

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
April 18, 2016**

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

The acting Secretary Tim Doherty called roll:

PRESENT: Peter McNamara, Roger Montbleau, Tim Doherty, Alternate Paddy Culbert, Alternate Mike Sherman, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Paul Dadak, Jason Croteau, Joseph Passamonte, Alternate Robert Molloy

Mr. Culbert was appointed to vote in Mr. Croteau's absence. Mr. Sherman was appointed to vote in Mr. Passamonte's absence.

ADMINISTRATIVE

Planning Board Alternate interview and possible appointment

Mr. Richard Olsen came forward to discuss his application for appointment as an alternate. He told the Board he was retired and interested in becoming more involved with the Town.

Mr. McNamara asked Mr. Olsen if he owned any real estate in Town, other than his home. Mr. Olsen answered no. Mr. McNamara questioned if he had any business with a developer or engineering firm doing business in the Town. Mr. Olsen answered no.

Mr. McDevitt spoke of courses offered by the Municipal Association and Nashua Regional Planning Commission to educate members on the laws, rules, regulations etc. and questioned if he would be willing to attend the offerings. Mr. Olsen replied he would be interested.

Mr. Doherty inquired what Mr. Olsen did for a living prior to retiring. Mr. Olsen told the Board he worked for Hood Milk for twenty-two years and Garelick Farms for seven years.

Mr. Culbert vouched for Mr. Olsen, who was his neighbor. He told the Board he was an upstanding man who was very interested in the Town.

MOTION: (Montbleau/Culbert) To appoint Richard Olsen as a Planning Board Alternate.

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

APPLEYARD INVESTMENTS, LLC – Garland Woods - Map 36 Lot 10-191-1 & 193 - Discussion of Waiver for the new High School Impact Fee

Mr. McNamara indicated that the Board had recently seen several applications requesting a waiver from the new High School Impact Fee.

Attorney Stephen Ells of Holmes & Ells, PLLC, representing the applicant, Appleyard Real Estate Investments, LLC (applicant and developer of Garland Woods subdivision) came forward to discuss the waiver request. Also present was Michael Green and Jennifer Green of Green & Co. Attorney Ells requested a retroactive waiver, as they had already drawn several building permits and would remain in effect going forward. He explained that the project had been approved by the Planning Board on March 16, 2015. The roads were installed to binder coat November 19-20, 2015, which was understood to satisfy the Board's interpretation of 'active and substantial development'.

Mr. Doherty indicated he had driven through the development and saw a number of homes. Mr. Green believed there were between 3-7 homes, with an additional 4 permits that may have been recently pulled. Mr. Gowan stated the Board of Selectmen approved their end of the impact fee in January, 2016. He confirmed the applicant's statement that the roads were to binder coat during the November timeframe, prior to the fee being enacted. He reminded the Board that Steve Keach of Keach Nordstrom (Board's engineering review firm) made the recommendation for a slightly less threshold of a road being at subgrade (for active / substantial development). Mr. Gowan reiterated his confirmation that the roads within the development were at binder coat in November, 2015.

The Board considered the applicant's request for the High School Impact Fee waiver to be retroactive and remain in effect going forward. A motion was made accordingly with no stated objection; Mr. Sherman abstained.

MOTION: (Montbleau/Culbert) To waive the new High School Impact Fee for the Garland Woods development.

VOTE: (5-0-1) The motion carried. Mr. Sherman abstained.

Discussion regard water availability in the Sherburne Road area and a Board of Selectmen recommendation to the Planning Board for future development in that area.

Mr. McNamara indicated the agenda item was at the request of the Selectmen. Also present for the discussion was Selectman Hal Lynde.

Mr. McDevitt stated it had come to the Selectmen's attention there were a number of homes in the area of Sherburne Road (mostly North of Sherburne Road from Scenic View to the Hudson line) that have moderate to very severe water well problems. The Selectmen sent out 250 letters to residents in that area and received initial responses from 23-25 people. A survey was sent out and the responses were indicated on a map dated February 22, 2016; areas colored pink were those who said they had problems, the green areas were those who said they had adequate water.

Mr. McDevitt explained they started by speaking with Pennichuck Water to see if they would extend water mains in the area. The closest main was located on Route 3A. After that discussion, Pennichuck came up with the figure of 6-7 million dollars to extend water mains to much of the area (not all of it) shown on the map. Some of the people at the meeting felt the Town should pay the cost because they felt the Town created the problem. Some blamed the Planning Board for approving developments in the area. Mr. McDevitt noted there were more recent surveys that had come in, and some were reluctant to go on record. He knew there were issues on Scenic View, but only one resident returned a survey. He said perhaps there were simple solutions to some of the problems, but felt the Board would be shocked to hear what some had spent to get water.

During the last water meeting, the question was raised if the Town (Selectmen acting as the Board of Health) could prohibit extra water use in the area; however, the simple answer was no the Town did not have the statutory authority. Mr. McDevitt indicated there may be a solution going forward. The Planning Board, by its own Subdivision Regulations was authorized to require studies that would potentially impact the health and

safety of residents in areas where development was taking place. He suggested the Planning Board require a hydrogeological study be conducted (by a qualified expert), prior to any further subdivisions in the area, to indicate whether or not there is likely to be an impact on existing wells in the area. He said it wasn't an issue of whether or not water could be drawn into a new subdivision, because State rules allow for such. Mr. McDevitt stated the Board of Selectmen recommended that the Planning Board require a study to be done. He suggested the area be bounded by McGrath Road (on the East), Hudson town line (on the West), New Hampshire/Massachusetts boarder (on the South), and the Gumpas Pond Conservation Area (on the North). He noted that the Selectmen were looking at other possibilities, such as drilling a well in the area and working with Pennichuck to provide water. He believed Selectmen Lynde and Leonard were meeting with a hydrogeologist to discuss the possibility of such. Mr. McDevitt stated there were a couple residents who were extremely vocal by saying the Town must install water mains.

Mr. McDevitt asked the Board to consider the Selectmen's recommendation to impose an additional requirement on any housing development in the stated area.

To better understand the area, Mr. Doherty questioned if it was possible to have an overlay map showing the wetlands, Wetland Conservation District ('WCD') and a map showing the Town's properties. This will help target the areas that needed to be targeted. Mr. Gowan said he would do so based on what information he had. He suggested updating the resident survey data. For informational purposes, he would work with the Nashua Regional Planning Commission to create a map.

Mr. Montbleau apologized for not being able to attend the informational meetings regarding water availability. He spoke about his experience as president of the largest gasoline trade organization in New England (based in Massachusetts). Through the organization he was directly involved with monitoring and clean-up of many sites that had underground gasoline releases and had the opportunity to learn about subsurface hydrology and aquifers which he said was considered a very intensive science. The process involved a lot of drilling, boring, testing and following subterranean water plumes.

From memory, Mr. Montbleau spoke about the Skyview Estates development (off Spaulding Hill Road). He said the developer knew of the existing water problem and therefore hired an expert (believed to be Bruce Lewis) to review the water. Geologically speaking, Spaulding Hill was a very large glacier rock (not unlike other areas in Town that experience difficulty with water). A satellite was used to conduct a magnetic resonance of the area. The resonance indicated there was a fissure in the glacier rock. The culmination of information located five prime sites considered to be the most probable sites for obtaining water. He noted a couple of those prime sites were located on his family's land (currently open land) in the area. The developer initially asked if they could install a well on the family's land; however it didn't occur. The number two site for water was located in the center of the Skyview cul-de-sac. He clearly recalled the time when the area was first drilled. They hit water at such strength the drill bit was pushed up out of the ground (like an oil geyser). Mr. Montbleau stated the development didn't begin immediately which required the developer to pump water on more than one occasion. He told the Board his family owned homes at the top of Spaulding Hill. Water tests were done at their homes prior to and after the intensive water pumpings; none of them were affected by these pump tests. He reiterated water plume movement was very unpredictable, and very expensive for the Town to conduct an assessment; also, it would not prove out the information being sought after. He felt the only way to prove water availability was to hit one of the prime locations in the rock fissure. Mr. Montbleau believed the upshot was the rock had regions where water collected and people were able to access it. Given the amount of glacier rock in the area, he pointed out there were many similar situations within Pelham and the surrounding communities.

Mr. Montbleau discussed the question in front of the Board. He believed to prove out the water situation and where it was being drawn from would take years of testing, drilling and following water sources. He knew about the difficult process based on his experience through the gasoline trade organization and its members spending millions to conduct tests and remove fuel from subterranean areas. He reiterated the situation in Town would not have an easy solution. He spoke about Spaulding Hill and noted his well (at the top of

Spaulding Hill) was 900ft deep and had a flow rate of approximately eleven gallons per minute. He said prior to his father passing and learning where the prime water locations were sited, they discussed developing family land (near Herron Pond) and had a well drilling company conduct tests. They put three wells in the area, and although they were located next to a wetland, found it was all rock with very little water flow. Mr. Montbleau indicated the history of the water on Spaulding Hill had always been complicated. He understood prior to a Building Permit being issued the Town required proof that water could be obtained. He believed the requirement was still in effect and felt restricting construction or development would be an attempt to ‘re-invent the wheel’.

With regard to Skyview Estates, Mr. Gowan didn’t know the credentials of Mr. Lewis, who designed the water system. However, he believed the process of establishing the location of the fissure was done by a hydrogeologist and would be interested in the information Mr. Montbleau spoke of. He said he would research who conducted the study.

Mr. Lynde stated they had learned a lot and agreed there wasn’t an easy solution. He was embarrassed as a Selectmen to have a cluster of homes with poor water quality and availability. He also agreed with Mr. Montbleau that land lots should be tested to ensure they could deliver water. Mr. Lynde noted they had tried to review options and discussed the possibility of residents having water storage tanks. He said they didn’t know the proper approach, but wanted to work together to be mindful of the issue and ensure it doesn’t happen again. Mr. Lynde indicated that the Selectmen wanted Planning Board support to do everything they could and requiring a developer, as necessary, to protect residents moving into the Town. He said they would pass along information from the hydrogeologist.

Mr. McDevitt stated the Selectmen and the Planning Board were under no legal obligation to solve the problem. However, when a room is filled with 30-60 people who request help, he found it difficult to tell them it was their problem. He didn’t know a solution but believed the Town should have a better understanding of drawing water before approving additional development in that area.

Mr. Gowan noted the water meeting was held February 23rd and included a very good explanation of how wells worked from Don Weare of Pennichuck Water. He pointed out the fact that the Town had very demanding well regulations that largely came out from the experience of the Scenic View Drive development. He suggested that Board members watch the water meeting. Mr. Lynde wanted to ensure the Town kept good records of well tests and felt they needed to review the data to see if they had ongoing problems. He said they believed the Town’s Ordinance should be sufficient so ongoing problems wouldn’t occur.

OLD BUSINESS

PB Case #PL2016-00005

Map 8 Lot 9-85

MENDES, David - Hayden Road - Proposed 7-lot Subdivision.

Mr. Shayne Gendron of Herbert Associates, representing the applicant, came forward to discuss the proposed subdivision. Since the last meeting the plan was updated and the Board was provided with a copy of such to review. In summary, an easement was provided to the Town for the future maintenance of Hayden Road. Two pages were added to the plan for driveway sight lines of each lot. Mr. Gendron noted the waiver request was amended to include lot 9-85-3 to allow the well radius to be within the 15ft. setback.

Mr. Gowan noted when well locations are exact, as shown on the plan, they should be staked prior to drilling. Mr. Gendron understood, he said the plan met the required 4KSF area for septic. They may move the septic and adjust the well, if they weren’t able to do so the well location will be staked. Mr. Gowan noted requesting a well radius waiver after-the-fact would be problematic.

Mr. Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward. He forwarded a review letter to the applicant dated April 11th. Late in the day, a response letter from Herbert Associates was forwarded via e-mail dated April 15. In reviewing the amendments, he said it appeared that his comments had been addressed. He questioned if the Fire Department had reviewed the plan or provided comment regarding the source of water for fire-fighting. He was not opposed to the Board granting the waiver requests. He recommended a condition of approval be that all monuments are to be set.

The Board addressed the waiver requests.

Although they accepted the waiver to 11.04,C,1 at the previous meeting they reiterated their consideration. The waiver request for well radius was also considered at the previous meeting; however it was now amended to include lot 9-85-3 as follows:

- MOTION:** (Culbert/Montbleau) To accept for consideration:
- 1) The waiver to Section 11.04,C,1 – Building envelopes required to be 100ft.X 150ft. , with lots 9-85, 9-85-1 and 9-85-6 not conforming.
 - 2) The waiver to Section 11.11,B,2 – Well radius for lots 9-85-3, 9-85-4 and 9-85-5 to be within the side 15ft. building setback.

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

- MOTION:** (Culbert/Montbleau) To approve:
- 1) The waiver to Section 11.04,C,1 – Building envelopes required to be 100ft.X 150ft. , with lots 9-85, 9-85-1 and 9-85-6 not conforming.
 - 2) The waiver to Section 11.11,B,2 – Well radius for lots 9-85-3, 9-85-4 and 9-85-5 to be within the side 15ft. building setback.

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

PUBLIC INPUT – No one came forward.

Mr. Gowan felt plan was complete enough for the Board to entertain an approval of the project with conditions, however it had not yet been reviewed by the Fire Department, who will require either a cistern or (fire suppression) sprinklers. The applicant will need to make that determination. He recommended showing/reserving an easement for a cistern (on the recordable plan) to be centrally located on lot 9-85-3 to reach both ends of the project. Mr. Keach suggested a condition could be included on the final plan to show a solution for fire protection acceptable to the Pelham Fire Department.

Conditions for approval:

- 1) Solution for fire protection acceptable to the Pelham Fire Department;
- 2) All monuments to be set;
- 3) Note on the plan acknowledging the waivers.

MOTION: (Culbert/Montbleau) To approve the plan with the accompanying conditions.

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

MINUTES REVIEW

MOTION: (Culbert/Montbleau) To approve the April 4, 2016 meeting minutes as amended.

VOTE: (5-0-1) The motion carried. Mr. Sherman abstained.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:12pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary