

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
October 4, 2021**

Chairman Tim Doherty called the meeting to order at approximately 7:00 pm.

Ms. Masse-Quinn called roll call:

PRESENT ROLL CALL:

Tim Doherty – present
Roger Montbleau – present
Danielle Masse-Quinn – present
Bruce Bilapka – present
Cindy Kirkpatrick – present
Paddy Culbert – present
Hal Lynde – present
Samuel Thomas – present
Kevin Cote – present
James Bergeron – present
Jennifer Beauregard – present
Jennifer Castles - present

ABSENT/

NOT PARTICIPATING:

Paul Dadak
Richard Olson

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Mr. Doherty appointed Mr. Thomas to vote in place of Mr. Dadak on the minutes.

Changes to the minutes from Ms. Kirkpatrick: Line 32, change the spelling of Cindi to Cindy. Line 310, change Mosey to Mossey. Line 341, change Mr. Lynde to Mr. Culbert. Line 487, the second was Mr. Cote and Line 398, the second was Mr. Cote. Line 585, change Cindi to Cindy. Change header on pages from August 16, 2021, to September 20, 2021. Add Hal Lynde to the present list on the roll call.

MOTION: (Mr. Cote/Ms. Masse-Quinn) To approve the September 20, 2021, meeting minutes with changes noted.

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

OLD BUSINESS**Case #PL2021-00021****Map 34 Lot 1-10-1****Marsh Road LLC, 166 Marsh Road**

Mr. Doherty appointed Mr. Thomas to vote on this case.

Mr. Joe Maynard of Benchmark Engineering, LLC introduced himself, representing Marsh Road, LLC at 166 Marsh Road. This is a 5-acre property with a multi-family structure on it with driveways on Marsh Road. They are looking to subdivide this lot, keeping the multi-family on 3 acres, and separating a 2-acre parcel with a driveway off of Wilshire. Both lots will have private septic and well water. There is one waiver on this for soil mapping. They have done nine test pits already. They have received subdivision approval from the state already and it states they are approving a single-family residence off of Wilshire Road and Map 34 Lot 1-10-001, which is the multi-family. Mr. Maynard couldn't find any reason as to why this property wasn't subdivided before this. Ms. Beauregard also researched this and couldn't find any information, other than that Wilshire Road wasn't put in yet. Mr. Montbleau asked if he's identified any vernal pools in there. Mr. Maynard said there weren't any identified during the spring, which is vernal pool season. Mr. Montbleau asked how big the wetland is near Wilshire Lane. Mr. Maynard said it's around 9,000 s/f. There is a wetland in the back of the lot and it's up against the lot line. He stated the back lot had 6,900 s/f so it's possible for a duplex or single-family. Mr. Montbleau asked if he was trying to get a duplex approved for this lot. Mr. Maynard said he's saying it could be a potential lot for either a duplex or a single-family home and the owners are not sure what they are doing yet. Mr. Culbert mentioned he called for a single-family. Mr. Maynard said when he applied to the State of NH, the application says it will service four bedrooms, which is typical. The sub-division approval from the State comes through as single-family. If they want to prove to the state, it can support more than a single-family, they need to do a site loading calculation. The Town of Pelham doesn't differentiate like the state. This parcel has about an acre and a half of upland soils, which can support up to 2,000 per acre and this lot could support about 1,200 gallons per day if he had to go that route. Mr. Culbert stated again that the agenda is stating a single-family home. Mr. Maynard said that Pelham states if it has two acres and 200 feet of frontage with at least 55,000 s/f outside wetlands, it could be a duplex. If it has 35,000 s/f, it can't be more than single-family and this lot meets that, so it doesn't matter. Ms. Masse-Quinn said it was accepted for consideration in the last meeting as a lot with a single-family home. Ms. Beauregard said that's how it's worded in the application. Mr. Maynard thought that Pelham did not differentiate on the type of house as long as it meets either standard. Mr. Culbert said he needs to come back if he wants the lot to build a duplex. Mr. Maynard said he will ask to be continued so he can do that. Mr. Bergeron asked if there is a change in well radius for a duplex. Mr. Maynard said it depends on the number of bedrooms and he would go to 100-foot radius if there were six bedrooms, which he would have. Mr. Cote stated that it's still only one building either way, single-family or duplex, and asked if he really needs to come back for this. Mr. Doherty said he has the well radius drawn in as a 75-foot protective radius. Mr. Maynard placed the well on the lot with that location basing it on a 75-foot radius. This would support up to 5 bedrooms and when you go past 5 bedrooms the well goes to a 100-foot radius. If this is to be a 6-bedroom duplex, he has the room to be able to put that radius and still stay outside of setbacks and there is ample room to do this. Mr. Culbert doesn't have a problem with a duplex, but it was approved as a single-family. Mr. Maynard said it came up at the last meeting and he answered that it can be either or. Ms. Beauregard said he could re-notify as a potential duplex and they could approve it as a single-family, and if his client decides they want to put a duplex, then he can re-notify abutters and come back at that time. Mr. Maynard agreed with that. Mr. Doherty opened it up to the public and no one spoke. Mr. Doherty said there is a waiver request for Section 202-3 C (b) 4 Soils. Mr. Montbleau is asking where the driveway will go for this lot. Mr. Maynard said it will be on Wilshire and he hasn't placed one yet but will meet the board's requirements.

