

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
April 20, 2009**

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

Mr. McNamara called roll:

PRESENT: Peter McNamara, Paul Dadak, Roger Montbleau, Tim Doherty, Jason Croteau, Alternate Joseph Passamonte, Alternate Edward McGlynn, Selectmen Representative Robert Haverty, Planning Director Jeff Gowan

ABSENT: Paddy Culbert, Alternate James McManus

Mr. McNamara appointed Mr. Passamonte to vote in Mr. Culbert's absence.

7:05pm
PUBLIC HEARING

Revision of Subdivision Regulations. To amend Section 15 of the Subdivision Regulations to provide specific regulations for the review and approval of workforce housing proposed within Conservation Subdivisions through the Planning Board's special permit granting authority. The proposed amendments to Section 15 are necessary to implement the Conservation Subdivision zoning amendment, question #2 which was approved by voters at the March 10, 2009 Town Meeting.

Mr. McNamara called the continuation of the Public Hearing to order. Mr. Gowan stated at the first public hearing date, there were a couple items pointed out that needed to be amended. He had Attorney John Ratigan review the final language.

There was no public input.

There was further discussion regarding the language and the areas that had been clarified.

MOTION: (Croteau/Doherty) To revise the Subdivision Regulations with the language in Section XV as before the Board as amended (as discussed).

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

ADMINISTRATIVE

7:13pm
Map 3 Lot 5-166-169 BOUNAROSA, Dominic – Dogwood Circle – Request for Full Release of Bond. This road was accepted at the March 10, 2009 Annual Town Meeting.

Mr. Gowan stated that his office recommended full release and noted that the road had been accepted at the March 2009 Town Meeting. He also noted that the applicant had met the punch list of items for completion.

The original bond amount was \$499,500. The current amount is 47,950. The Board was being requested to fully release the bond. All action items have been completed. Mr. Gowan stated that he and Highway Road Agent Don Foss visited the road and were satisfied that the work had been completed. There was a letter submitted by Fire Inspector John Hodge that indicated the fire cisterns had been inspected.

MOTION: (Montbleau/Doherty) To release the full bond amount of \$47,950.

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

OLD BUSINESS

Map 39 Lot 1-61 & 62 DRACO HOMES, INC. / LUSSIER – Dracut Line/Mammoth Road – Proposed 8-Lot Subdivision and Seeking a Special Permit for Roadway Crossing

The applicant requested that the plan be date specified to the May 18, 2009 meeting.

7:16pm

Map 41 Lot 6-140 BOUMIL, Michael & Jennifer – Pulpit Rock Road – Site Plan Review of Proposed 100ft.x60ft. 2-story, 4-bay warehouse and offices for Commercial Use

Mr. Gowan reviewed the information that had been submitted to the Board: 1) applicant's response letter to Stantec; 2) letter from Highway Safety Committee (which found no issues with the project); and 3) letter from Fire Inspector John Hodge. Mr. McNamara read the letters aloud. Mr. Gowan said because the commercial uses weren't determined, it was the Fire Inspector's opinion to install sprinklers in the building.

Mr. Chris Nickerson of Herbert Associates came forward to review the site plan. He discussed the application and stated that the proposed building would be one floor with 6000SF total. They obtained a variance for an undersized lot for the industrial zone. Mr. Nickerson stated since the last meeting they sent their plans out for review by Stantec and had met with Mr. Gowan. Responses to those meetings have been submitted to the Board. One item was the cistern, and basically the final use by the tenants was unknown, they had no problem with installing sprinklers in the building but had also proposed a space for a 10,000 gallon cistern. He said they were fine with whatever the Fire Department determined they wanted. Mr. Nickerson understood that the term 'dry goods' was antiquated so an updated note had been added to the plan defining the proposed uses of the building. The parking calculations had been updated. Mr. Nickerson reviewed other items of the plan that had been updated.

Mr. Doherty asked where the dumpster areas were located. Mr. Nickerson said that hadn't proposed a location because they didn't have the final use of the building. He said they could have regular trash pickup or dumpsters could be located within the painted storage materials areas. Mr. Doherty said he would like to see where the dumpsters would be located so they didn't end up in the parking spots.

Mr. Dadak discussed the waiver requests that had been submitted and which had been acted on to date.

MOTION: (Montbleau/Doherty) To accept, for consideration, a waiver to Section 248:41,E,1 – leach bed being located within 50-feet of property line.

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

Mr. Dick Hertrich of Stantec came forward and told the Board that they had reviewed a plan set and were provided with a letter that corresponded to their comments. He said they received information regarding drainage infiltration perk rate, which satisfied their concerns; the way it is designed is okay with them. He believed all the technical questions had been addressed except for sight distance if the driveways. He commented that on the plan the applicant demonstrated they could get 400ft. in both directions from both driveways. The issues Stantec had with that was for the southerly driveway (to the south) the sight line crossed over the adjacent property 15ft.-20ft. into the property and the north driveway (looking south away from Route 30) passed through landscaping that may create a problem. Doing a rough scale off the plans, Mr. Hertrich said it looked like there was approximately 200ft. from the southerly driveway and 250ft. from the north. He said it was an issue because both driveways had two-way traffic. He said a waiver would be needed if the sight distance couldn't be met.

Mr. Gowan suggested that it may be appropriate to have signage indicating 'truck entering'.

Mr. McNamara asked if Stantec was satisfied with the drainage calculations. Mr. Hertrich answered yes. He summarized the proposed sub-surface system. Mr. McNamara said an abutter discussed his concerns with their high water table and was concerned with the affects on his property due to the applicant's property. Mr. Hertrich stated one requirement of the system was it had to be a certain footage above the seasonal high water table; the test pits were reviewed. He said it seemed the ground water on the applicant's property seemed to be down enough to be able to have the system.

Mr. McNamara asked if the owner of the property would maintain a landscaping business. Mr. Nickerson said that was correct. Mr. McNamara asked if any hazardous materials would be stored. Mr. Nickerson said they would have oil and gasoline to operate the mowers, but didn't feel it would be any more than what would be found in a garden shed. Mr. McNamara asked if any mulch or loam would be on site. Mr. Nickerson said any material storage would be located within a specified area. He said note #14 accurately described the types of materials that would be stored. He stated that most of the equipment would be stored within the unit. Mr. McNamara asked if the equipment would be maintained on site. Mr. Nickerson understood that the majority of the equipment would be maintained off-site; the only thing handled on site would be fueling the mowers or routine upkeep would be handled on site. Mr. Hertrich stated there was a note on the plan indicating that equipment wouldn't be maintained on site.

PUBLIC INPUT

Mr. Edward Lynch, whose family owned the Prolyn Townhouses across the street, stated they were concerned about the drainage. They were also concerned with hazardous material storage getting into the water shed. He said they would also prefer that the applicant's site have 'down' lighting. Mr. Lynch said they were very concerned with the drainage because the apartments were supported by well water.

Mr. McNamara stated that the Board spoke of their concerns with the drainage during the first meeting. He said Stantec seemed to be satisfied that the proposed system would be sufficient for a one hundred year flood and retain everything on site. Mr. Lynde was concerned with problems associated with materials (ie. loam and mulch) being stored on the property over time.

Mr. Michael Toupin, 24 Pulpit Rock Road was very concerned with chemical fertilizer being stored on site. Mr. Nickerson said it was the intent of the owner to store any kind of gasoline or fertilizer inside the building. He said any spill would be cleaned up immediately. He said there would only be small quantities of gasoline stored. He said there was no problem having a note on the plan indicating that any of those substances would be stored outside. Mr. McNamara believed it would be appropriate to have a note on the plan regarding indoor storage. Mr. Gowan explained the inspection process that occurred during the Certificate of Occupancy permitting process. He said if there was going to be any volume of chemical fertilizer storage, it should be disclosed ahead of time so the Fire Department could catch during their review.

Mr. McNamara asked Mr. Hertrich if he was satisfied with the changes made to the landscaping. Mr. Hertrich said the applicant added additional plants to the front, the type may be an issue for sight distance. He said more landscaping/buffering had been made to the side.

Mr. Doherty said a comment was made about storing bark mulch on the side of the lot and questioned Mr. Nickerson if he had any dealings with possible effects (ie: well contaminates) versus people spreading bark mulch for landscaping. Mr. Hertrich hadn't run into any issues. He felt in this case, everything would be on the pavement and would drain to the center of the lot. He said he could inquire at his office. Mr. Nickerson stated that those materials weren't perceived to be stored on site. He said the applicant told them it would mainly be trees, shrubs, plants and possibly bricks. He said the site was not big enough to support huge material piles. Mr. Gowan said if the applicant wanted to store bark mulch on the site would be problematic because the drainage couldn't be clogged.

Mr. Dadak asked if the treatment unit was for water drainage prior to it going into the subsurface system. Mr. Hertrich said that was correct. He said there was a maintenance plan for all of the units that they had reviewed. Mr. Nickerson said sheet seven of fifteen provided maintenance information.

There was a clarification made to the notes on the plan regarding storage that should have been deleted.

Mr. McNamara said it seemed the only remaining item for the Board was the traffic flow/sight distance. He said a waiver request was needed. He questioned if changing the driveways to be one-way flow would help. Mr. Hertrich said they suggested that the southerly access become the entrance so the exit would have maximum sight distance. Mr. Nickerson provided the Board with a letter (signed by Peter Zohdi of Herbert Associates) regarding sight distance that indicated after improvements were made on the plan they estimated that the sight distance from both driveways looking north and south was 400ft. Mr. Hertrich said that sight line was over private property. Mr. Nickerson explained that a crew was sent to the site to look for any obstructions. The letter submitted gave information about the sight distance without making any improvements to the site. Mr. Nickerson stated that the sight distance for the northerly driveway was 440ft. to the north and 310 ft. to the south and the sight distance from the southerly driveway was 410ft. to the north and 690ft. to the south. He said the site was currently set up for two-way traffic, which was the most practical; however they had no problem adding signage to direct vehicles to come in the north access and exit the south access.

Mr. McNamara stated that the Board was not ready to act on the plan, they needed a final letter from Stantec confirming that all the major items had been dealt with satisfactorily. He said there was also a waiver needed. There was further discussion regarding the sight distance. Mr. Nickerson said if the site remained as it was they would be requesting a waiver from Section 248:33,B (one access for a single parcel). His interpretation was if the Board wanted the site to have one entrance in and one exit, the waiver would not be needed. He asked for direction from the Board. Mr. Gowan said he would advise accepting the waiver to give the Board leeway at a later meeting.

MOTION: (Haverty/Montbleau) To accept, for consideration, a waiver to Section 248:33,B (one entrance).

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

Mr. McNamara stated that the Board would need a resolution regarding sight distance as well as a final letter from Stantec. He said note #10 (regarding trailers outside) should be corrected.

Mr. McGlynn questioned if the plan was to move forward with installing sprinklers and/or a cistern. Mr. Nickerson said they would move forward with whatever the Fire Department recommended. Mr. Gowan felt it would be important for the Board to be shown a cistern location area. Mr. Doherty stated if the Board approved the plan with both a cistern and sprinklers, he wanted to make sure that it was done with notes on the plan regarding chemical storage. Mr. Gowan said the Regulations read that a new tenant would need to come back before the Board for limited site plan review. He said as the Board reviewed the Regulations, it may be appropriate to set up specific thresholds for when someone had to come back for site plan review.

Mr. Nickerson asked the Board for more direction concerning the potential for one-way traffic flow. With a consensus (4-3) the Board preferred a one-way in, one-way out design.

Mr. Nickerson asked if the Board would consider granting a conditional approval. Mr. McNamara said since the Board had received most of the revised material at the meeting and didn't have the opportunity to go through it. He said he would like to see a final letter from Stantec and some sort of an attempt to get more security over the private lines of site. He also noted that the waiver for the line of sight was just submitted which per Regulations required two meetings. He said the plan could be date specified to the next meeting. Mr. Nickerson said that would be okay.

The plan was date specified to the May 4, 2009 meeting.

ADMINISTRATIVE

Bayberry Woods

Mr. Gowan posted the Bayberry Woods plan that the Board had approved some months ago. He said the plan had been recorded without a restriction of sale document that requires a bond to be posted prior to a permit being issued. He stated one of the lots had been pulled out of the parent lot and not included in the subdivision. Mr. McNamara asked if the lot had frontage on Ledge Road. Mr. Gowan said it had its own frontage, no frontage was being built for it. He said after the (restriction of sale) document was recorded it occurred to Mr. Harris (owner) that he wanted that lot (lot 12-221 containing 12.69 acres) separate from the subdivision. He said it was realized after that it shouldn't have been part of the restriction of sale. Mr. Gowan said the legal instrument to take care of it would be to submit a partial release. He read aloud a letter that Mr. Harris' attorneys had written. He said the letter had also been reviewed by Town Counsel.

Mr. Doherty asked if Mr. Harris wanted the ability to build on the lot without posting a bond. Mr. Gowan said he wasn't approved for any lots on that part; if he wanted to build one house, he could only build one. He said Mr. Harris' intention was to not develop that piece of land.

Mr. Passamonte asked if the plan would come back to public. Mr. Gowan said the project may come back, as a conservation subdivision, but an application had not been submitted. Mr. Doherty didn't think it was possible to come back as a conservation subdivision because the frontage was being subdivided off. Mr. Gowan understood the point, but noted the frontage wasn't being used up as the design.

There was a consensus (5-0-2 Mr. Doherty and Mr. Passamonte abstained) to approve the partial release.

RFQ Engineering Firms

Mr. Gowan believed there would be a robust response to the RFQ of engineering firms. He wanted to know how the Board wanted to proceed. The Board wanted to review the information together as a Board. Mr. Haverty asked if the Board had made a decision as to how many engineering firms they would hire as a result of the RFQ. Mr. McNamara said the matter had not come up. He said the Board could discuss during the review session.

DATE SPECIFIED ITEM(S)

May 4, 2009

Map 41 Lot 6-140 BOUMIL, Michael & Jennifer – Pulpit Rock Road – Site Plan Review of Proposed 100ft.x60ft. 2-story, 4-bay warehouse and offices for Commercial Use

May 18, 2009

Map 39 Lot 1-61 & 62 DRACO HOMES, INC. / LUSSIER – Dracut Line/Mammoth Road – Proposed 8-Lot Subdivision and Seeking a Special Permit for Roadway Crossing

MINUTES

April 6, 2009

MOTION: (Haverty/Croteau) To approve the Planning Board meeting minutes of April 6, 2009 as written.

VOTE: (6-0-1) The motion carried. Mr. Dadak abstained.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:33pm

Respectfully submitted,
Charity A. L. Willis
Recording Secretary