

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING
October 19, 2009**

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

The Secretary, Paul Dadak called roll:

PRESENT: Peter McNamara, Paul Dadak, Tim Doherty, Jason Croteau, Alternate James McManus, Planning Director Jeff Gowan

ABSENT: Roger Montbleau, Paddy Culbert, Selectmen Representative Robert Haverty, Alternate Joseph Passamonte

Mr. McNamara appointed Mr. McManus to vote.

ADMINISTRATIVE

Map 39 Lot 6-179 - 128 REALTY TRUST – Moonshadow Drive – Request for Bond Reduction

Mr. Gowan stated that Moonshadow Drive had been under construction and had the top coat laid down last summer. The applicant requested a bond reduction. Stantec (Planning Board's engineering firm) went to the site and reviewed the punch list. Stantec found there were minor items remaining. The existing surety is \$146,283.23. Stantec recommended a reduction of \$102,017.99. The balance of \$44,265.24 represented the amount needed to complete the remaining punch list items plus 10% of the original surety (to be held until the road has been accepted by the Town).

MOTION: (Doherty/Dadak) To reduce the present bond of \$146,283.23 by an amount of \$102,017.99, holding a remaining bond of \$44,265.24.

VOTE: (5-0-0) The motion carried.

Map 35 Lot 6-113-1 SBPC, LLC – 82 Russell Drive (FKA 5 Old Bridge Street South) – Request Full Bond Release

Mr. Gowan said given the economy, the tenant that the property owner had on the line had backed out. The owner wanted to continue the project at some point, but for the present would like to put it on hold. Mr. Gowan said he and Dan Tatem of Stantec reviewed the site. There were a few items that the owner was asked to take care of prior to the release of the reclamation surety; Mr. Gowan reviewed those items. The surety amount is currently \$29,599.20. Photos of the site were sent from the Planning Department (October 5, 2009) to Stantec which documented that the required work items had been completed. Stantec took no exception to the release of the reclamation surety in the amount of \$29,599.20. Mr. Gowan felt the recommendation of reduction should come with the following conditions: 1) if there is any activity on the site a new bond should be established; 2) a new construction monitoring escrow account should be established; and 3) a fresh pre-construction meeting should take place with the team working on the project.

Mr. Gowan noted that the Planning Board had approved a fish restaurant at the location and was unsure what would come forward. He said unless there was an off-site improvement (with a commercial project like the one being discussed), typically they would bond only for restoration to be sure there is stabilization and there wouldn't be runoff etc. He said that had been satisfied to Stantec and his satisfaction in this case.

Mr. Gowan stated that the recommendation would be to release the full bond of \$29,599.20, which was the original (and current) bond amount, with the conditions stated.

MOTION: (Croteau/Dadak) To release the bond in full in the amount of \$29,599.20 subject to the following conditions: 1) prior to any new work/construction on the site a new bond is to be established; 2) prior to any work being done on the site, there will be a construction monitoring escrow account established; and 3) that there be a pre-construction meeting prior to any work being done on the site.

VOTE: (5-0-0) The motion carried.

Map 42 Lot 10-18 STICKVILLE, LLC - Winterberry Road Senior Housing – Discussion of possible phasing of project & Request for Bond Reduction

Mr. Gowan said the project (known to the Board as Boulder Hills) had originally been brought to the Board by Brian McGowan and Sean Harrington. He said it was the only project approved in Pelham with porous pavement. He said the project was a 24-unit senior project; half of which had been built.

Mr. Roland Mainville came forward to discuss the project status with the Board. He explained that they had twelve of the twenty-four units built and four were presently occupied. The outside of the buildings were completed. The landscape/grass had all been seeded. The septic and water supply for the whole project had been done. Mr. Mainville said they didn't plan on continuing with the remaining units until some of the units were sold from the first 'phase'. He explained that they had started to cut the road and driveways for the porous pavement which had a different base than a conventional road; the porous pavement accepted water. He said when they first started the project, they were recommended not to do the porous pavement until they were ready to do the whole thing. With twelve of the units built and four tenants, they decided it was time to do the porous pavement prior to additional tenants moving in. The road has been cut, and the base materials have started to be laid in and would be done by the end of the week.

Mr. Mainville said (with the recommendation of Stantec – Planning Board's engineering firm), when the work was completed, they were requesting a full bond release. He invited the Board members to come to the site when the porous pavement was poured. The site has been stabilized if the project didn't continue for another year. For emergency access, the Fire Department had also been given a turn-around within the site.

Mr. Gowan said the Board had approved the porous pavement subject to Dr. Robert Roseen overseeing the application of such. Dr. Roseen is the 'guru' of this pavement at the University of New Hampshire. Mr. Gowan said Dr. Roseen had been at the site overseeing the work and was delighted with the way the project was moving along. He then discussed with the Board the work that had been done to date. He said there was a punch list established from which a number of items had been completed and the remainder of the items were in the process of being completed. He read aloud the letter dated October 13, 2009 from Stantec which listed the remaining work still to be done. In the letter Stantec indicated they took no exception to the full release of the existing bond after completion of the remaining items outlined. Additionally, Stantec wrote that prior to the commencement of future work, the developer must provide the appropriate surety and attend a follow-up preconstruction meeting. Mr. Gowan told the Board that the seven items were well on their way to being completed.

Mr. Doherty reviewed the language contained in item #7 of Stantec's letter which read: *The required landscaping buffer between the subject site and the western abutter (Tax Map 42 Lot 10-32) must be installed and agreed to by the abutter.* He felt it sounded like the abutter could determine what would happen and suggested the word 'and' (...*must be installed and agreed to...*) be amended to read 'as' (...*must be installed as agreed to...*). Mr. McNamara asked if there was a separate plan. Mr. Gowan stated there was a specific plan referenced in the Planning Board's decision, but there was no physical plan created; this 'slipped through the cracks' between the original developer and Mr. Mainville.

Mr. Mainville stated that they were more than willing to put a buffer between the project and the neighbor (Mr. Flip). He said he met with Mr. Flip and explained what they would be doing on the site with regard to the landscaping. He explained that Mr. Flip had done some landscaping work in his yard (last year) and they were proposing to complement the landscaping to create a buffer. Mr. McNamara questioned if Mr. Flip agreed to the proposed landscaping. Mr. Mainville said he had.

Mr. Gowan said the Board could take action on the request by granting it subject to Stantec and him being satisfied that all the items being taken care of, or they could do so at a subsequent meeting. He felt it was important to have it on the record that the applicant wanted to phase the project and had done just about everything for the first half. Before the came back (to complete the project) the value of the remaining work would be recalculated, a new bond would be established and a new escrow would be in place for plan compliance monitoring.

Mr. Doherty wanted to reemphasize the wording in Stantec's letter should be changed. With regard to the wording '*.prior to the commencement of future work...*', Mr. Doherty wanted the Board to be clear that the developer fully intended to do work in the existing units; and the reference to '*future work*' was beyond station 5+ 25, which would be the next phase of the project. It was understood by the Board and the developer that '*future work*' pertained to the next phase of the project, not to the buildings that had already been built. Mr. Gowan didn't feel the language in Stantec's letter needed to be changed, but rather the intent should be made clear as part of the motion.

Mr. McNamara asked if the road being built was for the entire complex. Mr. Mainville said for now the road would (approximately) stop half way at the end of the two six-unit buildings. Mr. McNamara confirmed that the remainder of the road would be subject to another bond in the future. Mr. Mainville answered yes. Mr. Gowan asked if the porous pavement would be installed up to the top coat. Mr. Mainville said they would be finishing the layers of the road. Mr. Gowan questioned how they would keep future construction and truck activity from clogging up the pavement. Mr. Mainville said part of the maturity of the product was that there were ways to clean it. He explained how the pavement would be kept clean and noted it would need to be cleaned twice per year. Mr. McNamara confirmed that the pavement cleaning would be paid for by the association and the language was included in their documents. Mr. Mainville said the maintenance was included in the condominium documents. Mr. Gowan reminded the Board that as part of the approval, there had to be a maintenance schedule (for the porous pavement).

Mr. McNamara asked for the bond amount. Mr. Gowan said the original (and present) reclamation bond was \$111,650; Stantec was recommending a full release conditioned upon the completion (and verification by Mr. Gowan and Stantec) of the remaining punch list items. Mr. McNamara asked if there were any off-site improvements. Mr. Gowan said there were no off-site improvements to bond for it was purely a restoration bond. He said if the developer was not able to come in and do the second phase, the first phase would be fully functional. Mr. McNamara asked if the gazebo had been built. Mr. Mainville said it had not been built. Mr. Gowan said it would have to be included in the second phase.

MOTION: (Doherty/Dadak) To grant a full bond release of \$111,650 subject to the items are contained in the Stantec letter (dated October 13, 2009) and the Board's discussion of those items. Also subject to: 1) those items being fulfilled prior to any construction occurring on the second phase of the development, 2) establishing an appropriate surety; and 3) a pre-construction meeting occurring before construction.

VOTE: (5-0-0) The motion carried.

Mr. Mainville discussed the sidewalks. He said a sidewalk was shown on the right side of the plan and asked that the Board allow them not to have it. They had several reasons for wanting to remove it, such as the small size of the front lawns to the roadway, they would like more green space, they were unnecessary because the site had a ten-station walking trail. Mr. Mainville said he spoke to Dr. Roseen about the sidewalks, and he also felt they were unnecessary. Mr. McNamara said before the Board would entertain

anything involving the sidewalks, he would like to review the meeting minutes from the prior approval. He said the discussion was not properly before the Board and the Board would not act upon it at this time. Mr. Mainville felt it was important that the Board review the site and questioned how he should bring the issue of the sidewalks forward. Mr. McNamara said Mr. Mainville would need to come back to the Board with proper notice and to have an alteration of the original approval. He said the Board could conduct a formal site walk, or they could go out individually and look at the site. Mr. Gowan felt Mr. McNamara's suggestion was reasonable, but felt the members should look at the site rather than waiting for a formal site walk.

Mr. Doherty said the current residents should be notified about the sidewalks. He then asked if the road would be a Town road, or a private road. Mr. Mainville said it would be private road, owned and maintained by the association.

OLD BUSINESS

Map 27 Lot 2-81 NEW CINGULAR WIRELESS PCS, LLC (AT&T) / ZOLKOS, Charles & Janice – 1 Bush Hill Road (with access from Gumpas Hill Road) – Site Plan Review & Conditional Use Permit of Proposed Personal Wireless Service Facility & Tower (150ft. high, multi-carrier galvanized steel monopole within a 50ft.x50ft. fenced equipment area)

The applicant had requested a continuance to the November 16, 2009 meeting. The plan was date specified as requested.

DATE SPECIFIED PLAN(S) – November 16, 2009

Map 27 Lot 2-81 NEW CINGULAR WIRELESS PCS, LLC (AT&T) / ZOLKOS, Charles & Janice – 1 Bush Hill Road (with access from Gumpas Hill Road) – Site Plan Review & Conditional Use Permit of Proposed Personal Wireless Service Facility & Tower (150ft. high, multi-carrier galvanized steel monopole within a 50ft.x50ft. fenced equipment area)

MINUTES REVIEW

October 5, 2009

MOTION: (Croteau/Dadak) To approve the Planning Board meeting minutes of October 5, 2009 as written.

VOTE: (4-0-1) The motion carried. Mr. McNamara abstained.

ADJOURNMENT

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

VOTE: (5-0-0) The motion carried.

The meeting was adjourned at approximately 8:05 pm.

Respectfully submitted,
Charity A. Landry Willis
Recording Secretary