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**APPROVED**  
**TOWN OF PELHAM**  
**BOARD OF SELECTMEN - MEETING MINUTES**  
**May 7, 2019**  
**APPROVED – May 21, 2019**

**CALL TO ORDER** - approximately 6:30PM

**PRESENT:** Mr. William McDevitt, Mr. Hal Lynde, Mr. Doug Viger, Ms. Heather Forde,  
Mr. Kevin Cote, Town Administrator Brian McCarthy

**ABSENT:** None

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**April 23, 2019:**

**MOTION:** (Lynde/Forde) To approve the April 23, 2019 meeting minutes as amended.

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

**ANNOUNCEMENT**

- Pelham Housing Workshop, Wednesday, May 8, 2019 showing of '*Communities & Consequences: The unbalancing of New Hampshire's Human Ecology & What We Can Do About It*' at Chunky's Cinema from 6pm-8pm. There is no charge.
- Pelham Housing Workshop, Monday, May 13, 2019 showing of '*Communities & Consequences: The unbalancing of New Hampshire's Human Ecology & What We Can Do About It*' at Hobbs Community Center from 1pm-2pm.
- Pelham Housing Workshop, Tuesday, May 21, 2019 Site Walk (9 Main Street) at 3pm
- Pelham Housing Workshop, Tuesday, May 21, 2019 Community Listening Session at Hobbs Community Center from 4pm-6pm
- Pelham Housing Workshop, Thursday, May 23, 2019 Working Session at First Congregational Church 8am-4pm
- Pelham Housing Workshop, Thursday, May 23, 2019 Community Reveal Presentation at Hobbs Community Center 4pm-6pm
- National Grid Herbicide Use Notification starting approximately June 17- October 15 along their right-of-way. Mr. McDevitt asked Mr. McCarthy to find out who is provided with the information and asked that the notice he read aloud be posted to social media/website etc.

**OPEN FORUM**

No one came forward.

**APPOINTMENT(S)**

**Lance Ouellette: Applicant for the Water Commissioners (5 permanent / no alternates)**

Mr. Ouellette said he had an overall interest in the preservation of water in Town. He explained he lives on Little Island Pond and noted the Town has had an explosion of subdivision. He said people don't think about the chemicals that go into the ground from household cleaners. He stated he was born and raised in Lawrence, MA and Methuen, MA. When he moved to Pelham in 1994 septic systems were new to him and as a landscaper/contractor he was intrigued by underground water movement and how long it takes to dissipate.

Mr. McDevitt asked if he had any questions for the Board. Mr. Ouellette replied he saw the brochure and posting on PTV and spoke to the Selectmen's office how to proceed. He understood at this time there was no specification outlined by the Board. Mr. McDevitt replied the responsibilities are spelled out in the State Laws, although he didn't believe they were very specific, and the Board may add some guidelines. From what he understood once commissioners were appointed, they had a great deal of independence and won't answer to the Board of Selectmen. He said it was a new process to everyone.

Mr. Lynde explained one of the challenges facing the commissioners would be to get a 'buy in' from those people who would be subject to the cost of adopting a water district. He asked if he had any thought about how to approach people within the water district. Mr. Ouellette replied there was good and negative with tax impacts. He said it was hard to ask people on fixed incomes for a tax increase. Being a small business owner, he's seen it go in cycles. He felt being honest with people about the positives and negatives would be beneficial.

Mr. McDevitt thanked Mr. Ouellette for coming forward. Mr. Viger asked for clarification on the timeline of appointing people. He understood there was one additional applicant that was unable to make the appointment with the Board. Mr. McDevitt said he had some thoughts about what date to make appointments and wanted to have a discussion during non-public session. Mr. Viger noted the Board had indicated (during a previous meeting) they would vote on May 21<sup>st</sup>. (*see continued discussion below*)

**Bret Gagnon: Dedication request**

Mr. Gagnon read aloud a prepared statement with his request to place a small plaque in recognition of his father's (Paul Gagnon) work. He felt the request was special because his father had been on the Conservation Commission (as a Chair) for approximately fifteen years, during which he was able to request approximately \$4 million and protect approximately 1,000 acres of land that would have otherwise been developed. Mr. Gagnon's father had also worked diligently with the Forestry Committee to generate a sustainable income to maintain these areas, provide signage and parking lots to those parcels. He works closely with the Parks & Recreation Department and Snowmobile Club in order to advise of the land and ensure residents have ways to appreciate the properties. Mr. Gagnon explained his intention was to mount a small bronze plaque to a natural boulder with a dedication statement (that he read aloud). He provided the Board with a basic idea of the proposal and added he would fully fund the effort. He included photographs of where he would like the dedication.

Mr. Viger asked if the rock (noted as location #1) existed. Mr. Gagnon answered yes.

Mr. McDevitt questioned if he was seeking approval at this time. Mr. Gagnon replied it would be nice; however, he was currently in the process of finding a stone. He explained it would be a natural stone with a flat face to mount the plaque.

Mr. Viger felt the Town had a policy in place to perfectly handle the request and was in favor of supporting it. Mr. Lynde wanted to know if the proposed wording (for the plaque) was in line with the policy. Mr. McDevitt didn't believe the policy was restrictive on wording. Mr. McCarthy reviewed the policy and told the Board that they had final approval of the wording. Mr. Viger wanted to know Mr. Gagnon's preferred location. Mr. Gagnon replied he was non-biased to the three proposed locations but leaned toward #3. Mr. Viger asked if he would object to finding a spot, creating the plaque and coming back to the Board for final approval. Mr. Gagnon replied if the Board approved the potential idea, he would provide an image of the location and plaque for final signoff.

Mr. Viger made a motion for approval subject to final approval by the Board. Mr. Cote seconded. Mr. Lynde asked if the stone was existing. Mr. Viger replied it may not be. Mr. Gagnon explained he was in the process of sourcing a natural stone. Once a stone is found the plaque would be fitted to the size (approximately 12"-18" x 12"). Mr. McCarthy will provide Mr. Gagnon with a copy of the policy.

Mr. McDevitt believed the Board was indicating Mr. Gagnon could move forward with the understanding there may be questions about the rock and plaque. He felt the critical thing was to keep Mr. McCarthy informed so he could let the Board know. He said any changes or concerns could be discussed at the next meeting. Mr. Gagnon said he would and felt it was reasonable.

**MOTION:** (Viger/Cote) To allow Bret Gagnon to create a memorial plaque of his location with Board approval for final installation.

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

*Continued discussion from above regarding appointment date for Water Commissioners.*

Mr. McDevitt said a question had come up which may possibly lead the Board to keep the final date for appointment of Water Commissioners or extend it. There was a brief discussion regarding whether the Board would extend their vote to appoint. Mr. Lynde said he would like time to consider the applicants. He made a motion to postpone the final interview for two weeks. Mr. Viger suggested if they weren't available in person, they could conduct the interview in another manner (telephone conference). Mr. Lynde said the interview had to happen one way or another. Mr. Cote asked for clarification. Mr. McDevitt said they were voting whether to extend the appointment date by two weeks.

**MOTION:** (Viger/Cote) To postpone the final interview for two weeks.

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

Mr. McDevitt explained that an application submitted their application within the specified timeframe but were unable to meet with the Board for an interview. The Board has extended the interview timeframe for two weeks (May 21<sup>st</sup>) and will vote two weeks later (June 4<sup>th</sup>). Mr. McCarthy confirmed that no additional applications would be accepted. Mr. McDevitt said that was correct.

**PUBLIC HEARING – Discussion of conditions within a study area on Mammoth Road bounded by its intersections with Marsh Road and Sherburne Road – per Congestion Mitigation Air Quality project**

Mr. McDevitt explained they would first have a presentation about what is being discussed. The Board will then ask questions and then the hearing will be open for public input. He said everyone who wishes to speak will be heard.

