

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
November 4, 2019**

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

Acting Secretary Tim Doherty called the roll:

PRESENT: Roger Montbleau, Jim Bergeron, Tim Doherty, Selectmen Representative Hal Lynde, Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Paul Dadak, Cindy Kirkpatrick, Derek Steele, Alternate Paddy Culbert, Alternate Samuel Thomas

Mr. Gowan indicated he heard from everyone who was absent regarding their inability to attend the meeting.

PLEDGE OF ALLEGIANCE

Mr. Montbleau appointed Mr. Doherty as acting Secretary. He then appointed Mr. Olsen and Mr. Bilapka to vote.

MEETING MINUTES

October 21, 2019

MOTION: (Lynde/Doherty) To approve the October 21, 2019 meeting minutes as written.

VOTE: (6-0-0) The motion carried.

October 26, 2019

MOTION: (Lynde/Olsen) To approve the October 26, 2019 site walk minutes (Stonegate Estates) as written.

VOTE: (6-0-0) The motion carried.

November 2, 2019

MOTION: (Bergeron/Lynde) To approve the November 2, 2019 site walk minutes (91 Main Street) as written.

VOTE: (6-0-0) The motion carried.

NEW BUSINESS

PB Case #PL2019-00028

Map 18 Lot 12-16

MAKO DEVELOPMENT LLC - Beechwood Road Extension (from Salem, NH) – Public Discussion of proposed 15-lot subdivision

Mr. Gowan indicated the applicant had to go in front of the Zoning Board prior to bringing their application to the Planning Board. Based on the required abutter notification timeframe for the Zoning Board's meeting, he suggested date specifying the case to the Board's December 16, 2019 meeting.

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.

Mr. Gowan explained the applicant needed to go in front of the Zoning Board prior to coming in front of the Planning Board with regard to Article III, General Provision, Section 307-13, B, 2. He stated the plan would be entirely in Pelham but have access from Salem, NH, which would require a variance to proceed. Abutter will have an opportunity to speak to the variance issue. If a variance is granted, the applicant would then come in front of the Planning Board. He told the Board he was adding an item to the next Highway Safety Committee meeting for their review and opinion.

Abutters will receive a separate certified notification of the Zoning Board meeting; however, they will not receive additional notification of the date specified Planning Board meeting (December 16th); they are two separate Town boards.

Ms. Stephanie Oliveria (abutter) came forward to clarify that the proposal was not for condominiums. Mr. Gowan answered no; the information displayed on the slide screen was for another project (about to be heard by the Board).

Mr. Bergeron pointed out if the applicant is denied a variance by the Zoning Board, the plan will not proceed with the Planning Board.

Mr. Jeff Ferria (abutter) stated some of the abutters had received legal opinion and understood they didn't need representation for the Planning Board meeting. He confirmed that their legal representation should attend the Zoning Board meeting. Mr. Gowan stated the Planning Department and Planning Board didn't advise either way regarding legal opinions. He informed there were two opportunities for abutters (with standing) to appeal; one would be for a Zoning Board decision, and the other would be any subsequent decision by the Planning Board. Mr. Bergeron noted information submitted to the Planning Board was available for the public for review at the Planning Department.

The case was date specified to the December 16, 2019 Planning Board meeting.

OLD BUSINESS

PB Case #PL2019-00020

Map 1 Lot 5-107-3

MURPHY – 9 Dick Tracy Drive – Site Plan Review for proposed six 25' x 50' Commercial Condominiums

Representing the applicant was Joseph Coronati of Jones & Beach Engineers. He stated the Board took jurisdiction on the plan when he was previously in front of them; the plans were sent to Keach Nordstrom for review. They have received septic approval from the State. He said they went in front of the Conservation Commission who supported the design proposal (under condition that after the Wetland Conservation District impact area is regraded it will be covered with loam, seeded and no longer used to park vehicles, also WCD signs will be installed at the edge of the buffer in that area). They've received a commitment to serve letter from Pennichuck Water (dated October 2, 2019) as the plan will require a new service and sprinkler line. Mr. Coronati noted they submitted two waivers for consideration: 1) site specific soil survey mapping, 2) licensed landscape architect. He told the Board they added a bond amount for Keach Nordstrom's consideration.

Mr. Montbleau understood the applicant was submitting their own landscaping design. Mr. Coronati answered yes. He explained the front of the site was already pretty well landscaped for an industrial park; the proposed use is in the back of the site. They will not disrupt the existing landscaping in the front. The area they will be working is currently gravel/pavement and already disturbed. Mr. Coronati stated there was already buffering to the west; the property sat well below the abutting property. To the south/east there was a wetland that separated the property from the abutter; the proposed use wouldn't be visible. Mr. Montbleau saw Blue Spruce indicated on the plan and questioned how many were proposed. Mr. Coronati replied they were calling out five Blue Spruce trees to the south, eight to the north and smaller shrubs in the area of the abutter. Mr. Montbleau asked how tall the trees would be. Mr. Coronati replied they normally sow 6ft-8ft trees for new growth; and was open to adding a note. Mr. Montbleau felt 6ft-8ft. Blue Spruce was acceptable.

Mr. Doherty didn't see that the waivers had been submitted. Mr. Coronati replied they included the waivers with their October 18th package. Mr. Doherty confirmed the sections referenced in the waiver requests were to the new regulations. Mr. Coronati answered yes.

MOTION: (Doherty/Olsen) To accept for consideration the waiver to Section 302-3.E (3)(b)(9) – Licensed Landscape Architect.

VOTE: (6-0-0) The motion carried.

MOTION: (Doherty/Lynde) To accept for consideration the waiver to Section 302-3.E (3)(a)(23)– Site Specific Soil Survey Mapping.

VOTE: (6-0-0) The motion carried.

MOTION: (Lynde/Bilapka) To approve the waiver to Section 302-3.E (3)(b)(9) – Licensed Landscape Architect.

VOTE: (6-0-0) The motion carried.

MOTION: (Lynde/Olsen) To approve the waiver to Section 302-3.E (3)(a)(23)– Site Specific Soil Survey Mapping.

VOTE: (6-0-0) The motion carried.

Mr. Doherty asked for confirmation that the plan had been accepted on October 18, 2019. Mr. Gowan replied he would pull the record (he stepped away to do so).

Steve Keach of Keach Nordstrom (Board's engineering review firm) came forward to discuss his review of the proposal. He stated after his initial review he submitted a letter dated September 30, 2019. He said Mr. Coronati's office made revisions/additions to the plan that satisfied the majority of those comments. He stated his letter of October 31st contained a limited number of remarks. He reviewed and explained the comments and indicated which items that had been satisfied. He stated it was a well-engineered plan and felt it was probably ready for action by the Board.

Mr. Gowan returned confirm the plan had been accepted for consideration (based from the Board's approved minutes) on August 5, 2019.

MOTION: (Doherty/Lynde) To issue a Special Permit for (2,851SF) Wetland Conservation District impact.

VOTE: (6-0-0) The motion carried.

Mr. Gowan shared his notes regarding proposed approval conditions: 1) Surety estimate from Keach Nordstrom and 2) letter from Keach Nordstrom indicating satisfaction with the final plan.

Mr. Lynde questioned if there were requirements for Dark Sky lighting. Mr. Coronati replied they had a lighting design plan; everything was Dark Sky compliant. He explained they were basically using wall packs from around the building; there was no proposal for light poles.

