

APPROVED

**TOWN OF PELHAM PLANNING BOARD
EMERGENCY MEETING - MEETING MINUTES
May 26, 2020**

Via Zoom electronic platform, Chairman Tim Doherty called the meeting to order at approximately 4:30pm.

Via Zoom electronic platform Mr. Gowan read aloud “A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency” (*regarding access to the meeting*)

Via Zoom electronic platform Secretary Cindy Kirkpatrick called the roll:

PRESENT ROLL CALL: Tim Doherty – present via telephone; no one in the room
Jim Bergeron – present via telephone; no one in the room
Cindy Kirkpatrick – present via Zoom; no one in the room
Danielle Masse-Quinn – present via Zoom; family in proximity-no one in room
Paul Dadak – present via Zoom; no one in the room
Selectmen Representative Kevin Cote – present via Zoom; no one in the room
Alternate Selectmen Representative Hal Lynde – present via Zoom; no one in the room
Alternate Sam Thomas – present via Zoom; no one in room
Alternate Mike Sherman – present via telephone; no one in room
Planning Director Jeff Gowan – present via Zoom; no one in room
Recording Secretary Charity Landry – present; family in proximity-no one in room

ABSENT/

NOT PARTICIPATING: Roger Montbleau
Alternate Paddy Culbert
Alternate Richard Olsen
Alternate Bruce Bilapka

Mr. Doherty stated the Board had a quorum. He was not going to appoint the seventh member as he was unsure if they were legally sworn in. He asked if there were any members of the public connected via any telephone or electronic platform. Cable Coordinator Jim Greenwood replied there was one member of the public: State Representative Hershel Nunez.

ADMINISTRATIVE BUSINESS

The sole purpose of this meeting is for the Planning Board to consider temporarily suspending its Site Plan oversight authority related to outside seating at food service establishments in light of Governor Sununu’s Emergency Executive Order #40.

The effect of the Planning Board approving the action described above will be to allow local safety officials’ inspection and permitting outside restaurant seating without the requirement for Planning Board approval. Any such temporary action will be documented in a subsequent notice of decision

Mr. Cote explained the Governor was relieving some of the restrictions for restaurants to open outside; however, it does not automatically relieve the local authority’s duties to follow certain laws. The Governor’s office is looking for towns to relieve site plan review restrictions so restaurants can offer outdoor seating. He added this would not relieve the duty of restaurants to file certain permits (tents etc.). He stated it was the Planning Board’s job to relieve site plan review restrictions. He asked Mr. Gowan if his statements were correct.

Mr. Gowan stated the Governor's Executive Order #40 was very lengthy and knew Board members and Town Counsel had reviewed the verbiage. Town Counsel advised the Planning Board Chair to call an emergency meeting for the single administrative item of temporarily suspending Planning Board Site Plan oversight just for outside seating associated with restaurants. For this to move forward is for the Board to take a vote regarding such. Mr. Gowan indicated he would still perform the appropriate scrutiny along with Town's safety personnel, Police Chief (or his agent), Fire Chief (or his agent – likely Fire Inspector John Hodge), Building Inspector and the Health Agent.

Mr. Cote reminded the public and business owner the motion would only be for the duration of the Governor's Executive Order. He said once the Order has been relieved, business would go back to normal. Mr. Gowan added (at the time the Order is relieved) a business would have to cease outdoor seating until such time as they came in front of the Board for the normal approval process of any expansion. Mr. Cote stated if any business wanted to do something outdoors, they should contact the Town as he felt the Town would work with them during the emergency. Mr. Gowan stated that was correct; the Planning Department would endeavor to have a streamlined process to help local business owners.

Ms. Masse-Quinn inquired if businesses would be allowed to have more customers outside. Mr. Gowan replied Executive Order #40 went into great detail about social distancing in these situations. Business owners would be provided with a copy of the Order for review.

Mr. Thomas questioned if there was a maximum limit of the number of people allowed to sit in an open seating area. Mr. Gowan answered yes but didn't have the exact number but would have it available for anyone calling his office after he confirms with the Fire Inspector. He said they would want to avoid reaching the number for a place of public assembly.

Mr. Paul Dadak was concerned about outside tables taking up parking space/area. Mr. Gowan answered by saying that was an issue but more importantly they wanted to ensure a safe separation between vehicles and patrons. In some cases, there may need to be obstacles set up, such as jersey barriers. The Town's inspectors will conduct appropriate safety inspections. Those aspects will be carefully scrutinized.

Mr. Thomas inquired if tents were required or if tables alone could be set up in a specific area. Mr. Gowan believed the Governor's Order specified 'under tents'. Doing so would be a way to confine people in a certain area.

Mr. Doherty opened the discussion to public input.

State Representative Hershel Nunez addressed the Board. He questioned if there would be an associated cost with having the additional permits and if it was listed on the Town website. Mr. Gowan replied nothing had been posted yet; it was dependent upon the Board's action. However, it was his intention and the intention of the Fire Department to try and assist local businesses by not charging for permits, unless the Selectmen decide otherwise.

Mr. Nunez spoke about a specific business (Shooters Billiards Hall) that had been having an issue with getting their license extended with the State to have outside seating. He said Shooters had contacted him; however, they are one of eleven similar businesses in New Hampshire where they don't serve food and depend other food areas to supply food. He said this item had been brought in front of the liquor commission to determine whether or not Shooters could serve outside. He wanted the item to be on the Board's 'radar' because they had contacted him several times and they were on the verge of closing down. Mr. Gowan believed if a business were operating with the State, he did not see why it would not be okay with the Town, as long as there were no other violations (such as noise, etc.). He pointed out the Town stayed out of any issues with liquor licenses. He said the whole idea was to help challenged businesses from having to close their doors.

Mr. Doherty asked if there were any other members of the public who wanted to address the Board. There were none. Mr. Doherty closed the discussion to the public and brought it back to the Board.

Mr. Gowan read aloud a suggested motion that was specifically temporary and in relation to the Governor's Order #40 (pertaining to restaurants), either rescinding or extending. The Board discussed the verbiage added specificity and took the following vote:

MOTION: (Cote/Dadak) The Pelham Planning Board is temporarily suspending its Site Plan oversight authority related to outside seating at food/beverage service establishments until such time as Governor Sununu's Emergency Executive Orders restricting food and restaurant service are lifted.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote - Yes

(6-0-0) The motion carried.

ADJOURNMENT

MOTION: (Cote/Kirkpatrick) To adjourn the meeting.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote - Yes

(6-0-0) The motion carried.

The meeting was adjourned at 5:00pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary