

APPROVED
TOWN OF PELHAM
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
JOINT MEETING
July 7, 2014

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

The acting Planning Board Secretary Tim Doherty called roll:

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

ABSENT: Paddy Culbert, Paul Dadak

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

JOINT CASE:

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

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

PB Case #PL2014-00020 & PL2014-00021

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

Mr. Doherty read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Although not a direct abutter, Mr. Gowan informed that he lived close the project and stated if the applicant, or members of the Planning or Zoning Boards would like him to step away during deliberation, he would be happy to do so. There was no objection to Mr. Gowan remaining seated.

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

Present for the applicant was Mr. J.P. Fine representing Pelham Realty Group, LLC (owner of shopping center). Mr. Bob Clarke of Allen & Major Assoc., Inc., Attorney Philip Hastings of Cleveland, Waters and Bass, Mr. Kevin Reilly of Benchmark Construction and Mr. Dave Baxter of Tractor Supply Company. Mr. Fine thanked the members of the Planning Board and Zoning Board for conducting a joint hearing. He said they were excited for the potential opportunity to have Tractor Supply as a part of the shopping center and hoped the Town was also excited. Mr. Reilly described the Tractor Supply Co. who's slogan is "*The stuff you need out here*". The store offers products for

the 'gentleman farmer' which includes a number of products for home improvement, clothing, agriculture, lawn and garden supplies, animal and pet care products/food. Mr. Fine noted that Tractor Supply would attract other retailers to the site, which would make the center become more vibrant and occupied. They have had good success not only as a tenant, but also as a co-tenant. Each store generates approximately fifteen jobs for the local economy. Mr. Fine was looking to improve the shopping center and protect its value.

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

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

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

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

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

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

ZBA Case #ZO2014-00013

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

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

The acting Secretary Chris LaFrance called roll:

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

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

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

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

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

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

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

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

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

Mr. McNamara asked if the sign would be lit at night. Mr. Clarke answered yes. Mr. Reilly believed it would be lit during business hours and noted it could be on a time clock. Mr. Fine said the sign was internally lit; the unit contained a sophisticated efficiency system. Mr. McNamara asked for the business hours. Mr. Fine believed the hours were 8am to 9pm. The store is open seven days; Sunday has a shorter schedule. Mr. McNamara wanted to know where the off-premises sign would be located. Mr. Fine stated the proposed sign would be located on the left side (north side) of the proposed curb cut onto Route 38. Mr. McNamara questioned if that location would be the only access to the property. Mr. Fine responded there are multiple accesses to the entire property. He said if the proposed subdivision was approved as shown the curb cut would be on Lot 1 and grant an easement to the main entrance of the Tractor Supply lot.

Mr. Guay questioned who owned the property where the off premises sign would be located. Mr. Fine said both parcels would have the same owner. The current property was owned by Pelham Realty Group, LLC. If subdivided the lot would remain under the same management group, but there

may be a separate LLC that owns the new lot. There will be a reciprocal easement agreement between the two entities for the placement of the sign.

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

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

Mr. Hennessey opened the hearing to public input.

PUBLIC INPUT

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

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

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

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

BALLOT VOTE #ZO2014-00013:

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

VOTE:

(5-0-0) The motion carried.

VARIANCE GRANTED

The Zoning Board of Adjustment meeting Adjourned.

Respectfully submitted,
Charity A. Landry
Recording Secretary