## BOARD OF SELECTMEN MEETING/May 7, 2019

140  
141 Planning Director Jeff Gowan came forward with Greg Bakos and Karen Huberdeau of VHB to discuss  
142 the Congestion Mitigation Air Quality ('CMAQ') project in relation to the public concerns meeting.  
143 Mr. Bakos explained the purpose of the meeting and discussed the project development process through  
144 a Power Point presentation as follows:

- 145 • Review the project limits and context
- 146 • Review program funding requirements
- 147 • Review project considerations
- 148 • Review draft project Purpose & Need Statement (defines the project)
- 149 • Discuss next steps and schedule
- 150 • Accept public input on the project

151 He reviewed each item through a Power Point presentation. He said they wanted to make sure that they  
152 understood the concerns and purpose of the project correctly. He wanted to know if they missed anything  
153 or knew of cultural resources or impacts that they may not know about. Mr. Bakos said they would  
154 like an endorsement indicating they are on the right track, so during the next meeting they can address  
155 the public's concerns. At that point they would show the proposed alternatives.

156  
157 Mr. Viger asked if they would use existing data or collect new data. Mr. Bakos replied they didn't feel  
158 it was necessary to collect new traffic data. He believed the work NRPC conducted was recent and  
159 thorough enough to point them in the right direction with their evaluations of alternatives. He noted  
160 they had some environmental data to collect that would happen in parallel with everything else.

161  
162 Mr. Cote wanted to know what time frame was considered 'peak'. Mr. Bakos recalled it was  
163 approximately 4:30pm-6:30pm. Mr. Cote questioned if the crashes listed in the traffic study were  
164 within the peak hours. Mr. Bakos answered no; crash times were spread out and not necessarily due to  
165 traffic congestion, but it was a contributing factor. Mr. Cote inquired why they identified the specified  
166 intersections versus others. Mr. Bakos replied the Town identified the intersections and sought funding  
167 to solve the issues. Mr. Lynde explained there had been a problem for years and they had conducted  
168 numerous studies. He noted only one intersection (Sherburne/Mammoth) was placed on the State's 10-  
169 year plan (for 2028). The Mammoth/Marsh intersection isn't on that plan. He commented Sherburne  
170 and Mammoth were State roads and the Town had a desire to move forward sooner (than 2028). Mr.  
171 Lynde stated the voters approved the warrant article to move forward, which is what they were doing  
172 now.

173  
174 Mr. McDevitt opened the discussion to public input and stated they would stay until everyone's  
175 question is answered.

176  
177 Mr. Michael Luich, 93 Mammoth Road believed his home was 'old and cultural' and wanted to know  
178 how it could be proven to VHB. Mr. Bakos inquired if the home was within the project/study area.  
179 Mr. Luich answered yes; he is located on the corner of Sherburne Road and Mammoth Road. Mr.  
180 Bakos replied their historian will evaluate and conduct research to see if it is already in the record. The  
181 information will be submitted to the State for review. He said he would take Mr. Luich's information  
182 and give it to the historian.

183  
184 Mr. David Vott, representing his mother-in-law (Barbara Everhard) who owns 73 Mammoth Road  
185 (southwest corner of Sherburne/Mammoth). He stated they were concerned with 1) right-of-way and  
186 2) safety. He wanted to know how far a rotary would come onto the property toward the house. The  
187 house has three accesses onto Mammoth Road. He wanted to know the projected area that vehicles  
188 would accelerate in the area of the rotary. Mr. Vott commented that Ms. Everhard owned approximately  
189 seven acres that she may want to develop in the future. He discussed the safety of the property since

## BOARD OF SELECTMEN MEETING/May 7, 2019

190 Mammoth Road had been raised and wanted the Board to take the safety, access and right-of-way issues  
191 into consideration. Mr. Vott stated Ms. Everhard had witnessed many accidents and believed her  
192 property would be impacted more than others from the effects of the project. He couldn't say they were  
193 against the project, but they had bog concerns. He wanted to know what information would be received  
194 prior to the next meeting. Mr. Bakos replied they don't typically provide information in advance;  
195 however, they will conduct one-on-one meetings with owners of properties directly impacted. Mr. Vott  
196 wanted to know if their concerns were borne out with the numbers if it would kill the project  
197 (particularly the safety issue). Mr. Bakos said at this point they didn't know; a conceptual layout of the  
198 roundabout project had been done and they intentionally made sure it didn't impact Ms. Everhard's  
199 property because they believed it was historic. With regard to safety concerns, he said there were  
200 arguments on both sides (roundabout versus signal lights) as to which one was safer. He said they  
201 would take the traffic turn off Sherburne to Mammoth seriously because vehicles may not anticipate a  
202 driveway being at that location.

203  
204 State Representative Hershel Nunez came forward. He questioned if the presentation would be  
205 available to the public. Mr. McCarthy replied the meeting would be uploaded to the Town website.  
206 He said the Power Point presentation would also be posted. Mr. Bakos added they would also provide  
207 the alternatives plans to the Town for posting. Mr. Nunez heard there had been studies going on for  
208 ten years (of the area) and agreed some type of improvement was needed. He was interested in being  
209 involved for what the alternatives might be. He questioned if the documentation from past studies was  
210 available to review. Mr. Gowan replied he would provide a link to the past Selectmen's meeting  
211 because the information was encapsulated during them. Mr. Nunez believed input from the direct  
212 abutters would be the best because they watch the traffic flow and seen the accidents. He understood  
213 alternative solutions would be discussed and suggested it was highly important to understand people  
214 have property right; however, the safety for citizens driving there also need consideration.

215  
216 Mr. Val Boyer, 68 Mammoth Road stated he wasn't registered as being impacted but made a formal  
217 request to be included going forward. He stated accidents happened mostly at night and agreed there  
218 was a safety concern. He was concerned about the impact to the farm stand with either alternative. He  
219 said if the farm stand representative wasn't present for the meeting, he wanted to make the formal  
220 request that they be included in future notification. Mr. McDevitt replied the Board advertised public  
221 hearings. Mr. McCarthy stated people could keep track of meetings on the Town's website, social  
222 media and through the recorded meetings (found at: <https://ptv.viebit.com>). He said he could be  
223 contacted at: 603-508-3074 or email: [bmccarthy@pelhamweb.com](mailto:bmccarthy@pelhamweb.com). Mr. Boyer believed signage  
224 around the area would be helpful as it was currently very poor.

225  
226 A resident of Blackstone Circle came forward. She indicated the traffic had improved by having a  
227 Police Officer at the area but understood it wasn't a permanent solution. She wanted to know if they  
228 could start off with traffic lights to see how it goes. She also wanted to know if they started off with a  
229 rotary if they would lose the option for lights. Mr. Bakos believed the project would be a 'one shot  
230 deal' and funding would only be available once, unless they apply in the future for more funding. He  
231 said the most likely scenario would be selecting one alternative or another. Mr. Viger noted the  
232 Selectmen pushed for the roundabout because it was the highest dollar figure for the grant; however,  
233 they were still waiting for an assessment to find out the best alternative.

234  
235 Ms. Andrea Dube, 18 Mercury Lane appreciated the process. She said ten years ago she lived off Marsh  
236 Road and coming home from work (in Nashua) was difficult but coming through the intersection now  
237 was horrible. She said when no officer is directing traffic, the vehicles back up for miles. She was  
238 concerned about the historic homes in the area and wanted to know if historic consideration was given  
239 to the house at the fork of Mammoth Road at Marsh Road. Mr. Bakos replied any building within the  
240 project limits was being reviewed. Ms. Huberdeau noted the houses shown in the Power Point were

just potential structures and not the only ones being considered. Mr. Bakos stated they weren't discussing impacting any structures, it would only be property.

Mr. Lance Ouellette, 13 Gaston Road inquired what period of time was used for the traffic study. In reviewing the Town's archives, he found a traffic study from 2002 (done over three years) that found there was a daily average of 15,600 on Mammoth/Sherburne. He didn't understand how that number had now dropped to 12,000. He just wanted to make sure the numbers were accurate. He also saw that the traffic at the Keyes Hill/Mammoth intersection was approximately 16,600 per day. These figures added up to approximately four to five million cars per year. Mr. Bakos believed the NRPC study was a point in time and not over the course of a year. He said they typically adjust them for seasonal rates and noted there was bound to be some variability. He pointed out there was a period of time where traffic volumes decreased nationwide during the recession in 2008. He wasn't surprised that numbers would be different but was surprised to hear the numbers Mr. Ouellette found were that much higher. He said Mr. Ouellette should make sure the numbers weren't projected forward. Mr. Ouellette replied they were accurate numbers collected during 1997-1999 and posted in 2002. He said he was part of a committee during that time. He wanted to make sure consideration was being given to the increase of homes, the Tuscan Village project (Salem, NH) and industrial business growth. He felt the decrease of 4,000 cars was dramatic and wanted to make sure the figures were accurate, so the public wasn't misinformed. Mr. Bakos stated he could speak to NRPC about the figures. Mr. McDevitt said the 12,000 figure drove the current process so they didn't need to go higher, but they would find out why the figures were different.

Mr. Michael Roy, Chestnut Lane (development off Sherburne Road) understood the new developments were supposed to have a fee paid by the builder to the Town for a mitigation study. He was curious to find out if those funds were being collected and how they were being appropriated. He also wanted to confirm the date and age of the traffic studies. Mr. Gowan explained the fee collected is an exaction fee charged for every unit built along Sherburne Road (including the Sky View development). He said they will be utilized for the project and noted if they were not used within six years of being collected, they had to be given back. Some of the fees were already used for such things as the Town's engineer and those fees would continue to be collected for different aspects of the project. Mr. McDevitt asked for the approximate figure contained in the (exaction) fund. Mr. Gowan believed there was approximately \$150,000. He said the figure would grow as development continued.

Mr. Andrew Stack, 122 Lawrence Corner Road wanted to know when the next meeting would be held for the presentation of alternatives. Mr. Bakos believed it would be in June. Mr. Stack questioned if the alternative would be selected at that time. Mr. Bakos replied that was the intention.

Mr. McDevitt asked if anyone else wanted to come forward to ask questions or make comments. No one stepped forward. He closed the public hearing and expressed thanks to everyone for showing up. He thanked VHB for their presentation.

**Board vote to authorize Town Administrator McCarthy to sign all legal documents pertaining to the Helgamoe matter**

Mr. McCarthy explained that the Helgamoe matter was the matter involving the barn on Hobbs Road that the Town had been working with the owner, so it didn't remain a dilapidated structure and attractive nuisance. He said they had been working with the owner and believed they now had an agreement. He would like to be authorized to sign the appropriate documents.

For the public, Mr. McDevitt stated the Town's concern was the structure collapsing not the roadway. He said the current agreement would prevent that from happening. Mr. McCarthy said that was correct.

## BOARD OF SELECTMEN MEETING/May 7, 2019

The barn would not be rebuilt, it would be stabilized to ensure the frame/footings etc. were stable. Mr. Viger added if the Town must get involved, they will make sure the barn doesn't fall in the roadway by knocking it down or removing it. They are giving Mr. Helgamoe an opportunity to hire a contractor and correct the situation.

Mr. Cote asked if the owner had met the first deadline of obtaining a permit. Mr. McCarthy replied once the document was signed the owner had a specific number of days to apply for a permit. Once that occurs, the owner will work closely with the Building Inspector who will follow the process and make sure he's satisfied with the work being done.

**MOTION:** (Lynde/Forde) To authorize Town Administrator Brian McCarthy to sign documents relative to the Helgamoe matter.

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

### **Gumpas Pond easement request**

Mr. McCarthy stated there was an island out on Gumpas Pond owned by three people. One owner contacted him to explain during previous years they had an arrangement with a nearby homeowner to park their vehicles and take their boats to the island. The home had changed owners and they no longer have a parking arrangement. He was asked if the Board would grant the owners of the island some type of easement on Town property to park vehicles and load canoes onto the pond to access the island.

Mr. McDevitt understood the Town had a right-of-way easement and didn't own property at that location. The Town owns land across the street. Mr. McCarthy said one request was to widen the path for canoe access.

Mr. Viger said he had a conversation with one of the owners (not the same person who contacted Mr. McCarthy) who indicated they had no problem parking in the Town space provided but had difficulty getting a permit during the week (for use on the weekend) because they lived out of Town. The owner asked him if they could have a permanent permit. Mr. McCarthy said the Town's permit was typically for one day and said perhaps they could issue a longer-term permit.

Mr. Lynde questioned how people owned property that they weren't allowed access to. Mr. McCarthy said it wasn't uncommon for properties to not have access. Mr. McDevitt was sympathetic; however, if a person owned a landlocked property it wasn't the Town responsibility to make sure they could get to it. From what he recalled the Town's right-of-way was agreeable to all parties. He said if they were to change it, they would have an obligation to notify the people around the pond. Mr. Viger recalled meeting with the pond association and agreeing to only leave a footpath. Mr. McCarthy added that the meeting notes included concerns about making that path too wide/big because people didn't want larger vehicles on the pond. He questioned if he should refer the owners to the Gumpas Pond Association. Mr. McDevitt wasn't sure there was a role for the Selectmen. Mr. McCarthy believed the owners knew the Town had an access point and were trying to see if they could use it.

Mr. Viger explained the history to new Board members. He said one of the solutions was the Town issuing 'day' permits to limit vehicle parking. Mr. McCarthy believed there was an issue with people from out-of-Town using the area, parking along the road and leaving trash. Ms. Forde questioned if the owners could be issued a seasonal pass. Mr. McCarthy believed doing so would open them up to requests from other people.

Mr. McDevitt suggested Mr. McCarthy have the owners speak to the Gumpas Pond Association first to see if there was someone that would give them access. He didn't like the idea of extending the parking permit. Mr. McCarthy believed there were two parking spots; if they allow the owners extended access and another person applies for parking, they will be short on parking spaces. Mr. Lynde pointed out that everyone who lived in Town had a right to use the path to get to the pond.

Mr. McCarthy told the Board he could inform the owners that the Selectmen weren't inclined to issue a permit and refer them to the Gumpas Pond Association for relief.

#### **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

There was a discussion regarding a newspaper article that reported the New Hampshire water utility was hit by an unanticipated tax bill. Mr. McCarthy said Atkinson was one of the first communities to receive money from the drinking water fund and was surprised by the taxes in connection with such. He provided the Board and Town Counsel with a copy of the article. He said no one saw the Federal tax coming.

Ms. Forde reported planning for the Vietnam Moving Wall was going smoothly. She said they were still looking for and accepting volunteers.

Mr. Viger commented on the traffic on the new Pelham Facebook page and said positive feedback had been received. Mr. McCarthy noted that the IT Coordinator had cleaned up and modified the Town website.

Mr. Lynde provided a summary of the cases that had come in front of the Planning Board.

Mr. Cote announced they would hold the Agricultural Commission exploratory meeting on May 14, 2019 beginning at 7:30pm in the Police Department Community Room. He commented that the Boy Scouts conducted their Trail-a-Thon over the last weekend and had done a great job. They were continuing with the activities; anyone interested in donating is welcome to visit their Go Fund Me page (search Troop 610 Trail Beautification). He spoke about the Pelham Youth Council and learned that a majority of the children had graduated; however, there were two remaining children he will work with to continue.

Mr. McDevitt stated the VFW had their loyalty dinner during which the Forestry Committee was singled out and recognized for all their work.

#### **REQUEST FOR NON-PUBLIC SESSION**

**MOTION:** (Viger/Lynde) Request for a non-public session per RSA 91-A:3,II, c, d (Matters which, if discussed publicly, would affect adversely the reputation of any person; Consideration of acquisition, sale or lease of property)

**ROLL CALL:** Mr. Lynde-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Ms. Forde-Yes; Mr. Cote-Yes

It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the meeting. The Board entered a non-public session at approximately 8:29pm.



BOARD OF SELECTMEN MEETING/May 7, 2019

**MOTION:** (Viger/Forde)To leave non-public session.

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

382

383 Non-public minutes not sealed.

384

385 The Board returned to public session at approximately 8:59pm.

386

387 **ADJOURNMENT**

388

389 The meeting was adjourned at approximately 8:59pm.

390

391

Respectfully submitted,

392

Charity A. Landry

393

Recording Secretary