiver to plan scale of 1"=50'.

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

MOTION: (Doherty/Montbleau) To approve the waiver to plan scale of 1"=50ft.

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

MOTION: (Montbleau/Dadak) To accept, for consideration, the waiver for the entire boundary of the parcel to be marked.

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

MOTION: (Montbleau/Dadak) To approve the waiver for the entire boundary of the parcel to be marked.

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

Mr. Lynde confirmed that the thirty acre parcel was owned by Mr. Nascimento. Mr. Gagnon stated that was correct. Mr. Lynde questioned why the Department of Environmental Services would be involved. Mr. Gagnon replied the (house) parcel was less than five acres and they had to prove there was space on the lot to place a septic system, in the event the original septic system was to fail. He noted wetland flagging and test pits were required for the parcel.

PUBLIC INPUT

Ms. Bonnie Ward, 19 Clark Circle questioned where public access would be located. Mr. Gagnon replied there was no frontage (for the proposed Town property) from Clark Circle. The only access would be off Fletcher Drive and Old Lawrence Road.

MOTION: (Montbleau/Lynde) To approve the lot line adjustment.

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

MOTION: (Doherty/Montbleau) To recommend to the Board of Selectmen that the Conservation Commission purchase the proposed parcel.

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

Mr. McNamara wanted to add a condition of approval that the detail of the 35,000SF of usable land be added to the recordable plan (final plan set). There was no objection voiced by the Board. Mr. Gagnon replied they had a commitment from the surveyor that it would be done. He noted that the selling price was \$125,000, which calculated to under \$5,000 per acre.

OLD BUSINESS

PB Case #PL2018-00002

Map 22 Lot 7-1

DEBORAH ANN TRUST- 9 Atwood Road - Proposed 13 Lot Conservation Subdivision with 1 Open Space Lot and Also Seeking a Special Permit for the Conservation Subdivision and WCD Impact.

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 Karl Dubay of The Dubay Group, who was joined by the owner, Steve Doherty. Mr. Dubay described the proposal and noted it would grow Peabody Town Forest by about 17-18 acres through dedication to the Town. He stated that they had come in front of the Board a few months ago and received approval for an eleven-lot yield plan. At that time they provided the Board with concepts for a final plan and the Board had challenged them to go even further. He summarized the aspects of the proposal, which they believed delivered a conservation project that was in the best interest of the Town. He noted they listed in their application all the criteria listed in the Zoning Ordinance, as well as the Subdivision Regulations, although there may be sections in the ordinance that give the Planning Board the ability waive some criteria. Their goal was to maximize the protected conservation land on the project.

Mr. McNamara asked if the plan was sufficiently detailed to be accepted for consideration. Mr. Gowan believed it was; noting there was still a Zoning Board component.

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

VOTE: (6-1-0) The motion carried. Mr. Bergeron voted in opposition.

Mr. Dubay summarized the features that were unique to the property and project as follows:

By the Numbers:

- Zero homes proposed off Heather Lee Lane
- Zero Open Space credits taken between homes
- 1.9 times Open Space requirement 74% / 40%
- Doubled buffer areas to Gaudet Lane
- 2.8 times usable Open Space 69% / 25%
- Three bedroom homes (reduced from 4 allowed)

By Qualitative Aspects:

- Transitional neighborhood design to adjacent Business Zone
- Growing surrounding Town conservation land
- Reduced target pricing of Atwood Drive homes (more affordable / small)
- Hybrid water resource planning
- Connections – Cemetery, wildlife corridors, Town golf course, Peabody Town Forest

Mr. Dubay believed they were delivering a project that the Board had been talking about wanting over the years. He said they would love to have the Board's support and would be going in front of the Conservation Commission in a couple weeks.

Mr. S. Doherty told the Board he listened very closely to what problems and concerns the Board had with 'bonus' lots and decided to not request bonus lots within his development and instead keep it at the yield of eleven lots. By eliminating the bonus lots in the Atwood Road area, it got the remaining lots closer to approximately 94ft. of frontage for each lot along Atwood Road. He noted there was a home across the street with approximately 98ft.(+/-) of frontage; the other abutting lots were businesses. He said the proposed design would fit into the existing neighborhood. He reiterated they would remove two houses along Atwood Road and not request any bonus lots. He stated they would rather not go in front of the Zoning Board and asked that his attorney be allowed to provide an opinion on the matter.