MOTION: (Mr. Cote/Mr. Montbleau) To approve the waiver for Section 202-3 C. (b) 4 soils.
VOTE: (7-0-0) The motion carried.

Ms. Beauregard has no specific conditions for this. Mr. Culbert would like to put a stipulation on this plan that it must be a single-family and if the owners decide to build a duplex, they need to come back to change this.

MOTION: (Ms. Kirkpatrick/Ms. Masse-Quinn) To approve plan as a single-family lot on Lot 1-10-15
VOTE: (7-0-0) The motion carried.

Case #PL2021-00026

Map 22 Lot 8-130

Beaver Brook Village, LLC, 52 Windham Road

Ms. Kirkpatrick recused herself as an abutter. Mr. Doherty assigned Mr. Bilapka and Mr. Thomas to vote on this item. Ms. Masse-Quinn read the abutters.

Mr. Bill Renaud, 52 Windham Road, is asking for permission regarding the permit he submitted to put up a temporary sign (for about six months) on his construction fence along Windham Road. One sign would be for his website, which is LivePelham.com, and the other sign is showing the under construction, which is 16 two-bedroom, two-bath units. His second item is to get a clarification of what he can put in the second building (which is two units, one top, one bottom), which is currently under construction. He is specifically asking to clarify the second floor of the second building, whether it can be used for either residential or commercial. Mr. Cote asked if his intention for that second building was to make an apartment on the second floor. Mr. Renaud said it was his intention to do this, to have commercial on the first floor and residential on the second floor. He feels that a second-floor apartment would be easier to market instead of a second-floor office. Mr. Montbleau asked if he has a commitment for the first floor. Mr. Renaud said not at this point. He said in the beginning it was for retail only and its since been expanded to office, retail and/or medical. Mr. Montbleau is trying to think of the compatibility for the tenants. Mr. Renaud said the second floor is roughly 14,000 s/f and it would most likely be a two-bedroom unit. He has a sound proofing engineer that will look into this to separate the two stories using insulation, sound boarding and resilient channel strapping. Mr. Renaud said there would be no changes on the outside of the unit. Mr. Renaud said he can get the credentials for his sound proofing engineer per Mr. Montbleau's request.

MOTION: (Mr. Montbleau/Mr. Cote) To accept for consideration the change of use and the temporary sign.
VOTE: (7-0-0) The motion carried.

Mr. Doherty opened it up to the public. Cindy Kirkpatrick, 7 Mossey Lane. She stated that in the beginning of this proposal, this was supposed to be owner-occupied residence and not rental properties. She also said there was never mention of a second residential building either. She thinks the 16 units is more than anyone in her neighborhood wanted and now they are asking for more. She thinks that's enough. Mr. Renaud said the amount is not being increased, it's just a distinction between owner occupied and rentals. He states that he produces and rents quality properties. He feels that by having one owner, which is himself, is better than having all different owners. Mr. Renaud said he will have a quality product, quality people living there and he takes pride in his properties. Mr. Renaud is just trying to clarify whether the tenant in the second building will be commercial or residential. She would prefer to have the second floor in the second building not be occupied with a family, as this may cause additional noise, people, and traffic it will bring. Mr. Renaud said septic and parking are all still within the ranges,

nothing has changed there. Mr. Doherty closed it to the public. Mr. Culbert asked how this went from a condo unit to a rental unit. Mr. Renaud said the structure and people living there will be the same and he is now choosing not to sell them individually at the moment. Mr. Bergeron asked about when this application came in, that the owner was going to form an association and rent them and is this still the case. Ms. Beauregard said they left it open ended as to whether or not they would be sold or rented. Mr. Bergeron asked what was approved for the second building. Mr. Doherty said it would be two occupants. Ms. Beauregard said at one point he came back to add to the use when it was approved, so she had him come back to clarify the use. Mr. Doherty said there is a dilemma as Pelham has always not been discriminatory on form of ownership. There have been many rentals that have turned into condo's and wouldn't want to start limiting on forms of ownership. Mr. Bergeron asked if this is a change of use of the original intent of the second building. Ms. Beauregard said if Mr. Renaud did decide to condo the units, he would have to come back to the board and come up with Association documents and have them reviewed by counsel. Mr. Renaud said he always builds at condo standards with quality structures, and this is his goal. He would prefer residential on this second floor and thinks he can fill this space easier and be more successful. Mr. Montbleau stated that he's been on both sides, a landlord and a condo owner. As an owner of a condo, he's seen lots of squabbling and gaining advantage by all of the individual owners. He feels that with one owner it's easier to run this type of housing, as he has total control over the decisions and maintenance of the property. If he's a good landlord, he can put this above a condo association. Mr. Renaud is confident he will own and manage this property the way he wants with his pride of ownership. Mr. Doherty asked if they decide on a residential use on the second floor, will this bind it or can it be either or in the future. Mr. Montbleau said if it's left as 'either or' then it will give Mr. Renaud the latitude to put a business there if he has a problem and then he won't have to come back to the board. Mr. Renaud said that the first-floor business, if needed, could definitely move to the second floor and would like to have the flexibility. Ms. Beauregard said it would be better to add to the already approved uses, so if he decides to change it, he can get a new occupancy permit. Mr. Bergeron asked if the second floor is residential then how will he handle the fire code. Mr. Renaud said he's had a conversation with his architect regarding fire safety. The building is sprinklered and due to the size of the building, only one egress is sufficient. Mr. Bergeron is not ready to accept that answer. Ms. Beauregard said that regardless, when he applies for his building permit, it will be reviewed by the fire department and stamped by the fire department prior to a building permit being issued. They will then go back through again before an occupancy permit is issued to make sure they meet all codes. Mr. Bergeron asked if the fire department approves one means of entry and egress by stairs inside the building, then it's going to change the outside appearance of the building. Mr. Bergeron asked if that can be answered first before they vote, and Ms. Masse-Quinn agreed. Mr. Bergeron said our fire department has always been clear on two means of egress on a second-floor unit and they need to answer these questions. Mr. Renaud asked if they have a third-party report from the fire safety and then reviewed by the Pelham Fire Department, would that be sufficient by the board. Mr. Bergeron said if it's safe to live there then he needs to know that before he can support this. Mr. Renaud said there are no plans to change the outside structure. He will get that code reviewed and signed off by the fire department and asked if that will be sufficient proof to support it as a residential unit. Mr. Culbert agrees with Mr. Bergeron. Ms. Beauregard said we can send the plan over to the fire department to look at it. Mr. Renaud agreed to doing that. Ms. Masse-Quinn asked if this is for the whole building. Mr. Renaud said yes, it is for the entire structure. Mr. Cote asked if this is part of the sign approval also. Mr. Doherty said we can act on that tonight.

MOTION: (Mr. Cote/Mr. Bergeron) To allow the temporary (six-month) sign to be displayed on the fence along Windham Road.

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

The next meeting will be on 10/18/21 or 11/1/21. Ms. Beauregard said the Fire Department can act on this by 10/18/21. Mr. Renaud would be concerned the third-party coding engineering may not be able to have that by then, so to put them on the 11/1/21 meeting. Mr. Cote asked when the construction will

start. Mr. Renaud said it will start in the spring of 2022. Mr. Doherty asked if there will be an open house and Mr. Renaud said he is more than happy for everyone to see the property.

CASE #PL2021-00027

Map 30, Lot 11-100

Hennessey, David F. & Alicia, 71 Dutton Road

Al Steward introduced himself, representing Paul Gagnon.

Ms. Masse-Quinn read the abutters

Mr. Steward said they are requesting a lot line adjustment to merge 11 acres into Peabody Forest. Mr. Maynard from Benchmark, LLC introduced himself on behalf of the conservation commission and Dave and Alicia Hennessey. This is a 13.8-acre property with a single-family home. The rear of the property abuts the parcel that is part of the town forest. The plan is to subdivide the existing home, which would retain 2.8 acres. The remaining 11.6 acres would be voluntarily merged with the town forest. They are asking for the subdivision approval and a separate vote to recommend to the Board of Selectmen the acquisition of this parcel. There are three waivers being requested for this subdivision. The first waiver deals with wetlands on the property along the stonewall, which divides the land that would go to the town. The second wavier deals with plan scale to be set at 60-scale. The third waiver is for soils, to not have to test the soils on the delineated property.

MOTION: (Mr. Montbleau/Mr. Cote) To accept the plan for consideration.

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

Mr. Doherty needed to call that vote back, as Ms. Kirkpatrick was back and will vote and assigned Mr. Culbert to vote on this. Mr. Bilapka and Mr. Thomas will not be voting.

MOTION: (Mr. Montbleau/Mr. Cote) To accept this plan for consideration.

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

MOTION: (Mr. Cote/Mr. Montbleau) To accept waiver #1 for consideration - Section 202-3 C 3 (c) for wetlands.

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

MOTION: (Mr. Cote/Mr. Montbleau) To accept wavier #2 for consideration - Section 202-3 C (a) (f) for Plan Scale

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

MOTION: (Mr. Cote/Mr. Montbleau) To accept wavier #3 for consideration - Section 202-3 C (b) 4 for soils.

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

Mr. Doherty opened it up to the public and no one spoke.

MOTION: (Mr. Cote/Mr. Montbleau) To accept waiver #1 for approval - Section 202-3 C 3 (c) for wetlands.

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

MOTION: (Mr. Cote/Mr. Montbleau) To accept wavier #2 for approval - Section 202-3 C (a) (f) for plan scale.

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

MOTION: (Mr. Montbleau/Mr. Cote) To accept wavier #3 for approval - Section 202- 3 C (b) 4 for soils.

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

Ms. Beauregard said this is a simple subdivision and they've met all the requirements as far as she is concerned.

MOTION: (Mr. Cote/Mr. Montbleau) To approve this plan.

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

Mr. Maynard stated they also need a vote to recommend to the Board of Selectman.

MOTION: (Ms. Masse-Quinn/Mr. Montbleau) To ask the Selectman to accept the property to be added to Peabody Forest.

