

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
March 16, 2020

Chairman Roger Montbleau called the meeting to order at approximately 7:00pm.

Secretary Cindy Kirkpatrick called the roll:

PRESENT: Roger Montbleau, Cindy Kirkpatrick, Tim Doherty, Jim Bergeron, Danielle Masse-Quinn, Alternate Derek Steele, Alternate Samuel Thomas, Alternate Bruce Bilapka, Selectmen Representative Hal Lynde, Alternate Kevin Cote, Planning Director Jeff Gowan

ABSENT: Paul Dadak, Alternate Paddy Culbert, Alternate Richard Olsen

Mr. Montbleau appointed Mr. Steele to vote.

PLEDGE OF ALLEGIANCE

MEETING MINUTES

March 2, 2020

MOTION: (Lynde/Bergeron) To approve the March 2, 2020 meeting minutes as amended.

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

OLD BUSINESS

Case #PL2020-00001

Map 40 Lots 6-183 & 6-184-1

NEITUPSKI ET AL (owners) / CMK EQUIPMENT LLC (applicants) - Cornstalk Land off Patriot Drive – Proposed 11-Lot conservation subdivision to be constructed off a new road + (1) 7.9-acre conventional lot with frontage on Mammoth Road

Mr. Montbleau stated due to Town Meeting vote conservation subdivisions are no longer in the Town's Zoning.

Mr. Gowan stated he called the engineer with the assumption they would withdraw; however, they asked to keep the original request and to be date specified to April 20th. He wasn't sure why the engineer proposed date specification and added it was the Board's decision how to proceed. He noted the Board wasn't obligated to date specify or act on the plan. Correspondence was included with the Board's meeting packet.

Mr. Bergeron asked the Board if they felt date specifying the case would be okay for concerned abutters since the zoning had been struck. Mr. Montbleau asked if there were any abutters or persons present. There was no response.

Mr. Gowan suggested the Board read the list of abutters into the record before taking any action.

(The Board went back on the agenda and took up the action of approving the meeting minutes of March 2, 2020)

MOTION: (Bergeron/Lynde) To date specify the case to April 20, 2020.

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

The case was date specified to April 20, 2020

Case #PL2019-00024

Map 35 Lots 10-200, 10-312 & 10-351

NEIL FINEMAN 2018 TRUST & LEMIEUX, Albert III & Christine - Currier Road, Peabody Lane & Bridge Street (Route 38) – Proposed 40-Lot residential conservation subdivision with 3-open space lots

The applicant requested date specification to a later meeting.

The case was date specified to April 20, 2020.

Case #PL2020-00002

Map 6 Lot 4-175-1

PAWTUCKET ROAD LANDHOLDINGS, LLC - 32 A & B Valley Hill Road - Proposed 3-lot subdivision consisting of duplex style units

Representing the applicant was Mr. Doug MacGuire of The Dubai Group. He provided the Board with updated plans. He stated during the previous meeting concerns were raised regarding development that had started for what was originally going to be a single duplex. He told the Board all work had stopped on site and over the last month they had resurveyed the property as it currently sat. As part of this they surveyed the clearing of the tree limit and also the limit of grubbed disturbance. The revised plan showed the updated tree line with the limits of the wetland buffer being maintained. There was no encroachment of tree cutting or land disturbance on any of the abutting properties. The cleared (disturbed) area calculation, including the accessway from Valley Hill Road, was approximately 74,000SF (1.5 acres +/-). The tree cutting area was more but intentionally left but not grubbed and remained in its stabilized state. Mr. MacGuire stated they had put together a stormwater pollution prevention plan and filed a Notice of Intent with the Environmental Protection Agency ('EPA'). Erosion control measures have been installed on site; the Dubai Group is doing the stormwater inspections (every 14 days or after every ¼ inch of rainfall). Based on the last inspection, the open areas have been graded into themselves; there are no illicit discharges coming from the site. Erosion control measures will stay in place.

Mr. MacGuire understood another concern was the status of the access way coming into the property. He said there were some steeper slopes coming in; however, the survey shows the disturbance being limited to the 50-foot right-of-way. They have subcontracted with a geotechnical engineer from John Turner Consulting Group who visited the site and evaluated the existing condition. The consulting group drafted a letter containing their initial thoughts; Mr. MacGuire summarized the comments for the Board. He said good graded material was used for the fill and the slopes were put in properly. From the initial assessment, there may be some supplements suggested by the consulting group based on the angle of the slopes but essentially there was no visible erosion issues from the area. They didn't expect any anchorage, buttressing, or other supports being required although they will evaluate the report and provide an updated report to the Board and Town staff for review. He submitted a copy of the John Turner Consulting Group letter to the Board. At this stage with the other actions they were taking, Mr. MacGuire indicated they hadn't had Keach Nordstrom (Board's engineering firm) weigh in on the plans. He was in attendance to provide the Board with an update and understood they were interested in conducting a site walk. Unless there were specific questions, they would like to continue the case, set the site walk and wait for Keach's review.

Mr. Cote inquired how it was determined that the fill was structurally stable. From what he understood, Mr. MacGuire was concerned about the status/condition of the slopes. Based on the material used on site an initial assessment was provided.

Mr. Gowan told the Board he visited the property with Steve Keach of Keach Nordstrom (Board's engineering review firm). At a minimum Mr. Keach will want to see borings. He felt it was important for the Board to conduct a site walk with the abutters.

Mr. Doherty pointed out when a driveway is installed it's not under engineering review; a driveway and a road are installed differently. He said if the applicant knew what the standards (for installing a road) were (and followed them), they knew of the standards that they shouldn't be doing what they did. He didn't believe they knew what they were doing in following the Town's standards. He had a problem with a road being installed in Town claiming it's a driveway and later claiming it's a road. He felt it needed to be ripped out and start from scratch to be installed properly. Mr. Doherty didn't want to start a precedence with letting contractors circumvent the proper installation of a road. Mr. Montbleau agreed. He had been on site and felt the road should have been moved over so the abutter (on the left) could have less intrusion. He asked if there was room to have the road more toward the right. Mr. MacGuire answered no; they only had a 50-foot area to work in. He informed the driveway was in no means complete as it currently sat. It didn't match the proposed grading in elevation or in width to where it would be in the final design plans. He didn't feel it was unreasonable to have test pits or an understanding of the fill used, and suggested Mr. Keach could make recommendations regarding such. Mr. Montbleau agreed with Mr. Doherty's assessment of the 'switch/bait' activity of a driveway versus a road that didn't allow the Town a chance to see how it was being built. He believed the Board would benefit from walking the site. He understood there was a 50-foot right-of-way and wanted to know if the road location could have been shifted to one side of that area. Mr. MacGuire stated because of the original duplex design the driveway was quasi-designed as a roadway of over 400ft in length. He said what the applicant had designed was close to the original approved plan for the duplex lot. He understood the perception and stated the reality was the lot had been evaluated for more than one lot. When they saw the road length that would be required to get into the site to construct the duplex lot, they found the cost was more than anticipated and asked Dubay Group to see what it would take to extend the subdivision. Mr. Montbleau didn't want to enter a debate until everyone had an opportunity to see the site and hear from Mr. Keach.

Mr. Lynde heard reference to 'an approved plan' and wanted to know what had been approved. Mr. MacGuire replied they had a driveway design done because of a minor wetland crossing within the 50ft right-of-way. He provided the Board with the original plan showing the disturbance. Mr. Lynde asked who approved it. Mr. MacGuire replied it was a design plan presented to the Conservation Commission and Zoning Board for relief of frontage requirements. He pointed out it was a substantial driveway to get the duplex unit in. Due to the on-site grades/slopes the applicant was concerned about having a relatively large opened up area to be able to do a building pad. He noted all the design plans reflect the area of disturbance and level of clearing. Mr. Lynde asked if it was fair to state no 'body' approved the plan. Mr. MacGuire replied because it was a duplex lot there was no Planning Board approval required. The plan was submitted so the lot could be constructed and to pull a building permit. They also submitted the plan to the Conservation Commission so they could sign off on the proposed impact from the crossing. Mr. Doherty saw the plan had last month's date as opposed to the larger plan dated at the end of last year. Mr. MacGuire explained the smaller plan was an exhibit to show the current conditions; the original plan was put forward in the past. Mr. Lynde inquired if the driveway was already built or the area was already filled in before Mr. MacGuire got involved. Mr. MacGuire replied the accessway and filled area was built as part of an approval. He said the applicant pulled a building permit and a septic design was performed to do the duplex lot; design work was done for the driveway access coming into the lot. He understood this was the first time the Planning Board was seeing the plan, but it had been submitted to the Town (for building permit), Conservation Commission and Zoning Board.

Mr. Cote understood the applicant had gone in front of the Conservation Commission and Zoning Board. Roughly 6-8 months later they came to the Selectmen requesting a permit to cut. In the permit to cut they

requested clearing ten out of eleven acres. He asked if there was a reason why they decided to clear ten acres versus the necessary acreage to build one duplex. Mr. MacGuire said the applicant was an experienced developer. Given the slopes on the site, the rationale was to have enough room to maneuver. He said the cut limit was probably a little more than it needed to be. Mr. Cote saw the where the duplex road would have ended and pointed out the land had been cleared all the way to the back of the lot. When he initially inquired about the cut, he found it interesting the applicant had first gone to the Conservation Commission and Zoning Board. The Selectmen received the intent to cut. The assumption was the road would be an access so wood could be harvested off the property. With this he would go on the assumption the road was built only for harvesting purposes and not meant to be a traveled road that would sustain over time. He concurred with Mr. Doherty the road should be torn up and designed correctly for acceptance at a later time.

Mr. Gowan asked if the either the representative or the applicant had been contacted by the Department of Environmental Services ('DES') about the project. Mr. MacGuire answered no. Mr. Gowan shared communication between Neil Bilodeau of NHDES and Paul Gagnon Conservation Commission Chairman that came across his desk. He said Mr. Bilodeau believes there were two vernal pools disturbed on site and also indicated he would be in contact with the applicant and representative. Mr. Gowan said he had to bring it to the applicant's attention as it had been a month since the correspondence was received. Mr. MacGuire replied it was news to him and would read through the information. To his knowledge the applicant hadn't been contacted by DES. He believed someone from the forestry division had reached out and evaluated the cutting to see it was done in accordance with the permit put forth. He said he would review the correspondence and reach out to DES. Mr. Gowan said just after the last meeting he spoke with Mr. Dubay to reiterate the Board's opinion that work needed to cease except for the establishment of erosion controls and placement of WCD placards. At that time there was a question whether or not the Alteration of Terrain threshold of 100,000SF had been disturbed. He said if there were vernal pools or other wetlands damaged it would need to be addressed.

Mr. Bilapka asked if the wetlands attached to the property was considered 'prime wetlands'. Mr. Gowan believed it may be one of the ones on the ballot (March 10th) and made a prime wetland on that date. He recalled the large pond (on site) fell just short of the required acreage to be designated a 'great pond'. He noted the application was submitted prior to the Town Meeting. Mr. Cote said if the applicant had followed protocol in the RSA nothing would be cut in the area.

Mr. Bergeron felt Mr. Cote made an extremely good point and believed the applicant should become aware of RSA 485-A:31 (on applications) he felt would play a big role since the Board had accepted the plan for consideration. He read a portion aloud and believed the language was clear.

In looking at the aerial photograph in relation to where the vernal pools were, Mr. Doherty said if there were fish in the vernal pools the other vernal pools were critical for amphibians to survive because they couldn't breed in a wetland with fish. He said some vernal pools weren't significant; however, when there are vernal pools with fish the amphibians had to leave the body of water to breed.

Mr. Bergeron suggested before the Board walks the site there may be action coming from a higher authority. Mr. Gowan said the DES had sweeping authority in matters such as these and was surprised they hadn't already reached out. He suggested date specifying the plan out until April 20th to allow additional time.

PUBLIC INPUT

Mr. Darren Martin, 21 Benoit Avenue came forward to voice his objection to the lot. During the previous meeting he spoke about the destruction of the land and vernal pools and was happy to see progress in the situation being reviewed. He said when he purchased his land, he walked the property and believed there were a lot of things that were now physically gone and destroyed because nothing was done to check the work. He was told at that time the wetland was a 'prime wetland' with a 50-foot buffer restriction extending onto his land. He

stated there were fish in the pond. He fished with his children and caught sunfish and once in a while they caught bass. He described the pond as being shallow (2ft-3ft deep) but was able to canoe.

Mr. Gowan explained there were areas in Town previously designated as 'prime'; however, the statutory process changed, and their status was removed. Areas were studied and found to be important; therefore, the March 10, 2020 ballot contained certain Warrant Articles to re-designate areas as 'prime'.

Mr. Martin commented he had done work for the DES in the past. He explained there were empty lots across the street from his property. The developer had come in front of the Board for a lot line adjustment. He worked with the Town and DES particularly with Dr. Frank Richardson who was responsible (through the DES) for the Pelham area. He said when he speaks about the vernal pools or work that had been done on the applicant's current lot, it was through the knowledge he gained through the previous process. He encouraged the Board to stay on top of DES. Mr. Martin inquired if the map of eleven acres had been corrected, noting he brought up an issue during the last meeting about a lot he had purchased. Mr. MacGuire answered yes. Mr. Martin spoke about the character of the neighborhood and asked the Board to consider options to make the buildings single-family homes rather than duplexes. He hoped they could reach an agreement regarding this to maintain the character of the whole area.

There were no further comments.

The case was date specified to the April 20, 2020 meeting. A site walk was scheduled for April 18, 2020 beginning at 9am (parking can be located on Brown Avenue).

NEW BUSINESS

Case #PL2020-00006

Map 24 Lot 12-204

LOOSIGIAN, Peter & Lisa - 8 Foreman Lane - Preliminary Design Review for a proposed 4-lot subdivision for single family homes (*Note: This item is for discussion only; a full application will need to be submitted and re-noticed*)

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present or who hadn't been notified who asserted standing in the case.

Representing the applicant was Mr. Karl Dubay of The Dubay Group who came forward with Tom Loosigian (son of the applicants) to discuss the preliminary design plan. Mr. Dubay stated the Loosigian family owned and lived on the proposed lot for a number of decades. The property contains approximately 5.8 acres and is located at the end of Foreman Lane. He noted the submission was a preliminary application not yet ready for final submission. The proposal showed a subdivision of one lot into four lots. The existing right-of-way at the end of Foreman Lane currently stops at a stub. The project will create a cul-de-sac at the end of Foreman Lane. The submission to the Board included a full detailed survey. It was noted a number of test pits had been performed and witnessed. Mr. Dubay reviewed the submitted plan set with the Board and described the development; the existing lot plus three new lots. They proposed a voluntary vegetative buffer restriction around the perimeter of the property. They recognize the high-water table and suggest new programs accepted by the DES for certain types of low-density development; the 'Soak up the Rain Program'. They would like to build a cul-de-sac to provide a turnaround for the general public and emergency services; as shown in the preliminary design. Mr. Dubay explained the design was done to reduce pavement and be more environmentally friendly with vegetative buffers. He noted they would be able to have four lots with more roadway. He said they would like to engage the Board and get started on a more definitive design.

Mr. Lynde assumed a plan was put together to show all the frontage requirements being met. Mr. Dubay answered yes. Mr. Lynde saw the proposal and thought it would be the better direction to go but was curious to see what the applicant started with. Mr. Dubay replied that (starting) plan was given to the Zoning Board and reviewed during that process. They didn't include it in the preliminary design submitted to the Planning Board because they considered it a settled matter. He offered to provide the Board with a copy for reference.

Mr. Cote understood there were issues with water/drainage on the property and asked for a description of what would be proposed to take care of those things. Mr. Dubay stated they had test pits witnessed and included the logs (done to DES standards) within the submitted plan set. He summarized the information and recognized the challenge would be to take care of drainage in and around the cul-de-sac. They proposed ponds/swales surrounding the cul-de-sac to accept the water. They would like to do more test pits and analysis to be able to create something that would be a benefit to the neighborhood.

Mr. Montbleau inquired if each lot contained 200ft. of frontage. Mr. Dubay answered no; a variance was granted for reduced frontage as there is a total of 465 linear feet of frontage around the cul-de-sac. He noted they could do two duplex lots and have some frontage remaining since they had adequate acreage to do so. Mr. Montbleau commented the regulations call for lot shapes to be rectangular whenever possible. Mr. Dubay answered yes; they came off the cul-de-sac and worked around the existing lot. He noted the Superior Court order (August 2019) had actually laid out the criteria for why the proposal was a preferred plan.

Mr. Cote asked if the Highway Safety Committee ('HSC') had provided an opinion regarding the cul-de-sac. Mr. Gowan replied the HSC typically didn't review a project until an application had been accepted for consideration by the Board. Mr. Cote asked Mr. Gowan if he had an opportunity to review the proposal as it related the MS4 permit and drainage. Mr. Gowan stated his concerns related to bio-retention areas, rain gardens etc. that had maintenance aspects the Town would need to be aware of. He noted Keach Nordstrom (Board's engineering review firm) would ask for a recommended maintenance schedule for the drainage components.

Mr. Doherty believed the plan showed a three-lot subdivision desperately trying to be a four-lot subdivision. He recalled the Board denying a plan that looked similar with odd shaped lots. He said the Board had been turning down this type of plan and asking the applicants to redesign them and eliminate odd corners. He noted the property started as a rectangular shape and the surrounding neighborhood had nice looking lots. He asked if they had considered a hammerhead or other alternative so the lots could look different.

Mr. Montbleau, who was on the Board in the 1980s recalled they were insistent on having rectangular lots. One reason was to avoid problems between neighbors. Mr. Dubay replied the discussion was all good input. He said they could come back with a plan showing the lots configured differently (squared off); although that would create more pavement, drainage etc. He added that type of configuration could be done 'by right'. Mr. Dubay showed the location of the existing house and explained they tried to layout the additional lot so they would be following the land contour. He commented they would voluntarily be adding a homeowner's association (deeded/funded) that would be responsible for the maintenance and oversight of the vegetative buffers and drainage structures. Even though the homeowner's association would be responsible, the Town would have a deeded access easement. Mr. Dubay stated they were trying to do the right thing with the proposal. He said if the Board wanted rectangular lots they would do so, although the court indicated it wouldn't be a good design.

In reflecting on the proposal, Mr. Lynde said he sometimes liked the idea of cluster housing because it provided for more open space. He saw that the design provided a decent buffer to abutting properties. He felt the submitted plan would be more beneficial to the Town and easy to accomplish plowing. He saw the odd lot shapes but believed the owners would know their property lines. He reiterated his belief that the proposed plan would benefit the Town more than a normal subdivision by saving on the amount of road to be maintained. It also provided for a fairly large buffer to the neighboring property. Mr. Doherty commented if the voters cared about shorter roads, buffers etc. they wouldn't have gotten rid of conservation subdivisions. He said they want rectangular lots and the Board to follow the Subdivision Regulations.

Mr. Cote noted the original plan called for clearing the lots to the property lines. Mr. Dubay replied if the proposal was a standard subdivision without voluntary buffers there would probably be a clearing. He said some people prefer buffers and some would clear every inch to the property lines so they could see their yard. In this case the owner was trying to do the right thing and provide a short cul-de-sac. If the Board preferred, they would create a stub for a turn around and a conventional plan. Mr. Cote asked if the original plan had a cul-de-sac or 'dead ended'. Mr. Dubay replied the plan shown to the Zoning Board showed a long street going into the property with a cul-de-sac.

Mr. Bergeron stated he wanted to hear from abutter before he remarked.

PUBLIC INPUT

Mr. Mike Beberian, 12 Ballard Road heard the engineer say they would take a proactive stance regarding the water on the property. He informed the Board that the entire back area was wetlands with a lot of it emanating from the Ballard Road area. He believed if the buffer was taken away by having rectangular lots there would be a problem with water. There would be more of an impact from stormwater and runoff with more pavement going in. He didn't want a similar situation to occur (such as on Mulberry Road) where trees were cut and water not absorbing. Mr. Dubay agreed with Mr. Beberian's concerns. He stated they had a wetland scientist go around the property; there are wet areas but no WCD or wetlands on the property. He said for the most part the wet areas were up gradient from their property. He said they were taking on the water from abutting parcels. Mr. Dubay indicated they wanted to absorb/manage the water and keep the buffers in place. Mr. Beberian understood a good size tree consumed approximately 4,000 gallons of water per year. He said when trees are cut in the Mulberry Road area it formed wet areas. Mr. Dubay stated they wanted to work together to solve some of the problems.

Mr. Peter Brodie, 44 Ledge Road told the Board he owned 220ft. onto Foreman Lane and resided at that location for 44 years. He heard the applicant state the neighbors don't know anything about water. Mr. Dubay replied he hadn't stated that and felt the opposite was true. Mr. Brodie wanted to know how many square feet of impervious area the 4-lot subdivision would contain. Mr. Dubay didn't have the exact number but indicated he would have it at the next meeting. Mr. Brodie didn't know how the applicant would control runoff if they didn't know the number. Mr. Montbleau noted the plan was conceptual at this stage and only in front of the Board for discussion. Mr. Brodie discussed the situation with the water and how it had changed/increased over the years with the area developments. Mr. Montbleau commented when the applicant submitted a full plan, they would have water calculations to inform the Board how it would be handled. Mr. Brodie told the Board when the second new house was built on Foreman Lane (10 years ago) the right-of-way width decreased part way along the road. He wanted to know if the same width would continue. Mr. Dubay informed they had surveyed the right-of-way along Foreman Lane and would provide all the information on a subsequent plan submission. In terms of impervious area, he said for every square foot on the Foreman Lane cul-de-sac they wanted to make sure they had more area in storm water prevention/protection within the rain gardens. All the systems were interconnected with pipes and catch basins. He reiterated the plan was preliminary. He knew drainage was a big issue and said the calculations would be reviewed by everyone. He said they were trying to do the right thing by submitting a preliminary plan for discussion. Mr. Montbleau told Mr. Brodie the applicant would be obligated to mitigate the water with no impact to the surrounding properties. Currently, the Board was reviewing a concept and providing feedback and abutter input.

Mr. Gowan informed abutters would receive notice when a full application is submitted. He said anyone can contact the Planning Department with questions.

Mr. Jay Bistany, 3 Foreman Lane felt the Board needed to walk the site before making any decisions. Outside of the water issue, he informed Foreman Lane wasn't in good condition and the road itself was only 18ft. wide. He added the road isn't true asphalt; it's cracked and falling apart. He heard the development might have a

voluntary four-lot homeowner association. He questioned who would be responsible for maintenance if the association was 'voluntary'. He was concerned about drainage flowing to the neighbors and felt the proposal would be detrimental to the neighborhood.

Ms. Margery Moore, 5 Foreman Lane told the Board her lot was at the location of the proposed cul-de-sac. She understood she shouldn't be discussing the variance (granted by the Zoning Board); however, she said the law stated there must be a hardship to receive a variance and the applicant had a plan that met all the zoning laws. She heard the representative state if they didn't get the variance, they could cut down the trees and put a condex in. She said they told the Zoning Board they were doing the development for the environment; the hardship was they wanted to improve the environment. Ms. Moore said the applicant stated they didn't want to expand the road because they would have to cut down more trees to do so. She wanted to know how it would be worse to put four long driveways in versus expanding the road. Ms. Moore told the Board she bought her home in 1992 and at that time it was located on a dirt road with two houses and woods surrounding the area. It was her dream to have horses in her backyard. Since she moved there have been developments build (around her). Now the road is paved, there are two more houses and no more woods to access for riding her horses. From what she understood there was an existing fire lane that would now be used as a driveway, which would run along her property line and access a house located 15ft. from her horse fence. Mr. Montbleau mentioned the discussion was conceptual so things (on the proposed plan) could be moved.

Ms. Moore recalled part of the reason the variance was allowed was to have a cul-de-sac and cut four driveways. She said this would basically stop the road in the middle instead of continuing it where it should go. She believed all the neighbors wanted the cul-de-sac to be located in front of the existing house. She heard fire trucks would be able to access the property and questioned how that would occur since delivery trucks etc. turned around in her driveway. She heard testimony that the mail and school buses would be able to come down the street. She didn't think that the mail delivery would ever use the street. With regard to school buses, she spoke with her boss (bus company) who indicated they wouldn't come down the road because it wasn't wide enough for two vehicles to pass. Ms. Moore told the Board her home is located on the low point of the road. The existing home on the applicant's property was built after she moved into her home. When it was built all the water flowed down their driveway and from across the street causing her front yard to flood. She has an access road on the side of her driveway that leads to her barn; the water flow from the abutting lots forms a pond near her barn. With the addition of the proposed houses and driveways, Ms. Moore was concerned about snow removal and where it would be located. She was further concerned about the water from snow melt flowing into her property. She ended by telling the Board the neighbors would all like to see the cul-de-sac pushed back into the applicant's property instead of stopping the road. She understood the applicant had a right to clear all the land and put condex buildings on their property but considered the mention of such as a threat.

Mr. Jeff Caira, Bush Hill Road came forward to speak as a concerned citizen, not as an abutter. On a building point of view, he felt the proposal sounded like a recipe for disaster. He heard the homes wouldn't have full basements, which he agreed shouldn't be done in the area (with the wetlands). He also heard about the test pit depths and wanted the Board to consider the information so the proposed house foundations would be good/reliable. He voiced concern about the abutter's livestock and explained animals could get serious infections on their feet (that could kill them) if they were around a lot of water.

Mr. George Helliwell, 12 Shephard Road told the Board he owned the property behind the proposed lot 1, which was a recent purchase of his childhood home. He expressed his discontent with the entire proposal. He said Ms. Moore's farm was like a home to him. Having grown up in the area he's watched the neighborhood develop far greater than what he wanted it to. He recalled exploring the woods at the northern most part of Shephard Road and watched it expand into the development with Mulberry Land, Ballard Road and other neighborhoods. All of these developments were concerning for him. Mr. Helliwell also expressed concern for the water table and run off as he abutted the proposed lot 1. Currently his property receives considerable runoff and pooling in his backyard mainly in the area of his septic and leach field and was concerned for what could happen further (with the proposed development). He voiced concern regarding the land clearing and being left with viewing

an 'open concept' area. He felt if the plan moved forward it would set a precedent that wouldn't uphold what the Town stood for and what it recently voted for.

Mr. Gowan pointed out the Board received a several page letter from an abutter which should be placed in the record. Mr. Montbleau replied the letter had been stamped into the record. Mr. Bergeron asked if Mr. Gowan could provide the Board with a synopsis of the letter. Mr. Gowan replied he received the letter at the beginning of the meeting. He said portions of the letter tried to relitigate the variance that had already been settled in the court; however, there were other comments that specifically addressed aspects of the proposed plan. Mr. Montbleau commented the letter had been date stamped and entered into the record. At present the discussion was preliminary. He suggested the members read the letter and it be read into the record during a subsequent meeting.

Hearing different terms to describe the present meeting, Mr. Gowan explained the difference between 'conceptual' and 'preliminary' review. He stated once the applicant submitted a formal plan the Board could then accept it for consideration and seek engineering review (through Keach Nordstrom), Highway Safety Committee review, schedule a site walk etc.

Mr. Bergeron told Mr. Dubay his company's work was respected and their work stood out. He also respected the fact the applicant notified abutters during the preliminary/conceptual/consultation phase. He spoke about items he would like the Board supplied with in the future. He wanted to know if there was a dedicated right-of-way on Foreman Lane since chapter 202-6 of the Town's regulation for 'major' subdivision had been triggered. Mr. Dubay understood and noted they hadn't represented the proposal a 'minor' subdivision. Mr. Bergeron wanted the applicant to understand the requirements under 'major' subdivision had been triggered.

Mr. Bergeron stated the Board would need to know the origin and width of the road because if there were drainage problems it would need to be reviewed from an engineering standpoint. He said they would need to know the origin and width for possible drainage measures (swales etc.). Mr. Dubay replied the applicant was committed to do an offsite improvement to help the neighborhood. He believed some of the questions had been answered within the existing conditions plan and within the notes (regarding right-of-way and road classification) submitted to the Board. Mr. Bergeron understood and respected the applicant was granted a variance for frontage. He then spoke to the sections of the regulations that dealt with lot configuration. He said his biggest concern was for what would happen with future landowners and clarity of ownership in relation to the proposed lot shapes. He referenced Town map 24 and the surrounding lot shapes that had straight lines. He believed the applicant should reconsider the lot shapes (based on section 203-1 of the regulations). He wanted to avoid creating a situation to exacerbate the existing conditions especially for drainage and snow clearing.

Mr. Dubay said the discussion was helpful. He explained they were voluntarily putting a mandated homeowner's association for maintenance; the details of which will be discussed during subsequent meetings. He then spoke about lot one and pointed out the proposed house would be approximately 150ft. from the lot line (to the Helliwell property). He said they had the ability to move the house location to balance the abutter's concerns and work with the Board. Mr. Bergeron explained the Board was looking for a balance of all things. He said his concerns would be voiced over time regarding water issues both with drinking water and with drainage. He preferred to see geometric lot lines drawn with possible registered easements for well radii. Mr. Dubay replied the lot lines could be 'cleaned up' with the allowance of well radii easements. He said he would be happy to show the Board how the lots would look.

Mr. Doherty inquired if it was feasible to bring the cul-de-sac an additional 75ft. away from the property line and shorten the proposed driveways to maintain the existing buffer. Mr. Dubay replied he could discuss doing so with his client. He pointed out there was currently a road stub in that area with a school bus parked there each night (by the abutter). He said they wanted to create balance and work with the Board. They wanted to install a rain garden in that area as it was owned by the applicant and had a right-of-way. He said they were trying to work everyone and would look at the area and try to create more space to the abutters. Mr. Loosigian

stated he and his family put a lot of thought into the design. The reason they pursued the variance for reduced frontage was to lessen the impact that surface water runoff had on the development. He said there was no current outlet for water coming from Foreman Lane. Mr. Loosigian explained the intention was to keep the current length of Foreman Lane so as to not clear additional land within the applicant's property. He understood ground water was a concern; however, the existing house has a full 8-foot foundation and never experienced ground water infiltration into the basement. He noted test pit data showed the soils having a 2ft-3ft water table; it wasn't a constant wet situation. He understood there were wet areas in the corner of the property and wetlands on abutting properties which was the reason the proposal took precaution and showed ponds around the cul-de-sac to improve the situation.

Mr. Bilapka was curious if the plan would go in front of the Fire Chief to hear his opinion about the driveway lengths and designs. He knew there was a cistern in the area but was unsure about its distance from the development. Mr. Dubay noted the plan showed a full cistern with easement. He would like to hear feedback from the Fire Chief and Highway Safety Committee. (Feedback wouldn't be obtained until the Board took jurisdiction on the plan) Mr. Bergeron believed the Fire Chief accepted fire suppression systems. He said there was a recent subdivision done with fire suppression rather than having cisterns. Mr. Dubay replied they were remaining flexible and would discuss the alternatives with the Fire Chief and Board.

Mr. Montbleau believed the Board and public provided information. Mr. Dubay stated the feedback was good and would work with Town staff and the abutters. Mr. Montbleau felt one of the biggest points was the concession (waiver) pertaining to well radii.

It was noted once a final plan was submitted and the Board accepted such for consideration, they would speak to scheduling a site walk.

NON-PUBLIC SESSION - If requested in accordance with RSA 91-A:3

Not requested.

DATE SPECIFIED CASE(S) – April 20, 2020

Case #PL2020-00001- Map 40 Lots 6-183 & 6-184-1- NEITUPSKI ET AL (owners) / CMK EQUIPMENT LLC (applicants) - Cornstalk Land off Patriot Drive

Case #PL2019-00024- Map 35 Lots 10-200, 10-312 & 10-351- NEIL FINEMAN 2018 TRUST & LEMIEUX, Albert III & Christine - Currier Road, Peabody Lane & Bridge Street (Route 38)

Case #PL2020-00002 - Map 6 Lot 4-175-1- PAWTUCKET ROAD LANDHOLDINGS, LLC - 32 A & B Valley Hill Road

SITE WALK – April 18, 2020 beginning at 9am

Case #PL2020-00002 - Map 6 Lot 4-175-1- PAWTUCKET ROAD LANDHOLDINGS, LLC - 32 A & B Valley Hill Road

MISCELLANEOUS

Mr. Gowan provided the Board with information from Governor Christopher Sununu pertaining to compliance with New Hampshire's Right to Know Law in light of COVID-19 concerns and the issuance of Executive Order 2020-04.

The Board was provided with an updated list of membership. It was noted Ms. Masse-Quinn's term will expire in 2021.

Mr. Gowan gave each member a copy of the Town's updated Zoning Ordinance (revised March 2020) to show the changes based on the recent Town Meeting results.

Mr. Gowan discussed the ongoing concerns pertaining to COVID-19 and how Town/Board business could be carried out. He listed the items on the upcoming agendas. Mr. Montbleau stated he would review the list with Mr. Gowan and possibly push new business out to later dates. The Board had no objection provided they meet statutory requirements.

ADJOURNMENT

MOTION: (Kirkpatrick/Lynde) To adjourn the meeting.

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

The meeting was adjourned at 9:45pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary