

**APPROVED**  
**TOWN OF PELHAM PLANNING BOARD**  
**MEETING MINUTES**  
**October 18, 2021**

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

Ms. Masse-Quinn read the roll call:

**ROLL CALL:**

Tim Doherty – present  
Roger Montbleau – present  
Danielle Masse-Quinn – present  
Bruce Bilapka – present  
Paddy Culbert – present  
Cindy Kirkpatrick – present  
Samuel Thomas – present  
Jim Bergeron – present  
Hal Lynde – present  
Kerry Zelonis – present  
Jennifer Castles - present

**ABSENT/  
NOT PARTICIPATING:**

Jennifer Beauregard  
Paul Dadak  
Kevin Cote

**PLEDGE OF ALLEGIANCE**

**MEETING MINUTES**

Ms. Masse-Quinn read her changes as follows: Line 63, remove second 'done' regarding the test pits. Line 243, change the section to Section 202-3 C (b) 4. Line 249, add 'for approval' to this waiver. Line 252, add 'for approval' to this waiver. Line 256, add 'for approval' and remove 'for consideration' and change to Section 202-3 (b) 4. Ms. Kirkpatrick said on Line 146, add 'residential' between the words second and building.

**MOTION:** (Mr. Montbleau/Mr. Lynde) To approve the October 4, 2021, meeting minutes as amended.

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

Mr. Doherty appointed Mr. Thomas to vote and for Mr. Lynde to vote in place of Mr. Cote.

## **ADMINISTRATIVE**

Mr. Doherty discussed the adoption of the amended rules and procedures/by-laws. Mr. Culbert asked what changes Ms. Masse-Quinn made. Ms. Masse-Quinn said the only changes she made were mostly punctuation corrections. Mr. Doherty read the draft copy of the Planning Board rules and procedures/by-laws into the record. Mr. Montbleau complimented Ms. Masse-Quinn for organizing and reviewing this. Mr. Lynde asked about 10.3 for the joint meeting with other land use boards. He asked if this means separate minutes for each board are to be kept. Mr. Doherty said that the minutes are kept separate. Mr. Lynde asked about the NRPC and if this is by state statute if the Planning Board is the appointing authority. Mr. Doherty said the Selectmen are the appointers and the Planning Board makes the nominations. Mr. Thomas asked for clarification regarding paragraph 6.7 sub-committees. He asked if on the master plan, he cannot have more than three members from the planning board on the master plan sub-committee. He stated they have applications coming in and there are three members, not including himself from the planning board that wish to be on this committee. Mr. Bergeron said all of these meetings are going to be regulated by 91A, and they are only advisory. He said that a quorum of three is necessary in this case and thought there could be more. Mr. Thomas said there will need to be voting involved. Ms. Kirkpatrick restated that in 6.7, an advisory committee can have no more than three planning board members. So, the rest of the subcommittee could be made up of the other members. Mr. Thomas asked if the master plan committee is a sub committee of the planning board. Mr. Doherty said yes, that was correct. Mr. Thomas said there were only three members on the CIP, however on the master plan there may be more. Mr. Doherty said it can be changed. Mr. Montbleau asked if this could be waived by the board for a special sub-committee. Mr. Bergeron said they can waive requirements for groups. Mr. Montbleau said they can waive this for the master plan sub-committee. Mr. Lynde said regarding 11.6, asked if this was just a statement. Mr. Doherty said that is there to remind the members not to be negotiating deals with members of the public. Mr. Thomas said on 8.1, it said substantial revisions of the plan and he feels this phrase can get them in trouble regarding what is considered substantial. He said this definition can be interpreted differently. Mr. Doherty said this would be hard to do, as all plans come in differently. He thought that with each plan, the board would have to make that determination. Mr. Bergeron said this was originally to make the planning board the greatest authority to determine when the clock starts or not. Mr. Lynde suggested to remove the word substantial because it's hard to define that term. Mr. Doherty said by removing that word, he thought that the board might not be able to revise the plan at all if they had an error. He said they are mostly concerned about the large changes that can affect resetting the clock. Mr. Bergeron asked how often this board has had to reset the clock. Mr. Culbert said he'd seen where the applicant resets the clock. Mr. Montbleau said he had not seen the board resetting the clock and that it's usually the applicant asking to adjust it. Mr. Bergeron said these rules and regulations are selected from other towns and they are compiled and reviewed for the town of Pelham. Ms. Kirkpatrick asked about an ad for 6.3 regarding disqualifications and recusing members. She asked if it made sense to add some language in there for the proper way to do that. Mr. Bergeron said he thinks it's up to the individual member to make that decision. Mr. Montbleau mentioned he had seen some friction in past years about members being asked to step down due to conflict of interests. Mr. Doherty said these are in the bylaws to remind members of these issues and conflicts and it's up to them to make the right decisions. Ms. Kirkpatrick did not see the disqualifications in the draft copy. Ms. Masse-Quinn said that was a recommendation by counsel to add to it and she did not add it because it was already part of the wording within the lines already used and had the RSA 673:14 in there. Mr. Doherty said it is in Article 11, standards of conduct (11.5). Mr. Bergeron asked if we could vote to adopt these at this meeting, as this has been going on for months.

**MOTION:** (Mr. Montbleau/Ms. Kirkpatrick) To adopt these rules and procedures.

**VOTE:** (7-0-0) The motioned carried.

Mr. Doherty said Ms. Masse-Quinn and himself will sign them. He asked Ms. Masse-Quinn to get a copy with that one change made with the word 'day'. Mr. Bergeron said the by-laws are required to be submitted to the town clerk to keep on file and have on official record. He thought Ms. Beauregard would want to make copies for the board members.

**MOTION:** (Mr. Montbleau/Mr. Thomas) The old by-laws will be replaced with these new rules and procedures/by-laws once they are signed.

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

## **CHANGES TO THE ZONING ORDINANCE**

Ms. Masse-Quinn said Ms. Beauregard gave her the proposed changes made for the work force housing so we will be in compliance with the state law. Mr. Doherty asked all the members to take out their zoning materials to go through them. Ms. Masse-Quinn said on p.2, Article 2, 307-6 (definitions), she proposed to add the word 'affordable' defined as: RSA 674:58.1 housing with combined rental and utility costs or a combined mortgage loan debt services property taxes and required insurance that do not exceed 30% of a household's gross annual income. The next change would be to add an 'area medium income (AMI)' defined as: the medium income of the greater region, either the HUD, metropolitan or non-metropolitan fair market rent area to which the town of Pelham belongs as is established and updated annually by the United States department of housing and urban development. Mr. Culbert asked if that means Section 8 housing. The board all said no. Mr. Montbleau asked if this is a moving target from year to year and the board agreed that yes, it is. Ms. Masse-Quinn said that it is the annual income per town. She said that Pelham's area medium income may be at about \$109,000.00 but is not positive. Mr. Montbleau asked where we would be on affordable housing this year. Ms. Masse-Quinn explained the breakdown of how it is calculated and how it is considered work force housing. The next addition is adding number 21 'multi-family dwellings' defined as: a building or structure containing three or more dwelling units, each designed for occupancy by individual households. Mr. Doherty asked what the three-member council is called, and Ms. Masse-Quinn said it is called the Housing Appeal Board (HAB). The next addition is on page 4, added number 30, the work force housing statute, defined in RSA 674:58, housing which is intended for sale, and which is affordable to a household with an income of no more than 100% of the medium income for a four-person household for the metropolitan area or county in which the housing is located as published annually by the United States department of housing and urban development. Work force housing also means rental housing which is affordable to a household with an income of no more than 60% of the medium income for a three-person household for the metropolitan area or county in which the housing is located as published annually by the United States department of housing and urban development. Housing developments that exclude minor children for more than 20% of the units or in which more than 50% of the dwelling units have fewer than 2 bedrooms should not constitute workforce housing for the purposes of the subdivision. The next addition is to add the word 'workforce housing' to the permitted uses table in Article 5, page 11, (307-18). Mr. Culbert asked if it was necessary. Ms. Masse-Quinn thought will clarify the definition for future reference and Mr. Doherty agreed. Mr. Doherty thought it should have its own line and not permitted in the industrial district and permit it in the business and residential districts and by special permit. Ms. Kirkpatrick asked if we would do the same as with multi-families. Ms. Masse-Quinn agreed that is the case. Mr. Culbert agreed with that. Mr. Bergeron thought it could be multi-family/workforce housing. Mr. Doherty said if they add multi-family dwellings and put a slash with the word workforce housing next to is and not asterisk with a special permit, because then it would apply to the multi-families. If it is on its own line, then it could be by special permit. Mr. Bergeron asked if it would fall under innovative land use. The last change is under 307-73, page 56, Article XII, special exceptions, to add under accessory dwelling unit section. To add to the ending, after residential neighborhoods, 'and to provide reasonable and realistic opportunities for the development of workforce housing for the following reasons.' Ms. Masse-Quinn re-

read the entire paragraph. Mr. Bergeron said that qualifies what we are doing already with workforce housing. Ms. Masse-Quinn said the last change under definitions, accessory dwelling unit (ADU) defined as: a subordinate dwelling residence with complete and independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking and sanitation on the same lot attached, detached or contained within an existing single-family dwelling. Every accessory dwelling residence shall be deemed a residence of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59. Mr. Bergeron asked to see these in print and pass-through Ms. Beauregard and then come back to make these timelines for zoning changes. Mr. Doherty mentioned RSA 674:21 as innovative land use controls, page 410, IV and read the inclusionary zoning description. He thought that if someone puts in a workforce housing in inclusionary zoning under innovative land use, it then gives the planning board a lot more abilities to negotiate with the developer. Mr. Montbleau mentioned that Windham has one and Ms. Masse-Quinn believes they did that with a special permit, but they have their own workforce housing ordinance. Mr. Doherty said they could add 'SP' in the two business districts, meaning it would need a special permit and have it on its own line. Before it goes on the ballot, the board would like to see it in writing and discuss more. Ms. Masse-Quinn will follow up with Ms. Beauregard. Mr. Bergeron mentioned it needs to be put under "R" residential also and brought up the discussion of density in the town. He said we are working to comply with the statute and mentioned Pelham is not exclusionary with one acre zoning. Mr. Doherty restated that the word workforce housing will be added on its own line, under multi-family and it will apply to the residential, business, B1-4 and B5, and a note with SP on the bottom. Mr. Culbert asked if we need to use B5. Mr. Bergeron mentioned the municipality has the discretion to determine the land areas that are appropriate and spoke of the importance of our water system. He said that there were recent issues, this past week in town with the Pennichuck water company. Mr. Doherty said they will be able to compare the changes once they are printed out. Mr. Bergeron talked about non-conforming lots in districts, specifically around the ponds in Pelham. He said they are seeing on the zoning board certain lots coming in now that are trying to correct older issues. He thought we could institute something in zoning to help these people out. Mr. Doherty spoke of the setbacks needed and how this affects these non-conforming lots. Mr. Culbert brought up the coffee lots being non-conforming and is concerned about people building large homes on the coffee lots and polluting the pond. Mr. Bilapka said these lots are 50x100, but they are not the original coffee lots. Mr. Doherty read about alterations or expansions of non-conforming structures. He said they are permitted without zoning approval provided that the present use is permitted in the district. Also, the alterations will not further violate setback dimensional requirements and new encroachments cannot come closer to a property line than the encroachment in the normal setback area made by the existing structure. So, they wouldn't be able to come closer than 15 feet. Mr. Bergeron said the shoreline protection act is fully implemented now and said we could use that same verbiage for these lots if they are in this area. Mr. Doherty brought up the issues of working on this type of ordinance when dealing with secondary, seasonal property that people try to make into year-round homes. These have to be brought before the conservation commission, planning board and the zoning board of adjustment. The board agreed they have to be careful as far as where the water drainage is going on these lots near the pond. Mr. Doherty asked if the board would be interested in having himself, Mr. Bergeron and maybe one other person work on this to try and come up with language to present to the board to see if there would be a way on getting a handle on this prior to polluting the waters. Mr. Bergeron said this is a stricter way of looking at applications and thinks people are using the zoning board to get everything released and then they don't have to come in front of the planning board. This sometimes ends up with bad results and he thought, in some cases, they should go in front of the planning board first and then to the zoning board. Mr. Culbert suggested to make it a requirement to go in front of the planning board first. Mr. Bergeron said on those sensitive lots, if they can adopt zoning to seek site plan review or conservation approval. Mr. Doherty said this could be worded in an ordinance with help from the board if they think it would be a good idea. Mr. Bergeron said it would be wording from another town and adapted to Pelham and this will have to go on the ballot. Mr. Doherty said at this point this will need to be discussed by Mr. Bergeron and Ms.

Masse-Quinn to come up with wording. Mr. Bergeron would like to bring back some sort of lot of record savings clause.

**ADJOURN**

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

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

The meeting was adjourned at approximately 9:17PM.

Respectfully submitted,  
Jennifer Castles  
Recording Secretary