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

Mr. Doherty asked the Selectmen's representative (Mr. Cote) to let the Selectmen know. Mr. Steward wanted to commend the owner to go to the expense of giving the town land. Mr. Doherty agreed that this is the first time ever that he's seen a landowner giving land to the town at their own expense. Mr. Thomas gave an update on the CIP and Master Plan. The Board of Selectmen back in September approved the capital plan and the Resilience company to do the master plan. He presented this the Budget Committee last week and gave them the spreadsheet of the capital projects. They accepted what was proposed and then will decide what will be put in the town vote. Mr. Thomas noted that the police department asked for \$496,000.00 for a new radio system for next year. The fire department asked for a communications system for \$500,000.00 for 2024. There also is a plan to remediate the air quality in Sherburne Hall for \$1.3 million, which will come out of federal COVID funds. The schools also asked for upgrades to their air conditioning in the amount of \$895,000.00 and they are applying for federal funding for this for \$810,000.00. They will decide what they want to do going forward and the Selectmen will let us know what will be voted on. Mr. Thomas said they met with the chief of police, and he clarified that they don't need to buy two systems, they only need to buy one for the town. They will work to get a quote that represents the needs of both departments. Ms. Capone understands that there needs to be some corrections to still be done. They still need to work with the CIP on this but other than that the work is done. Mr. Thomas said Ms. Masse-Quinn had done much research on the master plan to this point and created a document discussing why Resilience should be justified. The master plan is going to be contained within the Planning Department and Ms. Beauregard presented this as a part of her budget and there was no push back and they seemed to be receptive of the Resilience company. So, between now and November they will begin to seek volunteers and accept applications for people to be members on the master plan team. He expects between 10-12 members to work with Resilience. They still must wait for the final vote in March to officially accept Resilience, but in the meantime, they are going to start planning. He's hoping to get members from the Senior Center, the Board of Selectmen and two high school students. Mr. Thomas is asking for direction on how to put that communication out to the community to apply to become a member. Mr. Montbleau suggested to put it out on PTV. Ms. Beauregard said they can do a notice and have Mr. Demers send out to social media and websites. Mr. Thomas asked if the Planning Board has a process on selecting members. Ms. Beauregard said it'll be up to the Planning Board or up the Mr. Thomas, as the master plan chairman. Mr. Doherty mentioned Bob Lamoureux can help get members to join, as he has a lot of contacts. Ms. Masse-Quinn mentioned the Farmer's market, word of mouth and social media are great ways to obtain volunteers. Mr. Cote mentioned if there are too many volunteers, they can then create subgroups and split up the members to focus on certain parts of the plan. Mr. Montbleau thanked Mr. Thomas for all his hard work on this project. Mr. Bergeron also thanked them for their hard work on this project. He noted that we need an

updated master plan for the zoning regulations and to be able to support and stand up for in court if needed. He feels this is a stellar company and thanked Ms. Masse-Quinn for all her research and Mr. Thomas for his organization with this project. Mr. Montbleau said this will be a great footprint for all the town to follow and he's seen some great talent on this board with some very good skills. Mr. Doherty stated they lost an alternate on this board. Mr. Richard Olson has resigned from this board. They are now down three alternates; they still have two at this point. Ms. Beauregard said that she will do a notice, and have it sent to Mr. Demers, and he will post to websites, social media and PTV. Mr. Lamoureux, 28 Blueberry Circle, introduced himself to the board. He said he had sat on previous master plans committees and was involved with getting trails added to this plan. He helped 90% of the trails survive. He said the plan has taught him about water, land acquisitions and town land. He has applied to be a part of this new master plan team. Ms. Beauregard said the next meeting is October 18, 2021, and there are no agenda items at this time. She got the SB2 schedule out and she'll prepare the schedule of deadlines for zoning hearings by November and add this to the agenda. Mr. Brian Freedman from NRPC is planning to come in November for his build out analysis. Mr. Bergeron asked if we don't meet once a month, what is required by the statute. Ms. Beauregard said we will meet the once a month criteria from this meeting tonight, which is October. Mr. Doherty said we use the October 18th meeting to discuss legal matters in a non-public session on October 18th. Ms. Masse-Quinn said the adoptions for the rules and procedures can be discussed.

MOTION: (Mr. Culbert/Mr. Montbleau) To adjourn the meeting.

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

The meeting adjourned at approximately 8:35 pm.

Respectfully submitted,
Jennifer Castles
Recording Secretary