Attorney John Cronin, representing the applicant, came forward to discuss the zoning issue. He said as the case was pending an issue came up with the Atwood Road lots and the frontage. In the Ordinance, a specified distance is called out for frontage. The typical approach in a conventional subdivision would be to go to the zoning board and seek variance relief. Attorney Cronin explained they looked at the plan and respectfully disagreed with (Town) staff that the matter should go to the zoning board. He noted it was very clear that it was an application under RSA 674:21- Innovative Land Use Control. In an innovative land use control, the voters that adopt the ordinance have the power to delegate who would do certain things. Although the zoning board of adjustment typically has the jurisdiction and power, it can be taken away from them in an open space / conservation subdivision and given to the planning board. He discussed legislative history regarding open space developments. Attorney Cronin then discussed the Town's Ordinance 307-96, which stated that the Planning Board may condition its approval on reasonable conditions necessary to accomplish the objectives of the section, including but not limited to a reasonable adjustment in allowed density, required frontage, setbacks, or any other requirement necessary to accomplish said objectives. He believed the it was clear and didn't have any ambiguity in it; generally, for a zoning administrator to say it (a plan) had to go to the zoning board, there would be ambiguity. It was his understanding that the Zoning Administrator had the opinion that the voters who adopted the ordinance had a different intention. He said wording wouldn't be corrected by going to the zoning board, it would be corrected by having the Ordinance amended at Town Meeting. Attorney Cronin told the Board they had followed the direction of the reservation of rights by applying to go to the Zoning Board, recognizing that it was a much more stringent process. He feared if they received a variance from the Zoning Board, there could be a subsequent decision that they didn't have the jurisdiction to do so because it was delegated to the Planning Board by Ordinance. Attorney Cronin stated they were looking for some decision making/feedback from the Planning Board to inform whether or not they had the power. He said if they didn't believe they had the power, he would request review of such since it was clear in the ordinance that the frontage determination was left up to the Planning Board.

Mr. Bergeron stated he had a copy of Attorney Cronin's letter dated January 3, 2018 that was sent to the Zoning Administrator and asked him if he had any issue with speaking about the letter. Attorney Cronin answered no. Mr. Bergeron referenced paragraph three that uses the words 'legislative body' and asked Attorney Cronin if that referenced the Town vote. Attorney Cronin answered yes. Mr. Bergeron wanted to know if the Zoning Administrator had specific correspondence as to their interpretation. Attorney Cronin replied he had correspondence through various emails, and he said he was responding to his impression of their (Zoning Administrator) interpretation. Mr. Bergeron was concerned about the sentence reading: "*... the legislative body did not really know what they were doing when they voted to approve an ordinance with express language granting power to the planning board to deal with frontage issues.*" He understood that the legislative body meant the Town vote. He also understood clearly that the particular innovative land use was controlled by State Statute and that the Planning Board was authorized to make changes. He said anyone having a problem with that would have to appeal to a Superior Court, and not a local board of adjustment.

Mr. T. Doherty spoke about a handbook put together by the Department of Environmental Services, regional planning commissions and other branches of government pertaining to innovative land use. He said all the people that wrote the handbook can't all be wrong. He said knowing the Board could vary the ordinance, he commented they also had a section called standards for approval (Section 307-103). He said the Board mitigated

to their own satisfaction for what they wanted to see and do, including a variance that may be granted therefrom. Mr. T. Doherty said it (decision to vary the ordinance) was up to the Board, not the zoning board. He felt it would be a 'slippery slope' if they allowed the zoning board to come in and delegate to the Planning Board what should be done. He felt it was in the Board's purview to 'negotiate'.

Mr. McNamara read aloud the Administrative Decision dated December 14, 2017 submitted by Jennifer (Hovey) Beauregard, Planner / Zoning Administrator. He stated that he agreed with most of what Attorney Cronin stated. However, he felt whether the Zoning Administrator's decision was right or wrong was immaterial, because they had a decision from the Town's Zoning Administrator who was appointed by the Board of Selectmen. He said the Zoning Administrator had concurrent authority regarding zoning matters, although not absolutely concurrent, there was an over-lapping jurisdiction. Mr. McNamara said the fact of the matter was that the Board had the decision in writing. He didn't see anywhere in the RSAs that gave the Board the right or authority to ignore it. He wasn't taking a position on whether the decision was right or wrong because he felt it was immaterial to the discussion. He noted that the plan still needed to be reviewed by the Board's engineering firm (Keach Nordstrom) and follow a number of steps. He felt the argument would be different if the Board didn't have the decision, but since they had it he didn't think they could ignore it. Mr. McNamara felt the zoning arguments were compelling.

Attorney Cronin stated that a planning board was a separate legislative entity created by statute and was given broad discretion. He commented that the Zoning Administrator was not the boss of the planning board. He said the Board had the right to review its own regulations and determine what they say and mean. He explained that the harm in going to the zoning board was they didn't have the discretion and oversight to the subdivisions. He said they looked at their cases on a quasi-judicial basis, which is evidentiary driven without consideration about the benefits given to the Town with respect to connectivity, expansion of the forest etc. Attorney Cronin pointed out that the discussion was regarding frontage. He said if the subject was something else in the zoning regulations, it might have been unclear and should go in front of the zoning board; however, with regard to frontage, the Board was delegated power.

Mr. Gowan stated the Board had been provided by an opinion written by Town Counsel that addressed the issue. Counsel's position was significantly different from that described by Attorney Cronin. He noted that the applicant had filed an application to the Zoning Board for an appeal and also to seek a variance. He said the Zoning Administrator had an obligation to review all plans and all building permits and to weigh in with an opinion if they see something of concern. From what he understood the Zoning Administrator didn't have any issues with earlier versions of the plan.

Mr. T. Doherty heard mention that the Selectmen were responsible for enforcing Town Ordinance. He referenced RSA 676:5, which defines administrative officer. He pointed out that the planning board was the authority that issued the special permit, not the Zoning Administrator. Mr. McNamara replied whether the Zoning Administrator's decision is right or wrong, the Board didn't have the authority to ignore it.

Mr. Bergeron referenced Town Counsel's letter dated January 22, 2018 and asked Board members to examine the letter and see what was said. He suggested that the Board go into non-public to discuss Town Counsel's opinion regarding the Board's authority versus the Zoning Administrator's authority. He felt it was important for the Board to proceed cautiously and ensure they do the right thing. He wanted the opportunity to make a motion to enter into non-public. Mr. McNamara felt that would be okay but wanted to hear if anyone else wanted to speak.

Mr. Lynde said he was looking at the plan from his perspective as a Selectman. He liked the fact that there would be houses on an existing street and there wouldn't be additional roadway added to the Town to maintain. He hoped those houses would be more affordable than most houses. He believed the applicant had gone through a lot of process and was doing a great job.

Mr. T. Doherty said there were a lot of things he would love to say about the plan, but at this point didn't want to keep negotiating with the applicant knowing that the Board may have its hands tied. He believed they had a problem until they cleared up the issue of taking the Board back.

Attorney Cronin told the Board it wasn't a 'win' for them who makes the decision, they wanted clarification regarding jurisdiction. They appreciated the work that both boards did and would go to the zoning board if needed. He said if they go to the Zoning Board, they request that the Planning Board give context to the proposed plan. Mr. Lynde questioned if the applicant was seeking a variance or an appeal from Administrative Decision. Attorney Cronin replied they requested both.

MOTION: (Bergeron/Passamonte) To enter into non-public session per RSA 91-A:3 (L), consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

ROLL CALL (4-3-0) The motion carried.

VOTE:
Mr. McNamara-Yes
Mr. Montbleau-No
Mr. Dadak-No
Mr. T. Doherty-No
Mr. Bergeron-Yes
Mr. Passamonte-Yes
Mr. Lynde-Yes

The Board members along with Alternates entered into non-public session at approximately 8:10pm.

The Board members and Alternates returned from non-public session at approximately 8:31pm.

MOTION: (Lynde/Bergeron) To seal the minutes of the non-public session.

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

Mr. McNamara informed that the Board had decided to put the matter off and seek additional legal counsel. He understood some of the members had questions regarding the plan and opened discussion.

Mr. Bergeron commented that the applicant had worked the plan down to the original yield. He wanted to know how the open space would be dedicated. Mr. S. Doherty replied that the open space land being shown for dedication was being given to the Town. He noted they would be going in front of the Conservation Commission next week.

Mr. Lynde was concerned about the design and maintenance (plowing) of the pocket neighborhood. Mr. Dubay discussed the 'T' road design, which had snow storage areas at each end. He noted that the trail heads were pulled off the ends of the 'T' so as to now block them. He believed it would be easy for a plow truck to go to the ends of the 'T' and back out. He noted if they put a cul-de-sac in it would push the homes back toward Gaudet Lane and increase pavement. Mr. Dubay told the Board that an abutter had reached out to them, and in response they would be creating more open space.

Mr. McNamara read aloud an email dated February 5, 2018 sent to Mr. Gowan from Kevin Brassard, who informed that the applicant was working with them to accommodate their concerns. Mr. Brassard appreciated the applicant taking time to meet with them and willingness to be flexible. Mr. Dubay explained that the Brassards have a house next to the development and a large lot in the back. They were looking to do a lot line adjustment to give the Brassards a sliver of land (to help a possible encroachment) in exchange, the Brassards would give a piece of their back lot that would be connected to the dedicated conservation land.

Mr. Montbleau asked for clarification about the 'T' roadway and how the plow trucks would navigate. He suggested possibly having hammerheads at each end of the 'T'. He didn't believe that the plow trucks would back up after plowing to exit the neighborhood and would instead use the driveways of the homes to turn around, which would break up the pavement. Mr. Dubay stated he would look at the design and work with the Board's engineer. Mr. Montbleau wanted to know the distance from the top of the 'T' to the ends. Mr. Dubay replied to the right the distance was approximately 100ft, and to the left was approximately 150ft. Mr. Gowan noted that the plan would go to the Highway Safety Committee for review and comment.

Mr. Dubay discussed and displayed the housing styles. He said they worked with the topography, so each home would be a little different.

Mr. Lynde said he was concerned about the plows. The Town had invested in big trucks that have a fairly wide turning radius, especially if the truck had a wing on the side. Mr. Dubay believed they could work out a solution with the Board's engineer.

Mr. Bergeron questioned if there would be any consideration given to having the proposed roads be private and maintained by the homeowners. Mr. S. Doherty preferred to have the roads be accepted by the Town. He commented that they were working with everybody in the area as well as the Town; however, putting an association in place for five homes may hinder the value because of additional fees for owners. He said they were hoping to have house values remain low, but to add a homeowner association fee may eliminate people from qualifying for a home. Mr. Bergeron understood the applicant was asking to have the road be engineered and accepted as a Town road. Mr. S. Doherty answered yes.

Mr. Thomas requested additional information about the water resource planning within the development. Mr. Dubay said the bottom line was they would use less water with the same number of homes (will contain 3 bedrooms vs. 4 bedrooms). The pocket neighborhood homes will have their own wells and septic systems; the well radii do not go over the right-of-way. The transitional neighborhood will contain five lots and have a planned well area via covenants and easements for wells and well radii.

PUBLIC INPUT

Mr. Michael Brawn, 15 Atwood Road stated he resided at his home for twenty-nine years and overall liked the plan. He spoke about the area behind his property and understood that the applicant would do plantings to buffer his lot from the development. He was pleased to hear the number of houses on Atwood Road would be reduced. Overall, he was in favor of the plan. Mr. Dubay showed the location of Mr. Brawn's lot and explained they would have a wooded buffer all the way around his lot and agreed to work with him to install additional buffering on Mr. Brawn's lot (per Mr. Brawn's request). Mr. Doherty liked hearing that the applicant listened to the abutter and was willing to go onto their land to do some plantings.

Mr. Dubay asked to be date specified to the February 22, 2018 meeting.

The plan was date specified to Thursday, February 22, 2018.

NEW BUSINESS CONTINUED

Case #PL2018-00005

Map 20 Lot 3-137

RAYTHEON COMPANY – 50 Bush Hill Road - Site Plan Review Phase IV – Merrimack Expansion as follows: Two-story 2600SF office expansion on the northerly end of the Merrimack Building & One-story 1700SF high bay equipment storage expansion on the southerly end of the Merrimack 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.

Representing Raytheon Company was Project Manager Daniel Thompson reminded the Board that approximately one year ago they had been in front of the Board to review Raytheon's master plan and received approval of both Phase I and II. He noted they 'skipped over' Phase III and were now on Phase IV, which involved the Merrimack Building (located on the right side of the property).

Mr. Peter Holden of Holden Engineering came forward and provided an overall description of the site. He focused on the Merrimack Building expansion and explained how the surrounding space would be used and designated. They also expanded the parking area to include ADA compliant parking. Security fencing will be constructed, and fire lane access was added. Mr. Holden noted they received a Variance (February 23, 2017) for expanding a non-conforming use, although the proposed additions would be slightly smaller than what was shown on the plan presented to the Zoning Board. As part of the current application they've requested two waivers, 1) site soil mapping, and 2) landscaping. Mr. Holden explained that there wasn't much soil in the proposed area and noted that the entire site had gone through testing and borings, so it was already known what was at the location. The waiver for landscaping was requested because the surrounding area was wooded and the site itself was a testing site. They received Keach Nordstrom's (Board's engineering review) comments and viewed them as 'nuts and bolts' items that could be quickly addressed.

Mr. McNamara wanted to know what period of construction was anticipated if the request was approved. Mr. Thompson replied they anticipated one year of construction; most of which dealt with delays and sequencing to not disturb the existing operation. Mr. McNamara asked if there would be an increase in traffic to the site. Mr. Thompson replied there would be a period of haul trucks accessing the site. During previous construction there were restrictions for activity to occur between 8am-5pm (with additional restriction for work on Saturdays and Sundays), and assumed those same restrictions would be applicable for the proposed project. Mr. Thompson discussed the parking lot area which contained a lot of ledge. He said the plan was to fill the existing lot, rather than hole-ramming and excavating it out.

Mr. Dadak inquired what type of lighting would be added. Mr. Thompson stated that Raytheon had replaced all the lighting on the site with Dark Sky compliant lighting. He believed there would be four poles added that would be similar in size and model to the existing structures (LED, Dark Sky compliant with motion sensors).

Mr. Gowan recalled when the applicant came forward for their master plan and zoning relief, that one of the buildings would resemble a full barn from a distance. Mr. Thompson replied the barn structure was part of Phase I and currently under construction. Mr. Gowan understood that the proposed area would far less seen by abutters versus the Hawk Hill location. Mr. Thompson answered yes. He said the proposed location was closer to Bush Hill Road; however, there was heavily forested buffers that surrounded the buildings.

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

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

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward. He told the Board that the presentation given to the Board was concise and accurate based on his review of the plan. He went through his letter dated February 1, 2018 that was written after he had reviewed the proposal. He noted many of the comments were minor details. Regarding waivers, he was not opposed to the Board granting the waiver for site specific soil survey mapping because he didn't feel the information would be a benefit to anyone (assessment of design, or review of the plan). He noted most of the site soil had been disturbed in the past and there was also a fair amount of rock. Mr. Keach said a landscape plan had been submitted that complied with the Town's landscape and buffer requirements. There will be evergreens planted that will enhance the buffer area. He

pointed out that there was a relatively robust series of plantings along the entrance drive. He suggested that the applicant withdraw the request, as he didn't feel it was necessary. Mr. Keach completed review of his comment letter. He told the Board that they had a good plan that was consistent with what they saw last year. He viewed the site plan as a construction document that would ultimately be used to implement what the Board had approved a year ago.

Mr. McNamara asked Mr. Keach if he was confident, were the Board to approve the plan with a condition that his comments be satisfied. Mr. Keach believed Raytheon was already working on addressing his comments.

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

Mr. Lynde wanted to know if the type of testing would create any additional noise or change the levels of radiation coming out of the sites. Mr. Thompson replied one of the key tenants of the design was to provide additional sound mitigation by constructing the buildings. Regarding any other energy produced from testing, he said it was one directional and not toward any of the abutting residences. Mr. Thompson used the displayed plan and showed the direction of testing as being integral to their property, away from residences.

MOTION: (Doherty/Passamonte) To accept for consideration the wavier to Section 302-3.E(a)(23) – site specific soil survey mapping.

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

MOTION: (Doherty/Passamonte) To approve the wavier to Section 302-3.E(a)(23) – site specific soil survey mapping.

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

Mr. Thompson withdrew the waiver request to Section 302-3.E.3(b)(9) – landscape plan.

MOTION: (Doherty/Passamonte) To approve the site plan review of the Phase IV expansion, with condition that the items identified in Keach Nordstrom's letter of February 1, 2018 be satisfied to Mr. Keach's satisfaction.

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

Case #PL2018-00006

Map 7 Lots 9-135, 9-135-1, 9-135-3, 9-135-11

MENDES, David - Katie Lane & Simpson Road - Wildwood Estates - Proposed Lot Line Adjustment

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 Peter Zohdi of Herbert Associates. Mr. Zohdi stated their plan was to subdivide a portion of the back land and add a portion of it to a parcel on Hayden Road, and the remainder of it will be added to conservation land (under the power lines). He spoke about the conservation land. He said the high and dry land calculations were included on the plan. He understood that they had ample open space within the subdivision. Since the Board's last review, he spoke to Board members, who raised concern about the wells and radii overlapping; therefore, they changed a couple lot lines to show all the wells within the lots and not overlap each other. The request is for thirteen conservation lots.

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

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

It was Mr. Lynde's opinion that the applicant didn't qualify for the two bonus lots and felt they should be removed. He asked if the cul-de-sac would be 75ft. in diameter. Mr. Zohdi answered yes.

Mr. Doherty thanked the applicant and engineer for listening to the concerns of the Board and 'revamping' the plan. He liked the open space under the power lines and well radii.

Mr. Steve Keach of Keach Nordstrom (Board's engineering firm) came forward and noted that he had not yet reviewed the plans in front of the Board, although he was familiar with the site based on previous versions of the plan submitted to the Board. He told the Board that the plan showed ample open space. He was not in a position at the present meeting to advise the Board on the specifics of the plan.

PUBLIC INPUT

Mr. Walter Ulwick, 89 Simpson Road told the Board that he had no problem with the proposal but was concerned about the area in front of his home when the two lots (across from him) are developed. Mr. Zohdi explained that the area across from Mr. Ulwick would be dedicated open space. Mr. Ulwick pointed out the location of his lot and voiced concern about what would become of an old growth oak across the house from his house. He questioned if the driveway access for the lot, could be moved to not interfere with the tree or its root system. Mr. Zohdi said he would work with Mr. Gowan and review the septic design.

Mr. Gowan asked for clarification of the proposed lots. Mr. Zohdi discussed the previous plan submitted and the amendments that were made to dedicate land to open space. He showed the buildable lots and the boundary of the open space area.

Mr. McNamara commented that the Board was being asked to approve a lot line adjustment. Mr. Zohdi explained that they were working with the aspects of the subdivision and would meet with the Highway Safety Committee. Mr. McNamara noted Mr. Keach would also need to review the plans.

Mr. Doherty commented when the original four-lot subdivision was proposed, he was disappointed that the open space was cut off from future connectivity. However, he saw that the applicant reconsidered the configuration and added to the open space, which he found commendable.

Mr. Lynde asked for clarification of the location where the lot line would be adjusted. Mr. Zohdi showed where the adjustment would be made.

MOTION: (Montbleau/Dadak) To approve the lot line adjustment.

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

The plan was date specified to the Thursday, February 22, 2018 meeting.

Mr. Gowan noted that he advised the applicant that abutters should be re-notified for the next meeting.

DATE SPECIFIED CASE(S)

February 22, 2018 (Thursday):

PB Case #PL2018-00002 - Map 22 Lot 7-1 - DEBORAH ANN TRUST- 9 Atwood Road
Case #PL2018-00006 - Map 7 Lots 9-135, 9-135-1, 9-135-3, 9-135-11 - MENDES, David - Katie Lane & Simpson Road

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:46pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary