

**APPROVED**  
**TOWN OF PELHAM PLANNING BOARD**  
**MEETING MINUTES**  
**March 7, 2022**

Chairman Tim Doherty called the meeting to order at approximately 7:06 PM.

Ms. Masse-Quinn called the roll:

**PRESENT ROLL CALL:**

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

**ABSENT/  
NOT PARTICIPATING:**

**PLEDGE OF ALLEGIANCE**

**MEETING MINUTES**

Regarding the February 24, 2022, meeting minutes; Ms. Masse-Quinn said on Line 42 to add an ‘n’ to Lyn. Line 497, she mentioned there were no details of the letter and Mr. Bergeron refers to the letter later on in the meeting. Ms. Beauregard suggested that the letter could be added to the file as Attachment “A” and that can be referenced in the minutes. Line 517, to add ‘office’ after the word attorney. Line 520, to add the words ‘commercial business district’. Line 571 to add ‘Mr. Doherty stated that it’s a prohibited use from the MUZD district’. Mr. Bergeron wanted to add ‘as it is not an allowed use in the district’ to his motion on Line 582.

**MOTION:** (Mr. Montbleau/Mr. Cote) To approve the minutes of February 24, 2022, as amended.

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

**NEW BUSINESS**

**Case PL2022-00006 – Mako Development, LLC – Beechwood Road Extension (from Salem) – Seeking Planning Board approval of 15-lot subdivision to be built with no road access from the Town of Pelham. The proposed access will be from Beechwood Road in Salem, NH.**

Ms. Masse-Quinn read the list of abutters. Mr. Shayne Gendron from Herbert Associates, Inc. introduced himself and introduced Mr. Peter Zohdi from Herbert Associates and Mr. Jeff Murphy from SFC Engineering. Mr. Murphy is a fire protection engineering that works for SFC and is working with them on this case. This is a 21.3-acre parcel that is located in the southeast corner of Pelham. It is on the border of Methuen, MA and Salem, NH. There is also a large wetland complex that separates this property from any roadway within Pelham. The proposal is to create an extension of Beechwood Road, that his company did about 7 or 8 years ago in Salem NH and access this property with a network of private roadways. All of the lots meet the zoning requirements and will all have private wells and septic systems. The network of roads will be that Beechwood Road will extend about 300 feet in and then Nicole Lane will tee-off in both directions about 650 feet. The roads will be 24-foot-wide roadways with curbs and closed drainage. This plan was discussed back in December 2021 and there is a variance on the application back from 2020 and the expiration of that is nearing. At the previous conceptual discussion there was a lot of talk about fire and highway safety. He said he had been working with Mr. Murphy and Attorney Panciocco to try and get a highway safety meeting. Unfortunately, Chief Midgley had been unavailable, but is supposed to be back on March 9, 2022. He is hoping to have a meeting with them regarding the highway safety. He said he needed to get this application back before this board and would like to continue this case out. Ms. Beauregard said the board members received a package with plans back from when the application was received. However, those plans are not the correct plans. She said the actual plans were just received and given to the board members today.

**MOTION:** (Mr. Montbleau/Mr. Cote seconded for discussion) To accept the plan for consideration. Mr. Montbleau wants to get the highway safety information back and have Mr. Keach take a look at it.

Mr. Doherty said this plan was talked about as being a regional impact, potentially affecting 911 services in Salem, NH and Methuen, MA. He said the abutter's list did not reflect notification of that or NRPC, if it was regional impact. Ms. Beauregard said this board would have to deem it as a project of regional impact. If they did that, then the other towns would have to be notified and NRPC, at the applicant's expense. Mr. Lynde joined the meeting.

Ms. Masse-Quinn said that since they just received these plans tonight, she asked if they could have some more time to review them to understand them correctly. Mr. Doherty asked Mr. Gendron how this plan differed from the previous plan. Mr. Gendron said the previous plan had some deficiencies with the well radius and 15K areas. He said all the lots now have 15K areas and well radius that meet the zoning requirements and subdivision regulations, with the exception of one lot. He has a waiver for that lot for both of those items. One is for the well radius being within the 15-foot building setback and the 15,000 square foot building envelop not being a regular, geometric shape. This is the only waiver for the one lot. Those were the only changes with this new plan. Mr. Doherty asked if there was talk about water on the road in Salem. Mr. Gendron said Salem does have municipal water, but there has been no guarantee from Salem that this development could use that water supply. The proposal would be that these lots would have wells. Mr. Culbert said he didn't see anything from the Police Chief. Mr. Doherty said that would be highway safety. Ms. Beauregard said again that they have not been able to have a highway safety meeting yet because they were waiting for the fire chief to return from medical leave. They should be able to schedule that later this week.

Mr. Peter Zohdi said they have had a couple of meetings prior with the fire chief and the highway safety committee and Ms. Beauregard and Mr. Gowan had attended some of those meetings.

Mr. Bergeron said he wasn't sure on how the board should proceed with a regional impact plan. He said he read the planning director's remarks and felt there were still many questions. Mr. Culbert said they can accept it for consideration, but don't have to approve the plan. Mr. Bergeron said he wouldn't want to start a clock with so many unresolved issues. He asked how they should handle that aspect. Mr. Culbert said to ask Shane if he was willing to start the clock. Mr. Zohdi said he didn't have any objections to that, and he has been working with this board for 40 years. Mr. Bergeron said it is necessary for the record, regarding the timing and asked if the land owner would agree to that. Mr. Zohdi said one out of the two of them are the owners. Mr. Doherty and Mr. Bergeron said no problem then. Mr. Bergeron said for the record then, for the recording secretary. Mr. Zohdi said he would have an extension letter tomorrow.

Mr. Cote asked what makes this a regional impact. Mr. Doherty said if it affects more than just the town, that's an impact on the board would have to consider that. He said this board has been invited to other town meetings when there has been something on Pelham's border. Mr. Cote said they are talking about 15 lots that border two cities. He was questioning what the regional impact was. Mr. Doherty said it is three towns and two states. Mr. Cote said Methuen is a city. Mr. Cote said the Tuscan Village was regional impact. Mr. Doherty said the board has to decide whether it is or not. Mr. Montbleau asked if he should add to his motion; subject to a letter to the file by the applicant in order to extend the clock, if need be, based on requirements of information or whatever this board may want going forward. Mr. Bergeron said a few of them sat at the Tuscan Village planning meetings. Mr. Doherty said he sat on most of those meetings. Mr. Cote said the Tuscan Village is regional impact and affected things at many levels and his question is the transportation networks in the RSA as far as regional impact. Mr. Culbert said if they approve it for regional impact, it affects the whole thing. Mr. Doherty said it didn't give them any voting power when they were invited to meetings for the Tuscan Village. It was more of a courtesy for them to invite us. Mr. Cote said that answers his question and we would extend it as a courtesy to those areas. Mr. Doherty said they won't come in and be able to vote, this board is still responsible for the plan in its entirety, but they can come and suggest things. Ms. Kirkpatrick said the RSA says that because of factors such as but not limited to, and said Mr. Cote said the closest one would be the transportation networks, but there is the common courtesy. Mr. Cote said if their water line gets tapped into. Ms. Kirkpatrick said that could be another one too. Mr. Cote said the motion was amended. He seconded that amended motion.

**MOTON (AMMEDED):** (Mr. Montbleau/Mr. Cote) To accept the plan for consideration subject to a letter to the file stating that if the clock overruns, that the applicant will extend it for the board.

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

Mr. Doherty said it can now be sent out to wherever it needs to go out to. Mr. Zohdi said they would need about two months before they come back. He said his fire engineer is still working with both Salem and Pelham and they still have to go to the highway safety committee.

Mr. Doherty opened it up to the public. Mr. Matt DeRosa of 29 Beechwood Road in Salem introduced himself. He said he has a number of talking points and concerns but said it doesn't sound like the board will vote on this tonight. He stated that most of the discussion dealt with the upcoming highway safety meeting. He said he had the most recent suggestion that came from the last meeting they had with highway safety in Pelham in November of 2019. He said they suggested that the developer gets a letter from the Salem Fire Department confirming that they will be the first responders for all fire and ambulance calls, rather than relying on standard mutual aid agreements. The letter was distributed to all the board members and zoning board. He said it seemed that the recommendation was tabled and has not

been addressed yet. He was wondering if there was an expiration of the variance where they need to go back to the zoning board or was it just ongoing. Mr. Bergeron said he will attempt to explain it, as a citizen, not an attorney. He said regarding clocks on variances, is that actions need to be taken upon that variance or it ends, and they have to reapply. He said what just happened is that this board accepted this plan for consideration, so he has passed that threshold and it is now in our hands in the process. He said those concerns are still outstanding. Ms. Beauregard said that was a good explanation and is correct. Once it's been accepted for consideration, it is now vested and is exercised within the two years. Now it is under the purview of this board and has a 65-day time clock, unless the applicant extends that and that is what they just did. Mr. Bergeron said he asked them to extend the clock because there are a lot of outstanding issues in this plan, and it doesn't mean this plan is accepted by any means. It is still in process. Mr. DeRosa asked if the abutters will be notified for the next meeting. Ms. Beauregard said no, this was their notification from this point on. She said he can check the website or call the office. Mr. Doherty said the board will decide on which date to continue this until and that he should call to find out if it's been continued even further. Mr. Cote asked if the abutter could get a copy. Mr. DeRosa thanked the board. Mr. DeRosa asked if he would have another opportunity to speak and Mr. Doherty said yes. Mr. DeRosa said he is the last house on Beechwood Road, on the left and he is a direct abutter.

Ms. Beauregard said that the email she passed out to the group is from the Salem Fire chief. She said he wanted it to be clear that they are not going to be the first responders, but they are going to come up with an agreement, as seen in SFC's letter. She talked to Chief Midgely from Pelham, and he agreed with the agreement from SFC. That portion has been straightened out between the two fire chiefs. Ms. Kirkpatrick asked if that was just for fire response. Ms. Beauregard said yes, emergency response, and will ask the police chief at the highway safety meeting about police response. Mr. Doherty closed it to the public.

Ms. Masse-Quinn said the full two months out would bring them to May 16, 2022, or there is a meeting on May 2, 2022. Mr. Zohdi said he would stay with May 16, 2022. He asked Ms. Beauregard to work hard to get the meeting with highway safety.

Mr. Bergeron said to be clear, what action is to be taken to be resolved before the next meeting. Mr. Doherty asked the board for more input. Mr. Culbert would like to see the police approval. Mr. Montbleau said that would be part of the highway safety and that hasn't happened yet. Ms. Beauregard said they had previously met with highway safety and there is a letter in the packet from that. She said they want to see the new plan and meet again.

Mr. Jeff Murphy introduced himself as a fire protection engineer from SFC Engineering. He said that what transpired was he was helping to facilitate communications between the various towns, fire chiefs and the applicant. He mentioned the letter from June 15<sup>th</sup> that the board had been given. That letter is a summary up until that point after meeting with all parties. He only facilitated that conversation regarding all parties to ensure they were comfortable with the project moving forward. He expects at the conclusion of the next highway safety meeting that there will be documentation from the Pelham Fire Department confirming that. Ms. Beauregard said she thought our Fire Chief would document that in the letter from highway safety. She said she spoke with him, and he did confirm there was an agreement that was reached. Ms. Masse-Quinn asked if we could get something updated. Ms. Beauregard said after the meeting they will provide that. Mr. Murphy said he has been invited by the applicant to attend that meeting as well. He will provide an updated write up as well, if appropriate to the board. Mr. Doherty said he has to review the plan also. Mr. Montbleau asked if they should send this to Steve Keach or wait. Mr. Bergeron said he would be very careful before sending it to Steve Keach, until the greater issues have been resolved. He said that the first responders and the other aspects he mentioned at the conceptual meeting are paramount before they get into that. Mr. Bilapka asked if highway safety would be involved regarding busses for the kids for the schools. Mr. Doherty didn't know. Mr. Bilapka asked if they need

to get the school board involved. Ms. Beauregard said that Attorney Panciocco has been in touch with Mr. McGee, the school superintendent and she didn't know what his final answer on that was. She said she summarized that in her comments and the last she knew, he said it would depend on certain factors. Mr. Cote asked if they need to do something regarding the regional impact. Ms. Beauregard said yes. Mr. Cote asked if they were looking for a motion. Mr. Doherty said they could discuss the regional impact to notify Salem, NH and Methuen, MA. Ms. Beauregard said it is up to this board to decide whether or not it is a project of regional impact. She said it is important to note that Jay Minkarah from NRPC made a comment in his letter, that he felt it would be appropriate to see the plan again once it was formally presented to this board. Mr. Bergeron said to Mr. Cote that NRPC said it was regional impact in their opinion. There is a letter from the Salem and Pelham Fire departments, which will be possibly resolved. He said there is still the outstanding liability of sending transportation to this area. In his opinion, it is a regional impact and the zoning department had given them a very unique situation that may have long term liability for this town. He also feels that the Selectmen may need to come into play here too, but for other reasons. He said in his opinion, this plan definitely has regional impact because if you can't get there from here, then it's not in Pelham. Mr. Cote said he saw a regional water connection there and it would be nice to see if they can work with Salem to get access to that water. Ms. Masse-Quinn asked Mr. Murphy if the houses would have sprinkler systems in them. Mr. Murphy said that has yet to be determined, but they are fairly straightforward systems that are designed by the contractors. He said he doesn't do them and is only a consulting engineer. Ms. Masse-Quinn asked Mr. Gendron about the water on the Salem side and are there any easements already there with the developments that would restrict this development from getting a water line. Mr. Gendron said it is a Salem line. Mr. Zohdi said he has talked to the head of the Public Works, and they want them to get answers from the Pelham board after it gets taken into jurisdiction. After that he would get himself on the board of selectmen in Salem. He said he constructed that subdivision in Salem, and it has water from Salem, NH and the sewer from Methuen, MA. He said he is going to try that out to see if that's a possibility for this development. He said Methuen is supplying between Garabedian and the abutting subdivisions there and they are supplying about 80 – 90 houses in Salem. Ms. Masse-Quinn said when she was researching the other side of the property at the registry that it looked like the town of Salem restricted him to a certain amount only and no more. Mr. Zohdi said he didn't recall that but also didn't deny it. He said there is a fire hydrant at the beginning of this subdivision at the cul-de-sac. Mr. Doherty asked if he would have to move that. Mr. Zohdi said if he has to move it, he will. He said he is working with the head of the water department at Public Works. Mr. Cote asked if they made a motion for regional impact, would two months be enough time to contact Salem, NH and Methuen, MA and invite them down. Ms. Beauregard said she thought that should be enough time but can't speak on their behalf. Mr. Doherty asked where that notification comes from, was it the town of Pelham. Ms. Beauregard said yes, it does.

**MOTION:** (Mr. Cote/Ms. Kirkpatrick) Deem this plan to have regional impact.

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

Ms. Beauregard will take care of that notification. Mr. Doherty said that would be NRPC. Ms. Beauregard said at the time of the zoning board they did Salem, Methuen, NRPC, and Rockingham County deferred to NRPC. Ms. Masse-Quinn mentioned the space under the cul-de-sac, where it shows open space on the Salem side as well as a walking trail. She asked if that would be impacted or affected with using that right of way. Mr. Zohdi said no. Ms. Masse-Quinn asked if it was lower than where the cul-de-sac was. Mr. Zohdi said no, and that subdivision had smaller lots and they put about 20 or 30 acres as open space there. Ms. Beauregard said this plan would be deemed regional impact and she would notify the surrounding towns and send them to highway safety. She verified with the board they did not want to send it to Mr. Keach at this time. The board agreed. Mr. Culbert asked Mr. Zohdi if he wanted to send it to Mr. Keach on his own. Mr. Zohdi said he would do whatever the board thought. Mr. Bergeron

said that's not a good idea and Mr. Montbleau said it would be premature. Mr. Bergeron said this board should be the only activation for Mr. Keach.

**Master Plan Update by: Mr. Thomas**

Mr. Thomas said since the last meeting on February 7, 2022, that they now have a committee of 14 members, with five core members (including Ms. Beauregard, Mr. Montbleau, Ms. Masse-Quinn, Mr. Bergeron and himself). There are nine other members. They have sent the contents of the proposed Resilience contract to Attorney Rattigan. He came back with a draft that they submitted to Resilience. They confirmed they were satisfied with the contents of the contract. That will not be signed until after the vote tomorrow. If the budget goes through, the next step would be to have them sign the contract and then we would sign the contract. Some of the major categories are the scope of work and the timelines have been updated. The scope is detailed and the proposal is an attachment to the contract. The project period is from April 2022 through June of 2023. The ownership of the materials is on the account of Pelham, so we own everything that is in the work. Compensation is \$80,060.00. That would entail four separate tasks within that, and it's detailed within the proposal. If they elect to extend anything, that would have to be negotiated. The assignment is to that of the town of Pelham. The agreement is governed by and construed in accordance with NH law. In an event there is a dispute between the agreement, any legal actions are subject to the state of Hillsborough County NH. It will be signed by Steve Whitman, chairman and president of Resilience. The proposal now by Attorney Rattigan would be is that it gets signed by Brian McCarthy, the town administrator. He said it talks about monthly invoices that we will be receiving. He would like to propose that they get signed by Ms. Beauregard, the planning director, as it's been done in the past. He would like this board to authorize Ms. Beauregard to be able to sign the contract, rather than Mr. McCarthy. He feels that Ms. Beauregard has more understanding of this contract and is more immersed in this project. Once the town meeting is done, he would like to start implementing this to get it up and running. If the town vote approves this, there will be a meeting on Thursday night (March 10, 2022, from 6-8PM). He said anyone on this board is welcome to attend, as well as the committee members. This will be the master plan kickoff meeting with an outline described. The first meeting with Resilience and the committee will be March 24, 2022. There will be two meetings a month and there is a meeting the second Tuesday from 6-8PM at the police station and then on the fourth Thursday. That will be with Resilience for one hour and then the committee will meet for an additional hour. He said they are also working on key contacts from each of the boards. That person will be the designated person for the source of information, and they will be responsible for their board. He said Ms. Beauregard set up a master plan email distribution within the committee. He said they've met with the school board, and they've asked for them to come back with a recommendation of students who may be interested in joining. Ms. Beauregard said she was contacted by a student from Pelham that is going to the University of Rhode Island, studying landscape architecture and community planning. The board of selectmen gave approval for her to intern with the town this summer. She said she has a lot of interest in being involved with the master plan. Mr. Thomas said she will be on the committee, and they will vote her in. He said she is over 18, so she can be a voting member, but they haven't addressed that at this point. He said they got a very positive reaction from the school board when they talked to them about having students on the committee. Mr. Doherty said a new face may help to attract some other younger people to become interested. Mr. Thomas said between now and April 1, 2022, he would like to be able to have a public session so they can explain to the public what the master plan is all about. He said they still have to touch base with the veterans to give them the presentation. Mr. Cote said because of a legality, he thought that Ms. Beauregard may not be able to sign the contract and he thought it might have to go through the board of selectmen. Ms. Beauregard said she spoke with Attorney Rattigan because she saw that it said Mr. McCarthy and also thought maybe the chairman of this board could sign it. Attorney Rattigan said it is typical to put the town's administrator as the signing authority on behalf of the town. He said that it would not be a problem if this board were to deem someone else to sign. She said it could be herself or the chair of the master plan committee. Mr. Doherty said he would feel more comfortable if it was Ms. Beauregard because she represents us as a board. Mr. Montbleau and Mr. Culbert agreed. Mr.

Bergeron asked for clarification. He said he thought Attorney Rattigan was right this time because the money was given to the planning department for the master plan and that he is correct that Ms. Beauregard can sign for payments. She will be the one most aware of what the payments are for and that he felt comfortable with her signing for payments, rather than the town administrator. Mr. Cote said he was more concerned about the legality of the town of Pelham entering into a contract with another agency. Ms. Beauregard had the same question and that is why she asked Attorney Rattigan and he said it wasn't a problem with someone else signing. She said she can follow up with him again. Mr. Cote asked her to follow up and send an email to the chair with that response.

Ms. Masse-Quinn said she thought it already went to Attorney Rattigan. Mr. Cote said the question here is whether Ms. Beauregard can sign for the town of Pelham. Ms. Masse-Quinn said Ms. Beauregard already asked Attorney Rattigan and he said it was fine and Ms. Beauregard is now bringing it back to the board. Mr. Doherty said the reason why she can sign, is that she has the authority because the master plan is under the planning board. Mr. Cote said you are entering the town of Pelham into a contract. Mr. Doherty asked if the planning board has the authority to enter the town of Pelham into a contract and the RSA's say we do, and would that be an even broader question.

**MOTION:** (Mr. Culbert/Mr. Cote) To allow Ms. Beauregard to sign the contracts for the master plan, pending Attorney Rattigan's response.

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

Mr. Doherty asked Ms. Beauregard to double verify with Attorney Rattigan. She said she would get his opinion in writing. Mr. Doherty said to get the RSA in there as well that allows us to create the master plan.

Mr. Montbleau mentioned that when they are interfacing on the internet about this plan, to make sure no one references any plans in front of them. No plans can be referenced when discussing the master plan on the internet interface. Mr. Thomas said he will bring that up to his committee at the meeting to make sure everyone follows the rules.

Mr. Doherty said that this is Ms. Kirkpatrick's last day on the board. He said she will be greatly missed, and they may still reach out to her for advice. He thanked her for serving the town for all of the years on the board. The board applauded Ms. Kirkpatrick. Mr. Culbert said he is not rerunning. Mr. Doherty said they are going to figure out where to put him on this board and his time on the board has been amazing.

## **ADJOURN**

**MOTION:** (Mr. Culbert/Ms. Kirkpatrick) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:12 PM.

Respectfully submitted,  
Jennifer Castles  
Recording Secretary