Mr. Bergeron saw there were six (rental) units being proposed on an existing lot. Mr. Gowan recalled a question regarding condominiums being brought up at a previous meeting. He stated the applicant made it clear they were going to maintain ownership and rent the units; they will be rental spaces for industrial activity. Mr. Bergeron understood some of the units in the area had been converting to 'commercial condominiums. Mr. Gowan responded the condominiums in that area pre-dated him; he only knew them as condominiums. Mr. Bergeron said he knew people that owned the condominiums. He asked for confirmation that wouldn't be the case with the proposal. Mr. Coronati stated the owner planned to rent the units. It was his understanding if the units were to request conversion, they would have to come in front of the Planning Board for that approval. Mr. Bergeron asked if there were any restrictions for what activity could be performed within the units. Mr. Coronati assumed the owner would like to keep them open to anything allowed within the industrial zone. He understood the owner had a few interested tenants, which tended to be local businessmen and women that are working out of their homes that want space (such as plumber, electrician, finish carpenter). The owner is also in the trades; they own Family Paving. Mr. Bergeron believed the concerns of the permitting department would be tenants in the hazardous waste business or those handling materials that could pose a risk. Mr. Gowan believed that was an excellent point. He suggested adding an approval conditions that all uses must be reviewed by the Zoning Administrator to confirm they are allowed uses in the district, and second all tenants and plans to use the space have to be reviewed by the Fire Department. Each individual space will be issued its own certificate of occupancy.

Mr. Bergeron inquired if the units were single-floor or if they would contain mezzanines. Mr. Coronati replied they would have a second-floor mezzanine. Mr. Bergeron asked if that would be handled by the Fire Department and Building Department. Mr. Gowan answered yes; the Fire Department would review the plan.

Mr. Montbleau read aloud a summary of the October 14, 2019 letter submitted by the Conservation Commission. Mr. Coronati was agreeable to the conditions of the Conservation Commission.

Mr. Lynde questioned if the Board had to address the site restoration bond. Mr. Coronati replied they had provided a bond amount. Mr. Gowan stated Mr. Keach typically provides the estimates; the Board is who decides although they have always gone with Mr. Keach's estimates. Mr. Coronati stated they submitted an estimated bond amount of \$38,388. Mr. Gowan suggested leaving the approval condition for Mr. Keach to review and make a recommendation.

Mr. Gowan read aloud his suggested conditions:

- 1) Surety estimated by Keach Nordstrom;
- 2) Letter from Keach Nordstrom indicating satisfaction with the final plan set;
- 3) All tenant uses to be reviewed by the Building Inspector, Fire Department and Zoning Administrator prior to building permits being issued.

MOTION: (Bergeron/Lynde) To approve the plan with the conditions read by Mr. Gowan.

VOTE: (6-0-0) The motion carried.

PB Case #PL2019-00027

Map 22 Lot 8-31

C&T BEAUREGARD LAND HOLDINGS, LLC – 91 Main Street – Seeking a Site Plan Review to remove the existing 30' x 40' metal and canvas building and to construct a new 34' x 84' metal building in the Commercial Zone.

The applicants, Chad and Tim Beauregard came forward.

The Planning Board conducted a site walk November 4, 2019. Mr. Gowan stated since the last meeting (joint meeting with Zoning Board) he met with the applicants and explained the process of waivers, etc. He said Steve Keach of Keach Nordstrom (Board's engineering review firm) was able to review the site and will be able to discuss his observations with the Board.

Mr. Keach came forward. He noted the application didn't come to him for formal review but had gone to the site with regard to a question regarding drainage that was asked during the recent site walk. From a quantitative standpoint, he didn't think there would be any change. The ground material was largely reclaimed/recycled compacted asphalt and for all intents and purposes impermeable to water. He understood the current structure would be taken down and replaced with a hard surface roof building that was slightly larger. He stated the submitted site plan was basically a sketch and assumed the shed roof would simply drain from one side to the other with no gutter system. Mr. T. Beauregard stated the high side would be from the existing building. Mr. Keach stated there would be nothing to concentrate the drainage much more than it currently was. He confirmed the water would sheet flow from the existing surface. Mr. T. Beauregard replied that was correct.

Mr. Keach stated they were trading the current building and compacted asphalt for a hard surface roof building. He said there should be a similar volume of runoff both in the future and existing conditions. When speaking to Mr. Gowan earlier in the day he mentioned the proximity of the site to the wetland complex that continues on by Yarde Metals. With the submission being an abbreviated site plan, it doesn't look at the site in the same manner as others (such as the in the previous case) that have a treatment provision, etc. bringing it in compliance with Town code. He said that wasn't the nature of the current application; the applicant is requesting disposition from those requirements. He understood there was no quantification of what's there (on site) and there was no proposal to provide it.

Mr. Montbleau questioned if the Board should have a more comprehensive site plan review with drainage. He understood the applicant was seeking a waiver for landscaping. During the site walk there was a discussion regarding the aspects for the Planning Board, such as the aesthetics of the site with a comprehensive plan without having to go to a landscape architect. He recalled other members speaking to what would look good on site.

Mr. Gowan stated based on the Regulations, the submission was a major site plan review; if they weren't proposing a new building it wouldn't be considered such. In the applicant's previous submission, they weren't proposing a new building so the review process was different. He understood the applicant wanted to eventually tear down the old residential structure and do another half of the site. It was his personal opinion the proposal required an engineered plan because the proposal would grow and expand; they knew very little about the things they need to know about a plan. He had no objection to waivers, if the Board chose to do so. He believed the Board may be setting a dangerous precedent. Despite the applicant going through the process, the Board doesn't have a real site plan, stamped and certified by an engineer. In his opinion the applicant needed it (to go through the process) to protect them.

Mr. Montbleau agreed. He said in the future he hoped the applicant would be back in front of the Board to grow their site in the right way. He believed if they had a site plan now it would take a lot of the guess work out of

the review in the future. He asked for Mr. Keach's opinion about asking the applicant for a site plan of the location. Mr. Keach replied he looked at things differently than the Board or citizens. When he sees a sketch, similar to what was submitted to the Board, he sees it as practicing engineering without a license. He stated there was an engineering function going on at the site and the Board had adopted municipal regulations for their Zoning Ordinance and through Site Plan Regulations that had applicability to the case. Mr. Keach stated it was incumbent on applicants to demonstrate compliance. He understood the intent and that the applicants were local businessmen and noted in the State there is a license for what is being done at the site. He noted there are certain credentials in order to hold that license. He didn't feel it was appropriate for the Board to accept a sketch similar to what would be submitted to build a shed. Mr. Keach asked the Board to think about the location within the community, which is one of the most visible places. He noted he had nothing against the business and commented that his father was in the same business. He felt the term 'dangerous precedent' used by Mr. Gowan was precisely what would happen by approving a commercial building without the benefit of what a proper site plan would constitute.

Mr. C. Beauregard felt the feelings being expressed were due to the nature of his business and where they were located. He said they had been through countless meetings and discussions go back to where they are located. He spoke about the improvement they've made during the last three years they've been at the location; to the site and the aesthetics of the building. He felt they were being judged based off what they were doing (for business). He told the Board they were doing something they were proud of and presenting it in a way that ended up creating obstacles. He felt they were being discriminated against.

Mr. Gowan appreciated the applicant's feelings; however, he was concerned what the Board would do if someone appeals the decision and the record doesn't show a site plan. He noted the Town was dealing with complex issues involving MS4 (State program regarding stormwater) and couldn't envision trying to explain to the Environmental Protection Agency why the Board didn't follow any regulations regarding the plan. He acknowledged the clean up work on site done by the applicants. He said it wasn't about their type of business or the location. He pointed out the Board had the previous applicant go through the process required by the Regulations. He stated Board actions on record would have potential far-reaching impacts. Mr. Gowan said having a survey/certified plot plan stamped by an engineer showing where everything is located would protect the applicant, the Board and the Town. He added it wasn't about singling people out or not liking a business. He stated the applicant had been extremely cooperative and responsive to any past issues.

Mr. C. Beauregard stated they were trying to be as responsible as possible. He said anything brought to their attention they've addressed, including runoff. He said they were doing what was asked by coming up with a plan for landscaping and a plan for disposal based on the State's requirements; but felt the Board kept pulling away from them. He said he was frustrated.

Mr. Montbleau stated the applicants had been good neighbors and brought the business from a site that was blighted to a place that has been cleaned up. By the nature of the business, he said the neighbors and community had a right to have the best eye appeal as possible in order to integrate into the area. Mr. Montbleau told the applicant no one was against them or discriminating against them. He pointed out they had grown from a conceptual plan to the existing business and now they were in front of the Board to grow. He said that is applauded; however, the Board needed a baseline so they could defend their decisions to the community based on proper engineering to the site. He didn't feel the Board was trying to create a hardship, but rather have something in place to pave the way to the future. Based on the conceptual the other side of the proposed building would be brought forward (in the future). Mr. Montbleau believed if the applicant didn't have the proper base (information) they would have a difficult time in the future.

Mr. Gowan learned from Mr. Keach that the applicant wouldn't be able to locate a building as shown on the plan. There had to be a set distance of separation. He said if the Board approved the plan, the applicant wouldn't be able to obtain a building permit because the Building Inspector and Fire Department wouldn't approve it. He believed the proposal got out a little ahead of the Board and said he probably should have indicated it wasn't

ready for acceptance because it didn't meet the Regulations. He said with the joint hearing, the only way to go through that process was to accept it for consideration. Mr. Gowan reiterated if the Board approves the plan as it was submitted the applicant would have to come back to the Board because it couldn't be built as shown on plan.

Mr. Lynde said Mr. Gowan's statements were a revelation and made sense; however, he felt it should have been stated up front, so the applicant was aware of what was needed. He said they were here now and supported the need for the (indicated) site plan. He asked if it should have been done earlier. Mr. Gowan told the Board they should read and understand the Regulations. He said he would do his best to get ahead of things, but the applicant's plan didn't meet what the Regulations call for. He reiterated the Board needed to read and understand the Regulations, so he wasn't the only one deciding what was, and what wasn't appropriate. Mr. Gowan stated the applicant needed to submit a site plan prepared by an engineer; the requirement had been in the Regulations for approximately 30-40 years. He spoke about the growth of the applicant's business since they were first in front of the Board. He said they were missing a certified plot plan stamped by an engineer that showed everything on site. He understood it would cost time and money and added it would make a much better record for the Board and their application. As part of that process it would go to the Fire Department for review. Mr. Gowan stated there had to be twenty feet of separation between an existing building and a new building. He was sure there were ways to do so, such as possibly attaching the two structures, but the applicant would need to speak to the Building Inspector and Fire Chief regarding such. Mr. Gowan said the applicant had a false start; the request for joint hearing put the process in a predicament, although receiving the variance was a big first step. He told the applicant they would be served better by having a record

Mr. Bergeron asked if the proposed building would have a mate to it in the future. Mr. T. Beauregard replied they set it up so if they grew again, they could add the second half of the building. He said it was a long-term plan. Mr. Bergeron asked if the brick veneer building would be removed and replaced with a matching structure to the proposed building. Mr. T. Beauregard answered yes. Mr. Bergeron said he wanted to ask the Board why they allowed a commercial business in a residential district add 150% floor space without any of the same requirements. He wanted to know how that other business was not held to the same standard, which had far more impact than the present applicant's plan. He said not a question was asked for the other business about sight distance, septic loading, runoff or MS4; the plan for a major addition was passed in one night. He believed the Board all knew who it was and where it was. Mr. Gowan commented didn't know who Mr. Bergeron was referring to. Mr. Bergeron replied RGA, which was located in a residential district; the applicant was located in a business district and operated an allowed use.

Mr. Bergeron wanted to know what a comprehensive site plan would do for the Board at this point in time. He questioned if it would be better to ask for it when the addition was proposed for the second half. In his opinion that's what would affect the property. He said at that point the applicant should come in with specifics because the lot would be changed entirely. He told the Board that the proposal would have a net effect of 1,656SF; the applicant will be removing the canvas building and replace it with a metal building (rendering was submitted). He didn't think it would catch anyone's eye. Mr. Bergeron couldn't see informing the applicant at this stage of having to spend several thousands to get a site plan from an engineer and not doing the same to the other business. He said if the Board was consistent, he would say it's okay. He pointed out the last plan had a 7,500SF new building with five units; the applicant was requesting 1,654SF net increase building area after taking down a canvas building. Mr. Bergeron didn't see a problem with the proposal at this point in time. He could see requiring it in the future with a demolition and rebuild. He didn't feel it would be fair to the applicant because the Board didn't treat other people that way. He didn't know why the Board was springing it on the applicant now when they could have known the information two months ago up front. He commented it wasn't said to the last applicant he spoke about. Mr. Bergeron said it bothered him, as it appeared to him to be the worst kind of discrimination.

Mr. Montbleau disagreed with Mr. Bergeron. In fairness to the applicant, he said the time was now to get a baseline done. He commented Mr. Bergeron compared the Board's (past) decisions to applicants that come in

and makes his own judgement calls. He pointed out there were different conditions, locations and situations going on with every single case. He was tired of that type of comparison and thought Mr. Bergeron was totally off base. Mr. Montbleau stated the applicant was doing a great job and the advice they were being given is excellent. He believed the type of comparison being done (by Mr. Bergeron) was counterproductive to the way the Board operates.

In listening to the discussion and seeing the plan to remove the building and seeing the notice from the Zoning Board to the abutters, Mr. Doherty believed the plan would need to start all over again if the applicant was to take down the existing brick building. At that point he said the applicant could get done what the Board is suggesting. The problem he saw was the Planning Board, Zoning Board and part of the Planning Department kind of lead the applicant down the wrong avenue from the beginning. He said they probably should have been told to bring in a plan with an approved plot plan; however, had been in front of the Board repeatedly and weren't told to do so. He said they had gone in front of the Zoning Board without having it. He said now the applicant is being asked to 'back pedal', or the Board had to make a decision if they were going to move forward. Mr. Doherty said the Board had to make a decision about instructing the applicant.

Mr. Montbleau stated this was the time to correct and lay the plan down. He noted Board members are always focused on getting 'it' right the first time. He said they weren't past the juncture (of doing so) they were working with the juncture. He pointed out when the applicant was originally in front of the Board it was for a concept that has since grown. They were currently at the important stage to get a stamped plan that would help the applicant go forward. Mr. Montbleau called attention to Mr. Gowan's statement of the plan being turned down by the Fire Department which would make the applicant come back in front of the Board. He believed it would help the applicant (not hurt them) to have an engineered plan for the various departments to look at and make decision on. He pointed out it would give them a much stronger base to come back for discussions in the future.

Mr. Lynde asked if it was required to have an engineered plan; if so, he would support having one. He said he was surprised to learn it tonight, but if it was the right way to go, they needed to do it. He said apologies (to the applicant) for not letting them know sooner. He said if it was a requirement for every applicant to go through that process, the applicant should also do it that way.

Mr. Gowan stated the plan came to the Board because a member of the Zoning Board thought the case should have a joint hearing. He said from now on it (a joint hearing) would need to be worked out prior to going to the Zoning Board. He didn't think the present case was important enough to have a joint hearing because usually joint hearings are for big complicated projects. He noted the applicant was successful in receiving a variance. He said if the Board held up the case referenced by Mr. Bergeron as a precedent and stopped asking for site plans, it would be a step in the wrong direction. Mr. Gowan pointed out the Board, at any time, could stop a case. He said even if they approved a plan, they could decide within 30 days to rehear a case. He noted the applicant had only been in front of the Board for the joint hearing; this was the second hearing.

Mr. C. Beauregard wanted to know if they were required to have a stamped plan. Mr. Gowan replied in the Regulations, they were required to submit a certified plan and satisfy a checklist. He suggested they provide the Board with information they prepared. He believed once the Board identifies an issue, they should make requirements and not wait until an applicant comes back in front of the Board in the future. Since it was in the Regulations, Mr. Montbleau commented the applicant could volunteer to obtain a stamped plan and come back to the Board. Mr. Gowan added he wasn't suggesting the applicant withdraw their application; he felt they needed to provide additional information with a certified plot plan so they would have something they could build. Mr. C. Beauregard asked if the proposal was categorized as a major site plan review. Mr. Gowan replied when something is being built on a property it is automatically a major site plan review. Mr. C. Beauregard recalled comments being said that a joint hearing should only be called for something major. Mr. Gowan clarified the only time that 'the dance' of a joint hearing is worth all the effort is when it's something complex. He said the first thing the Board should do is decide if projects are going to be a 'regional impact'; in this case

he didn't think it did as it wasn't a big major/complex project. He stated the proposal was a major site plan because the proposal was for a new building on the site.

Mr. Bergeron pointed out in order for the existing building to be taken down and add to it, the Fire Chief would work with the applicant. He didn't think there would be any problem with the existing non-combustible wall/building with brick veneer. He said they proposed a metal building and questioned if the plan needed to have the level of scrutiny now; although he understood the Board wanted it and needed it. He said he wondered why it wasn't picked up in the check list because he felt the applicant would have complied. He noted they were now falling into cold weather, which was a difficult time to build. He believed the applicant should have been told they needed a certified plot plan/engineered plan. Mr. Gowan replied the outcome of such would have meant they couldn't have a joint hearing. He said that might have been the way to go because the check list is part of the up-front process. He stated it wasn't his job to interpret the Regulations for the Board and felt they needed to bear more responsibility for understanding them.

Mr. Bergeron inquired if they could strike a compromise to allow the applicant to speak to the Fire Chief and see if there was an issue with the separation (of the buildings) so the applicant could proceed with the proposal. He said they could then get engineered plans 'in the works'. He wanted to know if the Board could grant a conditional approval to get the applicant in a direction (forward); they had been working with them for three months. Mr. Montbleau replied the Board had to wait for the Zoning Board to make their finding; it was now the Planning Board's turn to work with the plan. He said they had conducted a site walk to get a better understanding about what was going on and help the applicant. He said they didn't do it to hurt the applicant. He didn't see any misgiving in the process, it was just the way it evolved. Mr. Bergeron agreed the Board was there to help people. Mr. Montbleau stated the applicant wasn't familiar with the Board's process; every location is different.

Mr. Bergeron wanted to know what additional information a (certified) plan would give the Board. Mr. Keach spoke about and summarized the site plan requirements. Mr. Lynde felt the applicant should meet with Mr. Gowan to figure out how to go to the next step. Mr. Gowan replied he couldn't decide on behalf of the Board; the next step would be the Board's decision. He said they had to decide if they were comfortable not having a site plan and felt they could defend it next time an applicant came forward and didn't want to do one. Mr. Lynde understood the applicant's vision was beyond what they had brought forward at present. He felt they needed to get the base in place now rather than half-way through the project. Mr. Keach said obviously the owners had a vision for how they wanted to use the property in the future; they were doing it one piece at a time to build their business. He said to avoid having to come back each time, they could seek to have a phased plan approved that showed the building they were contemplating. The approval would have a phasing plan so the Board would know what they were approving, even if the calendar dates weren't yet established. Mr. T. Beauregard asked if they would have to go back to the Zoning Board to do so. Mr. Gowan replied the variance was for the expansion currently being proposed; they would have to get additional variance relief for more expansion on a non-conforming (lack of size) lot. He noted they would have a site plan approved by the Board they could use when they went back to the Zoning Board for the other part of the building. He said if it all came together and they received an additional variance, it would essentially be all set with the Planning Board (depending on the timeline and plan expiration).

Mr. Keach spoke about approval and implementation of a phased plan (per RSA 674-39). He noted the applicant had the value of an asset (with the property) to maximize. He understood the applicant would need to engage a consultant. He stated he worked for the Town so he couldn't do their plan but offered to give advice regarding 'connecting the dots'. He wanted to make certain that the plan was done correctly.

Mr. Doherty understood the applicant's situation as he was in a similar one about a year ago. He said he had to get a variance for his property to put an addition. At that time, he learned he needed a certified plot plan to be able to move forward with a permit. He said he had to get an engineer and architect involved to get a foundation permit. He didn't know how the applicant's got to the point in front of the Board without having any engineer

or architect involvement. He noted it cost him thousands of dollars to have all the plans, etc. for a simple addition at his own residence. He questioned how the applicant had come in front of the Board at this point. Mr. Gowan replied it was a very unusual situation. In his assessment, when the applicant was in front of the Zoning Board a board member thought it made sense to have a joint hearing. He noted at that point the application was only submitted to the Zoning Board. He said perhaps he should have told them they couldn't regardless of what the Chair said because they didn't have a complete application. In this case he recommended the plan was ready for acceptance so the Zoning Board could do their thing and the case could be continued. He pointed out that it had moved very quickly; no one had been held up for months, the applicant received their zoning relief and now they were in front of the Planning Board. He reiterated it was an unusual set of circumstances that they should watch out so its not repeated.

Mr. Lynde questioned if they should postpone action until they had a certified plan in front of them. Mr. Gowan noted the applicant had prepared information he felt was worth sharing with the Board. He said once the information is submitted his suggestion would be to date specify the case to December. He hoped the applicant could get an engineer on board quickly; he would then get the plan to the Fire Department.

Mr. T. Beauregard provided the Board with information regarding a landscape plan and a plan for the spill containment/disposal of hazardous waste. Mr. C. Beauregard stated he valued the input during the site walk and had spent a lot of time preparing the information. He said they are looking for a mentor business to follow and believed the example discussed (during the site walk) was the perfect example. Mr. Montbleau replied he saw a similar growth avenue between the applicant and the example business (in Plainville, MA).

Mr. Lynde believed the plan should be postponed and applicant should be given clear direction as to what they need. Mr. Bergeron suggested asking the applicant how long it would take to get the information the Board was seeking. Mr. Gowan discussed the upcoming meeting dates. He noted if the applicant gets an engineer on board and finds they aren't ready to come back on the specified date, they can submit a request for continuance.

Mr. Montbleau opened the discussion to public input. No one came forward.

MOTION: (Lynde/Olsen) To date specify the case to December 2, 2019.

VOTE: (6-0-0) The motion carried.

The case was date specified to December 2, 2019. Location will be at the Pelham Elementary Media Center.

ADMINISTRATIVE

Map 28 Lot 2-7-1 - COLE'S CIRCLE, LLC – COLE'S VILLAGE – Burns Road – Seeking Planning Board's recommendation to the Board of Selectmen regarding the acceptance of Savannah Drive

Mr. Gowan spoke with the Board and explained when he asks the Board to forward a recommendation to the Selectmen for the acceptance of a road; in this instance there are still some items not yet complete. He said the final walk through hasn't been scheduled with the Road Agent or the inspector from Keach Nordstrom. They haven't yet received a draft warranty deed; however, he was sure these things will come into place. He asked if the Board was comfortable making a recommendation 'subject to' those items coming in or if they preferred to wait until those items had been completed.

Mr. Doherty suggested date specifying the item to their next meeting. After a brief discussion the Board date specified the agenda item to November 18, 2019.

REQUEST FOR NON-PUBLIC SESSION - if requested in accordance with RSA 91:A:3

Not requested.

DATE SPECIFIED CASE(S) – December 2, 2019:

PB Case #PL2019-00027 - Map 22 Lot 8-31 - C&T BEAUREGARD LAND HOLDINGS, LLC – 91 Main Street

ADJOURNMENT

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

VOTE: (6-0-0) The motion carried.

The meeting was adjourned at 9:11pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary